

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No. 142 of 2022 (SZ).**

**IN THE MATTER OF:-**

**Dr. Sarvabhoun Bagali**

**...Applicant(s)**

**Versus**

**State of Karnataka & ors.**

**...Respondent(s)**

**Next Date. 10/02/2023**

**INDEX**

Sr.No	Description	Pages No.
1.	Affidavit on behalf of Respondent NO. 4.	1-15
2.	<b><u>ANNEXURE- R-1</u></b> True copy of Report dated 13.10.2020 with Translation.	16-17
3.	<b><u>ANNEXURE- R-2</u></b> True Copy of the Sketch of concerned area.	18-19
4.	<b><u>ANNEXURE- R-3</u></b> True copy of the MOEF Notification dated 15.01.2016.	20-30
5.	<b><u>ANNEXURE- R-4</u></b> True copy of the MOEF Notification dated 28.03.2020.	31-33
6.	<b><u>ANNEXURE- R-5</u></b> True copy of the Government of Karnataka Notification dated 01.12.2021,	34-52
7.	<b><u>ANNEXURE- R-6</u></b> True copy of the Judgment dated 09.02.2022 in WP No. 5031/2021 passed by the hon'ble High Court of Karnataka at Bangalore.	53-62

New Delhi

Filled By: -



Date: - 07/02/2023

(Mr. DARPAN KM Adv.)  
Advocate for the Respondent No.4  
Kar/1053/2009.  
Office K-6, LGF, Lajpat Nagar-3,  
New Delhi – 110024, Mob. 9968638862

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

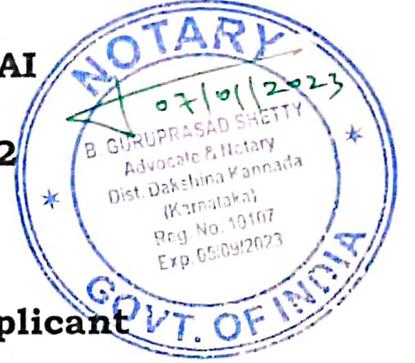
SOUTHERN ZONE BENCH AT CHENNAI

Original Application No. 142 of 2022

IN THE MATTER OF:-

Dr Sarvabhoom Bagali

Applicant



Vs.

State of Karnataka and Others

Respondents

**Affidavit on behalf of Respondent No.4**

I, Lingaraju B M, S/o Late Manchiaiah, aged about 50 Years, Deputy Director, Department of Mines and Geology, Mangaluru do hereby state on oath as under:-

1. I am serving in the Department of Mines and Geology, Mangaluru as Deputy Director since one year. I know the facts and circumstances of the case from the records. I am authorized to swear this affidavit.

2. I submit that the Applicant in the present Original Application has sought for following reliefs:

A. Hold and declare that the activity of dredging and de-silting of dams and other water bodies is qualified for the exemption from obtaining prior environment clearance only when sand mining for commercial purposes is not involved.

Errors / Corrections Etc. NIL

  
Deputy Director,  
1 Dept. of Mines & Geology  
Mangalore.

B. Hold and declare that the work Order No. MGD/u.ni./sand/Ka.Aa.2/200-21 dated 27.11.2020 issued by District Sand Mining Committee, Dakshina Kannada District, Karnataka for excavation of about 14,51,680 MT of sand from silt from backwater of Adhyapadi Dam in Mangaluru Taluk and Shamburu Dam in Bantwal Taluk is in violation of the EIA Notification, 2006 and the said activity requires prior environment clearance.

C. Direct the Karnataka State Mineral Corporation Limited to apply for environment clearance for the remaining part of the work Order No. MGD/u.ni./sand/Ka.Aa.2/200-21 dated 27.11.2020.

D. Appoint a Committee for Experts to inspect the work carried out till date in pursuance to the Work Order dated 27.11.2020 and ascertain the following:

(i) Whether the De-silting (including extraction of sand from silt) has been carried out in accordance with the regulatory provisions in a scientific manner,

(ii) Whether there has been any damage to the environment cause giving details of its nature/extent and suggesting environmental compensation/liability and remediation measures

and



  
Deputy Director  
Dept. of Mines & Geology  
Mangalore.

Errors / Corrections Etc. *MSL*

- (iii) the total quantity of silt and sand extracted till date and the method of its disposal including details like royalty paid, total number of mineral dispatch permits issued etc.
- (iv) whether in the guise of dredging and de-silting sand mining is being done.

E. Direct the Ministry of Environment, Forests & Climate Change to come out with guidelines and procedure for providing by an order, through concerned SEIAA, the exemption for dredging and de-silting as provided at S. No. 6 in Appendix – IX of the EIA Notification, 2006 including its publication.

3. I respectfully submit that, the Original Application is not maintainable either in law or facts. It is liable to be dismissed in limine. The averments in the Original Application are denied except those expressly admitted. The Original Application is not maintainable on the ground that, the District Sand Monitoring Committee, Dakshina Kannada (hereafter referred as 'District Committee') and Taluk Sand Monitoring Committee, Dakshina Kannada District (hereafter referred as 'Taluk Committee') are not arrayed as the parties to this present Original Application since the District and Taluk Committee are constituted under the sub-rule (1) and (2) of Rule 31-R, Karnataka Minor Mineral Concession



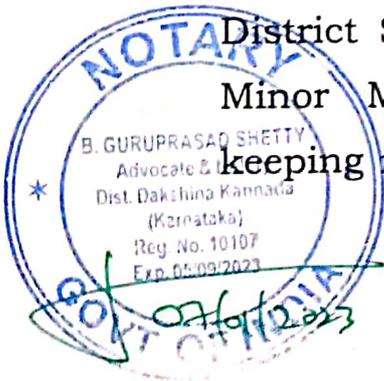
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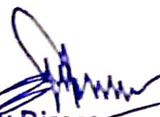
  
Deputy Director  
Dept. of Mines & Geology  
Mangalore.

(Amendment) Rules, 2021 (hereafter referred as 'KMMCR, 2021').

4. The Dredging and de-silting of the dams has arisen on account of gathering of silt/sand in the reservoir area of the dam, thereby reducing the carrying capacity of dam, as such, after analysis it has been ascertained that there is a fixed area which has gathered silt/sand, the quantity has also been ascertained and identified by experts dealing with the same. It is submitted that the experts have assessed through Google Image that there is deposit of silt/sand in Adyapady Dam measuring 2000 mtrs in length and 100 mtrs in width with one meter depth. It is assessed that there is collection of about 3.44 lakhs MTs of silt sand. Similarly, in Shambur Dam the expert has assessed the collection of silt sand through Google Image that sand collection measures about 2800 mtrs in length and 230 mtrs in width with one meter depth. Copy of the report with true translation in English is **Annexure-R1**. The sketch explaining the same is **Annexure-R2**.

5. It is respectfully submitted that, in order to remove the silt sand so accumulated in the above mentioned dams, the impugned work order dated 27.11.2020 is issued by the District Sand Monitoring Committee as per the Karnataka Minor Minerals Concession (amendment) Rules- 2021, keeping in mind the Sustainable Sand Mining Management



  
Deputy Director 4  
Dept. of Mines & Geology  
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Errors / Corrections Etc. 

Guidelines 2016, Ministry of Environment, Forest and Climate Change Notification 2016 (SO141(E)) and Enforcement and Monitoring Guidelines for Sand Mining - 2020. The impugned work order issued by Respondent No. 04 does not violate the EIA Notification, 2006 as alleged in the present Original Application.

6. I respectfully submit that, before proceeding further it is necessary to note that impugned work order is issued in favour of Respondent No. 05, for removing silt sand that is deposited in the Dam but not for sand mining in the river. One must differentiate between removal of silt and sand blocks in the River beds. Clearance of silt will allow easy water flow, increases water holding capacity in dams and also avoids floods during rainy seasons. The impugned work order is issued to remove silt to the tune of 14,51,680 MTs. De-siltation has to be done by using machines, if they are not removed or cleared, again there will be silt deposits during rainy seasons. Deposit of silt is a continuous process. It must be cleared or removed before ensuing rainy season. The scientific and technical methods are duly followed to remove the silt without violation of the terms and conditions of the work order dated 27.11.2020 and also as per provisions provided under the KMMCR, 2021.

7. I respectfully submit that, the contentions raised by the Applicant in the present Original Application do oppose the



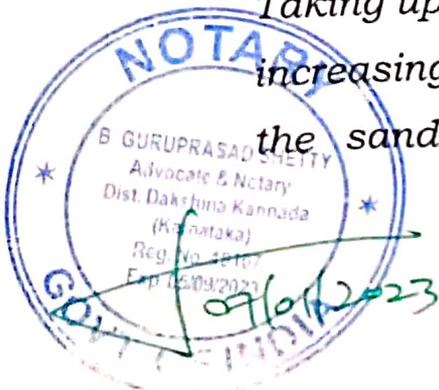
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Deputy Director  
Dept. of Mines & Geology  
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work order issued to the Respondent No. 04 herein. The work order is not issued for removal of sand blocks in the river, but it is issued for removal of silt. De-siltation cannot be construed as sand mining. It is not prohibited under the Rules or guidelines issued by the Ministry of Environment, Forest and Climate change (in short 'MoEF'). Further it is submitted that, gathering of silt, reduces the water holding capacity and affects the supply of water for irrigation and drinking water to the public. The impugned work order is issued to the Respondent No. 05 herein, is a corporation established by the State Government. There is no private interest which is involved in the said process. The work allotted to the Respondent No. 05 is in accordance with law.

- 8.** As per the sustainable Sand Mining Management Guidelines, 2016 regarding "de-silting of reservoirs/ barrages/ anecuts/ lakes/canals"- It is reiterated as follows:

*"The dams and reservoirs can be significant source of sand. Many such structures are silted and their water holding capacity has gone down considerably. In some instances to compensate for silted capacity raising of height of dam or construction of new structures is proposed which further leads to submergence of new areas of agricultural field and forests. Taking up de-silting of such projects can serve dual purpose of increasing the water holding capacity and making available the sand for other usage. In some States the Irrigation*



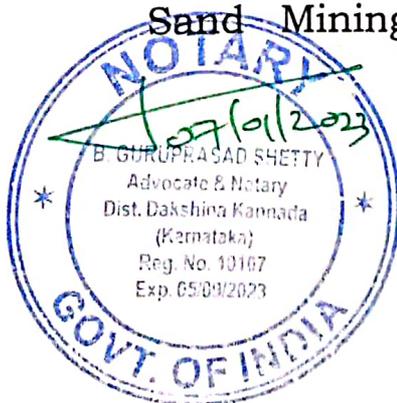
*[Handwritten Signature]*  
Deputy Director  
Dept. of Mines & Geology<sup>6</sup>  
Mangalore.

Errors / Corrections Etc. *[Handwritten Signature]*

Department is permitted to use it for the departmental works free of charge and balance can be disposed of in market after paying the due royalty. A detailed study is required to be carried out to verify economic viability and environmental sustainability before contemplating dredging of storage reservoirs for sand/gravel mining.

The de-silting of reservoir, dredging for upkeep and maintenance of structures, channels and averting natural disasters will not be treated as mining for the purpose of environmental clearance”.

9. I respectfully submit that, the work order dated 27.11.2020, doesn't violate the EIA Notification, 2006 and the deposit of silt is a continuing process. It must be cleared or removed before ensuing rainy season. Dredger can remove the silt without restriction of seasons. One must appreciate difference between removal of sand blocks in the river and removal of silt / sand in the Dams. Use of the dredger or machines in the dam area does not cause any damage. De-silting of sand collected behind the dam must be done urgently, quickly and without causing damage to the structure of the Dam. It may be done by the machines only. It is submitted that, the De-silting of Reservoirs / Barrages / Anecuts / Lakes / Canals is provided under Sustainable Sand Mining Management Guidelines, 2016 issued by



Errors / Corrections Etc. NFL

7  
Deputy Director  
Dept. of Mines & Geology  
Mangalore.

Ministry of Environment Forest and Climate Change,  
Government of India (Respondent No. 02 herein).

10. I respectfully submitted that, the notification issued by the Respondent No. 02 herein dated 15.01.2016 and 28.03.2020, provides for exemption from requirement of Environmental Clearance in certain cases, wherein it also applicable for 'Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management'. Hence, the Work Order issued by the District Committee is in accordance with law. Further selective dredging is suggested and also allowed by the MoEF & CC guidelines, depending upon the local conditions. The copies of the said Notification dated 15.01.2016 and 28.03.2020 is produced and marked as **ANNEXURE- R3 and R4**.

11. As per rule 31 V of KMMCR- 2021 reads as follows:-

Rule 31-V Regulation of sand extraction from de-siltation of dams or reservoirs or barrages.-

(1) De-siltation of dams, reservoirs and barrages shall only be done through the Government department or Government owned Corporation or Board.

(2) The District sand committee shall conduct inspection jointly through the officers comprising the Deputy Director or Senior Geologist concerned, the Executive



*[Signature]*  
Deputy Director  
Dept. of Mines & Geology  
Mangalore.

Errors / Corrections Etc. *NFL*

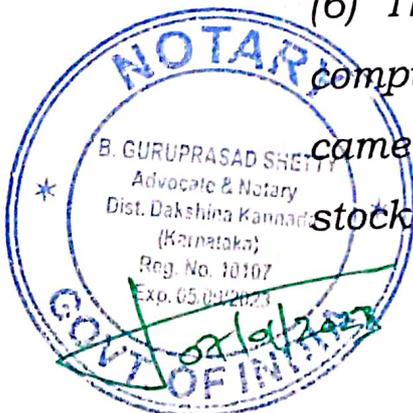
Engineer, Water Resources Department, Range Forest Officer of Forest Department and shall quantify the sand likely to be sourced by de-silting process.

(3) The joint inspection team shall submit inspection report with recommendations to the District sand committee for the purpose of reserving the area of extraction of sand through the Government department or Corporation or Board, which have been notified by the State Government for sale of sand or for the purpose of the Central Government or State Government Development work.

(4) After the approval of the District sand committee, the concerned department or Government owned Corporation or Board authorized shall take up de-siltation activities in dams, reservoirs, barrages and large tanks.

(5) During de-siltation, the concerned Government department of Government owned Corporation or Board shall pay rate as specified by the State Government, from time to time in advance and obtain Mineral Dispatch permit for transportation of de-silted sand to stockyard.

(6) The Permission holder shall establish the office, computer facility, electricity supply, closed-circuit camera, weigh bridge and security at the dump yard or stock yard of sand.



*[Signature]*  
Deputy Director  
Dept. of Mines & Geology  
Mangalore.

Errors / Corrections Etc. NPL

(7) The Permission holder shall maintain an inward and dispatch register and stock register in the stock yard office and allow for inspection by the official of the District and Taluk sand committee and such other officer authorized in this regard by the State Government.

(8) The Permission holder shall be adopted and obtain booking of sand from the end user general public through an app called as "Maralu Mitra" In the manner specified in rule 31U(13):

Provided that this provision shall not be applicable for the Central or the State Government agencies having the sand blocks for their own use.

(9) The work executing Government department or Government owned Corporation or Board shall put in place a suitable administrative mechanism, under these rules, at the field level to efficiently supervise the de-siltation process, monitoring of dispatched sand and also to prevent any misuse of sand sourced from de-siltation.

(10) The work executing Government department of Government owned Corporation or Board shall furnish month wise statement of de-siltation activities on the quantity of sand de-silted and transported to stockyard, as well as sand sold and dispatched from the stockyard to the consumers:



  
Deputy Director 10  
Dept. of Mines & Geology  
Mangalore.

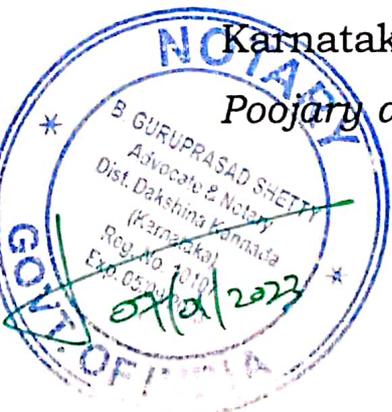
Errors / Corrections Etc. 

*Provided that, this provision shall not be applicable for the Central or the State Government agencies having the sand blocks for their own use.”*

This rule is amended on 1-12-2021, but the same came in to force with effect from 05-05-2020. The impugned work order dated 27-11-2020, issued by Respondent No.4 is in consonance of the said rule. As per the said rule the Respondent No.5 is allowed to pay rate as specified by the State Government from time to time in advance to obtain Mineral Dispatch Permit for transportation of de-silted sand to stockyard.

Further there is an exemption from requirement of environment clearance during dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management as per APPENDIX-IX of MoEF & CC notification dated 28-03-2020. Hence in view of this it is stated that the impugned order issued by Respondent No.4 is not in violation of MoEF & CC guidelines or KMMCR-2021 or EIA notification, 2006 as stated by the Applicant. Copy of MoEF & CC Notification, KMMCR Rule 31V are produced herewith as **ANNEXURE-R5**.

- 12.** It is pertinent to mention here that, the Writ Petition was filed before the Division Bench of Hon'ble High Court of Karnataka vide WP No. 5031 of 2021 between 'Poovappa Poojary and others v/s Karnataka State Minerals Corporation



  
Deputy Director  
Dept. of Mines & Geology  
Mangalore.

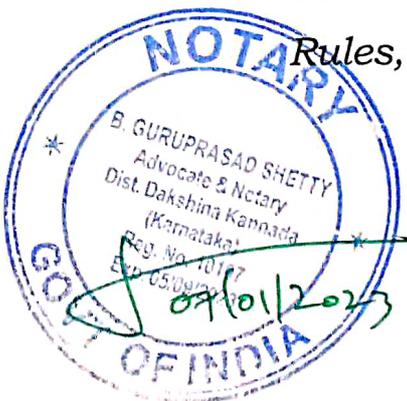
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Errprs / Corrections Etc. NEL

*Ltd and Others'*, the Petitioners sought for quashing the E-Tender invitations dated 07.11.2020 and 07.12.2020 issued by the Karnataka State Minerals Corporation Ltd., (Respondent No.05 herein), regarding de-siltation in Shamburu dam and Adyapadi dam. The Division Bench was pleased to dismiss the said Writ Petition on 09.02.2022 and reported the case, the relevant portion of the said Judgment dated 09.02.2022 is reiterated as follows:

*"10. In the above circumstances, when there is no sand block which would be involved in the dredging/de-silting of silt in the reservoir area, in our considered opinion the same would not amount to quarrying activity in a river area or in a sand block identified for that purpose. In such circumstances, when the work cannot be said to be quarrying, the restriction which has been imposed under Rule 31R or 31ZB of the Rules would not apply to the work contemplated under the E-tender which has been challenged in these proceedings.*

*12. We are therefore of the opinion that a tender for dredging/de-silting of submergence area of a dam would not amount to sand quarrying necessitating the imposition of the restriction under Rule 31R or Rule 31ZB of the Karnataka Minor Mineral Concession Rules, 1994.*



*[Signature]*  
Deputy Director  
Dept. of Mines & Geology  
Mangalore.

Errors / Corrections Etc. *NEC*

13. In view of the above, we do not find any merit in the petition filed. The petition stands dismissed”.

Copy of the judgment dated 09-02-2022 is produced herewith as **ANNEXURE-R6**. Further it is to be noted that the Hon'ble High Court of Karnataka held that dredging and de-silting in the dam would not amount to sand quarrying or mining.

13. It is humbly submitted that Supreme Court of India in the matter of 'Deepak Kumar etc., vs. State of Haryana & Others' vide judgment dated 27.02.2012 held that prior Environmental Clearance (EC) is mandatorily required for mining of minor minerals in even <5 hectares area of mining lease, here in this case there is no mining of minor mineral, but the impugned work order is issued for removal of silt sand. The judgment relied upon by the Applicant is of less help to support his contention since the same is not applicable to the facts of this case. Hence the contention of the Applicant holds no water.

14. It is humbly submitted that the Applicant has relied upon the report of the joint committee appointed by Hon'ble Tribunal, Andhra Pradesh wherein there is no information as to whether the report so submitted is accepted or not by the said Tribunal. Hence, the contention of the applicant cannot be admitted at this point.

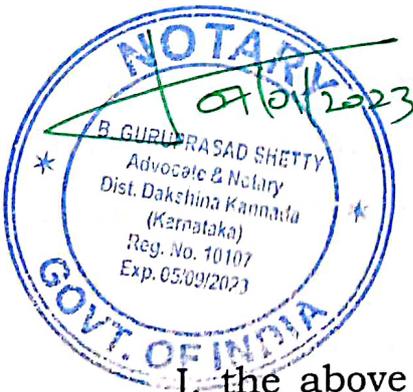


  
Deputy Director  
Dept. of Mines & Geology<sup>13</sup>  
Mangalore.

Errors / Corrections Etc. *NEC*

15. In light of the above it is most humbly submitted before this Hon'ble Tribunal that as per the MoEF & CC notification, Rule 31 V of KMMCR, EIA notification 2006 removal of silt sand in the reservoirs, dams and canals will not amount to sand mining for commercial purpose and the same is upheld by the Hon'ble High court of Karnataka. Further the said activity/ removal of silt or dredging is exempted from obtaining prior environment clearance as per the above notification and guidelines. Further it is submitted that the applicant has not challenged the constitutional validity of Rule 31-V of KMMCR. Since the impugned work order issued by Respondent No. 04 is in consonance with Rule 31-V of KMMCR and also the notifications and guidelines as stated supra the applicants contentions urged in the application cannot be considered. Hence it is humbly prayed to dismiss the application filed by the Applicant.

I pray before this Hon'ble Tribunal to accept this affidavit in the interest of justice and equity.



  
**DEPONENT**  
 Deputy Director  
 Dept. of Mines & Geology  
 Mangalore.

**VERIFICATION**

I, the above Deponent do hereby verify that all the facts stated in the affidavit are true to my knowledge and that no

  
 Deputy Director  
 Dept. of Mines & Geology  
 Mangalore.

part thereof is false and nothing material is concealed therefrom.

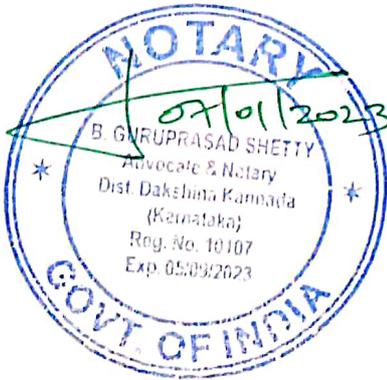
Verified at Mangaluru on the 7<sup>th</sup> day of January 2023.

  
**DEPENDENT**  
 Deputy Director  
 Dept. of Mines & Geology  
 Mangalore.

IDENTIFIED BY

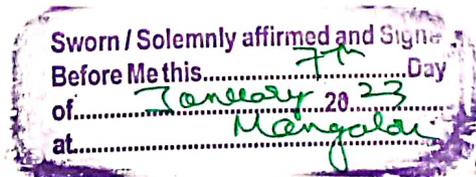
DEPUTY DIRECTOR  
 DEPARTMENT OF MINES AND GEOLOGY  
 MANGALURU

Errors / Corrections Etc. *NIL*



NOTARIAL Reg. No. *47/2023*

*07/01/2023*



  
 B. Guruprasad Shetty, B.A., LL.B.  
 Reg. No. 10107  
 Advocate & Notary, Govt. of India  
 1st Floor, City Plaza, Kodialbail  
 K.R.R. Road, Mangaluru - 575 003  
 Mob: 9845170470

ದ.ಕ.ಜಿಲ್ಲೆ ಮಂಗಳೂರು ತಾಲ್ಲೂಕು ಹಾಗೂ ಬಂಟ್ವಾಳ ತಾಲ್ಲೂಕಿನ ಪಲ್ಲಣಿ ನದಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿರುವ ಅದ್ಯಪಾಡಿ ಡ್ಯಾಂ ಮತ್ತು ಎ.ಎಂ.ಆರ್ (ಶಂಬೂರು ಡ್ಯಾಂ)ನಲ್ಲಿ ಶೇಖರಣೆಯಾಗಿರುವ ಹೊಳೆತುವ ಕಾರ್ಯವನ್ನು ಕೆ.ಎಸ್.ಎಂ.ಸಿ.ಎಲ್ ರವರಿಗೆ ವಹಿಸುವ ಸಲುವಾಗಿ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಸೂಚನೆಯಂತೆ ಸದರಿ ಪ್ರದೇಶದಲ್ಲಿ ಸಂಗ್ರಹ ಗೊಂಡಿರುವ ಮರಳನ್ನು ಗೂಗಲ್ ನಕ್ಷೆಯಲ್ಲಿ ಉದ್ದ ಅಗಲವನ್ನು ಅಳೆದು 1 ಮೀ., ಎತ್ತರ ಪ್ರದೇಶದಲ್ಲಿ ಸಂಗ್ರಹಗೊಂಡಿರುವ ಪ್ರಮಾಣವನ್ನು ಅಂದಾಜಿಸಲಾಗಿರುತ್ತದೆ.

1. ಅದ್ಯಪಾಡಿ ಡ್ಯಾಂ : 2000 ಮೀ., ಉದ್ದ 100 ಮೀ., ಅಗಲ 1 ಮೀ., ಎತ್ತರದಲ್ಲಿ ಸುಮಾರು 3.44 ಲಕ್ಷ ಮೆ.ಟನ್ ಸಂಗ್ರಹಗೊಂಡಿರುವುದಾಗಿ ಅಂದಾಜಿಸಿದ್ದು, ಅಕ್ಷಾಂಶ-ರೇಖಾಂಶಗಳು ಈ ಕೆಳಕಂಡಂತಿರುತ್ತದೆ.

1.  $12^{\circ} 56' 30.48''$   $74^{\circ} 53' 20.54''$
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3.  $12^{\circ} 56' 20.42''$   $74^{\circ} 54' 22.10''$
4.  $12^{\circ} 56' 18.76''$   $74^{\circ} 54' 19.53''$

ಅಂದಾಜಿಸಿದ ಪ್ರಮಾಣದ ವಿವರ :  $2000*100*1*1.72=3,44,000$  ಮೆ.ಟನ್

2. ಎ.ಎಂ.ಆರ್ (ಶಂಬೂರು ಡ್ಯಾಂ): 2800 ಮೀ., ಉದ್ದ 230 ಮೀ., ಅಗಲ 1 ಮೀ., ಎತ್ತರದಲ್ಲಿ ಸುಮಾರು 11,07,680 ಮೆ.ಟನ್ ಸಂಗ್ರಹಗೊಂಡಿರುವುದಾಗಿ ಅಂದಾಜಿಸಿದ್ದು, ಅಕ್ಷಾಂಶ-ರೇಖಾಂಶಗಳು ಈ ಕೆಳಕಂಡಂತಿರುತ್ತದೆ.

- 1  $12^{\circ} 52' 47.74''$   $75^{\circ} 05' 47.40''$
- 2  $12^{\circ} 52' 40.82''$   $75^{\circ} 05' 42.26''$
- 3  $12^{\circ} 51' 57.13''$   $75^{\circ} 07' 05.55''$
4. ಇ  $12^{\circ} 51' 51.4''$   $75^{\circ} 07' 02.92''$

ಅಂದಾಜಿಸಿದ ಪ್ರಮಾಣದ ವಿವರ :  $2800*230*1*1.72=11,07,680$  ಮೆ.ಟನ್

ಹೊಸ ಮರಳು ನೀತಿ 2020 ರಂತೆ ಅನುಬಂಧ-1 ರಲ್ಲಿ 4,5,6 ನೇ ಕ್ರಮಾಂಕದ ಹೊಳೆ/ನದಿಗಳು ಹಾಗೂ ಅಣೆಕಟ್ಟುಗಳು ಮತ್ತು ಅಣೆಕಟ್ಟಿನ ಹಿನ್ನೀರಿನ ನದಿ ಪಾತ್ರದಲ್ಲಿನ ಮರಳು ನಿಕ್ಷೇಪಗಳನ್ನು ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ, ಜಲಸಂಪನ್ಮೂಲ ಇಲಾಖೆ ಹಾಗೂ ಕಂದಾಯ ಇಲಾಖೆ ಅಧಿಕಾರಿಗಳು ಜಂಟಿಯಾಗಿ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಿ ಪ್ರಮಾಣವನ್ನು ಅಂದಾಜಿಸಿ ವರದಿಯನ್ನು ತಾಲ್ಲೂಕು ಮರಳು ಉಸ್ತುವಾರಿ ಸಮಿತಿ ಮೂಲಕ ಜಿಲ್ಲಾ ಮರಳು ಉಸ್ತುವಾರಿ ಸಮಿತಿಗೆ ಸಲ್ಲಿಸಿ ಮುಂದಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ.

ಈ ಎಲ್ಲಾ ಮಾಹಿತಿಯನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ಹಾಗೂ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಗೂಗಲ್ ನಕಾಶೆಯನ್ನು ಲಗತ್ತಿಸಿ ಸಲ್ಲಿಸಿದೆ.

ದಿನಾಂಕ: 13-10-2020

  
Deputy Director  
Dept. of Mines & Geology  
Mangalore.

  
ಸುಷ್ಮಾ ಶಶಿ ಬಿ  
ಭೂವಿಜ್ಞಾನಿ

  
B. Guruprasad Shetty, B.A., U.  
Reg. No. 10107  
Advocate & Notary, Govt. of  
1st Floor, City Plaza, Kodial  
K.R.R. Road, Mangaluru - 575 0  
Mob: 9845170470

-17-

TRANSLATED COPY  
OF ANNEXURE-R1Submitted:

In order to entrust the work of removing silt collected in Adyapadi Dam and A.M.R. (Shambur Dam) in the ambit of Palguni river of Mangaluru Taluk and Bantwal Taluk, D.K. District, to K.S.M.C.I., as per the instructions of the Deputy Commissioner, the quantity of sand collected in the said place has been estimated in the Google sketch by measuring length x width x 1 m. height area.

1. Adyapadi Dam: It is estimated that a quantity of 3.44 Lakhs M.Ton. of sand has been collected in 2000 m. length, 100 m. width and 1 m. height and the Latitude and Longitude are as hereunder.

1. 12° 56' 30.48" 74° 53' 20.54"
2. 12° 56' 27.94" 74° 53' 20.74"
3. 12° 56' 20.42" 74° 54' 22.10"
4. 12° 56' 18.76" 74° 54' 19.53"

Details of the estimated quantity: 2000x100x1x1.72 = 3,44,000 M.T.

2. A.M.R. (Shambur Dam): It is estimated that a quantity of 11,07,680 M.Tons. of sand has been collected in 2800 m. length, 230 m. width and 1 m. height and the Latitude and Longitude are as hereunder.

1. 12° 52' 47.74" 75° 05' 47.40"
2. 12° 52' 40.82" 75° 05' 42.26"
3. 12° 51' 57.13" 75° 07' 05.55"
4. 12° 52' 51.4" 75° 07' 02.92"

Details of the estimated quantity: 2800x230x1x1.72 = 11,07,680M.T.

As per the New Sand Policy 2020, Sl.No. 4, 5, 6 of Annexure-1, the sand deposits available in the stream/rivers and back drop waters of reservoirs and dams, has to be inspected jointly by the officers of the Department of Mines & Geology, Water Resource Department and the Revenue Department, estimate the quantity and submit a report to the District Sand Monitoring Committee, for taking further action, through the Taluk Sand Monitoring Committee.

All these information are depicted in the Google sketch and submitted for your information and further action.

Date: 13-10-2020

Sd/-  
Sushma Shashi.B.,  
Geologist.

option for your map

Shambhoor) dam site palguni river 2.8 km x 280 m

Devasyapadur

Allipade

Sarapady

Shambhoor

Balithala

12 52 40.82" N 75 54 2.26" E

12 52 47.74" N 75 54 7.40" E

NE E  
N44° NB DNBC  
N14° NB E

12 51 57.13" N 75 7 5.55" E  
12 51 54.54" N 75 7 2.92" E

N2 E  
N45° NB A  
N30° NB B  
N30° NB C

Deputy Director  
Dept. of Mines & Geology  
Mangalore.

B. Guruprasad Shetty, B.A., LL.B.  
Reg. No. 10107  
Advocate & Notary, Govt. of India  
1st Floor, City Plaza, Kodialbail  
K.R.R. Road, Mangalore - 575 003  
Mob: 9845170470

De

Location for your map.  
Palguni site palguni river 2 km x 100 m

Adyapady

12° 56' 30.48" N 74° 53' 20.54" E  
12° 56' 27.94" N 74° 53' 20.74" E

12° 56' 20.42" N 74° 54' 22.10" E  
12° 56' 18.76" N 74° 54' 19.53" E

Deputy Director  
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B. Guruprasad Shetty, B.A., LL.B.  
Reg. No. 10107  
Advocate & Notary, Govt. of India  
1st Floor, City Plaza, Kodialballi  
K.R.R. Road, Mangalore - 575 003  
Mob: 98 46178476

earth

Prakula Misarga Dhama

G. Muduchappa

- 10 का.आ. 562(अ) तारीख 26 फ़रवरी 2014;
11. का.आ. 637(अ) तारीख 28 फ़रवरी 2014;
12. का.आ. 1599(अ) तारीख 25 जून 2014;
13. का.आ. 2601(अ) तारीख 7 अक्टूबर 2014;
14. का.आ. 2600(अ) तारीख 9 अक्टूबर 2014
15. का.आ. 3252(अ) तारीख 22 दिसम्बर 2014;
16. का.आ. 382(अ) तारीख 3 फरवरी, 2015;
17. का.आ. 811(अ) तारीख 23 मार्च, 2015;
18. का.आ. 996(अ) तारीख 10 अप्रैल 2015;
19. का.आ. 1142(अ) तारीख 17 अप्रैल 2015;
20. का.आ. 1141(अ) तारीख 29 अप्रैल 2015;
21. का.आ. 1834(अ) तारीख 6 जुलाई 2015;

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**  
**NOTIFICATION**

New Delhi, the 15th January, 2016

**S.O. 141(E).**—Whereas in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), a draft notification for making certain amendments in the Environment Impact Assessment Notification, 2006, issued *vide* number S.O. 1533(E), dated the 14<sup>th</sup> September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, *vide* number S.O. 2588(E), dated 22<sup>nd</sup> September, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said notification were available to the public;

And whereas, copies of said notification were made available to the public on 22<sup>nd</sup> September 2015;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27<sup>th</sup> February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, *vide* its order dated the 13<sup>th</sup> January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

**In the said notification,-**

(a) in paragraph 2, after the words "in the said Schedule", the following words shall be inserted, namely:-  
"and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule";

(b) after paragraph 3, the following paragraph shall be inserted, namely:-

**"3 A. District Level Environment Impact Assessment Authority:-**

- (1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.
  - (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
  - (3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.
  - (4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.
  - (5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert member.
  - (6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
  - (7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.
  - (8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.
  - (9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.
  - (10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert members.
  - (11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.
  - (12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.
  - (13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail. ";
- (c) in paragraph 4, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-  
"(iv) The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification." ;
- (d) for paragraph 5, the following paragraph shall be substituted, namely:-

**"5. Screening, Scoping and Appraisal Committees:-**

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category 'A', 'B1 and B2' and 'B2' projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union

territory Administration with identical composition. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(b) The Central Government may with the prior concurrence of the concerned State Governments or the Union territory Administration constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost.

(c) The EAC and SEAC shall be reconstituted after every three years.

(d) The authorised members of the EAC, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental clearance is sought for the purpose of screening or scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

(e) The EAC, SEACs and DEACs shall function on the principle of collective responsibility. The Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached the view of the majority shall prevail.”;

(e) for paragraph 6, the following paragraph shall be substituted, namely:-

**“6. Application for Prior Environmental Clearance (EC):-**

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form 1M for mining of minor minerals up to five hectare under Category ‘B2’ projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and Form 1M; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report.”;

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading “I. Stage (1)- Screening:”, the existing sub-paragraph shall be lettered as sub-paragraph “(A)” and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-

“(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance.”;

(ii) after sub-paragraph 7 (ii), the following sub-paragraph shall be inserted, namely:-

**“7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:**

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;

(g) in paragraph 8,-

(i) for the letters and word “EAC or SEAC”, the words and letters “EAC or SEAC or DEAC” shall be substituted;

(ii) for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee” wherever they occur, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(h) in paragraph 9, in sub-paragraph (i),-

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(i) in paragraph 10, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

“(iv) The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII.”;

(j) in paragraph 11, -

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(k) in the Schedule,-

(i) for item 1 (a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
“1(a)	(i) Mining of minerals	≥50 ha of mining lease area in respect of non-coal mine lease  >150 ha of mining lease area in respect of coal mine lease  Asbestos mining	<50 ha of mining lease area in respect of non-coal mine lease  ≤150 ha of mining lease area in respect of coal mine lease	General Conditions shall apply except:  (i) for project or activity of mining of minor minerals of Category ‘B2’ (up to 25 ha of mining lease area);  (ii) River bed mining projects on account of inter-state boundary.

		irrespective of mining area		<p><b>Note:</b></p> <p>(1) Mineral prospecting is exempted.”;</p> <p>(2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;</p> <p>(3) The mining leases which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification, 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.</p>
	(ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	All projects.		

(i) after Appendix VI, the following appendices shall be inserted, namely:-

#### “APPENDIX VII

(See paragraph 3 A)

#### Qualifications and terms for the Experts in DEIAA and DEAC

- Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
- Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
- Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
- Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.

5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

**APPENDIX VIII**  
(See paragraph 6)

**FORM I M**

**APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR LESS THAN AND EQUAL TO FIVE HECTARE**

**(II) Basic Information**

- (viii) Name of the Mining Lease site:
- (ix) Location / site (GPS Co-ordinates):
- (x) Size of the Mining Lease (Hectare):
- (xi) Capacity of Mining Lease (TPA):
- (xii) Period of Mining Lease:
- (xiii) Expected cost of the Project:
- (xiv) Contact Information:

**Environmental Sensitivity**

Sl. No.	Areas	Distance in kilometer / Details
1.	Distance of project site from nearest rail or road bridge over the concerned River, Rivulet, Nallah etc.	
2.	Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoirs or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps	
3.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	
4.	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	
5.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	
6.	Inland, coastal, marine or underground waters	
7.	State, National boundaries	
8.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from nearest human habitation	
11.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	
12.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	
13.	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	
14.	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)	

15.	Is proposed mining site located over or near fissure / fracture for ground water recharge	
16.	Whether the proposal involves approval or clearance under the following Regulations or Acts, namely:- (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given.	
17.	Forest land involved (hectares)	
18.	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 or directions of the Court, if any, and its relevance with the proposed project.	

(Signature of Project Proponent  
Along with name and address)

#### APPENDIX - IX

[See paragraph 7(i) (B)]

#### EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely:-

1. Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatama Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat *vide* notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14<sup>th</sup> February, 1990 of the Government of Gujarat.
8. Digging of well for irrigation or drinking water.
9. Digging of foundation for buildings not requiring prior environmental clearance.
10. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nala, drain, water body, etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate.
11. Activities declared by State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India.

#### APPENDIX - X

[See paragraph 7 (iii) (a)]

#### PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.

9. Physiography of the District  
 10. Rainfall: month-wise  
 11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.  
 (b) District wise availability of sand or gravel or aggregate resources.  
 (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

#### Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District

#### Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

#### Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

#### Annual Deposition


S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for the District						

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

#### Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up

to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

#### APPENDIX - XI

[See paragraph 7 (iii) (b)]

#### PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation:-

- (1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.
- (2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.
- (3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.
- (4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.
- (5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.
- (6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.
- (7). Form 1M, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.
- (8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

#### Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
<b>EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease</b>								
0 - 5ha	'B2'	Form -1M, PFR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency

> 5 ha and < 25 ha	'B2'	Form -I, PFR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	nominated by MoEFCC
≥ 25ha and < 50ha	'B1'	Yes	Yes	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	
≥ 50 ha	'A'	Yes	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
<b>EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation</b>								
Cluster area of mine leases up to 5 ha	'B2'	Form -IM, PFR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	'B2'	Form -I, PFR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster of mine leases of area ≥ 25 hectares with individual lease size < 50ha	'B1'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	
Cluster of any size with any of the individual lease ≥ 50ha	'A'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/ MoEFCC	

## APPENDIX - XII

[See paragraph 10 (iv)]

## PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

1. The security feature of Transport Permit shall be as under:

- (a) Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
- (b) Unique Barcode.
- (c) Unique Quick Response (QR) code.
- (d) Fugitive Ink Background.
- (e) Invisible Ink Mark.
- (f) Void Pantograph.
- (g) Watermark.

2. Requirement at Mine Lease Site:

- (a) Small Size Plot (Up to 5 hectare): Android Based Smart Phone.

- (b) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.
- (c) Access control of mine lease site.
- (d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.

### 3. Scanning of Transport Permit or Receipt and Uploading on Server:

- (a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;
- (b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card;
- (c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.

### 4. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued.

When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

### 5. Checking On Route:

The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.

### 6. Breakdown of Vehicle:

In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call centre.

### 7. Tracking of Vehicles:

The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.

### 8. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose."

[No. Z-11013/98/2014-IA-II (M)]

MANOJ KUMAR SINGH, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended vide the following numbers :-

1. S.O. 1737 (E) dated the 11th October, 2007;
2. S.O. 3067 (E) dated the 1st December, 2009;
3. S.O. 695 (E) dated the 4th April, 2011;
4. S.O. 2896 (E) dated the 13th December, 2012;
5. S.O. 674 (E) dated the 13th March, 2013;
6. S.O. 2204 (E) dated the 19th July 2013;
7. S.O. 2555 (E) dated the 21st August, 2013;
8. S.O. 2559 (E) dated the 22nd August, 2013;
9. S.O. 2731 (E) dated the 9th September, 2013;
10. S.O. 562 (E) dated the 26th February, 2014;
11. S.O. 637 (E) dated the 28th February, 2014;
12. S.O. 1599 (E) dated the 25th June, 2014;
13. S.O. 2601 (E) dated the 7th October, 2014;
14. S.O. 2600 (E) dated the 9th October, 2014;
15. S.O. 3252 (E) dated the 22nd December, 2014;
16. S.O. 382 (E) dated the 3rd. February, 2015;
17. S.O. 811 (E) dated the 23rd March, 2015;
18. S.O. 996 (E) dated the 10th April, 2015;
19. S.O. 1142 (E) dated the 17th April, 2015;
20. S.O. 1141 (E) dated the 29th April, 2015;
21. S.O. 1834 (E) dated the 6th July, 2015.

  
**Deputy Director**  
**Dept. of Mines & Geology**  
**Mangalore.**

  
**B. Guruprasad Shetty, B.A., LL.B.**  
**Reg. No. 10107**  
**Advocate & Notary, Govt. of India**  
**1st Floor, City Plaza, Kodialba**  
**K.R.R. Road, Mangaluru - 575 001**  
**Mob: 9845170470**

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 28th March, 2020

**S.O. 1224(E).**—WHEREAS, *vide* the Mineral Laws (Amendment) Act, 2020 (2 of 2020), the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter referred to as MMDR Act) has been amended with effect from the 10<sup>th</sup> day of January, 2020 and, *inter alia*, new section 8B relating to the provisions for transfer of statutory clearances has been inserted;

AND WHEREAS, sub-section (2) of section 8B of the MMDR Act provides that notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years;

AND WHEREAS, sub-section (3) of section 8B of the MMDR Act provides that notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease;

AND WHEREAS, in pursuance of the aforesaid amendment to the MMDR Act, the Central Government deems it necessary to align the relevant provisions of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the EIA Notification, 2006);

AND WHEREAS, the Ministry of Environment, Forest and Climate Change is in the receipt of representations for waiver of requirement of prior environmental clearance for borrowing of ordinary earth for roads; and manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules, in public interest, and in supersession of the notification number S.O. 4307(E), dated the 29<sup>th</sup> November, 2019, hereby makes the following further amendments in the EIA Notification, 2006, namely:-

In the said notification,-

(i) in paragraph 11, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:-

“(3) The successful bidder of the mining leases, expiring under the provisions of sub-sections (5) and (6) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and selected through auction as per the procedure provided under that Act and the rules made thereunder, shall be deemed to have acquired valid prior environmental clearance vested with the previous lessee for a period of two years, from the date of commencement of new lease and it shall be lawful for the new lessee to continue mining operations as per the same terms and conditions of environmental clearance granted to the previous lessee on the said lease area for a period of two years from the date of commencement of new lease or till the new lessee obtains a fresh environmental clearance with the terms and conditions mentioned therein, whichever is earlier:

Provided that the successful bidder shall apply and obtain prior environmental clearance from the regulatory authority within a period of two years from the date of grant of new lease.”;

(ii) in the Schedule, against the item 1(a), in the column (5), after clause (2) of the Note, the following clause shall be inserted, namely:-

“(3) The evacuation or removal and transportation of already mined out material lying within the mining leases expiring under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), by the previous lessee, after the expiry of the said lease, shall not form the part of the mining capacity so permitted to the successful bidder, selected through auction as per the procedure provided under that Act and the rules made thereunder.”;

(iii) for Appendix-IX, the following Appendix shall be substituted, namely:-

## “APPENDIX-IX

## EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require Prior Environmental Clearance, namely:-

1. Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works, like, de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
7. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.
8. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
9. Manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community.
10. Digging of wells for irrigation or drinking water purpose.
11. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.
12. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.
13. Activities declared by the State Government under legislations or rules as non-mining activity.”

[F. No. Z-11013/47/2018-IA.II (M)]

GEETA MENON, Jt. Secy.

**Note:** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 and subsequently amended vide the following numbers:-

1. S.O. 1949 (E), dated the 13<sup>th</sup> November, 2006;
2. S.O. 1737 (E), dated the 11<sup>th</sup> October, 2007;
3. S.O. 3067 (E), dated the 1<sup>st</sup> December, 2009;
4. S.O. 695 (E), dated the 4<sup>th</sup> April, 2011;
5. S.O. 156 (E), dated the 25<sup>th</sup> January, 2012;
6. S.O. 2896 (E), dated the 13<sup>th</sup> December, 2012;
7. S.O. 674 (E), dated the 13<sup>th</sup> March, 2013;
8. S.O. 2204 (E), dated the 19<sup>th</sup> July, 2013;
9. S.O. 2555 (E), dated the 21<sup>st</sup> August, 2013;
10. S.O. 2559 (E), dated the 22<sup>nd</sup> August, 2013;
11. S.O. 2731 (E), dated the 9<sup>th</sup> September, 2013;
12. S.O. 562 (E), dated the 26<sup>th</sup> February, 2014;
13. S.O. 637 (E), dated the 28<sup>th</sup> February, 2014;

14. S.O. 1599 (E), dated the 25<sup>th</sup> June, 2014;
15. S.O. 2601 (E), dated the 7<sup>th</sup> October, 2014;
16. S.O. 2600 (E), dated the 9<sup>th</sup> October, 2014;
17. S.O. 3252 (E), dated the 22<sup>nd</sup> December, 2014;
18. S.O. 382 (E), dated the 3<sup>rd</sup> February, 2015;
19. S.O. 811 (E), dated the 23<sup>rd</sup> March, 2015;
20. S.O. 996 (E), dated the 10<sup>th</sup> April, 2015;
21. S.O. 1142 (E), dated the 17<sup>th</sup> April, 2015;
22. S.O. 1141 (E), dated the 29<sup>th</sup> April, 2015;
23. S.O. 1834 (E), dated the 6<sup>th</sup> July, 2015;
24. S.O. 2571 (E), dated the 31<sup>st</sup> August, 2015;
25. S.O. 2572 (E), dated the 14<sup>th</sup> September, 2015;
26. S.O. 141 (E), dated the 15<sup>th</sup> January, 2016;
27. S.O. 648 (E), dated the 3<sup>rd</sup> March, 2016;
28. S.O. 2269(E), dated the 1<sup>st</sup> July, 2016;
29. S.O. 2944(E), dated the 14<sup>th</sup> September, 2016;
30. S.O. 3518 (E), dated 23<sup>rd</sup> November 2016;
31. S.O. 3999 (E), dated the 9<sup>th</sup> December, 2016;
32. S.O. 4241(E), dated the 30<sup>th</sup> December, 2016;
33. S.O. 3611(E), dated the 25<sup>th</sup> July, 2018;
34. S.O. 3977 (E), dated the 14<sup>th</sup> August, 2018;
35. S.O. 5733 (E), dated the 14<sup>th</sup> November, 2018;
36. S.O. 5736 (E), dated the 15<sup>th</sup> November, 2018;
37. S.O. 5845(E), dated the 26<sup>th</sup> November, 2018;
38. S.O. 345(E), dated the 17<sup>th</sup> January, 2019;
39. S.O. 1960(E), dated the 13<sup>th</sup> June, 2019;
40. S.O. 236(E), dated the 16<sup>th</sup> January, 2020;
41. S.O. 751(E), dated the 17<sup>th</sup> February, 2020; and
42. S.O. 1223(E), dated the 27<sup>th</sup> March, 2020.

  
**Deputy Director**  
 Dept. of Mines & Geology  
 Mangalore.

  
**B. Guruprasad Shetty, B.A., LL.B.**  
 Reg. No. 10107  
 Advocate & Notary, Govt. of India  
 1st Floor, City Plaza, Kodialbail  
 K.R.R. Road, Mangaluru - 575 003  
 Mob: 9845170470



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಗಲಾದುದು

ಸಂಖ್ಯೆ - ೧೫೬ Volume - 156	ಬೆಂಗಳೂರು, ಶುಕ್ರವಾರ, ೦೬, ಡಿಸೆಂಬರ್, ೨೦೨೧ (ಮಾರ್ಗಶಿರ, ೧೨, ಶಕವರ್ಷ, ೧೯೪೩) BENGALURU, FRIDAY, 01, DECEMBER, 2021 (MARGASHIRSA, 12, SHAKAVARSHA, 1943)	ಸಂಚಿಕೆ ೧೯೨ Issue 192
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## ಭಾಗ ೪ಎ

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಆಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು

## GOVERNMENT OF KARNATAKA

No: CI 344 MMN 2019 (Part-7)

Karnataka Government Secretariat,  
Vikasa Soudha,  
Bengaluru, dated 01.12.2021.

### **NOTIFICATION**

In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Minor Mineral Concession Rules, 1994, namely:-

### **RULES**

**1. Title and commencement.-** (1) These rules may be called the Karnataka Minor Mineral Concession (Amendment) Rules, 2021

(2) It shall come into force with effect from 5<sup>th</sup> day of May 2020.

**2. Amendment of chapter IV-B.-** In the Karnataka Minor Mineral Concession Rules, 1994 (hereinafter referred to as the said rules) in chapter IV-B for rules 31R to 31-ZB-A and entries relating thereto, the following shall be substituted, namely:-

**"31-R. Permission for quarrying and transportation of ordinary sand in I, II, III, IV, V and VI order stream and de-siltation of dams, reservoirs, barrages and tanks.-** (1) There shall be constituted for each district a sand monitoring committee (hereinafter referred as the District sand committee) consisting of the following namely:-

(೨೯೯೯)

1	The Deputy Commissioner of the district	Chairman
2	The Chief Executive officer of the Zilla Panchayat	Member
3	The Police Commissioner and the Superintendent of Police in-charge of the respective city or district	Member
4	The Executive Engineer of the Public works Department	Member
5	The Executive Engineer of the Major Water Resources Department	Member
6	Executive Engineer of the Minor Irrigation Department	Member
7	The Deputy Conservator of Forest (Territorial)	Member
8	The Regional Transport Officer	Member
9	The Officer in charge of the Karnataka State Pollution Control Board	Member
10	The Assistant Commissioner of the Revenue sub-division	Member
11	Tahasildar of the respective taluk	Member
12	The Deputy Director or Senior Geologist, Department of Mines and Geology	Member Secretary

**Note:** The Chairman of the Committee may invite any officer or any other knowledgeable person on the subject to be a member, depending on the specific issue.

**Explanation:-** For the purpose of this Note, the invitee member shall be a retired Government official or teacher or ex-serviceman or ex-judiciary member.

(2) There shall be a Taluk Sand Monitoring Committee, (hereinafter referred as Taluk Committee) consisting of the following members, namely:-

1	The Assistant Commissioner of the respective revenue sub-division of the District	Chairman
2	The Executive officer of the taluk panchayat	Member
3	The Deputy Superintendent of Police having jurisdiction over the taluk	Member
4	The Assistant Executive Engineer of the Public Works Department	Member
5	The Assistant Executive Engineer of the Major Water Resources Department	Member
6	The Assistant Executive Engineer of the Minor Irrigation Department	Member
7	The Range Forest Officer of the concerned taluk or Range	Member
8	The Motor vehicle Inspector of the concerned taluk of Transport Department	Member

9	Concerned Official of the Karnataka State Pollution Control Board	Member
10	Concerned Geologist, Department of Mines and Geology	Member
11	Concerned Revenue Inspector of Revenue Department	Member
12	Concerned Panchayat Development Officer or Secretary of the concerned sand bearing Gram panchayat	Member
13	Tahasildar of the respective taluk	Member Secretary

**Note:** The Chairman of the committee may invite any officer or any other knowledgeable person on the subject to be a member, depending on the specific issue.

(3) Powers and functions of the District sand committee.- The District sand committee shall exercise the following powers and perform the following functions, namely:-

The District sand committee,-

- (i) shall meet at least once in two months;
- (ii) shall take decision to grant lease or working permission for sand quarrying or removal or de-siltation, in accordance with the provisions of these rules;
- (iii) to cause joint inspection of sand bearing areas of dam, reservoir or barrage and obtain joint inspection report done through the officers of the District sand committee and the Taluk sand committee, as the case may be;
- (iv) after considering the recommendations of the Taluk sand committee or joint committee constituted by the District sand committee, shall, either after accepting or with such modification as necessary, notify in the official Gazette, the specific sand blocks or sand bearing areas for grant of quarrying lease or working permission for sand quarrying or removal or de-siltation and reserving to Gram panchayat or the State Government or body Corporation owned or controlled by the State Government or the Central Government;
- (v) may reserve any sand block or dam or reservoir or barrage for the purpose of the Central Government or the State Government Development works and grant, lease to the contractor in the manner specified in these rules or to the authorised assignee of the Central Government or the State Government department;
- (vi) require the lease holder or permission holder to obtain quarry plan and Environmental clearance certificate, as the case may be;

- (vii) shall constitute independent committee of the experts to assess the environmental or ecological damage caused due to illegal mining and recommend recovery of environmental compensation from the miner's concern;
- (viii) shall take necessary steps to regulate illegal sand extraction, storage and transportation through its members, Taluk committee and through other law enforcement agencies;
- (ix) shall follow the orders and guidelines issued by the State Government from time to time;
- (x) shall establish check posts wherever necessary to regulate transportation of sand and make suitable arrangements for patrolling to monitor illegal transportation including river patrol, wherever necessary;
- (xi) shall compile the information of the permitted and legally mined-out minerals and other details of the district and share such information and intelligence with the adjoining districts (inter or intra district) for reconciliation. The information shall include the area of operation, permissible quantity, mined-out minerals (production), the permitted route etc., and other observations, especially where the quarry lease boundary is congruent with the district boundary. A co-ordination meeting shall be held on quarterly basis, alternatively in the district headquarters or any other site in the district, decided mutually by the District Magistrates.
- (xii) The annual audit for each river bed mining lease shall be carried out and the audit report shall be uploaded on the website of the district administration. The audit shall be carried out by an independent team of three members nominated by the Deputy Commissioner comprising of Ex-serviceman, Ex-Government officials of repute, professor or person having experience in mining or environment; and
- (xiii) issue directions to officers of the Government or Zilla panchayat or local authorities, constituted under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) or the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) or the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) to assist in any or all works, for the implementation of these rules.

(4) Powers and functions of the Taluk sand committee.- The Taluk sand committee shall exercise the following powers and perform the following functions, namely:-

The Taluk Sand Committee,-

- (i) shall meet once in a month at a place of convenience;
- (ii) shall conduct site inspection and identify sand deposit for the purpose of extraction of sand by concerned Gram panchayat or by the Central Government or the State Government or a Body Corporation owned or

controlled by the Central Government or the State Government or sand blocks disposed through tender cum auction in coastal districts as per rule 31-ZB.

- (iii) shall estimate approximate quarriable or removal of sand available in each I, II and III-order streams and tanks with the concerned Panchayat Development Officer or Secretary, Tahasildar, Assistant Engineer of the Minor Irrigation Department and Geologist of the Department of Mines and Geology and in case of IV, V and higher order of streams, with assistance of the officer of Revenue Department, Public Works Department, Water Resources Department and Mines and Geology Department. The blocks or area shall be identified for sand quarrying or extraction by incorporating the Geo-co-ordinates in the sketch;
- (iv) shall submit joint inspection report and documents with clear recommendations to the District sand committee for the purpose of notification of sand blocks or area;
- (v) shall supervise and monitor all sand quarrying blocks in accordance with the provision of these rules and also in consonance with the environmental clearance conditions;
- (vi) shall enforce laws and regulate illegal sand extraction, storage and transportation with the assistance of members and its subordinate officers authorised by the District sand committee and through other law enforcing agencies;
- (vii) may recommend any other matter to the District sand committee for implementation of these rules; and
- (viii) shall carry out such other functions assigned by the District sand committee, from time to time.

(5) Prohibition of use of machinery or equipment in sand quarrying.- Mechanized boats and dredgers in river sand quarrying is prohibited:

Provided that, use of backhoe equipment like JCB and screening in river bed sand quarrying shall be permitted in accordance with the guidelines issued by the Ministry of Environment, Forest and Climate Changes, from time to time.

(6) Disposal of seized sand.- If sand found stored illegally, it shall be seized and confiscated by any member of the District or Taluk sand committee through mahajar and be handed over to the Public Works Department or any other department, as decided by the District sand committee, who in turn dispose the same to the Central or the State Government works or to low income housing scheme or MGNAREGA work, at the rate as fixed by the District sand committee with Computerized Mineral Dispatch Permit issued by the Department of Mines and Geology of the Concerned district.

(7) Restrictions on sand quarrying.-

- (i) no sand quarrying shall be allowed within a radius of five hundred meters from wells meant for water supply to the villages and towns;

- (ii) In-stream sand extraction shall be prohibited;
- (iii) sand shall not be extracted up to a distance of one kilometer from major bridges and highways on both sides or five times (5X) of the span (x) of a bridge and ten times (10X) the span of such bridge on down-stream side, subject to a minimum of two hundred and fifty meters on up-stream side and five hundred meters on the down-stream side;
- (iv) sand may be extracted from the down-stream of the sand bar at river bends and retaining the up-stream one to two-third of the bar and riparian vegetation may be accepted as a method to promote channel stability; and
- (v) quarrying depth shall be restricted to three meters and distance from the bank shall be one fourth of the river width and shall not be less than 7.5 meters.

(8) Preparation of District Survey Report.-District Survey Report for sand mining shall be prepared before the grant of quarrying lease or working permission by Deputy Director or Senior Geologist of respective district of the Department of Mines and geology as per sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) from time to time.

(9) Replenishment study.- The replenishment study shall be conducted by lease holder or working permission holder at regular interval as per procedure described in sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) from time to time.

(10) Prohibition of stocking of sand.- No person or entity shall store or cause to store the sand for sale, except the holder of a lease or license or a Government department or Corporation owned by the Central Government or the State Government or Gram panchayat.

(11) Transportation of sand.- (i) Notified Government departments or Corporations or Boards or the concerned Gram panchayat or lease or licence holders shall transport the sand with Computerised Mineral Dispatch Permit in accordance with the provisions of rule 42.

(ii) all sand transporting vehicles (except for the vehicle with carrying capacity of less than three metric tonnes) shall install Global Positioning System and shall transport only in the approved route as indicated in the Mineral Dispatch Permit. The Government may, by special order require that the sand transport vehicles be registered with the concerned District sand committee for monitoring purpose.

(12) The District sand committee and the Taluk sand committee shall regulate, monitor and take legal action against any contravention of these rules. All the members of the District and the Taluk sand committees and subordinate

officers of the member departments, as authorized by the District sand committee shall exercise the power under sub-section (1) and (1-A) of section 4 and section 21 and section 22 of the Mines and Minerals (Regulation and Development) Act, 1957 and sub-rule (5) of rule 43 and sub-rule (1) of rule 43-A.

(13) Allocation of the royalty collected.- Twenty five percent of the royalty collected from the sale of sand shall be provided to the concerned Gram panchayat and twenty five percent of royalty shall be provided equally to remaining gram panchayats of concerned taluk through an appropriate budget provision.

Provided that, it shall not be applicable for sand being sold by Grama Panchayaths.

(14) Contribution to the District Mineral Foundation Trust.- Payment to the District Mineral Foundation by the holder of lease or any concessionary of sand shall be ten percent of the royalty and the District Mineral Foundation Trust Fund amount shall be credited in the manner specified by the State Government.

(15) Expenditure of Administrative cost amount earmarked in District Mineral Foundation Trust fund.- The District Mineral Foundation Trust fund shall be used for the following, namely:-

- (i) expenses towards regulatory efforts of all major and minor minerals, use of man power and machineries for the purpose of logistics and any unforeseen expenses incurred thereof;
- (ii) expenses to undertake the implementation of rehabilitation and reclamation and environmental safeguard measures in the sand quarries; and
- (iii) any other expenses that the State Government may by order specify.

(16) Selling price of sand and its revision.- The sand shall be disposed to the end consumer from the specified stockyards or sand bearing areas at a sale price as may be fixed by the State Government, from time to time.

(17) Incidental charges.- Notified Government departments or Corporations or Boards may, with the prior approval of the State Government may collect incidental charges additionally towards maintenance of village link roads and other services charges.

(18) Sand procured from other states.- If sand has to be transported from other States, the transporter shall pay rupees one hundred per metric ton to the State Government towards regulating fee.

(19) Remittance of sale proceeds of the sand.- The sale proceeds of the sand shall be remitted to the consolidated fund of the State Government.

(20) Appeals and revisions.- (i) In case of I, II and III-order streams,-

(a) any person aggrieved by an order passed by the authority at Gram panchayat level may prefer an appeal before the Assistant Commissioner of the concerned sub-division, within fifteen days from the date of receipt of such order; and

(b) any person aggrieved by an order passed by the Assistant Commissioner of the concerned sub-division may prefer a revision

before the Deputy Commissioner of the concerned District within thirty days from the date of receipt of such order.

(ii) In case of IV, V and higher order streams of river, any person aggrieved by an order passed by the Chairman, District sand committee may prefer a revision to the State Government, within thirty days from the date of receipt of such order.

**31-S. Constitution of State Level Committee (SLC).-** (1) The State level committee shall be constituted consisting of the following officers, namely;-

1.	The Chief Secretary, Government of Karnataka.	Chairman
2.	The Director General and Inspector General of police, Karnataka.	Member
3.	The Additional Chief Secretary or Principal Secretary or Secretary, Commerce and Industries Department	Member
4.	The Additional Chief Secretary or Principal Secretary or Secretary, Department of Rural Development and Panchayat Raj.	Member
5.	The Additional Chief Secretary or Principal Secretary or Secretary, Water Resources Department	Member
6.	The Additional Chief Secretary or Principal Secretary or Secretary, Minor Irrigation Department	Member
7.	Principal Secretary or Secretary, Forest, Environment and Ecology Department	Member
8.	The Commissioner, Transport Department	Member
9.	Member-Secretary, Karnataka State Pollution Control Board	Member
10.	The Managing Director, Hutti Gold Mines limited	Member
11.	The Managing Director, Karnataka State Mineral Corporation limited	Member
12.	The Director, Directorate of Ground water	Member
13.	The Commissioner or Director, Department of Mines and Geology	Member Secretary

(2) The State level Committee shall meet periodically at least twice in a year to take up review of the performance of sand extraction, review of action taken on illegal sand mining, storage, transportation and statutory provisions and issue necessary guidelines for proper implementation of these rules.

**31-T. Regulation and extraction of available sand in I, II and III -order streams and tanks for local consumption.-** (1) At Gram panchayat level, the concerned Panchayat Development officer or Secretary, Tahsildar, Assistant Engineer of the Minor Irrigation Department and Geologist of Department of Mines

and Geology shall identify, quantify and fix the boundaries of sand deposit areas along with Geo-co-ordinates of I, II and III - order streams and tanks.

(2) The Member Secretary, Taluk Sand Committee shall submit joint inspection report to the District sand committee through the Taluk sand committee with clear recommendation for the purpose of notification and reserve the area for extraction of sand in the concerned Gram panchayat.

(3) After considering the recommendations of the Taluk sand committee, the District sand committee shall, either after accepting or accepting with such modification as necessary, notify in the official Gazette to reserve respective sand bearing areas to the concerned Gram panchayat.

(4) After receipt of the notification from the District sand committee, the Chairman of the Taluk sand committee shall issue necessary permission to Gram panchayat for removal of sand from the notified sand bearing area.

(5) The excavation of sand shall be done manually and no mechanical means be allowed for excavation. The sand sourced from the streams of I, II and III-order and tanks shall be disposed by the concerned Gram panchayat, as per guidelines issued by the Government from time to time.

(6) The period of extraction of sand shall be for one year from the date of order or exhaustion of permitted quantity, whichever is earlier.

(7) Sand excavation in I, II and III-order streams and tanks shall be utilised within the Gram panchayats of concerned taluk for local domestic needs, community works and Government sponsored low income Housing schemes.

(8) The taluk shall be treated as a unit for free movement of sand within the jurisdiction.

(9) An allottee (the end user) may cause to collect sand from the allotted Blocks from the streams of I, II and III-order streams and tanks for local needs to end user but not for second sale and shall be transported through low laden capacity vehicle not exceeding 3 tons or carrier like tractor, bullock cart etc., and the concerned Gram panchayat shall issue a transport permit on payment of sale price as fixed by the State Government, from time to time.

(10) The Taluk sand committee shall ensure and monitor that the sand extraction and transportation are being done in accordance with law. If the committee finds any illegal extraction and transportation of sand, it shall take action against the offenders as per law.

(11) Sand extracted from the notified area shall be transported during day time only i.e., 6 A.M. to 6 P.M. Any sand extraction, loading and transportation in

night shall be treated as illegal and stringent action shall be taken against such persons through concerned officer under the provisions of these rules.

**31-U. Regulation of sand extraction in IV, V and higher order streams.-**

(1) The District sand committee shall cause joint inspection through the officers of departments of the Revenue, Forest, Irrigation, Public works and Mines and Geology and identify, quantity and fix the boundaries of sand deposits along with Geo-co-ordinates in river streams of IV, V and VI orders.

- (2) The joint inspection team shall submit joint inspection report with clear recommendations to the District sand Committee for the purpose of reserving the area for extraction of sand through the Government department or Corporation or Board belonging to Government or sand blocks disposed through tender cum auction in coastal districts as per rule -31-ZB.
- (3) After considering the recommendations of the joint inspection team, the District sand committee either after accepting or accepting with such modification as necessary, shall notify in the official Gazette to reserve respective sand blocks to the Government department or Government Corporation or Board, which have been notified for the Government for sale of sand or for the purpose of the Central Government or the State Government development work or reserving sand blocks for the purpose of tender cum auction in coastal districts as per rule -31-ZB.
- (4) The District sand committee shall issue letter of intent to the concerned Government department or Government owned Corporation or Board or for the purpose of the Central Government or the State Government development work in the manner provided in sub rule (13).
- (5) The District sand committee shall require the Government department or Government owned Corporation or Board or from successful bidder as per rule 31-ZB, to obtain quarry plan and Environmental clearance certificate, as the case may be.
- (6) After receipt of the approved quarry plan and Environmental clearance from the concerned Government department or Corporation or Board, or from the successful bidder as per rule 31-ZB, the Deputy Director or the Senior Geologist shall issue work order or grant a lease.
- (7) Sand extraction in IV, V and higher order streams shall be permitted subject to the provisions of these rules, the Environmental Protection Act, 1996 (Central Act 11 of 1996), the Environment Impact

Assessment (EIA) Notification, 2006 issued by the Ministry of Environment, Forest and Climate Change and the rules made there under and all other applicable rules and regulations in vogue.

- (8) The District sand committee shall ensure and monitor that the sand extraction and transportation are being done in accordance with law. If the committee finds any illegal movement of sand, it shall take action against the offenders as per law.
- (9) Sand quarrying activity shall take place only in accordance with terms and conditions of the environmental clearance and the methods approved in the quarry plan.
- (10) The permission holder or lease holder shall store the sand beyond fifty meters but within one kilometre or such distance from the river bank, as decided by the District sand committee, depending on the geographical conditions.
- (11) The permission holder shall install the office, computer facility, electricity supply, closed-circuit-camera, weigh bridge and security at the dump yard or stock yard of sand.
- (12) The permission holder shall maintain an inward and dispatch register and stock register in the stock yard office and allow for inspection by the official of the District and Taluk sand committee and such other officer authorised in this regard by the State Government.
- (13) The permission holder shall be adopted for booking of sand from the end user general public along with details of sand required as per sanction plan in online app called "Maralu Mitra" without giving room for sand blocking by middlemen. However, no such plans or documents are required by the end user if the requirement of sand is for repairs, renovations and refurbishment works. In this system, booking of sand by public is through online and the Mineral Dispatch permits are generated at the loading point itself.
- (14) A transparent way of selling the sand monitor through the system called "Sand Sales Management and Monitoring System (SSMMS)", shall be used.
- (15) The sand extracted from IV, V and VI-order streams or rivers shall be transported anywhere in the State.

- (16) The permission holder shall not charge for sale of sand, at a rate exceeding the sale price as fixed by the State Government, from time to time.
- (17) The period of extraction shall be five years or exhaustion of permitted quantity, whichever is earlier.
- (18) If the permit holder is found to violate any of the conditions or rules or statues, the District sand committee or such other officer authorised in this regard by the State Government shall issue a notice for rectification and if the permit holder is found to continue with the violation, the lease or permission shall be terminated and action shall be taken to prosecute the responsible persons.

**31-V. Regulation of sand extraction from de-siltation of dams or reservoirs or barrages.-** (1) De-siltation of dams, reservoirs and barrages shall only be done through the Government department or Government owned Corporation or Board.

(2) The District sand committee shall conduct inspection jointly through the officers comprising the Deputy Director or Senior Geologist concerned, the Executive Engineer, Water Resources Department, Range Forest Officer of Forest Department and the Tahsildar and demark the area to be de-silted with Geo-coordinates and shall quantify the sand likely to be sourced by de-silting process.

(3) The joint inspection team shall submit inspection report with clear recommendations to the District sand committee for the purpose of reserving the area for extraction of sand through the Government department or Corporation or Board, which have been notified by the State Government for sale of sand or for the purpose of the Central Government or the State Government Development work.

(4) After the approval of the District sand committee, the concerned department or Government owned Corporation or Board authorised shall take up de-siltation activities in dams, reservoirs, barrages and large tanks.

(5) During de-siltation, the concerned Government department or Government owned Corporation or Board shall pay rate as specified by the State Government, from time to time in advance and obtain Mineral Dispatch Permit for transportation of de-silted sand to stockyard.

(6) The Permission holder shall establish the office, computer facility, electricity supply, closed-circuit camera, weigh bridge and security at the dump yard or stock yard of sand.

(7) The Permission holder shall maintain an inward and dispatch register and stock register in the stock yard office and allow for inspection by the official of the District and Taluk sand committee and such other officer authorised in this regard by the State Government.

(8) The Permission holder shall be adopted and obtain booking of sand from the end user general public through an app called as "Maralu Mitra" In the manner specified in rule 31U (13):

Provided that, this provision shall not be applicable for the Central or the State Government agencies having the sand blocks for their own use.

(9) The work executing Government department or Government owned Corporation or Board shall put in place a suitable administrative mechanism, under these rules, at the field level to efficiently supervise the de-siltation process, monitoring of dispatched sand and also to prevent any misuse of sand sourced from de-siltation.

(10) The work executing Government department or Government owned Corporation or Board shall furnish month wise statement of de-siltation activities on the quantity of sand de-silted and transported to stockyard, as well as sand sold and dispatched from the stockyard to the consumers:

Provided that, this provision shall not be applicable for the Central or the State Government agencies having the sand blocks for their own use.

**31-W. Responsibilities of Lease and Licence holder.-** (1) Sand quarrying activities shall be carried out only in accordance with the terms and conditions of the environmental clearance and the lease deed or licence under these rules and methods approved in the quarry plan by the existing lease or license holder holding on or before the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2021.

(2) The lessee or licensee shall adhere to pay the royalty, additional periodic payment or average additional periodic payment, as the case may be, special security permit paper fee, processing fee, quarry plan approval fee etc., and shall abide by the terms and conditions of the document and the lease deed or licence.

(3) The lessee or licensee shall establish the office, computer facility, electricity supply, closed-circuit camera, weigh bridge and security at the dump yard or stock yard of the sand.

(4) The lessee or licensee shall maintain inward and dispatch registers and stock register in the stock yard and allow for inspection by the official of the Taluk and District sand committee and such other officer authorised in this regard by the State Government.

(5) Monthly or quarterly or yearly, as the case may be, progress returns of sand production and dispatch details shall be submitted by the lessee in Form-M(r), Form-Q(r) and Form-Y(r) to the Deputy Director or Senior Geologist of the District.

(6) If the lessee or licensee is found to violate any of the conditions or rules or statutes, the competent authority shall issue a notice for rectification and if the lessee or licensee is found to continue with the violation, the lease or license shall be terminated and the amount paid, including performance guarantee shall be forfeited and as shall be prosecuted as per law.

**31-X. Transitory Provisions for auctioned sand blocks.-** The quarry lease which has been granted through tender cum auction, as per rules existed before the commencement of the Karnataka Minor Minerals Concession (Amendment) Rules, 2021 may be continued till the expiry of such lease period, except in those cases wherein the State Government, in public interest, decides otherwise. The manner of procurement and distributions provisions existed before the said Amendment shall continue to apply in respect of existing Lease holders.

**31-Y. Minimum production and dispatch requirement.-** (1) Notwithstanding anything contained in these rules, the lease executed before the commencement of the Karnataka Minor Minerals Concession (Amendment) Rules, 2021 the lessee shall produce and dispatch minimum fifty per cent of the permitted annual production quantity and if he fails to achieve the same, he shall be liable to pay royalty and additional periodic payment as per the minimum production and dispatch requirement of fifty percent of permitted annual production quantity, as specified in Environmental clearance:

Provided that, where the failure to achieve minimum production and dispatch requirement is for the reasons beyond the control of the holder of lease or licence the competent authority, on an application made by the lessee or licence and after giving opportunity of hearing, may waive the requirement of the minimum production and dispatch for such period, as it may deem fit.

(2) A lessee may make an application for surrender of the entire area of the sand quarrying lease, after giving a notice in writing of not less than ninety days from the intended date of surrender. Such application shall be accompanied by an approved final quarry plan.

(3) The Deputy Director or Senior Geologist may accept the surrender of the lease within ninety days from the date of application, subject to the following conditions, namely,-

- (i) the lessee has submitted documents to evidence of the implementation of the approved final quarry closure plan;
- (ii) all dues with respect to the sand quarrying lease have been cleared;
- (iii) in case of surrender of sand quarrying lease, the performance guarantee provided by the lessee shall be forfeited;

- (iv) the lessee shall pay any expenditure over and above the performance security incurred by the District sand committee towards protective reclamation and rehabilitation measures in the leased area of sand quarrying which has been surrendered;
- (v) the surrender shall take effect at the end of the said period of ninety days, subject to fulfilment of the conditions specified in rule 43 and in other cases it shall take effect only, when the Deputy Director or Senior Geologist accepts surrender and he shall not be entitled to continue in possession or to re-enter the possession of the quarry thereafter; and
- (vi) transfer of sand quarry lease shall be prohibited.

**31-Z. Permission of quarrying and transportation of ordinary sand in or from patta land.-** (1) Sand quarrying in patta land shall be prohibited except on the recommendation of the District sand committee with adequate justification, the State Government may permit sand quarrying in specified patta lands, with such terms and conditions as may be specified by the State Government and Enforcement and monitoring guidelines for Sand mining, 2020 issued by the Ministry of Environment, Forest & Climate Change (MoEF & CC) from time to time.

(2) Such licence shall be granted after demarcating fifty meters or ten percent of width of the river, whichever is more, from the bank of the river.

(3) Patta land sand quarrying shall not be allowed where there is any river bed mining within five kilometers.

(4) Sand mining shall be prohibited where the patta land is located within the active river course or bed.

(5) The concerned Deputy Director or Senior Geologist shall grant licence after the approval of the State Government and Environmental clearance and approved quarry plan.

(6) The maximum period of such licence shall be for five years or till the sand exhaust, whichever is earlier.

(7) The licensee in addition to the royalty shall pay fifty percent of the royalty as average additional periodic payment.

(8) The licensee shall establish the office, computer facility, electricity supply, closed-circuit camera, weigh bridge and security at the dump yard or stock yard of sand.

(9) The licensee shall maintain inward and dispatch register and stock register in the stock yard office and allow for inspection by the official of the

District and Taluk sand committee and such other officer authorised in this regard by the State Government.

**31-ZA. Permission for removal of sand bars and transportation of ordinary sand in Coastal Regulation Zone (CRZ) area.-** (1) Removal of sand bars within the area of the Coastal Regulation Zone (CRZ) in coastal districts, shall be disposed in accordance with the official memorandum issued by the Ministry of Environment, Forest and Climate change, Government of India vide No.11-83/2005-IA-III (Vol.III), dated: 08.11.2011 and as amended from time to time.

(2) The permit holder, in additional to the royalty shall pay fifty percent of the royalty as average additional periodic payment for the sand disposed after removal of sand bars from the Coastal Regulation Zone (CRZ) and the same shall be remitted to the Consolidated Fund of the State.

(3) Twenty five percent of the royalty so collected shall be provided to the concerned Gram panchayat and twenty five percent of royalty shall be provided equally to remaining gram panchayats of concerned taluk through an appropriate budget provision.

**31-ZB. Disposal of Sand blocks available in IV, V and higher order streams through Tender-cum-Auction in Non-CRZ areas of Coastal Districts.-** (1) In non-CRZ areas of Coastal Districts, viz. Uttar Kannada, Dakshin Kannada and Udupi Districts, sand blocks shall be allotted through tender-cum-auction amongst the traditional sand extracting communities to be identified and subject to the following conditions, namely:-

- (a) A person shall be resident of the concerned District for not less than one year and to that effect residential certificate shall be obtained from jurisdictional Tahasildar.
- (b) The person shall furnish the document as proof of having engaged in extraction of sand in coastal area through manual methods for at least One year.
- (c) The person shall own a stockyard near the river bank or shall have an agreement with the owner of the land to that effect; and
- (d) Motor boats and dredger for removal of sand is prohibited.

(2) The grant of sand quarrying lease through tender-cum-auction in non-CRZ areas of Coastal Districts shall be done as per guidelines and tender documents, notified by the Government from time to time.

**3. Insertion of new forms.-** In the said rules, after "Form M", the following shall be inserted, namely:-

**"FORM M(r)**

(see sub-rule(5) of rule 31-W)

Monthly Returns for the Month of-----

Important: Please return this for duly filled to the Commissioner/ Director of Mines and Geology, Bangalore, the Chairman, District Committee and the Member Secretary of the Committee on or before 5th day of the succeeding month

- (1) Name and address of the lessee/licensee.
- (2) QL. No.....Date of grant.....Date of expiry.....
- (3) Sand Sale price freed for MT/M3 Rs.....
- (4) Royalty paid during the month Rs..... Progressive from the ..... month of in Rs.....
- (5) Total No. of CMDP's .....
  - a) Total No. of CMDP's.....
  - b) Total quantity (in MTs).....
  - c) Total quantity at dump yard/stock yard (in MTs).....
- (6) River stretch and its sand blocks, Production and Dispatch of river sand quarried details.

Month	Name of the River and River Stretch in kms. Taluk and District	Portion of the River Stretch Sand Block No. and its Geo Co-ordinates Details	Extent in Acres	Survey No. and Village	Quantity Permitted from the DEIAA / SEIAA MoEF (in MTs)	Production (in MTs.)	Dispatch (in MTs.)

Date:.....

Signature of the Lessee/ Licence

**FORM Q(r)**  
(see sub-rule(5) of rule 31-W]

Quarterly Returns for the Period from ----- to -----

Important: Please return this form duly filled to the Commissioner/ Director of Mines and Geology, Bangalore, the Chairman, District Committee and the Member Secretary of the Committee on or before 5th day of the succeeding month

- (1) Name and address of the lessee/licensee.
- (2) QL. No.....Date of grant.....Date of expiry.....
- (3) Sand Sale price fixed for MT/M<sup>3</sup> Rs.....
- (4) Royalty paid during the
  - (a) Rs..... for the month of .....
  - (b) Rs..... for the month of .....
  - (c) Rs..... for the month of .....
- (5) Total Royalty paid for 3 months Rs..... Progressive for the year Rs.....
- (6) Total No. of CMDP's issued with quantity
  - (a) Total No. of CMDP's.....
  - (b) Total quantity (in MTs).....
  - (c) Total quantity at dump yard/stock yard (in MTs).....
- (7) River stretch and its sand blocks, Production and Dispatch of river sand quarried details.

Quarterly	Name of the River and River Stretch in kms. Taluk and District	Portion of the River Stretch Sand Block No. and its Geo Co-ordinates Details	Extent in Acres	Survey No. and Village	Quantity Permitted from the DEIAA / SEIAA MoEF (in MTs)	Production (in MTs.)	Dispatch (in MTs.)

Date:.....

Signature of the Lessee/ Licence

**FORM Y(r)**

(see sub-rule(5) of rule 31-W)

Yearly Returns for the Period from ----- to -----

Important: Please return this form duly filled to the Commissioner/ Director of Mines and Geology, Bangalore, the Chairman, District Committee and the Member Secretary of the Committee on or before 5th day of the succeeding month

- (1) Name and address of the lessee/licensee.
- (2) QL. No.....Date of grant.....Date of expiry.....
- (3) Sand Sale price fixed for MT/M<sup>3</sup> Rs.....
- (4) Royalty paid during the
  - (a) Rs..... for the month of .....
  - (b) Rs..... for the month of .....
  - (c) Rs..... for the month of .....
  - (d) Rs..... for the month of .....
  - (e) Rs..... for the month of .....
  - (f) Rs..... for the month of .....
  - (g) Rs..... for the month of .....
  - (h) Rs..... for the month of .....
  - (i) Rs..... for the month of .....
  - (j) Rs..... for the month of .....
  - (k) Rs..... for the month of .....
  - (l) Rs..... for the month of .....
- (5) Total Royalty paid for year Rs.....
- (6) Total No. of CMDP's issued with quantity
  - (a) Total No. of CMDP's.....
  - (b) Total quantity (in MTs).....
  - (c) Total quantity at dump yard/stock yard (in MTs).....
- (7) River stretch and its sand blocks, Production and Dispatch of river sand quarried details.

Year	Name of the River and River Stretch in kms. Taluk and District	Portion of the River Stretch Sand Block No. and its Geo Co-ordinates Details	Extent in Acres	Survey No. and Village	Quantity Permitted from the DEIAA / SEIAA MoEF (in MTs)	Production (in MTs.)	Dispatch (in MTs.)

Date:.....

Signature of the Lessee/ Licence"

By Oder and in the name of the  
Governor of Karnataka

**(SHIVAPRAKASH)**

Under Secretary to Govt.

Commerce and Industries Department(Mines).

PR-360

  
Deputy Director  
Dept. of Mines & Geology  
Mangalore.

  
B. Guruprasad Shetty, B.A., LL.B.  
Reg. No. 10107  
Advocate & Notary, Govt. of India  
1st Floor, City Plaza, Kodialbail  
K.R.R. Road, Mangaluru - 575 003  
Mob: 9845170470



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9<sup>TH</sup> DAY OF FEBRUARY, 2022

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.5031 OF 2021 (GM-MMS)

**BETWEEN:**

1. POOVAPPA POOJARY  
S/O SANKAPPA POOJARY  
AGED ABOUT 55 YEARS  
R/AT 2-389, KODAMAJE  
AJILAMOGARU POST, BANITWAL TALUK  
SARAPADY, D.K-574211
2. VIHAYAKA  
S/O LATE SHIVARAMA  
AGED ABOUT 54 YEARS  
R/AT NO.1-2-27-2256/4  
SRI RAMA, SHEKAR COMPOUND  
RAMAKIRODIAN ROAD  
MANGALORE, ASHOKANAGAR  
D K-575006
3. I.M. HAMZA  
S/O A.G. ISMAIL  
AGED ABOUT 37 YEARS  
R/AT NO.1-399  
NEAR GOVERNMENT SCHOOL  
ADDUR, D.K-574145
4. MOHAMMED ISMAIL  
S/O MOHAMMAD  
AGED ABOUT 35 YEARS  
R/AT NO.1-304/3  
PANOLIPADI HOUSE, GANDHADI  
ADDOOR VILLAGE AND POST  
MANGALORE, D K -574145

5. MOHAMMED RAFIQ  
S/O G.P. ABUBAKER  
AGED ABOUT 44 YEARS  
R/AT NO.1-40, MANNAGUDDA HOUSE  
ADDOOR VILLAGE AND POST  
MANGALORE, D K -574145

...PETITIONERS

(BY SRI. SACHIN.B.S, ADVOCATE)

**AND:**

1. KARNATAKA STATE MINERALS  
CORPORATION LTD.  
REGISTERED OFFICE ITMC  
A BLOCK, 5<sup>TH</sup> FLOOR  
BMTc BUILDING, K.H. ROAD  
SHANTHINAGAR, BANGALORE-560027  
REPRESENTED BY ITS  
GENERAL MANAGER (SAND)
2. DEPUTY COMMISSIONER  
MANGALORE, D.K DISTRICT-575001
3. DEPUTY DIRECTOR  
DEPARTMENT OF MINES AND GEOLOGY  
JUGAL TOWER, MALLIKATTE  
MANGALORE, D.K DISTRICT-575 001

... RESPONDENTS

(BY SRI. D.L.N. RAO, SENIOR ADVOCATE FOR  
SRI. H.N. NARENDRA DEV, ADVOCATE FOR R1;  
SRI. S.S MAHENDRA, AGA FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER TO QUASH THE IMPUGNED E-TENDER INVITATIONS DATED 07.11.2020 IN NO.863/KSMCL/DESILTING/SAND /SHAMBURU/2020-21/1827 AND DATED 07.12.2020 IN NO. 864/KSMCL/DESILTING/SAND/ADHYPADI/2020-21/1840, AS PER ANNEXURES-A AND B AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THROUGH PHYSICAL HEARING THIS DAY, **SURAJ GOVINDARAJ J** MADE THE FOLLOWING:

**ORDER**

1. The petitioners are before this Court seeking for the following reliefs:

- i. *Issue writ of certiorari or any other appropriate writ or order to quash the impugned E-tender invitations dated 07.11.2020 in No.863/KSMCL/Desilting/Sand/Shamburu/2020-21/1827 and dated 07.12.2020 in No.864/KSMCL/Desilting/Sand/Adhypadi/2020-21/1840, as per **ANNEXURES-A AND B.***
- ii. *Issue any other writ or order or direction that deems fit to grants in the circumstances of the case in the interest of justice and equity.*

2. Sri.Sachin. B.S, learned counsel for the petitioners, would submit that:

2.1. The petitioners belong to traditional sand extracting communities holding temporary permits to extract the sand in various sand blocks situated in Dakshina Kannada District and their livelihood depends on extracting of sand.

2.2. They are aggrieved by the E-tender notification issued by respondent No.1 for the purpose of dredging/desilting in Adyapady dam and Shamburu Dam submergence area for the reason that under the said e-tender notification, the successful contractor would be permitted to

engage machinery and vehicles for the purposes of extracting sand.

2.3. This is not permissible as per the amended provisions of the Karnataka Minor Mineral Concession Rules, 1994 ('Rules' for short).

2.4. Amended Rule 31R of the Rules came into force on 5.05.2020, in terms of Rule 31R(5) there is a prohibition of use of machinery for sand quarrying, use of mechanised boats in river sand quarrying is prohibited.

2.5. No tender, let alone E-tender could have been issued by respondent No.1 inviting tender for desilting of the dams area by usage of such machinery.

2.6. The term desilting of sand is a misnomer inasmuch the same is quarrying of sand though termed as desilting.

2.7. In terms of Rule 31ZB of the Rules, the sand blocks which are available in 4, 5 and higher order streams through tender-cum-auction in Non-CRZ of coastal district are required to be allotted by tender-cum-auction proceedings only amongst the traditional sand extracting

community like the petitioners, the tender now issued not being for the traditional sand extracting community is in violation of Rule 31ZB of the Rules.

2.8. In terms of Rule 31ZB, use of motor boats and dredger for removal of sand is prohibited.

2.9. On these grounds he submits that the relief as sought for be granted and E-tender notification be quashed by allowing the Writ Petition.

3. Sri.S.S.Mahendra, learned Additional Government Advocate would submit that

3.1. what is being tendered is not sand block for the purpose of quarrying, but the work envisages desilting of two dams, viz., Adyapady dam where it is found through analysis sand deposit of 2000 mtrs in length, 100 mtrs in width with one mtr depth, totalling to 3.44 lakhs Metric ton and Shamburu dam where it is found through analysis sand deposit is on 2800 mtrs in length, 230 mtrs in width with one mtr depth, totalling to 11,07,680 Metric ton.

3.2. Gathering of silt, he submits has reduced the water holding capacity of the said dams requiring desilting. The collection of water has been considerably reduced affecting supply of drinking water as also for irrigation, as such, faster method of desilting is required to be resorted to by usage of machinery.

3.3. This desilting is not quarrying in the strict sense of usage of the term since there are no identified sand block and as such, the restriction either under amended Rule 31R or 31ZB of the Rules would not be applicable to the present matter.

4. Sri.D.L.N.Rao, learned Senior counsel for respondent No.1 would also reiterate the submissions made by Sri.S.S.Mahendra, learned AGA and he would further submit that

4.1. Respondent No.1 is a Corporation established by the State. There is no private interest which is involved. The work which has been sought to be awarded is dredging and desilting of dams

- 7 -

which would require usage of machinery and such work cannot be done by without machinery, let alone by usage of traditional methods.

4.2. In this background, he also relies upon the decision of a Coordinate Bench of this Court in W.P.No.24904/2019 dated 25.06.2019 and submits that this Court while considering the effect of unamended Rule 31R and 31ZB(A) of the Rules has held that the tender for desilting is different from a tender for quarrying. The tender in respect of dredging/desilting of submergence of vented dam cannot be equated to quarrying of a sand block and as such, relying on the said Judgment, the present situation also being related to desilting of submergence area of vented dam, the said Rule 31ZB(A) and/or Rule 31R of the Rules would not be applicable.

5. Heard Sri.Sachin.B.S, learned counsel for the petitioners, Sri.D.L.N.Rao, learned Senior counsel for Sri.H.N.Narendra Dev, learned for respondent No.1 and

Sri.S.S.Mahendra, learned Additional Government Advocate for respondents No.2 and 3.

6. The short question that would arise for our consideration is, Whether a tender for dredging/desilting of submergence area of a dam would amount to sand quarrying necessitating the imposition of the restriction under Rule 31R or Rule 31ZB of the Karnataka Minor Mineral Concession Rules, 1994?

7. As referred to above, while dealing with the contentions of the respective counsels, it is clear and admitted that the tender invitation is for dredging and desilting of the reservoir area of a dam. There is no sand block which has been identified or mentioned in the tender notification. The dredging and desilting of the dams have arisen on account of gathering of silt in the reservoir area of the dam, thereby reducing the carrying capacity of dam, as such, after analysis it has been ascertained that there is a fixed area which has gathered silt, the quantity has also been ascertained and identified by experts dealing with the same.

8. It is on that basis, the quantified sand and the location thereof with longitude and latitude has been described in the heading location in the E-tender.
9. Both Sri.S.S.Mahendra, learned AGA and Sri.D.L.N.Rao, learned Senior counsel have submitted that the E-tender is restricted to such area and the quantified sand mentioned therein and does not extend to river area or to any sand block. Their submission that the contractor would not be permitted to extract sand beyond the identified area is placed on record.
10. In the above circumstances, when there is no sand block which would be involved in the dredging/desilting of silt in the reservoir area, in our considered opinion the same would not amount to quarrying activity in a river area or in a sand block identified for that purpose. In such circumstances, when the work cannot be said to be quarrying, the restriction which has been imposed under Rule 31R or 31ZB of the Rules would not apply to the work contemplated under the E-tender which has been challenged in these proceedings.

11. In view of the above, there is no right which can be said to be vested in the petitioners under Rules 31ZB of the Rules nor can it said to be in violation of Rule 31R of the Rules, as contended by the learned counsel for the petitioners. It was always open for the petitioners to have participated in the E-tender proceedings.
12. We are therefore of the opinion that a tender for dredging/desilting of submergence area of a dam would not amount to sand quarrying necessitating the imposition of the restriction under Rule 31R or Rule 31ZB of the Karnataka Minor Mineral Concession Rules, 1994.
13. In view of the above, we do not find any merit in the petition as filed. The petition stands dismissed.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

In

  
**Deputy Director**  
Dept. of Mines & Geology  
Mangalore.

  
**B. Guruprasad Shetty, B.A., LL.B.**  
Reg. No. 10107  
Advocate & Notary, Govt. of India  
1st Floor, City Plaza, Kodialbail  
K.R.R. Road, Mangaluru - 575 003  
Mob: 9845170470