

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.....of 2024
IN THE MATTER OF
BIBEKANANDA PATTNAIK Applicant
Versus
STATE OF ODISHA &ORS ...Respondents**

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PLACE: Bhubaneswar

DATE: 24/06/2024

S.Pani *A.Padhy*

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ASHUTOSH PADHY

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SYNOPSIS

The applicant is challenging the auction notice dated 20/02/2024 for sand mining in Bhudabalang Sand Bed 1 in Betonati tahasil of Mayurbhanja District based on Interim District Survey Report for Sand Mining, Mayurbhanj. The Interim DSR prepared by the District Collector, Mayurbhanj and subsequent Auction Notice for four sand sources was Challenged in Original Application No 46 of 2022 and Hon'ble NGT passed an order that no auction to take place without the DSR being reviewed by the SEIAA Odisha, As such the District Administration did not proceed with the four sand beds in Badasahi Tahasil for which auction were made but now in 2024 the Mining Officer has issued a fresh auction in Betonati Tahasil without complying the NGT order dated 26/08/2022. It is settled principle that since the DEIAA has no authority to approve DSR post 2018(Satyendra Pandey Judgement), hence no auction could be made based on the interim DSR which has not been reviewed by the SEIAA.

LIST OF DATES

15th Jan. 2016	Subsequent MoEF & CC Notification S.O. 141(E) dated, District Environment Impact Assessment Authority (DEIAA) & District level Expert Appraisal Committee (DEAC) has been formed for Category –
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B2 Minor Mineral having area less than or equal to 5 ha

- 25th July 2018 As per Notification No. S.O. 3611(E) of Ministry of Environment, Forest & Climate Change (MoEF & CC), a detailed guideline issued for preparation of DSR
- 27th July 2018 Revenue Department adopted the OM and issued direction to all collectors to follow guideline for preparation of DSR
- 12/12/2018 Office Memorandum issued by MoEFCC requiring all mining leases above 5 Hectares has to be scrutinized through Public Hearing and EIA report by a NABET accredited consultant AND Approved by SEIAA
- 26/12/2019** **As appear from the record, the DSR Mayurbhanj was signed by 4 members of DEIAA.**
- 26/08/2022 IN OA 46 of 2022 Honble NGT directed District Collector Mayurbhanj not to proceed with auction till the DSR is reviewed by SEIAA
- 20/06/2024** Mining Officer Baripada issued a notice for auction for 5year long term lease of Budhabalang Sand Bed-1 Belonapura, Madhunanda, Demphouda in Betonati Tahasil.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

*(Under Section 14, 20 read with Section 18 of the National
Green Tribunal Act, 2010)*

Original Application No----- OF 2024/EZ

IN THE MATTER OF:

Bibekananda Pattnaik, S/O Late Radhakrushna Pattnaik, aged about 58
Years, At/Po/PS- BaripadaTown, Mayurbhanj, Odisha 757001

APPLICANT

VERSUS

1. State of Odisha represented by Chief Secretary, Government of Odisha,
AT/PO-Lokaseva Bhawan, Lok Seva Marg, Unit-2, Bhubaneswar, Odisha.
751001 Bhubaneswar csori@nic.in
2. Member Secretary, Odisha State Pollution Control Board A/118, Unit-
VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha
Email: paribesh1@ospboard.org, member.secy@ospboard.org
3. Member Secretary, State Environment Impact Assessment Authority
(SEIAA), Odisha, 5RF-2/1, Acharya Vihar, Unit – IX, Bhubaneswar,
Odisha 751022, email: seiaaorissa@gmail.com
4. The Collector and District Magistrate, Mayurbhanj, At/PO- Baripada,
Dist- Mayurbhanj, Odisha, Pin-757001. dm-mayurbhanj@nic.in

5. Mining Officer, Baripada Circle, AT/PO-Meher Colony, Baripada, Odisha 757002, Dist.- Mayurbhanj, Odisha. Email- mayurbhanjm@gmail.com
6. OFFICE OF THE EXECUTIVE ENGINEER, MAYURBHANJ IRRIGATION DIVISION, BARIPADA, At/PO- Murgabadi, Baripada, Odisha 757002 Email- mi.mayurbhanj@yahoo.co.in
7. Additional Chief Secretary, Water Resource Department, Government of Odisha, AT/PO- Department of Water Resources Rajiv Bhawan, Keshari Nagar, Bhubaneswar, 751001 Email: wrsec.or@nic.in
8. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar – 751023, Email: roez.bsr-mef@nic.in

RESPONDENTS

MOST RESPECTFULLY SHOWETH:

- I. The address of the Applicant is given above for the service of notices of this Application.
- II. The addresses of the Respondents are given above for the service of notices of this Application. As the auction notice was published by Mining Officer Mayurbhanja, hence Thasildar Betonati has no role in this matter.

III. That the present Application is being filed challenging the auction notice dated 20th June 2024 without complying the order of NGT in OA 46 of 2022. Further DSR report of Mayurbhanja District in respect to Sand Mining which is being prepared mechanically without verifying the ground situation of various rivers in the district including the BudhaBalang River and the said DSR is not in consonance with the letter and spirit of Sustainable Sand Mining Guideline 2016 and OM dated 25th July 2018 prescribing the procedure for preparation of DSR, EIA Notification 2006 and its amendment 2016, Supreme Court Order in Deepak Kumar Case and Order of Hon'ble NGT in OA 173/2018/PB.

FACTS

1. That the Applicant is a resident of Baripada Town in Mayurbhanj District. He has been associated with forest protection in the state and the district for more than 32 years. He is also the **Ex-Honorary Wildlife Warden for Mayurbhanja District appointed by Government of Odisha for the period of 2021 to 2023**. He is concerned about the ecology of the area and the impact of illegal, Unscientific and Unsustainable sand mining disturbing the **BUDHABALANG RIVER ECOLOGY**, endangering the safety of

local villagers, causing serious air pollution and depletion of water level in the locality, changing the course of the river and obstructing the natural flow by making artificial sand bars/bunds/wooden bridges with in river.

2. It is further submitted that the indiscriminate sand mining both in the designated places and other places in the river has already threatened the embankment and changed the course of river flow. It is further submitted that Sand Mining in BudhaBalang river bed has caused serious environmental degradation and ecological impact, and no Environmental Impact Assessment has ever taken place in areas earmarked for Mining especially on the river beds. Over the years Riparian ecology have been badly affected by the alarming rate of unrestricted Sand Mining which damage the ecosystem of rivers, weakening of river bank, destruction of natural habitats of organisms living on the river beds, affects fish breeding and migration, spells disaster for the conservation of many bird species, the associated riparian habitat.
3. The applicant submit that over last 10 years because of aggressive sand mining through Earth Movers/Excavators, more damage has caused the River ecology and Riparian habitats. The applicant is deeply disturbed to see the River BudhaBalang, Jambhira, Sona is being ripped apart in day light without an iota of concern for the ecology.

4. That the Mining Officer Baripada issued a notice for auction for 5year long term lease of Budhabalang Sand Bed-1 in Belonapura, Madhunanda, Demphouda of Betonati Tahasil over an area of 4.98 Ha, MGQ of 5000CM per annum, geological reserve of 56809CM. It is submitted that this notice is issued reducing the area to less than 5 Hactre and in the interim DSR the area is mentioned as 5.01 Hectares. Copy of Tender Notice dated 20/06/2024 is annexed here with as **ANNEXURE-1**

5. That previously the Interim DSR of Mayurbhanj and the auction notice were challenged before Honble NGT and Honble Tribunal while disposing the OA 46 of 2022, on 26/08/2022 passed the following order

Para 12-Mr. Pani has also referred to para 29 of the Original Application, and submits that in Original Application 63/2020/EZ (Haripada Manna Vs. District Collector, Balasore & Ors.) where also the challenge to the District Survey Report of Balasore was made, this Tribunal has disposed of the said Original Application on 08.02.2022 directing stay on all further auction of sand mining. Paras 19 & 21 of the judgment read as under:-

“19. In our view, since the District Survey Report has not yet been apprised by the State Expert Appraisal Committee (SEAC), Odisha nor has

it been approved by the State Environment Impact Assessment Authority (SEIAA), Odisha, the said District Survey Report for District-Balasore, Odisha, cannot be a foundation for auction of mining leases till such appraisal and approval has been obtained from the said authorities.

21. Until such order is passed by the State Environment Impact Assessment Authority (SEIAA), Odisha, we direct that all processes of auctioning in respect of sand mining in the District-Balasore, Odisha, shall remain stayed and shall be subject to any order which may be passed by State Environment Impact Assessment Authority (SEIAA), Odisha.”

13. We, therefore, dispose of this Original Application with a direction to the SEIAA, Odisha, to examine the ‘Interim DSR’ for the District of Balasore, having regard to the directions given by the Hon’ble Supreme Court in Pawan Kumar (Supra) as well as the directions given by this Tribunal in Haripada Manna (Supra).

14. In the affidavit of the Collector & District Magistrate, Mayurbhanj District, Odisha, dated 24.05.2022, it is stated at internal page 11 7 of the affidavit that the Tahasildar-Badasahi, has been directed not to proceed with the auction sale process of the 4 (four) sand beds in question in pursuance of the advertisement dated 15.03.2022.

15. We expect that the Collector & District Magistrate, Mayurbhanj District and the Tahasildar-Badsahi, shall abide by the undertaking given by the Collector & District Magistrate, Mayurbhanj District, in his affidavit dated 24.05.2022.

16. We further provide that the advertisement dated 15.03.2022 shall be subject to any final order(s) which may be passed by the SEIAA,

Odisha.” Copy of NGT order dated 26/08/2022 is annexed here with as **ANNEXURE-2**

6. That the applicant has verified the SEIAA site as well as the official site of Mayurbhanj District Administration and there has been no revised DSR placed by the District Collect Mayurbhanja nor there is any kind of approval by the SEIAA Odisha.

7. **District Survey Report** as per the MoEFCC Order of 25th July 2018 and EIA Notification Amendment dated 15 Jan 2016, the guidelines envisage **mapping of the resources at District level, identification of appropriate sites for extraction, appraisal of the extraction process, putting in place the required environmental safeguards and rigorous monitoring of the volume of extracted material.** The guidelines record that mining within or near river bed impacts physical characteristics of the stream such as channel geometry, bed elevation,

substratum composition and stability, in stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause hazardous impact on ecological equilibrium of river regime. This may also cause adverse impact on in-stream biota and riparian habitats. In the present case no such study has been conducted while preparing the DSR. Copy of the Notification dated 25th July 2018 is annexed here unto as **ANNEXURE-3**.

8. Paragraph 7 (iii) (a) of EIA Notification Amendment 2016, PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT underlines the main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following such as **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.**
9. 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. It is humbly submitted that the DSR placed in website does not indicate if any such survey ever carried out and for that the same the report cannot be acceptable. As such to the knowledge of the applicant no joint survey has been carried out by the district level expert committee.

10. That the Government of Odisha Revenue and Disaster Management Department vide letter dated 27th July 2018 directed all the district Collector to prepare the DSR in light of the EIA Notification dated 15th January 2016 and to ensure the identification of areas of deposition and erosion. Copy of Letter dated 27th July 2018 is annexed here unto as **ANNEXURE-4**

11. That the interim report of the sand mining sources are being put to auction is much worrying as the Interim DSR is not addressing any of the concerns of ecological impact and sustainable sand mining as elaborated in the Sustainable Sand Mining Guideline 2016 and 2020. Relevant portion of DSR Mayurbhanj for Sand Mining is annexed here unto as **ANNEXURE-5**

12. On a close comparison of the DSR report of Mayurbhanja and Balasore, the applicant could see the conclusion part is copy paste exercise with same photographs. It is submitted that there has been no joint field visit conducted prior to preparation of the report. The report is prepared by some outsourced agency and the report is signed by

members of the DEIAA. Copy of relevant portion of DSR Balasore is annexed here unto as **ANNEXURE-6**

13. That reducing the area of lease to 5 Hactres is deliberate and to avoid the Public Hearing and EIA report prepared by a NABET accredited consultant and the same is expensive and time consuming also. So as to defeat the order of Hon'ble NGT in Satendra Pandey Case and the subsequent Office Memorandum of MOEFCC dated 12/12/2018, the Mining Officer Baripada issued the Auction Notice by **reducing the area to 4.98 Ha while the area in the DSR report is 5 .01 Hectares. Copy of OM dated 12/12/2018 is Annexed here with as ANNEXURE-7**
14. It is further submitted that the Interim DSR dated 28/12/2019 was prepared by a defunct DEIAA, as the DEIAA stood abolished vide NGT judgment dated 13.09.2018 in the case of Satendra Pandey (Supra). Therefore, the final DSR which is a mandatory pre-requisite before grant of any mining lease/or issuance of tender notice has not been prepared, hence the said Auction notice of 20th June 2024 is legally unsustainable.
15. It is pertinent to mention here that the Government of Odisha Forest, Environment & CC Department on dated 22/02/2022 wrote a letter to the Additional Chief Secretary to Govt., Revenue & Disaster Management Department, Govt. of Odisha regarding the forwarding of

DSR of all the districts duly examined by DEIAA & District Level Task Force Committee to SEIAA for approval. Copy of the letter dated 22/02/2022 is here unto annexed as **ANNEXURE-8**.

- 16.** It is further submitted that preparation of the Interim DSR by the District Level Committee headed by the District Magistrate would frustrate the order of the Tribunal quashing the DEIAA holding that the District Magistrate and other Officers have no expertise and scientific knowledge of the Environmental laws.
- 17.** It is submitted that DSR is a pre-requisite, mandatory conditional precedent that is required to be prepared before any mining leases are auctioned. Any Auction notice without following the procedure under the MOEF Notification dated 15.01.2016 read with the SSMMG-2016, EMSMG, 2020 is flawed, arbitrary, illegal and unsustainable in law
- 18.** That the BudhaBalang River has been changing its course and for last few years and the river course has been shifted towards village side where the Sand is being auctioned for mining. It has been observed that the mechanical sand mining at the mining leases has led to deep mining and active bank erosion and there by the river stream/water flow is shifting towards the village.
- 19.** Mayurbhanja District being a Schedule V area, under Provisions of Panchayat Extension to Schedule Area 1996 requires prior approval

of Gramsabha prior to auction of Sand Mine and same has not been complied

20. It is humbly submitted that at many places along the Bank of River BudhaBalang **Severe Scouring Occurred.** The river use to eat away the adjoining land. In order to protect the life and properties of the locality The department use to spend Crores of rupees to check the river bank erosion but the unsustainable sand mining wash away all such stone patching along the river bank resulting loss of millions of rupees.
21. **Existing mining practices are contrary to the guidelines of Sustainable Sand Mining:** the MOEF&CC has published Sustainable Sand Mining and Management Guidelines 2016, after extensive consultation with the States and the stake holders for about one year. The object of the guidelines is to restore and maintain ecology of rivers. It is suggested that during survey of the area where mining should be permitted, following factors which must be kept in mind. Considering the Budhabalanga River being highly fragile, Erosion prone embankment and keep on changing its course, the issue of illegal mining is dealt from larger perspective and strict monitoring is needed.
22. The unscientific mining like using the sump pumps to dewater the mining area, mining beyond 1 metre and around depth of 6 metre, using earth mover for mining as the permission is for manual mining

only and more often obstructing the free flow of river by creating artificial bunds with in river there by interfere in the free flow of the river and such activities are promoting the erosions in the river banks there by endangering safety of the villagers are major violations which are being ignored by the authorities even after repeated complaints from villagers.

23. The Hon'ble Supreme Court in its Judgment dated the 27th 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. made prior environment clearance mandatory for mining of minor minerals irrespective of the area of mining lease. In order to comply with the judgment of Hon'ble Supreme Court, the Ministry issued S.O.141 (E) dated 15.01.2016. Further, MoEF&CC published Sustainable Sand Mining Management Guidelines 2016 for scientific and sustainable sand mining in the Country.

24. The Hon'ble NGT in its order dated 04.09.2018 in O.A. 173/2018 in the matter of Sudarsan Das vs. State of West Bengal & Ors, observed that MoEF&CC has issued directions from time to time under Section 3 and 5 of the Environment (Protection) Act, 1986. The MoEF&CC needs to revise its directions keeping in mind the following:

- i. Mining Surveillance System discussed in para 23 above be finalized in consultation with ISRO Hyderabad.
- ii. Safeguards suggested in Sustainable Sand Mining Guidelines published by the MoEF&CC in the year 2016 and Suggestions in the High Power Committee Report
- iii. The requirement of demarcation of boundaries being published in respect of different leases in the public domain.
- iv. Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners.
- v. Such evaluation must include the cost of mining material as well as the cost of ecological restoration and the net present value of future ecosystem services forgone.
- vi. Need to set up a dedicated institutional mechanism for effective monitoring of sand and gravel mining which may also take care of mining done without any Environmental Clearance as well as mining done in violation of Environmental Clearance conditions.
- vii. The Mining Department may make a provision for keeping apart at least 25% of the value of mined material for the restoration of the area affected by the mining and also for compensating the inhabitants affected by the mining.

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

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

It is humbly submitted that none of the directions have been followed as on date in any of the ongoing sand mining projects in Mayurbhanj District.

25. The Hon'ble Apex Court in Deepak Kumar Case has observed that "We are of the considered view that it is highly necessary to have an effective framework of Mining plan which will take care of all environmental issues and also evolve a **long term rational and sustainable use of natural resource base and also the bio-assessment protocol**. Sand Mining, it may be noted, may have an adverse effect on bio-diversity as loss of habitat caused by Sand Mining will effect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated

islands. We find that, taking note of those technical, scientific and environmental matters, MoEFCC, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A, Article 51A(g) read with Article 21 of the Constitution.

26. That “Sustainable Sand Mining Guidelines, 2016” issued by MoEF&CC requires preparation of District Survey Report (DSR), which is an important initial step before grant of mining lease/LoI. Enforcement & Monitoring Guidelines for Sand Mining 2020 has to be taken into account while preparing the DSR.

27. That while disposing the Original Application No 40 of 2020/EZ, a similar case relating to **Challenge to DSR Report of Banka District in Bihar**, the Hon’ble Tribunal in its order dated 14th Oct 2020 has hold that the **DSR Exercise has failed to pass the muster of Environmental Laws** and procedures laid therefore and passed a slew of direction reproduced as follows

“Para 101: For all the reasons aforesaid, we are of the firm view that the DSR 2019 and the other related exercise undertaken by the State fail to pass the muster of the Environmental Laws and the procedures laid down therefor.

Para 102: In the result, we allow the applications and hold that:

- (a) **DSR 2018 cannot be considered as a final DSR and is only an Interim report.**
- (b) **The DSR 2019 incorporating the 14 Sand Ghats also cannot be considered as a final DSR and is hereby quashed.**
- (c) **All actions taken pursuant to DSR 2018 and DSR 2019 referred to in (a) and (b) above are hereby held to be void and a nullity.**

Para 103. In the light of the above findings, we direct as follows:

- i. **Having regard to the findings at (a), (b) and (c) above, we direct the State to undertake further exercise for preparation of a fresh DSR for the Banka district.**

IV. As the DEIAA is not functioning as a consequence of the decision of the Tribunal in **Satendra Pandey (supra)**, the DSR shall be prepared through a consultant(s) **accredited by the National Accreditation Board of Education and Training/ Quality Control Council of India in terms of O.M. of MoEF&CC dated 16.03.2010.**

V. **The DSR so prepared shall be submitted to the District Magistrate who shall verify the DSR only in respect of the**

relevant facts pertaining to the physical and geographical features of the district which shall be distinct from the scientific findings based on the parameters prescribed in the SSMMG-2016. After such verification, the District Magistrate shall forward the DSR for examination and evaluation by the State Expert Appraisal Committee (SEAC) having regard to the fact that the SEIAA comprises of technical/scientific experts. The SEAC after appraisal of the report shall forward it to the SEIAA for consideration and approval if it meets all scientific/technical requirements

VI. While preparing the DSR, the **MoEF&CC Accredited Agency/Consultant shall scrupulously follow the procedure** and the parameters laid down under the SSMMG-2016 and EMGSM-2020 read in sync with each other”

28. That while disposing the Original application No 63 of 2020, **Haripada Manna Vs District Collector Balasore** on 8th Feb 2022, a challenge to District Survey Report of Balasore, the **Honble Tribunal has stayed all further auction of sand mining** and the relevant paragraphs is reproduced as follows

“Para 19: In our view, since the District Survey Report has not yet been apprised by the State Expert Appraisal Committee (SEAC),

Odisha nor has it been approved by the State Environment Impact Assessment Authority (SEIAA), Odisha, the said **District Survey Report for District-Balasore, Odisha, cannot be a foundation for auction of mining leases till such appraisal and approval has been obtained from the said authorities.**

. Para 20: We, therefore, allow this Original Application with a direction to the Respondent No.5, State Environment Impact Assessment Authority (SEIAA), Odisha, in coordination with State Expert Appraisal Committee (SEAC), Odisha, to examine the District Survey Report for Balasore District, Odisha, as submitted by the Additional District Magistrate, Balasore, vide his letter no. 449 dated 15.01.2022 and the Environmental Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha, vide his letter no. 3943/SEIAA dated 28.01.2022 and pass appropriate orders in accordance with law within a period of one month.

21. Until such order is passed by the State Environment Impact Assessment Authority (SEIAA), Odisha, we direct that all processes of auctioning in respect of sand mining in the District-Balasore, Odisha, shall remain stayed and shall be subject to any order which may be passed by State Environment Impact Assessment Authority (SEIAA), Odisha.

29. That the Hon'ble Supreme Court in Civil Appeal No. 3661-3662/2020-, State of Bihar and Ors. Vs. Pawan Kumar & Ors. arising out of Original Application No. 40/2020/EZ-Pawan Kumar Vs. State of Bihar, order dated 10th November 2021

“Para 14, We therefore find it appropriate to substitute the directions issued by the Tribunal vide judgment and order dated 14th October 2020, directed the state government to prepare the DSR afresh.

(ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed;

(iii) Until further orders, we permit the State Government to carry on mining activities through Bihar State Mining Corporation for which it may employ the services of the contractors. However, while doing so, the State Government shall ensure that all environmental concerns are taken care of and no damage is caused to the environment”. Copy of Order dated 10/11/2021 is Annexed here with as **ANNEXURE-9**.

30. The **EMSM Guidelines of 2020 emphasize detailed procedure to be followed for the purpose of preparing DSR** and same has also been there in the 2016 guideline and 25th July 2018 notification issued by MoEFCC. The detailed procedure laid down are as such

- i. Identification of areas of aggradations/ deposition where mining can be allowed and **identification of areas of erosion and** Proximity to infrastructural structures and installation where mining should be prohibited.
- ii. Calculation of annual rate of replenishment, allowing time for replenishment after mining, identification of ways of scientific and systematic mining; identifying measures for protection of environment and ecology
- iii. Determining measures for protection of bank erosion, benchmark (BM) with respect to mean Sea Level (MSL) should be made essential in mining channel reaches (MCR) below which no mining shall be allowed.
- iv. Thus, the environmental protection requires a strictly regulated mining in terms of area, quantity as well as most importantly **replenishment thereof.** “The data collection and declared for preparation of DSR shall take precedence over other data and would form the foundation for providing mining lease in terms of Appendix- X to the Notification dated 15th January 2016 **must be prepared by the statutory authority stated therein i.e. DEIAA prior to awarding of permits for carrying on mining activity in any part of the State of UP.**”

v. The Sand Auditing is also a sort of identification of mineral and State Government may request Central Govt. for providing funds for river auditing. The Central Govt. (Ministry of Mines) may also explore the possibilities for providing the funds for river auditing. The revenue department of Kerala already conducted river mapping and sand auditing of around 20 rivers of Kerala which is a good example wherein the profile of rivers was created at regular intervals and aggradation/deposition was identified along with water level. In the same study, benchmarks were also created at a prominent location at regular interval for future surveying. Such study helps the mining departments to identify the source of sand. Thus, it is proposed that for preparation of district survey report, the auditing of rivers needs to be carried out.

vi. District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (LoI) by Mining department or department dealing the mining activity in respective states.

vii. The first step is to develop the inventory of the River Bed Material and Other sand sources in the District. In order to make the inventory of River Bed Material, a detailed survey of the district needs to be carried out, to identify the source of River Bed Material and alternative source

of sand (M-Sand). The source will include **rivers, de-siltation of reservoir/dams, Patta lands/Khatedari Land, M-sand etc.**

viii. District Survey Report is to be prepared in such a way that it not only identifies the mineral-bearing area but also **define the mining and no mining zones considering various environmental and social factors.**

d) Defining the sources of Sand/M-Sand in the district is the next step for identification of the potential area of deposition/aggradation wherein mining lease could be granted.

ix. Detailed survey needs to be carried out for quantification of minerals. The purpose of mining in the river bed is for channelization of rivers so as to avoid the possibility of flooding and to maintain the flow of the rivers. For this, the entire river stretch needs to be surveyed and original ground level (OGL) to be recorded and area of aggradation/deposition needs to be ascertained by comparing the level difference between the outside riverbed OGL and water level. Once the area of aggradation/deposition is identified, then the quantity of River Bed Material available needs to be calculated. The next step is channelization of the river bed and for this central $\frac{3}{4}$ th part of the river, width needs to be identified on a map. Out of the $\frac{3}{4}$ th part area, where there is a deposition/aggradation of the material needs to be identified. The remaining $\frac{1}{4}$ th area needs to be kept as no mining zone for the protection of banks. The specific gravity of the material also needs to be ascertained by analyzing the sample from a

NABL accredited lab. Thus, the quantity of material available in metric ton needs to be calculated for mining and no mining zone. Note: As physical survey with conventional method is time-consuming, use of unmanned aerial vehicle (UAV) may be explored to carry out the survey and finalizing the original ground level and for developing a 3D model of the area.

- x. The permanent boundary pillars need to be erected after identification of an area of aggradation and deposition outside the bank of the river at a safe location for future surveying. The distance between boundary pillars on each side of the bank shall not be more than 100 meters.
- xi. Identifying the mining and no mining zone shall follow with defining the area of sensitivity by ascertaining the distance of the mining area from the protected area, forest, bridges, important structures, habitation etc. and based on the sensitivity the area needs to be defined in sensitive and non-sensitive area.
- xii. Demand and supply of the Riverbed Material through market survey needs to be carried out. In addition to this future demand for the next 5 years also needs to be considered.
- xiii. It is suggested that as far as possible the sensitive areas should be avoided for mining, unless local safety condition arises. Such deviation shall be temporary & shall not be a permanent feature.

xiv. The final area selected for the mining should be then divided into mining lease as per the requirement of State Government. It is suggested the mining lease area should be so selected as to cover the entire deposition area. Dividing a large area of deposition/aggradation into smaller mining leases should be avoided as it leads to loss of mineral and indirectly promote illegal mining.

xv. Cluster situation shall be examined. A cluster is formed when one mining lease of homogenous mineral is within 500 meters of the other mining lease. In order to reduce the cluster formation mining lease size should be defined in such a way that distance between any two clusters preferably **should not be less than 2.5 Km**. Mining lease should be defined in such a way that the total area of the mining leases in a cluster should not be more than 10 Ha.

xvi. The mining outside the riverbed on Patta land/Khatedari land be granted when there is possibility of replenishment of material. In case, there is no replenishment then mining lease shall only be granted when there is no riverbed mining possibility within 5 KM of the Patta land/Khatedari land.

xvii. The State Government should define the transportation route from the mining lease considering the maximum production from the mines as at this stage the size of mining leases, their location, the quantity of mineral that can be mined safely etc. is available with the

State Government. It is suggested that the transportation route should be selected in such a way that the movement of trucks/tippers/tractors from **the villages having habitation should be avoided**. The transportation route so selected should be verified by the State Government for its carrying capacity.

xviii. Potential site for mining having its impact on the forest, protected area, habitation, bridges etc, shall be avoided. For this, a sub-divisional committee may be formed which after the site visit shall decide its suitability for mining. The list of mining lease after the recommendation of the Committee needs to be defined in the following format given in as Annexure-II.

xix. The Sub-Divisional Committee after the site visit shall make a recommendation on the site for its suitability of mining and also records the reason for selecting the mining lease in the Patta land. The details regarding cluster and contiguous cluster needs to be provided as in Annexure-III. The details of the transportation need to be provided as in Annexure IV.

ii) 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

31. That in OA 55 of 2023(Harihar Samal vs State of Odisha) decided on 10th May 2024 has restrained district administration from sand mining without the DSR report approved by SEIAA. Relevant para of the order is reproduced as follows

29. However, in view of the categorical stand of SEIAA, Odisha that the **revised District Survey Report (DSR) has not been submitted yet for its approval by the District Administration, Dhenkanal, we are of the firm view that the Kurunti Brahamani Sand Quarry i.e. the quarry in question, cannot be operated** unless a replenishment study has been carried out and District Survey Report (DSR) is prepared and approved by SEAC and SEIAA, Odisha as per the directions given by the Hon'ble Supreme Court in its order dated 10.11.2021.

30. We, therefore, dispose of the present original application with a **clear direction restraining the District Administration, Dhenkanal from allowing operation of the sand source of the Kurunti Brahamani Sand Quarry in District Dhenkanal, even on ad hoc basis, unless and until the District Survey**

Report (DSR) is approved by SEIAA, Odisha as per directions given of the Hon'ble Supreme Court in Pawan Kumar (supra).

31. That in OA 54 of 2022, Honble NGT vide order dated 13/05/2022 has passed an interim order as follows "In the interim, we direct that till the counter-affidavit is filed by the State Respondents, **no sand mining leases shall be awarded in pursuance of the impugned Notice Inviting Expression of Interest dated 30.09.2021. Copy of Order dated 13/05/2022 is annexed here with as ANNEXURE-10.**

GROUNDS

A. That the Tender Notice issued without complying the order dated 26/08/2022 wherein the DSR report is to be appraised by SEAC and approved by SEIAA which has not been done as of now.

B. The DSR is said to be an **Interim Report** as mentioned in the conclusion part of the report for which the same cannot be relied for taking any final decision in respect of any auction of minor mineral as the DSR is mandatory prior to auction.

C. That the area mentioned in the DSR and the area mentioned in the auction notice does not match. That the reduction of area in the Auction notice is deliberate and to avoid the rigorous scrutiny of Public

Hearing and EIA report by NABET accredited consultant as required for Environment Clearance

D. The report does not identify the feasible mining sites, deposition site, erosion prone sites and sites of ecological importance. More importantly this is report without any ground survey and site visit by the members of District level Expert Committee has not been conducted prior to preparation of report

E. The DSR is not in accordance with the Sustainable Sand Mining Guideline 2016 and 2020 and in utter disregard to the very objective of the sustainable sand mining.

F. The DSR is a sham and fraud on the statute and it is for name shake to escape from the rigors of law.

G. The report is not based on ground realities and **no joint field visit has been carried out by the Water Resource Department, Mining Department and Tahasildar to assess the ground situation and the same is mandatory prior to the report.** Though the report is signed by District Collector, Mayurbhanj but do not disclose about the members who have prepared this report and whose inputs and expert opinions were considered for preparing the report. The applicant has information that the report is prepared by one consultant without any field visit and same is evident from the report also and for that the report cannot be accepted.

H. No replenishment study has been carried out to understand the replenishment rate of the Sand Mining Sources which is mandatory to arrest over exploitation and illegal sand mining.

I. BudhaBalang River is highly dynamic and River Bank Erosion has been observed at many places. Mechanical Sand Mining and Obstruction in the river to facilitate the sand mining transportation has damaged the embankment but same were not considered while preparing the DSR to identify the **vulnerable and erosion prone sites**.

J. Mining activity in zone of erosion can further aggravate the problem of erosion and as such the mining activity can be allowed only in the zone of the deposition. However this aspect has not been considered while preparing the DSR.

K. The DSR report prepared without any consultation with the riparian stakeholders including local inhabitants and irrigation department.

L. That the international conservation concern regarding natural wealth is a universal demand. Article 51(a) subsection (G) of the constitution requires every citizen of India to protect and improve the natural environment including forest, lakes, rivers, wildlife and to have compassion for the living creature.

M. The Hon'ble Supreme Court in its Judgment dated the 27th 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. made prior environment clearance mandatory for mining of minor minerals irrespective of the area of mining lease

N. The Hon'ble Supreme Court in the case of M.C. Mehta Vs. Kamal Nath (1997) 1 SCC 388 held that under Article of Indian Constitution incorporates the "Public Trust Doctrine" and as such extends to the protection of all natural resources which includes the protection of flora and fauna.

O. The Hon'ble Supreme Court in the case of Vellore Citizens Welfare Forum Vs. Union of India & Ors (1996) held that the **precautionary principle is part of the Environmental Law in India**. It further stated that onus of proof is on the actor of the developer/industrialist to show that its actions are environmentally benign."

P. The Hon'ble NGT in its order dated 04.09.2018 in O.A. 173/2018 in the matter of Sudarsan Das vs. State of West Bengal & Ors, observed that MoEF&CC has issued directions from time to time under Section 3 and 5 of the Environment (Protection) Act, 1986 and directed the MoEF&CC to follow a set of guidelines which has not been followed in the present case.

Q. The Hon'ble NGT in its Judgment dated 08.12.2017 in the matter of Anjani Kumar vs State of Uttar Pradesh & Ors. inter-alia

mentioned the following regarding sand mining in the Uttar Pradesh. “It states that the main object of preparation of **District Survey Report is to ensure identification of areas of aggradation/deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where mining should be prohibited** and calculation of annual rate of replenishment and allowing time for replenishment after mining area

R. That the proposed river bed mining is against the spirit of Article 48A and 51A(g) that mandates for protection of environment and Article 21 of Constitution of India

LIMITATION

That the auctions for Sand Sources are ongoing during pandemic and nationwide lockdown while the DSR is claimed to be an interim report and the impugned auction notice is of 20/06/2024 hence the original application is not barred by limitation.

INTERIM PRAYER

The Honble Tribunal may be please to **stay the auction notice dated 20/06/2024** till the final disposal of the OA in view of the recent order passed by Hon’ble SC in Pawan Kumar case.

PRAYER

The applicants humbly prays the Hon'ble Tribunal to issue following directions to the respondents considering the facts and grounds set out in the application

- A. Quash the auction notice dated 20th June 2024 in Annexure-1.
- B. Direct the SEIAA to produce the status report of Mayurbhanj DSR pursuant to order dated 26/08/2022.
- C. Direct the Mining Department and Water Resource Department for River Mapping and Sand Auditing of BudhaBalang river.

And may further be pleased to pass any other order(s) as deemed fit and proper;

24th June 2024

Applicant Through

A handwritten signature in black ink, appearing to read 'S. Panigrahi', with a horizontal line underneath it. To the right of the signature, the name 'A. Panigrahi' is written in a smaller, less legible hand.

Advocate



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO OF 2024

IN THE MATTER OF:

BIBEKANANDA PATTNAIK

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

AFFIDAVIT

I, Bibekananda Pattnaik, S/O Late Radhakrushna Pattnaik, aged about 59 Years, At/Po/PS- BaripadaTown, Mayurbhanj, Odisha 757001, hereby solemnly affirm, and declare as under:

1. That I am the applicant in the above mentioned Original Application.
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
3. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Bibekananda Pattnaik

DEPONENT

VERIFICATION

Verified on 24th July or June 2024 at Baripada..... that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Bibekananda Pattnaik

DEPONENT

Identified By

S. Dash

Advocate

SATYABRATA DASH
Advocate Baripada
En. No-O-966/90
Mob. No-9437161561

Solemnly Affirm & Declare
on Identification by Advocate

S. Dash
K. DASH REGD. NO-56104
NOTARY BARIPADA

24/6/24

Office of the Mining Officer**Mayurbhanj, Baripada**

E-mail: (mayurbhanjmo@gmail.com)

No-810**Date: 20.06.2024****Notice Inviting Tender****“Inviting application for grant of Quarry Leases”.**

In exercise of the power conferred by Section 15 of Mines and Mineral (Development & Regulation) Act, 1957 and in accordance with the Odisha Minor Mineral Concession Rules, 2016 as amended from time to time notified thereunder, the Government of Odisha has identified 1 nos quarry leases for electronic auction and hereby invites tender for the purpose of grant of Quarry Lease.

Accordingly, technical bids for grant of quarry lease are invited in the format of ‘Form-M’ both in digital and physical format from eligible bidders.

Eligible condition, date and time for participating in the electronic auction are provided in Tender Document. Detailed Tender Document along with the timeline, notification, updates and other details for the e-auction process for the quarries are available in electronic form only and can be downloaded from the website <https://www.mstcecommerce.com>.

Interested and eligible bidders can register themselves on the above website. On successful registration. Eligible bidders will obtain login ID and password necessary for participation in the e-auction process. Model Tender Document and Mineral Block Summary are available free of cost on the website of MSTC (<https://www.mstcecommerce.com>.)

The intending bidders should submit necessary details and relevant mandatory documents in Form – M, by using valid login User ID and password. The bidders should refer to the ‘Bidder’s Manual’ for successful submission of ‘Form-M’ for participating in the tenders, which is available in the e-Auction portal. The period given to the bidder for submission of e-tenders for Technical Evaluation, is counted from the date on which the notice inviting tender (e-NIT) including e-tender is actually published in newspaper(s) and the website of the Directorate of Minor Minerals.

Time schedule:

The detail time schedule is available in the tender document.

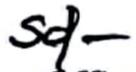
Last date for submission of application: 09.07.2024

Date of opening of application (Technical bids): 10.07.2024

Date of auction: 23.07.2024

Quarry details:

SI No	Circle	District	Tahasil	Name of Souce	Mineral	Land Schedule					Resource	MAC per M ³ (in Rs.)	MGQ per year
						Mouza	Khatian No.	Plot No.	Kissam	Area in Hect			
1	Bhadrak	Mayurbhanj	Betnoti	Budhabalanga Sand Bed-I	Sand	Demphouda, Belanpura & Madhunanda	200, 160, 95	1/1, 711/1, 1/1	Nadi	4.989	56809 Cum Geological Reserve	658	5000 Cum


 Mining Officer,
 Mayurbhanj, Baripada

Item No. 09

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No.46/2022/EZ

In the matter of:-

Bibekanand Pattnaik,
S/o Late Radhakrushna Pattnaik,
Aged about 56 years,
R/o At/Po/PS-Baripada, Mayurbhanj, Odisha,
Pin – 757001,

...Applicant(s)

Versus

1. State of Odisha,
Through Chief Secretary, Govt. of Odisha,
Lokaseva Bhawan, Bhubaneswar,
2. Principal Secretary,
Revenue and Disaster Management, Govt. of Odisha,
Lokaseva Bhawan, Bhubaneswar,
Pin – 751001,
3. Principal Secretary,
Water Resource Department, Govt. of Odisha,
Lokaseva Bhawan, Bhubaneswar,
Pin – 751001,
4. Member Secretary,
Odisha State Pollution Control Board,
A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar,
Pin – 751012,
5. Member Secretary,
State Environment Impact Assessment Authority (SEIAA), Odisha,
5RF-2/1, Acharya Vihar, Unit-IX, Bhubaneswar
Pin – 751022,
6. The Collector and District Magistrate, Mayurbhanj,
At/Po-Baripada, District-Mayurbhanj,
Pin – 770001,
7. Tahasildar, Badasahi,
At/PO/PS-Badasahi, District Mayurbhanj,
Pin – 770040,
8. Mining Officer, Baripada Circle, Baripada,
District-Mayurbhanj, Odisha,
Pin – 770048,

9. Office of the Executive Engineer, Mayurbhanj Irrigation Division, Baripada, Odisha,
10. The Executive Engineer, Rural Works Division, At/Po-Baripada, District-Mayurbhanj, Odisha, Pin – 757002,
11. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, New Delhi – 110032,
12. Deputy Director General of Forests (C), Ministry of Environment, Forests and Climate Change, Integrated Regional Office (EZ), A/3, Chandrasekharapur, Bhubaneswar, Pin – 751023,

...Respondent(s)

Date of hearing: 26.08.2022.

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate

For Respondent(s) : Ms. Saswata Pattnaik, Advocate for State of Odisha,
Ms. Papiya Banerjee Bihani, Adv. for R-4, (in Virtual Mode)
Mr. Gora Chand Roy Choudhury, Adv. for R-5, (in Virtual Mode)
Mr. Dipanjan Ghosh, Advocate for R-11,
Mr. Debasish Ghosh, Advocate for R-12, (in Virtual Mode)

ORDER

1. Mr. Sankar Prasad Pani, learned Counsel is present for the Applicant.
2. Counter-affidavit dated 23.08.2022 has been filed on behalf of the Respondent No.11, Central Pollution Control Board; the same is taken on record.
3. Affidavit dated 25.08.2022 has been filed on behalf of the Respondent No.5, SEIAA, Odisha; the same is taken on record.
4. Ms. Papiya Banerjee Bihani, learned Counsel files Vakalatnama on behalf of the Respondent No.4, Odisha State Pollution Control Board; the same is taken on record.

5. This Original Application has been filed by the Applicant, seeking the following reliefs:-

“A. Hold and declare that the DSR report for Sand Mining in Mayurbhanja and as null and void and quash the auction notice dated 15th March, 2022.

B. The Hon’ble Tribunal may direct A detail report including the details of site visit of the lease areas both existing and new sites may be called from the District Collector to know the basis of the preparation of DSR.

C. The DSR may be evaluated/reviewed by an independent party like scientists of CPCB and SEIAA.

D. Direct the Revenue Department and Water Resource Department for River Mapping and Sand Auditing of Budha Balang.

E. Pass any other order(s)/direction(s) that Your Lordships may deem fit and proper in the interest of justice, equity and good conscience.”

6. In para 8 of the Original Application, it is stated that an advertisement has been issued on 15.03.2022 for auction of 4 (four) sand sources in pursuance of the ‘Interim District Survey Report’).

7. Mr. Sankar Prasad Pani, learned Counsel for the Applicant has referred to page no. 58 which is a District Survey Report (‘DSR’ for short) for District-Mayurbhanj, which clearly mentions that it is an ‘interim report’. However, at page no. 60 of the paper book, it is stated that District Survey Report for Sand Mining (Minor Mineral) in respect of Mayurbhanj District has been prepared in accordance with Appendix-X, Para-7(iii) (a) of S.O. No. 3611(E) dated 25.07.2018 issued by the Ministry of Environment, Forests and Climate Change, New Delhi, and is approved for final publication in the District Website. It is not disputed that this DSR was prepared by the then District Environment Impact Assessment

Authority ('DEIAA' for short) on the basis of a survey carried out by the DEIAA as would be evident from para (b) of the DSR dated 27.07.2018. Para (b) of the DSR reads as under:-

“(b) 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.”

8. Mr. Pani alleges that the DSR has been prepared by the DEIAA without consulting the Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc.
9. Learned Counsel has again referred to page 60 of the paper book, where the Interim DSR has been approved and submits that it does not bear the signature of any person from the Department of Geology.
10. Learned Counsel further submits that DSRs in the State of Bihar prepared by the DEIAA were quashed by the Tribunal in Original Application No. 40/2020/EZ (*Pawan Kumar Vs. State of Bihar*) vide its order dated 14.10.2020. This order of the Tribunal was thereafter put to challenge before the Hon'ble Supreme Court in Civil Appeal Nos. 3661-62 of 2020 (*State of Bihar Vs. Pawan Kumar*), and the Hon'ble Supreme Court thereafter directed that the Committee for considering DSR shall comprise of the following Members as mentioned in para 14 of the judgment. Para 14 of the order of the Hon'ble Supreme Court dated 10.11.2021 reads as under:-

“14. We therefore find it appropriate to substitute the directions issued by the Tribunal vide judgment and order dated 14th October, 2020 with the following directions:-

- (i) The exercise of preparation of DSR for the purpose of mining in the State of Bihar in all the district shall be undertaken afresh. The draft DSRs shall be prepared by the sub-divisional committees comprising of the Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or Mining Officer. The same shall be prepared by undertaking site visits and also by using modern technology. The said draft DSRs shall be prepared within a period of 6 weeks from the date of this order. After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC. The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereon;*
- (ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed;*
- (iii) Until further orders, we permit the State Government to carry on mining activities through Bihar State Mining Corporation for which it may employ the services of the contractors. However, while doing so, the State Government shall ensure that all environmental concerns are taken care of and no damage is caused to the environment.”*

11. In the affidavit of the SEIAA, Odisha, dated 25.08.2022, it is stated that the DSR in question has been submitted by the Collector and District Mayurbhanj before the SEIAA, Odisha through his letter dated 19.07.2022 for appraisal by the State Expert Appraisal

Committee ('SEAC' for short) and SEIAA for approval and the matter has been forwarded to the SEAC and now is under process and is expected to be finalized within two weeks.

12. Mr. Pani has also referred to para 29 of the Original Application, and submits that in Original Application 63/2020/EZ (*Haripada Manna Vs. District Collector, Balasore & Ors.*) where also the challenge to the District Survey Report of Balasore was made, this Tribunal has disposed of the said Original Application on 08.02.2022 directing stay on all further auction of sand mining. Paras 19 & 21 of the judgment read as under:-

“19. In our view, since the District Survey Report has not yet been apprised by the State Expert Appraisal Committee (SEAC), Odisha nor has it been approved by the State Environment Impact Assessment Authority (SEIAA), Odisha, the said District Survey Report for District-Balasore, Odisha, cannot be a foundation for auction of mining leases till such appraisal and approval has been obtained from the said authorities.

21. Until such order is passed by the State Environment Impact Assessment Authority (SEIAA), Odisha, we direct that all processes of auctioning in respect of sand mining in the District-Balasore, Odisha, shall remain stayed and shall be subject to any order which may be passed by State Environment Impact Assessment Authority (SEIAA), Odisha.”

13. We, therefore, dispose of this Original Application with a direction to the SEIAA, Odisha, to examine the 'Interim DSR' for the District of Balasore, having regard to the directions given by the Hon'ble Supreme Court in *Pawan Kumar* (Supra) as well as the directions given by this Tribunal in *Haripada Manna* (Supra).
14. In the affidavit of the Collector & District Magistrate, Mayurbhanj District, Odisha, dated 24.05.2022, it is stated at internal page 11

of the affidavit that the Tahasildar-Badasahi, has been directed not to proceed with the auction sale process of the 4 (four) sand beds in question in pursuance of the advertisement dated 15.03.2022.

15. We expect that the Collector & District Magistrate, Mayurbhanj District and the Tahasildar-Badsahi, shall abide by the undertaking given by the Collector & District Magistrate, Mayurbhanj District, in his affidavit dated 24.05.2022.
16. We further provide that the advertisement dated 15.03.2022 shall be subject to any final order(s) which may be passed by the SEIAA, Odisha.
17. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Saibal Dasgupta, EM

August 26, 2022,
Original Application No.46/2022/EZ
AK



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2827]

नई दिल्ली, बुधवार, जुलाई 25, 2018/श्रावण 3, 1940

No. 2827]

NEW DELHI, WEDNESDAY, JULY 25, 2018/SHRAVANA 3, 1940

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 25 जुलाई, 2018

का.आ. 3611(अ).—भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) प्रकाशित की गई थी, जिसके द्वारा पूर्व पर्यावरण निकासी के संबंध में निदेश जारी किए गए हैं ;

और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में उक्त अधिसूचना को का.आ. 141(अ) तारीख 15 जनवरी, 2016 द्वारा संशोधित किया है, जिसमें गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने की प्रक्रिया को विहित किया गया है ;

और रांची स्थित माननीय झारखंड उच्च न्यायालय ने 2015 की रिट याचिका (पीआईएल) संख्या 1806, स्वप्रेरणा बनाम झारखंड राज्य एवं अन्य के मामले में रिट याचिका (पीआईएल) सं. 2013 की 290, हेमंत कुमार शिल्कारवर बनाम झारखंड राज्य एवं अन्य के मामले में, अन्य बातों के साथ, तारीख 11 अप्रैल, 2018 और 19 जून, 2018 के आदेश में बालू और रेत से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने या बालू और रेत से भिन्न गौण खनिजों की जिला सर्वेक्षण रिपोर्ट तैयार करने के लिए शक्तियों का प्रत्यायोजन करने के लिए राज्य सरकार और/या जिला पर्यावरण संघात निर्धारण प्राधिकरण और जिला विशेषज्ञ मूल्यांकन समिति को निदेश दिया है ;

और केंद्रीय सरकार लोक हित में पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना देने की अपेक्षा से अभिमुक्ति प्रदान करती है ;

और केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में परिशिष्ट 10 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :-

“परिशिष्ट 10

[पैरा 7 (iii) (क) देखें]

1. बालू खनन या नदी तल खनन के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने के लिए प्रक्रिया

जिला सर्वेक्षण रिपोर्ट तैयार करने का मुख्य उद्देश्य (भरणीय बालू खनन के लिए मार्गदर्शक सिद्धांतों के अनुसार) निम्नलिखित को सुनिश्चित करना है :-

उच्चयन या जमाव के क्षेत्रों की पहचान, जहां खनन को अनुज्ञात किया जा सकता है ; और भूक्षयण के क्षेत्रों की पहचान तथा अवसंरचना ढांचों और प्रतिष्ठापनों से निकटतम जहां खनन को प्रतिषिद्ध किया जाना चाहिए और भराई की वार्षिक दर की गणना तथा उस क्षेत्र में खनन के पश्चात् भराई के लिए समय को अनुज्ञात करना ।

रिपोर्ट के निम्नलिखित संघटक होंगे :

- (1) प्रस्तावना ;
- (2) जिले में खनन कार्यकलापों का विहंगावलोकन ;
- (3) अवस्थिति क्षेत्र और वैधता की अवधि सहित जिले में खनन पट्टों की सूची ;
- (4) पिछले तीन वर्ष में प्राप्त स्वामिस्व या राजस्व के ब्यौरे ;
- (5) पिछले तीन वर्ष के दौरान बालू या रेत या गौण खनिज के उत्पादन के ब्यौरे ;
- (6) जिले की नदियों में तलछट के जमा होने की प्रक्रिया ;
- (7) जिले का साधारण प्रोफाइल ;
- (8) जिले में भू उपयोग का पैटर्न : वन, कृषि, उद्यान कृषि, खनन आदि ;
- (9) जिले की भूगर्भीय स्थिति ;
- (10) मासवार वर्षा ;
- (11) भूगर्भ और खनीज संपदा ।

पूर्वोक्त के अतिरिक्त रिपोर्ट में निम्नलिखित अंतर्विष्ट होंगे :

- (क) जिलावार नदी या धारा और अन्य रेत के स्रोत के ब्यौरे ;
- (ख) जिलावार रेत या कंकड़ या समग्र संसाधनों की उपलब्धता ;
- (ग) जिलावार विद्यमान रेत के खनन पट्टों के ब्यौरे और समग्र ।

जिला पर्यावरण संघात निर्धारण प्राधिकरण द्वारा भूविज्ञान विभाग या सिंचाई विभाग या वन विभाग या लोक निर्माण विभाग या भू-जल बोर्ड या सुदूर संवेदन विभाग या खनन विभाग आदि की सहायता से जिले में सर्वेक्षण किया जाएगा ।

मुख्य नदियों के विवरण सहित निकासी प्रणाली

क्रम सं.	नदी का नाम	निष्कासन क्षेत्र (वर्ग किलोमीटर)	जिले में प्रतिशत निष्कासित क्षेत्र
(1)			
(2)			

महत्वपूर्ण नदियों और धाराओं की मुख्य विशेषताएं :

क्रम सं.	नदी या धारा का नाम	जिले में कुल लंबाई (किलोमीटर में)	उद्भव का स्थान	उद्भव के स्थान पर ऊंचाई
(1)				
(2)				

खनिज छूट के लिए सिफारिश किया गया नदी या धारा का भाग	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की लंबाई (किलोमीटर में)	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की औसत चौड़ाई (मीटर में)	खनिज छूट के लिए सिफारिश किया गया क्षेत्र (वर्ग मीटर में)	खनन योग्य खनिज क्षमता (मीट्रिक टन में) (कुल खनिज क्षमता का 60 प्रतिशत)

खनिज क्षमता

बोल्डर (मीट्रिक टन)	रेत (मीट्रिक टन)	बालू (मीट्रिक टन)	कुल खनन योग्य खनिज क्षमता (मीट्रिक टन)

वार्षिक जमाव

क्रम सं.	नदी या धारा	खनिज छूट के लिए सिफारिश किया गया नदी या धारा का भाग	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की लंबाई (किलोमीटर में)	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की औसत चौड़ाई (मीटर में)	खनिज छूट के लिए सिफारिश किया गया क्षेत्र (वर्ग मीटर में)	खनन योग्य खनिज क्षमता (मीट्रिक टन में) (कुल खनिज क्षमता का 60 प्रतिशत)
(1)						
(2)						
जिले के लिए योग						

उप प्रभागीय समिति, जो (i) उप प्रभागीय मजिस्ट्रेट (ii) निम्नलिखित विभागों के अधिकारियों (क) सिंचाई विभाग (ख) राज्य प्रदूषण नियंत्रण बोर्ड या समिति (ग) वन विभाग (घ) भू-विज्ञान या खनन अधिकारी से मिलकर बनेगी, खनन के लिए उपयुक्तता या खनन को प्रतिषिद्ध करने के लिए प्रत्येक स्थान का, जिसके लिए पर्यावरण निकासी का आवेदन किया गया है, भ्रमण करेगी।

खनन क्षमता की संगणना करने के लिए अंगीकृत विधि :

खनन क्षमता की संगणना स्थान की जांच और नदी या धारा के आवाह क्षेत्र के भू-विज्ञान के आधार पर की जाएगी। स्थल स्थिति और अवस्थिति, खनन योग्य खनिजों को परिभाषित किया जाएगा। किसी नदी या धारा में खनिजों के खनन का विनिश्चय भू-आकृति विज्ञान और अन्य कारकों के आधार पर किया जा सकता है, यह किसी विशिष्ट नदी या धारा के क्षेत्र का 50 से 60 प्रतिशत हो सकता है। उदाहरणार्थ कुछ पहाड़ी राज्यों में खनिज संघटक, जैसे बोल्डर, नदी से उत्पन्न रेत, बालू को एक मीटर तक संसाधन खनिज माना जाता है। अन्य संघटक जैसे क्ले और तलछट को किसी विशिष्ट नदी या धारा की खनिज क्षमता की संगणना करते समय अपशिष्ट माना जाता है।

जिला सर्वेक्षण रिपोर्ट जिले में तैयार की जाएगी और उसके प्रारूप को पब्लिक डोमेन में कलेक्टर के कार्यालय में

उसकी एक प्रति रखकर रखा जाएगा तथा उसे 21 दिन के लिए जिले की वेबसाइट पर भी पोस्ट किया जाएगा। प्राप्त टिप्पणियों पर विचार किया जाएगा तथा यदि सही पाया जाता है तो जिला पर्यावरण संघात निर्धारण प्राधिकरण द्वारा छह मास के भीतर तैयार की जाने वाली अंतिम रिपोर्ट में उसे सम्मिलित किया जाएगा।

जिला सर्वेक्षण रिपोर्ट पर्यावरण निकासी, रिपोर्टों और मूल्यांकन परियोजनाओं को तैयार करने का आधार बनेगी। रिपोर्ट को प्रत्येक पांच वर्ष में एक बार अद्यतन किया जाएगा।

II. बालू खनन या नदी तल खनन से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने की प्रक्रिया

जिला सर्वेक्षण रिपोर्ट को जिले में प्रत्येक गौण खनिज के लिए पृथक् रूप से तैयार किया जाएगा और उसके ड्राफ्ट को पब्लिक डोमेन में कलेक्टर के कार्यालय में उसकी एक प्रति रखकर रखा जाएगा तथा उसे 21 दिन के लिए जिले की वेबसाइट पर भी पोस्ट किया जाएगा। प्राप्त टिप्पणियों पर विचार किया जाएगा तथा यदि सही पाया जाता है तो जिला पर्यावरण संघात निर्धारण प्राधिकरण द्वारा छह मास के भीतर तैयार की जाने वाली अंतिम रिपोर्ट में उसे सम्मिलित किया जाएगा।

बालू खनन या नदी तल खनन से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट नीचे वर्णित संघटकों के अनुसार होगी :-

बालू खनन या नदी तल खनन से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने का प्रारूप

- (1) प्रस्तावना ;
- (2) जिले में खनन कार्यकलापों का विहंगावलोकन ;
- (3) जिले का साधारण प्रोफाइल ;
- (4) जिले की भूगर्भीय स्थिति ;
- (5) सिंचाई निष्कासन पैटर्न ;
- (6) जिले में भू उपयोग का पैटर्न : वन, कृषि, उद्यान कृषि, खनन आदि ;
- (7) जिले में सतह जल और भूमिगत जल का परिदृश्य ;
- (8) जिले में वर्षा वृत्ति और जलवायु स्थिति ;
- (9) निम्नलिखित प्रारूप के अनुसार जिले में खनन पट्टों के ब्यौरे :-

क्रम सं.	खनिज का नाम	पट्टेदार का नाम	पट्टेदार का नाम और संपर्क संख्या	खनन पट्टा अनुदान आदेश संख्या एवं तारीख	खनन पट्टे का क्षेत्र (हेक्टेयर में)	खनन पट्टे की अवधि (प्रारंभिक)		खनन पट्टे की अवधि (पहला/दूसरा नवीकरण)	
						से	तक	से	तक
1	2	3	4	5	6	7	8	9	10

खनन प्रचालन के प्रारंभ होने की तारीख	प्रास्थिति (कार्यशील/गैर-कार्यशील पारेषण आदि के लिए स्थायी रूप से कार्यशील)	कैप्टिव/गैर-कैप्टिव	पर्यावरणीय निकासी अभिप्राप्त (हां/नहीं) यदि हां तो पर्यावरण निकासी अनुदत्त करने की तारीख सहित पत्र संख्या	खनन पट्टे की अवस्थिति (अक्षांश एवं देशांतर)	खनन की विधि (खुली/भूमिगत)
11	12	13	14	15	16

- (10) पिछले तीन वर्ष के दौरान प्राप्त स्वामिस्व या राजस्व
 (11) पिछले तीन वर्ष के दौरान उत्पादन किए गए गौण खनिज के ब्यौरे
 (12) जिले का खनिज मानचित्र
 (13) निम्नलिखित प्ररूप के अनुसार जिले में आशय पत्र के धारकों की उसकी वैधता सहित सूची :-

क्रम सं.	खनिज का नाम	पट्टेदार का नाम	आशय पत्र धारक का पता एवं संपर्क संख्या	आशय पत्र आदेश की संख्या एवं तारीख	आबंटित किए जाने वाले खनन पट्टे का क्षेत्र	आशय पत्र की वैधता	उपयोग (कैप्टिव/ गैर-कैप्टिव)	खनन पट्टे की अवस्थिति (अक्षांश एवं देशांतर)
1	2	3	4	5	6	7	8	9

- (14) जिले में उपलब्ध कुल खनिज भंडार ;
 (15) जिले में उपलब्ध खनिज की क्वालिटी / ग्रेड ;
 (16) खनिज का उपयोग ;
 (17) पिछले तीन वर्षों के दौरान खनिज की मांग और पूर्ति ;
 (18) जिले के मानचित्र पर चिह्नांकित खनिज पट्टे ;
 (19) उस क्षेत्र के ब्यौरे, जहां खनिज पट्टों का समूह है, अर्थात् खनिज पट्टों की संख्या, अवस्थिति (अक्षांश और देशांतर) ;
 (20) जिले में पारिस्थितिकी संवेदनशील क्षेत्र, यदि कोई हो ;
 (21) पर्यावरण (वायु, जल, ध्वनि, मृदा, वनस्पति और प्राणी, भू-उपयोग, कृषि, वन आदि) पर खनन कार्यकलाप का संघात ;
 (22) पर्यावरण पर खनन संघात को कम करने के लिए उपचारात्मक उपाय ;
 (23) खनन किए गए क्षेत्र को पुनः प्राप्त करना (जिले में नियमों और विनियम, प्रस्तावित पुनः प्राप्ति योजना के अनुसार) सर्वोत्तम व्यवहार को पहले ही कार्यान्वित किया गया है ;
 (24) जोखिम निर्धारण एवं आपदा प्रबंधन योजना ;
 (25) जिले में व्यवसायिक सुरक्षा मुद्दों के ब्यौरे (सिलिकोसिस एवं तपेदिक के रोगियों के पिछले पांच वर्ष के डाटा को प्रस्तुत करने की आवश्यकता है) ;
 (26) जिले में पहले ही अनुदत्त पट्टों के संबंध में पौधा रोपण और हरित पट्टी विकास ;
 (27) कोई अन्य सूचना ।

जिला पर्यावरण संघात निर्धारण प्राधिकरण (डीईआईए) जिले में गौण खनिज की किस्म की प्रकृति के आधार पर संबंधित राज्य सरकार के खनिज और भू-विज्ञान विभाग के परामर्श से जिला सर्वेक्षण रिपोर्ट में अतिरिक्त मानकों को सम्मिलित कर सकेगी ।

जिला सर्वेक्षण रिपोर्ट पर्यावरणीय निकासी, रिपोर्टों को तैयार करने और परियोजनाओं के मूल्यांकन के लिए आधार होगी । रिपोर्ट को प्रत्येक पांच वर्ष में एक बार अद्यतन किया जाएगा ।”

[फा. सं. एल-11011/26/2018-आईए-II(एम)]

ज्ञानेश भारती, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में सं. का.आ. 1533(अ) तारीख 14 सितंबर 2006 द्वारा प्रकाशित की गई थी और तत्पश्चात् उसे निम्नानुसार संशोधित किया गया :-

1. का. आ. 1949 (अ), तारीख 13 नवंबर, 2006;
2. का. आ. 1737 (अ), तारीख 11 अक्टूबर, 2007;
3. का. आ. 3067 (अ), तारीख 1 दिसंबर, 2009;
4. का. आ. 695 (अ), तारीख 4 अप्रैल, 2011;
5. का. आ. 156 (अ), तारीख 25 जनवरी, 2012;
6. का. आ. 2896 (अ), तारीख 13 दिसंबर, 2012;
7. का. आ. 674 (अ), तारीख 13 मार्च, 2013;
8. का. आ. 2204 (अ), तारीख 19 जुलाई 2013;
9. का. आ. 2555 (अ), तारीख 21 अगस्त, 2013 ;
10. का. आ. 2559 (अ), तारीख 22 अगस्त, 2013;
11. का. आ. 2731 (अ), तारीख 9 सितंबर, 2013;
12. का. आ. 562 (अ), तारीख 26 फरवरी, 2014;
13. का. आ. 637 (अ), तारीख 28 फरवरी, 2014;
14. का. आ. 1599 (अ), तारीख 25 जून, 2014;
15. का. आ. 2601 (अ), तारीख 7 अक्टूबर, 2014;
16. का. आ. 2600 (अ), तारीख 9 अक्टूबर, 2014;
17. का. आ. 3252 (अ), तारीख 22 दिसंबर, 2014;
18. का. आ. 382 (अ), तारीख 3 फरवरी, 2015;
19. का. आ. 811 (अ), तारीख 23 मार्च, 2015;
20. का. आ. 996 (अ), तारीख 10 अप्रैल, 2015;
21. का. आ. 1142 (अ), तारीख 17 अप्रैल, 2015;
22. का. आ. 1141 (अ), तारीख 29 अप्रैल, 2015;
23. का. आ. 1834 (अ), तारीख 6 जुलाई, 2015;
24. का. आ. 2571 (अ), तारीख 31 अगस्त, 2015;
25. का. आ. 2572 (अ), तारीख 14 सितंबर, 2015;
26. का. आ. 141 (अ), तारीख 15 जनवरी, 2016;
27. का. आ. 648 (अ), तारीख 3 मार्च, 2016;
28. का. आ. 2269 (अ) तारीख 1 जुलाई, 2016;
29. का. आ. 2944 (अ), तारीख 14 सितंबर, 2016;
30. का. आ. 3518 (अ) तारीख 23 नवंबर 2016;
31. का. आ. 3999 दिसंबर (अ) तारीख 9 दिसंबर, 2016; और
32. का. आ. 4241 (अ) तारीख 30 दिसंबर, 2016

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

New Delhi, the 25th July, 2018

S.O. 3611(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forest issued *vide* number S.O. 1533(E), dated the 14th September, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) (hereinafter referred to as the said notification) directions have been given regarding the prior environmental clearance;

And whereas, the Ministry of Environment, Forest and Climate Change has amended the said Notification *vide* S.O. 141 (E) dated 15th January, 2016 wherein the procedure for preparation of District Survey Report for minor mineral has been prescribed;

And whereas, the Hon'ble High Court of Jharkhand at Ranchi in its orders dated the 11th April, 2018 and 19th June, 2018 in W.P. (PIL) No. 1806 of 2015, in the matter of Court on its Own Motion Versus the State of Jharkhand & Others with W.P. (PIL) No. 290 of 2013, in the matter of Hemant Kumar Shilkarwar Versus the State of Jharkhand & Others, has *inter-alia* directed the preparation of District Survey Report for minor minerals other than Sand and Bajri or delegation of the powers for preparation of format of District Survey Report of minor minerals other than sand and bajri to the State Government and/or District Environment Impact Assessment Authority and District Expert Appraisal Committee;

And whereas, the Central Government hereby in the public interest dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the Environment Protection Rules, 1986,

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 hereby makes the following further amendments to the notification of the Government of India, in the erstwhile Ministry of Environment and Forests *vide* number S.O. 1533(E), dated the 14th September, 2006, namely: –

In the said notification, for Appendix X, the following shall be substituted, namely: -

“APPENDIX - X**[See paragraph 7 (iii) (a)]****I. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT FOR SAND MINING OR RIVER BED MINING**

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 Bajri 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 District Environment Impact Assessment Authority 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
(1)			
(2)			

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
(1)				
(2)				

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)
(1)						
(2)						
Total for the District						

A Sub-Divisional Committee comprising of (i) Sub-Divisional Magistrate, (ii) Officers from (a) Irrigation department, (b) State Pollution Control Board or Committee, (c) Forest department, (d) 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 in the district and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on the district's website for twenty-one days. The comments received shall be considered and if found correct, shall be incorporated in the final Report to be finalised within six months by the District Environment Impact Assessment Authority.

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.

II. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT OF MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

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 for minor minerals other than sand mining or River bed mining shall be as per structure mentioned below: -

FORMAT FOR PREPARATION OF DISTRICT SURVEY REPORT FOR MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

- (1) Introduction;
- (2) overview of Mining Activity in the District;
- (3) general Profile of the District;
- (4) geology of the District;
- (5) drainage of Irrigation pattern;
- (6) land Utilisation Pattern in the District: Forest, Agricultural, Horticultural, Mining etc.;
- (7) surface Water and Ground Water scenario of the district;

- (8) rainfall of the district and climatic condition;
- (9) details of the mining leases in the District as per the following format: -

Sl. No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Lessee	Mining lease Grant Order No. & date	Area of Mining lease (ha)	Period of Mining lease (Initial)		Period of Mining lease (1 st /2 nd ...renewal)	
						From	To	Form	To
1	2	3	4	5	6	7	8	9	10

Date of commencement of Mining Operation	Status (Working/Non-Working/Temp. Working for dispatch etc.)	Captive/ Non-Captive	Obtained Environmental Clearance (Yes/No), If Yes Letter No with date of grant of EC.	Location of the Mining lease (Latitude & Longitude)	Method of Mining (Opencast/Underground)
11	12	13	14	15	16

- (10) details of Royalty or Revenue received in last three years;
- (11) details of Production of Minor Mineral in last three years;
- (12) mineral Map of the District;
- (13) list of Letter of Intent (LOI) Holders in the District along with its validity as per the following format :-
- (14) total Mineral Reserve available in the District;

Sl. No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Letter of Intent Holder	Letter of Intent Grant Order No. & date	Area of Mining lease to be allotted	Validity of LoI	Use (Captive/ Non-Captive)	Location of the Mining lease (Latitude & Longitude)
1	2	3	4	5	6	7	8	9

- (15) quality /Grade of Mineral available in the District;
- (16) use of Mineral;
- (17) demand and Supply of the Mineral in the last three years;
- (18) mining leases marked on the map of the district;
- (19) details of the area of where there is a cluster of mining leases viz. number of mining leases, location (latitude and longitude);
- (20) details of Eco-Sensitive Area, if any, in the District;

- (21) impact on the Environment (Air, Water, Noise, Soil, Flora & Fauna, land use, agriculture, forest etc.) due to mining activity;
- (22) remedial Measures to mitigate the impact of mining on the Environment;
- (23) reclamation of Mined out area (best practice already implemented in the district, requirement as per rules and regulation, proposed reclamation plan);
- (24) risk Assessment & Disaster Management Plan;
- (25) details of the Occupational Health issues in the District. (Last five-year data of number of patients of Silicosis & Tuberculosis is also needs to be submitted);
- (26) plantation and Green Belt development in respect of leases already granted in the District;
- (27) any other information.

The District Environment Impact Assessment Authority (DEIAA) based on the nature and type of minor mineral in the District may include the additional parameters in the District Survey Report in consultation with the Department of Mines and Geology of the concerned State Government.

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”;

[F.No. L-11011/26/2018-IA-II (M)]

GYANESH BHARTI, 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 14th September, 2006 and subsequently amended by :-

1. S.O. 1949 (E), dated the 13th November, 2006;
2. S.O. 1737 (E), dated the 11th October, 2007;
3. S.O. 3067 (E), dated the 1st December, 2009;
4. S.O. 695 (E), dated the 4th April, 2011;
5. S.O. 156 (E), dated the 25th January, 2012;
6. S.O. 2896 (E), dated the 13th December, 2012;
7. S.O. 674 (E), dated the 13th March, 2013;
8. S.O. 2204 (E), dated the 19th July 2013;
9. S.O. 2555 (E), dated the 21st August, 2013;
10. S.O. 2559 (E), dated the 22nd August, 2013;
11. S.O. 2731 (E), dated the 9th September, 2013;
12. S.O. 562 (E), dated the 26th February, 2014;
13. S.O. 637 (E), dated the 28th February, 2014;
14. S.O. 1599 (E), dated the 25th June, 2014;
15. S.O. 2601 (E), dated the 7th October, 2014;
16. S.O. 2600 (E), dated the 9th October, 2014;
17. S.O. 3252 (E), dated the 22nd December, 2014;
18. S.O. 382 (E), dated the 3rd February, 2015;
19. S.O. 811 (E), dated the 23rd March, 2015;
20. S.O. 996 (E), dated the 10th April, 2015;

21. S.O. 1142 (E), dated the 17th April, 2015;
22. S.O. 1141 (E), dated the 29th April, 2015;
23. S.O. 1834 (E), dated the 6th July, 2015;
24. S.O. 2571 (E), dated the 31st August, 2015;
25. S.O. 2572 (E), dated the 14th September, 2015;
26. S.O.141 (E), dated the 15th January, 2016;
27. S.O.648 (E), dated the 3rd March, 2016;
28. S.O. 2269 (E) dated the 1st July, 2016;
29. S.O. 2944 (E) dated the 14th September, 2016;
30. S.O. 3518 (E) dated the 23rd November 2016;
31. S.O. 3999 (E) dated the 9th December, 2016; and
32. S.O. 4241 (E) dated the 30th December, 2016.

By Fax/ e-Mail

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

RDM-LRGEC-EXINST-0002-2018 - 27689 /R&DM Dated 27 JUL 2018

From

Sri Avaya Kumar Nayak, OAS (S)
Joint Secretary to Government

To

All Collectors

Sub: Directions to the State Government for preparation of District Survey Report

Sir,

In enclosing herewith a copy of letter No. 11011/26/2018-IA-II(M) dtd. 22.05.2018 of Advisor, Ministry of Environment, Forest and Climate Change Impact Assessment Division, Government of India and the Notification S.O.141 dtd.15th January, 2016 on the subject cited above, I am directed to say that as intimated, preparation of District Survey Report (DSR) is applicable for all the minerals. The format prescribed in the Appendix-X of the notification mentions sand or bajri in the columns but that does not imply that preparation of DSR is not applicable on other minerals.

- (a) The main objective of preparation of DSR is to ensure that the identification of areas of aggradations or deposition where mining can be allowed and identification of area of erosion and proximity to infrastructural structures and installations where mining should be prohibited.
- (b) 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.
- (c) A sub-Divisional Committee comprising of Sub-Division Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee,

TRUE

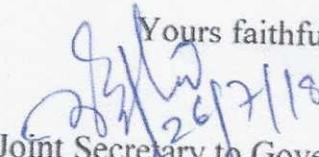
[Signature]
Advocate

Forest Department, Geology or mining Officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability for mining or prohibition thereof.

- (d) The DSR shall be prepared for each 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 finalized within six months by the DEIAA.
- (e) The DSR 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.

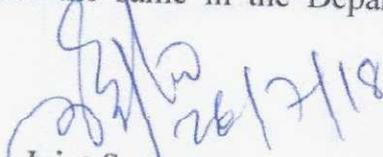
You are, therefore, requested to instruct the DEIAA to prepare DSR for all minor minerals separately and to constitute the Sub-divisional Committee headed by Sub-Collector to visit each site for which environmental clearance has been applied for and make recommendation on suitability for mining or prohibition thereof. You are also requested to ensure finalization of District Survey Report for all minor mineral sources of your district in accordance with the procedure laid down in the Notification dtd. 15th January 2016 within 6 months.

Yours faithfully,


Joint Secretary to Government

Memo No. 27690 dtd. 27 JUL 2018

Copy forwarded to Joint Secretary, I/c of IMU Cell, Revenue & DM Department for information with a request to upload the same in the Department website.


Joint Secretary to Government

TRUE COPY

Advocate



**DISTRICT SURVEY REPORT (DSR)
OF
MAYURBHANJ DISTRICT, ODISHA.
FOR
RIVER SAND MINING**

(FOR PLANNING & EXPLOITING OF MINOR MINERAL RESOURCES)



**As per Notification No. S.O. 3611(E) New Delhi
dated 25th July 2018 of
Ministry of Environment, Forest & Climate Change
(MoEF & CC)**

(Prepared by DEIAA, Mayurbhanj, Odisha)

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PREAMBLE

Odisha is the major mineral reach in India. Mayurbhanj is a unique district in Odisha lies on the northern most part of the state with varied mineral resources. In pursuance of the order of Hon'ble Supreme Court Petition (C) No. 19628-19629 of 2009, dated 27th Feb. 2012 in the matter of Deepak Kumar 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 also in view of the Hon'ble National Green Tribunal, order dated the 13th Jan. 2015 the matter regarding Sand, Brick earth, & burrowed earth cutting for Road Construction has to take prior E.C. for Mining Lease area more or less than 5 hectares also suggested making a policy on E.C for minor minerals lease in cluster. As per MOEF & CC Notification S.O.-1533(E) dated 14th Sept. 2006 and subsequent MoEF & CC Notification S.O. 141(E) dated 15th Jan. 2016, District Environment Impact Assessment Authority (DEIAA) & District level Expert Appraisal Committee (DEAC) has been formed for Category –B2 Minor Minerals having area less than or equal to 5 ha. In compliance to the notification issued by the Ministry of Environment and Forest and Climate Change Notification no. S.O.3611 (E) New Delhi dated 25-07-2018; the preparation of district survey report of river sand mining has been prepared in accordance with Clause II of Appendix X of the notification.

Keeping in view of the prior information of Odisha Minor Mineral Concession Rule 2004, (OMMCR -2004) the mining operation for minor mineral were carried out in unscientific manner. Identifying this fact in exercise of power, Conferred by Section 15 by Mines and Minerals (Development and Regulation) Act 1957 as amended in 2015 and all other powers enabling it in that behalf, the Mining & Geology Department, Govt. of Odisha framed the aforementioned rule. Further, this report will act as a compendium of available mineral resources, geological set up, environmental and ecological set up of the district and based on data of various departments like Revenue, Water Resources, Forest, Geology and Mining in the district as well as statistical data uploaded by various state Government departments for preparation for district survey report.

1. INTRODUCTION

Mayurbhanj at a Glance:

1.1 Location and Geographical Area:

Mayurbhanj district is the largest among the thirty districts of Odisha and Baripada is the District head quarter, spreading over an area of 10,418 sq.km lies between latitudes 21° 17' North and 22° 34' North and longitudes 85°40' East and 87°10' East. It is bounded on the north by the Singhbhum district of Jharkhand and Midnapore district of West Bengal, on the south by the districts of Mayurbhanj and Keonjhar, on the east by the Midnapore and Mayurbhanj districts and on the west by the districts of Keonjhar and Singhbhum. Mayurbhanj occupies a unique position being endowed with lush green vegetation, different fauna & flora and rich cultural heritage. The district has a rich mineral base and is home to the Similipal Biosphere. Iron-ore (hematite), vanadiferous and titaniferous magnetic, china clay, galena (lead ore), Kyanite, asbestos, steatite (soap stone) and quartzite constitute the principal mineral resources of Mayurbhanj district, of these the iron-ore deposits of Gorumahisani, Badampahar and Suleipat, which have been exploited for a period of about half a century, deserve special mention.



1.2 Administrative Units:-

Baripada is the administrative headquarter of Mayurbhanj district. It is located at a distance of 263 km from Bhubaneswar, state capital of Odisha. In order of size, the district is the largest among the thirty districts of Odisha. It has 3980 villages (including 178 uninhabited villages) covering 26 Blocks, 26 Tahasils and 4 Sub-Divisions. The district is divided into 4 Sub-Divisions namely 1) Sadar Sub-Division Baripada, 2) Kaptipada Sub-Division Udala, 3) Bamanghaty Sub-Division, Rairangpur, 4) Panchapir Sub-Division, Karanjia which are given below:-

SI No	Name of the Block/Tehsil	Name of the Sub-Division with Head quarter
1	Baripada	Sadar Sub-Division, Baripada
2	Samakhunta	
3	Kuliana	
4	Bangriposi	
5	Saraskana	
6	Suliapada	
7	Betnoti	
8	Badsahi	
9	Rasgovindpur	
10	Moroda	
11	Udala	Kaptipada Sub-Division, Udala
12	Kaptipada	
13	Khunta	
14	Gapabandhu Nagar	
15	Rairangpur	Bamanghaty Sub-Division, Rairangpur
16	Bisoi	
17	Bijatata	
18	Kusumi	
19	Bahalda	
20	Tiring	Bamanghaty Sub-Division, Rairangpur
21	Jamda	
22	Karanjia	Panchpir Sub-Division, Karanjia
23	Jashipur	
24	Sukruli	
25	Thakurmunda	
26	Raruan	

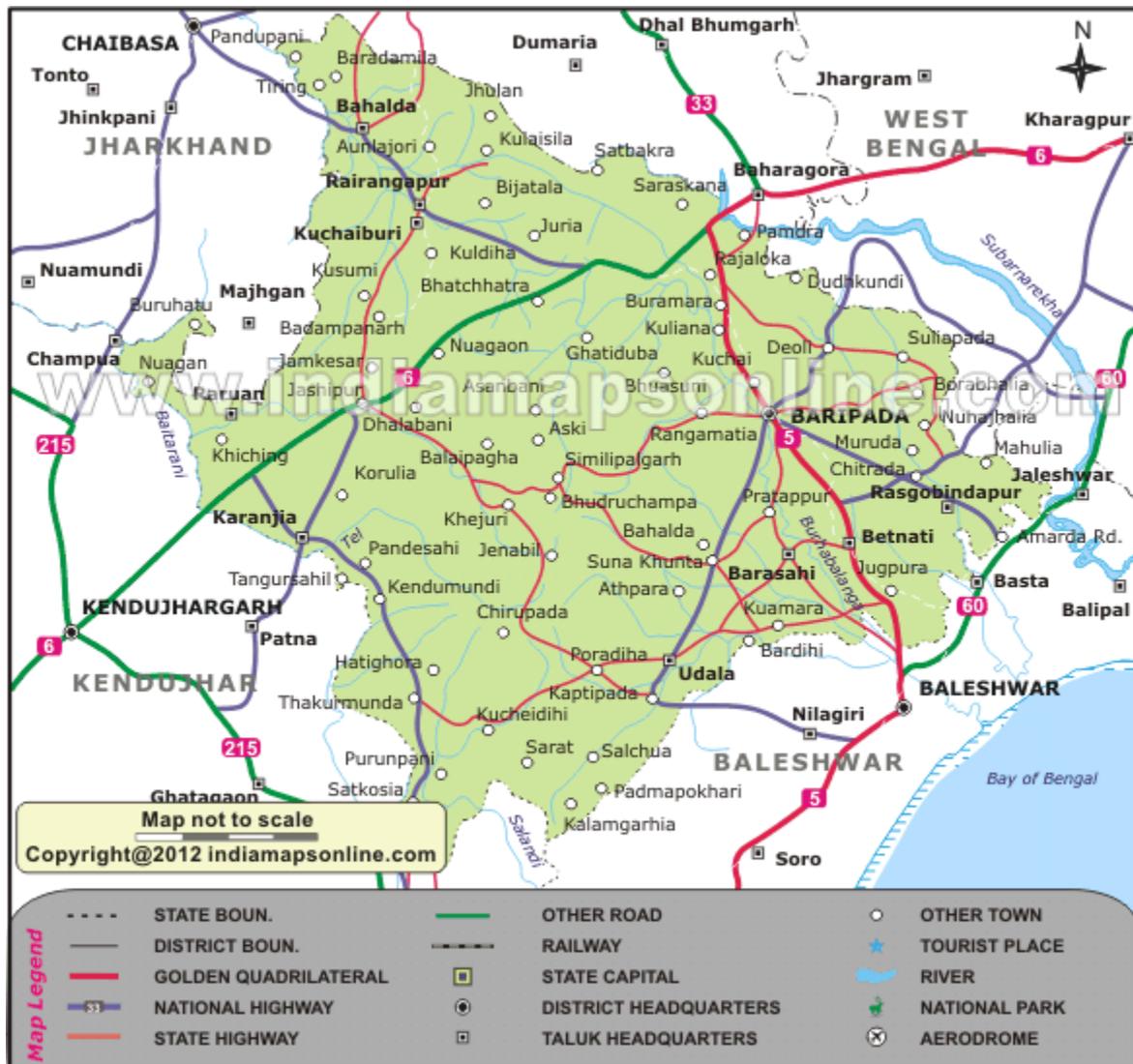
The population of the district 25,19,738 according to the 2011 Census. The district accounts for 6.69% of the state's territory and about 6% of state's population. The density of population of the district is 242 per square km as against 270 per square km of the state. As per 2011 census, the population of Scheduled Caste is 1,84,682 (7.30%), that of Scheduled Tribe is 14,79,576 (58.7%). The literacy percentage of the district covers 63.2 against 72.9 of the state.



1.3 Connectivity facilities:-

Road Network

The district is well served by a network of good roads and has been called the motorists paradise. The chief roads emanating from Mayurbhanj town are NH-18 and NH-49 passes the district. Baripada is 60 Kms from Mayurbhanj, 103 Kms from Kharagpur, 163 Kms from Jamshedpur, 231 Kms from Cuttack, 255 Kms from Bhubaneswar and 368 Kms from Rourkela. It is also connected with other cities such as Sambalpur, Puri, Bolangir, Bhadrak, Jhargram, Angul, Ranchi and Kolkata via Odisha State Road Transport Corporation and some private travel services.



Rail Network

Mayurbhanj district is well connected by rail link to different places, the city of Baripada is well connected to many places in India like Mayurbhanj, Bhubaneswar, Kolkata, Jamshedpur and Cuttack,



Air Network

At present, Mayurbhanj has no connection by airway. The site selection for aerodrome is presently under process. Nearest aerodrome is Dum Dum Airport (International Airport) Kolkata, roughly 195 Kms from Baripada. The other nearest airport to Baripada is Biju Patnaik Airport, Bhubaneshwar, 207 Kms from Baripada.

deposits are available near Badasahi, Kaptipada, Kuliana area and major potential sand in G.B Nagar, Morda & Kaptipada area of the district, which have been provides tremendous scope for development of few more industries based on this resources.

3.0 LIST OF MINING LEASES WITH LOCTION, AREA, AND PERIOD OF VALIDITY IN THE DISTRICT:

3.1 List of Mines is operation in the district:

Attached as **Annexure- A**

3.2 List of Mines is not operation in the district:

Attached as **Annexure- A**

4.0 DETAIL OF ROYALTY OR REVENUE RECEIVED IN LAST THREE YEARS:

Sl. No.	Name of the Tahasil	2016-17	2017-18	2018-19	Total Amount (Rs.)
1	Baripada	1422000	1750755	1690360	4863115
2	Samakhunta	0	716850	729525	1446375
3	Kuliana	1210950	1266900	1307560	3785410
4	Bangriposi	103837	114599	415161	633597
5	Saraskana	120000	1965000	3984000	6069000
6	Suliapada	0	493830	493830	987660
7	Betnoti	353220	286020	311640	950880
8	Badsahi	2552040	7213519	8423062	18188621
9	Rasagovindpur	1115942	1147507	1034686	3298135
10	Morada	1134050	1929745	2316122	5379917
11	Udala	855581	1263983	2488855	4608419
12	Kaptipada	2395160	2339100	2408540	7142800
13	Khunta	0	0	0	0
14	G.B Nagar	3675224	3113182	3185832	9974238
15	Rairangpur	228800	811109	1463127	2503036
16	Bisoi	0	0	0	0
17	Bijatala	0	0	0	0
18	Kusumi	345900	512100	539400	1397400
19	Bahalda	290550	324400	334950	949900
20	Tiring	0	521612	591612	1113224
21	Jamda	272000	304400	918455	1494855
22	Karanjia	3071372	3088130	1095130	7254632

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23	Jashipur	0	0	0	0
24	Sukruli	938378	2456861	2950829	6346068
25	Thakurmunda	60480	65520	70560	196560
26	Raruan	23555	315521	1087664	1426740
Grand Total		20169039	32000643	37840900	90010582

5.0 DETAILS OF PRODUCTION SAND OR BAJRI OR MINOR MINERAL IN LAST THREE YEARS:

Details of Production in Cum:

Sl. No.	Name of the Tahasil	2016-17	2017-18	2018-19	Total in Cum.
1	Baripada	16845	25500	26626	68971
2	Samakhunta	0	5050	5150	10200
3	Kuliana	14470	14715	14924	44109
4	Bangriposi	3000	3250	28278	34528
5	Saraskana	4000	7000	7200	18200
6	Suliapada	0	930	930	1860
7	Betnoti	6410	10810	11420	28640
8	Badsahi	17777	26400	34165	78342
9	Rasagovindpur	19269	19545	19878	58692
10	Morada	26275	35407	36607	98289
11	Udala	19430	27356.80	45559	92345.80
12	Kaptipada	40841	41340	42439	124620
13	Khunta	0	0	0	0
14	G.B Nagar	55095	57530	59280	171905
15	Rairangpur	4400	10441	18509	33350
16	Bisoi	0	0	0	0
17	Bijatata	0	0	0	0
18	Kusumi	10100	10500	11000	31600
19	Bahalda	7450	8960	9250	25660
20	Tiring	0	14903.20	16903.20	31806.40
21	Jamda	864	6808	8849	16521
22	Karanjia	24860	24860	13860	63580
23	Jashipur	0	0	0	0
24	Sukruli	21252	20552	25560.50	67364.50
25	Thakurmunda	1440	1560	2280	5280
26	Raruan	1587	16067.537	18795.739	36450.276
Grand Total		295365	389485.537	457463.439	1142313.976

6.0 PROCESS OF DEPOSITION OF SAND OR BAJRI OR MINOR MINERAL IN LAST THREE YEARS:

Sl. No.	Name of the River	Financial Year	Process of Deposition of Sediments	Volume of Sand deposited in last three years
1	Budhabalanga	2016-17	moderate	1,38,755
		2017-18	---do---	1,85,568
		2018-19	---do---	2,71,041
Total Volume of Sand in three years				5,95,364
2	Subarnarekha	2016-17	moderate	90,000
		2017-18	---do---	1,12,500
		2018-19	---do---	1,17,000
Total Volume of Sand in three years				3,19,500
3	Jambhira	2016-17	moderate	1,02,474
		2017-18	---do---	1,25,734
		2018-19	---do---	1,29,183
Total Volume of Sand in three years				3,57,391
4	Sona	2016-17	moderate	2,59,573
		2017-18	---do---	2,84,008
		2018-19	---do---	2,31,375
Total Volume of Sand in three years				7,74,956
5	Khadkhai	2016-17	moderate	17,752
		2017-18	---do---	77,184
		2018-19	---do---	1,00,489
Total Volume of Sand in three years				1,95,425
6	Khairibandhan	2016-17	Slow	14,448
		2017-18	---do---	16,325
		2018-19	---do---	15,781
Total Volume of Sand in three years				46,554
7	Deo	2016-17	Slow	----
		2017-18	---do---	----
		2018-19	---do---	----
Total Volume of Sand in three years				
8	Katra	2016-17	Slow	7,500
		2017-18	---do---	8,125
		2018-19	---do---	6,325
Total Volume of Sand in three years				21,950
9	Gangahar	2016-17	Slow	1,243
		2017-18	---do---	1,008
		2018-19	---do---	1,185
Total Volume of Sand in three years				3,436
10	Baitarani	2016-17	moderate	55,935
		2017-18	---do---	55,935

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		2018-19	---do---	31,185
Total Volume of Sand in three years				1,43,055
11	Tel	2016-17	Slow	8,087
		2017-18	---do---	9,245
		2018-19	---do---	8,634
Total Volume of Sand in three years				25,966
12	Kantamauli	2016-17	Slow	1,869
		2017-18	---do---	2,051
		2018-19	---do---	1,645
Total Volume of Sand in three years				5,565
13	Sim	2016-17	Slow	7,897
		2017-18	---do---	6952
		2018-19	---do---	8245
Total Volume of Sand in three years				23,094
14	Kangira	2016-17	Slow	36,150
		2017-18	---do---	35,468
		2018-19	---do---	37,006
Total Volume of Sand in three years				1,08,624
15	Balijori	2016-17	Slow	----
		2017-18	---do---	----
		2018-19	---do---	----
Total Volume of Sand in three years				----
16	Kantakhaira	2016-17	Slow	21,326
		2017-18	---do---	20,547
		2018-19	---do---	21,389
Total Volume of Sand in three years				63,262
17	Kanhu	2016-17	Slow	15,084
		2017-18	---do---	15,318
		2018-19	---do---	19,910
Total Volume of Sand in three years				50,312
18	Balisudura	2016-17	Slow	7,500
		2017-18	---do---	6,764
		2018-19	---do---	7,681
Total Volume of Sand in three years				21,945
Grand Total				

7.0 GENERAL PROFILE OF THE DISTRICT:

7.1 Demography:

Census - 2011	
Geographical Area	10,418 Sq. Km.
Total population	25,19,738
Male Population	12,56,213
Female Population	12,63,525
Male Literacy	794,171
Female Literacy	575,226
SC Male	92,127
SC Female	92,555
ST Male	730,487
ST Female	749,089
OBC	855,480
Illiterate Male	462,042
Illiterate Female	688,299

7.2 Climate:

The climate in Mayurbhanj is warm and temperate. In winter, there is much less rainfall in Mayurbhanj than in summer. The general climate of the district is characterized by oppressive heat in summer, severe cold in winter with high humidity throughout the year. The rainfall distribution is equal during the monsoon period. The period from June to October is the rainy season and the district experiences it from the southwest monsoon. May is the hottest month when the mean daily maximum temperature rises up to 47° Celsius. The Köppen-Geiger climate classification is Cwa & as per they the average temperature in Mayurbhanj is 24.7 °C. The temperature in May averages 32.3 °C. January has the lowest average temperature of the year, it is 16.5 °C. There is a difference of 321 mm of precipitation between the driest and wettest months. During the year, the average temperatures vary by 15.8 °C., when the mean daily minimum temperature dips to 4° Celsius. The higher reaches of the Similipal experiences frosting during the peak of winter.

Source: Indian Meteorological Department

8.0 LAND UTILIZATION PATTERN IN THE DISTRICT

8.1 Forest and non forest land

The forest of Mayurbhanj district is full variety of medicinal plants, Kendu leaves, Bamboo, Sal, Teak, other timber species and a wide range of carnivorous & herbivorous wild animals. The district has one Wildlife Sanctuaries known as the Similipal Wildlife Sanctuary situated at the heart of the district, which hosts all type of wildlife even tigers. The area of the sanctuary is 26, 886.23 hectares. And two kilometer safety zone of eco-sensitive zone of Kuldiha Wildlife Sanctuary are coming in Mayurbhanj district. In these sanctuary areas the principal animals that are found are Elephant, Bear, Nilgai, Sambhar, Peacock, Wild Boar and Deer, together with variety of snakes and birds.

District-wise Forest Cover Area in Odisha (Area in Km²)

2017 Assessment								
District	Geographical Area Km ²	Very Dense Forest	Moderate. Dense Forest	Open Forest	Total	Percent of GA	Change	Scrub
Angul	6375	371	1380	1004	2755	43.22	43	84
Bolangir	6575	70	224	837	1131	17.2	151	142
Balasore	3806	23	127	234	380	9.98	30	48
Bargarh	5837	176	371	484	1031	17.66	88	47
Bouda	3098	263	546	480	1289	41.61	27	57
Bhadrak	2505	0	9	66	75	2.99	2	0
Cuttack	3932	53	226	517	796	20.24	11	68
Deogarh	2940	191	667	614	1472	50.07	-3	14
Dhenkanal	4452	174	418	825	1417	31.83	9	82
Gajapati	4325	84	1490	946	2520	58.27	12	262
Ganjam	8206	164	1075	864	2103	25.63	15	655
Jagatsinghpur	1668	0	5	131	136	8.15	6	0
Jajpur	2899	6	72	225	303	10.45	3	50
Jharsugada	2114	3	140	179	322	15.23	9	36
Kalahandi	7920	362	729	1327	2418	30.53	36	362
Kandhamal	8021	661	2588	2143	5392	67.22	16	380
Kendrapada	2644	84	88	133	305	11.54	14	2
Keonjhar	8303	289	1404	1519	3212	38.68	4	55

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Khorda	2813	21	186	250	457	16.25	0	92
Koraput	8807	94	740	1255	2089	23.72	120	944
Malkangiri	5791	158	709	1475	2342	40.44	20	45
Mayurbhanj	10418	1335	1718	1027	4080	39.16	42	34
Nabarangpur	5291	168	428	507	1103	20.85	8	47
Nayagarh	3890	189	965	556	1710	43.96	28	173
Nuapada	3852	86	482	705	1273	33.05	33	109
Puri	3479	0	54	160	214	6.15	8	11
Rayagada	7073	422	853	1851	3126	44.2	7	349
Sambalpur	6624	499	1675	1106	3280	49.52	13	40
Subarnapur	2337	2	187	161	350	14.98	26	29
Sundargarh	9712	1019	1814	1431	4264	43.9	107	89
Grand Total	155707	6967	21730	23008	51345	32.98	885	4306

(Source: India state of forest report 2017-Odisha)

The major portion of the district is covered by forest (39.16 % of TGA) and has scattered settlement pattern. The forest is full of variety of medicinal plants. The district has considerable flat land, which provide suitable site for agricultural use. The hilly areas are mostly under forest with patches of cultivation on scarp areas. Major crops grown in the district are rice and pulses. Only 14.82 percent area of agricultural use are net irrigated and major source of irrigations are well and tube wells.

Source: Fertilizer and Agriculture Statistics, Eastern Region

Tahasil	Forest Area	Misc Tree	Permanent Pasture	Cultivated waste	Non Agricultural uses	Barren land	Current Fallow	Other Fallow	Net area sown
Bahalda	964	471	1397	1262	2590	1900	875	944	14031
Bangiriposi	3712	281	1037	1688	3046	684	2054	922	16951
Baripada	216	6733	128	1628	1376	8	2752	2156	4219
Badasahi	288	1807	1194	1874	3840	24	3378	2110	17630
Betnoti	2271	911	1198	1728	3227	21	1915	578	17022
Bijatata	2841	224	681	3100	1792	1636	1214	600	11228
Bisoi	3116	471	757	2508	2193	459	2298	1643	15860
G.B.Nagar	191	116	683	582	1147	590	643	1209	10960
Jamda	408	100	1650	434	2060	785	840	1149	13608
Jashipur	8932	141	1389	2655	3637	400	3873	2634	17754
Kaptipada	8745	387	3292	5596	4123	2165	3123	4930	19932
Karanjia	1644	838	1444	2441	3065	462	3493	1362	16690
Khunta	400	2260	314	672	2061	21	1332	2213	12879

RIVER SAND MINING**DSR OF MAYURBHANJ DISTRICT**

Kuliana	1749	1626	2222	1902	2529	608	4919	1504	11108
Kusumi	1434	32	2320	2679	2337	587	1086	1682	18032
Morada	993	4127	513	4340	1941	61	1909	3633	10179
Rairangpur	2260	107	1759	1373	2027	504	1276	631	9713
Raruan	1210	171	890	1120	1899	503	1609	1020	12818
Rasgovindpur	288	2145	665	1091	2774	142	2002	1537	10054
Shamakhunta	1354	764	1378	2472	1859	334	1861	941	6695
Saraskana	3464	275	689	2658	4042	115	1864	1837	15384
Sukruli	412	211	734	1295	1271	502	1286	1294	10352
Suliapada	2937	5535	97	2262	2148	86	1589	2906	8971
Thakurmunda	10885	96	1530	1438	2034	795	5317	2670	17681

8.2 Agriculture Land:

Mayurbhanj is surrounded by no of forest areas as well as Rocky Mountains. People used to cultivate Paddy in most parts of the hill slopes and in plain lands. Most of the cultivators grow short duration local paddy in the un-bonded upland during Kharif season. The crop suffers moisture stress at different stages due to inadequate rainfall. The primary objective of Agriculture Department is increase of production as well as productivity of major crops like paddy, groundnut, mustard, Mung, Biri & vegetables which is widely covered in this District in both Khariff & Rabi season. Another key objective is the all round development of the farming community of the District. The Deputy Director of Agriculture is the head of office so far as agriculture is concerned & he is the Principal Agriculture Officer of the District. Under him there are 5 District Agriculture Officers & the block under them. As already pointed out, that agriculture is the main livelihood of the people in Mayurbhanj District. It is therefore also designated as the food bowl of Odisha. Rice is the principal crop grown in this district, followed by other cereals, pulses, oilseeds, vegetables, spices and sugarcane. The agricultural statistics for the district is shown in subsequent tables below:

Table – 3.6a: Crop Coverage Area of Mayurbhanj District, Odisha

Crop	Khariff		Rabi		Annual	TOTAL	
	Area (ha)	(% of Cropped Area)	Area (ha)	% of Cropped Area	Area (ha)	Gross Cropped Area (ha)	% of Gross Cropped Area
Rice	301.37	82.353%	3.80	4.015%	---	305.17	62.051%
Cereals	9.99	2.730%	2.17	2.293%	---	12.16	2.472%
Pulses	32.37	8.846%	36.20	38.255%	---	68.57	13.943%
Oilseeds	5.92	1.617%	28.30	29.906%	---	34.22	6.958%
Vegetables	12.39	3.386%	21.74	22.974%	---	34.13	6.940%
Fibres	2.43	0.664%			---	2.43	0.494%
Spices	1.48	0.404%	2.42	2.557%	---	3.90	0.792%
Sugarcane	---	---	00	---	---	00	---
Tobacco	---	---	00	---	---	00	---
Fruits	---	---	---	---	---	31.23	6.350%
TOTAL	365.95	100.00%	94.63	100.00%	---	491.81	100.00%

8.3 Horticulture Land:

The primary objective of Horticulture Department is increase of production as well as productivity of major fruits like Mango, Guava, Citrus etc., which is widely covered in this District. Another key objective is the all round development of the farming community of the District. The Deputy Director of Horticulture is the head of office.

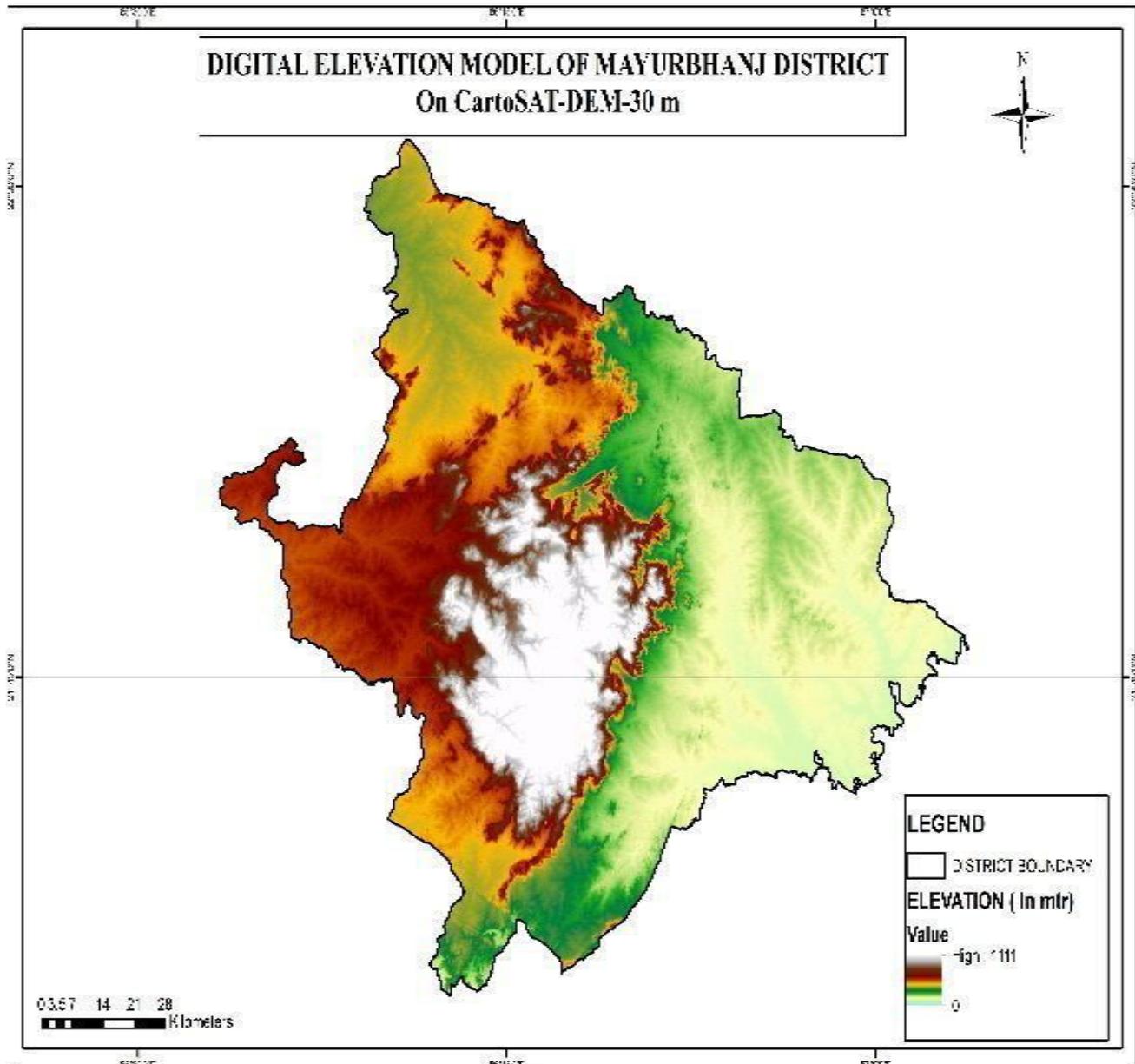
9.0 PHYSIOGRAPHY OF THE DISTRICT:

Mayurbhanj district presents diverse physiographic features; Physiographically the study area can be divided into 3 categories. The first physiographic unit of the district is high mountain ranges, Similipal Complex being at its central part (Figure 1). The mountain ranges comprise mainly of highland plateau and valleys with intrusive

running through them. The second physiographic unit is Tertiary Plain occurring in the eastern part of the district. The third physiographic unit is Alluvial Plain which lies partly in Rasgobindpur, Morada, Samakhunta, Betnoti, Baripada, Badasahi and Suliapada blocks. The highest elevation about 1500m near similipal hill of the district, due to scarp landforms some waterfalls are observed in the district. The general slope of the district is from north to south. Geologically the area is

comprised with Archean granites and gneisses. Geomorphologically the district is divided into 3 units:

- i) The denudational hills with moderate to high slope occurring in the western part of the district.
- ii) Dissected pediments having gentle slope.
- iii) Pediplain having slope between 0° to 5° .



RAINFALL OF THE DISTRICT AND CLIMATE CONDITION**10.1 Month wise rainfall:**

The driest month is November, with 3 mm of rain. There is on average 0 mm of precipitation in December. In July, the precipitation reaches its peak, with an average of 324 mm. May is the warmest month of the year. The temperature in May averages 32.3 °C. January has the lowest average temperature of the year. It is 16.5 °C.

Year		2016	2017	2018	Average
Sl. No.	Month	(mm)	(mm)	(mm)	(mm)
1	Jan	9.23	2.71	0.00	3.98
2	Feb	52.61	0.00	0.04	17.55
3	Mar	12.29	44.87	0.72	19.29
4	Apr	22.38	23.36	172.10	72.61
5	May	118.73	139.31	125.30	127.78
6	Jun	195.46	169.39	208.83	191.22
7	Jul	245.28	385.31	300.05	310.21
8	Aug	351.25	291.03	371.30	337.86
9	Sep	285.27	170.11	285.17	246.85
10	Oct	85.39	189.09	154.08	142.85
11	Nov	12.10	34.79	0.00	15.63
12	Dec	0.00	1.80	36.69	12.83
Total		1389.99	1451.77	1654.28	1498.68

Source: Indian Meteorological Department

The Indian Meteorological Department, Bhubaneswar, vide letter No. BBS/RMC/CS-312, dated 18th January, 2016 has provided the period of Rainy Season viz. Normal dates of Onset and Withdrawal of South West Monsoon over India as state-wise. The duration for the period is 10th June to 15th October.

11.0 GEOLOGY AND MINERAL WEALTH OF THE DISTRICT:**11.1 Geology**

Mayurbhanj is a unique district in Odisha with rich and varied geology. The major rock types encountered in the district are Granite Gneiss, Quartzite, Orthoquartzite, Arkose, Shale, Phyllite, Gabbro, Px-granite. The geology of the district is constituted by the Similipal complex at its central part belonging the Archaean age, unconformably lying over Singhbhum Granite and Banded Iron Formation (BIF). It

consists of three alternate bands of volcano sedimentary units uniquely disposed in a ring like circular pattern formed under sub-marine conditions. The sedimentary of Similipal mostly comprise of orthoquartzite, Arkoses and minor band of ferruginous shale and phyllite. The quartzites are devoid of any volcanic materials within it and exhibit well-preserved cross-bedding and palaeo-current structures indicating shallow water sub-marine origin. Important mineral resources include iron, copper, titanium, vanadium, chinaclay, nickel, kyanite, quartz, talc, steatite, soapstone and bauxite. Natural Emerald, green Beryl and opaque Beryl are reported to occur around Jaraguda, Pokharidiha, Bahadurpur,

11.2 Geomorphology:

Geomorphological features of Mayurbhanj district are mainly attributed to Similipal Complex being at its central part. The mountain ranges comprise mainly of highland plateau and valleys with intrusive running through them. The second physiographic unit is Tertiary Plain occurring in the eastern part of the district. The third physiographic unit is Alluvial Plain .The drainage density is observed to be fairly moderate and drainage pattern is dendritic in nature. It consists of three alternate bands of volcano sedimentary units uniquely disposed in a ring like circular pattern formed under sub- marine conditions. Baripada Beds outcrops of tertiary formation occur around Baripada town. These comprise stratified clay and sand with marly clay or limestone interbands. The alluvial plains owe their origin due to various fluvial actions of major rivers. The details of the geomorphic unit as identified are as below:

11.3 Stratigraphy:

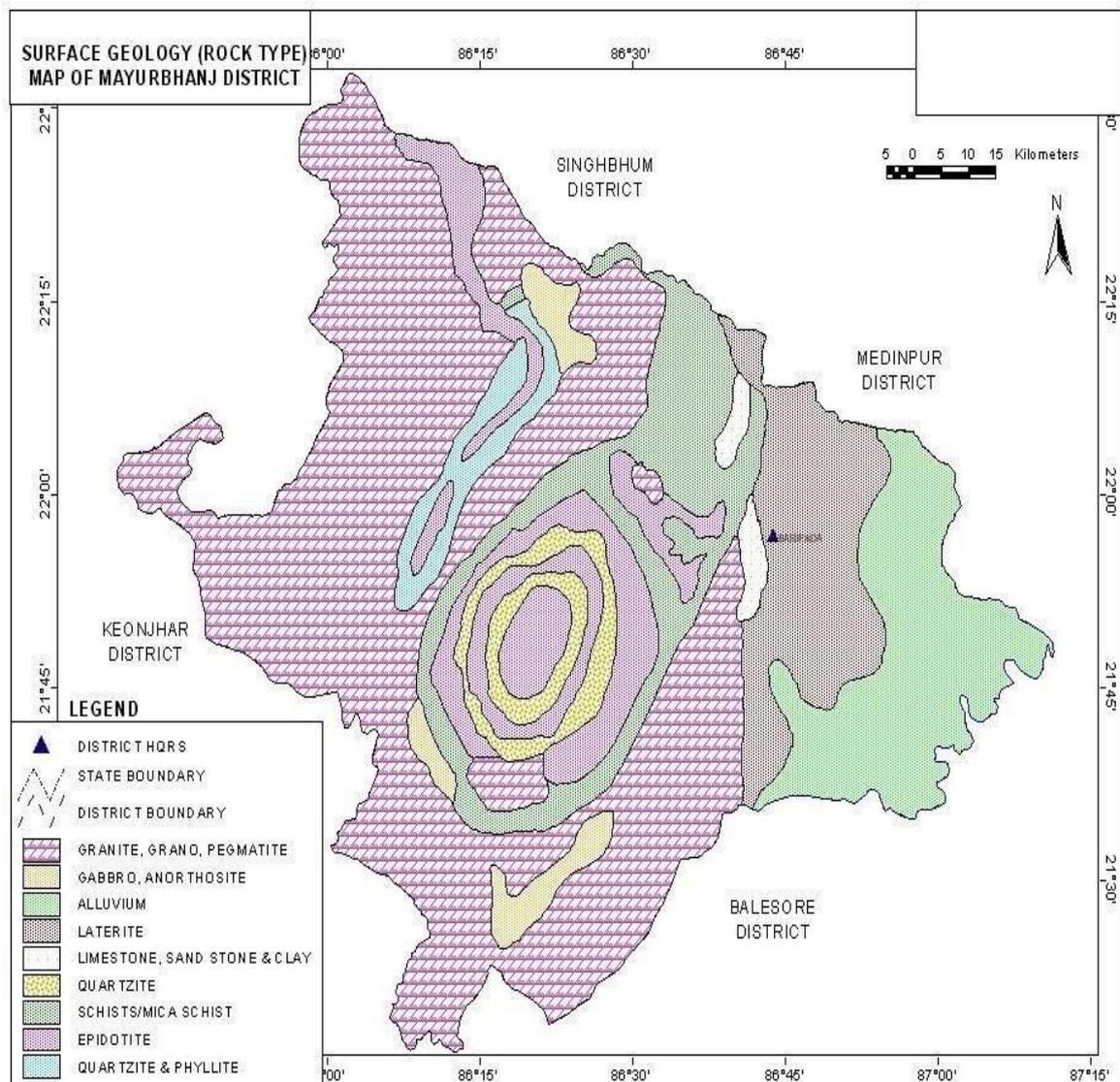
The study area comprises the following distinct geomorphic units:

- i) Younger alluvial plain
- ii) Older alluvial plain
- iii) Lateritic upland

<u>Geological Age</u>	<u>Geological Formation / Group</u>
Quaternary	: Recent Alluvium, Clays, silt, Sand, Gravel
Tertiary	: Older Alluvium, Laterite, Baripada Beds.
Mesozoic/ Palaeozoic	: Volcanics / Epidiorite
Precambrian	: Slate/ Phyllite/ Schist / Gneiss
Archean	: Granite/ Granite Gneiss

11.4 Mineral Resources:

The earliest known geological survey in Mayurbhanj dates back to 1903, when P.N. Bose brought to light the extensive iron-ore deposits of high quantity on the Gorumahisani and Suleipat hills in Bamanghaty Sub-Division. These deposits were considered to be almost inexhaustible and were pronounced to be of excellent quality, perhaps second to none in the whole of Asia by the famous American and English experts like M/s Perin, Weld and Colonel Staddart, who visited these deposits during 1905-06. This discovery was a momentous one as the steel plant of the Tata Iron & Steel Co. at Jamshedpur was entirely based on the exploitation of these deposits. By 1915, important discoveries of Steatite near Lulung and placer gold from the sands of Subarnarekha, Kharkhai and Barhai rivers had been made. The placer gold deposits were being worked by M/s J.B. Bettie of Calcutta, Mr. V.G. Piggot of Ghatsila and the Mayurbhanj Prospecting Concession Syndicate.



Gold: The mid-Archaean Gorumahisani-Badampahar schist belt composed of basic ultrabasic, volcanic rocks and volcanogenic sediments. This belt has been prognosticated as a rift-type of volcanic dominated one and is highly potential for economic grade gold mineralization. Likely targets include: a) auriferous quartz veins close to the contact of sulphide chert volcanics, b) sheared and sulphidised Fe-rich tholeiite with anomalous copper, c) epigenetic vein type of mineralization and BIF volcanic association, and d) sulphidic conglomerate resting over the basic volcanics. Placer gold occurrences are known from rivers and stream of Mayurbhanj district. An area of about 5 square kilometers of alluvium at the headwaters of Sappgora and Borai rivers near Kudersai was indicated as promising.

Iron: Bose discovered iron ore deposits in Gorumahisani and Badampahar in the erstwhile princely state of Mayurbhanj (now Mayurbhanj District). Gorumahisani deposits were investigated by Perin & Weld (1905). Gorumahisani- Badampahar-Suleipat deposits are associated with banded hematite / magnetite grunerite and BHJ.

Gorumahisani – Badampahar- Suleipat (Broad geological sequence)

Laterite & Alluvium
 Newer Dolerite
 Gabbro-Anorthosite Granite
 ---Unconformity---
 Ultramafic dyke
 Singhbhum Granite
 Banded magnetite/ Martite quartzite with Fe-Ores
 Quartzite
 Basal Conglomerate
 ----Unconformity----
 Older metamorphic

Vanadium Ores & Titanium: Vanadium is an important alloying element. Magnetite associated with gabbro- anorthosite suite of rocks contains vanadium and titanium. Deposits of vanadium-magnetite occur in association with gabbro- Anorthosite suite of rocks in the precambrian metamorphites. Vanadium bearing magnetite belts are :-

- (a) Rairangpur – Bisoi belt (Kumardubi, Betjharan Amdabeda)
- (b) Bisoi – Joshipur belt (Mayurbeka, Kesham, Sialnoi)
- (c) Baripada – Podadiha belt (Andipur, Bahalda)

Pyrophyllite: is mainly used as a high grade ceramic product, electric insulator and refractory material. The comp. is $Al_2O_3 \cdot 4SiO_2 \cdot H_2O$. It is formed as an alteration product of feldspar. Pyrophyllite occurrences are reported at Kankrani, Jashipur, Gorumahisani, Bangriposhi and Manada in Mayurbhanj dist. Ichinda, Khairakocha, Jamukunda, Nakulkocha, Kapadiha, Dunguridiha, Maheshpur, Kashidiha, Sagragora and Pokpoka. Dimension stone of the district are granite, granite-gneiss, migmatites,

syenite, gabbro, anorthosite, charnockite, leptynite, pyroxene granulite, dolerite, pyroxinite and dunite etc.

Bauxite: In Similipal complex (Mayurbhanj) aluminous laterite/ Bauxite are observed around 1000 m AMSL. The spongy aluminous laterite/bauxite occurs as sheets and boulders occupying the flat-topped hills made up of metavolcanics. Both ultramafics and metavolcanics are lateritised giving rise to nickeliferous laterite and aluminous laterite respectively.

China Clay: is clay like material approximating the mineral Kaolinite ($Al_2O_3, 2SiO_2, 2H_2O$). China clay is found to occur in a long belt stretching from Singhbhum to Mayurbhanj. Badampahar-Joshipur- Karanjia – Ramachandrapur belt is the most important china-clay producing area of the state. The important deposits in Mayurbhanj district are found near Joshipur, Chanchbani, Dumuria, Jamda, Kodadiha, Jamkeswar and Thakurmunda. China clay has many industrial applications as filler in paper, textile, rubber, in the manufacture of potteries, ceramics, sanitary wares, glazed tiles, white cement, insecticides, paints, cosmetics, refractory bricks etc. Soap stone and Steatite Asbestos is mined from Mayurbhanj area.

Talc, steatite and soapstone: Important localities of these deposits in Mayurbhanj dist are Tiring, Kendumundi and Kharidamak.

Kyanite: Kyanite deposits of refractory grade occur in Panijia area of Mayurbhanj dist, where it is associated with dumortierite bearing rocks, qtz-veins, quartz-mica-schists and talc-tremolite-schist. Other kyanite occurrence include Purnapani & Similipal.

Quartz & Quartzite: Quartz and silica sand are mostly used in glass foundry, ferrosilicon alloy, ceramic industry, abrasive, paint, rubber, textile industries. Transparent varieties of quartz such as rock crystal, amethyst, citrine, Rosequartz and smoky quartz are used as semi-precious gemstone. Quartz is a piezoelectric material and is used in radio circuit, Radars and ultra-sonic devices. Quartzite is a

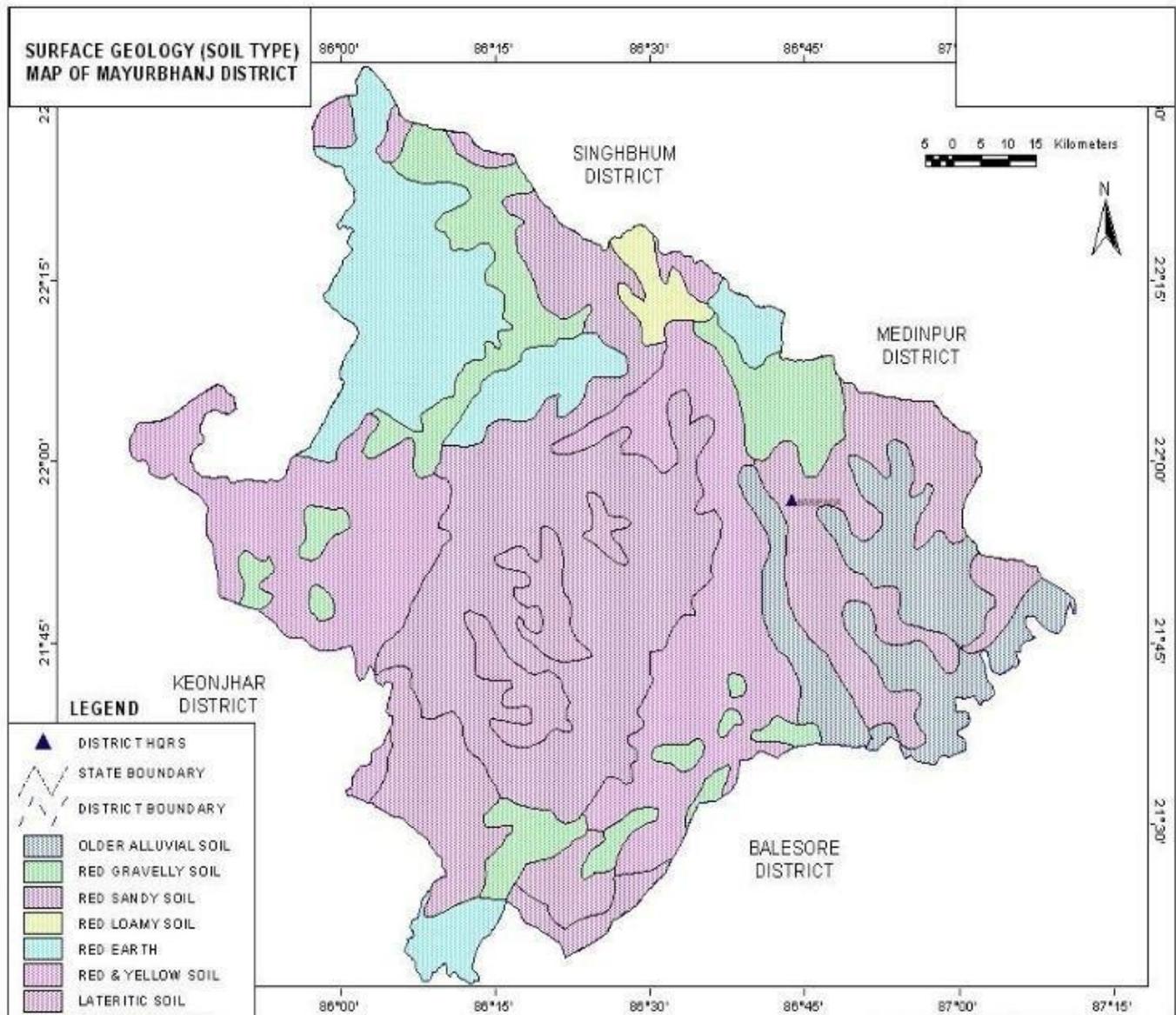
monomineralic rock constituted predominantly of quartz. There are 6 mining leases for quartz and quartzite in Mayurbhanj dist.

High Magnesia rock: are found in Notapahar, Thakurmunda, Amjori and Badampahar of Mayurbhanj Dist.

Nickel: Nickel is concentrated within chemically weathered ultramafic rocks and found in the laterite and soil capping in Similipal area. The mineral occurs in silicate form i.e. garnierite. The important patches of prospective ore zones are: Gurguria and Nawana.

11.5 Soil:

The district comprises chiefly of lateritic, sandy loam and clayey loam type of soil (Figure 3). Laterite soil is mostly marked in the area occupied by crystalline rocks. The low lying valley fields are covered with clayey loam type of soil.



a) DISTRICT WISE DETAILS OF RIVER OR STREAM AND OTHER SAND SOURCE:

Attached as Annexure-A.

b) DISTRICT WISE AVAILABILITY OF SAND OR GRAVEL OR AGGREGATE RESTORES:

Geological resource (in cum)	Mineable resource(in cum)
4322607.24	283292.55

DRAINAGE SYSTEM WITH DESCRIPTION OF MAIN RIVERS:

The district has considerable flat land, which provide suitable site for agricultural use. The hilly areas are mostly under forest with patches of cultivation on scarp areas. Major rivers flowing in the district are Budhabalanga, Subernarekha, Jambhira, Sona, Khadkhai, Deo, Katra, Khairibandhan & Baitarani. Major crops grown in the district are rice only. 14.82 percent area of agricultural use are net irrigated and major source of irrigations are well and tube-wells.

Sl. No.	Name of the River	Area drained (Sq.Km.)	% Area drained in the District
1	Budhabalanga	2143	21%
2	Subernarekha	265	0.25%
3	Jambhira	1377	13%
4	Sona	1062	10%
5	Khadkhai	1131	10.8%
6	Khairibandhan	1014	0.09%
7	Deo	473	0.04%
8	Katra	352	0.03%
9	Gangahar	594	0.057%
10	Baitarani	260	24.6%
11	Tel	96	0.009%
12	Kantamauli	82	0.007%
13	Sim	165	0.015%
14	Jhagada	30	0.002%
15	Balijori	56	0.005%
16	Kantakhaira	186	0.017%
17	Kanhu	383	0.036%
18	Balisudura	170	0.016%

Salient Features of Important Rivers and Streams:

The Budhabalanga River (also called Balanga River) flows through the districts of Mayurbhanj & Balasore and finally reached Bay of Bengal. The Budhabalanga, rises from Similipal hills and plunges through Barehipani Falls, the second-highest waterfall in India, located in Similipal National Park. It then flows in a northerly direction up to the village Karanjiapal in Bangiriposi police-station. Thereafter, it turns to the north-east and flows along the railway track up to the village Jhankapahadi. There it changes its course to the south and meets the Katra nala. The other tributaries are the Palpala and the Chipat both of which are hill streams rising from the Similipal hills. Then the river passes through Baripada. It later flows through Balasore district and into the Bay of Bengal. The Budhabalanga is about 175 kilometres (109 mi) long and has a total catchment area of 4,840 square kilometres (1,870 sq mi). Its major tributaries are the Sona, Gangahar, and the Katra. Burhabalang and its tributaries, viz. Sona Nadi, Amrutia Nadi, Gangahar Nadi drain almost round the year in the present area. Sona Nadi receives the watery effluent load through a nalah (Sankh nalah) from the Balgopalpur Industrial Estate and flows from west to east. Amrutia Nadi flows from NNW to SSE and carries the waste water load of East Coast. Subarnrekha originate from Nagri of Jharkhand and then enter into Mayurbhanj district, very less portion of the river flows within Mayurbhanj district, Major portion of Subarnarekha River passes in the Balasore district. Another river Jambhira runs in Mayurbhanj district then enters into Balasore district and Renamed as river Jalaka flows into Bay of Bengal. Other small rivers run in this district like River Khadkhai originates from Tunhgru R.F. and plunges through Suleipat Dam (Khadkhai Reservoir). It then runs towards Rairangpur, Bahalda, Tiringi area of western direction of Mayurbhanj district and finally reached at River Subarnarekha. River Deo rises from Similipal R.F. and runs towards western part of the district and flows through Karanjia area and then joins with Baitarani River. River Khairabandhan originates from Similipal R.F. and flows towards western part of the Mayurbhanj district through Jashipur, Raruan, Sukruli area of district and then joins with River Baitarani This river maintains a sluggish flow in the pre-monsoon period, but swells menacingly with the onset of monsoon often flooding large tracts. Another small tributary named as Kanhu starts from River Khadkhai and branched into

RIVER SAND MINING**DSR OF MAYURBHANJ DISTRICT**

Jalapa, Ghagera nala meets at Jharbeda area of Mayurbhanj District.

1	2	3	4	5
Sl. No.	Name of the River or Stream	Total Length in District (in Km.)	Place of Origin	Altitude at Origin
1	Budhabalanga	161	Similipal Hill	940 mrl.
2	Subarnarekha	4	Nagri, Jharkhanda	610 mrl.
3	Jambhira	64	Chandra R.F. Mayurbhanj	60 mrl.
4	Sona	70	Jaymal Hill, Dugdha Mayurbhanj.	340 mrl.
5	Khadkhai	75	Tunhgru R.F.	500 mrl.
6	Khairibandhan	65	Similipal R.F.	800 mrl.
7	Deo	65	Similipal R.F.	930 mrl.
8	Katra	55	Jari R.F.	700 mrl.
9	Gangahar	55	Similipal R.F.	740 mrl.
10	Baitarani	48	Gonasika, Guptaganga Hills	900 mrl.
11	Tel	20	Similipal R.F.	940 mrl.
12	Kantamauli	25	Similipal R.F.	360 mrl.
13	Sim	85	Similipal R.F.	900 mrl.
14	Jhagada	15	Jhagada R.F.	430 mrl.
15	Balijori	22	Similipal R.F.	520 mrl.
16	Kantakhaira	36	Similipal R.F.	420 mrl.
17	Kanhu	42	Similipal R.F.	400 mrl.
18	Balisudura	15	Similipal R.F.	450 mrl.

6	7	8	9	10
Portion of River or Stream Recommended for Mineral Concession	Length of area Recommended for Mineral Concession (in Km.)	Average width of area Recommended for Mineral Concession (in meter)	Area Recommended for Mineral Concession (in Sq. meter.)	Mineable mineral potential (in cubic meter) (60%of total mineral potential)
Details enclosed in Annexure-A				

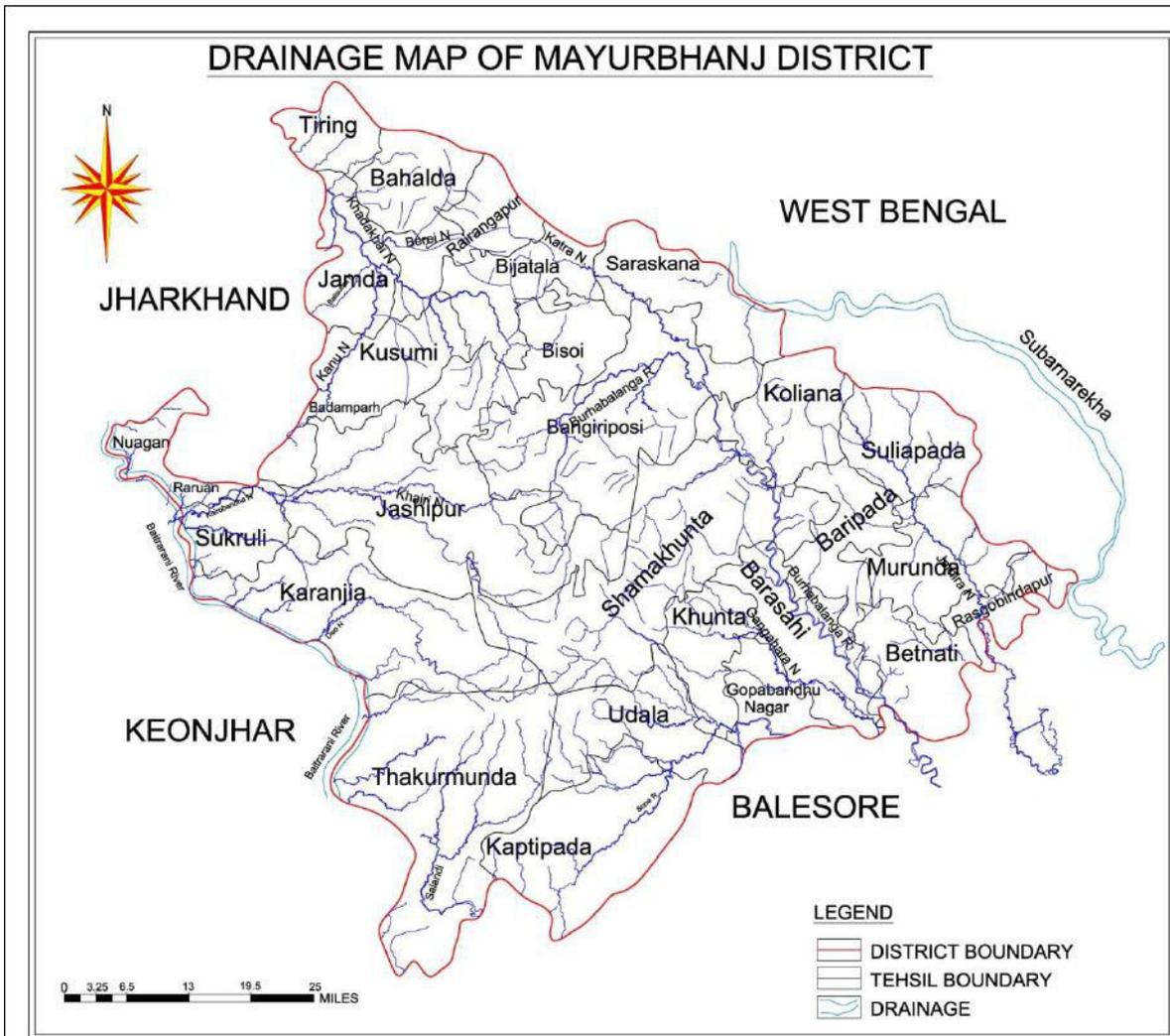
Mineral Potential				
Name of the River or Stream	Boulder (Cum)	Bajri (Cum)	Sand (Cum)	Total Sand Mineable Mineral Potential (Cum)
Budhabalanga	---	---	1025276.93	711528.37
Subarnarekha	---	---	174027	146194
Jambhira	---	---	492385	280183
Sona	---	---	968298	593213
Khadkhai	---	---	343880.18	233127
Khairibandhan	---	---	65895.5	33107.5
Deo	---	---	42000	27410
Katra	---	---	35304	37020
Gangahar	---	---	---	---
Baitarani	---	---	420977	358200
Tel	---	---	29,206	17,973
Kantamauli	---	---	---	---
Sim	---	---	6,000	3,510
Jhagada	---	---	---	---
Balijori	---	---	---	---
Kantakhaira	---	---	71,644	45,658
Kanhu	---	---	461873	225311
Balisudura	---	---	28,167	15,451
Baunsanali nala	---	---	7,875	2,582
Kangira	---	---	148979.63	106965.68
Bankbahal Nala	---	---	8119	5859

Annual Deposition				
Name of the River or Stream	Boulder (Cum)	Bajri (Cum)	Sand (Cum)	Total Mineable Mineral Potential (Cum)
Budhabalanga	---	---	615166.15	369099.69
Subarnarekha	---	---	104416.2	62649.72
Jambhira	---	---	295431	177258.6
Sona	---	---	580978.8	348587.28
Khadkhai	---	---	206328.10	123796.86

RIVER SAND MINING**DSR OF MAYURBHANJ DISTRICT**

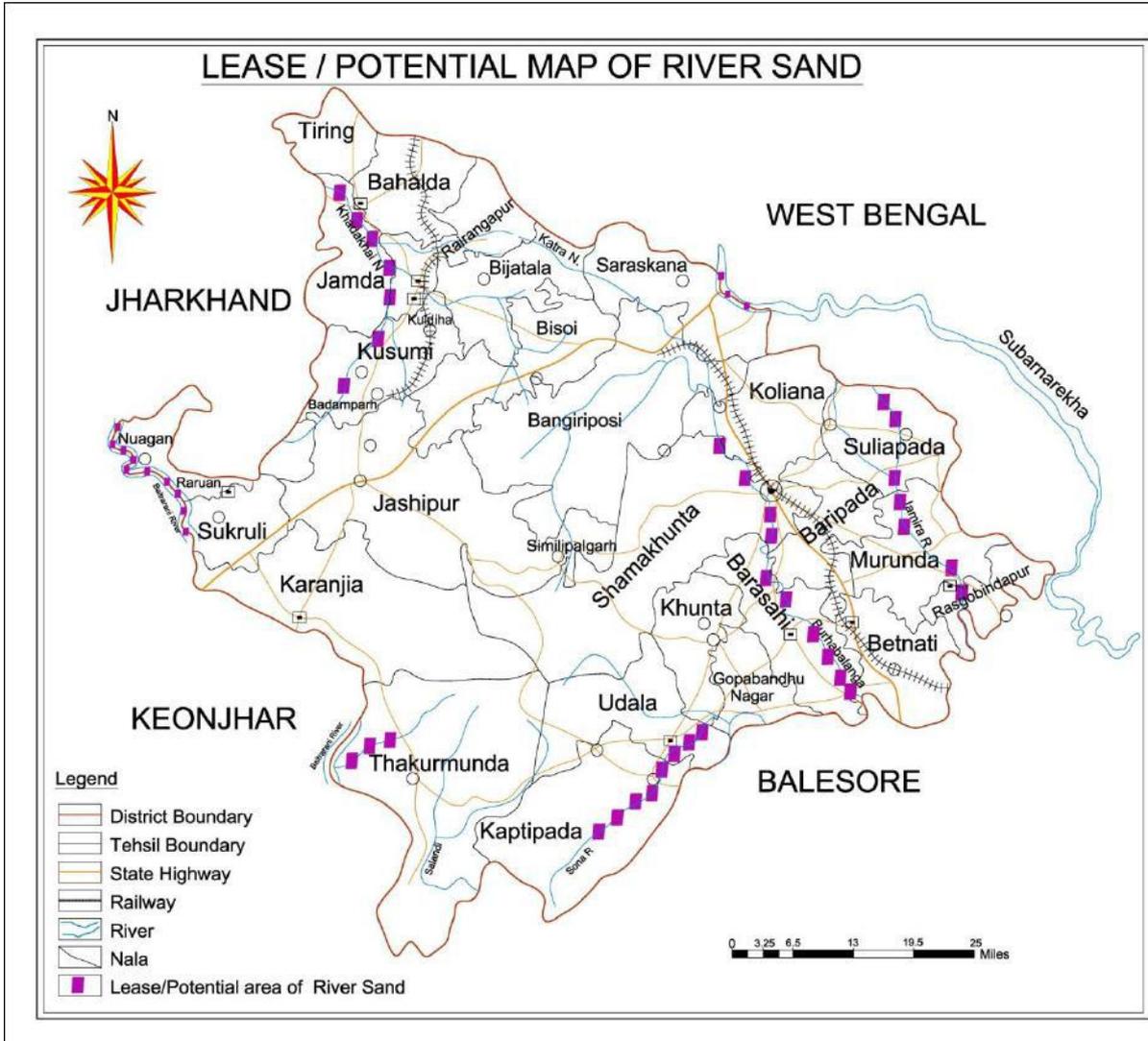
Khairibandhan	---	---	39537	23722
Deo	---	---	25200	15120
Katra	---	---	21182.4	12709.44
Gangahar	---	---	1,145.33	687.20
Baitarani	---	---	252586.2	151551.72
Tel	---	---	17523.6	10514.16
Kantamauli	---	---	1,855	1,113
Sim	---	---	3600	2160
Jhagada	---	---	----	-----
Balijori	---	---	----	-----
Kantakhaira	---	---	42986	25791.84
Kanhu	---	---	277123.8	166274.28
Balisudura	---	---	16900.2	10140.12
Baunsanali nala			4725	2835
Kangira			89387.78	53632.66
Bankbahal Nala			4871	4383

Drainage pattern map of Mayurbhanj District



**CONCLUSION:**

Since it is an interim report, to meet the requirement of minerals in the present scenario, it is proposed to identify such potential areas at certain interval and get the data bank of DSR to be updated. The insitu mining activity in any area is on one hand bring revenue and employment (Direct and indirect) and on other hand if not done properly potential pollution and ecological imbalance increases, the ability of the ecosystem can also be reduced. Particulate matter transported by the wind as a result of excavations, blasting, transportation of materials, heavy equipments used raise these particulate levels; and Gas emissions from the combustion of fuels in stationary and mobile sources, explosions, and mineral processing. All these activities indirectly affected the biodiversity of area. Larger potential and smaller areas have been identified in Mayurbhanj district on the basis of geological study carried out during field observation, which can be considered for mining concession after all the parameters for statutory clearances are verified by consulting with concerned authorities.



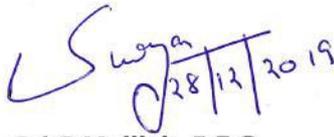
RIVER SAND MINING

DSR OF MAYURBHANJ DISTRICT

The District Survey Report for Sand Mining (Minor Mineral) in respect of Mayurbhanj District is prepared in accordance with Appendix-X, Para -7 (iii) (a) of S.O. 3611 (E) Dt. 25.07.2018 of Ministry of Environment, Forest and Climate Change, New Delhi is approved for final publication in the district website.



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Mayurbhanj (Odisha)

LIST OF MINING LEASE WITH LOCATION, AREA AND PERIOD OF VALIDITY										ANNEXURE-A		
Name of the Tahasil	SI No	Name of river or stream	Portion of the river or stream recommended for Mineral Concession with GPS Co-Ordinate, Village, Khata No, Plot No. & Kismam	Length of Area recommended for Mineral Concession (in Km)	Average width of Area recommended for Mineral Concession (in meter)	Length of Area recommended for Mineral Concession (in sq. meter/Ha.)	Mineable Mineral potential in Metric tones (60% of total Minerals/ Potential)	Geological mineral potential in Metric tones/Cums	Name of the Lessee with address	Period of Lease		Status of Working or Non working/ Temp permit working for despatch
										From	To	
1	2	3	4	5	6	7	8	9	10	11	12	13
Baripada	1	Budha Balanga	21°4'53.9" N to 21°55'35.7" N and 86°43'0.9" E to 86°43'35.8" E Vill-Baripada Town, Unit No-7, Khata No-242, Plot No-103/1,621,624,625,628,311,312,313,314,315,316 & 13/1, Kismam-Nadi	1320 m	106 m	15.88 Ha	15000 Cum.	31588.4 Cum	Jay Praksh Khandelwalla, S/o-Narayanlal Khandelwalla,Baripada, Unit No-6	2015-16	2019-20	Working
Baripada	2	Budha Balanga	21°51'34.3" TO 21°51'53.8"N and 86°42'41.9" to 86°42'48.8"E , Vill-Jamdapal, Khata No -152, Plot No-655/1, Kismam-Nadi	952 M	952 M	5.26 Ha	35003 Cum.	52600 Cum.	Pradosh Das, S/o-Prasanna Kr.Das,Baripada,W.No-7	2017-18	2021-22	Working
Baripada	3	Budha Balanga	21°50'08.6" to 21°50'32.4"N and 86°42'36.1" to 86°42'55.9"N, Vill-Balipal, Khata No-114, Plot No-24/1, Kismam-Nadi	910 M	50 M	5.28 Ha	7500 Cum.	8919 Cum	Dhirendra Mohan Panda S/O-Narendra Mohan Panda, Baripada,W.No-14	2015-16	2019-20	Non working
Samakhunta	4	Budha Balanga	GPS- -Latitude-21°52'17.7"N to 21°52'49.9"N Longitude:86°42'55.2"E to 86°43'05.3"E Village-Bajratundi , Khata No.- 177, Plot No.- 1110/01, Area:5.67, Kismam-Nadi	7.5 km.	120 m	5.67 Ha	7080.59	8660.92	Laxminarayan Giri, S/o- Purusottam Giri, At:Sungodia ,W.No.14, PO/PS: Baripada , Dist: Mayurbhanj, PIN:757001 Mobile No. 9437320509	2017-18	2021-22	working
Samakhunta	5	Budha Balanga	GPS-Latitude-21°53'39"N to 21°54'5"N, Longitude:86°42'56.8"E to 86°43'10.7"E , Village-Mahulia, Khata No.- 251, Plot No.- 414.432 & 458/1, Area:- 5.50ha, Kismam-Nadi	3 km.	140 m	5.50 Ha	2242.48	2874.61	Prodash Das S/o.Prasanna Das At:Deulasahi WardNo.07 PO/PS: Baripada Dist: Mayurbhanj Mobile:876320885	2017-18	2017-18	Working

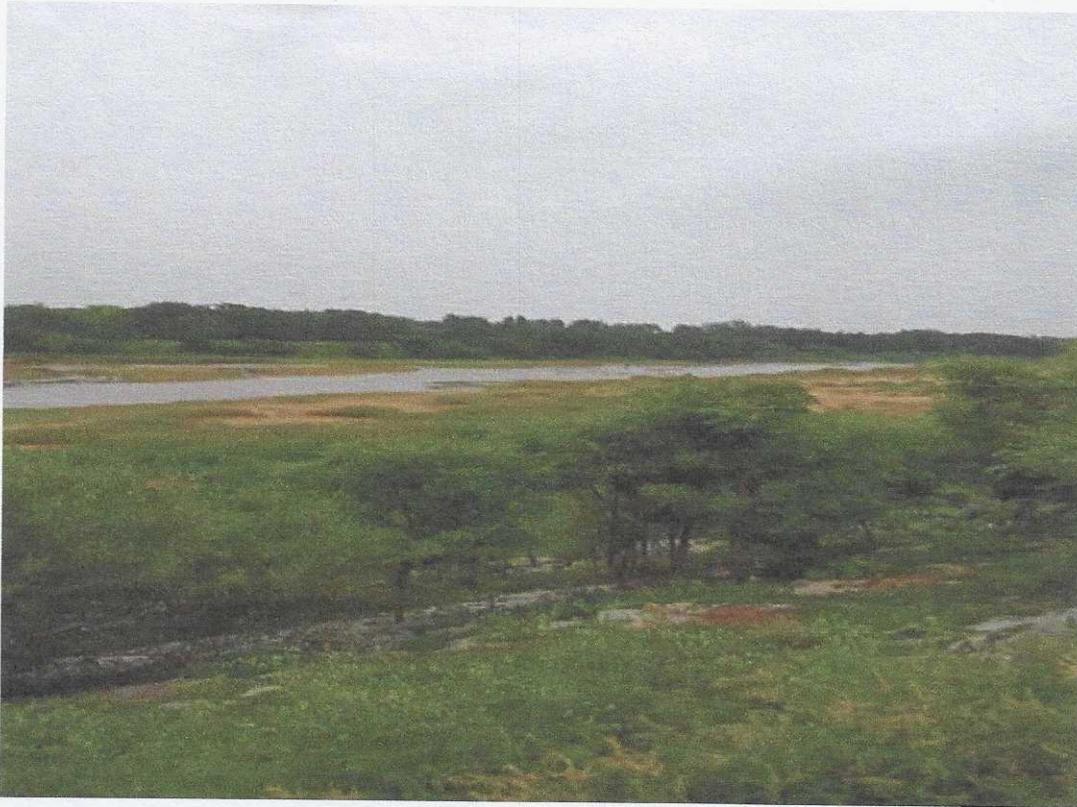
1	2	3	4	5	6	7	8	9	10	11	12	13
Samakhunta	6	Budha Balanga	GPS- -Latitude-21°53'21.1"N to 21°53'43.06"N Longitude:86°43'23.06"E to 86°43'39.09"E , Village:Pundura , Khata No.- 68 , Plot No.- 2/1 , Area: 5.47, Kisam-Nadi	-	-	5.47 Ha	-	-	-	-	-	Non Working
Samakhunta	7	Budha Balanga	GPS-Latitude-21°56'43.5"N to 21°56'37.3"N Longitude:86°42'00.9"E to 86°42'14.8"E, Village-Suniapal , Khata No.-74, Plot No.- 319 & 322 Area:- 5.65, Kisam-Nadi	-	-	5.65 Ha	-	-	-	-	-	Non Working
Samakhunta	8	Budha Balanga	GPS-Latitude-21°57'05"N to 21°57'54"N Longitude:86°40'47"E to 86°40'53"E , Village-Inkidapal Khata No.- 69, Plot No.- 412/1 Area:-5.00, Kisam-Nadi	-	-	5.00 Ha	-	-	-	-	-	Non Working
Kuliana	9	Budhabalanga	GPS- Latitude 21 57'33.7"N to 21 57'43.7"N Longitude- 86 42'14.9"E to 86 42'03.6"E Village- Tumuda, Khata No.-52 , Plot No.- 225 & 87, Kisam-Nadi	0.406 km	181mtr	5.061 Ha	43120 cum	46640 cum	Jayanta Kumar Sikhar, At-Ambikasahi, Ward.No-1, Po- Baripada, Dist-Mayurbhanj	2015-16	2019-20	Working
Kuliana	10	Budhabalanga	GPS- Latitued 21 58'26.9"N to 21 58'41.1"N Longitude- 86 41'19.8"E to 86 41'27.8"E Village- Padhiaripur, Khata No.- 80 , Plot No.-126 Kisam-Nadi	0.37 km	154 mtr	5.745 Ha	11162 cum	72796 cum	Ramakrushna See, At-Chhancha, ward No-25, Po-Takatpur, Dist-Mayurbhanj	2016-17	2020-21	Working
Kuliana	11	Budhabalanga	GPS- Latitued Block A- 22 01'11.2"N to 22 01'34"N Block B-22 02'9.52"N to 22 02'3"N Longitude- Block A- 86 38'4.9"E to 86 38'54.5"E Block -B 86 38'1.9"E to 86 38'2"E, Village- Goudrama & Kathapal, Khata No.- 94 & 28, Plot No.-223 & 04, Kisam-Nadi	1.086 km	152 Mtr	9.145 Ha	62538.3 cum	80712.0 cum	Bhuban Mohan Dutta, At- Darkholi, Po- Aniapal, Ps- Kuliana Dist- Mayurbhanj	2015-16	2019-20	Non-working
Kuliana	12	Budhabalanga	GPS- Latitued 21 59'41.8"N to 21 59'49.5"N Longitude- 86 39'15.8"E to 86 39'26.8"E Village- Mangrajia, Khata No.-38, Plot No.-43, Kisam-Nadi	0.386 km	31.98 mtr	1.238 Ha	9935 cum	12380 cum	M/s Ratna DD Builders	2017-18	2019-20	Non-working

1	2	3	4	5	6	7	8	9	10	11	12	13
Kuliana	13	Budhabalanga	GPS- Latitud 21 57'34.0"N to 21 57'41.5"N Longitude- 86 41'8.4"E to 86 41'24.0"E Village- Manishmundia, Khata No.-39, No.-169/1,Kisam-Nadi	0.445km	112.15mtr	5.00 Ha	72742 cum	84480 cum	M/s DD Builders Ltd.	2018-19	2022-23	Non-working
Bangriposi	14	Katra River	Gps-22 10 31.7"to 22 06" 54.3" North, 86 38"32.5" to 86 38" 46.5" East Village.- Taltikiri & Chandanpur, Khata No:- 117 & 216 Plot No- 730,731 & 549 Kisam- Nadi	0.462 km	138 m	5.00 Ha	17300 Cum	20940 Cum	1.Pravat Kumar Patra At/ po- Bangriposi, Dist- Mayurbhanj. 2. Narasingha Sethy At- Gosanipal Ps.- Bangriposi Dist.- Mayurbhanj	2015-16	2019-20	Working
Bangriposi	15	Budhabalanga River	Gps- 22 06"4.3:N to 22 06" 15.2"N, 86 37" 6.3"E to 86 37"15.2 E Village.- Panasdiha, Mahulisol, Asana & Sunamuhi, Khata No:-35,82,347 & 23 , Plot No.- 35/1, 2804 & 141/160 Kisam- Nadi	0.462 km	188 m	5.00 Ha	25028 Cum	31153 Cum	1.Pravat Kumar Patra At/ po- Bangriposi, Dist- Mayurbhanj. 2. Narasingha Sethy At- Gosanipal Ps.- Bangriposi Dist.- Mayurbhanj 3. Alok Kumar Sikhar At/Po- Kalabadia Ps.- Bangriposi Dist- Mayurbhanj	2018-19	2022-23	Working
Saraskana	16	Subarnarekha	GPS-Lat 22'13'15"N to 22'13'42"N Longi 86'40'25"E to 86'41'10"E , Village- Jamunapal & Kumbhirmundi , Khata:44 & 15, Plot No.1 & 1, Kisam- Nadi & Nadi	0.38 Km	168 mtr	63840 sq.mtr	78675 cum	97500 cum	Sri Bikash Kumar Agrawal, At-N-2/1698, Nayapalli, BBSR, Dist: Khordha, Odisha	2015-16	2019-20	Working
Saraskana	17	Subarnarekha	GPS- Lat 22'13'43.9"N to 22'13'58.5"N Longi 86'40'20.5" E to 86'40'29.9"E, Village- Sirsha, Khata:450, Plot No.2301/ 2327 , Kisam- Nadi	0.4Km	196 mtr	78400 sq.mtr	67519 cum	76527 cum	Sri Krupasindhu Singh, At/Po- Madhuban, Ps- Baripada, Dist Mayurbhanj, Odisha	2016-17	2020-21	Working
Saraskana	18	Katra	GPS- Lat 22'08'52.9"N to 22'09'22.9"N to 86'35'7.6"E to 86'36'11.3"E Village- Belboria, Khata No:- 291, Plot No-01 , Kisam- Nadi	0.66 Km	76 mtr.	50160 sq.mtr	19720 cum	14364 cum	Not leased out	-	-	Non Working

1	2	3	4	5	6	7	8	9	10	11	12	13
Suliapada	19	Jambhira	<p>GPS- Latitude from 21° 57 ' 25.9" to 21° 57 ' 58.8" N & Longitude from 86° 54 ' 12.3" to 86° 54 ' 40.7" E</p> <p>1. Village- Kostha, Khata No.- 266, Plot No.- 448, 260, 275, 449, 454, 455, 459, 460, 461,1234,1235 & 1236, Kisam-Nadi</p> <p>2. Village- Dhatika, Khata No.- 148, Plot no.- 1069, 1070, 1077, 1079, 1083 & 1084, Kisam- Nadi</p> <p>3. Village - Badada, khata No. - 104, Plot No.- 294, 295, 296 & 297 Kisam - Nadi, Plot No.- 298 & 308, Kisam - Balichara</p>	Bed-I 128 M Bed-II 64 M.	Bed-I 18 M Bed-II 125 M.	6.96 Ha	4650 Cums	5520 Cums	Smt. Jhunurani Ghose At/Po- Rasgovindpur, Dist- Mayurbhanj, Odisha	2015-16	2019-20	Working
Suliapada	20	Jambhira	<p>1. Village - Gouduniduva, Khata No.- 78, Plot No.- 477, 478, 479, 481, 482, 484, 535 & 540 , Kisam- Nadi</p> <p>2. Village- Kadakotha, khata No.- 182 , Plot No.-425, 426, 1592 & 1593, Kisam - Nadi</p> <p>3. Village- Jambhirapal, khata No.-205 , Plot No.- 339,645,646,647,648,1124 & 1125, Kisam- Nadi</p>	-	-	-	-	-	-	-	-	Non Working
Betnoti	21	Budhabalang River	<p>GPS- (Latitude), A-21 38' 08.29" N B-21 38' 07.48" N C-21 38' 05.53" N D-21 38' 04.65" N E-21 38' 03.78" N F-21 38' 05.41" N (Longitude), A-86 51' 02.10" E B-86 51' 07.91" E C- 86 51' 16.25" E D-86 51' 24.29" E E-86 51' 24.17" E F-86 51' 01.45" E</p> <p>VILLAGE- Belanpur, Madhunanda & Demphouda KHATA NO -160,95 & 200 PLOT NO-711,1 & 1 respectively, KISAM- Nadi</p>	0.650 Kms.	80 Mtrs.	5.01 Ha.	9648 Cum	26455 Cum	Shri Jagannath Sahu At-Demphouda Po-Patalipura P.S-Baisinga Dist-Mayurbhanj	2015-16	2019-20	Working

1	2	3	4	5	6	7	8	9	10	11	12	13
Betnoti	22	Budhabalang River	GPS- (Latitude), A-21 37' 54.2" N to 21 38' 2.1" N (Longitude), A-86 51' 33.8" E to 86 52' 19.00" N VILLAGE- Pratimadeipur & Patalipura KHATA NO-121 & 175 PLOT NO-177/1 & 491/1 KISAM- Nadi	0.570 Kms.	45 Mtrs.	5.01 Ha.	12482 Cum	26425 Cum	Shri Jagannath Dalei At-Pratimadeipur Po-Patalipura PS-Baisinga Dist-Mayurbhanj	2015-16	2019-20	Working
Betnoti	23	Budhabalang River	GPS- (Latitude), A-21 38' 28" N to 21 38' 47" N (Longitude), A-86 49' 55" E to 86 50' 6.6" N VILLAGE- Sankhamode KHATA NO-63 PLOT NO-1/1 & 275 KISAM- Nadi	0.600 Kms.	80 Mtrs.	5.01 Ha.	15933 Cum	28777 Cum	Shri Raghunath Dash At-Kathapal Po-Patalipura PS-Baisinga Dist-Mayurbhanj	2015-16	2019-20	Working
Betnoti	24	Baunsha Nali River	GPS- (Latitude), A-21 41' 1.8" N to 21 41' 56.3" N (Longitude), A-86 58' 49.1" E to 86 59' 34.9" E VILLAGE- Madhukhunta, Anla & Rangada KHATA NO-148, 187 & 257 PLOT NO- 1,7,349,232,372,206,728,209,210,208/ 776,145/800,65/807 & 118/810 KISAM- Nadi	3.780 Kms.	55 Mtrs.	5.00 Ha.	1306 Cum	4014 Cum	Shri Biranchi Narayn Pradhan At-Agargahiya Po-Hatiadiha PS-Rupsa Dist-Balasore	2017-18	2021-22	Non Working
Betnoti	25	Baunsha Nali River	GPS- (Latitude), A-21 42' 40.5" N to 21 43' 31.5" N (Longitude), A-86 55' 18.5" E to 86 55' 53.7" E VILLAGE- Merda, Unapura & Benapura KHATA NO-131, 122 & 284 PLOT NO-471, 523, 601, 612, 618, 567, 326, 1373, 1355, 1350, 1380, 1348, 1346, 1442, 1230 & 1379 KISAM- Nadi	3.490 Kms.	75 Mtrs.	5.00 Ha.	1276 Cum	3861 Cum	Smt. Mousumi Ghosh At/Po-Betnoti Ps-Betnoti Dist-Mayurbhanj	2017-18	2021-22	Non Working

1	2	3	4	5	6	7	8	9	10	11	12	13
Badasahi	26	Budhabalanga	GPS- Lati- 21°44'27.2"N to 21°45'23.5"N Long- 86°45'53.1"E to 86°46'15.8"E Vill- Belpal Khata No. 287 Plot No. 50/1/2 & 1548 Kisam- Nadi	1.65 KM	72 mtr.	11.51 Ha	65,000 cum.	1,15,000 cum.	SUSANTA KUMAR NAYAK AT- BELPAL PO- KHUNTAPAL DIST- MAYURBHANJ	2015-16	2019-20	Working
Badasahi	27	Budhabalanga	GPS- Lati- 22°48'7" to 21°48'20"N Long- 86°43'34.4" to 86°43'54.8"E Vill- Pratappur Khata No.- 327 Plot No- 118 Kisam- Nadi	0.78 KM	66 mtr.	6.82 Ha	43,663 cum.	47'115 cum.	TARANISEN SINGH AT/PO- TULASICHOORA, BARIPADA DIST- MAYURBHANJ	2015-16	2019-20	Working
Badasahi	28	Budhabalanga	GPS- Lati- 21°46'00" N to 21°47'30"N Long- 86°43'30" E to 86°45'00"E Vill- Sakua Khata No.- 230 Plot No. - 1344 Kisam- Nadi	0.785 KM	82 mtr.	6.21 Ha	32,764 cum.	52,145 cum.	SANJAY KUMAR BARIK AT/PO- SAKUA DIST- MAYURBHANJ	2015-16	2019-20	Working
Badasahi	29	Budhabalanga	GPS- Vill- Bathudibandh Khata No.- 191 Plot No.-1043 Kisam- Nadi	-	-	6.453 Ha	-	-	-	-	-	Non-Working
Badasahi	30	Budhabalanga	GPS- Lati- 21°45'15.5" N to 21°45'40.2"N Long- 86°44'13.6" E to 86°44'33.1"E Vill- Arapata Khata No.- 361 Plot No.- 554 Kisam- Nadi	0.950 KM	88 mtr.	5.261 Ha	29,792 cum.	35,669 cum.	PRADEEP KUMAR BINDHANI AT- DAHISAH PO- RAGHUPUR DIST- MAYURBHANJ	2016-17	2020-21	Working
Badasahi	31	Budhabalanga	GPS- Lati- 21°50'31.5" N to 21°50'54.3"N Long- 86°43'6.2" E to 86°43'30.7"E Vill- Uthaninuagan Khata No.- 378 Plot No.- 2203/1 Kisam - Nadi	1.134 KM	62 mtr.	5.06 Ha	21,196 cum.	28,800 cum.	AMANI BEHERA AT/PO- UTHANINUAGAN DIST- MAYURBHANJ	2015-16	2019-20	Working

River Sand Mining**DSR of Balasore District****CONCLUSION:**

Since it is an interim report, to meet the requirement of minerals in the present scenario, it is proposed to identify such potential areas at certain interval and get the data bank of DSR to be updated. The mining activity in any area is on one hand bring Revenue and employment (Direct and indirect) and on other hand if not done properly potential pollution and ecological imbalance increases, the ability of the ecosystem can also be reduced. Particulate matter transported by the wind as a result of excavations, blasting, transportation of materials, heavy equipments used raise these particulate levels; and Gas emissions from the combustion of fuels in stationary and mobile sources, explosions, and mineral processing. All these activities indirectly affected the biodiversity of area. Larger potential and smaller areas have been identified in Balasore District on the basis of geological study carried out during field observation, which can be considered for mining concession after all the parameters for statutory clearances are verified by consulting with concerned authorities.

Court Matter/Time Bound**F. No. L-11011/175/2018-IA-II (M)**

Government of India
Ministry of Environment, Forest & Climate Change
Impact Assessment Division

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

Dated: 12th December 2018Office Memorandum

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

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

2. The Hon'ble NGT vide order dated 13th September, 2018 in O.A. No. 186 of 2016 (*Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr*) has inter-alia directed as follows:-

"(i) Providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling member Category B-2 at par with Category B-1 by SEAC/ SIEAA as well as for cluster situation wherever it is not provided;

(ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA;

(iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance;

(iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof;

(v) revise the procedure to also incorporate procedure with respect

to annual rate of replenishment and timeframe for replenishment after mining closure in an area;

(vi) the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining."

3. In view of the above, the undersigned is directed to forward the copy of the aforementioned orders for necessary compliance and inform the Ministry about the action taken. A copy of the same has been sent to the Chief Secretaries of all the states/UTs.

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

Yours faithfully,

Encl: As above


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

To,

1. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), A-3, Prayauaraana Bhavan, Industrial Estate Sanath Nagar Moosapet, Hyderabad, 500018
2. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Andaman & Nicobar
3. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), 2nd floor, Beltron, Baldev Bhawan Rd, Shastri Nagar, Patna, Bihar- 800023
4. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Secretariat, Paryavas Bhawan, North Block Sector-19 Atal Nagar, Raipur(C.G.)- 490099
5. The Member Secretary, Environment department, Room No. 217, 2nd floor, Mantralaya, Annexe, Mumbai- 400 032.
6. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Department of Environment, Science and Technology, NH 22, SDA Complex, Kasumpti, Shimla, Himachal Pradesh 171009
7. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Vatavaran Bhawan, Nabha Road, Patiala-147001
8. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Jammu & Kashmir
9. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Madhya Pradesh
10. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Daman & Diu
11. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Uttar Pradesh.
12. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Ground Floor, Panagal Maligai, No.1 Jeenis Road, Saidapet, Chennai-600 015, Tamil Nadu

13. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Ambedkar Veedhi, Sampangi Rama Nagar, Bengaluru, Karnataka 560001
14. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Velakudi, Pallimukku, Kerala
15. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Telangana
16. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), III Floor, PHB Building, Anna Nagar, Puducherry-605005
17. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Poura Bhavan, Block 'FD'415-A, 4th Floor, Sector-III Salt Lake, Kolkata-700106
18. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Zoology Department, Sikkim Government College, Tadong Sikkim-737102
19. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Sylvan House, Lower Lachumiere, East Khasi Hills, Shillong - 793001
20. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Dhurwa Nursery Complex, Near Dhurwa Bus Stand, Ranchi, Jharkhand 834004
21. The Member Secretary, State Level Environment Impact Assessment Authority(SEIAA), Paryavaran Bhavan, Sector-10A, Gandhinagar - 382010 Gujarat

Copy to:

1. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SZ), Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road, Koramangala II Block, Bangalore-560034
2. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (WZ), E-5, Kendriya Paryavaran Bhawan, E-5 Area Colony, Link Road-3, Ravishankar Nagar, Bhopal-462016
3. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar-751023
4. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SEZ), 1st and 2nd Floor, Handloom Export Promotion Council, 34, Cathedral Garden, Road, Nungambakkam, Chennai-34
5. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NZ), Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh-160030
6. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NCZ), Pearson Road, P.P. New Forest, Forest Research Institute (FRI) Campus Dehradun-248006
7. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (CZ), Kendriya Bhawan, 5th Floor Sector "H", Aliganj, Lucknow-226020

8. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (WCZ), Ground Floor, East Wingh, New Secretariat Building, Civil Lines, Nagpur-440001
9. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (ECZ), Bungalow No. A-2, Shyamali Colony Ranchi-834002
10. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NEZ) Law-U-Sib, Lumbatngen, Near MTC Workshop, Shillong, Meghalaya-793021


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

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NGT Matter/Urgent
Reminder

Government of Odisha
Forest, Environment & CC Department.

No. FE-ENVI-ENV-0028-2018/ 3834*** /FE&CC, Dated 22 .02.2022

From

Shri Susanta Nanda, IFS,
Director, Environment-cum-
Special Secretary to Government.

To

Shri Satyabrata Sahu, IAS,
Additional Chief Secretary to Govt.,
Revenue & Disaster Management Department.

Sub: Forwarding of DSR of all the districts duly examined by DEIAA & District Level Task Force Committee to SEIAA for approval

Ref: This Department letter No.21885 dated 13.12.2021 and No.22398 dated 20.12.21.(Copy enclosed)

Sir,

In inviting a reference to the subject cited above and to the minutes of 2nd meeting on sustainable sand mining held on 04.12.2021, I am to request you to kindly instruct all the Collectors to forward the complete District Survey Report (DSR) of all the districts, duly examined by DEIAA, to SEIAA for its approval.

The Collectors may also be asked to submit the DLC Report of the District on forest land, to facilitate in grant of EC by SEIAA.

Yours faithfully

Encl: As above

Susanta 22/02
Director, Environment-cum-
Special Secretary to Govt.

Memo No. 3835/FE&CC, Dated: 22.02.2022

Copy forwarded to Shri Shubham Saxena, IAS, Director, Minor Minerals, Revenue & DM Department for information and necessary action.

Encl: As above

Susanta 22/02
Director, Environment-cum-
Special Secretary to Govt

Memo No. 3836/FE&CC, Dated: 22.02.2022

Copy forwarded to all collectors/ Member Secretary, SEIAA/SEAC & SPCB for information.

Encl: As above.

Susanta 22/02
Director, Environment-cum-
Special Secretary to Govt.

Government of Odisha
Forest, Environment & Climate Change Department

No. FE-ENV1-ENV-0028-2018/ 22398*** / FE&CC, dt. 20-12-21
From

Sri Susanta Nanda, IFS,
Director, Environment-Cum-Special Secretary to Government

To

The Principal Secretary,
Revenue & DM Department
Govt. of Odisha

Sub: Forwarding of DSR of all the districts duly examined by DEIAA & District Level Task Force Committee to SEIAA on EC on sand mining.

Ref: This Department letter No. 21885 dated 13.12.2021.

Sir,

In inviting a reference to the subject cited above and to the minutes of 2nd meeting on sustainable sand mining held on 04.12.2021, I am to request you to kindly instruct all the Collectors to forward the complete District Survey Report (DSR) of all the districts, duly examined by DEIAA to SEIAA for its approval.

The Collector may also be requested to submit the DLC Report of the District on forest land, to facilitate in grant of EC by SEIAA.

Yours faithfully,

Encl: As above

S. Nanda 10/12
Director, Env.-cum-
Special Secretary to Govt.

Memo No. 22399/FE&CC, dt. 20.12.2021

Copy forwarded to the Director, Minor Mineral, Revenue & DM Department for information & necessary action.

Encl: As above

S. Nanda 10/12
Director, Environment-cum-
Special Secretary to Govt.

Memo No. 22400/FE&CC, dt. 20.12.2021

Copy along with copy of minutes of 2nd meeting on Sustainable Sand Mining forwarded to all Collectors for information & necessary action.

Encl: As above

S. Nanda 10/12
Director, Environment-cum-
Special Secretary to Govt.

Memo No. 22401/FE&CC, dt. 20.12.2021

Copy forwarded to Senior PS to the Member Secretary, SEIAA/SEAC & SPCB for information.

S. Nanda 10/12
Director, Environment-cum-
Special Secretary to Govt.

111
Government of Odisha
Forest, Environment & Climate Change Department

No. FE-ENV1-ENV-0028-2018/ 21885 /FE&CC, dt. 13.12.21
From

Sri Susanta Nanda, IFS,
Director, Environment-Cum-Special Secretary to Government

To

The Principal Secretary,
Department of Water Resources
The Principal Secretary,
Revenue & DM Department
The Member Secretary, SEIAA
The Member Secretary,
State Pollution Control Board, Odisha
The Director, Minor Minerals-cum-Special Secretary to Government,
Revenue & DM Department

Sub: Minutes of the 2nd Meeting held on 04.12.2021 at 4:00 PM through online VC mode under the Chairmanship of Chief Secretary, Odisha regarding Hon'ble NGT O.A. No. 360/2015- NGT Bar Association Vrs. Virender Singh (State of Gujarat) & O.A. No. 173/2018, Sudarsan Das Vrs. State of West Bengal on sustainable sand mining activities.

Sir,

In inviting a reference to the subject cited above, I am directed to enclose herewith the minutes of the 2nd Meeting held on 04.12.2021 at 4:00 PM through online VC mode under the Chairmanship of Chief Secretary, Odisha regarding Hon'ble NGT O.A. No. 360/2015- NGT Bar Association Vrs. Virender Singh (State of Gujarat) & O.A. No. 173/2018, Sudarsan Das Vrs. State of West Bengal on sustainable sand mining activities for your kind information & necessary compliance.

Yours faithfully,

Enclosed: As above


Director, Env.-cum-10/12/21
Special Secretary to Govt.

Memo No. 21886 /FE&CC, dt. 13.12.2021
Copy forwarded to the OSD-cum-ex-Officio Special Secretary to Chief Secretary,
Odisha for kind information of Chief Secretary.


Director, Environment-cum-10/12/21
Special Secretary to Govt.

Memo No. 21887 /FE&CC, dt. 13.12.2021
Copy forwarded to the Senior PS to Additional Chief Secretary, FE & CC Department
for kind information of Additional Chief Secretary.


Director, Environment-cum-10/12/21
Special Secretary to Govt.

Minutes of the 2nd meeting held on 04.12.2021 at 4:00 PM under the Chairmanship of the Chief Secretary, Odisha in the matter of "Sustainable Sand Mining" related to O. A. No. 360/2015- NGT Bar Association Vrs. Virender Singh (State of Gujarat) & O. A. No. 173/2018 -Sudarshan Das Vrs. State of West Bengal & Ors.

A virtual meeting was held on 04.12.2021 at 4:00 PM under the Chairmanship of the Chief Secretary, Odisha on the matter of Sustainable Sand Mining. Principal Secretary, Revenue & DM Dept., Member Secretary, SEIAA, Member Secretary, SPCB, Director, Environment-cum-Special Secretary, FE&CC Department, Special Secretary, WR Dept. and Director, Minor Minerals participated in the meeting.

Welcoming all participants, Director, Environment-cum-Special Secretary, FE&CC Dept. informed that, this was the 2nd meeting for the Quarter October to December as stipulated in the order dt.26.02.2021 on O.A. No.360/2015. He further gave a glimpse on various O.As in which different directions have been issued by Hon'ble NGT.

The following decisions were taken in the meeting:

1. (a) It was decided that since the DSR for all the 30 districts have been prepared recently, during the next round of preparation, the same shall be prepared by NABET (National Accreditation Board for Education and Training) / QCI (Quality Control Council of India).
- (b) Furthermore, it was decided that the DSRs that have been prepared will be examined by DEIAA and will be sent to SEIAA for appraisal by SEAC and final approval by SEIAA till new DSRs are prepared.

This exercise is to be completed within the next one months time.

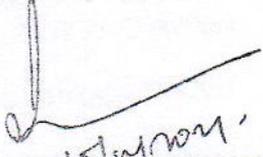
2. Director, Environment is to have consultations with the NABET / QCI accredited consultants for fixing up a reasonable rate for preparation of DSR based on the requirement of Man days of technical persons required, in consultation with the Principal Secretary, Revenue & DM Department approval of the Government.
 3. It was also decided that for replenishment study and filing of applications for grant of EC, the rates will be fixed in consultation with the agencies concerned by the Director, Environment.
- Furthermore, clarification regarding the agencies to prepare replenishment studies will be issued by Director, Environment.
4. The rate fixed by Hon'ble NGT regarding penalty to be imposed and compensation to be assessed is under active consideration of the Government. Revenue Department is to issue suitable notification in this regard after approval of the Government.
 5. Regarding digital technology for monitoring, including remote sensing, vehicle tracking through GPS fitted vehicles, i4MS tool is being implemented through OCAC which should suffice the purpose.



[Handwritten signature]

6. A separate bank account has already been opened at UCO Bank by the FE&CC Department. After approval of the compensation rate, compensation received will be deposited in that account.
7. It was decided that as the Annual Report is to be submitted before March, 2022 and as it is to be uploaded in the website thereafter, R&DM Department is to submit the report by the stipulated date for further action by FE&CC Department .

The meeting ended with a vote of thanks to the chair.


CHIEF SECRETARY, ODISHA

- (i)** “Having regard to the findings at (a), (b) and (c) above, we direct the State to undertake further exercise for preparation of a fresh DSR for the Banka district.
- (ii)** As the DEIAA is not functioning as a consequence of the decision of the Tribunal in *Satendra Pandey* (supra), the DSR shall be prepared through a consultant(s) accredited by the National Accreditation Board of Education and Training/Quality Control Council of India in terms of O.M. of MoEF & CC dated 16.03.2010.
- (iii)** The DSR so prepared shall be submitted to the District Magistrate who shall verify the DSR only in respect of the relevant facts pertaining to the physical and geographical features of the district which shall be distinct from the scientific findings based on the parameters

prescribed in the SSMMG- 2016. After such verification, the District Magistrate shall forward the DSR for examination and evaluation by the State Expert Appraisal Committee (SEAC) having regard to the fact that the SEIAA comprises of technical/scientific experts. The SEAC after appraisal of the report shall forward it to the SEIAA for consideration and approval if it meets all scientific/technical requirements.

(iv) While preparing the DSR, the MoEF & CC Accredited Agency/Consultant shall scrupulously follow the procedure and the parameters laid down under the SSMMG-2016 and EMGSM-2020 read in sync with each other.”

2. The appellant-State of Bihar has assailed the said judgment and order dated 14th October 2020, on various grounds.

3. Shri Atmaram Nadkarni, learned Senior Counsel appearing on behalf of the State of Bihar submitted that the Tribunal has grossly erred in holding that unless the State Expert Appraisal Committee (hereinafter referred to as “SEAC”) and the State Environment Impact Assessment Authority (hereinafter referred to as “SEIAA”) grants approval to the District Survey Report (hereinafter referred to as “DSR”) for the purpose of mining of sand, the same cannot be carried out. He submitted that the Tribunal has further held that the very invitation of the tenders without preparing the DSR in accordance with the judgment of the Tribunal in the case of **Satendra Pandey v. Ministry of Environment, Forest and Climate Change and Another**¹ could not have been done. He submitted that after the tenders are invited in accordance with the DSR prepared by the District Level Committee, the

1 O.A. No. 186 of 2016 (M.A. No. 350/2016)

successful bidder will be required to prepare a mining plan and unless such a mining plan is approved by SEAC and SEIAA, the Environmental Clearance would not be granted and in turn, mining activities cannot be carried out. He submitted that the finding of the Tribunal is like putting the cart before the horse. He further submitted that the Tribunal has also grossly erred in holding that the DSRs prepared by the State were without following the requisite procedure and without considering the relevant factors. He submitted that not only the procedure as prescribed under the relevant rules and regulations was complied with, but the voluminous material in support of the same was also placed on record before the Tribunal. He submitted that the Tribunal has not taken into consideration the said material. He therefore submitted that the judgment and order passed by the Tribunal dated 14th October 2020, needs to be set aside and the State needs to be permitted to finalize the tenders received by it.

4. Shri Nadkarni further submitted that on account of the orders passed by the Tribunal, the old lessees are continuing

with the mining activities by paying a meagre amount to the State Government. He therefore submitted that on account of this, a huge loss would be caused to the public exchequer. In the alternative, he submitted that the State, at least, needs to be permitted to undertake mining activities through Bihar State Mining Corporation until the DSRs are finalized in accordance with the judgment of the Tribunal.

5. Shri P.S. Patwalia, learned Senior Counsel appearing on behalf of the original applicant vehemently opposed the appeals. He submitted that the Tribunal has rightly held that the DSRs are not prepared in accordance with the relevant rules as well as policy guidelines. He submitted that it is apparently clear that the State has taken into consideration only financial enrichment without considering the environmental aspects.

6. Though, we have heard the learned counsel for both the parties at length on merits, we find that it will be appropriate

that the appeals are kept pending for further consideration and till then, certain interim orders are passed.

7. It cannot be in dispute that though the developmental activities are not stalled, the environmental issues are also required to be addressed. A balanced approach of sustainable development ensuring environmental safeguards, needs to be resorted to. At the same time, it also cannot be ignored that when legal mining is banned, it gives rise to mushroom growth of illegal mining, resulting into clashes between sand mafias, criminalization and at times, loss of human lives. It also cannot be disputed that sand is required for construction of public infrastructural projects as well as public and private construction activities. A total ban on legal mining, apart from giving rise to illegal mining, also causes huge loss to the public exchequer.

8. Taking into consideration these aspects of the matter, we propose to issue certain interim directions.

9. The Tribunal, in the case of **Satendra Pandey** (supra), has found that the notification dated 15th January 2016, which provided Environmental Clearance to be given by the District Environment Impact Assessment Authority (hereinafter referred to as the “DEIAA”) was not in consonance with the judgment of this Court in the case of **Deepak Kumar v. State of Haryana and Others**². The Tribunal therefore in **Satendra Pandey** (supra), had directed Ministry of Environment, Forest and Climate Change (hereinafter referred to as “MoEF and CC) to take steps to revise the procedure laid down in the notification dated 15th January 2016. It is to be noted that MoEF and CC, in accordance with the directions of the Tribunal, had issued Enforcement and Monitoring Guidelines for Sand Mining (hereinafter to referred to as “the 2020 guidelines”) in the month of January 2020. Chapter 4 of the 2020 guidelines deals with identification of possible sand mining sources and preparation of DSR. It will be relevant to refer to Clause 4.1.1 (a), (o) and (p) of the 2020 guidelines:-

2 (2012) 4 SCC 629

“4.1 Identification of possible sand mining sources and preparation of District Survey Report (DSR)

4.1.1 Preparation of District Survey Report.

a) District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (Loi) by Mining department or department dealing the mining activity in respective states.

o) Potential site for mining having its impact on the forest, protected area, habitation, bridges etc, shall be avoided. For this, a sub-divisional committee may be formed which after the site visit shall decide its suitability for mining. The list of mining lease after the recommendation of the Committee needs to be defined in the following format given in as **Annexure-II**. The Sub-Divisional Committee after the site visit shall make a recommendation on the site for its suitability of mining and also records the reason for selecting the mining lease in the Patta land. The details regarding cluster and contiguous cluster needs to be provided as in **Annexure-III**. The details of the transportation need to be provided as in **Annexure IV**.

p) **Public consultation**-The Comments of the various stakeholders may be sought on the list of mining lease to be auctioned. The State Government shall give an advertisement in the local and national newspaper for seeking comments of the general

public on the list of mining' lease included in the DSR. The DSR should be placed in the public domain for at least one month from the date of publication of the advertisement for obtaining comments of the general public. The comments so received shall be placed before the sub-divisional committee for active consideration. The final list of sand mining areas [leases to be granted on riverbed & Patta land/Khatedari land, de-siltation location (ponds/lakes/dams), M-Sand Plants (alternate source of sand)] after the public hearing needs to be defined in the final DSR in the format as per **Annexure-V**. The details regarding cluster and contiguous cluster needs to be provided in **Annexure-VI**. The details of the transportation need to be provided in **Annexure-VII**.”

10. It could thus be seen that in accordance with the 2020 guidelines, the DSR is required to be prepared before the auction/e-auction/grant of mining lease by Mining Department or Department dealing with mining activity in the respective States. It is further provided that the potential site for mining having its impact on the forest, protected area, habitation and bridges should be avoided. For this, a sub-divisional committee is required to be formed which, after the site visit, is required to decide regarding the suitability of the sites for mining. The

sub-divisional committee is further required to record its reasons for selecting the mining lease in the patta land. Various details are required to be given in the annexures appended to the said policy.

11. It is further to be noted that Appendix-X of the notification dated 15th January 2016, issued by MoEF and CC also provides for composition of the sub-divisional committee:-

“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.”

12. It is to be noted that with the advent of modern technology, various technological gadgets like Drones and satellite imaging etc. can be used for identification of the potential sites and preparation of the DSR and also to check misuse and unauthorized mining.

13. We further find that when the 2020 guidelines as well as the notification issued by MoEF and CC of 2016 itself provide for constitution of sub-divisional committees comprising of the officers of the State Government from various Departments for identification of the potential sites for mining, there would be no necessity of the DSRs being prepared through private consultants as directed by the Tribunal in the impugned order. The sub-divisional committee consists of various officers from Revenue Department, Irrigation Department, State Pollution Control Board, Forest Department and Geology Mining Department of the State Government. They are better equipped to visit the sites and prepare the draft DSR for the concerned district. Apart from that, preparation of DSR through private consultants would also unnecessarily burden the public exchequer. We are therefore of the view that the direction in that regard issued by the Tribunal requires to be modified. We are further of the considered view that until the DSRs are finalized and granted approval by SEAC and SEIAA, it is appropriate that certain necessary arrangements are permitted

so that the State can continue with legal mining activities. This apart from preventing illegal mining activities, would also ensure that the public exchequer is not deprived of its share in legalized mining.

14. We therefore find it appropriate to substitute the directions issued by the Tribunal vide judgment and order dated 14th October 2020, with the following directions:-

- (i) The exercise of preparation of DSR for the purpose of mining in the State of Bihar in all the districts shall be undertaken afresh. The draft DSRs shall be prepared by the sub-divisional committees consisting of the Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or mining officer. The same shall be prepared by undertaking site visits and also by using modern technology. The said draft DSRs shall be prepared within a

period of 6 weeks from the date of this order. After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC. The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereon;

- (ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed;
- (iii) Until further orders, we permit the State Government to carry on mining activities

through Bihar State Mining Corporation for which it may employ the services of the contractors. However, while doing so, the State Government shall ensure that all environmental concerns are taken care of and no damage is caused to the environment.

15. List the matter after 20 weeks.

.....**J.**
[L. NAGESWARA RAO]

.....**J.**
[SANJIV KHANNA]

.....**J.**
[B.R. GAVAI]

NEW DELHI;
NOVEMBER 10, 2021.

Item No. 01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No.54/2022/EZ

Bhumi Adhigrahan Visthapan Avam
Punarvas Kisan Samiti

Applicant(s)

Versus

State of Jharkhand & Ors.

Respondent(s)

Date of hearing: 13.05.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Ms. Paushali Banerjee, Advocate

For Respondent(s) : Ms. Aishwarya Rajyashree, Advocate for R-1 to 3 9 (in
virtual mode),
Mr. Surendra Kumar, Advocate for R-5,
Mr. Debasish Ghosh, Advocate for R-6 (in virtual mode)

ORDER

1. Ms. Paushali Banerjee, learned Counsel for the Applicant, is physically present in court.
2. This original application has been filed by the Applicant seeking quashing of the Notice Inviting Expression of Interest dated 30.09.2021 published by Jharkhand State Mineral Development Corporation Limited (Respondent No.3) with a further prayer that the District Survey Report (DSR) be prepared in conformity with the Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020.
3. Ms. Paushali Banerjee, learned Counsel submits that by impugned notification dated 30.09.2021 the Jharkhand State Mineral Development Corporation Limited (Respondent No.3) has invited Expression of Interest for Empanelment of Mine-developer-cum-operator (MDOs) for obtaining statutory clearances, excavation and transportation of sand from sand ghats to stockyards, setting up

and maintenance of stockyards, loading sand on the vehicle and sale of sand to end customer.

4. The contention of the Applicant is that the District Survey Report (DSR) has been prepared by District Level Environment Impact Assessment Authority (DEIAA) whereas it is required to be approved by State Level Environment Impact Assessment Authority (SEIAA) as per directions given by the Hon'ble Supreme Court in *Civil Appeal No(s).3661-3662/2020, The State of Bihar & Ors. Vs. Pawan Kumar & Ors.* vide order dated 10.11.2021. The directions given by the Hon'ble Supreme Court are extracted herein below: -

“The directions issued by the Tribunal vide judgment and order dated 14th October 2020, are substituted as follows:

(i) The exercise of preparation of DSR for the purpose of mining in the State of Bihar in all the districts shall be undertaken afresh. The draft DSRs shall be prepared by the sub-divisional committees consisting of the Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or mining officer. The same shall be prepared by undertaking site visits and also by using modern technology. The said draft DSRs shall be prepared within a period of 6 weeks from the date of this order. After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC. The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the

grant of approval to such DSRs within a period of 6 weeks from the receipt thereon;

(ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed;

(iii) Until further orders, we permit the State Government to carry on mining activities through Bihar State Mining Corporation for which it may employ the services of the contractors. However, while doing so, the State Government shall ensure that all environmental concerns are taken care of and no damage is caused to the environment.”

5. The learned Counsel for the Applicant submits that even though the directions of the Hon'ble Supreme Court were given with regard to sand mining operation in the State of Bihar but the directions therein would be applicable universally in all the States where sand mining activity is to be carried on and the directions of the Hon'ble Supreme Court cannot be applied selectively by different States. Further, directions/guidelines have also been issued by MoEF&CC which lays down the procedure for preparation of District Survey Report (DSR).
6. A further submission of the learned Counsel is that the Notice Inviting Expression of Interest provides for empanelment of MDOs. The submission is that this procedure does away completely with the guidelines laid down for inviting open tenders through public auction of sand mine areas. Learned Counsel submits that under the garbs of the Notice dated 30.09.2021 the Respondent No.3 is

trying to create a cartel of sand minors of its own choice meaning thereby creating vested interests.

7. In our opinion, matter requires consideration.
8. Issue notice to the respondents, returnable within four weeks.
9. Ms. Aishwarya Rajyashree, learned Counsel who is present in virtual court proceedings is directed to take notice on behalf of the State Respondents, Respondent Nos.1, 2, & 3.
10. Mr. Surendra Kumar, learned Counsel who is present in the court, accepts notice on behalf of the Respondent No.5, Jharkhand State Pollution Control Board.
11. Mr. Debasish Ghosh, learned Counsel who is present in virtual court proceedings is directed to take notice on behalf of the Respondent No.6, Ministry of Environment, Forests and Climate Change.
12. All the respondents shall file their counter-affidavits within four weeks.
13. The State Respondents in their counter-affidavit shall specifically address themselves to the directions given by the Hon'ble Supreme Court in the case of Pawan Kumar (supra). Further, directions/guidelines issued by MoEF&CC for preparation of District Survey Report (DSR) may also be addressed.
14. The Applicant shall provide e-copy/soft copy of the Original Application along with all its annexures to the learned Counsel for the Respondents within 24 hours.
15. In the interim, we direct that till the counter-affidavit is filed by the State Respondents, no sand mining leases shall be awarded in pursuance of the impugned Notice Inviting Expression of Interest dated 30.09.2021.

16. **List on 14.07.2022.**

.....
B. Amit Sthalekar, JM

.....
Saibal Dasgupta, EM

May 13, 2022,
Original Application No.54/2022/EZ
MN

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

Original Application No. _____ of 2024

Bibekananda Pattnaik Applicant

VERSUS

State of Odisha..... Respondents

KNOW ALL to whom these present shall come that I Bibekananda Pattnaik, S/O Late Radhakrushna Pattnaik, aged about 58 Years, At/Po/PS- BaripadaTown, Mayurbhanj, Odisha 757001, The above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani, Ashutosh Padhy, Advocates, Address-Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002, ENROLMENT NO O-785/2007, Email-sankarprasadpani@gmail.com**

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 24th day of June 2024.

Accepted subject to the terms of fees.

Spm
Advocate

Bibekananda Pattnaik

Client

Client

A. Padhy