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## UNION TERRITORY OF JAMMU & KASHMIR & ANR. Vs. RAJA MUZAFFAR BHAT & ORS.

### ABSTRACT

The Supreme Court's decision in Union Territory of Jammu & Kashmir & Anr. v. Raja Muzaffar Bhat & Ors. (2025) marks a crucial milestone in India's environmental jurisprudence. The case addressed the legality of environmental clearances (ECs) granted for sand mining projects in the Shaliganga Nallah of Budgam District, Jammu and Kashmir, without conducting scientific replenishment studies. The Court upheld the National Green Tribunal's decision to annul such clearances, emphasising that **District Survey Reports (DSRs)** are valid only when supported by empirical replenishment data. This judgment reaffirms the constitutional principles of **sustainable development, precautionary action, and inter-generational equity**, ensuring that environmental governance remains grounded in scientific integrity rather than administrative convenience. By holding state authorities accountable for procedural and scientific lapses, the Court strengthened the environmental rule of law and underscored that ecological protection is a fundamental aspect of the right to life under **Article 21** of the Constitution. The decision also bridges statutory mechanisms under the **Environment (Protection) Act, 1986**, and the **EIA Notifications of 1994, 2006, and 2016**, making them practically enforceable. Ultimately, the ruling reinforces India's commitment to the global framework of sustainable resource management under the **Rio Declaration** and the **Paris Agreement**, and serves as a powerful precedent against unscientific and unsustainable mining practices across the country.

**Key words :** Environmental clearance; District Survey Report (DSR); Replenishment study; Sustainable development; Precautionary principle; Public trust doctrine; Inter-generational equity; Environmental rule of law.

## 1. INTRODUCTION

Environmental protection has evolved into one of the most critical constitutional and judicial concerns in India. Rapid industrialisation, urbanisation, and unscientific extraction of natural resources especially riverbed sand mining have caused alarming ecological degradation. This case, Union Territory of Jammu & Kashmir & Anr. v. Raja Muzaffar Bhat & Ors. (2025), epitomises the continuing tension between development and sustainability, and the judiciary's determination to enforce scientific and precautionary principles in environmental governance.

The judgment focuses on the indispensable requirement of *replenishment studies* before granting environmental clearances (ECs) for sand mining projects. It affirms that District Survey Reports (DSRs) the foundation for granting such clearances are valid only when they are backed by scientific replenishment data. The case thus strengthens India's environmental jurisprudence by reaffirming the principles of precaution, sustainable development, and inter-generational equity.

The ruling not only revisits the framework laid down under the Environment (Protection) Act, 1986, and the successive Environment Impact Assessment (EIA) Notifications of 1994, 2006, and 2016, but also connects them with earlier landmark rulings such as *Deepak Kumar v. State of Haryana*<sup>1</sup> and *State of U.P. v. Gaurav Kumar*<sup>2</sup>. It establishes that mere administrative compliance is insufficient—scientific integrity must underlie every decision affecting the environment.

## 2. CITATION AND CAUSE TITLE

### Citation:

Union Territory of Jammu & Kashmir (previously State of Jammu & Kashmir) & Anr. v. Raja Muzaffar Bhat & Ors., (2025) INSC 1025, decided on 22 August 2025.

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<sup>1</sup> *Deepak Kumar v. State of Haryana* CASE NO. IAs Nos. 12-19 in SLPs (C) Nos. 19628-29 of 2009

<sup>2</sup> *State of U.P. v. Gaurav Kumar* Civil Appeal No. 14170 of 2024

**Long Cause Title:** In the Supreme Court of India, Civil Appellate Jurisdiction, Civil Appeal No. 8055 of 2022 with Civil Appeal No. 68 of 2023 and Diary No. 1007 of 2025

**Union Territory of Jammu & Kashmir & Anr. ....(Appellants)**

**-Vs.-**

**Raja Muzaffar Bhat & Ors. ....(Respondents)**

**Short Cause Title:** UT of J&K v. Raja Muzaffar Bhat, (2025) INSC 1025.

### **3. JUDGES AND OPINIONS**

The judgment was delivered by a **Division Bench**:

1. **Justice Pamidighantam Sri Narasimha**
2. **Justice Atul S. Chandurkar**

The opinion of the Bench was **unanimous**; there was **no dissenting judgment**. The Court authored a detailed, reportable decision that spans the regulatory and legal evolution of environmental clearance norms and their application to sand mining operations.

The Bench commended the National Green Tribunal (NGT) for its vigilance in enforcing the EIA regime and upheld the Tribunal's decision to annul the environmental clearance granted to the project proponent. The Justices underscored that the District Survey Report (DSR), in absence of a replenishment study, lacks scientific validity and cannot serve as a basis for environmental clearance.

### **3. SUMMARY OF FACTS**

The dispute emerged from three mining projects proposed along the Shaliganga Nallah in Budgam District of Jammu and Kashmir:

1. **Block 1:** Driegam Bridge Downstream – Shaliganga Nallah Bed Mining Project
2. **Block 2:** Banderpora Upstream – Shaliganga Nallah Bed Mining Project
3. **Block 4:** Panzam Bridge to Trumbi Bridge (Lalgam) Downstream

The project proponent applied for environmental clearance (EC) to extract minor minerals (sand and gravel) for use in a **four-lane bypass project** around Srinagar City, awarded by the National Highways Authority of India (NHAI).

Initially, in January 2022, the **Jammu & Kashmir Union Territory Expert Appraisal Committee (J&K UT EAC)** rejected the proposals, citing over-exploitation of the sites and depletion of resources due to illegal mining. The Committee also observed that the **District Survey Report (DSR)** for the area had not been prepared according to prescribed guidelines and lacked essential replenishment data.

However, after the project proponent obtained a “Fit for Mining Certificate” from the Geology and Mining Department in February 2022, the EAC revisited the proposal and recommended it for clearance. The **State Environment Impact Assessment Authority (SEIAA)** subsequently granted environmental clearance on **19 April 2022**, but restricted the mining depth to **one metre**, acknowledging the absence of replenishment data.

Aggrieved by this clearance, environmental activist **Raja Muzaffar Bhat** filed an appeal before the **National Green Tribunal (NGT)**, arguing that:

- The EC was granted without addressing the earlier grounds for rejection.
- The DSR violated Rule 4(iv) of the *J&K Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016*.
- Mining was approved despite lack of replenishment studies and disregard for guidelines.
- The project proponent had already violated EC conditions by using heavy machinery.

The NGT found the EC to be in violation of the Environment (Protection) Act, 1986, and relevant EIA Notifications, and accordingly **set aside the clearance**. The Union Territory of J&K and the project proponent appealed the NGT’s order to the Supreme Court.

## **5. JUDGMENT OF THE SUPREME COURT**

### **A. Core Holding**

The Supreme Court **dismissed the appeals** filed by the Union Territory of J&K, the NHAI, and the project proponent, thereby **upholding the NGT’s order**.

The Court declared that a **District Survey Report (DSR)** is valid only when it includes a **scientific replenishment study**. Without such a study, the DSR becomes untenable and cannot be used to grant environmental clearance for sand mining. The Court categorically rejected the argument that restricting mining depth to one metre could compensate for the absence of replenishment data.

## **B. Legal Reasoning**

The Bench traced the historical evolution of India's environmental regulatory regime:

1. **The Environment (Protection) Act, 1986** empowers the Central Government to take necessary measures to prevent and control pollution.
2. **EIA Notification 1994** made prior environmental clearance mandatory for specific projects, including mining.
3. **EIA Notification 2006** introduced categorisation of projects (A and B) and decentralised clearance procedures.
4. **EIA Amendment 2016**—issued pursuant to *Deepak Kumar v. State of Haryana* (2012)—created District Survey Reports (DSRs), District Environment Impact Assessment Authorities (DEIAAs), and District Expert Appraisal Committees (DEACs) to regulate minor mineral mining.
5. **Sand Mining Guidelines (2016 and 2020)** emphasised replenishment studies as the scientific foundation for sustainable sand mining.

The Court observed that these guidelines are not advisory—they have statutory force under Section 3 of the Environment (Protection) Act, 1986, and must be treated as binding.

## **C. Application to the Case**

The Supreme Court found that:

- The J&K EAC itself recorded that the DSR lacked replenishment data and was not formulated as per the 2016 guidelines.
- Despite this, it proceeded to recommend environmental clearance—a serious procedural lapse.
- The SEIAA's attempt to restrict mining depth to “one metre” did not cure the fundamental defect.

- The EAC and SEIAA failed in their regulatory duties, compromising scientific integrity and enabling environmental risk.

#### **D. Observations on Regulatory Failure**

The judgment criticised the **half-hearted regulatory approach** of the J&K authorities, calling it an example of “regulatory failure.” It noted that environmental governance cannot rely on administrative convenience or project urgency. Rather, it must adhere to legal standards and scientific accuracy.

The Court stated that **economic development** cannot override **ecological balance**, and any mining without scientific replenishment data amounts to arbitrary administrative action, violating Article 14 of the Constitution and the principles of sustainable development under Articles 48-A and 51-A(g).

#### **E. Ancillary Issues**

On the allegation that heavy machinery (like JCBs) was used in contravention of EC conditions, the Supreme Court upheld the NGT’s direction to the **J&K Pollution Control Board** to investigate and take appropriate action.

As the project had already been completed by the time of the judgment, no further relief was required. However, the Court reaffirmed that future mining activities must strictly comply with replenishment and DSR guidelines.

### **6. RELEVANCY OF THE CASE**

This decision has far-reaching implications for environmental governance in India:

1. **Reinforcement of Scientific Accountability:** It mandates that every District Survey Report (DSR) must be grounded in a replenishment study before any environmental clearance is granted. This ensures data-driven decision-making rather than administrative discretion.
2. **Strengthening of Sustainable Development Principles:** The ruling underscores that environmental protection and economic development must coexist harmoniously, guided by sustainability and precaution.

3. **Judicial Oversight of Administrative Decisions:** The Court's affirmation of the NGT's vigilance demonstrates the judiciary's continuing role as the guardian of environmental justice and constitutional duty under Article 21.
4. **Institutional Responsibility:** The case places responsibility squarely on district-level authorities (DEIAA, DEAC, SEIAA) to ensure compliance, transparency, and scientific rigour in environmental decision-making.
5. **Policy Impact:** The ruling compels State and Union Territory governments to revise and update DSRs with replenishment data, aligning local mining policies with national environmental standards.

## 7. THEORIES INVOLVED IN THE CASE

The judgment is deeply rooted in established **environmental law theories and constitutional doctrines**, including:

1. **Precautionary Principle:** When environmental harm is uncertain but potentially serious, regulatory authorities must act with caution. The Court's insistence on replenishment studies embodies this principle prevention is better than restoration.
2. **Sustainable Development:** Originating from the Brundtland Report (1987) and adopted in *Vellore Citizens Welfare Forum v. Union of India*<sup>3</sup>, this doctrine demands a balance between developmental needs and ecological preservation. The Court reaffirmed that sand mining without scientific backing violates sustainable development.
3. **Public Trust Doctrine:** Natural resources like rivers and sand are held in trust by the State for public use. By allowing mining without replenishment data, authorities breach their fiduciary duty as trustees of nature.
4. **Inter-Generational Equity:** The Court implicitly invoked this theory by highlighting that unscientific mining endangers the environment for future generations a violation of their right to life under Article 21.
5. **Environmental Rule of Law:** The decision advances India's environmental rule of law by integrating scientific guidelines into enforceable legal standards, ensuring that governance decisions are not arbitrary but evidence-based.

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<sup>3</sup> *Vellore Citizens Welfare Forum v. Union of India* AIR 1996 SUPREME COURT 2715

## 8. LEADING PRECEDENTS AND OVERRULED CASES

The Court's reasoning builds on, and strengthens, several landmark judgments:

1. **Deepak Kumar v. State of Haryana**<sup>4</sup>Held that environmental clearance is mandatory for mining of minor minerals, regardless of the area of lease. Directed the MoEF to ensure sustainable mining and replenishment studies. *UT of J&K v. Raja Muzaffar Bhat* directly enforces this mandate.
2. **State of U.P. v. Gaurav Kumar**<sup>5</sup> Recently held that a valid DSR is mandatory for environmental clearance; a draft DSR is legally untenable. The present case takes this principle further, requiring replenishment studies as part of DSR validity.

Through this decision, the Supreme Court has not overruled but rather expanded the scope of *Deepak Kumar* and *Gaurav Kumar*, harmonising judicial principles with statutory mechanisms.

## 9. ANALYSIS AND DISCUSSION

The judgment highlights the deep connection between **law, science, and governance** in environmental matters. The Court's insistence on replenishment studies acknowledges that environmental decisions must rely on empirical evidence rather than bureaucratic assumptions.

### A. Institutional Accountability

The failure of the J&K EAC and SEIAA illustrates a wider systemic issue: lack of technical capacity and scientific monitoring at district levels. The Court's reprimand serves as a reminder that decentralisation of environmental decision-making does not imply dilution of responsibility.

### B. Integration of Environmental Guidelines with Law

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<sup>4</sup> *Deepak Kumar v. State of Haryana* (2012) 4 SCC 629

<sup>5</sup> *State of U.P. v. Gaurav Kumar* (2025 SCC OnLine SC 1069)

The 2016 and 2020 Sand Mining Guidelines were initially treated as administrative directions. By incorporating them into judicial reasoning, the Court elevated their status to quasi-statutory norms enforceable under the Environment (Protection) Act, 1986.

### **C. Balancing Development and Ecology**

The case underscores that infrastructure projects—such as highways—cannot override environmental safeguards. Development that compromises ecological balance undermines constitutional values and long-term national interests.

## **10. CONCLUSION**

The Supreme Court’s decision in *Union Territory of Jammu & Kashmir v. Raja Muzaffar Bhat (2025)* is a landmark in India’s environmental jurisprudence. It transforms the procedural requirement of “District Survey Reports” into a substantive guarantee of scientific and ecological accountability. The ruling ensures that environmental clearance processes are not reduced to bureaucratic rituals but remain rooted in data, science, and sustainability.

By upholding the National Green Tribunal’s order, the Court sent a strong message that ecological negligence by authorities will not be tolerated. The judgment bridges the gap between law and environmental science, reaffirming that every developmental activity must operate within the ecological limits defined by nature itself.

In broader terms, the case contributes to India’s commitment to the **2030 Sustainable Development Goals (SDGs)**—particularly Goal 12 (responsible consumption and production) and Goal 15 (life on land). It also reinforces India’s obligations under international instruments such as the **Stockholm Declaration (1972)**, the **Rio Declaration (1992)**, and the **Paris Agreement (2015)**, all of which emphasise sustainable management of natural resources. The judgment stands as a guiding precedent for all future cases involving environmental clearance, sand mining, and natural resource governance. It is a judicial reminder that nature’s balance is not a negotiable parameter of development—it is the very foundation upon which lawful progress must rest.