

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
Principal Bench, New Delhi

Original Application No. 581/2022

Vikas Kumar

Applicant

Vs.

State of Haryana & Ors.

Respondents

S. No.	Particulars	Page No.
1.	<b>Report of the Joint Committee</b> in compliance of Hon'ble NGT order dated 25.05.2023 In O.A. No. 581 of 2022, Vikas Kumar Vs State of Haryana & Ors.	
2.	<b>Annexure-I:</b> Copy of the letter dated 13.05.2022.	
3.	<b>Annexure-II:</b> Copy of the chronology of the hearings in the said OA.	
4.	<b>Annexure-III:</b> Copy of Minutes of the meetings of the Joint Committee and Summary Record of Proceedings of the Site visits.	
5.	<b>Annexure-IV:</b> Copy of the Hon'ble NGT Order dated 25.05.2023.	



(Nazimuddin)

Scientist F

Central Pollution Control Board

Delhi-110032

Date: 25.08.2023

Place: Delhi

## **REPORT OF THE JOINT COMMITTEE CONSTITUTED BY HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, DELHI IN VIKAS KUMAR Vs STATE OF HARYANA OA NO. 581/2022**

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### **1. Introduction:**

Shri Vikas Kumar, a resident of village Jainpur, Sonipat, Haryana vide his letter dated 13.5.2022 had complained against illegal mining and construction of the bridge on Yamuna River by M/s Yodha Mines & Minerals, which Hon'ble National Green Tribunal took suo moto cognizance of the letter petition and registered it as an Original Application No. 581/2022. A copy of the letter dated 13.5.2022 is at Annexure-1.

Vide order dated 12.09.2022 the Hon'ble Tribunal constituted a Joint Committee with the direction to submit its report within one month with copy to the concerned project proponent and statutory authorities and notice was also ordered to be issued to the respondents. Vide order dated 23.02.2023 interim injunctive order was issued that no permission for construction of any temporary bridge across river Yamuna for facilitating any sand mining and allied activities be granted in the State of Haryana.

Hon'ble NGT vide its Order dated 25.5.2023 constituted a Joint Committee comprising of

- (i) Dr. Mukesh Kumar Sinha, Chairperson, Godavari River Management Board as Chairman;
- (ii) Representatives of Secretaries MoEF&CC and MoJS not below the rank of Joint Secretary/ Director as Members and
- (iii) The Member Secretary, CPCB as Member Secretary.

It was also stipulated that the Joint Committee shall be entitled to seek/receive response from the applicant, project proponent, concerned departments of the Haryana Government and also to associate any other expert with it as may be considered necessary, undertake visits to the sites where bridges have been constructed/were constructed, carry out the requisite study and submit its report regarding the following aspects;

- a) Whether any mining activity be allowed across different streams of river, if more than one at any place and any temporary bridge be allowed to be constructed for facilitating extraction/transportation of the mined material and other allied activities;
- b) Whether permitting such mining activity and construction of such temporary bridge has any adverse environmental impact on the river morphology, ecology, discharge and aquatic life, etc.;
- c) Whether construction of any such temporary bridge across river for facilitating mining/allied activities be completely prohibited or permitted by imposing conditions to ensure minimum impact on river ecology and aquatic life, and
- d) In case construction of any such temporary bridge is to be kept in the category of regulated activities, by which authority and in which manner the aspects of grant of permission ought to be dealt with.

The CPCB shall be the nodal authority for coordination and compliance and all the expenses of the Joint Committee shall be borne by the CPCB out of Environment

Compensation Fund. The Report be submitted by the Joint Committee within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

The chronology of the hearings in the said OA is at Annexure-2.

## 2. The Joint Committee:

In compliance, a Joint Committee comprising of the following Officers started functioning;

1. Dr. Mukesh Kumar Sinha, Chairman, Godavari River Management Board, Hyderabad – Chairman,
2. Shri Pankaj Verma, Scientist 'E' as representative of Secretary, MoEF & CC
3. Shri Nelapatla Ashok Babu, Director (NRCD) as representative of Secretary, MoJS
4. Member Secretary, CPCB – Member Secretary.

The Joint Committee had its first meeting on 15.6.2023 at CPCB Office, Parivesh Bhawan, New Delhi and decided to co-opt Dr. S.R. Wate, Ex. Director, NEERI and Dr. R.G. Patil, Scientist-'E', Central Water and Power Research Station, Pune. The Joint Committee had four meetings and two site visits as under;

Date	Meeting/Site visit	Brief description of activities
15.06.2023	First Meeting	Acquainted with NGT Order, Haryana Govt. Policy, etc., Decided to co-opt Dr. SR Wate and Dr. R.G. Patil
23.06.2023	Site visit	Inspected temporary bridge
23.06.2023	Second Meeting	Acquainted with sand mining leasing policy and practices of Haryana State Government
27.07.2023	Site visit	Inspected Temporary bridge site during normal flow
28.07.2023	Third Meeting	Decided outline and timeline of the Report
24.08.2023	Fourth Meeting	Discussion on the Draft Report and its finalisation

Minutes of the meetings of the Joint Committee and Summary Record of Proceedings of the Site visits are at Annexure-3.

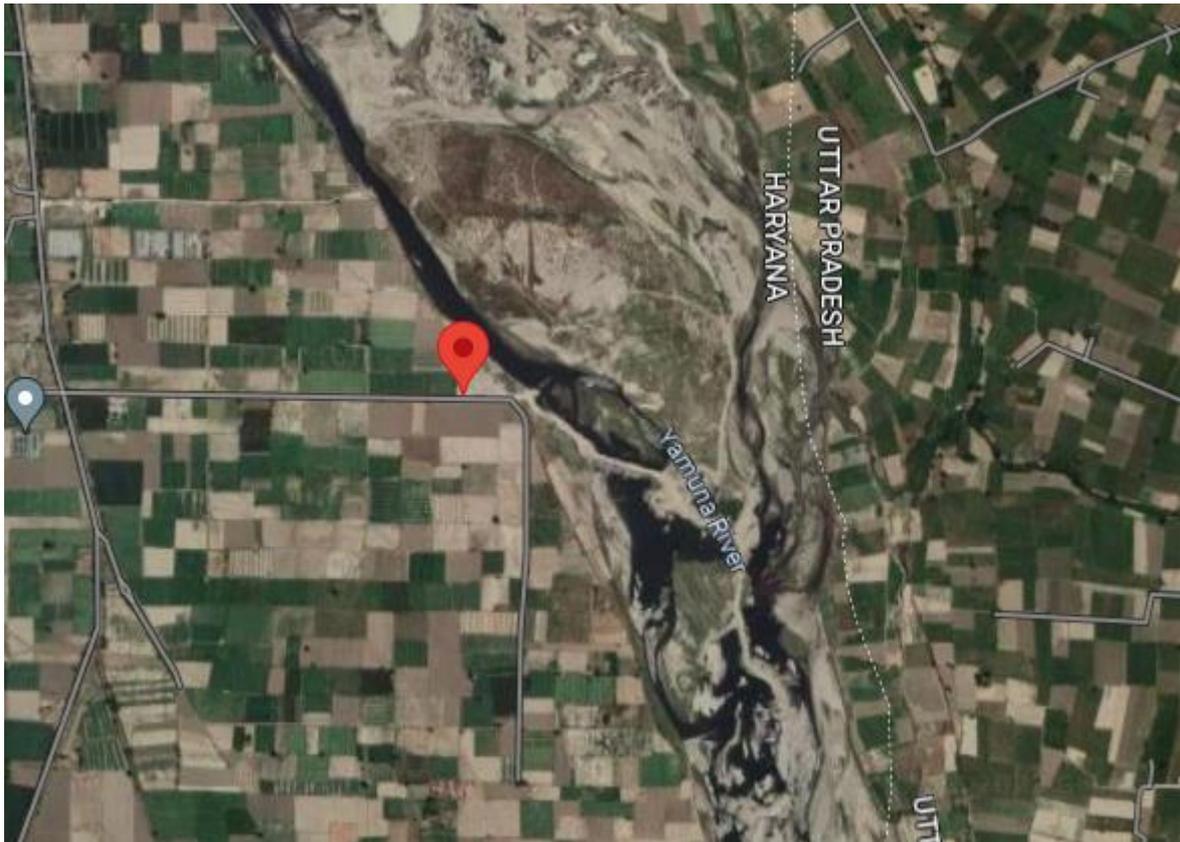


Fig.1 Google Map of Sand Mining Area, Jainpur, Sonipat ( $29^{\circ}3'52.1''$  N,  $77^{\circ}09'31.7''$  E)



Fig. 2. Joint Committee with Temporary bridge in the background



Fig. 3. Chairman, Joint Committee with Member/Expert during normal river flow at the Temporary bridge location

### 3. Haryana State policy:

The State of Haryana awards contracts for mining of minor minerals in river bed areas of river Yamuna and other rivers/tributaries in the State. The Department of Mines and Geology has formulated specific conditions for river bed mining after detailed consultation with the Irrigation department and the same has been incorporated in the Haryana Minor Mineral Concession, stocking and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012. The environmental clearance for mining in river bed areas invariably includes a clear stipulation that no mining is permissible during rainy/monsoon season [1<sup>st</sup> July to 15<sup>th</sup> September].

The Department of Mines and Geology, Govt. of Haryana reported that the year round flow of water through a meandering river channel poses practical problems for the mining contractors for accessing different parts of their mining area as this requires the crossing over of the meandering water streams. The mining contractors have tried to solve this problem by deploying hume pipes for creating temporary cross overs/access points across river streams for excavators and transport vehicles in order to maintain un-interrupted river flow and to meet with the EC stipulation of not interfering with the flow of river. The matter was discussed in a meeting under the chairmanship of Hon'ble Chief Minister, Haryana wherein it was decided that " the mining operations in river bed areas require crossing over of the river channel to access different areas of included in the mining block. The Irrigation Department may undertake construction of appropriate structures required for the crossing over of the river channel by the excavators, transport vehicles, etc. Such

construction work may be executed as deposit works for the contractors with due consideration for the environmental safeguards.”

In light of the above, the Irrigation Department issued below mentioned policy for crossing Yamuna by Miners for carrying Mining activities;

- I. Temporary paths should be constructed on river creeks by laying RCC pipes. The diameter of pipes should be taken considering two to three times of the discharge passing at that point, so that the flow of water may not obstruct. RCC pipes should be taken of NP-4 category having minimum 1500 mm  $\varnothing$ , as heavy machinery are to be passed over these pipes. These RC pipes. should be laid in such a manner that the natural flow of river water may not obstruct. Discharge passing at that point be specifically defined and certified by the XEN In-charge.
- II. In ease water is found accumulated; deep in river stretch from river bank to mining area, then RCC -pipes should not be laid.
- III. Design and drawing of these temporary paths will be approved by the Irrigation & Water Resources Department., Haryana, Panchkula. The crossover points may be constructed by the mining contractors themselves with the design and specification approved by the concerned XEN, SE, CE of Irrigation & Water Resources Department, Haryana, Panchkula as per their competency defined in the PWD Code. The Irrigation & Water Resources Department, Haryana, Panchkula shall issue NOC to the contractors in this behalf and also impose conditions regarding removal of the crossover points before the start of each. rainy-season, etc.
- IV. Insurance of mining workers must be got done by the mining contractor.
- V. Existing level of mining area and level of adjoining area; of mining are not considered due to which it become difficult up to which level the mining is allow during the year. As per mining policy permission of extraction of mining is up to maximum depth of nine feet from the natural ground level of said area. Mining department should fix the level of extraction of mining up to maximum depth and power should be given to the officers to check the same.
- VI. Mining agencies have to inform the Irrigation & Water Resources Department, Haryana, Panchkula about machinery to be used for carrying the mining material over these paths / bridges so that designs & drawings of these paths/ bridges can be checked accordingly by the Irrigation & Water Resources Department, Haryana, Panchkula.
- VII. To construct the works of temporary paths Mining agencies have to apply to Irrigation & Water Resources Department, Haryana, Panchkula through Mining department before 1st July of every year along with site plan showing proposal on Sazra Plan duly countersigned from the concerned Mining Officer of the area. Construction on these works will be got completed upto 31<sup>st</sup> December of every year by mining contractors themselves as per the drawing and specifications approved by the Irrigation & Water Resources Department, Panchkula.

- VIII. The mining agencies can use temporary paths only for mining purpose. Mining agency should ensure that no illegal activities or transportation of other than mining material would take place through these temporary paths. Failing which, these structures would be dismantled by the Irrigation & Water Resources Department, Haryana, Panchkula after recovering cost of the same from the concerned mining agencies.
- IX. Due to rainy/ monsoon season, no mining is permissible w.e.f. 1<sup>st</sup> July to 15<sup>th</sup> September of every year. So works of temporary paths already constructed would be removed/ dismantled by the contractors before 30<sup>th</sup> June, of every year. The Irrigation & Water Resources Department, Haryana, Panchkula would charge the Mining agencies for dismantling of any such temporary structure, when required to be removed.
- X. During non - monsoon period, minimum 352 cusec discharge is released in the river Yamuna for ecology of E - flow. But sometimes, situation may arise in non - monsoon season when more water is received at HKB in river Yamuna and same is to be released, because this is an Unpredictable situation. Therefore, damage (if any) occurred to these temporary paths the Irrigation & Water Resources Department, Haryana, Panchkula/ Govt. would not be responsible for the same and the Mining agency has to deposit the cost of the work to get it done again
- XI. In case any damage is occurred to any Irrigation structure by a mining agency, then it would be repaired by the concerned agency. Failing which, the same would be repaired by the Irrigation & Water Resources Department, Haryana, Panchkula at the cost of the concerned mining agency

#### **4. Sand mining and its impacts on river morphology, hydrology and aquatic habitat**

Sand 'resources' (including gravel and crushed stone) are the second most exploited natural resource in the world after water. Sand and gravels have long been used as a construction material. With growth of civilization and urbanisation, demand for these materials have continued to rise. In-stream sand mining is a common practice because of locations being near the markets or in the transportation route, reducing transportation costs. But extraction, sourcing, use and management of sand is unregulated in many parts of the world, resulting into several environmental damages in addition to adversely impacting river hydraulics. Therefore, regulating sand mining is important for better river management in addition to environment management.

Sand is a minor mineral under Section 3(e) of the Mines and Minerals (Development & Regulation) (MMDR) Act, 1957. Section 15 of the MMDR Act, 1957, empowers the State Governments to make rules for regulating the grant of minor mineral concessions. Moreover, Section 23C of the MMDR Act, also empowers the State Governments to make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith. The administration of the

mining of minor minerals is a subject that is completely within the domain of the respective State Governments.

Sand mining (removal of sand from the river bed) has river management issues in addition to environmental impacts. Sand serves as an aquifer as well as a natural carpet on the river's bottom. The removal of this layer causes downstream erosion, resulting in changes in channel bed and habitat type, as well as the deepening of rivers and estuaries and the enlargement of river mouths. The impacts of sand mining can be summarized as given below;

<b>Impacts on Fields</b>	<b>Description</b>
Biodiversity	Impacts on related eco system (For example, fisheries)
Land losses	Through river bank erosion (both inland and coastal)
Hydrological	Degradation, Change in water flows, flood regulation and marine currents
Water supply	Reduces water detention removes sand filtration, lowering of water table and increases pollution
Infrastructure	Damage to bridges, river embankments and coastal infrastructures
Climate	Directly through transport emissions, indirectly through cement production
Landscape	Coastal/ Bank erosion changes in deltaic structures, quarries, pollution of rivers
Extreme events	Decline of protection against extreme events (flood, drought, storm surge)

River sand is an important construction material and a resource and several economic activities not only in urban construction but also rural livelihood is dependent on this. And if this is banned, people would resort to illegal sand mining excavating hills/ mountains to get sand, which would be more damaging than the regulated one. In addition, no sand mining may result into river aggradation leading to meandering and more riverbank overflows during floods. Therefore, most appropriate manner would be to adopt regulated sand mining. The Joint Committee, being aware of the impacts of sand mining.

#### **5. Response on the Specific issues:**

Hon'ble NGT had mandated the Joint Committee to submit its Report on the following aspects. The Joint Committee, after deliberations submit its Reports on the specific issues as under;

**4.(a) Whether any mining activity be allowed across different streams of river, if more than one at any place and any temporary bridge be allowed to be constructed for facilitating extraction/transportation of the mined material and other allied activities;**

There are adverse impacts of sand mining but considering ban would result into illegal sand mining and destruction of hills/mountains to obtain construction

material, which would be far more damaging, The Joint Committee submits that mining activity be allowed with certain regulatory measures. During lean season, river may flow in different streams with islands in between. Sand mining near the banks, especially towards convex bends would attract flood flows causing bank erosions, which needs to be avoided. Naturally access either through river bed/boats need to be provided to approach islands or sand mining area. The excavation/transportation of mined material may be resorted to with different methods, but most efficient, cost effective and less environment damaging would be through temporary bridges with following regulatory measures;

- (i) Construction of temporary bridge should not restrict waterways and natural streams and entire range of expected river flows can flow uninterrupted without any constriction.
- (ii) Temporary bridges must be removed before monsoon so that flood flows uninterrupted and sections be stacked away from river banks
- (iii) Temporary bridge may be preferably built using removable box sections so that integrity of natural river bed can remain intact and aquatic movement across remain uninterrupted.
- (iv) Absolute riverbank/ riverbed/ sand mining levels be determined and periodically monitored to ensure no excessive sand mining.

**4.(b) Whether permitting such mining activity and construction of such temporary bridge has any adverse environmental impact on the river morphology, ecology, discharge and aquatic life, etc.;**

Yes. But as explained in part 4(a) above non permitting would result into more damaging scenario. More detailed study on the impact of temporary bridge is required and Hon'ble NGT may consider directing State Government instituting a detailed study on impact of temporary bridges for sand mining with following Terms of References;

- (i) Collection of Baseline data on physical regime of the river (river discharge, flow depth/velocity, sediment load, aquatic flora and fauna, etc.) during pre-monsoon (April-May)
- (ii) Construction of temporary bridge where valid license/permission hold good with half width with circular hume pipe, another one half width removable box sections to study hindrances in aquatic movement and river regime (river discharge, flow depth/velocity, sediment load) under two scenarios.
- (iii) Repeat collection of data mentioned in part 4(b)(i) during post monsoon season (November-December) to see permanent impact, if any.
- (iv) Evaluate impacts on river regime and on aquatic flora/fauna

The above study may be carried out through reputed National Institutes. The study would provide authentic data/evidence to review existing guidelines for construction of temporary bridges for sand mining. State Governments may review their existing policies accordingly.

**4.(c) Whether construction of any such temporary bridge across river for facilitating mining/allied activities be completely prohibited or permitted by imposing conditions to ensure minimum impact on river ecology and aquatic life, and**

As explained in part 4(a) above, during lean season, river may flow in different streams with islands in between. These islands (aggraded due to sand deposition and being away from the riverbanks) are most potential sand mining areas. Access may be evolved to approach to avoid river stream channel crossing. In the event of infeasible access otherwise, access either temporary bridge may need to be provided to approach islands and/or sand mining area for transportation of mined material taking adequate environment safeguard measures.

**4.(d) In case construction of any such temporary bridge is to be kept in the category of regulated activities, by which authority and in which manner the aspects of grant of permission ought to be dealt with.**

As explained above, construction of such temporary bridges should be considered as a regulated activities and be considered along with appraisal of sand mining proposal(s). Since sand mining is in the domain of the State Governments, State Environment Appraisal Committee (with representative from irrigation department to be co-opted, if not otherwise) should be the authority, which should consider the sand mining proposal along with river maps with absolute levels ensuring sand sustainability without river aggradation/degradation, that is, increase or decrease in natural river bed levels. Procedure prescribed in Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020 of Ministry of Environment, Forest & Climate Change may need to be adopted.

**6. General Recommendation:**

It is proposed that sand mining proposals be regulated as under;

**A. Permitting Mining Activities/ River management Aspects:**

- (i) State Governments (may in association with Central Water Commission and using remote sensing/drone technology) should monitor river profiles and cross sections at regular intervals periodically to identify areas of aggradation /deposition where mining can be allowed;
- (ii) If possible and feasible, sands deposited in reservoirs and in confluence of tributaries and main rivers be considered first for mining before resorting to in stream sand mining;

- (iii) Mining in areas of bank erosion and proximity to environmental vulnerable areas/sanctuaries/reserve forests, infrastructural structures and installations should be prohibited.
- (iv) Annual rate of replenishment and allowing time for replenishment after mining in area be calculated.
- (v) On the basis of annual rate of replenishment and areas of degradation/aggradation, sand mining plans be prepared covering ways of scientific and systematic mining including provision for access through temporary bridge or otherwise be identified.
- (vi) A bench mark (BM) with respect to mean sea level (MSL) should be made essential to in stream mining channel reaches (MCR). Below which no mining shall be allowed.
- (vii) Permanent gauging facilities (for discharge and sediment both) should be made compulsory for the sites having excessive mining in consultation with Central Water Commission or any competent State Agency.
- (viii) Implementing safeguards for checking illegal and indiscrete mining including periodic inspections

#### **B. Construction of Temporary Bridges:**

- (i) State Government should institute a detailed study on impact of temporary bridges for sand mining with Terms of References mentioned in part 4(b) above. State Governments may review their existing policies accordingly.
- (ii) Removable box sections may be used to maintain integrity of the natural river bed and full water way.

The natural resources must be utilized in environment friendly manner in scientific and systematic way and with the objective of sustainable development the policy on the subject should have provisions for protection of environment & ecology. These factors can be accounted for in a most efficient manner at district level, though river profiling may be carried out at State level for the entire river/tributary length. These should be carried out by the State Government at regular intervals, say once in five years. The sustainable mining plan needs to be dynamic.

The Joint Committee presents its compliments to Central Pollution Control Board and State Government of Haryana Department of Irrigation and Department of Geology and Mines for extending full cooperation and facilitating fruitful discussions and the site visits. The Joint Committee also extend its gratitude towards Experts, namely, Dr. S.R. Wate and Dr. R.G. Patil for providing valuable Guidance in the matter.

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To,



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Annexure- 1

The Chairman  
National Green Tribunal  
Dehli.

विषय:- खेती यमुना की चारा मोड़कर अवैध पुल बनाकर, अवैध रूप से खनन करना। श्रीमान जी,

महोदय में विकास कुमार S/o कलशम गांव व डा० जैनपुर जि०- सोनीपत निवासी आपके सख्तान में गंभीर पर्यावरण हानि का विषय दिलाया चाहता हूँ।

मेरे गांव में घोड़ा मॉरिस्तव मिनरल नाम से प्रदीप अटलावत नामक व्यक्ति खनन कार्य कर रहा है तथा खतरनाक स्तर पर पर्यायवर्षा का उल्लंघन कर रहा है। यमुना नदी पर गा. जैनपुर के सामने अवैध पुल बनाकर यमुना का प्राकृतिक अक्षा मोड़ दिया है जिसका जोरो में साथ में खनन कर रहा हूँ। इस कारण यमुना को गंभीर नुकसान हुआ है व आस-पास लकड़ी एकड़ जमीन यमुना में कर गई है।

अतः अनुरोध है प्रार्थना है कि उपरोक्त तथ्यों को ध्यान में रखकर सख्तान लेने की कृपा करें।

901 / LP / 2022  
19 / 05 / 22

Date  
13/5/2022

Vikram  
TK

L.R.G.  
18-05-2022  
L.P.

लियेदक  
विकास कुमार S/o कलशम  
गांव व डा० - जैनपुर  
जि० - सोनीपत, हरियाणा  
म. नो. 9050965968

**Chronology of the Hon'ble NGT orders:**

- A letter petition by post was received in Hon'ble NGT from Mr. Vikas Kumar, Jainpur, Sonipat, Haryana regarding illegal mining in riverbed of river Yamuna and diverting course of the river by constructing illegal bridge on river Yamuna. Hon'ble NGT took *suo moto* cognizance of the case and registered and treated the letter petition as original application as 581/2022.
- Hon'ble NGT vide order dated-12.09.2022 constituted a Committee of MoJS, Director of Mines & Geology, Haryana, Deputy Commissioner (Sonipat) and SPCB to submit report in the matter and further listed the matter on 21.11.2022.
- The Joint Committee report was submitted to Hon'ble NGT on 19.11.2022 and matter was further listed on 09.12.2022 with concerned respondents directed to place a record copy of policy frame by Haryana Government regarding permissibility of construction of such temporary bridges across river Yamuna and details of all temporary bridges constructed on river Yamuna in the Haryana and agreed to appointment of Mr. Raj Panjwani as *amicus curie* in the matter
- The matter was heard on 09.12.2022 and adjourned to 31.01.2023 and 23.02.2023, respectively, with interim order dated 23.02.2023 for no further permission for construction of any temporary bridge across river Yamuna for facilitating any sand mining and allied activities be granted till further order.
- The case was heard on 22.03.2023 and further listed on 19.04.2023 with interim order dated-23.02.2023 continue to operate till further orders.
- The case was heard on 19.04.2023 with responses of concerned respondents and submissions by *amicus curiae* in the matter. The case was further listed on 24.05.2023 based on request of MoEF&CC for additional time for filling of response in the matter.
- The case was heard on 24.05.2023 and further listed on 25.05.2023 with impleadment of I.A. No. 594/2023 and I.A. No. 595/2023 in the matter.
- Hon'ble NGT vide order dated-25.05.2023 constituted a Joint Committee in the matter and listed the matter for consideration on 05.10.2023.

**Minutes of The First Meeting of The Joint Committee  
Constituted by the Order Dated 25.05.2023 of The National Green Tribunal  
(PB), New Delhi In OA 581 Of 2022 Vikas Kumar Vs State Of Haryana**

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The first meeting of the Joint Committee constituted by Order dated 25.05.2023 of the National Green Tribunal (PB), New Delhi in OA 581 of 2022 Vikas Kumar Vs State of Haryana was held on 15.06.2023 under the chairmanship of Dr. M.K. Sinha, Chairman, Godavari River Management Board, Hyderabad in the CPCB Conference Room, Parivesh Bhawan, New Delhi. The list of participants is attached as the Annexure.

At the outset, the Chairman of the Committee welcomed the participants, which was followed by self introduction by the Committee Members. The Member Secretary apprised the Committee about the Order dated 25.05.2023 of Hon'ble National Green Tribunal (Principal Bench). The Chairman stated that in general there is lack of regulation in the river sand mining activity and therefore the task assigned by NGT is also an opportunity to suggest way forward to address the situation in a professionally and environmentally sound manner.

The Committee member from MoJS/NMCG informed the committee about their notification about obtaining prior permission for construction activity in river Ganga and its tributaries, which was violated by project proponents pertaining to this matter and also overlooked by the local authorities. He further informed about few studies related to river sand mining undertaken by NMCG through expert agencies.

The Committee member from MoEF&CC informed the committee about the steps involved for carrying out sand mining, namely, allotment of lease for mining by state government, preparation and approval of mining plan by state mining department and issuance of environmental clearance by Central Government or SEIAA, and also about the guidelines issued by Central Government which require preparation of District Survey Reports by district authorities for assessment of mining potential.

Member Secretary CPCB said that if constructing temporary bridge was planned then it should have been disclosed in the proposals/applications for obtaining environmental clearance for its proper scrutiny. He further expressed that pre-mining and post-mining cross sections of the rivers should also be described in the proposals / applications for obtaining environmental clearance.

Assistant Engineer, HSPCB from Sonipat RO showed photographs of the temporary bridges made of large number of concrete pipes and involving massive filling work on both ends to make temporary road across the main stream of the river. He informed that in Haryana such bridges are to be removed before 30<sup>th</sup> June during rainy season. The Chairman was surprised to see such a massive structure being called a temporary structure and he wanted to be apprised about the procedure/policy of the State Government in granting permission for sand mining and construction of temporary bridges.

The Chairman of the Committee desired that papers related to the court case, including the letter application before NGT, replies of respondents, report of the earlier joint committee, notification of NMCG, policy of Haryana government about

temporary bridges, may be send to him and other Committee Members. The Chairman also felt that need to be apprised/learnt about the policy/procedures of other State Governments like those of Uttar Pradesh/Uttarakhand on licensing for sand mining and implementation of Hon'ble NGT Orders.

The Joint Committee felt the need to co-opt Expert Members to analyse the situation comprehensively from river hydraulics and river ecology perspectives. After some deliberations, the Joint Committee decided to associate / co-opt Dr S. R Wate, Ex Director NEERI and Dr R. G. Patil, Sc E, CWPRS, Pune as other experts to complete the tasks assigned by NGT.

The Joint Committee also felt the need to immediately make a site visit before the bridge gets dismantled as per Haryana State policy. Accordingly, the Joint Committee decided to undertake the site visit to Yamuna river in Jainpur, Sonipat on 23.06.2023 followed by discussions there and requested HSPCB to coordinate the site visit of the Committee in Sonipat. The Joint Committee also felt the need to associate the identified Experts in the site visit. The Chairman stated that since he has been the Director of Central Water and Power Research Station (CWPRS), he would obtain the necessary permission of CWPRS for co-opting Dr. R.G. Patil, Sc. E, CWPRS, Pune. He requested CPCB to coordinate the site visit on 23.06.2023.

The meeting ended with thanks to the Chair

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**List of participants**Joint Committee: -

Dr. M.K. Sinha, Chairman, GRMB	Chairperson
Dr. Prashant Gargava, MS, CPCB	Member Secretary
Dr. Praveen Kumar, Director-Tech, NMCG, MoJS	Member
Sh. Pankaj Verma, Sc E, MoEF&CC	Member

Other Participants –

Sh. Sunil Dave, Director, CPCB-RD Chandigarh (through VC)  
Sh. Ravinder Yadav, AEE, HSPCB RO Sonipat, Haryana  
Sh. Nazimuddin, Cs F, CPCB Delhi  
Sh. Gaurav Gehlot, Sc-C, CPCB Delhi

**Summary Record of the Proceedings of the Site visit and the Second Meeting  
of The Joint Committee constituted by the Order Dated 25.05.2023 of The  
National Green Tribunal (PB), New Delhi In OA 581 Of 2022 Vikas Kumar Vs  
State Of Haryana**

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The Joint Committee constituted by Order dated 25.05.2023 of the National Green Tribunal (PB), New Delhi in OA 581 of 2022 Vikas Kumar Vs State of Haryana carried out site visit on 23.06.2023 in the FN to a temporary bridge (29°03'47.5"N 77°09'42.6"E) constructed across one streams of Yamuna river in Jainpur village of Sonipat district, Haryana, which was followed by the second meeting of the joint committee under the chairmanship of Dr. M.K. Sinha, Chairman, Godavari River Management Board, Hyderabad in the Ethnic India Resorts, National Highway, Rai, Soimpat. The list of participants in the site visit and meeting is attached as the Annexure.

The Joint Committee was apprised about nomination of the Director, NRCD as the representative of Ministry of Jal Shakti, participation of the co-opted Experts, namely Dr. Wate and Dr. Patil and absence of the Member secretary due to his preoccupations in other pressing commitments.

After preliminary discussions, the Joint Committee visited the sand mining site and the temporary bridge constructed for movement of machinery and truck to the actual mining location from the right bank of the river Yamuna. It was observed during the site visit that Irrigation department has granted permission for construction of temporary bridge as per the State Government policy. The temporary bridge spanning about 50m has been made by laying a number of concrete pipes side by side to facilitate machinery and truck movement across one of the two streams of Yamuna river facilitating discharge of about 1000 cusecs (3 times the lean flow discharge) to access the mining site of about 34 hectare in the island land mass in between the two streams of the river. Due to meandering nature of river streams and consequent island, the permission is granted for temporary bridge every year, which is to be dismantled before 1<sup>st</sup> July - the normal date for onset of monsoon and increased river flow. The Joint Committee members had detailed discussions with the Project Proponent, Irrigation and Mining Department officials about the process of granting license, permission for construction of temporary bridge and its dismantlement. Concerns were expressed about ensuring minimal disturbance to the natural habitat in the entire process. It was observed that the velocity of water flowing across the pipes was visibly more than velocity of water flowing in the river upstream and downstream which was explained to be because of local rains one or two days ago. PP stated that mining is done up to maximum 3 m below the ground and never done up to water level below the surface. PP also stated that private agricultural land has been taken on rent for trucks movement to avoid trucks movement through the village. However, villagers assembled during the site visit to complain about the problem faced due to truck movement.

During the site visit, feasibility of using half round concrete pipes for temporary bridge construction instead of circular pipes, which would cause minimal disturbance at river bed was discussed. It was emerged that the issues of site accessibility, approach and

machinery and truck movement should also be planned and apprised at the time of preparation of Mining Plan and environment appraisal. It would be desirable to have mapping of entire area with absolute levels, monitoring of mining activities at periodic intervals and association of Panchayats. The co-opted Expert from CWPRS was requested to compare the flow conditions for circular and half round pipes to enable appropriate recommendation by the Joint Committee to which he kindly agreed to.

Concluding the discussions, the Chairman thanked all members for their valuable suggestions and requested them to provide their inputs with specific reference to the issues raised by Hon'ble NGT, within two weeks, say by 15<sup>th</sup> July, 2023, which would then be collated. Members in between may obtain specific clarifications. Thereafter, a draft Report may be prepared for discussions in the Joint Committee. which will be examined and suitably put together and then discussed by the joint committee to finalize the report and recommendations.

The Chairman of the Committee desired that all members, including MoEF&CC and MoJS, may provide their comments and inputs for the report with specific reference to the issues raised by Hon'ble NGT within two weeks, say by 15<sup>th</sup> July, 2023 so that the same can be collated and a draft Report may be prepared for discussion in the Joint Committee.

The meeting ended with thanks to the Chair.

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**List of Participants:**

<b>Joint Committee:</b>		
Dr. M.K. Sinha, Chairperson	chairman-grmb@gov.in	8826007291
Mr. Nelapatla Ashok Babu, Member	nelapatla.ashokbabu@gov.in	7588174955
Mr. Pankaj Verma, Member	pankaj.verma@nic.in	9868184777
Dr. S.R. Wate, Co-opted Expert	satishwate@gmail.com	9823110987
Dr. R.G. Patil, Co-opted Expert	patil.rg@cwprs.gov.in	9421051534

**Other Participants**

Sh. Nazimuddin, Director, CPCB Delhi	nazim.cpcb@gov.in	9411232637
Sh. Kamaljeet Singh, HSPCB RO Sonipat	hspcbrosr@gmail.com	9467626808
Sh. Ravinder Yadav, AEE, HSPCB RO Sonipat	hspcbrosr@gmail.com	9416454476
Sh. R.K. Bodhwal, SE, IRWD-Sonipat	pwdirrig.snp@hry.nic.in	8708818439
Sh. Gulshan Kumar, EE, IRWD-Sonipat	xen-wssnp.irr@gov.in	8571804626

**For site visit**

- Sh. Vikas Chauhan, Mining Inspector, Mines & Geology Department, Haryana

**Summary Record of the Proceedings of the Site visit and the Third Meeting of  
The Joint Committee constituted by the Order Dated 25.05.2023 of The  
National Green Tribunal (PB), New Delhi In OA 581 Of 2022 Vikas Kumar Vs  
State Of Haryana**

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The Joint Committee constituted under the chairmanship of Dr. M.K. Sinha, Chairperson, Godavari River Management Board, Hyderabad by Order dated 25.05.2023 of the National Green Tribunal (PB), New Delhi in OA 581 of 2022 Vikas Kumar Vs State of Haryana carried out site visit near Yamuna river in Jainpur village of Sonipat district, Haryana on 27.07.2023 in the FN to ascertain any damages caused by the existence /removal of the temporary bridge constructed across streams of Yamuna river. The list of participants is attached as the Annexure-A.

The Joint Committee assembled at 3 pm on 27.07.2023 at the PWD guest House, Rai, Sonipat and proceeded toward the same location where temporary bridge was constructed. It was found that the pipes used to construct temporary bridge has been stacked away and the river Yamuna was flowing normally with the crops standing on the river banks implying the farmers had resumed normal farming.

Thereafter, the third meeting of Joint Committee under the chairmanship of Dr. M.K. Sinha, Chairperson, Godavari River Management Board, Hyderabad was held in CPCB Delhi at 3 pm on 28.07.2023 (FN). The list of participants is attached as the Annexure-B.

The co-opted Members expressed their view points on the issues raised by Hon'ble NGT. As per discussion, the Chairperson desired the following:

- The copies of NGT case file, like orders, affidavits and reports filed in the matter before constitution of Joint Committee by NGT and the grievance of applicant taken cognizance by the Hon'ble NGT.
- Co-opted Expert members to submit their inputs for preparation of report by the Joint Committee.
- Joint Committee Member from MOJS to provide the copy of policy/SOP for applications submitted for permission of temporary construction in river Ganga and its tributaries, which was mentioned in the first meeting by representative of NMCG.
- HSPCB to provide the status of lease for the sand mines in State of Haryana across Yamuna river.

Concluding the discussions, the Chairperson desired that the draft report may be prepared by 15.08.2023, next meeting for discussion on report may be convened on 22/23.08.2023 and report may be submitted by 25.08.2023 to NGT.

cont.//

Dr. Satish Wate suggested that since the issue is focused on the temporary bridge constructed for the sand mining, a detailed study by a reputed National institute may be desirable to document impact of the temporary bridge on river habitat. Dr. R.G. Patil suggested the need for river cross sections to ascertain sand sustainability in the region to ascertain river regime without any aggradation/degradation in the river stretch. The Joint Committee felt these suggestions would be brought before the Hon'ble NGT for appropriate orders.

The meeting ended with thanks to the Chair.

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**Annexure-A**

Joint Committee

- Dr. M.K. Sinha, Chairperson
- Mr. Nelapatla Ashok Babu, Member
- Mr. Pankaj Verma, Member

CPCB

- Sh. Nazimuddin, Scientist-'F'
- Sh. Gaurav Gehlot, Scientist-'C'

HSPCB (Sonipat)

- Sh. Kamaljit Singh, Regional Officer

IRWD (Sonipat)

- Sh. Gulshan Kumar, XEN
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**Annexure - B**

## Joint Committee

- Dr. M.K. Sinha, Chairperson
- Mr. Nelapatla Ashok Babu, Member
- Mr. Pankaj Verma, Member
- Dr. Prashant Gargava, Member Secretary

## Co-opted Expert

- Dr. Satish Wate, Ex-Director, NEERI (through VC)
- Dr. R.G. Patil, Scientist-'E', CWPRS (through VC)

## CPCB

- Sh. Nazimuddin, Scientist-'F'
- Sh. Gaurav Gehlot, Scientist-'C'

## HSPCB (Sonipat)

- Sh. Ravinder Yadav, AEE (through VC)

## IRWD (Sonipat)

- Sh. Gulshan Kumar, XEN (through VC)
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**Summary Record of the Proceedings of the Fourth Meeting of The Joint Committee constituted by the Order Dated 25.05.2023 of The National Green Tribunal (PB), New Delhi In OA 581 Of 2022 Vikas Kumar Vs State Of Haryana**

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The fourth meeting of Joint Committee under the chairmanship of Dr. M.K. Sinha, Chairperson, Godavari River Management Board, Hyderabad was held in CPCB Delhi on 24.08.2023. The list of participants is attached as the Annexure-A. The coopted Members participated through video conferencing.

The Joint Committee deliberated on the draft report and discussed on the issues raised in the Hon'ble NGT order dated-25.05.2023 and accordingly agreed for finalisation of report. The Chairman stated that the sand mining (removal of sand from the riverbed) has river management issues in addition to environmental impacts. Sand serves as an aquifer as well as a natural carpet on the river's bottom. The removal of this layer causes downstream erosion, resulting in changes in channel bed and habitat type, as well as the deepening of rivers and estuaries and the enlargement of river mouths. We are fully aware of the adverse impacts of sand mining, but river sand is an important construction material and a resource and several economic activities not only in urban construction but also rural livelihood is dependant on this. And if this is banned, people would resort to illegal and indiscrete sand mining, besides excavating hills/ mountains to get sand, which would be more damaging than the regulated one, therefore, mining activity be allowed with certain regulatory measures.

The representative from Department of Irrigation, Haryana submitted that half pipe culverts may have issues related to design and dismantling before monsoon and may result in differential settlement, and therefore, not desirable. However, he stated that removable boxes, though costly, but can be accepted as one time investment for the lease period. The Chairman appreciated the field level inputs and assured to modify the response/recommendation accordingly.

The Joint Committee deliberated on response of specific queries raised by Hon'ble NGT and the Recommendations and unanimously agreed with the responses/recommendations.

Concluding the discussions, the Chairperson thanked members and officials for their comments/suggestions in finalisation of report and desired for submission of report on 25.05.2023 to Hon'ble NGT. He stated that He will finally review the Report by incorporating photographs of site visits and would email to Shri Nazimuddin, Scientist 'F', who will finally get it filed in Hon'ble NGT in consultation with the Legal Cell, CPCB. A final copy may be circulated to all Member/Co-opted Experts for their official use.

The meeting ended with thanks to the Chair.

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**Annexure-A**

## Joint Committee

- Dr. M.K. Sinha, Chairperson
- Mr. Nelapatla Ashok Babu, Director (NRCD), MoJS, Member
- Mr. Pankaj Verma, Scientist 'E', MoEF&CC, Member

## Co-opted Expert

- Dr. Satish Wate, Ex-Director, NEERI (through VC)
- Dr. R.G. Patil, Scientist-'E', CWPRS (through VC)

## CPCB

- Sh. Nazimuddin, Scientist-'F'
- Sh. Gaurav Gehlot, Scientist-'C'

## HSPCB (Sonepat)

- Sh. Ravindra Kumar, AEE

## IRWD (Sonepat)

- Sh. Gulshan Kumar, XEN

## Mines &amp; Geology Department (Sonepat)

- Sh. Anil Kumar, Mining Officer (through VC)
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Item No.4

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 581/2022  
(I.A. No. 594/2023 & **I.A. No. 595/2023**)

Vikas Kumar

...Applicant

Versus

State of Haryana &amp; Ors.

...Respondents

Date of hearing: 25.05.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Rahul Khurana, Advocate for Respondents No. 1 to 4 alongwith Mr. Bijender, Engineer-in-Chief, Mr. Mohan Lal, Chief Engineer and Mr. Sandeep, Chief Engineer, Haryana  
Mr. Pinaki Mishra, Sr. Advocate with Mr. Narender Pal Singh, Advocate for respondent no. 5.  
Mr. Prasenjeet Mohapatra, Advocate for MoEF&CC respondent no. 6.  
Mr. Gi.Gi. George, Advocate for respondent-7.  
Mr. Sanyat Lodha, Advocate for (I.A No. 594/2023).  
Mr. Ravindra Kumar, Sr. Advocate with Mr. Saurabh Rajpal and Mr. Vijay Singh, Advocates (I.A No. 595/2023).  
Mr. Raj Panjwani, Senior Advocate, Amicus Curie with Mr. Shreepurna Dasgupta, Advocate.

**Application is registered based on a letter petition received by Post.**

**ORDER**

1. The grievance in the present application is about illegal mining by the project proponent in the river bed of river Yamuna and diversion of course of the river by constructing illegal bridge on river Yamuna.

2. Vide order dated 12.09.2022 this Tribunal constituted a Joint Committee with the direction to submit its report within one month with copy to the concerned project proponent and statutory authorities and notice was also ordered to be issued to the respondents.
3. In compliance thereof the Joint Committee filed report vide email dated 19.11.2022 and replies were filed by respondent no. 1 vide email dated 23.02.2023, respondent no. 2 vide email dated 18.11.2022, respondent no. 3 vide email dated 27.01.2023, respondent no. 4 vide email dated 30.01.2023 and respondent no. 5 vide email dated 19.11.2022.
4. Vide order dated 21.11.2022, Mr. Raj Panjwani, Senior Advocate was appointed as *amicus curiae* and he filed his report vide email dated 17.04.2023.
5. Respondents no. 6-Ministry of Environment & Forest and Climate Change (MoEF&CC) and respondent no. 7-Ministry of Jal Shakti (MoJS) were impleaded as respondents no. 6 and 7 and replies have been filed by respondents no. 6 and 7 vide emails dated 20.05.2023 and 18.04.2023 respectively.
6. Vide order dated 23.02.2023 interim injunctive order was issued that no permission for construction of any temporary bridge across river Yamuna for facilitating any sand mining and allied activities be granted in the State of Haryana.
7. Interim application no. 594/2023 has been filed by Mr. Prashant resident of 151, village Jainpur, District Sonapat, Haryana seeking intervention/impleadment on the ground that the final outcome of the O.A. has a direct bearing on the life, livelihood and prospects of the intervenor, his family/descendants and other villagers of village Jainpur in the short term as well as for generations to come.

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8. We have heard the applicant and the learned counsel for the respondents. This Tribunal took cognizance of the matter on the basis of a letter petition and we have already appointed Mr. Raj Panjwani, Senior Advocate as *amicus curiae* to assist this Tribunal for just and proper adjudication of the questions involved in the case. For verifying the credentials and bonafides of the intervenor applicant we asked learned Counsel for the intervenor applicant about his present occupation/present activities but learned counsel for the intervenor applicant could not furnish any meaningful information in this regard. On the other hand learned counsel for respondent no.5-project proponent has submitted that the applicant is acting at the instance of rival mining leaseholders. In the facts and circumstances of the case we do not consider impleadment/intervention of the applicant to be necessary for just and proper adjudication of the questions involved in the case and therefore, **I.A. no. 594/2023 is dismissed.**

9. I.A. No. 595/2023 has been filed by M/S Darsh Mineral Pvt. Ltd. for its impleadment as respondents on the ground that the applicant in I.A. No. 595/2023 is vitally interested in the issue of construction of temporary bridges which is pending consideration before this Tribunal as it is carrying on sand mining in the State of Haryana and permission is not being granted by the state authorities to construct temporary bridge due to interim order passed by this Tribunal in this case.

10. As already observed one of the grievances in the present case is regarding diversion of course of river Yamuna by construction of temporary bridge on the same illegally by the respondent no.8-project proponent.

11. In the course of hearing respondents no. 1,2 and 4 referred to Haryana Government Policy dated 19.10.2021 permitting construction of temporary bridges. Even though vide order dated 23.02.2023 this

Tribunal ordered that no permission for construction of any temporary bridge across river Yamuna for facilitating any sand mining and allied activities be granted but this Tribunal did not pass any order in respect of permissions already granted or temporary bridges already constructed.

12. Adjudication of the question as to impact of construction of any temporary bridge on river morphology, ecology, discharge and aquatic life is involved in the present case.

13. Learned senior counsel for respondent no. 5-project proponent has argued that construction of temporary bridge across creeks of river Yamuna for carrying out mining does not have any adverse environmental impact while learned counsel for respondent no. 7 has submitted that no temporary bridge can be constructed on river Yamuna without obtaining permission of National Mission for Clean Ganga (NMCG). However, learned counsels for respondents no. 6 and 7 have not objected to the same as being prohibited activity.

14. In the facts and circumstances of the case, we consider it necessary to constitute a Joint Committee to examine the issue and submit its report in this regard. Accordingly, we constitute a Joint Committee comprising of (i) Dr. Mukesh Kumar Sinha, Chairperson, Godavari River Management Board as Chairman; (ii) Representatives of Secretaries MoEF&CC and MoJS not below the rank of Joint Secretary/ Director as Member and (iii) The Member Secretary, CPCB as Member Secretary. The Joint Committee shall be entitled to seek/receive response from the applicant, project proponent, concerned departments of the Haryana Government and also to associate any other expert with it as may be considered necessary, undertake visits to the sites where bridges have been constructed/were constructed, carry out the requisite study and submit its report regarding the following aspects.

- a) Whether any mining activity be allowed across different streams of river, if more than one at any place and any temporary bridge be allowed to be constructed for facilitating extraction/transportation of the mined material and other allied activities;
- b) Whether permitting such mining activity and construction of such temporary bridge has any adverse environmental impact on the river morphology, ecology, discharge and aquatic life, etc.;
- c) Whether construction of any such temporary bridge across river for facilitating mining/allied activities be completely prohibited or permitted by imposing conditions to ensure minimum impact on river ecology and aquatic life, and
- d) In case construction of any such temporary bridge is to be kept in the category of regulated activities, by which authority and in which manner the aspects of grant of permission ought to be dealt with.

15. The CPCB shall be the nodal authority for coordination and compliance and all the expenses of the Joint Committee shall be borne by the CPCB out of Environment Compensation Fund.

16. Report be submitted by the Joint Committee **within three months** by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

17. In the peculiar facts and circumstances the interim injunctive order dated 23.02.2023 is modified to the extent that all temporary bridges already constructed may continue and temporary bridges may be allowed to be constructed on the basis of permissions already granted or on the basis of the applications submitted before or after this order by the concerned department(s) as may be warranted by the facts and circumstances of each case. Such permission, if applied for, be granted within three days. However, all such temporary bridges already

constructed or to be constructed after the date of this order as the case maybe/shall be removed on or before 05.07.2023 or as per directions of the irrigation department and no temporary bridge shall be allowed to continue after 05.07.2023 in any event. Therefore, no permission even shall be granted for construction of any temporary bridge on river Yamuna till further orders to the contrary. It is clarified that nothing in this order shall be treated as approval of construction of such temporary bridges or expression of any final opinion for the purpose of final adjudication of the questions involved in the case.

18. List for further consideration on 05.10.2023.

19. Arguments on I.A. no. 595/2023 will be also heard on that date.

20. A copy of this order be sent to the (i) Dr. Mukesh Kumar Sinha, Chairperson, Godavari River Management Board; (ii) Secretaries MoEF&CC and MoJS and (iii) The Member Secretary, CPCB by email for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 25, 2023

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