

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A.No. 171 of 2020

DR.Sarvabhoun Bagali

... Applicant

Vs

State of Karnataka and others

... Respondents

MEMO FILED ON BEHALF OF THE MoEF & CC, RO, BENGALURU

Me. Sarashwathy
09/11/2020
ME. SARASHWATHY
Counsel for MoEF & CC.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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O.A.No. 171 of 2020**

DR.Sarvabhoun Bagali

... Applicant

Vs

State of Karnataka and others .

... Respondents

MEMO FILED ON BEHALF OF THE MoEF & CC, RO, BENGALURU.

It is respectfully submitted that in the above mentioned matter this Hon'ble Tribunal vide order dated 08.09.2020 constituted a joint committee to inspect the sand mining areas in Raichur and submit a factual as well as action taken report, if there is any violation found. The MoEF & CC, RO, Bengaluru has been made as Nodal Agency.

In compliance with the said order of this Hon'ble Tribunal, the RO, MoEF & CC, Bengaluru sought nominations from the concerned departments and the following nominations have been received:

1. Shri Santhosh Kumar Gouda, KAS, Assistant Commissioner, Raichur Sub Division.
2. Shri M Sridhar, Zonal Senior Environmental Officer, KSPCB, Ballari.
3. Shri Kiran Kumar B S, Scientific Officer, Grade-I, Dept of Forest, Ecology and Environment and Karnataka Wetland Management Authority.
4. Shri M Viswanath, Senior geologist Department of Mines & Geology, Raichur.

On receipt of the nominations, a virtual meeting was held on 09.10.2020 to decide the further course of action for completing the assigned task as per TOR. In the meeting, it was decided to obtain the certain information from Office of the DC, Mines and Geology, Raichur District before the inspection of the Joint Committee. The Mines and Geology Department of Raichur have provided details of 32 mines. Copy of Minutes of the meeting is attached.

Since the OA 144 of 2020 is also similar matter filed by the same applicant, the committee decided to complete the visit altogether and scheduled to visit the site during 19-23 October 2020. However, due to meteorological forecast dated 13.10.2020 and continuous heavy rain in both the districts and flood in the rivers, the members felt that it will be difficult to reach and visit all mines sites and committee cannot find out ground reality of the sites and compliance status etc. In view of the above, members suggested to seek additional time of three months from Hon'ble NGT to complete the task as about 30-40 mining sites in both districts have to be visited. Now it is learnt that in a majority of the sites, the flood receded and hence the Committee has scheduled to visit during 23rd - 27th November, 2020. The next date of hearing is on 11.11.2020.

Therefore it is humbly prayed that this Hon'ble Tribunal may be pleased to give three more months time to submit the report and oblige.

Dated at Chennai this the 9th day of November, 2020.

Me. Sarashwathy
09/11/2020
ME. SARASHWATHY
Counsel for MoEF & CC.



भारत सरकार
Government of India
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय (दक्षिणी जोन), बेंगलोर - 560 034
Regional Office (Southern Zone), Bangalore – 560 034



4th Floor, E & F- Wings, Kendriya Sadan,
17th Main Road, II Block
Koramangala.

F. No. EP/12.7/NGT /54/KAR

Dated: 18/09/2020

To

1. The District Collector, Raichur District
Deputy Commissioner's Office, Sath Katcheri
RAICHUR - 584 101
2. The Member Secretary,
Karnataka State Pollution Control Board
49, Parisara Bhavan,
Church Street, Karnataka, Bangalore 560001
4. The Member Secretary
SEIAA, Karnataka, Dept of forest ecology and environment
Government of Karnataka
Room no 709, 7th floor 4th gate
MS building, Bangalore 56001

Subject: Nomination to the committee to be constituted based on the order of Hon'ble NGT in the matter of OA-171 of 2020(SZ)- Reg.

Dear Sir/ Madam,

This relates to OA 171 of 2020 filed regarding the illegal sand mining being done in River Krishna in Raichur District of Karnataka State. Hon'ble NGT (SZ) vide order dated 08.09.2020 (copy enclosed) constituted a joint committee, comprising following to inspect the area in question and submit a factual as well as action taken report:

1. The District Collector, Raichur District, or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate, as deputed by the District Collector,
2. Senior Officer from Ministry of Environment Forests and climate Change (MoEF& CC), Regional Office, Bangalore
3. Senior Officer from State Environment Impact Assessment Authority (SEIAA), Karnataka
4. Senior Officer from Karnataka State Pollution Control Board as nominated by its Chairman and
5. Senior Officer from Department of Mines & Geology as deputed by the Director of Mines, State of Karnataka

The Regional Office of MoEFCC, Bengaluru has been made as Nodal Agency. Undersigned has been nominated as Nodal Officer for the above Committee.

I am directed to request you to nominate senior officer for the above committee.

This issues with the approval of Competent Authority

Yours faithfully,



(E. Thirunavukkarasu)

Scientist É'

[e.thirun@nic.in]

Ph: 080 25635902,ext-16

Encl: as above

Copy to: for Information

- 1) The Director of Mines and Geology, Department of Mines and Geolog # 49 , Khanija Bhava Race Course Road, Bangalore – 560001- nomination received.

Email

e.thirun@nic.in

Joint Committee in OA 171 of 2020

From : Thirunavu Elangovan <e.thirun@nic.in>
Subject : Joint Committee in OA 171 of 2020

Thu, Oct 01, 2020 05:23 PM

 2 attachments

To : dcrevrer@gmail.com, Srinivas ulu <ms@kspcb.gov.in>, Head office Karnataka State Pollution Control Board <ho@kspcb.gov.in>, msseiaakarnataka@gmail.com, dmgsgraichur@gmail.com

Dear Members

Kindly recall the earlier mails in the subject.

Nominations are yet to be received from DC, Raichur, KSPCB and SEIAA.

It is informed that in a similar matter [144 of 2020] the tentative visit of the Joint Committee is scheduled between 7-9 of October, 2020. Members can nominate the officer so that both the inspection can be completed as there are common members in both the Committees.

Regards

E.THIRUNAVUKKARASU

SCIENTIST 'E' / ADDITIONAL DIRECTOR
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
4th FLOOR, KENDRIYA SADAN,
17TH MAIN ROAD, BLOCK-II, KORAMANGALA
BENGALURU- 560 034
080-25635902- ext:16
M: 7290835157

 **171 of 2020.pdf**

145 KB

 **OA 171 of 2020 Ir seeking nomination.pdf**

523 KB

Email

e.thirun@nic.in

Joint Committee in OA 144 of 2020 regarding the sand mining in Vijayapura and Raichur District of Karnataka State

From : Thirunavu Elangovan <e.thirun@nic.in>

Tue, Oct 06, 2020 12:17 PM

Subject : Joint Committee in OA 144 of 2020 regarding the sand mining in Vijayapura and Raichur District of Karnataka State**To :** ceolda2002@gmail.com, anjana anupama <anjana.anupama@gmail.com>, Anjana Kumari V Senior Environmental Engineer CPCB <anjana.cpcb@nic.in>, Srinivas ulu <ms@kspcb.gov.in>, Head office Karnataka State Pollution Control Board <ho@kspcb.gov.in>, msseiaakarnataka@gmail.com, dcrevrer@gmail.com, Mr Shri P Sunil Kumar <dcvijayapura-ka@gov.in>, dirmines@gmail.com, dir-mines@karnataka.gov.in, jdnorthzone@gmail.com, acraichur@gmail.com

Dear Members

This relates to Joint Committee constituted in OA 144 of 2020 and OA 171 of 2020 regarding the sand mining being done in Vijayapura and Raichur District of Karnataka State.

Nominations are still awaited from SEIAA and Wetland Management Authority. Therefore, the proposed site visit between 5-9 Oct, 2020 is postponed. As suggested by few members, we can have a preliminary discussion so as to decide the further course of action and plan the site visit. the details of date and time for preliminary discussion will be communicated shortly[mostly within this week].

Regards

E.THIRUNAVUKKARASU

SCIENTIST 'E' / ADDITIONAL DIRECTOR
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
4th FLOOR, KENDRIYA SADAN,
17TH MAIN ROAD, BLOCK-II, KORAMANGALA
BENGALURU- 560 034
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M: 7290835157

Email

Meeting of joint committee constituted by Hon'ble NGT regarding snad mining in Raichur and Viajayapura

From : Thirunavu Elangovan <e.thirun@nic.in>

Thu, Oct 08, 2020 12:20 PM

Subject : Meeting of joint committee constituted by Hon'ble NGT regarding snad mining in Raichur and Viajayapura**To :** acraichur@gmail.com, Senior Environmental Officer, Bellary Karnataka State Pollution Control Board <seobly@kspcb.gov.in>, anjana anupama <anjana.anupama@gmail.com>, Mr Shri P Sunil Kumar <dcvijayapura-ka@gov.in>, jdnorthzone@gmail.com, kiranfishcol@gmail.com**Cc :** Anjana Kumari V Senior Environmental Engineer CPCB <anjana.cpcb@nic.in>

Dear Members,

This relates to joint committee constituted by Hon'ble NGT regarding snad mining in Raichur and Viajayapura[OA 144 and 171 of 2020]

The tentative visit of the committee was scheduled between 7-9 Oct, 2020, however, due to non- receipt of nomination from Wetland Authority and late receipt of nomination from SEIAA, the physical inspection could not be conducted. The next date of hearing is 29.10.2020. It is therefore proposed to convene the meeting to have a preliminary discussion on the matter through VC[Google Meet] on 9th Oct, 2020, 11.00 AM. Following are the requirements for the meeting through VC:

Members need to have gmail account,
For the desktop and laptop, camera and speakers are required
For mobile, app 'Google Meet' needs to be installed.

Members are requested to provide the details of gmail accounts, if available.

Regards

E. THIRUNAVUKKARASU

SCIENTIST 'E' / ADDITIONAL DIRECTOR
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
4th FLOOR, KENDRIYA SADAN,
17TH MAIN ROAD, BLOCK-II, KORAMANGALA
BENGALURU- 560 034
080-25635902- ext:16
M: 7290835157

**INTERIM REPORT OF JOINT COMMITTEE IN THE MATTER OF O.A. 171 OF 2020
(DR. SARVABHOUM BAGALI) SUBMITTED BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI, AS PER ORDERS DATED
07.08.2020**

1.0 PREAMBLE

In the Original Application No. 171 of 2020 (SZ), filed by Dr. Sarvabhoun Bagali, Vs The State of Karnataka & Ors, the Hon'ble National Green Tribunal (NGT), Chennai issued an Orders on 07.08.2020 with the following directions:

"In order to ascertain the real state of affairs, we feel it appropriate to constitute a joint committee comprising of 1) the District Collector, Raichur District, or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate, as deputed by the District Collector, 2) a Senior Officer from Ministry of Environment Forests and climate Change (MoEF & CC), Regional Office, Bangalore 3) a Senior Officer from State Environment Impact Assessment Authority (SEIAA), Karnataka 4) A Senior Officer from Karnataka State Pollution Control Board as nominated by its Chairman and 5) a Senior Officer from Department of Mines & Geology as deputed by the Director of Mines, State of Karnataka to inspect the area in question and submit a factual as well as action taken report, if there is any violation found..

The committee is also directed to go into the question regarding the accident said to have happened in that area and ascertain the cause of the incident and if it is related to any negligence on the part of the contractor in doing mining in an unscientific manner, then that may also be mentioned in the report.

13. The committee is also directed to go into the question as to whether sand mining is being done in river bed using mechanical process using heavy machinery which is not permitted under the Sustainable Sand Mining Policy as well as the directions of the Principal Bench of National Green Tribunal regarding sand mining in river bed areas.

14. The committee is also directed to go in to the question as to whether there were any violations of environmental clearance and other consent conditions in carrying out the mining and any excess mining has been done then, assess the environmental compensation and also compensation payable to the kith and kin of the deceased as has

been recorded by the Principal Bench of National Green Tribunal in Original Application No. 363 of 2015 vide order dated 25.09.2018.

The Regional Office, Ministry of Environment, Forests and Climate change (MoEF & CC), Bangalore will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose.”

In compliance of above mentioned order, the Regional Office, Ministry of Environment, Forests and Climate change (MoEF & CC), Bangalore, vide letter No. F. No. EP/12.7/NGT /52/KAR dated: 8/09/2020 has requested the concerned Departments / Authorities to nominate Senior official for the Committee to complete the task as appointed by the Hon'ble NGT.

2.0 PRELIMINARY MEETING

On receipt of the Nominations, a preliminary meeting was held on 09.10.2020 to decide the further course of action for completing the assigned task as per TOR. Following members have attended:

1. Shri Santhosh Kumar Gouda, KAS, Assistant Commissioner, Raichur Sub Division.
2. Shri M Sridhar, Zonal Senior Environmental Officer, KSPCB, Ballari.
3. Shri Kiran Kumar B S, Scientific Officer, Grade-I, Dept of Forest, Ecology and Environment and Karnataka Wetland Management Authority.
4. Shri M Viswanath, Senior geologist Department of Mines & Geology, Raichur.
5. Shri E. Thirunavukkarasu, Scientist 'E', Integrated Regional Office, Ministry of Environment, Forest and Climate Change.

3.0 DELIBERATIONS

The Joint Committee discussed about the Terms of reference given by the Hon'ble NGT, the issues raised by the applicant in the OAs etc., Also noted the information submitted by the Mines and Geology Department, Raichur [the details of identified sand blocks, mines permitted etc]. In the preliminary meeting, it was decided to obtain the following information from concerned departments before the inspection of the Joint Committee.

Office of the DC, Mines and Geology, Raichur District

- i. Details on the procedure followed in the issue of permit for sand mining by the District Sand Committee.
- ii. Copy of District Survey Report (DSR) prepared as per “Sustainable Sand Mining Guidelines, 2016”

- iii. Copy of the Report of Joint Assessment Team on estimation of sand deposits as per the New Sand Policy 2020 of Government of Karnataka.
- iv. List of mines permitted by the District Sand Committee with details of name of the person/ lease, date of permission, validity, quantity permitted, methodology(manual or Mechanical) approval of mining plan, status of operation, etc[other than the list/details already provided by Mines and Geology, if any]
- v. Details of mines permitted in ponds/ lakes/nallahs etc.
- vi. List of illegal mines if any, details of action taken etc,
- vii. Audit of the quantity extracted, *and quantity permitted along with the replenishment rate*, conducted as per the “Sustainable Sand Mining Guidelines, 2016”, if any?
- viii. Compliance status of the mines with the mining plan and action taken if any
- ix. Compliance status of the mines with the Sustainable Sand Mining Guidelines, 2016, New Sand Policy, 2020,
- x. Details of statutory Clearances required for mining activity and clearances obtained
- xi. Observations on non-compliance of conditions of Environmental Clearance and Consent to Operate etc. if any [**KSPCB**]
- xii. Comments on the issues raised in the OAs [**All members**]
- xiii. Any other relevant information

4.0 CONCLUSION

The committee decided to visit the site during 19-23 October 2020 and requested the concerned departments to provide the above details in a week time. However, due to continuous heavy rain in both the districts and flood in the rivers, the members felt that it will be difficult to reach and visit all mines sites and committee cannot find out ground reality of the sites and compliance status etc. **In view of the above, members suggested to seek additional time of Three months from Hon'ble NGT to complete the task.**

MINUTES OF THE VIRTUAL MEETING OF JOINT COMMITTEE HELD ON
09.10.2020 RELATING TO OA 144 OF 2020 AND OA 171 OF 2020

1.0 PREAMBLE

In the Original Application No. 144 of 2020 (SZ), filed by Dr.SarvabhounBagali, Vs The State of Karnataka &Ors, the Hon'ble National Green Tribunal (NGT), Chennai issued an Orders on 07.08.2020 with the following directions:

“In order to ascertain the real state of affairs, we feel it appropriate to constitute a joint committee comprising of 1) Senior Officer from Regional Office of Ministry of Environment Forests, and Climate Change (MoEF & CC),Bangalore 2) Senior Officer from the Regional Office of Central Pollution Control Board, Bangalore 3) Senior Officer from Karnataka State Wetland Authority, 4)Senior Officer from the Karnataka State Pollution Control Board 5) Senior Officer from Karnataka State Environment Impact Assessment authority (SEIAA), 6)The Deputy Commissioner – Raichur District, 7) Deputy Commissioner, Vijayapura District and 8) The Director of Mines and Geology to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

The committee is directed to go into the question as to whether there is any impact of the environmental loss in carrying out the proposed removal of sand from the ponds, nallas as per the present Sand policy, 2020 of Karnataka, if so what are the remedial measures to be taken to protect the water bodies against mining the natural resources like sand without adhering to the environmental laws and also assess the environmental compensation, if there is any flagrant violation of the environmental laws as found, on account of such illegal activity and also ascertain the number of such permission granted in those Districts by the authorities and also the persons to whom it was granted and whether they are adhering to the proceedings obtaining necessary permission from the authorities, before doing the mining work from these water bodies.

The Regional Office, Ministry of Environment, Forests and Climate change (MoEF & CC), Bangalore will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose.”

2.0 PRELIMINARY MEETING

In compliance of above mentioned order, the Regional Office, Ministry of Environment, Forests and Climate change (MoEF & CC), Bangalore, vide letter No. F. No. EP/12.7/NGT /52/KAR dated: 25/08/2020 has requested the concerned Departments / Authorities to nominate Senior official for the Committee to complete the task as appointed by the Hon'ble NGT. On receipt of the

9. Compliance status of the mines with the Sustainable Sand Mining Guidelines, 2016, New Sand Policy, 2020,
10. Details of statutory Clearances required for mining activity and clearances obtained
11. Observations on non-compliance of conditions of Environmental Clearance and Consent to Operate etc. if any [**KSPCB**]
12. Comments on the issues raised in the OAs [**All members**]
13. Comments on the allegation that allowing sand mining in nallahs, Ponds/lakes by the Government of Karnataka as per the New Sand Policy 2020 is in direct violation of the Environment Impact Assessment Notification, 2006: Appendix – IX (4) & (5), Sustainable Sand Mining Management Guidelines, 2016 issued by Ministry of Environment, Forests & Climate Change (MoEF&CC), Wetlands (Conservation and Management) Rules, 2017. [**IA(non- coal mining) Division of Ministry at New Delhi**]
14. Any other relevant information

3.0 INSPECTION OF JOINT COMMITTEE

The committee decided to visit the site during 19-23 October 2020 and requested the concerned departments to provide the above details in a week time.
