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L-25012(11)/8/2023-LME NMC  
Ministry of Jal Shakti  
Department of WR, RD&GR  
National Mission for Clean Ganga

Major Dhyanchand Stadium  
Near India Gate, New Delhi  
Date: 02.08.2024

Subject: Response of the National Mission For Clean Ganga, Ministry of Jal Shakti in the matter of OA No 581/2022- Vks Kumar Vs State of Haryana and other - before the Hon'ble NGT(PB) regarding

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Sir,

In the aforesaid matter, the response of the NMCG, Ministry of Jal Shakti in compliance of the Order dated 30.04.2024, passed by the Hon'ble NGT is attached.

2. The same may kindly be placed before the Hon'ble Tribunal for consideration.
3. This issues with the approval of the competent authority.

Encl As enclosed

Yours faithfully

Anup Kumar Srivastava  
Executive Director (Tech)

To  
The Registrar, National Green Tribunal(PB)  
Copernicus Marg New Delhi  
Copy to:  
(i)PS to the Secretary DoWR,RD&GR ,Ministry of Jal Shakti,,Shram Shakti Bhawan, New Delhi.  
(ii) PS to DG, NMCG.

**MINISTRY OF JAL SHAKTI**  
**Do WR, RD & GR**  
**NATIONAL MISSION FOR CLEAN GANGA**

**RESPONSE OF THE NATIONAL MISSION FOR CLEAN GANGA (NMCg),  
DEPARTMENT OF WATER RESOURCES, RVER DEVELOPMENT &  
GANGA REJUVENATION (DoWR, RD & GR) MINISTRY OF JAL  
SHAKTI - IN COMPLIANCE OF THE ORDER DATED 30.04.2024 IN  
OA NO 581- VIKAS KUMAR VS STATE OF HARYANA & ORS.**

1. That in the aforesaid matter the issue involved for consideration relates to grant of permission for the construction of temporary bridge(s) for carrying out mining and allied activities in the river bed of river Yamuna [in the instant case by one M/s Yodha Mines and Minerals at Sonipat (Haryana) by the concerned departments/ agency of the State Government of Haryana.

**2. Facts of the case in brief.**

- i. Mr. Vikas Kumar, resident of village and post office Jainpur, District Sonipat, Haryana alleged that Mr. Sandeep Ahlawat, in the name of Yodha Mines and Minerals, is indulging in illegal mining in the river bed of river Yamuna and had diverted course of the river by constructing illegal bridge on river Yamuna. The Hon'ble NGT, Vide its order dated 12.09.2022, constituted a Joint Committee and directed the Joint Committee to verify the factual position and submit its report.
- ii. The Joint Committee submitted its report on 19.11.2022 with the observations that the erosion of the field area has occurred due to meandering nature of river Yamuna. Further it was mentioned that temporary pipe crossing was constructed by M/s Yodha Mines & Minerals, Sand Unit Jainpur-2, Sonipat with permission given by XEN, Water Services Division, Sonipat, vide letter dated 23.11.2021 and same was removed by M/s Yodha Mines & Minerals on 30.06.2022, as per terms and conditions of permission. It was also stated that the temporary pipe crossing constructed by M/s Yodha Mines & Minerals was neither illegal nor diverted the course of river Yamuna.

- iii. Besides other respondents, the NMCG submitted its response on 17.10.2023. The attention was given to the General Observations of the Joint Committee constituted by the Hon'ble NGT and paragraph 4, 33, 35 and 42 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016. [ herein after referred to as Authorities order, 2016].
3. That the Hon'ble NGT vide its order dated 30.04.2024, inter-alia, observed that the respondent no.6 Ministry of Environment, Forest and Climate Change [MoEF & CC] and respondent no.7 Ministry of Jal Shakti (MoJS) have not objected to construction of temporary bridge for carrying out such mining and allied activities. The Respondent No 6, (MoEF & CC) has emphasized requirement of consent from NMCG for the same under the Authorities Order, 2016. Further, the recommendations of the Joint Committee regarding permitting of construction of temporary bridge for carrying out mining and allied activities is that the requisite environmental safeguards must be taken.
4. That the Hon'ble NGT vide its order dated 30.04.2024, inter-alia, directed the Respondent no. 6-MoEF & CC and respondent no. 7-MoJS to file their specific response within two months on the following aspects:
  - i. The question of permissibility of mining across river channels and construction of temporary bridges for carrying out mining and allied activities; and
  - ii. The MoEF & CC (Respondent no 6) regarding the requirement of appropriate modification of Sustainable Sand Mining Management Guidelines, 2016(SSMG, 2016) and Enforcement & Monitoring Guidelines for Sand Mining, 2020 (EMGSM, 2020).
5. That as regards the issue of permissibility of mining across rivers channels, the power to grant of environmental clearance is vested with the State Environment Impact Assessment Authority (SEIAA), constituted by the MoEF & CC in accordance with the provision of the Environment (Protection) Act, 1986 and rules framed there under.

6. That as regards while undertaking mining activities in the river bed, for construction of Temporary bridges, the provisions contained in paragraph 6(3) of the Authorities order, 2016 shall be attracted.

That the NMCG submits that Para 42 of the Authorities Order, 2016 covers the prior permission of NMCG, inter-alia, for bridges and associated roads and embankments over the River Ganga or at its River Bank or its flood plain area. These bridges are constructed to stay for much longer duration to meet other requirements.

That it is relevant to mention that as regards the applicability of the Authorities Order, 2016 is concerned, it is submitted that as per the paragraph 2 of the Authorities Order, the same is applicable to the States comprising River Ganga Basin, namely, Himachal Pradesh, Uttarakhand, Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana, Rajasthan, West Bengal and the National Capital Territory of Delhi and such other States, having major tributaries of the River Ganga.



Anup Kumar Srivastava  
Executive Director (Technical)