

COMMITTEE REPORT ON NGT O.A. NO 176/2021

Hon'ble National Green Tribunal(NGT), South zone, Chennai has issued following order in O.A. No 176/2021 Sue Moto based on News Item published in Eenadu Telugu News paper, Krishna District, Amravati Edition, dated 15-07-2021 under the Caption 'గర్భాశోకానికీబాధ్యులెవరు' (Garbha Sokaniki Bhadyulevvaru).

It is alleged in the news paper report that on account of recent illegal sand mining near the river bank at night, during flood and heavy rains, these pits caused on account of such illegal mining are filled with clay soil and fine soil to form bogs, people cannot detect the bogs due to formation of layers of fine sand on top which result in casualties of people coming to the river as they used to slip into the river and die due to drowning. The indiscriminate mining has increased the formation of such bogs putting the lives of people at risk, besides impacting the riverine ecosystem adversely.

Orders in O.A. No 176/2021

".....In order to ascertain the genuineness of the allegations made in the news paper report and also the violations, if any, said to have been committed, we feel it appropriate to appoint a joint Committee comprising of (1) the District Collector, Krishna District, Andhra Pradesh or a Senior Officer not below the rank of assistant Collector or Sub Divisional Magistrate as Deputed by him, (2) a Senior Officer from the Department of Mines and Geology, deputed by its Director, not below the rank of Assistant Director of that area and (3) the Superintending Engineer of Public Works Department(PWD) and Irrigation Department in that area to inspect the areas mentioned in the newspaper report and to submit a factual as well as action taken report, is there is any violation found.

The Hon'ble National Green Tribunal also directed the committee to ascertain the following

- I) Whether there is any illegal mining going on in that area.
- II) What is the reason for formation of such bogs
- III) Whether any casualty occurred on account of such indiscriminate formation of bogs in that area
- IV) Whether any cases have been registered in respect of the same.
- V) What is the nature of action taken against the illegal mining if any brought to their notice in that area.

- VI) If the persons have been identified, to assess the quantity of illegal mining and imposing environmental compensation apart from royalty and penalty being imposing and also cost required for restoration for damage caused to the environment.
- VII) What is the nature of remedial measure to be taken for removal of such bogs in a scientific manner to avoid casualty to the people who are coming to the river basin area.

The Director of Mines and Geology, Vijayawada vide Letter No 489498/D6/2021 dated 26-08-2021 has requested the 1. The Collector and District Magistrate, Krishna District 2. Superintending Engineer, Public works Department, Vijayawada, 3. Superintending engineer, Irrigation Department Vijayawada to nominate the officers from the respective departments as members in the Joint committee with a direction to see that the inspection and compilation of report shall be completed within a week in accordance with the Standard Operating Procedure and send a report to the Director of Mines and Geology, Vijayawada so as to submit action Taken Report on or before 13-09-2021 as ordered by the Hon'ble National Green Tribunal (NGT) in O.A.No. 176/2021.

The Director of Mines and Geology, Vijayawada Proceedings No 489498/D6/2021 dated 26-08-2021 has nominated Smt. V.Nagini, Assistant Director of Mines and Geology, Vijayawada as member to the proposed Joint Committee to inspect the areas in question and to submit a factual report with specific recommendation to take further action in accordance with the relevant rules on the violations found, if any. She shall co-ordinate with the Committee for early completion of the inspection and see that the report is sent to the Director of Mines and Geology, Vijayawada within a week so as to consolidate the Action Taken Report in order to facilitate the committee to submit its report on or before 13-09.2021 as ordered by the Hon'ble National Green Tribunal (NGT) in O.A.No. 176/2021. Further Smt. V.Nagini, Assistant Director of Mines and Geology, Vijayawada is also directed to arrange the 1st Meeting of the Joint Committee at the O/o Deputy Director of Mines and Geology, Vijayawada at the earliest to prepare Road map for completions of joint inspection and report.

The Deputy Director of Mines and Geology, Vijayawada is hereby nominated as Nodal Officer for co-ordination and to provide necessary logistics to the committee for this purpose.

The Collector and District Magistrate, Krishna district, Machilipatnam vide letter Rc.D4/1949/2021 dated 02.09.2021 has constituted committee with following officers and requested to inspect the area personally and submit detailed report on the points raised in both the petitions on or before 05.09.2021 to the Collector, Krishna without fail.

1. Sub-collector, Vijayawada Mobile No 9879903965
2. Superintending Engineer, Irrigation Department, Vijayawada Mobile No 7901093099
3. Assistant Director of Mines and Geology, Vijayawada Mobile No 9100688838
4. Executive Engineer and River Conservator, Krishna Central Division, Vijayawada Mobile No 9490130927

In this connection the committee inspected the areas in question on 07.09.2021 and observed that heavy flood water is passing in the River Krishna. During the committee enquiry and as per the Revenue Records it is found that three persons have lost their lives in Krishna River on 11.03.2021 at Pedapulipaka Village, Penamaluru Mandal and three more deaths were recorded at Madduru Village of Kankipadu Mandal on 06.01.2015 in Krishna River.

On enquiry, it is found that the deceased persons have lost their lives due to drowning in the Krishna River when they ventured into the deep waters without having adequate swimming skills. Also, they are non-local people who are unaware of the depth and flow conditions of the River. The villagers and Revenue authorities during the enquiry informed that there is no bogs or heavy pits/depressions in this area. The statements recorded from the villagers and report of the Revenue Authorities along with Death Certificates of the deceased and FIR copies are enclosed for kind perusal.

At this juncture, it is to state that a bog is wetland that is formed by decomposed vegetation and decayed plant material that takes hundreds of years to develop. Bogs are usually covered in vegetation and are rarely occurred in Krishna River bed of the study area, which is predominantly formed with sand and silt deposits.

As per the office records of Assistant Director of Mines & Geology, Vijayawada, 11 No's of Open Reaches are operating in this region, with prior approval from the concerned authorities i.e, Revenue, Mines, Irrigation, Ground Water and Pollution Departments. At present no sand Reaches are working due to flow of flood water in the river. Now, it is not possible for the committee to verify the presence of Bogs in the River due to flow of flood

water. The death incidents occurred adjoining the river margin pits but not sand quarried allowed area. Generally sand quarrying permitted after leaving 1/5th of the width of the River. Moreover the sand excavation allowed maximum depth of 1 meter depth of sand Shaws. Naturally, the depth of the river varies from place to place and it may change over time due to various factors such as flood discharge, change in river flow characteristics, aggradation and degradation of river due to scouring and deposition of sediments and excavations. As such, it is not advisable for the people to venture into the river without having adequate knowledge and swimming skills.

Also, It is pertinent to mention that the above two incidents are isolated events happened due to lack of awareness regarding the depth & flow conditions of river and the lack of swimming skills of the deceased people. Thus, it cannot be generalized and assumed at this juncture that the above deaths were happened due to pits formed by sand mining.

Except the above mentioned two isolated incidents happened near the Pedapulipaka and Madduru reaches, no similar incidents or deaths recorded in this region near sand quarries. The Irrigation department officials have already established sign boards indicating the sign of danger not to swim in the river and Revenue authorities have made trench across the approach road to the River to deter curious youth from venturing into river.

The committee feels that it is not possible at present due to heavy flood flow in Krishna River, to verify at the site whether there is any formation of bogs due to sand mining. The flood flow is expected continue for two more months due to prevailing monsoon season and all the major reservoirs on Krishna River are almost in full condition. Therefore, after recede of the flood water in Krishna River the committee will inspect the areas again and submit the detailed report.

In this connection, the National Green Tribunal South Zone order in O.A.No.176/2021, Dt:13.09.2021 granted time till 09.11.2021 directing the officials to file the report separately by E-Filing in the form of searchable PDF/OCR support PDF and not in the form of image PDF along with necessary hard copies to be produced as per rules.

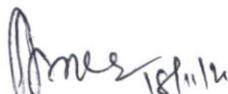
The Committee inspected the areas from the down Stream of the River Krishna to Avanigadda on 28.10.2021 and observed still flood flow in River Krishna. As per the information of the River conservator, Krishna Division the

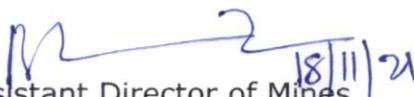
expected flow of flood in River Krishna is up to 18.11.2021. Therefore the committee again feels that it is not possible at present due to heavy flood flow in Krishna River, to verify at the site whether there is any formation of bogs due to sand mining. After recede of the flood water in Krishna River the committee will inspect the areas again and submit the detailed report.

The Director of Mines & Geology, Ibrahimpatnam vide Memo.No.4893498/D6-NGT/176/2021, Dt:17.11.2021 has informed that as per the information received from advocate standing council, the Hon'ble National Green Tribunal South Zone, Chennai that the case 176/2021 was posted on 23.11.2021 and directed to submit final report within 3 days.

In view of the above, the committee inspected the areas from the downstream of the River Krishna to Avanigadda on 18.11.2021 and observed still flood flow in River Krishna. As per the information of the River conservator, Krishna Division the expected flow of flood in River Krishna is up to 06.12.2021. Therefore the committee again feels that it is not possible at present due to heavy flood flow in Krishna River, to verify at the site whether there is any formation of bogs due to sand mining. After recede of the flood water in Krishna River the committee will inspect the areas again and submit the detailed report.


Sub-Collector,
Vijayawada


Superintending Engineer,
Irrigation Circle,
Vijayawada


Assistant Director of Mines
& Geology, Vijayawada


Executive Engineer & River
Conservator, Krishna Canal
Division, Vijayawada

Photographs Showing the flow of water in the River Krishna on 18.11.2021 during the committee inspection in the Krishna River sand reaches at Pedapulipaka Village, Penamaluru Mandal & Madduru Village, Kankipadu Mandal, Krishna District as per the orders of NGT Case No.176

