

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
I.A. NO. 86 /2024
IN
ORIGINAL APPLICATION NO 86/2024**

IN THE MATTER OF:-

PRADEEP SINGH SHEKHAWAT ...APPLICANT

VERSUS

UNION OF INDIA & ORS. ... RESPONDENTS

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FILED

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DATE: __.10.2024
PLACE: KOLKATA

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO. 86/2024/EZ

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PRADEEP SINGH
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APPLICATION FOR SETTING ASIDE THE DRAFT DISTRICT SURVEY REPORT FOR VARIOUS DISTRICTS HAVING BEING PREPARED IN CONTRAVENTION OF THE SUSTAINABLE SAND MINING MANAGEMENT GUIDELINES, 2016 ('SSMMG GUIDELINES, 2016') AND THE ENFORCEMENT & MONITORING GUIDELINES FOR SAND MINING, 2020 ('EMGSM GUIDELINES, 2020')

MOST RESPECTFULLY SHOWETH:

1. The Applicant herein had filed OA No. 86/2024 before this Hon'ble Tribunal on 24.04.2024 raising substantial question relating to the environment under Section 14 of the National Green Tribunal Act, 2010, arising out of the failure of the Respondents to curb the concerning surge in the illegal mining of minor minerals including sand, gravel, clay and stone in the State of Assam, without obtaining the requisite permissions under the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act'), The

Water (Prevention and Control of Pollution) Act, 1974 (**‘Water Act’**) and the Environment (Protection) Act, 1986 (**‘EP Act’**). Further, the Applicant also sought directions against the Respondents to prohibit conducting auctions of Minor Mineral Concession Areas (MMCA) in various districts of State of Assam such as Cachar, Tinsukia, Udalguri, Goalpara, Golaghat, Kamrup Metro, Lakhimpur and Nagaon without following the mandatory procedure for preparation of a District Survey Report (**‘DSR’**) which is a pre-requisite and a sine qua non for granting any mining leases(s)/permit under the provisions of the Environment Impact Assessment Notification dated 14.09.2006 (**‘Notification dated 14.09.2006’**) issued by Union Ministry of Environment, Forest and Climate Change (**‘Respondent No. 1’**) and as amended by way of Notification dated 15.01.2016, the Sustainable Sand Mining Management Guidelines, 2016 (**‘SSMMG Guidelines, 2016’**) and the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (**‘EMGSM Guidelines, 2020’**).

2. The said O.A. was filed raising 11 grounds which are not being repeated herein for the sake of brevity. I reaffirm and reiterate the averments made, the grounds and contentions raised in the O.A as well as the Rejoinder Affidavit. The same are not being repeated herein for the sake of brevity.
3. That the Applicant craves leave of this Hon’ble Tribunal to treat the same as having being incorporated herein and permit the Petitioner herein to rely upon the same at the time of urging the present application.

4. The Applicant submits that the Ministry of Environment, Forest and Climate Change (MoEF&CC) had published the Environment Impact Assessment Notification, 1994 in relation to the Major Minerals in an area more than 5 hectares. That subsequently on 14.09.2006, MoEF&CC issued EIA Notification 2006 for Major & Minor Mineral more than 5 Hectares. The Hon'ble Supreme Court in the case of *Deepak Kumar etc. vs. State of Haryana and others etc.*, in its Judgment dated 27.02.2012 in I.A. No. 12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009 made prior environment clearance mandatory for mining of minor minerals irrespective of the area of mining lease. Thus, the distinction of the Major and Minerals in an area of more than 5 hectares and less than 5 hectares stands obliterated.
5. That the MoEF&CC issued publication Sustainable Sand Mining Management Guidelines 2016 for scientific and sustainable sand mining in the Country.
6. That subsequently the National Green Tribunal in its Order dated 04.09.2018 in O.A. No. 173 of 2018 in the matter of *Sudarsan Das vs. State of West Bengal & Ors.* has categorically held that “*effective institutional monitoring mechanism is required not only at the stage when Environmental Clearance is granted but also at subsequent stages*”.

7. The guidelines dated 15.01.2016 ought to be scrupulously followed.
8. That in January, 2020 the MoEF&CC published the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (**‘EMGSM Guidelines, 2020’**) in order to have an effective enforcement of regulatory provisions and their monitoring. The said document as per the MoEF&CC was to serve as a guideline for collection of critical information for enforcement of the regulatory provision(s) and also highlights the essential infrastructural requirements necessary for effective monitoring for Sustainable Sand Mining.
9. As per the MoEF&CC, the EMGSM Guidelines are supplemental to the existing Sustainable Sand Mining Management Guideline-2016 (SSMG-2016), and both the guidelines viz. EMGSM-2020 and SSMG-2016 have to be read and implemented in sync with each other. In case, any ambiguity or variation between the provision of both these document arises, the provisions made in EMGSM 2020 shall prevail.
10. The Objectives of the Guidelines are:-
 - Identification and Quantification of Mineral Resource and its optimal utilization.
 - To regulate the Sand & Gravel Mining in the Country since its identification to its final end-use by the consumers and the general public.
 - Use of IT-enabled services & latest technologies for surveillance of the sand mining at each step.

- Reduction in demand & supply gaps.
- Setting up the procedure for replenishment study of Sand.
- Post Environmental Clearance Monitoring.
- Procedure for Environmental Audit.
- To control the instance of illegal mining.

11. The 2020 Guidelines in Para 4 provides for preparation of the District Survey Report and categorically states:-

“4.1.1 – (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.”

12. It further states:-

b) 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.

c) 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) Identification of the source of Sand & M-Sand. The sources may be from Rivers, Lakes, Ponds, Dams, De-silting locations, Patta land/Khtedari lands. The details in case of Rivers such as [name, length of river, type (Perennial or

Non-Perennial), Villages, Tehsil, District], in case of Lakes, Ponds, Dams, De-silting locations [Name, owned/maintained by (State Govt./PSU), area, Villages, Tehsil, District] in case of Patta land/Khtedari lands [Owner Name, Sy No, Area, Agricultural/Non-Agricultural, Villages, Tehsil, District], in case of M-Sand Plant [Owner Name, Sy No, Area, Quantity/Annum, Villages, Tehsil, District], needs to be recorded as per format given in Annexure-I.

e) 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. 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 are 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.”

13. It talks of public consultation as under:-

“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, desiltation 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.”

14. The whole idea of having a public consultation is to bring to the notice of the public at large and thus specifically in the area where lease is to be granted the impact of grant of mining permissions in the said area.

15. In this regard, the State of Assam in the Counter Affidavit filed to the O.A. has stated that the State has prepared and uploaded on the district website of 25 districts the draft DSRs for public viewing/ suggestions / objections for 21 days.

True copies of the draft DSRs for 26 Districts have already been filed by the Petitioner along with Rejoinder and the same are not being repeated herein for the sake of brevity.

16. That the Applicant submits that the draft DSRs have been prepared in contravention of the Notification dated 15.01.2016, SSMMG Guidelines, 2016 as well as the EMGSM Guidelines, 2020, and are bad in law and thus ought to be set aside for the following reasons:

I. Absence of Replenishment Study

- 16.1. **Clause 5** of the **EMGSM Guidelines, 2020** mandates the inclusion of a replenishment study, particularly for riverbed sand

5.0 REPLENISHMENT STUDY

The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream's physical characteristics, 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 an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on instream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river

stretch, it is imperative to have a study of replenishment of material during the defined period

- 16.2. It is submitted that the draft DSRs in each district entirely omits this crucial study. That in *Junaid Ayubi v. State of Haryana, 2024 SCC OnLine NGT 445*, the Principal bench of this Tribunal held that a prior replenishment study is necessary for grant of environmental clearance for mining of river bed sand. Further, the Hon'ble Tribunal after considering the provisions of the MoEF's Guidelines, 2020 emphasized that (i) calculating rate of annual replenishment of sand, and (ii) allowing time for replenishment of sand after mining, are both relevant and held that sand mining in the riverbed without replenishment study cannot be permitted
- 16.3. That requirement has been reiterated in *Pramod v. State of Uttar Pradesh order dated 11.03.2022 passed in Appeal 23/2021, Mohan Prakash v. MoEF & Ors bearing OA No. 801 of 2023*, and in *Pramod v. State of Uttar Pradesh, OA No. 90/2020* a District Survey Report ought to be based on a valid replenishment study.
- 16.4. It is submitted that replenishment studies are central to assessing whether mining can be sustained without depleting natural resources, particularly in riverbed mining, where unchecked extraction can cause

irreversible damage to the ecosystem. Without this study and the data collected therefrom, the stakeholders—especially those directly affected by mining activities—cannot evaluate the sustainability of proposed mining plans or assess the environmental consequences of these activities

II. Draft DSRs contain Incomplete Data

- 16.5. The purported Draft DSRs are incomplete, lacking critical information such as production and revenue data for sand, bajri, and other minor minerals over the past three years. Furthermore, many essential sections of the Draft report are marked with placeholders stating that "*data is to be collected*," leaving large portions of the document unfinished
- 16.6. This is a significant lapse, as the DSR is meant to be a comprehensive document that forms the basis for crucial decision-making. Without these data points, the public including the Applicant cannot make informed and effective objections during the consultation process and thus cannot raise effective objections to the same

III. Single DSRs for all minor minerals

- 16.7. That the purported Draft DSRs improperly consolidates all minor minerals into a single document, which is a direct violation of the provisions set forth in

Notification S.O. 3611(E) dated 25.07.2018. According to this notification, DSR must be prepared *separately* for each minor mineral within the district. The intention behind this requirement is to ensure that the specific environmental, geological, and socioeconomic impacts of each type of minor mineral are adequately assessed and managed. By combining all minor minerals into a single report, the Drafts DSR fails to provide a thorough and mineral-specific analysis, which is necessary to meet legal and environmental standards

A true copy of the Notification S.O. 3611(E) dated 25.07.2018 is annexed herewith and marked as **Annexure A-1**

- 16.8. This improper consolidation hinders the public's including the Applicant's ability to give effective objections during the consultation process. Without separate assessments for each minor mineral, the public is deprived of the opportunity to evaluate the unique environmental and resource management challenges associated with each mineral type. This lack of specificity prevents stakeholders from understanding the full impact of proposed mining activities on their environment, making it impossible to provide informed feedback or raise concerns about the sustainability of individual minerals

IV. Outsourcing to private consultants

16.9. It transpires that the preparation of the DSR appears to have been entirely outsourced to private consultants with no involvement from public officers, which is in violation of the decision of the Hon'ble Supreme Court in *State of Bihar v. Pawan Kumar*, (2022) 2 SCC 348. It is submitted that in Para 15 of *Pawan Kumar (supra)*, the Hon'ble Supreme Court criticized the practice of outsourcing the preparation of DSRs to private consultants and held that DSRs must be prepared by Sub-Divisional Committees composed of officers from various State Government departments. It is submitted that the public officers are expected to play a leading role in ensuring the accuracy, objectivity, and integrity of the DSR, especially given its significant environmental and resource management impacts, and that outsourcing this process is a clear violation of the *Pawan Kumar (supra)* guidelines

V. Failure to provide Mineral Potential

16.10. That the draft DSRs fail to provide mineral potential calculated on the basis of field investigation and geology of the catchment area of the river/ streams. The SSMMG, 2016 in **Clause 14** of the Chapter “STRUCTURE OF DISTRICT SURVEY REPORT”, mandates the calculation of Mineral potential and

further provides a specific format for calculation of the same during preparation of DSR.

- 16.11. The draft DSRs fail to address the very purpose of the preparation of DSR and is contrary to the SSMMG, the EMGSM and the Judgment of the Hon'ble NGT in *Anjani Kumar vs State of Uttar Pradesh & Ors.* It is a settled position that the purpose of the preparation of the DSR 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

VI. Failure to identify specific mining sites

- 16.12. That the purported Draft DSR fails to identify specific mining sites, which is a critical element of any district-level survey report. **Clause 4.3** of the EMGSM mandates that the mining plan should include specific measurements, including pre- and post-monsoon levels, as well as detailed maps and environmental assessments.
- 16.13. The **Clause 4.1.1(c)** of the Guidelines prescribe that the '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.

However, in the present draft DSR, neither the mining zone nor the no-mining zones have been identified.

- 16.14. It is submitted that the Draft DSRs do not exhaustively identify the mining areas where such mining activity is proposed to be carried out. It is submitted that without identifying the areas where mining is proposed, it is impossible to evaluate the potential environmental impacts and plan for mitigation measures. By failing to provide this information, the Draft DSRs leaves critical gaps in the planning and regulation of mining activities, making it impossible to evaluate potential environmental impacts or implement effective mitigation measures
17. That pertinently, Applicant has duly submitted detailed representations to the concerned Respondents *inter alia* raising objections against the draft DSRs, highlighting the arbitrary and whimsical procedure followed by the Respondents and that the Draft DSRs are lacking data points which is essential for public consultation. That the true copies of the objections raise by the Applicant have already been annexed along with the Rejoinder Affidavit.

That the deficiencies present in the Draft DSR have been summarized in a tabular form for the convenience of this Hon'ble Court as **Annexure A/2**

18. The absence of critical elements such as replenishment studies, field-level environmental data, and accurate mineral potential assessments severely undermines the Draft DSRs' legitimacy. Additionally, the reliance on incomplete or missing field-level data, combined with the improper consolidation of different minor minerals into a single report, leaves critical gaps in the Draft DSRs. These gaps prevent the public including the Applicant from understanding the true environmental impact of the proposed mining projects and render the entire public consultation process ineffective.
19. The very purpose of public consultation is to allow stakeholders to participate meaningfully in decisions that affect their environment and livelihoods. However, without access to accurate replenishment studies and field data, it is impossible for the public to provide well-informed feedback, thereby undermining the transparency and fairness of the process.
20. In light of the above, it is submitted that no valid public consultation or objections can be made on the Draft DSRs due to the absence of necessary data and studies, rendering the Draft DSRs liable to be set aside
21. That grave prejudice and irreparable has been and shall continue to be caused to the ecological balance of the State of Assam in the event, the instant application is not allowed in favour of the Applicant.

22. That the balance of convenience lies in favour of the Applicant, and it has a strong *prima facie* in its favour since the Respondents have miserably failed to abide by the procedure for preparation of DSR and EC for mining of minor minerals in the State of Assam in contravention of several rules, guidelines and Notifications as issued by the Respondents themselves.
23. That the instant application is being filed in *bona fide* and in interests of justice.
24. That, no other or similar application has been filed by the Applicant before this Hon'ble Tribunal or any other Court(s) or Tribunal(s).

PRAYER

In light of the submissions made by the Applicant herein, it is most respectfully prayed that this Hon'ble Appellate Tribunal may be pleased to:-

- a. Issue directions setting aside the Draft District Survey Reports (DSRs) for the districts (annexed as Annexure A/21 to Annexure A/43 of the Rejoinder) and for any other district in Assam where the Draft DSR has been prepared without conducting a proper replenishment study and without publishing field level data; and/or
- b. Direct the Respondents to re-notify the Draft DSRs for all districts of Assam for public consultation only after their preparation in strict compliance with the law,

ensuring that the Draft DSRs contain comprehensive replenishment data and all relevant environmental, geological, and field-level data collected through proper studies;

- c. Pass such other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts of the present case;

Al. Bhatia FILED

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AFFIDAVIT

I, Pradeep Singh Shekhawat, S/o Govind Singh, R/o A-34, A, Vivekanand Colony, Naya Khera, Jaipur, Rajasthan – 302023, aged about 37 Years, do hereby solemnly affirm and state on oath as under:

1. That I am the Applicant in the captioned matter and as such am fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That I have gone through the contents of the accompanying application and the same has been drafted by my counsel according to my instructions and the contents of the same are true and correct to my knowledge.



ATTESTED 15 OCT 2024
Anil Kumar Jain
Notary (Govt. of India)
JAIPUR (Raj.)

[Signature]
DEPONENT

Verified on this ____ day of ____ 2024 that the contents of the present Affidavit are true and correct to my knowledge and nothing material has been concealed.

ATTESTED
Anil Kumar Jain
Notary (Govt. of India)
JAIPUR (Raj.)

[Signature]
DEPONENT

15 OCT 2024



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

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

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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 कले 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 (डीईआईएए) 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.

ANNEXURE - 2**TABULAR SUMMARY OF DEFICIENCIES OF DRAFT DSRS**

S.No.	Districts	Replenishment Study Conducted	Whether Pre-Monsoon and Post-Monsoon Data Collected	Incomplete Data	Outsourced to Private Consultants	Identification of Specific Mining Sites
1.	Tamulpur	No	No	<ul style="list-style-type: none"> • No data regarding revenue generated in previous 3 years is provided. • Details of production of Bajri or minor minerals in previous 3 years is not provided. • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes - CPC Environment Solution Pvt. Ltd.	No specific site for mining is recognised.
2.	Udalguri	No	No	<ul style="list-style-type: none"> • No data regarding revenue generated in previous 3 years is provided. • Details of production of Bajri or minor minerals in previous 3 years is not provided. • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes - CPC Environment Solution Pvt. Ltd	No specific site for mining is recognised.

3.	Baksa	No	No	<ul style="list-style-type: none"> No data regarding revenue generated in previous 3 years is provided. Details of production of Bajri or minor minerals in previous 3 years is not provided. Data regarding details of river or stream and other sand sources not provided. District-wise study of sand or gravel or aggregate resources not provided. Data regarding mineral potential not provided. Cluster situation not examined and ascertained. 	Yes - CPC Environment Solution Pvt. Ltd..	No specific site for mining is recognised.
4.	Chirang	No	No	<ul style="list-style-type: none"> No data regarding revenue generated in previous 3 years is provided. Details of production of Bajri or minor minerals in previous 3 years is not provided. Data regarding details of river or stream and other sand sources not provided. District-wise study of sand or gravel or aggregate resources not provided. Data regarding mineral potential not provided. Cluster situation not examined and ascertained. 	Yes - CPC Environment Solution Pvt. Ltd.	No specific site for mining is recognised.
5.	Dhubri	No	No	<ul style="list-style-type: none"> No data regarding revenue generated in previous 3 years is provided. Details of production of Bajri or minor minerals in previous 3 years is not provided. Data regarding details of river or stream and other sand sources not provided. District-wise study of sand or gravel or aggregate resources not provided. Data regarding mineral potential not provided. Cluster situation not examined and ascertained. 	Yes - CPC Environment Solution Pvt. Ltd..	No specific site for mining is recognised.

6.	Kokrajhar	No	No	<ul style="list-style-type: none"> • No data regarding revenue generated in previous 3 years is provided. • Details of production of Bajri or minor minerals in previous 3 years is not provided. • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes - CPC Environment Solution Pvt. Ltd.	No specific site for mining is recognised.
7.	Sonitpur	No	No	<ul style="list-style-type: none"> • Data regarding revenue generated in previous 3 years not provided. • Details of production of Bajri or minor minerals in previous 3 years is not provided. • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes - CPC Environment Solution Pvt. Ltd..	No specific site for mining is recognised.
8.	Goalpara	No	No	<ul style="list-style-type: none"> • Data regarding mineral potential not provided. • Details of production of Bajri or minor minerals in previous 3 years is not provided. • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Cluster situation not examined and ascertained. 	Yes - Grass Roots Research & Creation India (P) Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
9.	Cachar	No	No	<ul style="list-style-type: none"> • Data regarding mineral potential not provided. • Details of production of Bajri or minor minerals in previous 3 years is not provided. 	No - District Commissioner, Cachar District,	No specific site for mining is recognised.

				<ul style="list-style-type: none"> • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Cluster situation not examined and ascertained. 	Government of Assam	
10.	Lakhimpur	No	No	<ul style="list-style-type: none"> • Data regarding mineral potential not provided. • Details of production of Bajri or minor minerals in previous 3 years is not provided. • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Cluster situation not examined and ascertained. 	No - District Commissioner, Lakhimpur District, Govt of Assam	No specific site for mining is recognised.
11.	Hojai	No	No	<ul style="list-style-type: none"> • Data regarding mineral potential not provided. • District-wise study of sand or gravel or aggregate resources not provided. 	No- Divisional Forest Officer, Nagaon-South Forest Division, Hojai, Assam	No specific site for mining is recognised.
12.	Kamrup	No	No	<ul style="list-style-type: none"> • Data regarding mineral potential not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Cluster situation not examined and ascertained. 	No- Office of District Commissioner, Kamrup District	No specific site for mining is recognised.
13.	Kamrup Metropolitan	No	No	<ul style="list-style-type: none"> • Data regarding revenue generated in previous 3 years not provided. • Details of production of Bajri or minor minerals in previous 3 years is not provided. • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. 	Yes- RSP Green Development & Laboratories Pvt. Ltd	No specific site for mining is recognised.

				<ul style="list-style-type: none"> • Cluster situation not examined and ascertained. 		
14.	Karbi Anglong	Yes	Yes		Yes- RSP Green Development & Laboratories Pvt. Ltd	Sites recognised
15.	Morigaon	No	No	<ul style="list-style-type: none"> • Data regarding revenue generated in previous 3 years not provided. • Details of production of Bajri or minor minerals in previous 3 years is not provided. • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
16.	Nagaon	No	No	<ul style="list-style-type: none"> • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
17.	Biswanath	No	No	<ul style="list-style-type: none"> • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.

18.	Charaideo	No	No	<ul style="list-style-type: none"> • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
19.	Dibrugarh	No	No	<ul style="list-style-type: none"> • Details of production of Bajri or minor minerals in previous 3 years is not provided. • Data regarding revenue generated in previous 3 years not provided. • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
20.	Golaghat	No	No	<ul style="list-style-type: none"> • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
21.	Jorhat	No	No	<ul style="list-style-type: none"> • Data regarding revenue generated in previous 3 years not provided. • Data regarding details of river or stream and other sand sources not provided. 	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study

				<ul style="list-style-type: none"> • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. Cluster situation not examined and ascertained. 		
22.	Tinsukia	No	No	<ul style="list-style-type: none"> • Data regarding details of river or stream and other sand sources not provided. • District-wise study of sand or gravel or aggregate resources not provided. • Data regarding mineral potential not provided. • Cluster situation not examined and ascertained. 	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study
23.	West Karbi Anglong	Yes	Yes		Yes- RSP Green Development & Laboratories Pvt. Ltd	Sites recognised

PROOF OF SERVICE¹⁰⁴³

Outlook

In OA-86/2024 titled "Praveen Singh Shekhawat vs Union of India"

From Apurv Yash <Apurvyash@vertarilegal.com>**Date** Mon 21-10-2024 18:56**To** secy-moef@nic.in <secy-moef@nic.in>; cs-assam@nic.in <cs-assam@nic.in>; hoff-assam@gov.in <hoff-assam@gov.in>; chairman@pcbassam.org <chairman@pcbassam.org>; chmn-seiaa-as@gov.in <chmn-seiaa-as@gov.in>; dgmassam@gmail.com <dgmassam@gmail.com>; dc-cachar@nic.in <dc-cachar@nic.in>; dc-tinsukia@nic.in <dc-tinsukia@nic.in>; dc-udalguri@nic.in <dc-udalguri@nic.in>; dc-goalpara@nic.in <dc-goalpara@nic.in>; dc-golaghat@nic.in <dc-golaghat@nic.in>; dc-kamrupm@nic.in <dc-kamrupm@nic.in>; dc-lakhimpur@nic <dc-lakhimpur@nic>; dc-nagaon@nic.in <dc-nagaon@nic.in>; apu7law@gmail.com <apu7law@gmail.com>; Malabika RoyDey <mrdey@rediffmail.com>; surendra_kr15@rediffmail.com <surendra_kr15@rediffmail.com>**Cc** Litigation Team <LitigationTeam@vertarilegal.com>; Madhav Bhatia <madhavbhatia@vertarilegal.com>

Sir/Ma'am,

I act for and on behalf of my client, i.e., the Applicant in the subject matter. You are requested to find attached the Rejoinder to Affidavit filed on behalf of the State of Assam (Respondent No. 2) and the Application seeking Setting Aside of Draft DSRs published *qua* various districts of Assam. Please note that this mail shall be treated as sufficient proof of service for all purposes henceforth.

[Rejoinder to Assam final.pdf](#) [Application 1.pdf](#)

Regards

Apurv Yash

Associate

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