Progress Report

On Compliance of

Hon'ble NGT order dt. 04 Sep 2018

In the matter

O. A. No. 173 of 2018

(Sudarsan Das Vs State of West Bengal & Others)

31st December 2019

Submitted by

Ministry of Environment, Forest & Climate Change

Government of India

Background:

Hon'ble National Green Tribunal (NGT) in the matter O. A. No. 173 of 2018 (Sudarsan Das Vs State of West Bengal & Others) had given following directions vide order dated 04.09.2018 to Ministry of Environment, Forests and Climate Change (MoEF&CC):

"Para 25: In view of above discussion, we are of the view that since the subject of mining is also required to be regulated for protection of environment and it is to take care of this requirement, MoEF&CC has issued directions from time to time under Section 3 and 5 of the Environment (Protection) Act, 1986. The MoEF&CC needs to revise its directions keeping in mind the following:

i) Mining Surveillance System discussed in para 23 above be finalized in consultation with ISRO Hyderabad;

ii) Safeguards suggested in Sustainable Sand Mining Guidelines published by the MoEF&CC in the year 2016;

iii) Suggestions in the High Power Committee Report.

iv) Requirement of demarcation of boundaries being published in respect of different leases in public domain;

v) Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining

material as well as cost of ecological restoration and net present value of future eco system services forgone.

vi) *Need to set up a dedicated institutional mechanism for effective monitoring of sand and gravel mining which may also take care of mining done without any EC and also in violation of EC conditions;*

vii) *The Mining Department may make a provision for keeping apart at least 25% of the value of mined material for restoration of the area affected by the mining and also for compensating the inhabitants affected by the mining. One of the conditions of every lease of mine or minerals would be that there will be independent environmental audit at least once in a year by reputed third party entity and report of such audit be placed in public domain.;*

viii) *In the course of such environmental audit, a three-member committee of the local inhabitants will also be associated. Composition of three- member committee may preferably include ex-servicemen, former teacher and former civil servant. The Committee will be nominated by the District Magistrate.*

27. The direction with regard to setting up of dedicated institutional mechanism for monitoring of conditions of EC as granted under EIA notification, 2006 in respect of sand and gravel mining as directed in para (vi) may be an over-

encompassing body to monitor the conditions of EC with respect to development of all projects.

2. Further, Hon'ble NGT vide order dated 5th April 2019 in the same matter constituted a committee for preparation of a scale of compensation which can be adopted in whole of country. The same is produced below:

> *"57. We consider it necessary to constitute a Committee comprising representatives of the MoEF&CC, Central Pollution Control Board (CPCB), Indian Institute of Forest Management, Bhopal, Institute of Economic Growth Delhi and Madras School of Economics to prepare a scale of compensation, after including the above components which can then be adopted in whole of the country. The report may be furnished within three months to the Tribunal by email at ngt.filing@gmail.com. The nodal agency for compliance and coordination will be CPCB. The Committee may also take professional service of an expert/ institution in the matter if it so desires."*

3. The matters were again taken up on 26th July, 2019 by the Hon'ble Tribunal, wherein the prevailing compliance status was expected from the respondents. Hon'ble Tribunal in its order dated 26.07.2019 has granted opportunity to MoEF&CC to report the compliance status of the direction passed by NGT vide its order dated 04.09.2018 and also directed that the Additional Secretary concerned of MoEF&CC be present in person with the

compliance report on the next date of hearing. The order is reproduced below:

Para 8 ..... *Neither MoEF&CC has taken steps nor given any explanation for its failure. None appeared for the MoEF&CC during hearing but while dictating the order, learned counsel for MoEF&CC suddenly appeared and only casual explanation furnished is that MoEF&CC has approached the Hon'ble Supreme Court. While seeking of reasonable time for compliance on the ground that the matter was pending in higher Court may stand on different footing, there is no justification for unreasonable delay for more than 9 months on the part of the MoEF&CC. Learned counsel for the applicant submitted that in absence of any stay, order of this Tribunal may be enforced by coercive measures. We find merit in the submission, but before doing so, we give an opportunity for compliance of the directions and direct Additional Secretary concerned of MoEF&CC to remain present in person with the compliance report and an explanation as to why action be not taken against the person responsible for the default."*

4. Action taken by MoEF&CC for compliance of Hon'ble NGT Order Dated 04.09.2018

i. MoEF&CC received the order dated 4.09.2018 on 24.09.2018.

ii. MoEF& CC has issued letter to Ministry of Mines (MoM) along with the order of NGT for compliance, as 6 out of 9 directions required follow-up action by Ministry of Mines (**Annexure-1**).

iii. Ministry of mines acknowledging the communication received from MoEF&CC vide letter dt. 26.12.2018 had highlighted the Mining Surveillance System (MSS) developed based on satellite imagery and its benefits in monitoring illegal mining of major minerals by all States. However, no reference on monitoring of minor minerals like sand through MSS was made (**Annexure-2**).

iv. MoEF&CC vide letter dated 11thDec 2018 requested Forest Research Institute (FRI) Dehradun to formulate a mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone as desired by the Hon'ble NGT (**Annexure-3**). A Committee has been constituted by Hon'ble NGT vide order dated

05.04.2019 and in this regard the report will be submitted separately.

v. The work on harmonisation of Sustainable Sand Mining Management Guidelines – 2016 (SSMG-2016) with recommendation of High Power Committee constituted by NGT in the matter OA 184/2013 has been completed. However, the ministry felt it necessary to have a comprehensive view taking account of experiences gained while implementing the SSMG-2016, and therefore is working to revise the SSMG in a more comprehensive manner taking into account the best practices and other feedback received from stakeholders. This exercise is being carried out under the directions of Hon'ble Minister of EF & CC, for which last review on the draft was taken on 17.12.2019.

vi. A review meeting was conducted on 13.08.2019 with various stakeholders viz. Ministry of Mines (MoM), National Remote Sensing Centre (NRSC), Bhaskaracharya Institute for Space Applications and Geo-Informatics (BISAG) and officials of concerned divisions of MoEF&CC. Necessary follow-up was made with stakeholders for submission of action on the decision taken in the meeting. (**Annexure-4)**.

vii. The National Remote Sensing Centre (NRSC) provided its comments vide its letter dated 23.09.2019 (**Annexure-5**).

viii. As no response from Ministry of Mines was received after the 13.08.2019 meeting, a DO letter addressed to JS-MoM was issued by JS-IA on 30.09.2019 requesting for furnishing the status of compliance in view of the decision taken in the meeting held on 13.08.2019. It was followed by a reminder letter (**Annexure-6**) and in absence of any response, a D.O. Letter from Additional Secretary was issued on 18.10.2019. The Ministry of Mines submitted its reply vide letter dated 24.10.2019 (**Annexure-7**).

ix. Ministry of Mines in its letter dated 24.10.2019 mentioned that most of the points come under the preview of State Government and due to this Ministry conducted a review meeting with representative of State/UT Government on 17.12.2019. Minutes of the meeting is enclosed as **(Annexure-8)**

Present Compliance Status

5. Progress made as on 31.12.2019 on the Compliance of Hon'ble directions in case no. 173 of 2018 dated 04.09.2018 is given below:

i. **Para 25 (i) "*Mining Surveillance System* discussed *in para 23 above be finalized in consultation with ISRO Hyderabad.*"**

Para 23: ..... Ministry of Mines (MoM) & Indian Bureau of Mines (IBM) have developed Mines Surveillance System (MSS), with assistance from BISAG and MEITY. The MSS is a satellite based monitoring

system which aims to establish a regime of responsive mineral administration by curbing instances of illegal Mining activity through automatic remote sensing detection technology.

1) As per the (Allocation of Business) Rules, 1961 (as amended), Ministry of mines is responsible for the following:

   a) *Legislation for regulation of mines and development of minerals within the territory of India, including mines and minerals underlying the ocean within the territorial waters or the continental shelf, or the exclusive economic zone and other maritime zones of India as may be specified, from time to time, by or under any law made by Parliament.*

   b) *Regulation of mines and development of minerals other than coal, lignite and sand for stowing and any other mineral declared as prescribed substances for the purpose of the Atomic Energy Act, 1962 (33 of 1962) under the control of the Union as declared by law, including questions concerning regulation and development of minerals in various States and the matters connected therewith or incidental thereto.*

   c) *All other metals and minerals not specifically allotted to any other Ministry/Department, such as, aluminium, zinc, copper, gold, diamonds, lead and nickel.*

2) Pursuant to above mentioned allocation of Business rules, the Ministry of Mines is the Nodal Ministry for Implementation and enforcement of "The Mines and Minerals (Development and Regulation) Act, 1957 (as amended)". Further as per Section 23 C of MMDR, Act 1957, State Government is empowered to make rules for preventing illegal mining, transportation and storage of minerals.

3) Ministry of Mines being the Nodal Ministry for regulating mining operation in the country, MoEF&CC forwarded the order of Hon'ble NGT dated 04.09.2018 to Ministry of Mines for necessary compliance. Ministry of Mines was also called for the review meeting held on 13.08.2019 to submit their action taken on compliance of the order. The Minutes of review meeting was also circulated to Ministry of Mines on 06.09.2019. A formal response from Ministry of mines was received on 25.10.2019 wherein it has mentioned the following:

a) *Mining Surveillance System (MSS) is Geo Spatial Configuration of Mining Leases (a closed boundary string) database which can be superimposed over satellite imagery. Thus it is a generic system on GIS platform which be used for any mineral without any limitation. The system checks a region of 500 meters around the existing mining lease boundary to search for any unusual activity which is likely*

to be illegal mining. Any discrepancy if found is flagged-off as a trigger.

b) *It was developed by Ministry of Mines through Indian Bureau of Mines (IBM) collaboration with Ministry of Electronics and Information Technology (MeitY) and Bhaskaracharya Institute for Space Applications and Geo-informatics (BISAG) and launched in Oct 2016. This has been developed to facilitate the State Governments in curbing instance, of illegal mining.*

c) *To initiate the System Mining Leases of minerals administered under MCDR were plotted. Thereafter the State Governments were also asked to use the MSS by plotting mining lease of minor mineral on this platform for detecting/curbing illegal mining. Various DO letter has been sent by the Ministry for training/capacity building of States, as a result various States have deputed their officers to have training and plotting leases and have hands-or training/experience of MSS. State wise details is Annexed.*

4) National Remote Sensing Centre (NRSC), Dept. of Space vide vide its letter dated. 23.09.2019 (Copy as (**Annexure-5**) conveyed their technical submission that use of satellite imaginary is a challenge for monitoring of illegal sand mining. The details of their submission is as below:

(a) Illegal sand mining areas are difficult to delineate conclusively from satellite data because the sand has

high reflecting body and mined area changes do not have unique spectral signatures in the pre and post satellite images.

(b) It is difficult to establish the illegality since many of the mine boundaries are not accurately geo-fenced using DGPS coordinates. Hence, changes beyond the lease hold boundary becomes difficult to establish

(c) Some morphological changes can be observed within the sand bodies but to establish its legality from satellite date becomes difficult because these can happen due to river dynamics especially during flood and lean flow. The natural river erosion and deposition can be mistaken for mining or the mining area gets obliterated during the flood flow of the river.

(d) Accurate depth of excavation of sand is difficult to establish from Digital Elevation Model derived from stereoscopic satellite data to understand the volume of mined material.

In view of the above, it is understood that use of satellite imaginary for monitoring of illegal sand mining is a technical challenge for regulating purpose.

II. **Para 25 (ii) "*Safeguards suggested in Sustainable Sand Mining Guidelines published by the MoEF&CC in the year 2016*"**

(iii) "*Suggestions in the High Power Committee Report*" of Hon'ble NGT Order dated 4.09.2018.

Progress Made:

The recommendations of the High Power Committee Constituted by Hon'ble NGT in the matter of OA 184/2013, orders passed by NGT in other similar matters along with experience and suggestion received on implementation of present Sustainable Sand Mining and Management Guidelines-2016 issued by Ministry has been complied and accordingly in consultation with some experts, dealing sand mining, a draft guideline on enforcement and monitoring of sand mining has been prepared.

In addition, the relevant provision of sand mining frame work published by Ministry of Mines has been considered as base for all monitoring and enforcement purpose, except for environmental related issue.

Further, requirement and procedure of Replenishment study for River Sand mining has also been suitably incorporated.

The draft guideline is submitted before competent authority for consideration before it is circulated to stakeholder for their feedback /suggestion to finalize the guideline.

A discussion with limited input was received from states which attended meeting on 17.12.2019 but formal response on each direction of NGT is still awaited.

III. **Para 25 (iv) "*Requirement of demarcation of boundaries being published in respect of different leases in public domain*"**

Ministry of Mines is the Nodal Ministry for Implementation of provision of The Mines and Minerals (Development and Regulation) Act, 1957 (as amended). Further as per Section 15 of MMDR, Act 1957 the State Government is empowered to make rules in respect of minor minerals including grant of Mining lease. The state government while grant of letter of intent or mining lease is required to demarcate the boundary points. Thus, demarcation of mining leases & their display in public domain comes under the purview of concerned Mining Department of State Governments.

It has been observed that the Letter of Intent (LoI) issued by State Mining department for sand mining doesn't have the geo-coordinates and mostly have the land reference number from revenue records. It is therefore stated that the State mining department shall mention the geo-coordinates in the LoI issued to the proponent and the same will be considered by Ministry/SEIAA while appraising the project through Decision Support System (DSS) or Google Map with the help of KML file.

However, in the Term of Reference (ToR) /Environmental Clearance (EC) form developed by this Ministry, there is a provision for providing coordinates (Latitude and longitude of the boundary) and for uploading of KML files on Parivesh Portal. The information provided by the project proponent in the respective forms are considered for appraisal by EAC/SEAC and

the same is reproduced in the EC/ToR letter. (Copy of Form 1M, Parivesh Portal showing geo-coordinates for reference **Annexure -9)**

During the meeting held on 17.12.2019 this point was discussed and some State Government informed that geo-coordinates tagging of lease area have started. The State Governments were requested to provide the status in this regard, which is still awaited.

IV. **Para 25 (v) "*Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone*"**

Present Status

Hon'ble NGT in its order 5th April 2019 in the same matter, constituted a committee steered by CPCB for same purpose comprising of experts from different institutes, wherein MoEF&CC is also a member. This committee is already constituted & is working to develop the mechanism for evaluating loss to ecology; cost of restoration & NPV of future ecosystem services foregone due to illegal mining, therefore it was deemed appropriate that the outcomes/recommendations of this committee shall be utilised for ensuring compliance of Hon'ble NGT orders.

CPCB is the nodal agency for coordination of this aspect and for submitting the compliance in this regard separately. It has been informed that the has submitted its report to CPCB and CPCB will be filing the appropriate compliance report.

V. **Para 25 (vi) "*Need to set up a dedicated institutional mechanism for effective monitoring of sand and gravel mining which may also take care of mining done without any Environmental Clearance* as *well* as *mining done in violation of Environmental Clearance conditions*"**

Para 27: "*The direction with regard to setting up of dedicated institutional mechanism for monitoring of conditions of Environmental Clearance as granted under EIA Notification, 2006 in respect of sand and gravel mining as directed in para (vi) may be an Over-Encompassing Body to monitor the conditions of Environmental Clearance with respect to all development projects*".

(a) Sand Mining done without any Environmental Clearance qualifies under illegal mining. Ministry of Mines is mandated for enforcement and implementation of provisions of Mines and Minerals (Development and Regulation) Act, 1957. Under Sec 23 (C) of the Mines and Minerals (Development and Regulation) Act, 1957, the State Govt. is empowered to make rules to prevent illegal mining. Therefore, Ministry of Mines was requested to provide the compliance in this regard with the concerned stakeholders.

(b) The Environmental Clearance monitoring is being done by Regional Office of MoEF&CC for category 'A' projects and for category 'B' project by respective SEIAA.

Further, the MoEF&CC vide its notification S.O. 637(E) dated 28.02.2014 delegated the powers vested in it under section 5 of the said Act to all the State and Union Territory Environment Impact Assessment Authorities (Hereinafter referred to as the said Authorities) constituted by the Central Government under sub-section (3) of section 3 of Environment (Protection) Act, 1986, to issue show cause notice to project proponents in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction and to issue directions to the said project proponents for keeping such environment clearances in abeyance or withdrawing them, if required, for violations, subject to the condition that the Central Government may revoke such delegation of powers or may itself invoke the provisions of section 5 of the said Act, if in the opinion of the Central Government such a Course of action is necessary in the public interest.

Further, the monitoring mechanism is already under consideration of Hon'ble NGT in the matter O.A. No. 837/2018. (Copy as (**Annexure-10**) and based on the direction of Hon'ble NGT the concerned department of the Ministry has devised a plan for strengthening its monitoring

system and submitted to Hon'ble NGT on 25th September, 2018.

The salient features of the proposed action plan for monitoring of EC conditions by MoEF&CC, is as below:

i. *Strengthening the Monitoring Cell in the Ministry.*
ii. *Writing to Regional Offices of the Ministry, Regional Directorates of CPCB and State Pollution Control Boards for all the details with respect to the existing staff and vacancies, their preparedness and specific Action Plan for taking up monitoring of Category A and Category B projects.*
iii. *Evolving a mechanism for online maintenance of monitoring and compliance data.*
iv. *SEIAA is directed to take action on non-compliances w.r.t. Category B projects as per EIA notification 2006.*
v. *Filling up of vacant posts in Regional offices.*
vi. *Selection and hiring of independent agency for providing technical support.*
vii. *Constitution of Monitoring Evaluation Committee (MEC) for deciding the periodicity of monitoring of various category of project/industry, Reviewing the integration of all the existing statutory inspections (EC, CTO, CTE, etc.), Evaluate the Report of Independent Agency, Formulation of Standard Operating Procedure (SOP) for inspection and monitoring, web*

based system for end to end digitization of the whole monitoring mechanism, etc.

viii. *Initiate actions towards strengthening/ expansion of ROs on the basis of available report of MEC.*

ix. *Initiate action towards manpower and infrastructure augmentation in all the concerned agencies for effective implementation of monitoring and compliance on the basis of MEC report.*

VI. Para 25 (vii) *"The Mining Department may make a provision for keeping apart at least 25% of the value of mined material for restoration of the area affected by the mining and also for compensating the inhabitants affected by the mining"*

The provision of this direction is within the mandate of Mining department and accordingly, Ministry of Mines was requested to pursue the compliance in this regards and provide the compliance progress.

Present Status:

a) The Ministry of Mines in its reply submitted on 24.10.2019 inter-alia mentioned that a) Section 9B introduced through the MMDR Amendment Act, 2015, prescribes the establishment of District Mineral Foundation (DMF) in any district affected by mining related operations, the object of which is to work for the interest and benefit of persons, and areas affected by mining related operations. Directions have been issued under section 20A of Mines and Minerals

(Development and Regulation) (MMDR) Act -on 16.09.2015 to all States to incorporate the Pradhan Mantri Khanij Kshetra Kalyan Yojna (PMKKKY) into the rules framed by them for the District Mineral Foundations (DMFs), b) PMKKKY is a scheme for transforming the living standards, social up-liftment of people and for development of areas affected by the Mining related operations. At least 60% of PMKKKY ' funds are being utilized for projects in high priority areas like [(i) drinking water supply; (ii) environment preservation and pollution control measures; (iii) health: care; iv) education; (v) welfare of women and children; (vi) welfare of aged and disabled people; (vii) skill development; and (viii) Sanitation.], c) The rest of the funds are utilized for the carrying out projects in the field of: (i) physical infrastructure; (ii) irrigation; (iii) energy and watershed development; and (iv) any other measures for enhancing environmental quality in mining district, and d) As on 30th August 2018 more than Rs. 31,830 Crores has been collected under this scheme. Total 13,3217 projects have been taken up under the scheme out of which. 45,517 projects have been completed. Total 9,555 Crore has been spent so far.

b) Reply from the State Government is yet to be received.

VII. Para 25 (viii) "*One of the conditions of every lease of mine or minerals would be that there will be independent environmental audit at least once in a year*

by reputed third party entity and report of such audit be placed in public domain"

Para 25 (ix) *"In the course of such environmental audit, a three-member committee of the local inhabitants will also be associated. Composition of three member's committee may preferably include ex-servicemen, former teacher and former civil servant. The Committee will be nominated by the District Magistrate"*

The provision of the direction at para 25 (Viii) is to incorporate a condition in the lease of mines and minerals. Ministry of Mines is the Nodal Ministry for Implementation of provision of The Mines and Minerals (Development and Regulation) Act, 1957 (as amended). Further as per Section 15 of MMDR, Act 1957 the State Government is empowered to make rules in respect of minor minerals including grant of Mining lease. Accordingly, Ministry of Mines was requested to pursue the compliance in this regard and provide the compliance progress status.

Present Status:

a) Ministry of Mines vide its letter dated 24.10.2019 submitted that Mining Lease deed is executed between the State Government and the Lessee. One of the pre-requisite of getting Mining Lease executed is the EC issued by MoEF&CC, irrespective of the type of mineral whether minor or other. Besides this, one of the important conditions of EC is the regular monitoring of various environmental parameters and its report submissions. MoEF&CC may issue necessary directions to the State Governments to incorporate the provision of environmental audit in the lease deed.

b) The Ministry during the meeting held on 17.12.2019 asked the representative of State Government to provide the compliance on the same.

VIII. Para 26 "*Such steps may be worked out within two months and circulated to all States. The Mechanism may provide for a report of implementation from the concerned States every quarter. The matter may be reviewed after every six months by the MoEF&CC*".

In compliance to direction dated 4 September 2018, as most of the point raised are pertaining to Ministry of Mines a review meeting was called by Joint Secretary (IA-II division), MoEF&CC on 13th August, 2019 to assess the progress made by different stakeholders with respect to directions issued by the Hon'ble Tribunal in the aforementioned case. Copy of minutes of meeting is same as **Annexure-4.** The Ministry of Mines vide its letter dated informed that most of the points raised are pertaining to State Government due to this a meeting was held on 17.12.2019 wherein Mines Department of all the States/UTs were invited but representative from State of Haryana, Rajasthan, Uttrakhand, Gujarat, Karnataka and Telangana attended the meeting. The Ministry circulated minutes of the meeting to all the State/UTs
for their comments and the same is still awaited.

ANNEXURE 1

Court Matter/Time Bound

6648

F. No. L-11011/175/2018-IA-II (M)
Government of India
Ministry of Environment, Forest & Climate Change
Impact Assessment Division

3rd Floor, Vayu Wing,
Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi-110 003
Email: rb.lal@nic.in
Phone/Fax: 011-24695362

Dated: 12th December 2018

To,

The Joint Secretary
Ministry of Mines
Shastri Bhawan, Dr. Rajendra Prasad Road,
New Delhi – 110 001

Sub: Order dated 04th September, 2018 & 13th September, 2018 passed by the Hon'ble National Green tribunal, New Delhi in O.A. No. 173 of 2018 & O.A. No. 186 of 2016 in the matters titled *"Sudarsan Das Vs State of West Bengal & Ors"* & *"Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr."* respectively– regarding.

Sir,

This is with reference to the recent order of the Hon'ble NGT dated 04th September, 2018 in the matter titled *Sudarsan Das Vs State of West Bengal & Ors* & and order dated 13th September, 2018 in the matter *Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr.*

2. The Hon'ble NGT *vide* order dated 04th September, 2018 in O.A. No. 173 of 2018 (*Sudarsan Das Vs State of West Bengal & Ors*) has cited out the following:-

> *"It has been brought to our notice that Ministry of Mines & Indian Bureau of Mines (IBM) have developed Mines Surveillance System (MSS), with assistance from Bhaskaracharya Institute for space applications and Geoinformatics (BISAG), Gandhinagar and Ministry of Electronics and Information Technology (MEITY). The Mining Surveillance System (MSS) is a satellite-based monitoring system which aims to establish a regime of responsive mineral administration by curbing instances of illegal mining activity through automatic remote sensing detection technology."*

3. The Hon'ble NGT in direction given to MoEF&CC vide above order dated 04.09.2018, inter-alia mentioned about *"Mining Surveillance System discussed in para 23 above be finalized in consultation with ISRO Hyderabad".* As

the Mines Surveillance System (MSS), has been developed by Ministry of Mines & Indian Bureau of Mines (IBM) with assistance from Bhaskaracharya Institute for Space Applications and Geoinformatics (BISAG), Gandhinagar and Ministry of Electronics and Information Technology (MEITY). In view of the above, it is thereby requested to finalize the same in consultation with ISRO Hyderabad as per direction of Hon'ble NGT.

4. In view of the above, the undersigned is directed to forward the copy of the aforementioned order for necessary compliance and thereby also provide with the comments and suggestions on the implementation of the directions of the Hon'ble NGT. The Comments may kindly be provided **urgently latest by 20.12.2018.**

5. This issues with the approval of the Competent Authority.

Yours faithfully,

Encl: As above

(Dr. R.B. Lal)
Scientist 'E'

ANNEXURE 2
2.1

No. 31/2/2016-M.III (Part II)
Government of India
Ministry of Mines

New Delhi, dated the 26th December,2018

Office Memorandum

Sub: Order dated 04th September, 2018 & 13th September, 2018 passed by the Hon'ble National Green tribunal, New Delhi in O.A. No. 173 of 2018 & O.A. No. 186 of 2016 in the matters titled "Sudarsan Das Vs State of West Bengal & Ors" & "Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr.".

The undersigned is directed to refer to your letter No. L-11011/175/2018-IA-II (M) dated 12th December, 2018 on the above cited subject. The status report of Mining Surveillance System (MSS) is enclosed for necessary action.

(A.K.Mallik)
Under Secretary to the Government of India
Tel No.011- 23384743
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To

Ministry of Environment, Forest & Climate Change
(Attn : Dr. R.B.Lal, Scientist 'E')
Impact Assessment Division, 3rd Floor, Vayu Wing,
Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj, New Delhi-110 003

Please compile

IC (MK)

Dte Scientist (MK)
Dy No. 2046
Date 16/1/19

MSS is a satellite-based monitoring system which aims to establish a regime of responsive mineral administration, through public participation, by facilitating State Governments in curbing instances of illegal mining by making use of space technology in the form of Satellite images. It also enable Citizen to register any complaints of illegal mining noticed by them. It covers the entire country and accessible to all Citizens by means of the mobile app, specifically developed for the purpose.

2. There was no robust mechanism to deal with illegal mining in the country, when the lessee go beyond his allotted lease area and indulge in illegal mining. It was very difficult to check each and every lease physically as most of the leases are located on hilly terrain and in very remote places. The illegal mining complaints were not addressed properly as one had to submit the complaint in writing and the complaint used to take a very long route before same are addressed and no permanent record of the complaints so received where maintained . There was no transparency dealing with the cases of illegal mining. In his address at the National Meet on Promoting Space Technology based Tools and Applications in Governance and Development, in New Delhi on 7th September, 2015, Prime Minister of India, Shri Narendra Modi, emphasized on the role of space science in achieving good governance and directed all departments to explore effective use of space technology. Following PM's vision, MSS was conceptualized in the Central Coordination cum Empowered Committee meeting of the Ministry of Mines with the Mining Departments of the major mineral rich States on 15th December, 2015.

3. This is first of its kind System, where the space technology is used in the detection of illegal mining in the Country and hence is a case of exemplary use of the emerging technology. The mining surveillance system aims to facilitate the State Governments in curbing the illegal mining by using space technology in the form of Satellite Imagery. The satellite imagery consist of images of the earth taken from the satellites and for the MSS, the latest available satellite Imagery of Cartosat-1have been used. Cartosat-1 carries two state-of-the-art panchromatic (PAN) cameras that take black and white stereoscopic pictures of the earth in the visible region of the electromagnetic spectrum with spatial resolution is 2.5 metres. In the Mining Surveillance System, which is satellite based monitoring system, the lease areas of the mines are first plotted in the system, Georeferenced , Digitised and are superimposed on the Satellite Images.

A-2.3

4. The entire system is web based, where the users have been provided with user name and passwords to access the system. The Mining Surveillance Project was launched by Hon'ble Union Minister of State (IC) for Power, Coal, New & Renewable Energy and Mines, Shri Piyush Goyal on 15th October 2018 in New Delhi..In the mining surveillance system, the Khasra plan/Cadastral Plan were Scanned, Georefernced , digitized and then superimposed on the satellite imagery of Cartosat-1. After the lease area was superimposed, then a 500 m buffer zone was marked all-round the mining leases. Any activities within this 500 m buffer zone and outside the lease boundary were closely monitored and any unusual activities noticed were flagged off as the trigger, which could be the cases of illegal mining. Thus initially total 296 triggers were generated across the country and same were subject to field verification by the officials. In the 2nd phase total 52 triggers for major minerals were detected and sent to the respective State Government officials for the field verification and 130 triggers for the minor minerals from the plotted leases were also detected. A user-friendly mobile app has been created which can be used by the officials to submit compliance reports of their field verification. An executive dashboard has been designed under MSS to work as a decision support system. Using this dashboard, officials can track the current status of mapping of the mining leases, reasons for triggers, the status of inspections related to triggers generated.

5. **The project is having following distinct advantages:-**

- Satellite based technology with minimum human Interference – thus more transparent and unbiased recording
- Remote & inaccessible areas can be approached
- Integration of information from multiple sources- satellite imagery, cadastral plan, etc.
- It will be an effective tool for monitoring of illegal mining- location, extent and trends
- Various MIS report can be generated.
- The system will be deterrent for the possible illegal mining.

6. The Mining Surveillance System is highly sustainable as numbers of State Governments are coming forward to implement the similar mining surveillance system for their minor minerals, where the incidences of illegal mining are more. It's been two years since the project was launched and it is highly accepted by the stake holders and proved to be very useful tools in curbing the illegal

mining. In order to ensure sustainability, Indian Bureau of Mines has imparted training to 179 officials of the various State Governments. The project is highly appreciated by the Ministry of Environment, Forest and Climate Change as same would help to know how many mines are located in a particular area for the pollution load assessment etc. The project has resulted in drastically reducing the number of illegal mining as the in the first phase that is year 2016, there were 296 triggers which were sent to respective State Governments and in the year 2018, there are only 52 triggers detected in respect of major minerals leases plotted in the System. Thus system has played important role in deterrence of the illegal mining in the country. The entire system is web based and for submitting the field verification reports of the triggers, the mobile app is specifically designed for the use of the State Government officials and they have to compulsorily submit the report through mobile app only, which reduced the time and need to submit report in physical report.Thus the productivity has been increased immensely by use of the Mining Surveillance System and there is psychologically pressure in the general public that Illegal mining activities are now being monitored through the Satellite and hence if any one indulges in the same, then they will be caught and this has lead to less number of illegal mining activities.

7. The system has proved very useful tool as for the first time space technology was used in detecting the illegal mining in the Country. The following are the main outcomes.
   a. The system of detection of illegal mining has become more transparent where the finding are based on comparing the satellite images of different time span in order to understand the changes in the ground and thus unbiased recording.
   b. The mining area located in Remote & inaccessible areas can be approached without any difficulty.
   c. The Mining Surveillance system involved the Integration of information from multiple sources- satellite imagery, cadastral plan, etc. and hence now all these record can be accessed just by click of the mouse.
   d. It has been effective tool for monitoring of illegal mining- location, extent and trends can be monitored by comparing the satellite image of different years.
   e. The various MIS reports can be easily generated now from the system within fraction of second and hence reduced the time required to prepare the reports.
   f. The system has provided an effective deterrence mechanism for the illegal mining in the country.

By Speed Post/Online

ANNEXURE 3

F.No. L-11011/175/2018-IA. II (M)

Government of India

Ministry of Environment, Forest and Climate Change

Impact Assessment Division

***

Indira Paryavaran Bhavan,
Vayu Wing, 3rd Floor, Aliganj,
Jor Bagh Road,
New Delhi-110 003

Date: 11th December, 2018

To,

The Director,
Forest Research Institute,
P.O. New Forest,
Dehradun
Email:dir_fri@icfri.org

Sub.: Hon'ble NGT Order dated 04.09.2018 in O.A No 173 of 2018 in the matter of Sudarsan Das Vs. State of West Bengal & Ors. -Reg.

Sir,

This has reference Hon'ble NGT Order dated 04.09.2018 in O.A No 173 of 2018 in the matter of Sudarsan Das Vs. State of West Bengal & Ors.(copy enclosed), wherein, the Hon'ble NGT inter-alia mentioned that *" In view of above discussion, we are of the view that since the subject of mining is also required to be regulated for protection of environment and it is to take care of this requirement, MoEF&CC has issued directions from time to time under Section 3 and 5 of the Environment (Protection) Act, 1986. The MoEF&CC needs to revise its directions keeping in mind the following:"*

Para 25 (v) " Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone."

2. In the same order dated 04.09.2018 in the direction give to Gov. of West Bengal the Hon'ble NGT has inter-alia mentioned the following:

The Committee shall also get the assessment done through Indian Council of Forestry Research and Education, Dehradun of the ecological damage on account of illegal mining by incorporating the following components:

a) Cost of river bed material

b) Cost of ecological restoration.

c) Net present value of the future ecosystem services foregone.

3. The matter was examined in the Ministry and undersigned is directed to request Forest Research Institute, Dehradun to formulate mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone as desired by the Hon'ble NGT.

4. In view of the above, it is requested to provide your comments within a week to enable the Ministry to take further necessary action in this regard to comply with the direction of Hon'ble NGT.

Encl: As above

Yours faithfully

(Dr. R.B. Lal)
Scientist 'E'
E-Mail: - rb.lal@nic.in
Phone/Fax: 011-24695399

ANNEXURE-4

4.1

Minutes of Meeting held under chairpersonship of Ms. Richa Sharma, Joint Secretary MoEF&CC on 13.08.2019 at 4:00 PM in Narmada Conference Hall, MoEF&CC for Compliance of Hon'ble NGT, New Delhi Order dated 4th September, 2018 and 13th September, 2018 in OA No. 173/2018 & O.A. No. 186/2016 in the matters titled "Sudarsan Das Vs MoEF&CC"

At the outset, Ms. Richa Sharma, Joint Secretary, MoEF&CC welcomed all participants and informed them about the directions given by Hon'ble NGT on 4th September, 2018 and 13th September, 2018 in OA No. 173/2018 & O.A. No. 186/2016 in the matters titled "Sudarsan Das Vs MoEF&CC". The List of participants is attached as Annexure-1. Relevant extracts from NGT order in WP No. 360/20016 dated 4th Sep 2018 on which compliance has to be reported is at Annexure II. The following agenda points were discussed during the meeting.

Agenda Item No. 1: Compliance of Para 25 (i) i.e. "*Mining Surveillance System discussed in para 23 above be finalized in consultation with ISRO Hyderabad.*" of Hon'ble NGT Order dated 4.09.2018.

The representative of Ministry of Mines (MoM) informed that the Ministry of Mines & Indian Bureau of Mines (IBM) have developed Mines Surveillance System (MSS), with assistance from Bhaskaracharya Institute for space applications and Geo-informatics (BISAG), Gandhinagar and Ministry of Electronics and Information Technology (MEITY). The Mining Surveillance System (MSS) is a satellite-based monitoring system which aims to establish a regime of responsive mineral administration by curbing instances of illegal mining activity through automatic remote sensing detection technology. The MSS is limited to identify the instance of illegal mining of major minerals only. However, while developing the MSS some minor minerals mines were also taken into account as they are falling close to major mineral mining leases. The representative of Ministry of Mines informed that the grant of mining lease for minor minerals and illegal mining (major & minor minerals) comes under the control of State Government and Ministry of Mines has no role to play.

The representative of BISAG informed that the information pertaining to minor minerals of some district were also covered under Mining Surveillance System and if required the same can be extended for all the Districts. The Ministry of Mines may provide the details of district covered so far.

The representative of National Remote Sensing Centre (NRSC), ISRO informed that it is not possible to monitor the illegal mining of sand through satellite imagery and a detailed note on the same will be submitted to the MoEF&CC for onward submission to Hon'ble NGT.

Action Point:

i) The Ministry of Mines will provide its detailed comments on the issue of development of MSS for Minor Minerals (including sand mining) so that the same can be submitted to Hon'ble NGT. It is the responsibility of MoM to convey compliance /progress report to MoEF&CC on para 25(i) by **20th September 2019**, for this Ministry to submit the compliance report to Hon'ble NGT. MoM may take inputs from BISAG & ISRO as appropriate.

(Action: Ministry of Mines)

ii) The NRSC (ISRO) will provide the detailed note to MoM by 15th September, 2019, on the possibility of monitoring illegal sand mining through satellite imagery, so that the same can be submitted to Hon'ble NGT. A copy of the note may be sent to MoEF&CC for submitting the compliance report to Hon'ble NGT.

(Action: NRSA/ISRO)

Agenda Item No. 2: Compliance of Para 25 (ii) i.e. *"Safeguards suggested in Sustainable Sand Mining Guidelines published by the MoEF&CC in the year 2016" of Hon'ble NGT Order dated 4.09.2018.*

The Director Non-Coal Mining Division informed that Hon'ble NGT initially directed to issue directions under Section 3 and 5 of EPA, 1986 but later on Hon'ble NGT directed to revise the Sustainable Sand Mining Management Guidelines (SSMMG), 2016 considering the suggestion made by Hon'ble NGT in order dated 4.09.2018. He further informed that the focus of Hon'ble NGT is on monitoring mechanism, recommendation of High Power Committee, and other NGT orders passed in similar matters. Although, the recommendations of HPC are more or less part of SSMMG, 2016, harmonization of SSMMG,2016 with other Hon'ble NGT orders needs to be carried out. The same will be completed and reported to NGT.

Action Point: Non –Coal Mining Sector needs harmonize the SSMMG with NGT orders along with HPC recommendations within 15 days.

(Action: NCM Division, MoEF&CC)

Agenda Item No. 3: Compliance of Para 25 (iv) i.e. *"Suggestions in the High Power Committee Report" of Hon'ble NGT Order dated 4.09.2018.*

Conveyed under Agenda Item No. 2

Agenda Item No. 4: Compliance of Para 25 (iv) i.e. *"Requirement of demarcation of boundaries being published in respect of different leases in public domain"* of Hon'ble NGT Order dated 4.09.2018.

The representative of Ministry of Mines (MoM) informed that the grant of mining lease for minor minerals and monitoring of illegal mining (major & minor minerals) comes under the preview of State Government and Ministry of Mines has limited role. Further, the demarcation of the mining lease also comes under preview of concerned State Governments.

Director Non-Coal Mining, MoEF&CC informed that there is provision for submitting KML file (geographical co-ordinates on Google map) along with application submitted for Environment Clearance (EC) and accordingly, regulatory authorities while granting EC are mentioning the geographical coordinates in the EC letters as submitted by Project Proponent of the mining lease. It was suggested that demarcation of mining lease with geographical coordinates may be done at LoI stage by the concerned authority so the same records are used while granting EC by regulatory authority.

Action Point: The Ministry of Mines will provide their comments on feasibility of mentioning geographical co-ordinates at the LoI stage itself. Action taken on the suggestion in this regard shall be communicated to MoEF&CC by Ministry of Mines by 20th September, 2019. It is the responsibility of MoM to communicate the progress report to MoEF&CC for further reporting of progress to Hon'ble NGT.

(Action: Ministry of Mines)

Agenda Item No. 5: Compliance of Para 25 (v) i.e. *"Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone"* of Hon'ble NGT Order dated 4.09.2018.

It was informed by Director, NCM-MoEF&CC that Hon'ble NGT in its order dated 5th April 2019 in the same matter vide para 57 has constituted a committee comprising of representatives of MoEF&CC, CPCB, Indian Institute of Forest Management - Bhopal, Indian Institute of Economic Growth Delhi, to prepare a scale of compensation which can be adopted in whole of the country. The

committee has submitted an interim report to Hon'ble NGT. Hon'ble NGT has directed to submit the report of the committee within 3 months.

Further, it was submitted that preparation of another SOP by another group of experts will not be in harmony of the objective, and therefore, the final report of the committee constituted for this purpose can be considered by MoEF&CC for further examination.

It was decided that MoEF&CC will consider the Committee report for further perusal in order to issue SOP for laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of damages from the legal miners.

Action Point: Dir (NCM) to provide the status of the meeting of the said Committee and time taken to finalize the report to be submitted to Hon'ble NGT.

(Action: NCM Division, MoEF&CC)

Agenda Item No. 6(a) : Compliance of Para 25 (vi) i.e. *"Need to set up a dedicated institutional mechanism for effective monitoring of sand and gravel mining which may also take care of mining done without any Environmental Clearance as well as mining done in violation of Environmental Clearance conditions"* of Hon'ble NGT Order dated 4.09.2018.

Agenda Item No. 6 (b): Compliance of Para 27 i.e. "The direction with regard to setting up of dedicated institutional mechanism for monitoring of conditions of Environmental Clearance as granted under EIA Notification, 2006 in respect of sand and gravel mining as directed in para (vi) may be an Over-Encompassing Body to monitor the conditions of Environmental Clearance with respect to all development projects" of Hon'ble NGT Order dated 04.09.2018.

It was informed that there are two issues

(1) Monitoring of Illegal mining and
(2) Monitoring of EC compliance.

The State Department of Mines and Geology is the nodal authority entrusted with the enforcement and regulation of mining operations in State including illegal mining. State Government regulates grant of mining leases and other concessions in respect of all minor minerals including sand. The enforcement of sand mining leases, controlling and abating illegal sand mining is largely vested with the State Governments. Section 23 C of The Mines and Minerals (Development and Regulation) Act, 1957 gives power to State Government to make rules for preventing illegal mining, transport and storage of minerals.

Therefore, it was decided that Ministry of Mines shall explore for further strengthening or setting up of dedicated institutional mechanism for effective monitoring of illegal sand and gravel mining, in consultation with State Governments. A note with action proposed in this this regard may be submitted by Ministry of Mines to MoEF&CC by 20th September, 2019.

(Action: Ministry of Mines)

It was further informed that SPCBs are the nodal authority in the State for dealing with cases related to Pollution or Environment Management coming under the purview of The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986. The mandate of MoEF&CC is to have adequate mechanism to monitor compliance of EC conditions. With regards to dedicated institutional mechanisms for effective monitoring of violation of Environmental Conditions, Scientist 'E' - Monitoring cell, IA division, MoEF&CC informed that Hon'ble NGT in another matter (O. A. No. 837/2018) has passed direction vide order dated 29.042.1923.07.019 to MoEF&CC to evolve an appropriate monitoring mechanism in consideration of guidance given by Hon'ble NGT.

It was decided that the status report on the progress made in this regard may be provided by Monitoring cell-MoEF&CC, so that the same is submitted before the Hon'ble NGT for compliance of order.

(Action: Monitoring Cell, IA-Division, MoEF&CC)

Agenda Item No. 7: Compliance of Para 25 (vii) i.e. *"The Mining Department may make a provision for keeping apart at least 25% of the value of mined material for restoration of the area affected by the mining and also for compensating the inhabitants affected by the mining"* of Hon'ble NGT Order dated 4.09.2018.

The representative of Ministry of Mines informed that as per the provision of Section 9B of MMDR Act, 1957, the State Government are required to establish a trust as a non-profit body to be called as District Mineral Foundation (DMF) in any district affected by mining related operations.

Action Point: The Ministry of Mines will provide details on the provision in reference to the said direction with emphasis on the provision if any for restoration of the area affected by mining and also for compensating the inhabitants affected by mining, for onward submission to Hon'ble NGT.

(Action: Ministry of Mines)

Agenda Item No. 8: Compliance of Para 25 (viii) i.e. *"One of the conditions of every lease of mine or minerals would be that there will be independent environmental audit*

at least once in a year by reputed third party entity and report of such audit be placed in public domain" of Hon'ble NGT Order dated 4.09.2018."

It was informed that the mining lease is done between State Government Mining department and project proponent. Therefore, for compliance to include the said condition in the lease deed with regard to independent environmental audit at least once in a year as per Hon'ble NGT order needs to be complied by the concern State Government Department.

Action Point: Ministry of mines may take appropriate follow-up action in this regard with the concerned State Government Departments and provide the progress/compliance status in this regard.

(Action: Ministry of Mines)

Agenda Item No. 9: Compliance of Para 25 (ix) i.e. *"In the course of such environmental audit, a three-member committee of the local inhabitants will also be associated. Composition of three member's committee may preferably include ex-servicemen, former teacher and former civil servant. The Committee will be nominated by the District Magistrate"* of Hon'ble NGT Order dated 4.09.2018.

It was informed that the instant order delegates power for constitution of committee to District Magistrate. Therefore, Policy division of MoEF&CC may explore the feasible option to ensure environmental audit.

Action Point: Policy division- MoEF&CC will examine the issue and inform on the progress in this regards to NCM division, by 20th September, 2019.

(Action: IA-Policy Division/MoEF&CC)

Agenda Item No. 10: Compliance of Para 26 i.e. *"Such steps may be worked out within two months and circulated to all States. The Mechanism may provide for a report of implementation from the concerned States every quarter. The matter may be reviewed after every six months by the MoEF&CC"* of Hon'ble NGT Order dated 4.09.2018.

Chairperson requested all concerned to submit their inputs positively by 20th Sept. 2019 to Director, NCM for compilation of the status report on each of the points above. The progress report should be submitted to Hon'ble NGT at the earliest, preferably by 1st week of October, 2019.

The Meeting end with thanks to chair.

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Annexure-I

ATTENDANCE SHEET

Meeting date 13.08.2019

S.NO	Name & Designation	CONTACT NO/email	SIGNATURE
1.	Rucha Sharma JS MoEFCC	sricha@ias.nic.in	Rucha
2.			
3.	Sundeep Director NCM	9423080104 sundeep.moef@gmail.com	
4.	Sharath kumar pallela director, mnre	9205819757 Sharath.kr@gov.in	
5.	Dr V.M. Chowdary Scientist/Engineer 'G'	9436754217 Chowdary_vm@nrsc.gov.in	
6.	Dr Shruti Rai Chaudhary Addl Dir, MoEFCC	9971016377 shruti.rai@nic.in	
7.	VL Ravi Kullai DIG (WL)	Ravi.Kullai@nic.in	
8.	RAVI KUMAR Legal Asstt. (WL)	9891536356 ravi.kr85@nic.in,	
9.	Pushpender Gaur RO(M)	9680877223 ro-delhi@cbm.gov.in	13/08/19
10.	T P SINGH Director	9909945001 info@bisag.gujarat.gov.in	
11.	TUSHAR RAI Sr. Con., MeitY	7838604566 tushar@meity.gov.in	
12.	Amit Vashishtha SC'D'	8860055857 amit.vashishtha@nic.in	
13.	Dr. Ramesh A MoES	ramesh.angulorie@gov.in	
14.	Dr. Thillai Sivakumar Scientist 'B'	thillai.sivakumar@gov.in	
15.	Manmeet Knight Sci-C	m.knight@gov.in	

ANNEXURE-II

DIRECTIONS TO MOEF & CC

(i) Mining Surveillance System discussed in para 23 above be finalized in consultation with ISRO Hyderabad.

(ii) Safeguards suggested in Sustainable Sand Mining Guidelines published by the MOEF&CC in the year 2016.

(iii) Suggestions in the High Power Committee report.

(iv) Requirement of demarcation of boundaries being published in respect of different leases in public domain.

(v) Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone.

(vi) Need to set up a dedicated institutional mechanism for effective monitoring of sand and gravel mining which may also take care of mining done without any Environmental Clearance as well as mining done in violation of Environmental Clearance conditions.

(vii) The Mining Department may make a provision for keeping apart atleast 25% of the value of mined material for restoration of the area affected by the mining and also for compensating the inhabitants affected by the mining.

(viii) One of the conditions of every lease of mine or minerals would be that there will be independent environmental audit atleast once in a year by reputed third party entity and report of such audit be placed in public domain.

(ix) In the course of such environmental audit, a three-member committee of the local inhabitants will also be associated. Composition of three members committee may preferably include ex-servicemen, former teacher and former civil servant. The Committee will be nominated by the District Magistrate.

5.1

23. Offences by companies.—(*1*) If the person committing an offence under this Act or any rules made thereunder is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed with the consent or connivance of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals;

(*b*) "director" in relation to a firm means a partner in the firm.

[1][**23A. Compounding of offences.**—(*1*) Any offence punishable under this Act or any rule made thereunder may, either before or after the institution of the prosecution, be compounded by the person authorised under section 22 to make a complaint to the court with respect to that offence, on payment to that person, for credit to the Government, of such sum as that person may specify:

Provided that in the case of an offence punishable with fine only, no such sum shall exceed the maximum amount of fine which may be imposed for that offence.

(*2*) Where an offence is compounded under sub-section (*1*), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender, if in custody, shall be released forthwith.]

[2][**23B. Power to search.**—If any gazetted officer of the Central or a State Government authorised by the Central Government [3][or a State Government, as the case may be,] in this behalf by general or special order has reason to believe that any mineral has been raised in contravention of the provisions of this Act or rules made thereunder or any document or thing in relation to such mineral is secreted in any place [3][or vehicle], he may search for such mineral, document or thing and the provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), shall apply to every such search.]

[4][**23C. Power of State Government to make rules for preventing illegal mining, transportation and storage of minerals.**—(*1*) The State Government may, by notification in the Official Gazette, make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) establishment of check-posts for checking of minerals under transit;

(*b*) establishment of weigh-bridges to measure the quantity of mineral being transported;

(*c*) regulation of mineral being transported from the area granted under a prospecting licence or a mining lease or a quarrying licence or a permit, in whatever name the permission to excavate minerals, has been given;

(*d*) inspection, checking and search of minerals at the place of excavation or storage or during transit;

(*e*) maintenance of registers and forms for the purposes of these rules;

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1. Ins. by Act 56 of 1972, s. 13 (w.e.f. 12-9-1972).
2. Ins. by Act 25 of 1994, s. 9 (w.e.f. 25-1-1994).
3. Ins. by Act 38 of 1999, s. 18 (w.e.f. 18-12-1999).
4. Ins. by s. 19, *ibid.* (w.e.f. 18-12-1999).

(*f*) the period within which and the authority to which applications for revision of any order passed by any authority be preferred under any rule made under this section and the fees to be paid therefor and powers of such authority for disposing of such applications; and

(*g*) any other matter which is required to be, or may be, prescribed for the purpose of prevention of illegal mining, transportation and storage of minerals.

(*3*) Notwithstanding anything contained in section 30, the Central Government shall have no power to revise any order passed by a State Government or any of its authorised officers or any authority under the rules made under sub-sections (*1*) and (*2*).]

24. Power of entry and inspection.—(*1*) For the purpose of ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any other purpose connected with this Act or the rules made thereunder, any person authorised by the [1][Central Government or a State Government] in this behalf, by general [2]*** order, may—

(*a*) enter and inspect any mine;

(*b*) survey and take measurements in any such mine;

(*c*) weigh, measure or take measurements of the stocks of minerals lying at any mine;

(*d*) examine any document, book, register, or record in the possession or power of any person having the control of, or connected with, any mine and place marks of identification thereon, and take extracts from or make copies of such document, book, register or record;

(*e*) order the production of any such document, book, register, record, as is referred to in clause (*d*); and

(*f*) examine any person having the control of, or connected with, any mine.

(*2*) Every person authorised by the [1][Central Government or a State Government] under sub-section (*1*) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and every person to whom an order or summons is issued by virtue of the powers conferred by clause (*e*) or clause (*f*) of that sub-section shall be legally bound to comply with such order or summons, as the case may be.

[3][**24A. Rights and liabilities of a holder of prospecting licence or mining lease.**—(*1*) On the issue of a [4][reconnaissance permit, prospecting licence or mining lease] under this Act and the rules made thereunder, it shall be lawful for the [5][holder of such permit, licence or lease], his agents or his servants or workmen to enter the lands over which [6][such permit, lease or licence had been granted] at all times during its currency and carry out all such [7][reconnaissance, prospecting or mining operations] as may be prescribed:

Provided that no person shall enter into any building or upon an enclosed court or garden attached to a dwelling-house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

(*2*) The holder of a [4][reconnaissance permit, prospecting licence or mining lease] referred to in sub-section (*1*) shall be liable to pay compensation in such manner as may be prescribed to the occupier of the surface of the land granted under [8][such permit, licence or lease] for any loss or damage which is likely to arise or has arisen from or in consequence of the [9][reconnaissance, mining or prospecting operations].

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1. Subs. by Act 38 of 1999, s. 20, for "Central Government" (w.e.f. 18-12-1999).
2. The words "or special" omitted by s. 20, *ibid.* (w.e.f. 18-12-1999).
3. Ins. by Act 37 of 1986, s. 17 (w.e.f. 10-2-1987).
4. Subs. by Act 38 of 1999, s. 21, for "prospecting licence or mining lease" (w.e.f. 18-12-1999).
5. Subs. by s. 21, *ibid.*, for "holder of such licence or lease" (w.e.f. 18-12-1999).
6. Subs. by s. 21, *ibid.*, for "such lease or licence had been granted" (w.e.f. 18-12-1999).
7. Subs. by s. 21, *ibid.*, for "prospecting or mining operations" (w.e.f. 18-12-1999).
8. Subs. by s. 21, *ibid.*, for "such licence or lease" (w.e.f. 18-12-1999).
9. Subs. by s. 21, *ibid.*, for "mining or prospecting operations" (w.e.f. 18-12-1999).

Annexure -5

ANNEXURE

भारत सरकार
अन्तरिक्ष विभाग
राष्ट्रीय सुदूर संवेदन केन्द्र
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No.NRSC:RSA:11:19 September 23, 2019

Sub : Action item from the meeting held on 13 / 08/2019 regarding possibilities of monitoring sand mining using satellite data

Ref : F NO. Z-11012/175/2018-1A dated 6, Sep,2019

Sir,

With reference to above subject and reference number regarding possibility of monitoring illegal sand mining using satellite imagery, the followings points are brought to your kind notice:-

1. Illegal sand mining areas are difficult to delineate conclusively from satellite data because the sand has been high reflecting body and mined area changes do not have unique spectral signatures in the pre and post satellite images.
2. It is difficult to establish the illegality since many of the mine boundaries are not accurately geofenced using DGPS coordinates. Hence changes beyond the lease hold boundary becomes difficult to establish
3. Some morphological changes can be observed within the sand bodies but to establish its legality from satellite data becomes difficult because these can happen due to river dynamics especially during flood and lean flow The natural river erosion and deposition can be mistaken for mining or the mining area gets obliterated during the flood flow of the river
4. Accurate depth of excavation of sand is difficult to establish from Digital Elevation Model derived from stereoscopic satellite data to understand the volume of mined material

Yours faithfully,

(P.V.N. Rao) 23/9/19

To
Shri Sundeep
Director , Ministry of Environment Forest and Climate change (IA Division)
3 floor Vayu Block, Indira Paryavaran Bhavan
Jor Bagh Road, Aliganj, New Delhi-110003

CC : Director, NRSC
Dr V.M.Chaudhary, Scientist SG, NRSC, Delhi
Dr K Vinod Kumar, Gr.Head, GSG/RSA

JD(AV)
23/9/19

Annexure-6

~~Annexure-3~~

11

Gmail

SUNDEEP - <sundeep.moef@gmail.com>

11.1

Complaince of NGT Order-Reg

2 messages

Amit Vashishtha <amit.vashishtha@nic.in> 30 September 2019 at 19:25
To: "Dr. Niranjan Kumar Singh" <jse-mines@nic.in>
Cc: JS <sricha@ias.nic.in>, DIR-NCM <sundeep.moef@gmail.com>

Dear Sir,

Please find the attached herewith D. O. No. L-11011/175/2018-IA.II(M) dated 30.09.2019 for compliance of NGT Order dated 4th September, 2018
and 13th September, 2018 in O.A. No. 173/2018 & O.A.No. 186/2016 in the matter titled "Sudarsan Das Vs MoEF&CC".

--
With Regards

Amit Vashishtha
Scientist 'D'
MoEF&CC

2 attachments

D.O Letter.pdf
313K

MoM-13.08.2019.pdf
6821K

SUNDEEP - <sundeep.moef@gmail.com> 10 October 2019 at 17:04
To: Shruti Mishra <shruti05mishra@gmail.com>

[Quoted text hidden]
--
with regards

Sundeep
Scientist 'F' & Member Secretary (EAC-NCM)
A-106, Agni Tower,
Indira Paryavaran Bhawan, Aligunj
Jorbag, New Delhi - 110003
LL - +91 11 2469 5339

2 attachments

D.O Letter.pdf
313K

MoM-13.08.2019.pdf
6821K

Gmail

SUNDEEP - <sundeep.moef@gmail.com>

112

Reminder-2: Compliance of NGT Order-Reg

1 message

Amit Vashishtha <amit.vashishtha@nic.in> 9 October 2019 at 17:12
To: jse-mines@nic.in
Cc: JS <sricha@ias.nic.in>, DIR-NCM <sundeep.moef@gmail.com>, Pushpneder Gaur <pushpgaur@rediffmail.com>

Dear Sir,

This with reference to trailing mail wherein it was requested to provide the reply/comments of Ministry of Mines for compliance of Hon'ble NGT Order dated 13.09.2018. The information is still awaited and Ministry is unable to formulate the reply to be filed in Hon'ble NGT. In this regard it is requested to arrange to provide the requisite information at the earliest.

With Regards

Amit Vashishtha
Scientist 'D'
MoEF&CC

On 09/30/19 07:25 PM, **"Amit Vashishtha"** <amit.vashishtha@nic.in> wrote:

> Dear Sir,
>
> Please find the attached herewith D. O. No. L-11011/175/2018-IA.II(M) dated 30.09.2019 for compliance of NGT Order dated 4th September, 2018
> and 13th September, 2018 in O.A. No. 173/2018 & O.A.No. 186/2016 in the matter titled "Sudarsan Das Vs MoEF&CC".
>
> --
> With Regards
>
> Amit Vashishtha
> Scientist 'D'
> MoEF&CC

--
With Regards

Amit Vashishtha
Scientist 'D'
MoEF&CC

Annexure-7

No. 8/3/2019-M.V
Government of India
Ministry of Mines
******

Shastri Bhawan, New Delhi
Dated the 24 October, 2019

OFFICE MEMORANDUM

Subject: Compliance of Hon'ble NGT, New Delhi Order dated 04.09.2018 and 13.09.2018 in O.A. No. 173/2018 & O.A. No. 186/2016 the matter titled "Sudarsan vs. MoEF&CC"-regarding

The undersigned is directed to refer to M/o Environment Forest & Climate Change's D.O. letter No. L-11011/175/2018-IA.II (M) dated 30.09.2019 and 18.10.2019 on subject mentioned above. In this regard, status of compliance on the directions pertaining to this Ministry is enclosed.

Encl. As above

(Dr. Veena Kumari D.)
Director
Tel: 23388345
E-mail: veena.kumarid@gov.in

The Joint Secretary
(Kind attention: Mrs. Richa Sharma)
M/o Environment Forest and Climate Change
Indira Paryavaran Bhawan, Jor Bagh Road
New Delhi-03

Urgent.

Dir (NCM)

Richa 25/10/19

JD(AV)
Plz put up urgently.
1/11/19

AA(SM)

Status of compliance on the directions pertaining to Ministry of Mines

Point-wise inputs on the Agenda Items pertaining to Ministry of Mines are given as below:

1. **Action point on Agenda item 1 (i)**: Mining Surveillance System (MSS) is Geo Spatia Configuration of Mining Leases (a closed boundary string) database which can be superimposed over satellite imagery. Thus it is a generic system on GIS platform which can be used for any mineral without any limitation. The system checks a region of 500 meters around the existing mining lease boundary to search for any unusual activity which is likely to be illegal mining. Any discrepancy if found is flagged-off as a trigger.

   It was developed by Ministry of Mines through Indian Bureau of Mines (IBM) in collaboration with Ministry of Electronics and Information Technology (MeitY) and Bhaskaracharya Institute for Space Applications and Geo-informatics (BISAG) and launched in Oct 2016. This has been developed to facilitate the State Governments in curbing instances of illegal mining.

   To initiate the System Mining Leases of minerals administered under MCDR were plotted. Thereafter the State Governments were also asked to use the MSS by plotting mining leases of minor mineral on this platform for detecting/curbing illegal mining. Various DO letter has been sent by the Ministry for training/capacity building of States, as a result various States have deputed their officers to have training and plotting leases and have hands-on training/experience of MSS. State wise details is Annexed.

2. **Action point on Agenda item 4**: Ministry of mines has no role on issuing of LOI. Issuing LOI is state subject and there was already a provision for precise demarcation of the concession area in MCR 1960. In case of auctioning of mineral concession blocks the precise demarcation is mentioned in notification and tender document as per extant statutory provisions.

   Grant of Mining Leases, illegal mining, precise demarcation of the mining lease boundary comes under the sole control of the State Government.

3. **Action point on Agenda item 6(b):** Mechanism for handling illegal sand mining is State Subject as per section 23C of MMDR Act 1957. Hence Ministry of Mines has no comments to offer.

4. **Action point on Agenda item 7:** Section 9B introduced through the MMDR Amendment Act, 2015, prescribes the establishment of District Mineral Foundation (DMF) in any district affected by mining related operations, the object of which is to work for the interest and benefit of persons, and areas affected by mining related operations. Directions have been issued under section 20A of Mines and Minerals (Development and Regulation) (MMDR)

Act on 16.09.2015 to all States to incorporate the Pradhan Mantri Khanij Kshetra Kalyan Yojana(PMKKKY) into the rules framed by them for the District Mineral Foundation (DMFs).

PMKKKY is a scheme for transforming the living standards / social upliftment of people and development of areas affected by the Mining related operations. At least 60% of PMKKKY funds are being utilized for projects in high priority areas like:

(i) drinking water supply; (ii) environment preservation and pollution control measures; (iii) health care (iv)education; (v) welfare of women and children; (vi) welfare of aged and disabled people; (vii) skill development; and (viii) Sanitation.

The rest of the funds are utilized for the carrying out projects in the field of: (i) physical infrastructure; (ii) irrigation; (iii) energy and watershed development; and (iv) any other measures for enhancing environmental quality in mining district.

As on 30th August 2018 more than Rs. 31, 830 Crores has been collected under this scheme. Total 13,3217 projects have been taken up under the scheme out of which 45,517 projects have been completed. Total 9,555 crore has been spent so far.

5. **Action point on Agenda item 8:** Mining Lease deed is executed between the State Government and the Lessee. One of the pre-requisite of getting Mining Lease executed is the EC issued by MoEF&CC, irrespective of the type of mineral whether minor or other. Besides this, one of the important conditions of EC is the regular monitoring of various environmental parameters and its report submissions. MoEF&CC may issue necessary directions to the State Govts. to incorporate the provision of environmental audit in the lease deed.

***

ANNEXURE

Training and Lease Plotting Status of MSS to the States for Minor Minerals

Sr. No.	State/UT	Scheduled Dates for Training/ Capcity Building	Date of Imparting Training/ Capacity Building	Number of officers attended			Lease plotting Status				Remarks
				Mining Dept.	IT/ Remote Sensing Dept.	Total	Name of Districts for which minor mineral Data was given to BISAG	Name of minor minerals	Number of mines for which data was given to BISAG	Number of mines, which were plotted/validated in presence of State Government Officials	
1	Andaman & Nicobar	8th June to 9th June 2017 at Kolkata Workshop	8th June to 9th June 2017 at Kolkata Workshop	1		1					
2	Andhra Pradesh	21st August to 25th August 2017	21st August to 24th August 2017	2	1	3	Kurnool, Chittoor	Quartz,Ochre, Sand etc	71	71	
		29th May & 30th May 2017, Workshop at Banglore	29th May & 30th May 2017, Workshop at Banglore	7	0	7					
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi	1	0	1					
3	Arunachal Pradesh	8th June to 9th June 2017 at Kolkata	8th June to 9th June 2017 at Kolkata	1	0	1					
		23th October to 25th October 2017	Nil								
4	Assam	8th June to 9th June 2017 at Kolkata	8th June to 9th June 2017 at Kolkata	4	0	4					
		19th September to 26th September 2017	20th Sept to 22nd Sept 2017	3	0	3	karbianglong,Dimavy asso,Kamrup,Goalpa ra, Sonitpur	Sand and Gravel	7	Nil	The data brought was not the Cadastral Plan, only GPS Coordinates were given for plotting . Hence these coordinates were falling at some other places and without the cadastral plan, it was not validated. The Assam officials informed that in the case of Assam, it is the Forest Department that grant the leases and not the mining department and hence the data or cadastral plan is not available with them.
5	Bihar	8th June to 9th June 2017 at Kolkata	8th June to 9th June 2017 at Kolkata	1	0	1					
		9th October to 12th October 2017	9th October to 12th October 2017	1	1	2	sheikhpura & Aurangabad	Stone	8 Sheikhpura and 2 Aurangabad	8 Sheikhpura and 2 Aurangabad	
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi	1	0	1					
6	Chandigarh										
7	Chhattisgarh	24th July to 28th July 2017	24th July to 28th July 2017	4	1	5	Raigarh and Bilashpur	Dolomite	11 Raigarh District and 10 Bilashpur	11 Raigarh District and 10 Bilashpur	
		15th may to 16th may 2017 ,Workshop at Udaipur	15th may to 16th may 2017 ,Workshop at Udaipur	6		6					
		29th May to 29th ,Workshop at Banglore	29th May to 29th ,Workshop at Banglore	5		5					
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi								
8	Dadra and Nagar Haveli										
9	Daman and Diu										
10	Delhi										
11	Goa	29th May to 29th ,Workshop at Banglore	29th May to 29th ,Workshop at Banglore	5	0	5					
		9th October to 12th October 2017	9th October to 12th October 2017	2	0	2	North Goa	Stone,Murrum,La terite	29	29	

12	Gujarat	7th August to 11th August 2017	8th August to 11th August and still plotting going on	4	2	6	Ahmedabad, Amreli, Bharuch, Bhavnagar, Boaid, Devbhumi Dwarka, Gandhinagar, Jamnagar, Kach, Navsari, Surendarnagar, Valsad, Mehsana	Sand, Granite plus other minerals	1026	Plotting Still going on	Bisag being State Government institute located in Gandhingar, so these officer keep visiting in order to get these lease plotted
		15th may to 16th may 2017 ,Workshop at Udaipur	15th may to 16th may 2017 ,Workshop at Udaipur	1	1	2					
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi	0	1	1					
13	Haryana	15th may to 16th may 2017 ,Workshop at Udaipur	15th may to 16th may 2017 ,Workshop at Udaipur	4	0	4					
		8th June to 9th June 2017 at Kolkata Workshop	8th June to 9th June 2017 at Kolkata Workshop	2	0	2					
		11th September to 16th September	11th Sept to 14th Sep 2017	4	0	4	Mahendargarh and Rewari	Stone and Sand	37	37	
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi	1	0	1					
14	Himachal Pradesh	15th may to 16th may 2017 ,Workshop at Udaipur	15th may to 16th may 2017 ,Workshop at Udaipur	1	0	1					
		9th October to 12th October 2017	Nil								
15	Jammu and Kashmir	21st August to 25th August 2017	9th July to 11th July 2017	2	0	2					During the visit 17 maps of major minerals were validated. Officials of J & K informed that due to Minor mineral auction, they will not be able to come to BISAG on scheduled dated i.e 21st to 25th Aug 2017
		29th May & 30th May 2017, Workshop at Banglore	29th May & 30th May 2017, Workshop at Banglore	2	0	2					
16	Jharkhand	8th June to 9th June 2017 at Kolkata Workshop	8th June to 9th June 2017 at Kolkata Workshop	4	0	4					
		11th September to 16th September	11th Sept to 15th Sep 2017	4	2	6	Saraikila and Sahibganj	Stone	51	51	
17	Karnataka	29th May & 30th May 2017, Workshop at Banglore	29th May & 30th May 2017, Workshop at Banglore	16	0	16					
		19th September to 26th September 2017	19th Sept to 22nd Sep 2017	2	1	3	Chikkaballapur	Granite and Building Stone	99	99	
18	Kerala	29th May & 30th May 2017, Workshop at Banglore	29th May & 30th May 2017, Workshop at Banglore	1	0	1					
		19th September to 26th September 2017	13th Nov to 15th Nov 2017	1	0	1	Thirhvananthapuram	Granite and Building Stone	16	16	
19	Lakshwadeep										
20	Madya Pradesh	14th August to 18th August 2017	16th August to 18th August 2017	2	0	2	Badhwani	Stone/Gitti	61	29	Single Khasra lease map have been brought, which can not be plotted and hence officer of MP have been requested to send the complete khasra maps. During the second visit from 25th Oct to 27th Oct., official had provided the required map and then plotting and vlaidation of 29 lease was done

		29th May & 30th May 2017, Workshop at Banglore	29th May & 30th May 2017, Workshop at Banglore	1	0	1					
		8th June to 9th June 2017 at Kolkata Workshop	8th June to 9th June 2017 at Kolkata Workshop	1	0	1					
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi	1	0	1					
21	Maharashtra	15th may to 16th may 2017 ,Workshop at Udaipur	15th may to 16th may 2017 ,Workshop at Udaipur	0	1	1					
		8th June to 9th June 2017 at Kolkata Workshop	8th June to 9th June 2017 at Kolkata Workshop	4	0	4					
		11th September to 16th September	11th Sept to 14th Sep 2017	2	0	2	Wardha, Beed, Palghar	Stone	6	6	
22	Manipur	8th June to 9th June 2017 at Kolkata Workshop	8th June to 9th June 2017 at Kolkata Workshop	1	0	1					
		23th October to 25th October 2017	Nil								
23	Meghalaya	23th October to 25th October 2017	Nil								
24	Mizoram	8th June to 9th June 2017 at Kolkata Workshop	8th June to 9th June 2017 at Kolkata Workshop	2	0	2					
		23th October to 25th October 2017									
25	Nagaland	8th June to 9th June 2017 at Kolkata Workshop	8th June to 9th June 2017 at Kolkata Workshop	1	0	1					
		23th October to 25th October 2017	23rd October 2017	1	0	1	-	-	-	-	Official visited informed tha in the Nagaland State, so fa No minor mineral is granted by the Government and hence no data is available for plotting.
26	Odisha	8th June to 9th June 2017 at Kolkata Workshop	8th June to 9th June 2017 at Kolkata Workshop	1	0	1					
		21st August to 30th August 2017	19th September to 21st September 2017	1	0	1	Gajapati	Decorative Stone	1	1	
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi								
27	Punjab	15th may to 16th may 2017 ,Workshop at Udaipur	15th may to 16th may 2017 ,Workshop at Udaipur	2	0	2					
		4th September to 9th september 2017	6th September to 8th Sept 2017	2	0	2	Pathankot	Gravel	10	10	
28	Puducherry										
29	Rajasthan	15th may to 16th may 2017 ,Workshop at Udaipur	15th may to 16th may 2017 ,Workshop at Udaipur	14	0	14					
		4th September to 9th September 2017	4th September to 6th Sept 2017	4	0	4	Ajmer, Banswara, Bara, Barmer, Bhilwara, Dausa,Chittorgarh,Dungurpur, Jaipur, Jaisimer, Jalore, Jhunjhunu, etc	Quartz, Feldspars, Granite,Stone & Metals	9810		All points were in GIS with Coordinates, so straight way plotted
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi	3	0	3					
30	Sikkim	23th October to 25th October 2017	Nil								
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi	1	0	1					
31	Telangana	31st July to 4th August 2017	31st July to 4th August 2017	3	2	5	Medak	Quartz, Feldspars, Granite,Stone & Metals	40	40	

		29th May & 30th May 2017, Workshop at Banglore	29th May & 30th May 2017, Workshop at Banglore	5	0	5					
32	Tripura	8th june to 9th june 2017 at Kolkata Workshop	8th june to 9th june 2017 at Kolkata Workshop	1	0	1					
		23th October to 25th October 2017	Nil								
33	Tamil Nadu	21 August to 25 August 2017	21 August to 24 August	2	0	2	Kanchipuram	Stone	35	35	
		29th May & 30th May 2017, Workshop at Banglore	29th May & 30th May 2017, Workshop at Banglore	7	0	7					
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi	2	0	2					
34	Uttarakhand	4th September to 7th September 2017	Nil								No officials from the State Attended.
35	Uttar Pradesh	17th July to 21st July 2017	17th July to 21st July 2017	3	2	5	Sonbhadara	Dolostone and sand/murrum	61 Dolostone and 5 sand/murrum	61 Dolostone and 5 sand/murrum	
		8th june to 9th june 2017 at Kolkata Workshop	8th june to 9th june 2017 at Kolkata Workshop	2	0	2					
		3rd July 2017, MSS Workshop at New Delhi	3rd July 2017, MSS Workshop at New Delhi	1	0	1					
36	West Bengal	8th june to 9th june 2017 at Kolkata Workshop	8th june to 9th june 2017 at Kolkata Workshop	1	0	1					
		9th October to 12th October 2017	Nil								
	Total			164	15	179					

Annexure-8

Minutes of Meeting held under chairmanship of Shri Sujit Kumar Bajpayee, Joint Secretary MoEF&CC on 17.12.2019 at 2:30 PM in Narmada Conference Hall, MoEF&CC for Compliance of Hon'ble NGT, New Delhi Order dated 4th September, 2018 and 13th September, 2018 in OA No. 173/2018 & O.A. No. 186/2016 in the matters titled "Sudarsan Das Vs MoEF&CC"

At the Outset the Dr. Sujit Bajpayee, Joint Secretary, MoEF&CC welcomed all the participants and informed them about the direction given by Hon'ble NGT on 4th September, 2018 and 13th September, 2018 in OA No. 173/2018 & O.A. No. 186/2016 in the matters titled "Sudarsan Das Vs MoEF&CC". The following agenda points were discussed during the meeting.

Agenda Item No. 1: Compliance of Para 25 (i) i.e. "*Mining Surveillance System (MSS) discussed in para 23 above be finalized in consultation with ISRO Hyderabad.*" of Hon'ble NGT Order dated 4.09.2018.

It was briefed to the participants that in this regard a meeting was conducted on 13.08.2019 with representatives of Ministry of Mines, BISAG and ISRO, Hyderabad and were asked to provide their comments. The Ministry of Mines in its letter dated 24.10.2019 informed that *"To initiate the System Mining Leases of minerals administered under MCDR were plotted. Thereafter the **State Governments were also asked to use the MSS by plotting mining lease of minor mineral on this platform for detecting/curbing illegal mining**. Various DO letter have been sent by the Ministry for training/capacity building of States, as a result various States have deputed their officers to have training and plotting leases and have hands-on training/experience of MSS.*

Director Non-Coal Mine also informed the participants about the reply received from the ISRO, Hyderabad which clarified that Satellite Based Monitoring of Illegal Sand is not feasible due to reflective index of Sand.

After the deliberation on the issue the Chairman asked all the participants to provide their written comments on the issue within a weeks' time.

Action Point: State Government of Gujarat, Karnataka, Telengana, Uttrakhand, Rajasthan and Haryana are required to provide the status of implementation of MSS or any other portal which is capable of monitoring the instance of illegal mining remotely through satellite. Participants are also required to provide their comments on feasibility of using MSS for monitoring of illegal sand mining in the country. Participants are also requested to provide other suggestions which can solve the purpose. The information needs to be submitted by 26.12.2019.

Agenda Item No. 2: Compliance of Para 25 (ii) i.e. *"Safeguards suggested in Sustainable Sand Mining Guidelines published by the MoEF&CC in the year 2016" of Hon'ble NGT Order dated 4.09.2018.*

The Chairman informed the participants that Hon'ble NGT in its various orders ***[order dated 4.09.2018 in O.A. 173/2018 in the matter of Sudarsan Das Vs. State of West Bengal & Ors.; order dated 5.09.2018 in O.A. 44/2016 in the matter of Mushtakeem Vs. MoEF & CC & Ors. ; order dated 10.09.2018 in O.A. 304/2015 in the matter of Jai Singh & Anr.Vs. Union of India & Ors.; order dated 5.04.2019 in O.A. 360/2015 in the matter of National Green Tribunal Bar Association & Anr.Vs. Union of India & Ors.]*** raised its concern regarding failure of present monitoring mechanism and for setting up an effective monitoring mechanism for curbing illegal mining and accordingly directed for revising Sustainable Sand Mining Management Guidelines (SSMMG), 2016.

On the issue of illegal mining the State Government of Telangana gave a presentation on Telangana Sand Sale Management & Monitoring System which helps the state government in reducing the instance of illegal mining. The Telangana Government has adopted the safeguards suggested in Sustainable Sand Mining Management Guidelines (SSMMG), 2016 while carrying out mining operation. The salient features of the model are online tracking of sand excavation, sale, dispatch, storage and transportation.

Some of the participants raised their concern about the model adopted by State Government of Telangana, as in the state of Telangana the complete sand mining is

being done by government agency but in other states the lease is being granted to private mine owners and it's difficult to replicate the same model in other states.

Action Points:

a) State Government is requested to submit their Comments by 26.12.2019 on i) the details of the existing monitoring mechanism being followed in their states for curbing illegal mining, ii) till what extent Telangana model can be adopted in their states, iii) suggestion for framing an effective monitoring mechanism which is suitable for controlling the illegal sand mining across the country.

b) Non-Coal Mining Sector may formulate the draft Sand Monitoring Guidelines based on the Comments received from State Government.

Agenda Item No. 3: Compliance of Para 25 (iv) i.e. *"Suggestions in the High Power Committee Report" of Hon'ble NGT Order dated 4.09.2018.*

During the meeting the Suggestions/Recommendation made in High Power Committee Report were presented and discussed in details with the participants. As the recommendation made in HPC report was mainly pertaining to State of Haryana and Uttar Pradesh, the participants suggested that recommendation may be circulated to all so that detailed comments about its feasibility for implementation in their states may be explored and accordingly comments will be provided.

Action Point: a) Ministry will forward the recommendation of HPC to all the participants and State Govt. representative will provide their comments by 26.12.2019.

Agenda Item No. 4: Compliance of Para 25 (iv) i.e. "*Requirement of demarcation of boundaries being published in respect of different leases in public domain*" of Hon'ble NGT Order dated 4.09.2018.

The Ministry of Mines in its letter dated Ministry of Mines vide its letter dated 24.10.2019 informed that "*Ministry of mines has no 'role on issuing of LOI. Issuing LOI is state subject and there was already a provision for precise demarcation of the concession area in MCR 1960. In case of auctioning of mineral concession blocks the precise demarcation is mentioned in notification and tender document as per extant statutory provision. Grant of Mining Leases, illegal mining, precise demarcation of the mining lease boundary comes under the sole control of the State Government.*"

The State Government Representative informed that they are in process of demarcation of mining lease in the public domain. Participants also informed that the mining leases so far uploaded on the Mining Surveillance System (MSS) developed by Indian Bureau of Mines (IBM) is not in public domain.

Action Point: The State Government by 26.12.2019 shall provide the details of portal developed so far for placing the details of the mining leases in the public domain. In case all the mining leases are not uploaded so far then timeline for completion of the same needs to be submitted. In addition to this if any other suggestion for compliance of the above direction of Hon'ble NGT then same may also be communicated to the Ministry.

Agenda Item No. 5: Compliance of Para 25 (v) i.e. *"Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone"* of Hon'ble NGT Order dated 4.09.2018.

The Director Non-Coal Mining informed that he is already a member of the Committee constituted by Hon'ble NGT and the Committee submitted its final report to CPCB and the same will be submitted to Hon'ble NGT by CPCB.

Action Point: Dir (NCM) to provide the status of filing of the report before the Hon'ble NGT by CPCB.

Agenda Item No. 6: Compliance of Para 25 (vi) i.e. *"Need to set up a dedicated institutional mechanism for effective monitoring of sand and gravel mining which may also take care of mining done without any Environmental Clearance as well as mining done in violation of Environmental Clearance conditions"* of Hon'ble NGT Order dated 4.09.2018.

In the previous meeting held on 13.08.2019 the Additional Director, Monitoring Cell, MoEF&CC informed that the Hon'ble NGT vide its order dated 23.07.2019 in Original Application No.837/2018 in the matter of Sandeep Mittal vs MoEF&CC inter-alia directed to submit an action plan for Environmental Clearance Monitoring.

The Director Non-Coal Mining informed that Ministry has devised a plan and submitted to Hon'ble NGT on 25.09.2019. The activities proposed in action plan for the month of August & September 2019 has been initiated by the MoEF&CC

Action Point: a) The copy of Minutes of Meeting shall be circulated to Monitoring Cell to provide the latest status by 26.12.2019 of the execution of the above mentioned action plan.

b) State Govt will provide the detail of monitoring mechanism being followed by them take care of mining done without any Environmental Clearance as well as mining done in violation of Environmental Clearance conditions by 26.12.2019.

Agenda Item No. 7: Compliance of Para 25 (vii) i.e. *"The Mining Department may make a provision for keeping apart at least 25% of the value of mined material for restoration of the area affected by the mining and also for compensating the inhabitants affected by the mining"* of Hon'ble NGT Order dated 4.09.2018.

The Ministry of Mines in its reply submitted on 24.10.2019 inter-alia mentioned that a) Section 9B introduced through the MMDR Amendment Act, 2015, prescribes the

establishment of District Mineral Foundation (DMF) in any district affected by mining related operations, the object of which is to work for the interest and benefit of persons, and areas affected by mining related operations. Directions have been issued under section 20A of Mines and Minerals (Development and Regulation) (MMDR) Act - on 16.09.2015 to all States to incorporate the Pradhan Mantri Khanij Kshetra Kalyan Yojna (PMKKKY) into the rules framed by them for the District Mineral Foundations (DMFs), b) PMKKKY is a scheme for transforming the living standards, social up-liftment of people and for development of areas affected by the Mining related operations. At least 60% of PMKKKY ' funds are being utilized for projects in high priority areas like [(i) drinking water supply; (ii) environment preservation and pollution control measures; (iii) health: care; iv) education; (v) welfare of women and children; (vi) welfare of aged and disabled people; (vii) skill development; and (viii) Sanitation.], c) The rest of the funds are utilized for the carrying out projects in the field of: (i) physical infrastructure; (ii) irrigation; (iii) energy and watershed development; and (iv) any other measures for enhancing environmental quality in mining district, and d) As on 30th August 2018 more than Rs. 31,830 Crores has been collected under this scheme. Total 13,3217 projects have been taken up under the scheme out of which. 45,517 projects have been completed. Total 9,555 Crore has been spent so far.

Action Point: The State Government is requested to provide their inputs for compliance of above mentioned direction of Hon'ble NGT by 26.12.2019.

Agenda Item No. 8: Compliance of Para 25 (viii) i.e. *"One of the conditions of every lease of mine or minerals would be that there will be independent environmental audit at least once in a year by reputed third party entity and report of such audit be placed in public domain" of Hon'ble NGT Order dated 4.09.2018."*

The above direction was briefed to members present in the meeting. The Chairman was of the view that State Government shall provide their comments on compliance of above mentioned condition as mining leases are being granted by State Government.

Action Point: The State Government shall provide their comment on the compliance of above mentioned direction or any other particular issue in compliance to the above mentioned condition. The current status and timeline for implementation of the same shall be submitted by 26.12.2019.

Agenda Item No. 9: Compliance of Para 25 (ix) i.e. *"In the course of such environmental audit, a three member committee of the local inhabitants will also be associated. Composition of three members committee may preferably include ex-servicemen, former teacher and former civil servant. The Committee will be nominated by the District Magistrate"* of Hon'ble NGT Order dated 4.09.2018.

The Chairman was of the view that as the three-member Committee is being nominated by the District Magistrate. Thus, the State Government shall take necessary steps for compliance of the above direction.

Action Point: a) State Government shall issue necessary directions to all the District Magistrate for compliance of direction of Hon'ble NGT. The Status report shall be submitted by 26.12.2019.

Agenda Item No. 10: Compliance of Para 26 i.e. *"Such steps may be worked out within two months and circulated to all States. The Mechanism may provide for a report of implementation from the concerned States every quarter. The matter may be reviewed after every six months by the MoEF&CC"* of Hon'ble NGT Order dated 4.09.2018.

The chairman observed that representative of some of the states attended the meeting and Ministry may circulate the Minutes to all the States/UTs so that they can provide their comments/inputs. The Chairman is of the view that next meeting to be scheduled in the month of January to review the compliance and to record the suggestion of all the State/UT.

Action Point: The State Government will provide their comments on the compliance of direction of Hon'ble NGT made by its orders mentioned in para 1 of Agenda Item No 2 above.

Agenda Item No. 11: Compliance of Para 27 i.e. *"The direction with regard to setting up of dedicated institutional mechanism for monitoring of conditions of Environmental Clearance as granted under EIA Notification, 2006 in respect of sand and gravel mining as directed in para (vi) may be an Over-Encompassing Body to monitor the conditions of Environmental Clearance with respect to all development projects"* of Hon'ble NGT Order dated 4.09.2018.

Already discussed in agenda item no 6 above.

Action Point: a) The copy of Minutes of Meeting shall be circulated to Monitoring Cell to provide the latest status by 26.12.2019 on execution of action plan.

b) State Govt. will provide the detail of monitoring mechanism being followed by them take care of mining done without any Environmental Clearance as well as mining done in violation of Environmental Clearance conditions by 26.12.2019.

Agenda Item No 12: Use of Satellite/UAV for controlling illegal mining and for conducting replenishment study.

In addition to compliance of direction of Hon'ble NGT the chairman also asked the member about the best practices being followed in their respective states for curbing illegal mining by using the latest surveillance technology. The State Government of Gujrat reported that they are using drones for the curbing illegal mining and technology is supporting in curbing illegal mining.

Action Point: a) State Government of Gujrat to provide the complete details of the above mentioned project with specification of the drone used and advantage obtained so far by using this monitoring mechanism. The information shall be provided by 26.12.2019.

Agenda Item No 13: Views of State Government on Cumulative Impact Assessment/Regional Impact Assessment for the entire District/contiguous clusters.

Director IA Non-Coal Mining also sought the comments of State Government for Cumulative environmental impact assessment of the district. The State Government of Gujrat reported that they have initiated the cumulative/regional impact assessment of the of districts.

Action Point: a) State will provide their detailed comments & suggestion by 26.12.2019, on the advantage of Regional/Cumulative Impact Assessment district wise so as to address the various environmental issues related to mining.

The meeting ended with thanks to Chair.

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Annexure -9

Annua - 9

9.1

APPENDIX I

(See paragraph – 6)

FORM 1

[VI(a)] **"(I) Basic Information**

Serial Number	Item	Details
1.	Name of the project/s	
2.	S. No. in schedule	
3.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number of wells to be drilled	
4.	New/Expansion/Modernization	
5.	Existing Capacity/Area etc.	
6.	Category of Project i.e. 'A' or 'B'	
7.	Does it attract the general condition? If Yes, please specify.	
8.	Does it attract the specific condition? If Yes, please specify.	
9.	Location	
	Plot/Survey/Khasra No.	
	Village	
	Tehsil	
	District	
	State	
10.	Nearest railway station/airport along with distance in kms.	
11.	Nearest Town, city, District Headquarters along with distance in kms.	
12.	Village Panchayats, Zilla Parishad, Municipal Corporation, Local body (complete postal addresses with telephone nos. to be given)	
13.	Name of the applicant	
14.	Registered Address	
15.	Address for correspondence:	
	Name	
	Designation (Owner/Partner/CEO)	
	Address	
	Pin Code	
	E-mail	
	Telephone No.	
	Fax No.	
16	Details of Alternative Sites examined, if any. Location of these sites should be shown on a topo sheet.	Village-District-State 1. 2. 3.
17.	Interlinked Projects	
18	Whether separate application of interlinked project has been submitted?	

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

19.	If yes, date of submission	
20.	If no, reason	
21.	Whether the proposal involves approval/ clearance under: If yes, details of the same and their status to be given. (a) The Forest (Conservation) Act, 1980 ? (b) The Wildlife (Protection) Act, 1972 ? (c) The C.R.Z. Notification, 1991 ?	
22.	Whether there is any Government Order/Policy relevant/ relating to the site ?	
23.	Forest land involved (hectares)	
24.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up ? (a) Name of the Court. (b) Case No. (c) Orders/directions of the Court, if any and its relevance with the proposed project.	

(II) Activity

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		
1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut And fill or excavations		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the ydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water form ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of allen species?		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, sand / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment.		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources.		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting. lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, esting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses *(hospitals, schools, places of worship, community facilities)*		
10	Areas containing important, high quality or scarce Resources *(ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)*		
11	Areas already subjected to pollution or environmental damage. *(those where existing legal environmental standards are exceeded)*		
12	Areas susceptible to natural hazard which could cause the project to present environmental Problems (*earthquakes, subsidence, landslides, erosion, Flooding or extreme or adverse climatic conditions*)		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(IV). Proposed Terms of Reference for EIA studies

VI(b) "I hereby given undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance give, if any to the project will be revoked at our risk and cost."

Date: _____

Place: _____

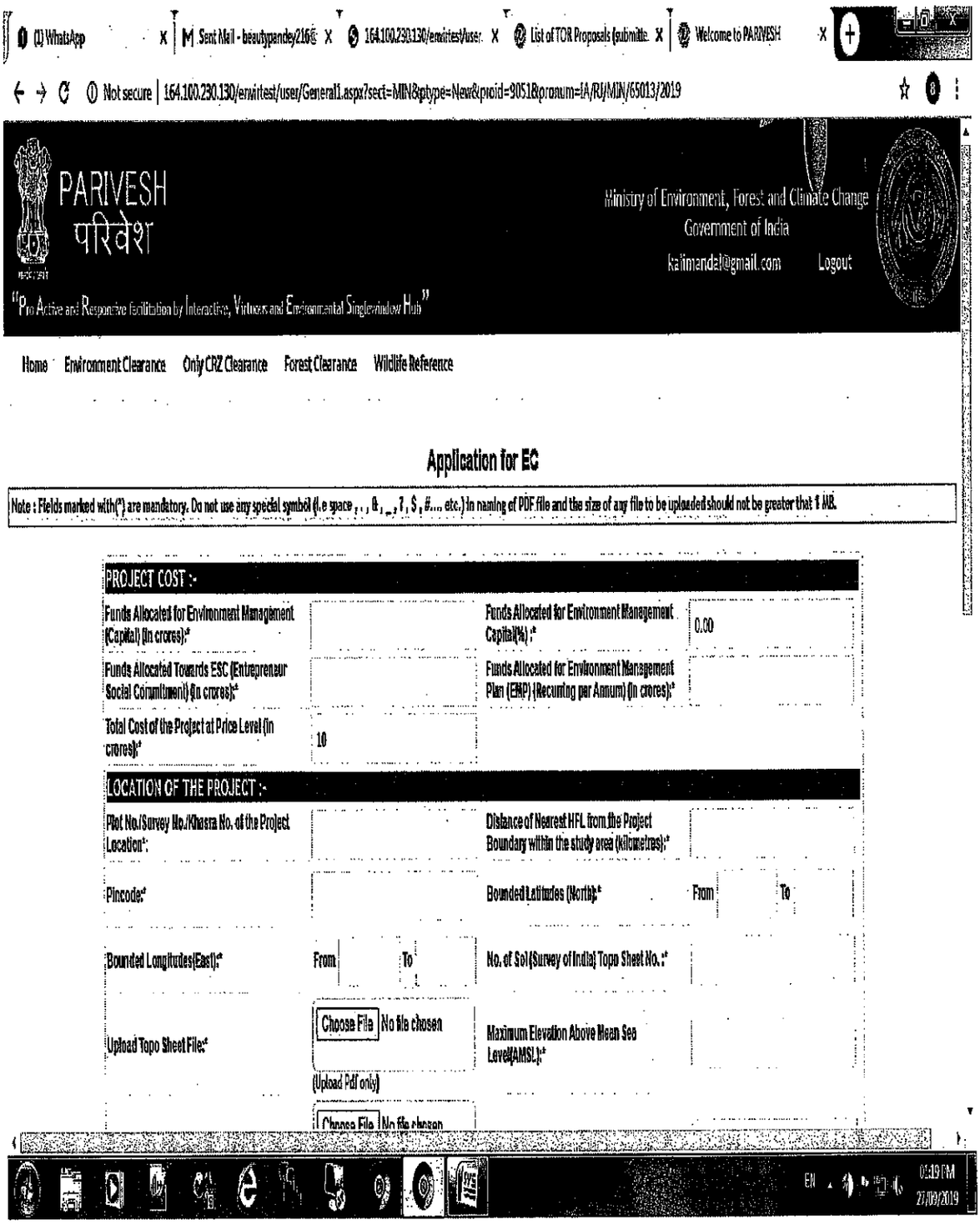
Signature of the applicant
With Name and Full Address
(Project Proponent/Authorised Signatory)

NOTE:

1. The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a C.R.Z. map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z. (at the stage of TOR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Sinmultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C.R.Z. Notification, 1991 for the activities to be located in the CRZ.
2. The projects to be located within 10 km of the National Prks, Sancturies, Biosphere Reserves, Migratory Corridors of Wile Animals, the project proponenet shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden thereon (at the stage of EC)."
3. All correspondence with the Ministry of Environment & Forests including aubmission of application for TOR/Environmental Clearance, subsequent clarifications, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponent shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being and authorized signatory for the specific project."

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

9.10



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Application for EC

Note : Fields marked with(*) are mandatory. Do not use any special symbol (i.e space , : , & , _ , ? , $, #.... etc.) in naming of PDF file and the size of any file to be uploaded should not be greater that 1 MB.

PROJECT COST :-

Funds Allocated for Environment Management (Capital) (in crores):*		Funds Allocated for Environment Management Capital(%) :*	0.00
Funds Allocated Towards ESC (Entrepreneur Social Commitment) (in crores):*		Funds Allocated for Environment Management Plan (EMP) (Recurring per Annum) (in crores):*	
Total Cost of the Project at Price Level (in crores):*	10		

LOCATION OF THE PROJECT :-

Plot No./Survey No./Khasra No. of the Project Location*:		Distance of Nearest HFL from the Project Boundary within the study area (kilometres):*	
Pincode:*		Bounded Latitudes (North)*	From To
Bounded Longitudes(East):*	From To	No. of Sol (Survey of India) Topo Sheet No. :*	
Upload Topo Sheet File:*	Choose File No file chosen (Upload Pdf only)	Maximum Elevation Above Mean Sea Level(AMSL):*	
	Choose File No file chosen		

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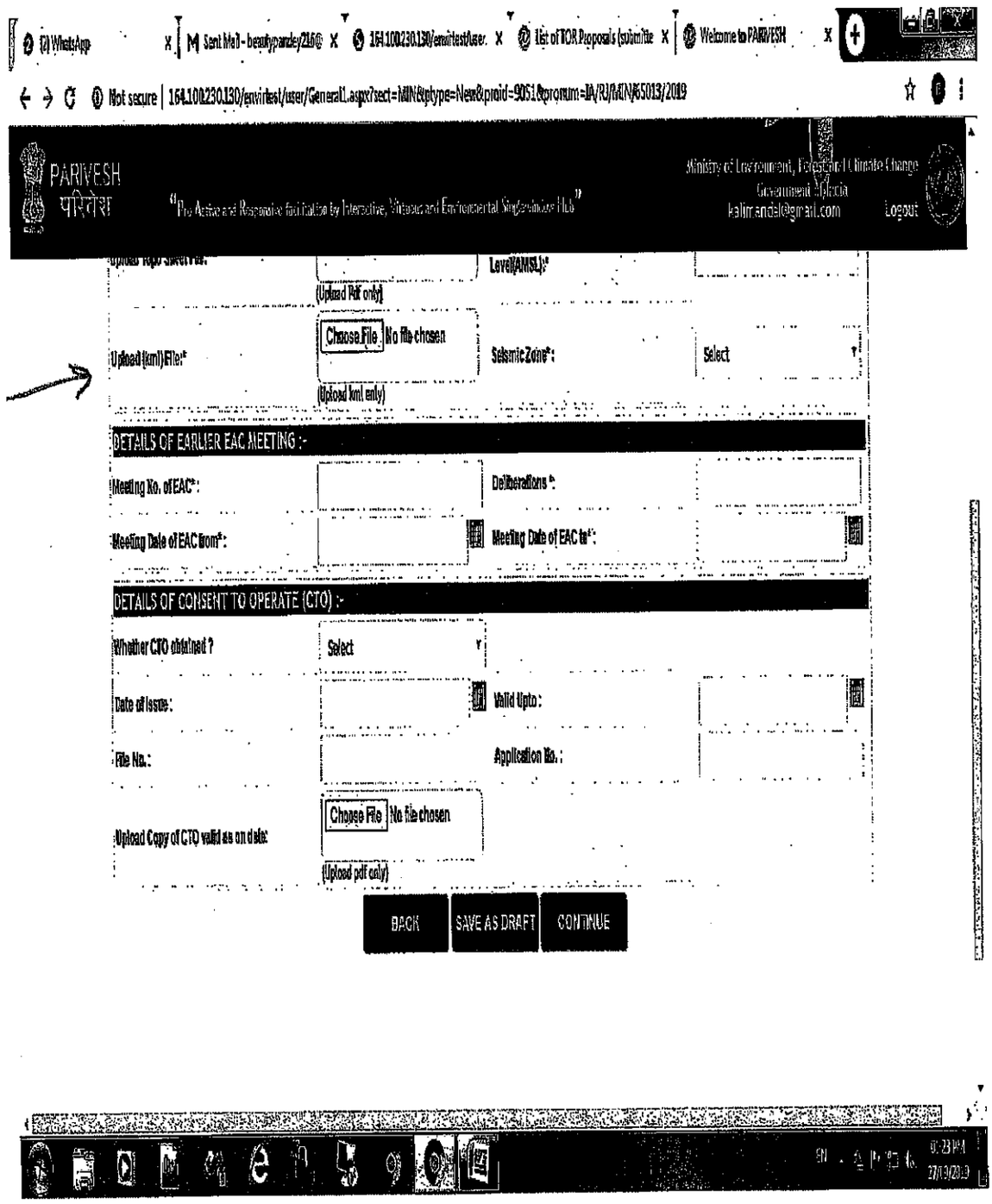
9.11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Ministry of Environment, Forest and Climate Change
Government of India
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Choose File No file chosen
(Upload kml only)
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Seismic Zone*:
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DETAILS OF EARLIER EAC MEETING :-
Meeting No. of EAC*:
Deliberations *:
Meeting Date of EAC from*:
Meeting Date of EAC to*:
DETAILS OF CONSENT TO OPERATE (CTO) :-
Whether CTO obtained ?
Select
Date of issue:
Valid Upto:
File No.:
Application No.:
Choose File No file chosen
Upload Copy of CTO valid as on date:
(Upload pdf only)
BACK
SAVE AS DRAFT
CONTINUE

Annexure-10

Item No.03 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.837/2018
(M.A. No. 1549/2018 &I.A. No. 290/2019)

Sandeep Mittal Applicant(s)

Versus

Ministry of Environment, Forests &
Climate Change &Ors. Respondent(s)

(Report filed by the joint Committee with M.A. No. 1549/2018 for exemption from filing typed copy of dim illegible annexures&I.A. No. 290/2019 for compliance supervision, monitoring, analysis and sanction as per order on EIA conditions)

Date of hearing: 23.07.2019

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

For Applicant(s): Mr. P. Mishra, Advocate

For Respondent (s): Ms. Shivani Luthra Lohiya, Advocate with Ms. Geeta Menon, JS, MoEF and Dr. Shruti Rai Bhardwaj

ORDER

1. The question for consideration is the effectiveness of monitoring mechanism for compliance of Environmental Clearance (EC) conditions as per Notification dated 14.09.2006 under the Environment (Protection) Act, 1986. Environment Impact

Assessment is an essential component of the 'Precautionary' principle as well as the 'Sustainable Development' principle under Section 20 of the National Green Tribunal Act, 2010 which are to be enforced by this Tribunal under Section 15 of the Act. Such impact assessment is regulated by statutory notification dated 14.09.2006. Laying down conditions for EC is not enough unless compliance thereof is duly monitored.

2. Faced with the grievance that there was flagrant violation of conditions of Environmental Clearance and adequate monitoring was not taking place, vide order dated 30.10.2018, the Tribunal observed that compliance of conditions of Environmental Clearance must be monitored on periodical basis, atleast once in a quarter. Accordingly, the Ministry of Environment, Forest and Climate Change (MoEF&CC) was directed to evolve an appropriate mechanism to that effect and furnish a report.

3. The matter was thereafter listed for further consideration on 29.04.2019 and it was observed:-

> *"4. On due consideration of status of monitoring, we find the same to be highly inadequate. There is no monitoring to the extent of 92% of category -B projects and 33% of category-A projects. Further, the 3 monitoring mechanism only involves issuance of show cause notices and seeking action taken reports but there is no application of 'Polluter Pays' principle by assessing and recovering compensation where violations are found. Apart from there being no data from the Chennai, there is no separate data with*

regard to category A and B projects. In respect of compliance status, we find that even where major non-compliance has been found, no compensation has been recovered even for such major violations. This calls for urgent remedial action.

5. *Let remedial measures be taken forthwith by incorporating the requirement of recovery of compensation for the violation of environmental conditions on laid down scale and method of online maintenance of data with regard to category A and B projects separately. In spite of repeated adjournments, MoEF&CC has not been able to give adequate and correct data which shows that urgent measures need to be taken.*

6. *We also note that there is plea of inadequate staff which is sought to be remedied by outsourcing from empanelled institutions. Primary and essential regulatory functions must be discharged by the statutory authorities and it is only validation which may be outsourced. Wholesale outsourcing may make it difficult to have any accountable mechanism.*

7. *Let remedial measures be taken by the MoEF&CC for meaningful compliance of environmental Rule of law and protection of environment. The mechanism may provide for 100% checking of Environmental Clearance conditions with respect to category-A projects and a reasonable percentage of category-B projects in view of 4 significance of the subject. A revised affidavit be filed by the concerned Joint Secretary, MoEF&CC who may remain present in person for assistance of the Tribunal on the next date of hearing.*

8. *In respect of the project involved in the present case, a Joint Committee of representatives of SPCB, CPCB, SEIAA and Regional Office of MoEF&CC may furnish a report of the status of compliance of Environmental Clearance conditions with reference to the allegations in the application within two months by e-mail at ngt.filing@gmail.com. The nodal agency will be the SIEAA for coordination and compliance."*

4. Accordingly, an affidavit has been filed by Ms. Geeta Menon, Joint Secretary, MoEF&CC on 20.07.2019 who is also present in person. The affidavit acknowledges the need to enhance and maximize the monitoring mechanism as follows:

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(a) We acknowledge the direction of Hon'ble NGT that primary and essential regulatory functions as monitoring should be discharged by the statutory and it is validation which may be outsourced. That accordingly as elaborated at para (B) above Ministry is working towards empowering the SPCBs and increasing the number of ROs/manpower in CPCB/SPCB/ROs, which has been considered as more acceptable than exclusively engaging outside agencies.

(b) That in consonance with the direction of Hon'ble NGT it is to submit that the major objective of Third Part Monitoring Mechanism is validation of 6 monthly compliance reports submitted by the Project Authority.

(c) The third-party monitoring mechanism will be mainly for monitoring of Category-B projects through

validation of their 6 monthly and Category-A projects will continue to be monitored by ROs of the Respondent. Taking into account the quantum of ECs to be monitored, third-party monitoring will be used only to supplement essential to supplement existing efforts of the Respondent towards strengthening the existing Monitoring mechanism for EC and to improve compliance through comprehensive validation and technical expertise.

(d) That the third-party monitoring mechanism will involve government organization, research institutes, universities, etc of repute which will also serve to fill the technological and information gaps that may exist.

(e) We acknowledge the significance of "Polluter Pays' principle by assessing and recovering compensation where violation are found. That in case of directions of Hon'ble NGT to the Ministry for implementation of the same in specific cases, such directions can be implemented with the involvement of CPCB, utilizing their reports and guidelines."

5. During interaction, the Tribunal has conveyed to the Joint Secretary that with regard to category 'A' projects, the data validation has to be the primary concern of the MoEF&CC and ought not be outsourced. For category 'B' projects, such data validation may be done through SEIAA. It is necessary to have an action plan providing for revamping the existing mechanism by providing 100% monitoring of category 'A' projects through the mechanism of regional offices of MoEF&CC and CPCB. The

Monitoring of category 'B' projects may be done through instrumentalities of the SEIAA and the State Boards in the same manner. Accordingly both the regional offices of MoEF&CC and the CPCB for category 'A' projects and SEIAAs and State Boards/PCCs for category 'B' projects need to be strengthened by way of gap analysis and providing of adequate man force/human resources/scientific/technical personnel as and when needed. The action plan in this regard may be prepared within one month which may be implemented in two phases of three months each.

6. Let such an action plan be filed in above terms. The need for 100% monitoring of category 'A' projects is necessary in view of serious challenges of environment faced by the country in the form of there being 100 polluted industrial clusters, 351 polluted river stretches and 102 non-attainment cities (which issues are being dealt by this Tribunal)[1] apart from other serious issues.[2]

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1 Order dated 13.12.2018 in Original Application No. 1038/2018, News item published in "The Asian Age" Authored by Sanjay Kaw Titled "CPCB to rank industrial units on pollution levels"

Order dated 20.09.2018 in Original Application No. 673/2018, NEWS ITEM PUBLISHED IN'THE HINDU' AUTHORED BY SHRI. JACOB KOSHY Titled "More river stretches are now critically polluted: CPCB"

Order dated 08.10.2018 in Original Application No. 681 of 2018, News Item Published In The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15"

2 https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30261-4/fulltext. This study shows that in 2017, 1.24 million deaths occurred in India, which were 12·5% of the total deaths, all attributable to air pollution, including 0.67 million from ambient particulate matter pollution and 0.48 million from household air pollution. Of these deaths attributable to air pollution, 51.4% were in people younger than 70 years. India contributed 18.1% of the global population but had 26.2% of the global air pollution DALYs in 2017.
http://unicef.in/Story/1219/World-Water-Day-2018-How-Sanitation-Can-Help-the-Environment-This study indicates that lack of access to safe water annually contributes to over 117,000 children dying from diarrhoea, and 37.7 million Indians being affected by waterborne diseases such as typhoid and cholera

List for further consideration on 27.09.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 23, 2019
Original Application No.837/2018
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