2026 INSC 1203

REPORTABLE

IN THE SUPREME COURT OF INDIA
INHERENT/CIVIL APPELLATE JURISDICTION

SUO MOTO WRIT PETITION (CIVIL) NO(S). 8 OF 2025

IN RE: 2 MILLION LIVES AT RISK, CONTAMINATION IN JOJARI RIVER, RAJASTHAN

WITH

CIVIL APPEAL NO(S). 5517-5519 OF 2022

CIVIL APPEAL NO(S). 8748 OF 2022

CIVIL APPEAL NO(S). 9057-9058 OF 2022

CIVIL APPEAL NO(S). 9010-9011 OF 2022

O R D E R

1. The present proceedings concern the continuing degradation of the Jojari-Bandi-Luni river ecosystem and the need for coordinated, effective and time-bound measures for its restoration and protection. By order dated 29th September, 2026, this Court, upon consideration of the reports and recommendations of the High-Level Ecosystem

Oversight Committee[1], the status reports filed by the State of Rajasthan and the submissions advanced on behalf of the respective parties, took note of the continuing sources of pollution, deficiencies in pollution-control infrastructure and gaps in enforcement. This Court observed that, notwithstanding the directions issued from time to time, several concerns remained unaddressed and that a proactive and preventive mechanism was necessary to secure the effective restoration of the river ecosystem.

2. Accordingly, this Court issued directions concerning, *inter alia*, the removal of unauthorised discharge points, enforcement against illegal industrial activities and mining, review of the guidelines governing captive Effluent Treatment Plants, augmentation of effluent treatment infrastructure, protection of the natural flow of the rivers and completion of remediation measures. The State was also directed to coordinate with the Committee, finalise a Comprehensive Resolution Plan with specific timelines and measurable milestones,

[1] Hereinafter, being referred to as "Committee".

and assess the feasibility of relocating polluting industrial areas situated close to the river systems. The matter was directed to be listed on 26th October, 2026.

3. Pursuant to the aforesaid order, the Committee has forwarded a Note placing on record its observations and recommendations in respect of the issues requiring further consideration and appropriate directions. The State of Rajasthan has also filed a compliance affidavit setting out the steps taken pursuant to the directions issued by this Court.

4. The Committee, in its Note, has raised serious concerns regarding the proposed redetermination of the edges and widths of the rivers Jojari, Bandi and Luni by the Water Resources Department on the basis of the estimated flow of sewage and treated wastewater. In its communication dated 7th October, 2026, the Department sought to justify this exercise by relying upon the proceedings before this Court on 22nd September, 2026. The Committee, however, upon examining the order dated 22nd September, 2026, observed that no such direction had been issued by this Court to treat sewage or treated

wastewater as the basis for determining the geographical boundaries or widths of the rivers. It has, therefore, cautioned that the Department has misconstrued the directions of this Court, thereby risking the attribution to this Court of a position that it has neither directed nor endorsed. The Committee has further observed that the existing river corridors and their recorded widths are reflected in the records maintained by the Revenue Department and the Water Resources Department, and that no demonstrated necessity exists for undertaking an exercise which may displace the recorded river corridors by reference to the volume of sewage flowing through particular stretches.

5. The Committee has illustrated the consequences of the proposed methodology by referring to two specific locations along the Luni River in District Balotra. At Bhituja, the recorded width of the river is approximately 1,172 metres, whereas at Ajit, the recorded width is approximately 794 metres. The Committee has cautioned that reducing the width at these locations to merely about eight metres, on the basis of a totally flawed engineering assessment of sewage or treated wastewater flow,

would effectively reduce the river to a narrow channel carrying sewage and effluent, disregarding its recorded geographical extent and natural characteristics. Such an exercise, in the Committee's view, would defeat the object of the directions issued by this Court for the preservation, protection and restoration of the river ecosystem.

6. The Committee has, accordingly, recommended that the State Government be directed to preserve the entire river corridors of the Luni, Jojari and Bandi rivers, together with their tributaries and distributaries, in accordance with the boundaries recorded by the Revenue Department and the Water Resources Department, whichever reflects the greater extent. It has further recommended the maintenance of an additional protective zone of 100 metres on either side of the recorded outer boundaries and a prohibition on red-category industries within 500 metres thereof.

7. The Committee has further highlighted that the preparation of a comprehensive blueprint for the entire Luni River System, including its tributaries and distributaries, remains incomplete despite the passage of considerable time. It has emphasised that

a consolidated, scientifically grounded blueprint is essential for coordinated restoration and rejuvenation of the river system. The Committee has, therefore, recommended that the outstanding district-wise blueprints be furnished expeditiously and consolidated into a comprehensive blueprint/plan of the entire river ecosystem specifying location-wise restoration measures, the authorities responsible for their implementation and definite timelines.

8. The Committee has expressed serious concern over indiscriminate and unscientific *bajri* mining across the Luni-Jojari-Bandi river system and its tributaries, observing extensive excavation across substantial stretches of riverbeds and, at certain locations, practically their entire width, threatening natural flow paths, sediment movement, groundwater recharge and ecological balance. It has particularly highlighted five contiguous mining plots at Village Kanana, Tehsil Pachpadra, District Balotra, spanning 458.6 hectares and approximately 8.1 kilometres of riverbed. Mining has commenced in Plots Nos. 201, 203 and 204, while Letters of Intent for the remaining two plots bearing Nos. 202 and 205,

have been accepted, though environmental clearance is still pending. Noting that the cumulative ecological impact cannot be assessed by examining individual leases in isolation, the Committee has recommended reconsideration of existing leases, wherever necessary, to preserve undisturbed stretches, and that environmental clearance for the two pending plots be withheld.

9. The Committee has further expressed concern that illegal mining continues at several locations despite the availability of information regarding such activities and the existence of an established statutory enforcement framework. It has noted that the persistence of these activities, notwithstanding the directions issued by this Court in earlier proceedings, raises serious questions regarding the effectiveness of field surveillance and enforcement. The Committee has also pointed to the failure to furnish complete information regarding permitted and illegal mining areas, leases, permissible extraction quantities, mining depth, replenishment and restoration obligations, thereby impeding a comprehensive assessment of the damage caused.

10. The Committee has, therefore, recommended immediate action against illegal mining, including seizure of machinery and vehicles and initiation of appropriate penal and recovery proceedings; strict verification of ongoing operations against approved mining plans; and scientific assessment of replenishment before fresh extraction is permitted in previously excavated stretches. It has also called for an independent investigation by a Special Investigation Team into organised illegal mining, the networks and beneficiaries involved, and any complicity or dereliction of duty by public officials. An accessible grievance-redressal mechanism permitting anonymous complaints, protecting the confidentiality of complainants and ensuring independent verification and time-bound action has likewise been recommended.

11. The Committee has expressed concern over the inadequate progress in establishing and augmenting Common Effluent Treatment Plants[2] and Zero Liquid Discharge[3] facilities in the Jodhpur, Pali and Balotra industrial clusters. It has observed that

[2] For short, "CETPs".
[3] For short, "ZLD".

administrative assurances and projected completion dates cannot be a substitute for treatment capacity commensurate with the volume of industrial effluent generated. While acknowledging the proposed 4 MLD ZLD facility at Jodhpur as an immediate remedial measure, the Committee has emphasised that it cannot, by itself, fulfil the larger obligation of achieving complete ZLD. It has accordingly recommended, and that the CETP Trust, the Rajasthan State Pollution Control Board[4] and the State Government ensure, in a time-bound manner, 100% ZLD compliance at CETP, Sangaria, Jodhpur. The Committee has further stressed the need for effective monitoring of all CETP/ZLD projects, periodic reporting of physical progress and accountability for delays, so as to ensure the timely creation of adequate treatment capacity.

12. We have heard Mr. S.V. Raju, learned Additional Solicitor General and Mr. Shiv Mangal Sharma, learned Additional Advocate General appearing for the State of Rajasthan; Mr. Rishabh Sancheti,

[4] For short, "RSPCB".

learned counsel appearing for the applicants; and Mr. Digvijay Singh Jasol, appearing in person.

13. At the hearing on 26th October, 2026, Mr. S.V. Raju, learned Additional Solicitor General appearing for the State of Rajasthan, fairly submitted that the exercise undertaken by the Water Resources Department for redetermination of the river widths on the basis of sewage and treated wastewater flow was misconceived and could not be sustained. He further submitted that the State was willing to refrain from granting permissions for the establishment of new industries until the High Flood Line and the buffer zones are lawfully determined, having regard to the records maintained by the Revenue Department and the Water Resources Department.

14. Mr. Rishabh Sancheti, learned counsel appearing for the applicant, namely, Jodhpur Pollution Control and Research Foundation, in Interlocutory Application Nos. 299204 of 2026 (Application for Directions) and 299206 of 2026 (Application for Intervention), submitted that, pursuant to the order dated 29th September, 2026, the applicant had placed its proposal for the 4 MLD ZLD project before the Committee, which had

recommended that the project be implemented and commissioned strictly within the committed timelines, without any further relaxation. He submitted that the proposal is now required to be placed before the State Government for approval, and that execution of the project can commence only thereafter. Learned counsel submitted that the applicant is willing to undertake the project subject to compliance with all applicable environmental norms, consent conditions, technical requirements and other statutory obligations. He accordingly sought permission to place the proposal before the State Government and requested that the State be directed to consider the same, including the request for financial assistance towards establishing ZLD plants and creating the requisite infrastructure, including redistribution pipelines for conveying RO permeate to the designated points of reuse. He submitted that the State Government may take an expeditious decision upon undertaking the necessary technical appraisal and statutory checks.

15. Mr. Digvijay Singh Jasol, appearing in person, referred to the Note circulated by him and raised concerns regarding the precarious groundwater

situation in the Balotra region. He submitted that the Balotra block, comprising Balotra, Bithuja and Jasol, has been classified as a Dark Zone/Over-Exploited Area since the 1990s, having regard to groundwater extraction *vis-à-vis* recharge as per the standards of the Central Ground Water Authority. Referring to the findings recorded by the National Green Tribunal[5] in its order dated 9th July, 2015, he submitted that groundwater extraction for commercial and industrial purposes has been prohibited in such areas. He contended that permitting extraction for industrial activities, when groundwater resources were already severely depleted, posed a grave threat to the region's water security and ecology.

16. Mr. Jasol further submitted that, during a meeting with Mr. S.V. Raju, learned Additional Solicitor General, and the concerned officials, it was indicated that a certain quantity of groundwater extraction was permitted for small industries. According to him, such permissions would further aggravate the depletion of groundwater in the Balotra district. He also drew attention of this Court to the

[5] For short, "NGT".

findings of the National Productivity Council report, which had highlighted extensive groundwater contamination in Balotra and Pali and the need for further hydrological studies to assess its spread and formulate a comprehensive remediation plan. He further highlighted that the State Government had not meaningfully addressed the findings of the report and questioned the basis for revoking, in 2011, the moratorium on the establishment of polluting textile industries.

17. Mr. Jasol also raised concerns regarding the proposed textile park at Newai at a distance of about 30 Kms from Balotra and the functioning of approximately 135 Effluent Treatment Plant (ETP) units in the Balotra block, submitting that only a handful were operating in accordance with ZLD norms. He contended that the scattered location of these units impeded effective regulatory monitoring and enabled the discharge of untreated effluent into drains or through tankers. He accordingly sought a moratorium on the establishment of new textile industries in the over-exploited Balotra block, detailed inspections of the existing ETP units, and further assessment of groundwater contamination

and the consequential agricultural losses. He emphasised that the State of Rajasthan has not filed any response to the Note circulated by him and submitted that, having regard to the seriousness of the issues raised therein, the State ought to be called upon to file its response.

18. We have perused and considered the compliance affidavit filed on behalf of the State of Rajasthan. The affidavit indicates that certain steps have been taken by the State authorities in furtherance of the directions issued by this Court, including the constitution of district-level vigilance teams, initiation of enforcement action against illegal industrial units, and measures for assessment and recovery of environmental compensation. However, a substantial number of the initiatives contemplated under the directions of this Court are still stated to be under consideration at the level of the State Government or the concerned departments. The initiation of administrative processes, by itself, cannot be treated as fulfilment of the directions issued by this Court. What is required is their effective implementation on the ground, within definite timelines and under clearly identified

institutional responsibility. Given the urgency and gravity of the environmental concerns involved, the State cannot be permitted to allow bureaucratic delays to impede or frustrate the implementation of the directions issued by this Court.

19. One particularly concerning aspect emerging from the compliance affidavit relates to the position taken by the Department of Mines and Geology regarding illegal gravel mining in the Luni, Jojari and Bandi rivers and the tributaries of the Luni River. The State has reported that, in several areas where illegal gravel mining had previously been detected, mining leases have subsequently been granted in accordance with the prescribed procedure, and that mining operations in such areas are now being undertaken in a regulated and sustainable manner. The affidavit further states that instances of illegal mining are presently being detected only in isolated areas, against which enforcement action is being taken.

20. The aforesaid position gives rise to a serious concern. The fact that mining leases may have subsequently been granted in accordance with the prescribed procedure does not, by itself, answer the question whether the grant of such leases is

environmentally sustainable or consistent with the need to preserve and restore the natural course, riverbed and ecological integrity of the river systems. Where illegal mining has previously been detected, the subsequent grant of a lease over the same area cannot be treated as sufficient to dispel the concerns arising from the earlier activity, without an independent and scientifically informed assessment of the cumulative environmental impact.

21. The explanation furnished by the State, if accepted without further scrutiny, would risk reducing the problem of illegal mining to one of *post facto* regularisation and sanctioning of activities that were otherwise illegal, thereby lending legitimacy to such mining operations. Compliance with the prescribed procedure for grant of a mining lease and compliance with the environmental safeguards governing the actual conduct of mining are distinct requirements. The former cannot be a substitute for the latter. It is, therefore, necessary to ascertain whether the areas subsequently brought under mining leases were assessed with due regard to the natural flow of the rivers, the integrity of their beds and banks, replenishment capacity, groundwater

recharge and the cumulative impact of mining across contiguous stretches.

22. We deprecate the apparent attempt on the part of the Mining Department of the State of Rajasthan to legitimise illegal mining activities being carried out in the riverbeds by subsequently granting mining leases, rather than taking appropriate action against those responsible. We shall consider directing appropriate action against the officers found responsible for permitting or facilitating such activities.

23. The State cannot discharge its obligation to protect the river systems merely by reporting the number of cases detected, FIRs registered, penalties recovered or leases granted. The relevant consideration is whether the measures adopted are capable of preventing further degradation and securing the restoration of the affected areas. The concerns raised by Mr. Jasol regarding groundwater depletion, the operation of industrial units and the possible consequences for agriculture also underscore the need for a coordinated assessment of the relationship between mining, industrial pollution and the ecological condition of the river systems.

24. In the light of the foregoing, the following directions are issued to address the concerns arising from the note forwarded by the Committee and to ensure effective protection and restoration of the river systems: -

A. In view of the submission made by Mr. S.V. Raju, learned Additional Solicitor General appearing for the State of Rajasthan, we hereby restraint the State from granting any further permission for the establishment of new industrial units along or in the vicinity of the riverine ecosystem until the High Flood Line and the buffer zones are scientifically determined, having due regard to the records maintained by the Revenue Department and the Water Resources Department. In addition to the foregoing, an additional protective zone of 100 metres shall be maintained on either side of the respective recorded outer boundaries of the rivers. No Red Category industry shall be permitted to be established within a distance of 500 metres from the said recorded outer boundaries.

B. The State of Rajasthan shall constitute a Special Investigation Team (SIT) within three days from the date of receipt of this Order. The SIT shall be

headed by an officer not below the rank of Inspector General of Police and shall include, *inter alia*, the Superintendents of Police of Jodhpur, Balotra and Pali. The SIT shall undertake a comprehensive investigation into organised illegal *bajri* mining activities affecting the Luni, Jojari and Bandi rivers and their tributaries. The investigation shall extend to identifying the persons and entities involved in such activities, the networks through which the illegal extraction, transportation and sale of *bajri* are organised, and the beneficiaries of such operations. The SIT shall also examine the role, if any, of public officials in facilitating or enabling such activities, including instances of collusion, dereliction of duty or failure to take action despite knowledge of the violations. Upon completion of the investigation, appropriate action shall be initiated against all persons found responsible, in accordance with law.

C. The SIT shall file a status report before this Court on or before the next date of hearing, indicating the progress made in the investigation and the steps taken pursuant to the directions issued herein.

D. The State of Rajasthan shall file a separate affidavit specifically addressing the issues and concerns raised by Mr. Jasol in the Note submitted by him. The affidavit shall respond to the matters raised therein and set out the action taken, or proposed to be taken, by the concerned authorities.

E. The Registry shall implead the Central Ground Water Authority (CGWA) as a party to the present proceedings within one week from the receipt of this Order. Upon being impleaded, the CGWA shall file an affidavit setting out the status of groundwater availability, extraction and depletion in the districts of Jodhpur, Balotra and Pali, along with its assessment of the prevailing groundwater situation in these districts.

F. The Integrated Public Reporting and Environmental Grievance Redressal Mechanism, directed to be established by this Court *vide* order dated 7th August, 2026, shall specifically incorporate a facility for the submission of anonymised complaints concerning illegal *bajri* mining and other unlawful activities affecting the riverine ecosystem. The mechanism shall provide

for the appropriate recording, examination and referral of such complaints to the competent authorities for necessary action in accordance with law.

G. The State of Rajasthan shall formulate a comprehensive policy for extending financial assistance to industrial units desirous of establishing ZLD plants. Pending formulation of such policy, the State shall duly consider applications seeking financial assistance for the establishment of ZLD plants and the associated pipeline network on a case-to-case basis, upon due technical appraisal and verification, and take an appropriate decision expeditiously.

H. The State of Rajasthan shall take necessary steps to establish an appropriate redistribution pipeline network for the conveyance and reuse of treated wastewater and RO permeate, so as to facilitate its optimum utilisation by industrial units and minimise the discharge of effluents into the river systems. The State shall examine the technical and financial requirements for establishing such a network and prepare a time-bound plan for its implementation.

25. Having regard to the complex and multifaceted nature of the issues involved in the present proceedings, we deem it appropriate to appoint Mr. Balbir Singh, learned Senior Counsel, assisted by Mr. Namit Saxena, learned Advocate-on-Record, as *Amici Curiae* to assist this Court in the effective consideration and resolution of the issues arising herein.

26. The Registry shall forward a copy of this order to Hon'ble Mr. Justice Sangeet Lodha, Judge (Retd.), High Court of Judicature for Rajasthan on his email address: j.sangeetlodha@gmail.com, as well as to Mr. Shiv Mangal Sharma, learned Additional Advocate General appearing for the State of Rajasthan; Mr. Balbir Singh, learned Senior Counsel; and Mr. Namit Saxena, learned Advocate-on-Record.

27. List the matters again on 27th November, 2026 as part-heard.

Interlocutory Application Nos. 324760 (For Intervention) & 324761 (For Directions) filed on behalf of Bherawa Textiles Industries Pvt. Ltd.

28. Mr. Rishabh Sancheti, learned counsel appearing for the applicant, Bherawa Textile Industries Pvt. Ltd., submitted that the present

application seeks a limited clarification regarding the effect of the orders dated 18th March, 2026 and 29th May, 2026 passed by this Court in the present proceedings. He submitted that the applicant's Consent to Operate, valid until 31st January, 2030, was revoked by RSPCB by order dated 18th August, 2026, and the applicant's unit was directed to be closed. Aggrieved thereby, the applicant had invoked the statutory appellate remedy under Section 16(c) of the NGT Act, 2010, by filing an appeal bearing No. 14 of 2026 (CZ) before the NGT on 24th August, 2026. However, upon the RSPCB relying upon the aforesaid orders of this Court, the NGT, by order dated 28th September, 2026, directed that the proceedings would be governed by the orders passed by this Court. The applicant thereafter withdrew its appeal on 5th October, 2026, without adjudication on merits.

29. Learned counsel submitted that the impugned order of the RSPCB dated 18th August, 2026 constitutes a subsequent and independent regulatory action, the legality of which has not been examined on merits. He contended that the orders passed by this Court in the present proceedings ought not to be construed as extinguishing the

statutory appellate jurisdiction of the NGT to examine the validity of such action. Emphasizing that the applicant does not seek permission to resume operations in derogation of the directions issued by this Court, he submitted that the issues concerning the legality of the closure order are distinct from the question of resumption of operations and involve factual and technical matters best left to be examined by the NGT in the first instance. He accordingly prayed for a clarification that the orders dated 18th March, 2026 and 29th May, 2026 do not, by themselves, preclude the NGT from exercising its jurisdiction under Section 16(c) of the NGT Act, and sought restoration of the applicant's earlier appeal or, in the alternative, liberty to institute a fresh appeal with appropriate protection in respect of limitation.

30. It is apposite to note that by orders dated 18th March, 2026 and 29th May, 2026, this Court had cast an obligation upon the concerned authorities of the State of Rajasthan and the RSPCB to take appropriate enforcement action against industrial units operating in violation of statutory requirements, the conditions stipulated in their Consent to Operate, or the prescribed environmental

standards. The directions were intended to ensure strict compliance with the applicable environmental norms and to prevent the continued operation of units found to be in breach thereof.

31. This Court had further directed that industries ordered to remain closed pursuant to the action taken by the State of Rajasthan and the RSPCB shall not be permitted to resume operations except with the prior leave and express permission of this Court. These directions were intended to ensure that no industrial unit resumes operations without satisfying the requisite environmental standards and obtaining the express permission of this Court. They must, however, be understood in the context of their object and scope, namely, the enforcement of environmental safeguards and the regulation of the resumption of operations by industrial units.

32. The aforesaid directions cannot be construed as excluding or extinguishing the statutory appellate jurisdiction vested in the NGT under the NGT Act, 2010 to examine the legality and sustainability of an independent regulatory order passed by the RSPCB. The adjudication of a challenge to the legality of such an order is distinct from the grant of permission to

resume operations. The exercise of appellate jurisdiction by the NGT, in accordance with law, would not, by itself, dilute or circumvent the binding directions issued by this Court, nor would it entitle an industrial unit to resume operations contrary to those directions.

33. In view of the foregoing discussion, the interlocutory applications filed by the applicant, namely, Bherawa Textile Industries Pvt. Ltd. are disposed of with liberty to the applicant to approach the NGT by filing an appropriate application seeking restoration of Appeal No. 14 of 2026 (CZ), which was withdrawn on 5th October, 2026, without adjudication on merits. In the event such an application is filed, the NGT shall consider and dispose of the same on its own merits, in accordance with law and in the light of the observations made hereinabove.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI;
OCTOBER 26, 2026.