

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

IN

OA. No. 17/2025/EZ

(Earlier OA. No. 1274/2024/PB)

**IN THE MATTER OF**

**Dharmender Choudhary and Ors.**

.... APPLICANT(S)

**VERSUS**

**State of Bihar and Ors.**

.... RESPONDENT(S)

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*Mrinal Kanti Biswas*

**Mrinal Kanti Biswas**

Regional Director & Scientist E,

CPCB, Kolkata

Filed through

*Sibojyoti Chakrabarti*

Counsel

for CPCB

Dated: 21/05/2025

Place: Kolkata



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**REPLY ON BEHALF OF RESPONDENT NO. 3 i.e. CENTRAL POLLUTION CONTROL BOARD**

1. That Hon'ble National Green Tribunal (hereinafter referred to as "Hon'ble NGT") (EZ) vide order dated 25.03.2025 in Original Application (hereinafter referred to as "OA") No. 17 of 2025 (EZ) (Earlier OA. No. 1274/2024/PB), has impleaded Central Pollution Control Board (hereinafter referred to as "CPCB") as Respondent No. 3 and directed to file response in the instant matter. Thereby, the reply is made in this instant OA in succeeding paragraphs.
2. That the instant case is related to the area of Balughat Nos. 22, 23 and 24, unorganized and divided in 6 codes wherein it is alleged that Uday Singh S/o Lt. Narayan Singh resident of Nagar Panchayat Khemda, Barun is conducting illegal mining at Khemda and Barun Balughat. It is further alleged that these activities are obstructing the smooth, organized allocation and operation of Khemda and Barun Balughat and allegedly poses a significant threat to railway and road bridges, which are part of NHAI over River Sone.
3. That CPCB has been constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "the Water Act, 1974"). It performs functions under the Water Act, 1974 along with the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "the Air Act, 1981") and the Environment (Protection) Act, 1986 (hereinafter referred to as "the E(P) Act, 1986").
4. It is further submitted that State Pollution Control Boards (hereinafter referred to as "SPCBs") and Pollution Control Committees (hereinafter referred to as "PCCs") have been constituted in States/Union Territories



under the Water Act, 1974 and the Air Act, 1981 and are empowered to implement the provisions of these Acts in respect of territories falling in their respective Territorial Jurisdictions.

5. That Hon'ble NGT (PB) vide order dated 22.11.2024 in the instant matter has constituted a committee comprising of (i) District Magistrate, Aurangabad, (ii) Bihar State Pollution Control Board and, (iii) Central Pollution Control Board with the direction to collect relevant information, visit the site, and submit a factual report before Hon'ble Tribunal.

### **PRELIMINARY SUBMISSIONS**

1. That, the committee visited the site on 23rd & 24th December 2024 along with all stakeholders and final signed committee report has been submitted to the Hon'ble NGT on 7th January 2025.
2. That, the committee visited the alleged Balughats No. 4, 9, 21, 22, 23, and 24. It was observed that Balughats No. 4, 9, 21, and 23A were operational and being utilized for sand excavation with valid Lease Agreements, Consent to Operate (CTO), Consent to Establish (CTE), and Environmental Clearance (EC). No evidence of illegal mining activities was observed at these locations. The committee also observed that Balughats No. 22A, 22B, 22C, 23B, 23C, 24A, 24B, and 24C were non-operational and in the process of either allotment or obtaining necessary approvals, such as EC or CTO.
3. That, the committee observed that the Balughats 4, 9 & 21 were not registered under the name of Mr. Uday Singh. The Balughat No. 4 was registered under proprietor Rangesh Kumar Gautam (M/s OM Enterprises), The Balughat No. 9 and Balughat No. 21 were registered under proprietor Babita Sinha (M/s Gautam Filling Centre), The Balughat No. 23A was registered under proprietor Upendra Singh (M/s Upendra Nikhil High-tech Construction Pvt. Ltd).
4. That, with respect to allegation made on Sand Transportation below the National Highways and Railway Bridge, the committee observed that:
  - i. No traces of mining activities were observed under or near the bridges
  - ii. Mining activities were carried out approximately 1.5 km away from the bridges.

Heavy vehicles were observed using the underpass beneath the two parallel railway bridges (between Pillar No. 45 and 46), and two parallel road bridges (P-49 and P-50). The kaccha roads under these bridges are away from the pillars.



5. That w.r.t allegation made on Loss of Government Revenue, the committee observed that

- i. As per the Bihar Sand Mining Policy, 2019 - *"the settlee shall make sale of sand to all consumers, small, medium or large, either through online or offline mode. All transactions/ payments, excavation, production/ transportation, stocking details shall be captured through the departmental online real time monitoring system. Sale of sand shall be controlled by electronic documentation linked to a central documentation monitoring facility and all lease shall upload a monthly progress report on department portal without fail"*. The Challans are generated for the sale of sand and verified by the committee.

6. That, the Committee also observed that:

- i. The sand mining is taking place in controlled and regulated manner.
- ii. The Detailed Sand Mining Report (DSR) is available for the operational Balughats, which includes plot numbers 4, 9, 21, and 23A. Mining activities are being carried out in accordance with the DSR guidelines. The last Replenishment Study was conducted in 2022.
- iii. Pillars observed to be installed for demarcating the allowable sand mining areas in the plots 4, 9, 21, and 23A, where leases have been granted for sand mining. Signboards displaying the source details, deposit quantity, area, and license information have been erected.
- iv. The mining at Balughat plots 4, 9, 21, and 23A has not exceeded the 3-meter depth limit and that the mining activities are being conducted at a distance greater than 11 meters (away) from the riverbank.
- v. The District Administration conducts monthly monitoring of the sand ghats/blocks through Unmanned Aerial Vehicles (UAVs)/Drone surveys.
- vi. CCTV cameras have been installed by the District Administration to ensure transparency in the operation of sources and the transportation of materials.
- vii. The District Administration carries out real-time monitoring of transport vehicles, such as trucks, equipped with GPS tracking, from the sand sources to the end users.
- viii. Sand excavation is carried out using semi-mechanized machines, in compliance with EC conditions.



- ix. A weighbridge has been installed to weigh the loaded vehicles used for transportation.
- 7. That, as per "Sustainable Sand Mining Management Guidelines-2016" issued by MoEF&CC with Gazette Notification dated 15/01/20216, it is humbly submitted that under the 'Standard Environmental Conditions for Sand Mining, sl. no. 19, page no. 74' it is mentioned "*depending upon the location, thickness of sand, deposition, agricultural land/ Riverbed, the method of mining may be manual, semi-mechanized or mechanized: however, manual method of mining shall be preferred over any other method.*" **(Annexure-I)**. In the Specific conditions of the Environmental Clearance issued by SEIAA, Bihar, it has been mentioned at point 5 that "*Semi-mechanized, preferably manual method shall be used for river bed mining*".
- 8. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional replies if required in future.
- 9. That, in light of the above submissions, it is respectfully submitted that this answering respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in this Original Application.

Prepared by me  
 Subyati Chakraborti  
 Advocate  
 for CPCB

*Mrinal Kanti Biswas*

**Mrinal Kanti Biswas**

Regional Director & Scientist 'E'  
 CPCB, Kolkata





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

IN

OA. No. 17/2025/EZ

(Earlier OA. No. 1274/2024/PB)

S.L. NO. 01/21/85/20.25

IN THE MATTER OF

**Dharmender Choudhary and Ors.**

**APPLICANT(S)**

**VERSUS**

**State of Bihar and Ors.**

**RESPONDENT(S)**

**AFFIDAVIT**

I, Mrinal Kanti Biswas, S/o Saroj Kumar Biswas aged about 43 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Identified by me

*Sibajyoti Chakrabarti*  
Advocate

*[Signature]*

DEPONENT



RANTOSH KUMAR DATTA  
NOTARY  
801A, Hari Ghosh Street  
Kolkata-700006  
Regn. No.- 24 of 1998

21 MAY 2025

Solemnly Affirmed  
&  
Declared before me  
on Identification of Advocate

*[Signature]*  
S. K. DATTA  
NOTARY

21.05.2025

X

**VERIFICATION**

Verified at Kolkata on this day of 21/05/ 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the... Day of 21/05/ 2025.

**Identified by me**

*Subajyati Chakrabarti*  
**Advocate**

*[Signature]*  
**DEPONENT**

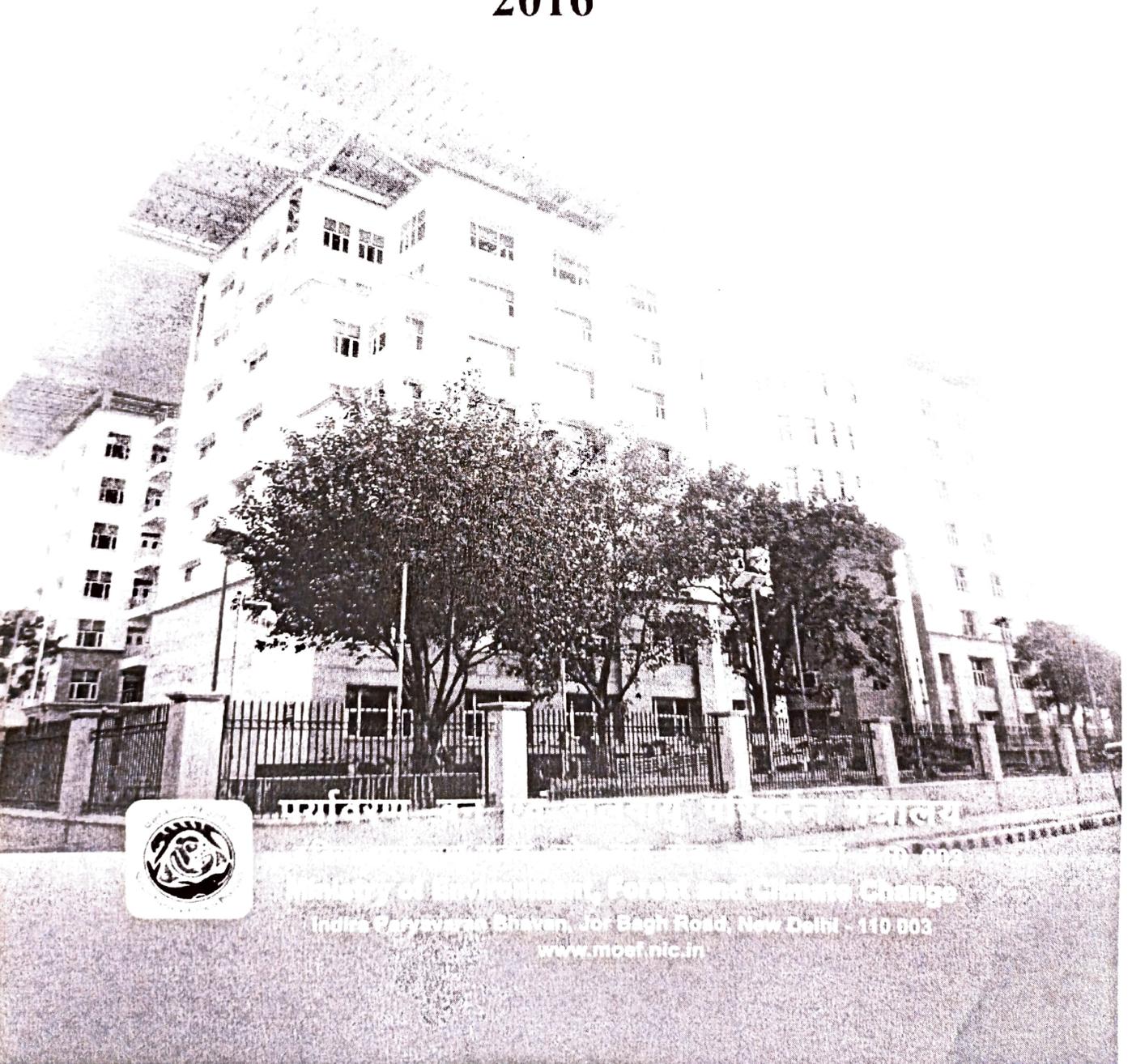


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# SUSTAINABLE SAND MINING MANAGEMENT GUIDELINES 2016



Ministry of Environment, Forest and Climate Change  
Indira Park, Prastha Shiksha, Jor Bagh Road, New Delhi - 110 003  
[www.moef.nic.in](http://www.moef.nic.in)



## Acknowledgment

The Sustainable Sand Mining Management Guidelines 2016, has been prepared after extensive consultation with the States and stakeholders over a period of last one year. The Guideline assimilates the knowledge and experience of stakeholder. The main objective of the Guidelines is to ensure sustainable sand mining and environment friendly management practices in order to restore and maintain the ecology of river and other sand sources. The team of the officers of Ministry of Environment, Forest and Climate Change who have worked for preparing these Guidelines comprised of following:

1. Shri Manoj Kumar Singh, Joint Secretary
2. Dr. U. Sridharan, Scientist 'F'
3. Dr. R.B. Lal, Scientist 'D'
4. Dr. Sonu Singh, Scientist 'D'



## SUSTAINABLE SAND MINING MANAGEMENT GUIDELINES

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## STANDARD ENVIRONMENTAL CONDITIONS FOR SAND MINING

Impact Category	S.No.	Environmental Conditions
<b>Stakeholder Engagement</b>	1	In the case of private land not owned by the lease holder an affidavit should be obtained regarding consent of the concerned land owner (s) for carrying out the mining operation.
	2	Stakeholder awareness and ability to raise concerns and getting it to be addressed.
	3	Implementation of Action Plan on the issues raised during the Public Hearing. The Proponent shall complete all the tasks as per the Action Plan submitted with the budgetary provisions during the Public Hearing.
	4	Having valid lease and all the permits is very much needed.
	5	To establish a Monitoring Committee including Local Panchayat, to check on traffic due to transportation and submit an annual report on the same.
	6	The directions given by the Hon'ble Supreme Court of India vide order dated 27.02.2012 in Deepak Kumar case [SLP(C) Nos. 19628-19629 of 2009] and order dated 05.08.2013 of the Hon'ble National Green Tribunal in application No. 171/2013 may be strictly followed.
	7	All the provisions made and restrictions imposed as covered in the Minor Mineral Rule, shall be complied with, particularly regarding Environment Management Practices and its fund management and Payment of compensation to the land owners.
<b>Sustainable Mining Practices</b>	8	District level Survey Report should be prepared and area suitable for mining and area prohibited for mining be identified.
	9	The depth of mining in Riverbed shall not exceed one meter or water level whichever is less, provided that where the Joint Inspection Committee certifies about excessive deposit or over accumulation of mineral in certain reaches requiring channelization, it can go up to 3 meters on defined reaches of the River.
	10	No River sand mining be allowed in rainy season.
	11	To submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production,



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		then the mining activity / production levels shall be decreased / stopped accordingly till the replenishment is completed.
	12	Ultimate working depth shall be up to 3.0 m from Riverbed level and not less than one meter from the water level of the River channel whichever is reached earlier. In hilly terrain this depth be preferably restricted to one meter.
	13	In River flood plain mining a buffer of 3 meter to be left from the River bank for mining.
	14	In mining from agricultural field a buffer of 3 meter to be left from the adjacent field.
	15	Mining shall be done in layers of 1 meter depth to avoid ponding effect and after first layer is excavated, the process will be repeated for the next layers.
	16	To maintain safety and stability of Riverbanks i.e. 3 meter or 10% of the width of the River whichever is more will be left intact as no mining zone.
	17	No stream should be diverted for the purpose of sand mining. No natural water course and/ or water resources are obstructed due to mining operations.
	18	No blasting shall be resorted to in River mining and without permission at any other place.
	19	Depending upon the location, thickness of sand, deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized; however, manual method of mining shall be preferred over any other method.
<b>Identification and Preparation of Mining Site</b>	20	Mining should be done only in area / stretch identified in the District Level Survey Report suitable for mining and so certified by the Sub-Divisional Level Committee after site visit.
	21	Mining should begin only after pucca pillar marking the boundary of lease area is erected at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the District Level Committee.
	22	The top soil in case of surface land mining shall be stored temporarily in an earmarked site and concurrently used for land reclamation.



<b>Monitoring the Mining of Mineral and its Transportation</b>	23	The EC holder shall keep a correct account of quantity of mineral mined out, dispatched from the mine, mode of transport, registration number of vehicle, person in-charge of vehicle and mine plan. This should be produced before officers of Central Government and State for inspection.
	24	For each mining lease site the access should be controlled in a way that vehicles carrying mineral from that area are tracked and accounted for.
	25	The State / District Level Environment Committee should use technology like Bar Coding, Information and Communications Technology (ICT), Web based and ICT enabled services, mobile SMS App etc. to account for weight of mineral being taken out of the lease area and the number of trucks moving out with the mineral.
	26	There should be regular monitoring of the mining activities in the State to ensure effective compliance of stipulated EC conditions and of the provisions under the Minor Mineral Concessions Rules framed by the State Government.
<b>Noise Management</b>	27	Noise arising out of mining and processing shall be abated and controlled at source to keep within permissible limit.
	28	Restricted working hours. Sand mining operation has to be carried out between 6 am to 7 pm.
<b>Air Pollution and Dust Management</b>	29	The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly.
	30	Air Pollution due to dust, exhaust emission or fumes during mining and processing phase should be controlled and kept in permissible limits specified under environmental laws.
	31	The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Wheel washing facility should be installed and used.
<b>Management of Visual Impact</b>	32	The mining operations are to be done in a systematic manner so that the operations shall create a major visual impact on the site.
<b>Bio-Diversity Protection</b>	33	Restoration of flora affected by mining should be done immediately. Twice the number of trees destroyed by mining to be planted preferably of indigenous species. Each EC holder should plant and maintain for lease period at least 5 trees per hectare in area near lease.
	34	No mining lease shall be granted in the forest area without forest clearance in accordance with the provisions of the Forest Conservation Act, 1980 and the rules made thereunder.



	35	Protection of turtle and bird habitats shall be ensured.
	36	No felling of tree near quarry is allowed. For mining lease within 10km of the National Park / Sanctuary or in Eco-Sensitive Zone of the Protected Area, recommendation of Standing Committee of National Board of Wild Life (NBWL) have to be obtained as per the Hon'ble Supreme Court order in I.A. No. 460 of 2004.
	37	Spring sources should not be affected due to mining activities. Necessary Protection measures are to be incorporated.
<b>Management of Instability and Erosion</b>	38	Removal, stacking and utilization of top soil in mining are should be ensured. Where top soil cannot be used concurrently, it shall be stored separately for future use keeping in view that the bacterial organism should not die and should be spread nearby area.
	39	The EC should stipulate conditions for adequate steps to check soil erosion and control debris flow etc. by constructing engineering structures
	40	Use of oversize material to control erosion and movement of sediments
	41	No overhangs shall be allowed to be formed due to mining and mining shall not be allowed in area where subsidence of rocks is likely to occur due to steep angle of slope.
	42	No extraction of stone / boulder / sand in landslide prone areas.
	43	Controlled clearance of riparian vegetation to be undertaken
<b>Waste Management</b>	44	Site clearance and tidiness is very much needed to have less visual impact of mining.
	45	Dumping of waste shall be done in earmarked places as approved in Mining Plan.
	46	Rubbish burial shall not be done in the Rivers.
<b>Pollution Prevention</b>	47	The EC holder shall take all possible precautions for the protection of environment and control of pollution.
	48	Effluent discharge should be kept to the minimum and it should meet the standards prescribed.
<b>Protection of Infrastructure</b>	49	Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply / irrigation scheme, 100 meters from the edge of National Highway and railway line, 50 meters from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meters from the edge of other



		roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
	50	For carrying out mining in proximity to any bridge or embankment, appropriate safety zone (not less than 200 meters) should be worked out on case to case basis, taking into account the structural parameters, location aspects and flow rate, and no mining should be carried out in the safety zone so worked out.
	51	Mining activities shall not be done for mine lease where mining can cause danger to site of flood protection works, places of cultural, religious, historical, and archeological importance.
<b>Enhancement Road Safety</b>	52	Vehicles used for transportation of sand are to be permitted only with of fitness and PUC Certificates.
	53	Junction at takeoff point of approach road with main road be properly developed with proper width and geometry required for safe movement of traffic by concession holder at his own cost.
	54	Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guideliness with respect to complying with traffic congestion and density.
	55	No stacking allowed on road side along National Highways.
<b>Closure and Reclamation of Mined Out Area</b>	56	The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
	57	Restoration, reclamation and rehabilitation in cluster should be done systematically and jointly by each EC holder in that cluster. This should be appropriately reflected as EC condition in each EC in cluster.
	58	Site specific plan with eco-restoration should be in place and implemented.
<b>Health and Safety</b>	59	Health and safety of workers should be taken care of.
	60	Transport of mineral will not be done through villages / habitations.
	61	The Project Proponent shall make arrangement for drinking water, first aid facility (along with species specific anti-venom provisioning) in case of emergency for the workers.



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	62	Project Proponent shall implement the Disaster Management Plan if the mine lease area is located in Seismic Zone-IV. Project Proponent shall appoint a Committee to have a check over any disaster to warn workers well before for the safety of the workers. Emergency helpline number will be displayed at all levels.
	63	Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and records maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers would also be adopted.
<b>Monitoring the Impact of Mining</b>	64	The Project Proponent shall report monitoring data on replenishment, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
<b>Mineral Conservation</b>	65	Use of alternate material such as M-sand in place of natural River sand shall be encouraged in order to reduce stress on natural eco-system.