

**SECOND REPORT OF JOINT COMMITTEE IN THE MATTER OF O.A. 144 OF 2020 (DR. SARVABHOUM BAGALI) SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI, AS PER ORDER DATED 09.11.2021.**

**1.0 PREAMBLE**

In the Original Application No. 144 of 2020 (SZ), filed by Dr.Sarvabhoom Bagali, Vs The State of Karnataka &Ors, the Hon'ble National Green Tribunal (NGT), Chennai vide Order dated 07.08.2020 constituted a Joint Committee to inspect the sites in question and submit a Report. Accordingly, the Joint Committee has inspected the sand mines at Raichur District and submitted a report on 21.12.2020. Hon'ble NGT vide order dated 09.11.2021 issued following directions:

*“6. There was nothing mentioned about the quantity of the minerals mined by the lease holders, so as to ascertain as to whether there was any excess mining done by any of the lease holder and if so, what is the quantity of excess mining done and the amount recovered for such illegal mining.*

*7. It was also not clear from the conclusion portion as to how many of the violations noted by them relate to the persons to whom mining leases and the permissions have been granted. So the Committee is directed to file a detailed report incorporating in these aspects as well.”*

**2.0 DELIBERATIONS OF THE COMMITTEE**

To deliberate on the above directions, the Committee, had collected the information from concerned Departments and deliberated in detail. Following are the details/ observations/comments regarding the *“quantity of excess mining done, and the amount recovered for such illegal mining and violations”*:

Karnataka Minor Mineral Concession Rules -1994 & its amendment and the Sand Policy of Karnataka, 2020 permits sand mining in ponds and nallas. According to DMG, following two

mine leases ( Gonavara and Albanuru) were granted permission for mining in nala. Details of sand mining lease permitted in nallas in Raichur District are given below:

**Table 1 A: DETAILS OF GONAVARA MINE LEASE**

Name of the Block	Gonavara
Name of the lease	Sri. M Sharana Basappa
Name of the river	Nala
Date of EC granted	EC No. DEIAA-OS-26-MIN-2017/170 dt. 08.06.2017
Geo-Co-ordinates	1. 15 °52' 18.56" N , 76°58' 13.08" E 2. 15 °52' 19.76" N , 76°58' 11.59" E 3. 15 °52' 26.86" N , 76°58' 34.22" E 4. 15 °52' 25.40" N , 76°58' 33.59" E
Permitted Quantity in MTPA	20,000
Total area	12.20 Acres (i.e 4.93 Ha)
Depth for mining allowed.	Up to 3 m as per approved mining plan
Type of mining	Manual

The details on year-wise quantity of sand mined since from the grant of EC is given in table below:

**Table 1 B: QUANTITY OF SAND MINED**

<b>2017-18 (in MTPA)</b>	<b>2018-19 (in MTPA)</b>	<b>2019-20 (in MTPA)</b>	<b>2020-21 (in MTPA)</b>	<b>2021-22 (till date in MTPA)</b>	<b>Total quantity mined since the grant of lease (in MT)</b>
7250	2350	2250	6150	450	18450

## 2.1 OBSERVATIONS ON GONAVARA MINE LEASE

- a. From the above table, it is inferred that the sand is mined by the lease within the permitted quantity, there is no excess sand mining by these leases.
- b. The royalty paid by the lessee to Govt. is **Rs. 1,17,26,590/-** (Rupees one crore seventeen lakhs, twenty-six thousand, five hundred ninety only) royalty at the rate of **Rs. 60/- & Rs. 80/-** per ton along with bid amount of **Rs. 606/-** per ton.
- c. The lease has also displayed EC details at their stock yard.
- d. In the EC, depth allowed for mining & method to be used for mining is mentioned in general as “Working should be carried out as per MoEFCC guidelines”. Manual mining is followed.
- e. The Committee has noted from the Google earth imageries that above said mine has commenced their mining activity only after the grant of EC. No violations of EC conditions are observed by the committee. However, there are certain non-compliances of EC conditions. As regards the non-compliances of EC, lessee has been directed to take action to comply with the conditions and submit an Action taken report / Action plan. The lessee has submitted compliance report along with latest ambient air quality monitoring reports, noise level reports etc,. The monitoring report reveals that all the parameters are within the limit. However, there are few short comings such as irregular submission of Half-yearly compliance report, advertisement about grant of EC etc,.
- f. DMG has imposed penalty of **Rs. 1, 34,400/-** to above said lease for violations of Standard Operating Procedure such as with one permit lessee has transported sand in 10 multiple trips, in November, 2019. The lessee is yet to be make the payment.
- g. DMG has imposed **penalty of Rs. 25,000/-** for not maintaining of boundary pillar and **penalty of Rs. 50,000/-** for not maintenance and not giving a slip on the Weighbridge, in October, 2021.

**Table 2 A: DETAILS OF ALBANURU MINE LEASE**

Name of the Block	Albanuru
Name of the lease	Sri. M Earanna
Name of the river	Nala
Date of EC granted	EC No. DEIAA-OS-19-MIN-2017/168 dt. 08.06.2017
Geo-Co-ordinates	1. 15 °45' 47.49" N , 76°52' 11.91" E 2. 15 °45' 45.39" N , 76°52' 13.08" E 3. 15 °45' 54.72" N , 76°52' 34.04" 4. 15 °45' 56.33" N , 76°52' 32.88" E
Permitted Quantity in MTPA	20,000
Total area	12.20 Acres (i.e 4.93 Ha)
Depth for mining allowed.	Up to 3 m as per approved mining plan
Type of mining	Manual

The detail on year-wise quantity of sand mined since from the grant of EC is given in table below:

**Table 2 B: QUANTITY OF SAND MINED, IN MTPA**

2017-18 (in MTPA)	2018-19 (in MTPA)	2019-20 (in MTPA)	2020-21 (in MTPA)	2021-22 (till date (in MTPA)	Total quantity mined since the grant of lease (in MT)
9200	13150	10350	850	450	34000

## 2.2 OBSERVATIONS ON ALBANURU MINE LEASE

- a. From the above table, it is inferred that the sand is mined by the lease within the permitted quantity, there is no excess sand mining by these leases.
- b. The royalty paid by the lessee to Govt. is **Rs. 1,62,35,640/-** (Rupees one crore sixty-two lakhs, thirty-five thousand six hundred and forty only) at the rate of **Rs. 60/- & Rs. 80/-** per ton along with bid amount of **Rs. 606/-** per ton.

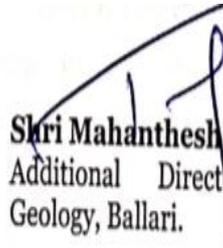
- c. The lease has also displayed EC details at their stock yard.
- d. In the EC, depth allowed for mining & method to be used for mining is mentioned in general as “Working should be carried out as per MoEFCC guidelines”. Manual mining is followed.
- e. The Committee has noted from the Google earth imageries that above said mine has commenced their mining activity only after the grant of EC. No violations of EC conditions are observed by the committee. However, there are certain non-compliances of EC conditions. As regards the non-compliances of EC, lessee has been directed to take action to comply with the conditions and submit an Action taken report/Action plan. The lessee has submitted compliance report along with latest ambient air quality monitoring reports, noise level reports etc,. The monitoring report reveals that all the parameters are within the limit. However, there are few shortcomings such as irregular submission of Half-yearly compliance report, advertisement about grant of EC etc,.
- f. DMG has collected penalty of Rs. **1,87,920/-** to above said lease for violations of Standard Operating Procedure such as with one permit lessee has transported sand in 15 multiple trips.

### **3.0 CONCLUSION AND RECOMMENDATIONS**

- i. Joint Committee noted that there is no excess sand mining in both the sand mines which are the subject matter of this OA.**
- ii. As regards the compliance to the conditions of Environmental Clearance, there are few shortcomings such as irregular submission of Half-yearly compliance report, advertisement about grant of EC etc,. In view of the least importance given by the lease owners on EC compliances and to bring attention and importance on EC, the committee felt that a lumpsum amount, say Rs five lakhs may be imposed on both the mines as Environmental compensation.**

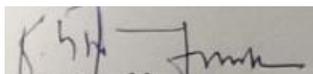
- iii. DMG has imposed penalty of 1,34,400/- for violations of Standard Operating Procedure such as with one permit lessee has transported sand in 10 multiple trips, in November, 2019 and the Lessee is yet to make the payment. Further, DMG has imposed penalty of Rs. 25,000/- for not maintaining of boundary pillar and penalty of Rs. 50,000/- for not maintenance and not giving a slip on the Weighbridge to Gonavara lease, in October, 2021.
- iv. DMG has collected penalty of Rs. 1, 87,920/- for violations of Standard Operating Procedure such as with one permit lessee has transported sand in 15 multiple trips to Albanuru lease.

  
**Shri Santhosh Kumar Gouda, KAS**  
 Assistant Commissioner, Raichur Sub-Division.

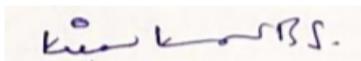
  
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