

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI

O.A. No. 581 of 2022

Vikas Kumar

vs.

State of Haryana and others

**Report/response of the Mines and Geology Department, Government of Haryana with respect to the Additional Affidavit dated 03.08.2024 submitted by MoEF & CC in OA No. 581 of 2022 – Vikas Kumar v/s State of Haryana and Others.**

**RESPECTFULLY SHOWETH:**

1. That pursuance to the submissions given in additional Affidavit dated 03.08.2024 filed on behalf of Ministry of Environment, Forest and Climate, Government of India, the Hon'ble NGT was pleased to grant time for filing objections to the report and the same was allowed by order dated 05.08.2024.
2. That in this behalf it is respectfully submitted that vide order dated 18/19.10.2021 a policy was notified for carrying mining activities with the terms & condition as laid down under said policy.
3. That in so far as the present Original Application is concerned, it is submitted that this Hon'ble Tribunal, vide Order dated 25.05.2023, had constituted a Joint Committee comprising of:
  - i. Dr. Mukesh Kumar Sinha, Chairman, Godavari River management Board, Hyderabad-Chairman
  - ii. Shri Pankaj Verma, Scientist 'E' as representative of Secretary, MoEF & CC,

- iii. Shri Nelapatla Ashok Babu, Director (NRCD) as representative of Secretary, MoJS
- iv. Member Secretary CPCB-Member Secretary

3.1 That the above committee, after examining the related issues, submitted its report dated 25.08.2023 giving recommendations as per 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 degradation/aggradations, 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.



3.2 That the above committee had recommended that a detailed study on the impact of temporary bridges be conducted and accordingly the State Government may review the existing policy. The said recommendation has been derived by the committee on the question (whether permitting such mining activity and construction if such temporary bridges have any adverse environment impact or the river morphology, ecology, discharge and aquatic life, etc.) by stating that in case the same is not permitted then it will result into more damaging scenario-for which a detailed study on impact of temporary bridges is needed.

Hence the above committee has rightly understood the ground situation/reality that the mineral concession holder requires access path to the mine – for which policy was framed by the State Government; and in case the same is not allowed, it would result in more damaging scenario. Therefore, prohibition on use of temporary passage shall have adverse environmental impact.

4. That subsequently, the Ministry of Jal Shakti, Department of WR,RD&GR, National Mission for Clean Ganga in their response has also responded that the construction of temporary bridges falls within the ambit of the power to grant the environmental clearance which is vested with the State Environment Impact Assessment Authority (SEIAA). Furthermore, with regards to permitting the constructing of temporary bridges, the same is being permitted as per the para 42 of the Authorities Orders 2016, which requires 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.

With the above response of the Jal Shakti Department, it is clear that in river Ganga, permission is given for construction of temporary bridges and associated roads and embankments.

5. That with regards to the additional affidavit dated 03.08.2024 submitted by MoEF & CC wherein it has been stated by the authority under para no. 11, 13, 14 and 15 that construction of temporary bridges may cause hazardous impact on ecological equilibrium of riverine regime and may also cause adverse impact on in-stream biota and riparian habitats apart from may cause changes in channel configuration and flow-paths.

The said authority has also recommended that the sand and aggregate mining should be done only after sound scientific assessment and adopting best practices to limit the impact on the environment.

6. That objecting to the submissions made by the MoEF & CC, GoI in its additional affidavit dated 03.08.2024, it is submitted that the said authority has not quoted/cited any scientific study/data in support of their claim that construction of temporary bridges *may* cause adverse impact ,so as to prove as to what extent it may cause such harm. Furthermore, the recommendations is contrary to the recommendations of the previous committee consisting of representative of Ministry of Jal Shakti wherein it was recommended that in case temporary paths are prohibited, it may cause larger adverse impact than in case the same are allowed to be constructed. Hence, it is an admitted position that denial of construction of temporary pass across the river channel shall have greater adverse impact upon the environment than the impact which may be caused

by the construction of such temporary pass across the river channel. However, the extent of damage, in either case, is not available.

Secondly, apart from the fact that the recommendations of MoEF and CC by way of additional affidavit dated 03.08.2024 are lacking on account of any scientific analysis, it is submitted that at present only riverbed mining is being allowed for the mining of sand, boulder and Gravel and no outside riverbed mining is being allowed, as no environment clearance is being granted by the competent authority for the same. Beside this, the continuous supply of the building material for the developmental projects is required which otherwise will lead to scarcity of mineral and will also impact the public works. Moreover, it will also give rise to illegal mining which would have greater adverse impact upon the environment.

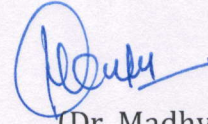
It is also added here that in case no mining is permitted by constructing temporary pass across a river channel, the same shall result into accumulation of minerals in the riverbed through the process of sedimentation during the monsoon season which shall lead to swelling up of the river; and the water course of river will not find any defined/streamed channel which would result in flood like situations during heavy rain fall. The same shall also have adverse impact on the biodiversity of the area in addition to endangering human lives. Moreover, huge state exchequer is also involved in the mining operations of riverbed area.

In view of the submissions made herein above, it is respectfully submitted that as the NMCG had been granting permission for the construction of temporary bridges and as the same has been recommended by the earlier committee of Jal Shakti, a Committee may be constituted for conducting a detailed scientific study of the impact of temporary bridges, if



any, inter-alia giving any specific condition/limitation in order to limit the impact on the environment, so that sustainable scientific mining operations could be undertaken in such a manner that alongwith the development of the State/Country, it could give/generate minimal impact on the environment as well as biodiversity. It is also requested that the mining operations be not prohibited or usage of temporary bridges be not prohibited till such time, the uniform policy for all the rivers for construction of temporary bridges is instituted by the Government of India in consultation with all the States as well as NMCG.

It is further, requested before this Hon'ble Tribunal that the answering respondent reserve its right for filing detailed reply/affidavit if required.



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State Mining Engineer,  
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Haryana at Panchkula.