

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 456/2018
(Earlier O.A. No. 146/2014(CZ))

IN THE MATTER OF:

Nityanand Mishra Vs. State of M.P. & Ors.

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: Applicant: Mr. Siddharth Singh, Adv.

	Date and Remarks	Orders of the Tribunal
	<p>Through Video Conferencing</p> <p>Item No. 03</p> <p>July 31, 2018</p> <p>DV & SS</p>	<p>1. This application raises a concern for protection of population of Gharials in the context of unregulated sand mining in the area of 200 km stretch of Son River.</p> <p>2. Case of the applicant is that there is illegal mining in the area of Gharial sanctuary at Churhat, Khadbada, Piparohar, Patpara, Gaughat and Akauri (near Koldaha Bridge) from the river bed Akauri (near Koldaha Bridge) which is 5 kms short of Churhat. Even the enforcement staff of the Forest Department or the Police Department are unable to check the same. The applicants rely upon the photographs as well as the RTI information to the effect that no sanction has been granted for the sand mining. It is stated that according to IUCN, since 1946 Gharial population was declined up to 96-98% moreover the India government also listed it as Protected species by wildlife protection act 1972. The Mating in Gharial occurs in December and January, followed by nesting in the dry season of March and April. The female lays up to 95 eggs in a hole in a riverside sand or silt bank, and the young hatch out in July just before the monsoon the</p>

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	<p>Through Video Conferencing</p> <p>Item No. 03</p> <p>July 31, 2018</p> <p>DV & SS</p>	<p>the river.</p> <p>9. On 15th September, 2015, this Tribunal noted the fact that the Centre Water Commission (CWC) had constituted a six Member Committee.</p> <p>10. The Tribunal later considered the steps taken for protection of Gharials and for checking of illegal mining. Study report prepared by the CWC was also considered.</p> <p>11. Various orders so far passed show that in spite of the directions of the Tribunal and steps claimed to have been taken by the State of Madhya Pradesh, there is hardly any achievement on the subject of stopping illegal mining or protection of the species of the wildlife which are seriously threatened. There is no significant achievement in the direction of maintaining minimum ecological flow downstream the Dam.</p> <p>12. Having considered the proceedings taken in the last four years before this Tribunal and various reports submitted, we are of the view that finally strong continuous measures are necessary.</p> <p>13. Accordingly, we constitute the following Committee to prepare an action plan having in mind the object of checking illegal mining, conservation of Gharials and turtles and maintenance of minimum ecological flow downstream the Ban Sagar Dam:-</p> <ol style="list-style-type: none">i. Representative from the Indian Institute of Forest Management, Bhopal, who will be the Convener.ii. Representative from the Wildlife Institute, Dehradun.iii. Representative from the Indian School of Mines, Dhanbad.
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	<p>Through Video Conferencing</p> <p>Item No. 03</p> <p>July 31, 2018</p> <p>DV & SS</p>	<p>on a Tuesday in the 2nd week of February. 2019</p> <p>20. Copies of this order to be sent to the agencies mentioned above by E-mail.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p>31.07.2018</p>
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