

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1184 of 2024**

IN THE MATTER OF:

News Item titled "Bihar Rampant Illegal Sand Mining Threatens Gangetic River Dolphins in Ganga Tributaries" appearing in News Click dated 02.09.2024

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**Filed by Adv Gigi C. George
(On behalf On NMCG and
MoJS)**

Place: Delhi

Dated: 01.01.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.1184 of 2024**

IN THE MATTER OF:

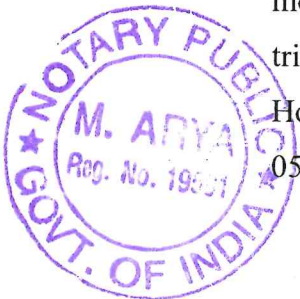
News Item titled "Bihar Rampant Illegal Sand Mining Threatens Gangetic River Dolphins in Ganga Tributaries" appearing in News Click dated 02.09.2024

REPLY AFFIDAVIT IN COMPLIANCE OF ORDER DATED 26.09.2024 ON BEHALF OF MINISTRY OF JAL SHAKTI AND NATIONAL MISSION FOR CLEAN GANGA i.e. RESPONDENT NO. 4 & 5 RESPECTIVELY

MOST RESPECTFULLY SHEWETH:

I, Anup Kumar Srivastava, aged about 57 years, presently working as Executive Director (Technical) in the National Mission for Clean Ganga (NMCG), Ministry of Jal Shakti, Government of India, New Delhi do hereby solemnly affirm and state as under:

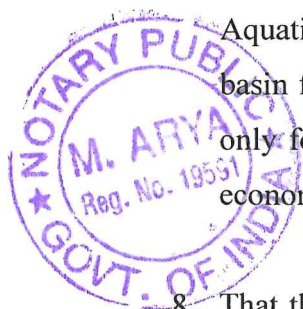
1. That I am working as Executive Director (Technical) in the National Mission for Clean Ganga (NMCG), Ministry of Jal Shakti, Government of India, New Delhi. I am duly authorized for and on behalf of the *Respondent No. 4 & 5* to swear to the present Affidavit. I am fully conversant with the facts and circumstances of the present case from the records.
2. That the above mentioned matter is registered suo-motu on the basis of the news item titled "Bihar Rampant Illegal Sand Mining Threatens Gangetic River Dolphins in Ganga Tributaries" appearing in News Click dated 02.09.2024. The matter relates to the severe impact of rampant illegal sand mining on the Gangetic river dolphins and the river ecosystems in Bihar. As per the news item, despite a ban during the monsoon season, illegal sand mining continues unabated in the Ganga and its tributaries, including Gandak, Ghaghra, Mahananda, Parman, and Kosi. That Hon'ble NGT vide Order dated 26.09.2024 impleaded the NMCG as Respondent no. 05 in the instant matter. Thereby, the reply is made in succeeding paragraphs.



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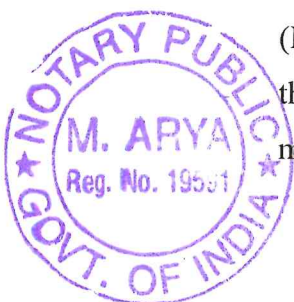
/s/

3. That it is to be mentioned that the rate of sand extraction has far-reaching impacts on the ecosystem and human well-being, which are manifested in the form of lower water tables, increased velocity of the flowing water, riverbank erosion, altered ecological regime, and saltwater intrusion;
4. That the Ganges River Dolphin is an indicator species of river health. Its decline signals broader ecological issues. Sand mining, particularly illegal and unregulated operations, accelerates habitat degradation, making conservation efforts more challenging. Sustainable practices and stricter regulations on sand mining are necessary to mitigate its impact;
5. That the Gangetic River Dolphins (*Platanista gangetica*) are endangered species and India's national aquatic animal. Bihar is home to a significant population of these dolphins, and the region's rivers, including the Gandak, Kosi, Son, and Punpun, are vital habitats for their survival. The Ganges River Dolphin's survival is intricately linked to the health of Bihar's river ecosystems. Addressing the impacts of sand mining is critical to ensuring the long-term conservation of this endangered species;
6. That the NMCG has taken initiative to conserve the flagship species such as Turtle, Gharials, Otters, river dolphins and fish species under its aquatic biodiversity conservation component in partnership with Wildlife Institute of India (WII), World Wide Funds for Nature - India (WWF), Turtle survival Alliance Foundation –India (TSAF-I), Center for Environmental Education (CEE) and State Forest Departments of Ganga Bank states;
7. The Phase I project (2016-2019), "Biodiversity Conservation and Ganga Rejuvenation", sanctioned by the NMCG to the WII for a cost of Rs 24.83 Cr, was aimed at conserving biodiversity and restore aquatic ecosystems in the Ganga River basin. Further, the Phase II project (2019-2026), "Planning and Management of Aquatic Species Conservation and maintenance of ecosystem services in the Ganga basin for a clean Ganga", has been sanctioned to WII at a cost of Rs 113.99 Cr not only focuses on the ecological health of the Ganga but also emphasizes the socio-economic benefits of a clean and healthy river system;
8. That these multi-faceted project is a significant component of the NMCG's broader effort to rejuvenate the Ganga, focusing on both species conservation and ecosystem



restoration. One of the key deliverables of the projects is species and Habitat Monitoring which includes systematic surveys for flagship species and monitoring biodiversity trends. That the project has successfully mapped critical threats for aquatic biodiversity along with other anthropogenic activities including sand mining areas in the Ganga basin.

9. That the Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti have issued “National Framework for Sediment Management” in October 2022 which provides guidance on various aspects of sediment management;
10. That the MoEF&CC, vide notification no S.O 1533 (E) dated 14.09.2006, has issued Environment Impact Assessment (EIA) Notification, 2006, mandating prior Environment Clearance for regulating potential impacts from certain category of projects, including mining. Further, the regulatory authorities viz the Central Government / State Environment Impact Assessment Authority (SEIAAs), have been constituted, under sub-section 3 of section 3 of the Act and these authorities are empowered to grant environment clearance (EC), depending on the category of projects or activities, identified in the schedule, at the central level and at the States/UTs level i.e Category “A” and Category “B” projects in the schedule appended to the Notification, requiring prior environmental clearance from the Central Government /State/UT EIAA, as the case may be. All projects and activates for mining, falling in Category “B” require prior environmental clearance from the SEIAA.
11. That the EIA Notification, 2006 is amended by the MoEF&CC from time to time. As per the amendment Notification no S.O 1886 (E) dated 20.04.2022, SEIAA have been empowered to grant environment clearance to all minor minerals mining projects, irrespective of mine leases area.
12. That the State Department of Mines and Geology is the nodal authority, in the State, for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act 1957, as amended, and has been entrusted with the enforcement and regulation of mining operations in a State including illegal mining. The State Government is also empowered, under Section 23C of the Mines



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and Minerals (Development and Regulation) Act, 1957, as amended, to frame rules regulating and prevention of illegal mining, transportation and storage of minerals.

13. That in the light of the above submission, it is respectfully submitted that the Respondent shall abide by all the order (s) and/ or direction (s) passed by the Hon'ble Tribunal in the instant case and render justice.

DEPONENT

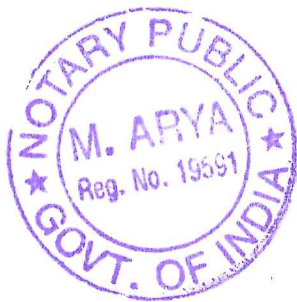
Identify the deponent
who signed before me

VERIFICATION:

I, deponent above named do hereby verify that the contents of the aforesaid affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Verified at New Delhi on this day of 2025

DEPONENT



ATTESTED

NOTARY PUBLIC

01 JAN 2025