

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

Original Application No. 138/2025/EZ

[Application under Section 18(1) read with Section 14, 15 and 17 of
the National Green Tribunal Act, 2010]

In the matter of :-

Biplab Kumar Chowdhury

.....Applicant

-Versus-

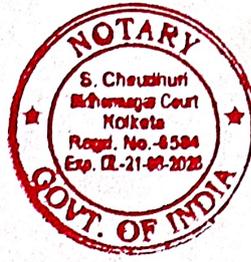
State of West Bengal & Others

....Respondents

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Debanakar Thakur
(Adv)



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State of West Bengal & Others

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**BEFORE THE NOTARY PUBLIC
AT BIHANNAGAR
DIST - NORTH 24 PARGANAS**

REJOINDER SUBMITTED AGAINST THE COUNTER AFFIDAVIT FILED
BY THE 6th RESPONDENT

I, Biplab Kumar Chowdhury, son of Late Birend Nath Chowdhury, aged about - 65 years, by faith - Hindu, by profession - Business, residing at 108, M.B. Road, Purbita, Sukanta Sarani, Police Station - Airport, Birati, Kolkata - 700051, do hereby solemnly affirm and say as follows :-

1. I am the applicant of the application and as such I am well-acquainted with the facts and circumstances of the case and I am competent to sign and affirm this affidavit.

2. That a copy of the counter affidavit (hereinafter referred to as the said affidavit) filed by and on behalf of the respondent No. 6 being affirmed by one Samil Panigrahi, General Manager (Sand/ Administration) of West Bengal Mineral Development & Trading Corporation Limited & Authorized Signatory of the respondent No. 6 has been served upon me. I have gone through the said affidavit and the purport thereof. I have understood the same and I shall deal with those allegations and contentions which are relevant for the purpose of

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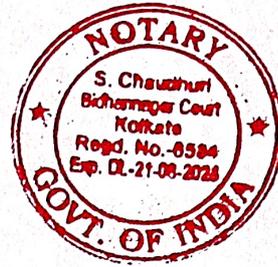
disposal of this appeal and the rest will be deemed to have been denied and disputed save and except those what are matters of record.

3. Before dealing with the statements and/or allegations made in the said affidavit of the respondent No. 6, I beg to state as follows :-

- (i). On 20-12-2024 the Managing Director, West Bengal Mineral Development & Trading Corporation Limited floated tender in respect of 151 mand blocks of different districts of the State of West Bengal,
- (ii). The list of sand mining blocks mentioned in the tender document floated by West Bengal Mineral Development & Trading Corporation Limited contains two categories of sand mining blocks. The ones which are measuring less than 20 Hectors have been classified as Category A and the ones which are measuring more than 20 Hectors have been classified as Category B.
- (iii). The list of sand mining blocks mentioned in the tender document floated by West Bengal Mineral Development & Trading Corporation Limited mentions the geo coordinates of such sand mining blocks.
- (iv). It is clear from the list of sand mining blocks mentioned in the tender document floated by West Bengal Mineral Development & Trading Corporation Limited that large number of sand mining blocks have been floated for auction in particular districts over particular rivers which consists of both Category A & B sand mining blocks.
- (v). Upon careful perusal of the geo coordinates of the list of sand mining blocks mentioned in the tender document floated by West Bengal Mineral Development & Trading Corporation Limited it is clear that the said sand mining blocks are

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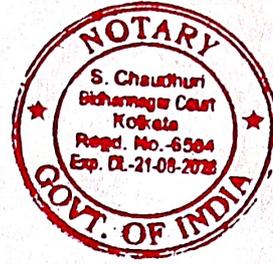


situated side by side in particular districts over particular river.

- (vi). If such large number of sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river then huge quantities of sand will be extracted thereby causing a serious threat to the natural course of flow of the said rivers.
- (vii). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will affect the course of flow of the river for which will cause various environmental hazards.
- (viii). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Riverbed Degradation as huge quantity of and extraction lowers the riverbed, leading to channel incision, bank erosion, and increased vulnerability to flooding.
- (ix). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Habitat Destruction which will cause change in riverbed topography and water flow disrupt aquatic ecosystems, impacting fish spawning grounds and reducing biodiversity.
- (x). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Groundwater Depletion leading to lowering riverbeds which will reduce groundwater recharge, impacting

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water availability for both human consumption and agriculture.

- (xi). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over FINDID particular river will cause Water Quality Issues thereby increase turbidity (cloudiness) from sediment disturbance can harm aquatic life and make water unsuitable for certain uses.
- (xii). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Coastal Erosion in coastal areas and can exacerbate erosion and threaten coastal habitats and infrastructure.
- (xiii). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause changes in River Morphology which can alter river flow patterns, leading to channel widening, braiding. and changes in sediment transport.
- (xiv). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Loss of Biodiversity and the removal of sand and gravel can directly impact the habitats of various riverine species, leading to a decline in biodiversity.
- (xv). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Damage to Infrastructure as Riverbed undermine bridges, roads, and other degradation infrastructure. can

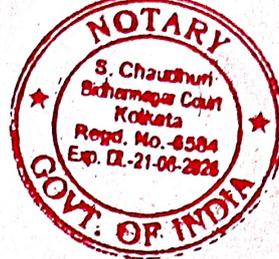
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- (xvi). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Disrupted Water Supply which can cause changes in river flow and groundwater levels can affect water availability for communities and agriculture.
- (xvii). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause loss of Livelihoods as Reduced fish populations and agricultural productivity impact the livelihoods of people who depend on the river for their sustenance.
- (xviii). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river the same will Increase Flood Risk and alter river INDIA /morphology and reduced floodplains can increase the risk of flooding in downstream areas.
- (xix). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Flooding and Displacement for which Rivers can abandon their established channels and create new ones, leading to widespread flooding in areas that were previously safe. This can displace large populations, as seen with the Kosi River in 2008, where a shift of 75 miles caused catastrophic flooding in Nepal and Bihar, displacing millions.
- (xx). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Agricultural Impacts because if the course of a

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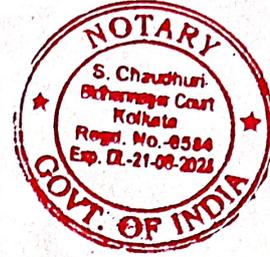


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particular river changes the same can lead to loss of fertile land, impacting agricultural productivity and livelihoods.

- (xxi). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Habitat Destruction as because River course changes can alter aquatic and terrestrial habitats, affecting biodiversity and ecological balance.
- (xxii). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Water Shortages as because in some cases, shifting river courses can lead to water shortages in areas that previously relied on the river for water supply.
- (xxiii). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Sediment Deposition and Erosion which may cause to increased erosion in some areas and deposition in others, affecting land use and stability.
- (xxiv). If such huge quantity of sand excavation from such sand mining blocks situated side by side to one another are allowed to operate together in particular districts over particular river will cause Economic Disruptions because Shifting rivers can disrupt transportation routes, impact tourism, and affect various industries that rely on the river.
- (xxv). Due to the reasons as mentioned herein above if the West Bengal Mineral Development & Trading Corporation Limited is allowed to proceed with the tender floated by it and auctions the 151 sand mining block and such huge amount of sand is

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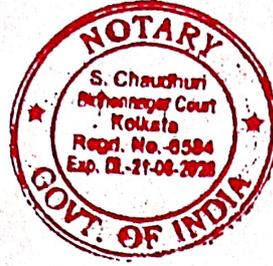
started to be extracted the same will be a threat to the common people of the districts concerned.

- (xxvi). Due to the reasons as aforesaid the applicant herein made a representation dated 3-7-2025 before the respondent authorities thereby requesting the respondent authorities to take immediate and appropriate steps to immediately suspend, recall and/or stop the auction process in respect of 151 sand blocks of different districts of the State of West Bengal floated by Managing Director, West Bengal Mineral Development & Trading Corporation Limited on 20-12-2024 as the same will severely affect the environment and the common people of the concerned locality.
- (xxvii). The respondent authorities even after receiving the letter dated 03-07-2025 has not taken any steps as per the request made in the said letter thereby sitting tight over the matter. The respondent authorities after receiving the letter dated 03.07.2025 of the applicant has not replied to the same and as such the applicant is INDLY absolutely in dark about the fate of such complaint.
- (xxviii). The Respondent authorities who were entrusted with the duty to protect the environment have failed to act in terms of the strict directions passed by the Hon'ble Tribunal. The deplorable conduct of the Respondent authorities only indicates collusion and connivance with the private parties who are taken participating in the auction process.
- (xxix). It should be mentioned here that the applicant has filed a public interest litigation before the Hon'ble High Court at Calcutta WPA(P) 197 of 2025 challenging the tender floated by the Managing Director, West Bengal Mineral Development & Trading Corporation Limited on 20-12-2024 in respect of 151 sand blocks of different districts of the State of West Bengal

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on a separate ground that the tender has been limited to a certain group of people already selected by the West Bengal Mineral Development & Trading Corporation Limited. The cause of action of the present application is completely different from the proceeding filed before the Hon'ble High Court at Calcutta.

4. Without prejudice to the aforesaid and relying strictly thereon I now deal with the paragraphs in the said objection in seriatim.

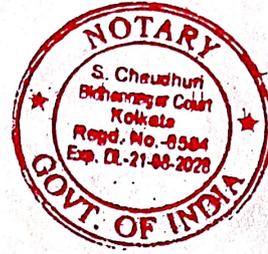
5. With reference to statements made in the paragraph Nos. 1, 2 & 3 of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No. 3 herein above.

6. With reference to statements made in the paragraph Nos. 4, 5 & 6 of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No. 3 herein above. It is pertinent to mention here that although the respondent No. 6 was constituted as an appropriate agency to attain the objectives of the West Bengal Sand (Mining, Transportation, Storage and Sale) Rule, 2021 hereinafter referred to as the "2021 Rules" but surprisingly the same has become an agency to promote illegal sand mining and illegal transportation of sand from mines to the stock yards through various private agencies with the active support of district administration including the police authorities.

7. With reference to statements made in the paragraph Nos. 7, 8 & 9 of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No.3 herein above. I further state that the list of identified MDOs has never been published by the WBMDTCL in order to suppress nepotism and pick and choose policy. The said selection should have been done in a transparent

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manner by way of disclosing the documents submitted by the identified MDOs in public portal in support of their eligibility criteria. Moreover, WBMDTCL has also not disclosed the list of MDOs selected for Category A and Category B, respectively.

8. With reference to statements made in the paragraph Nos. 10, 11 & 12 of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No. 3 herein above. It is pertinent to mention here that the public interest litigation being WPA(P) 19 of 2025 filed by one Safikul Islam Seikh and another public interest litigation being WPA(P) 197 of 2025 was filed by the present applicant which were dismissed by the Hon'ble High Court at Calcutta vide order dated 30-1-2025 and 22-7-2025, respectively, where no res regarding environmental pollution/hazardous of illegal mining activities were decided and as such the principal of res-judicata is application in the present case. Moreover, the Hon'ble Supreme Court in a recent case reported in (2024) 7 SCC 370 Government of NCT of Delhi & Another vs M/s. BSK Realtors has held the following amongst the others :-

"Res judicata, as a technical legal principle, operates to prevent the same parties from relitigating the same issues that have already been conclusively determined by a court. However, it is crucial to note that the previous decision of this Court in the first round would not operate as res judicata to bar a decision on the lead matter and the other appeals; more so, because this rule may not apply hard and fast in situations where larger public interest is at stake. In such cases, a more flexible approach ought to be adopted by courts, recognizing that certain matters transcend individual disputes and have far-reaching public interest implications."

AIR 1988 SC 2187 Rural Litigation & Entitlement Kendra vs State of UP

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9. With reference to statements made in the paragraph No. 13(a), 13(b), 13(c) & 13(d) of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No. 3 herein above. It is pertinent to mention here that issuance of tender raises a substantial question relating to environment since before floating tender the concerned block should be identified and specifically mentioned in the District Survey Report which should be prepared in terms of the notification being No. S.O. 141(E) dated 15-1-2016 issued by the Joint Secretary, Government of India. The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure 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 respondent authorities concerned has not complied with the directions contained in the judgment of the Hon'ble Supreme Court of India in Deepak Kumar and Others vs State of Haryana & Others reported in (2012) 4 SCC 629 has held as follows :-

20. The Report clearly indicates that operation of mines of minor minerals needs to be subjected to strict regulatory parameters as that of mines of major minerals. It was also felt necessary to have a relook to the definition of "minor minerals" per se. The necessity of the preparation of "comprehensive mines plan" for contiguous stretches of mineral deposits by the respective State Governments may also be encouraged and the same be suitably incorporated in the Mineral Concession Rules, 1960 by the Ministry of Mines.

21. Further, it was also recommended that the States, Union Territories would see that mining of minor minerals is subjected to simpler but

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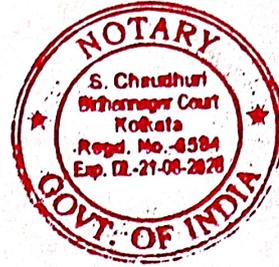
strict regulatory regime and carried out only under an approved framework of mining plan, which should provide for reclamation and rehabilitation of mined out areas. Mining plan should take note of the level of production, level of mechanisation, type of machinery used in the mining of minor minerals, quantity of diesel consumption, the number of trees uprooted, export and import of mining minerals, environmental impact, restoration of flora and host of other matters referred to in the 2010 Rules. A proper framework has also to be evolved on cluster of mining of minor minerals for which there must be a Regional Environmental Management Plan. Another important decision taken was that while granting of mining leases by the respective State Governments, location of any eco-fragile zone(s) within the impact zone of the proposed mining area, the linked rules/notifications governing such zones and the judicial pronouncements, if any, need to be duly noted.

22. The Minister for (Environment and Forests) wrote DO Letter dated 1-6-2010 to all the Chief Ministers of the States to examine the Report and to issue necessary instructions for incorporating the recommendations made in the Report in the Mineral Concession Rules for mining of minor minerals under Section 15 of the Mines and Mineral (Development and Regulation) Act, 1957. Following are the key recommendations reiterated in the letter:

- (1) Minimum size of mine lease should be 5 ha.
- (2) Minimum period of mine lease should be 5 years.
- (3) A cluster approach to mines should be taken in case of smaller mine leases operating currently.
- (4) Mine plans should be made mandatory for minor minerals as well.

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(5) A separate corpus should be created for reclamation and rehabilitation of mined out areas.

(6) Hydrogeological reports should be prepared for mining proposed below groundwater table.

(7) For riverbed mining, leases should be granted stretchwise, depth may be restricted to 3m/water level, whichever is less, and safety zones should be worked out.

(8) The present classification of minerals into major and minor categories should be re-examined by the Ministry of Mines in consultation with the States."

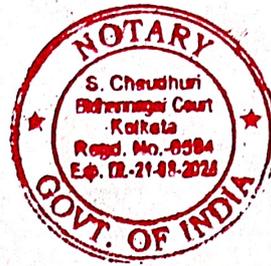
23. The Ministry of Mines, Government of India sent Communication No. 296/7/2000/MRC dated 16-5-2011 called "Environmental Aspects of Quarrying and of Minor Minerals—Evolving of Model Guidelines" along with a draft model guidelines calling for inputs before 30-6-2011. Draft rules called Minor Minerals Conservation and Development Rules, 2010 were also put on the website. Further, it may be noted that Section 15(1-A)(i) of the Act specifies:

"15. (1-A)(i) the manner in which rehabilitation of flora and other vegetation such as trees, shrubs and the like destroyed by reason of any quarrying or mining operations shall be made in the same area or in any other area [once] selected by the State Government (whether by way of reimbursement of the cost of rehabilitation or otherwise) by the person holding the quarrying or mining lease;"

26. 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

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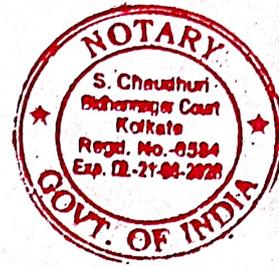
biodiversity as loss of habitat caused by sand mining will affect various species, flora and fauna and it may also destabilise the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, 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 48-A and Article 51-A(g) read with Article 21 of the Constitution.

27. The State of Haryana and various other States have not so far implemented the above recommendations of MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short-term permits by way of auction of minor minerals boulders, gravel, sand, etc., in the riverbeds and elsewhere of less than 5 ha. We, therefore, direct all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its Report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.

28. The Central Government also should take steps to bring into force the Minor Minerals Conservation and Development Rules, 2010 at the earliest. The State Governments and UTs also should take immediate steps to frame necessary rules under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 taking into consideration the recommendations of MoEF in its Report of March 2010 and model guidelines framed by the Ministry of Mines, Government of India. Communicate the copy of this order to MoEF, Secretary, Ministry of Mines, New Delhi; Ministry of Water Resources, Central Government Water Authority; the Chief Secretaries of the respective States and Union Territories, who would circulate this order to the Departments concerned."

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In a subsequent decision reported in (2022) 2 SCC 348 State of Bihar & Others -versus- Pawan Kumar & Other the Hon'ble Supreme Court of India has specifically held as follows :-

"11. 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 Clauses 4.1.1(a), (o) and (p) of the 2020 Guidelines:

"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

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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."

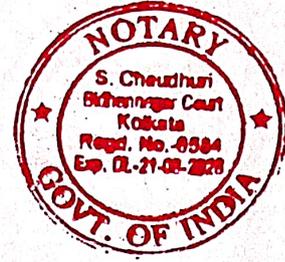
Photostat copy of the notification being No. S.O. 141 (E) dated 15-1-2016 issued by the Joint Secretary, Government of India is annexed and marked as Annexure 'A'.

10. With reference to statements made in the paragraph Nos. 13(e), 13(f) & 13(g) of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No. 3 herein above. I stated that the respondent No. 6 on violation of order dated 14-2-2023 passed in OA 74/2022/EZ as solemn order dated 17-7-2023 passed in OA 2/2023/EZ has floated tenders in respect of various sand mining blocks throughout the state of West Bengal.

11. With reference to statements made in the paragraph Nos. 14, 15 & 16 of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No.3 herein above. It is pertinent to mention here that the blocks in respect of which the tender was floated have not found place in the final approved DSR of the concerned districts which is contrary to the guideline and the ratio laid down in the aforesaid judgments of the Hon'ble Supreme Court. In this context it is relevant to mention here that in the garb of saving time the respondent No. 5 in connivance with respondent No. 6 has

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published a notification dated 12-6-2025 thereby stating that licenses may be issued to those 111 bidders who have participated in the e-auction, made the requisite payment and obtained Letter of Intent. The said notification was done with the approval of Land and Land Reforms and RR and R Department, Government of west Bengal which is in clear violation of the guidelines laid down by the Hon'ble Supreme Court of India in Deepak Kumar and Others vs State of Haryana & Others reported in (2012) 4 SCC 629 and (2022) 2 SCC 348 State of Bihar & Others -versus- Pawan Kumar, the notification being No. S.O. 141(E) dated 15-1-2016 issued by the Joint Secretary, Government of India and Enforcement & Monitoring Guidelines for Sand Mining issued by the Ministry of Environment, Forest and Climate Change on January, 2020.

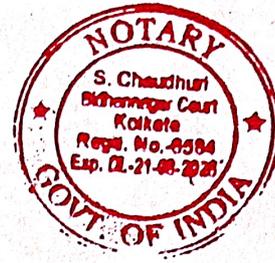
Photostat copy of the notification dated 12-6-2025 and the Enforcement & Monitoring Guidelines for Sand Mining issued by the Ministry of Environment, Forest and Climate Change on January, 2020 are collectively annexed and marked as Annexure 'B'.

12. With reference to statements made in the paragraph Nos. 17 & 18 of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No. 3 herein above. I further state that the respondent No. 6 has not disclosed as to whether the 111 bidders who participated in the e-auction are at all the identified MDOs or not based on their respective documents. In this regard the respondent No. 6 may be directed to produce the documents relied on the selected MDOs who has participated in the selection process in support of their right to participate.

13. With reference to statements made in the paragraph Nos. 19 & 20 of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No.3 herein above. I further state that no letter of interest/mining lease whether long term

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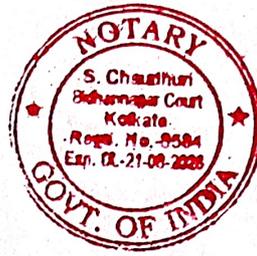
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order shot term can be granted to any of the identified MDOs before publication of the final DSR. Moreover, Short Term Mining Lease of river bed occurrences can be granted only on the following exceptional circumstances arising due to (a) judicial intervention, (b) non-availability of continuous stretch of the minimum area specified in these rules due to hydro-geological condition of the rivers, (c) unsuitability of any stretch for sustaining the period specified in these rules owing to possible change of river flow pattern, and (d) any other reason to be stated in writing. I further state that Clause 4.1.1 of the Guideline, 2020 itself provides the detail procedure to be followed for the purpose of the identification of the areas of aggregation/deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structure and installation where mining should be prohibited. In the present case the respondent Nos. 5 & 6 floated tender without following the procedure mentioned in the Guidelines of 2020. The aforesaid tenders have been floated in respect of huge mining blocks of which even mining operation for 10% is permitted that will substantially allow mining operation of more than 5 hecters of land which is very uncommon and which will eventually change the course of the river ecology and hydrological movement of the river and the same shall have huge impact on the environment and local inhabitants. Moreover, before even ascertaining the potential zone respondent Nos. 5 & 6 are trying to allow mining operations by issuance of short terms mining lease vide notification dated 12-6-2025 which is liable to be stayed and/or set-aside immediately. The respondent No. 6 has affirmed the present counter affidavit on November 28, 2025 suppressing the notification dated 12-6-2025 issued by the respondent No. 5 in order to misrepresent this Hon'ble Tribunal thereby promoting illegal mining operation through private entities. I further state that I have come to know from reliable sources that the respondent No. 6 in connivance with the respondent No. 5 and in support of private entities have issued challans for excavation of sand and transport of minor minerals in respect of different blocks situated at different locations of the state of West Bengal even without

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following the guidelines laid down by the Hon'ble Supreme Court of India in Deepak Kumar and Others vs State of Haryana & Others reported in (2012) 4 SCC 629 and (2022) 2 SCC 348 State of Bihar & Others -versus- Pawan Kumar, the notification being No. S.O. 141(E) dated 15-1-2016 issued by the Joint Secretary, Government of India, Enforcement & Monitoring Guidelines for Sand Mining issued by the Ministry of Environment, Forest and Climate Change on January, 2020 and Chapter IX of the West Bengal Minor Minerals Concession Rules, 2016.

14. With reference to statements made in the paragraph Nos. 21 & 22 of the said affidavit I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraph No. 3 herein above. I state that the respondent Nos. 5 & 6 in connivance with the district administration including the police authorities are permitting illegal sand mining in blocks measuring more than 5 hectares all over West Bengal by using heavy machinery which will eventually change the course of the river ecology and hydrological movement of the river. The applicant has taken photographs of the illegal mining activities which are being carried out by different private entities.

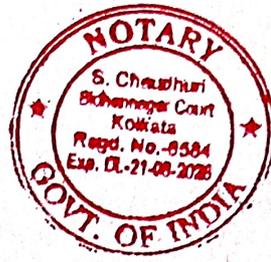
Photographs of the illegal sand mining operation going on in different partes of the State of West Bengal are collectively annexed and marked as Annexure 'C'.

15. With reference to statements made in the paragraph Nos. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 & 33 of the said objection I deny all the material allegations contained therein save and except which are matter of records and further reiterate the statements made in paragraphs herein above.

16. It is stated that the respondent No. 6 has filed the counter affidavit which is a suppression of gross material fact that they have issued a notification dated 12-6-2025 and the same should not be

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accepted and exemplary cost should be imposed upon the respondent No. 6. It is permanent to mention here that in order to confuse this Hon'ble Tribunal in page 2 of the counter affidavit the respondent No. 6 has intentionally mention a different original application number OA 36/2025/EZ and has affirmed and used the same in the present case. The respondent No. 6 has made false averment in paragraph 17 to 22 of the counter affidavit thereby mentioning that all the steps have taken by it in order to prevent illegal sand mining activities by private entities where as it appears from notification dated 12-6-2025 that the respondent No. 5 in connivance with respondent No. 6 has already permitted issuance of short terms mining license in respect of 111 bidders who has participated in the e-auction, made the requisite statutory payment and obtain letter of intent. In view of such false averment made on oath an appropriate proceeding under Section 379 of the BNSS should be initiated against the respondent No. 6 including it authorized signatory who has affirmed the counter affidavit since the deponent of the counter affidavit has affirmed paragraph Nos. 17 to 22 as true to his knowledge as it would appear from paragraph No. 33 of the counter affidavit.

17. The statements contained in paragraph Nos. 1 to 16 are true to my knowledge and the rest are my submission before this Hon'ble Court.

Prepared in my office

Sipankar Thakur

Advocate

Biplab Kumar Sanyal

Deponent

Identified by me

Advocate

S. Chaudhuri
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhanagar Court
Dist.-North 24 Pgs

10 9 JAN 2026



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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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 15 जनवरी, 2016

का. आ. 141(अ).—एक प्ररूप अधिसूचना, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार अधिसूचना, सं. का.आ. 1533 (अ) तारीख 14 सितम्बर, 2006 में कतिपय और संशोधन करने के लिए सं. का.आ. 2588 (अ) तारीख 22 सितम्बर, 2014 द्वारा प्रकाशित की गई थी, उन सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है उक्त अधिसूचना के राजपत्र की प्रतियां जनता को उपलब्ध होने की तारीख से साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 22 सितम्बर, 2015 को उपलब्ध करा दी गई थीं;

और केन्द्रीय सरकार द्वारा पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सुझावों या आक्षेपों पर सम्यक्तः विचार किया गया है;

और दीपक कुमार आदि बनाम हरियाणा राज्य और अन्य आदि के मामले में माननीय उच्चतम न्यायालय के 2009 की विशेष अनुमति याचिका (सि) सं. 19628-19629 तारीख 27 फरवरी, 2012 में आई.ए.सं. 12-13, के आदेश के अनुसरण में खनन पट्टे के क्षेत्र पर विचार किए बिना लघु खनिजों के खनन के लिए पूर्व पर्यावरणीय अनापत्ति अब आज्ञापक हो गई है;

और माननीय उच्चतम न्यायालय के पूर्वोक्त आदेश के अनुसरण में ऐसे मामले जिनके लिए पूर्व पर्यावरणीय अनापत्ति अभिप्राप्त करना अपेक्षित हो गया है, सारवान रूप से बह गए हैं;

और माननीय राष्ट्रीय हरित अधिकरण ने बालू खनन के मामले में 13 जनवरी, 2015 के अपने आदेश द्वारा समूह में लघु खननों के खनन पट्टे की पर्यावरणीय अनापत्ति के लिए नीति बनाने का निदेश दिया है;

और राज्य सरकारों ने लघु खनिजों के खनन के लिए पर्यावरणीय अनापत्ति की प्रक्रिया को सुव्यवस्थित बनाने के लिए अभ्यावेदन दिए हैं;

और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने राज्य सरकारों के साथ परामर्श से भरणीय बालू खनन के लिए मार्गदर्शक सिद्धांत तैयार किए हैं जिसमें क्लस्टर के लिए पर्यावरणीय निकासी के उपबंधों, जिला

पर्यावरण संघात निर्धारण प्राधिकरण के ब्यौरे दिए गए हैं और सूचना प्रौद्योगिकी और सूचना प्रौद्योगिकी समर्थित सेवाओं का ख़ात से गंतव्य तक खनन की गई सामग्रियों को ट्रेक करने में समर्थ होने में उपयोग करने का वर्णन किया गया है ;

अतः, अब, केन्द्रीय सरकार पर्यावरण संरक्षण नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में,-

(क) पैरा 2 में, "उक्त अनुसूची में" शब्दों के पश्चात् निम्नलिखित शब्द अंतःस्थापित किए जाएंगे, अर्थात् :-

"और जिला स्तर पर उक्त अनुसूची में लघु खनिजों के खनन के लिए 'ख2' प्रवर्ग के अधीन आने वाले मामलों के लिए जिला पर्यावरण संघात निर्धारण प्राधिकरण (डीईआईएए)";

(ख) पैरा 3 के पश्चात् निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"3क. जिला स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण :-

(1) केन्द्रीय सरकार द्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन जिला स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण (जिसे इसमें इसके पश्चात् डीईआईएए कहा गया है) का गठन किया जाएगा जो चार सदस्यों के मिलकर बनेगा जिसके अंतर्गत अध्यक्ष और सदस्य सचिव है।

(2) जिला मजिस्ट्रेट या जिला कलक्टर डीईआईएए का अध्यक्ष होगा।

(3) राज्य के संबंधित जिला मुख्यालय का उप प्रभागीय मजिस्ट्रेट या उप प्रभागीय अधिकारी डीईआईएए का सदस्य सचिव होगा।

(4) डीईआईएए के अन्य दो सदस्य सबसे ज्येष्ठ प्रभागीय वन अधिकारी और एक विशेषज्ञ होंगे। विशेषज्ञ को, यथास्थिति, प्रभाग के प्रभागीय आयुक्त या मुख्य वन परिरक्षक द्वारा नामनिर्दिष्ट किया जाएगा। पात्रता मानदंड को पूरा करने वाले विशेषज्ञ की पदावधि और अर्हताएं इस अधिसूचना के परिशिष्ट 7 में दी गई हैं।

(5) डीईआईएए के ऐसे सदस्य जो संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन के सेवारत अधिकारी हैं सिवाय विशेषज्ञ सदस्य के पदेन सदस्य होंगे।

(6) जिला स्तरीय विशेषज्ञ निर्धारण समिति जिसे इसमें इसके पश्चात् डीईएसी कहा गया है ग्यारह सदस्यों से मिलकर बनेगी जिसके अंतर्गत एक अध्यक्ष और एक सदस्य सचिव है।

(7) संबंधित राज्य सरकार के जिले या संघ राज्यक्षेत्र प्रशासन में सबसे ज्येष्ठ कार्यपालक इंजीनियर, सिंचाई विभाग डीईएसी का अध्यक्ष होगा।

(8) खनन और भूविज्ञान विभाग में सहायक निदेशक या उप निदेशक या जिले का भूविज्ञानी डीईएसी का उस क्रम में सदस्य सचिव होगा।

(9) राज्य प्रदूषण नियंत्रण बोर्ड या समिति का प्रतिनिधि, जिले में सबसे ज्येष्ठ उप प्रभागीय अधिकारी (वन) सुदूर संवेदन विभाग या भूविज्ञान विभाग या राज्य भूजल विभाग का प्रतिनिधि, एक व्यवसायिक स्वास्थ्य विशेषज्ञ या चिकित्सा अधिकारी को जिला मजिस्ट्रेट या जिला कलक्टर द्वारा नामनिर्दिष्ट किया जाएगा, जिला परिषद् से इंजीनियर और, यथास्थिति, प्रभागीय आयुक्त या मुख्य वन परिरक्षक द्वारा नामनिर्दिष्ट किए जाने वाले तीन विशेषज्ञ सदस्य डीईएसी के अन्य सदस्य होंगे। पात्रता मानदंड को पूरा करने वाले विशेषज्ञ की पदावधि और अर्हताएं इस अधिसूचना के परिशिष्ट 7 में दी गई हैं।

(10) डीईएसी के ऐसे सदस्य जो संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के सेवारत अधिकारी हैं सिवाय विशेषज्ञ सदस्य के पदेन सदस्य होंगे।

(11) जिला मजिस्ट्रेट या जिला कलक्टर किसी अभिकरण को डीईआईएए के सचिवालय के रूप में कार्य करने के लिए अधिसूचित करेंगे और डीईएसी उनको कानूनी कृत्यों के लिए सभी वित्तीय और लोजिस्टिक सहायता प्रदान करेगी।

(12) डीईआईएए और डीईएसी समय-समय पर यथासंशोधित इस अधिसूचना में विनिर्दिष्ट प्रक्रिया का अनुसरण करेंगे और शक्तियों का प्रयोग करेंगे।

(13) डीईएसी सामूहिक उत्तरदायित्व के सिद्धांत पर कार्य करेगी और अध्यक्ष प्रत्येक दशा में एक मत पर पहुंचने का प्रयास करेगा और यदि सहमति नहीं होती है तो बहुमत का मत अभिभावी होगा।";

(ग) पैरा 4 में उप पैरा (iii) के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"(iv) 'ख2' प्रवर्ग की पांच हेक्टेयर से कम या उसके बराबर लघु खनिज के खनन से संबंधित परियोजनाओं के लिए डीईआईए से पूर्व पर्यावरणीय अनापत्ति अपेक्षित होगी। डीईआईए अपने विनिश्चय को इस अधिसूचना के लिए यथागठित डीईएसी की सिफारिशों पर आधारित करेगी।";

(घ) पैरा 5 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :-

"5. स्कीनिंग, स्कोपिंग और निर्धारण समितियां :-

केन्द्रीय सरकार में वहीं विशेषज्ञ निर्धारण समितियां (ईएसी) राज्य या संघ राज्य स्तर पर एसईएसी और जिला स्तर पर डीईएसी प्रवर्ग 'क', 'ख1', 'ख2', प्रवर्ग की परियोजनाओं या कार्यकलापों की स्कीनिंग, स्कोपिंग और निर्धारण तथा क्रमशः पांच हेक्टेयर से कम या उसके बराबर लघु खनिजों के खनन पट्टे की 'ख2' प्रवर्ग की परियोजनाओं की स्कीनिंग, स्कोपिंग और निर्धारण करेगी। ईएसी, एसईएसी और डीईएसी प्रत्येक मास कम से कम एक बार बैठक करेगी।

(क) ईएसी की संरचना परिशिष्ट 6 में दिए अनुसार होगी। राज्य या संघ राज्य स्तर पर एसईएसी का गठन केन्द्रीय सरकार द्वारा संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के परामर्श से उसी प्रकार किया जाएगा। जिला स्तर पर डीईएसी का गठन केन्द्रीय सरकार द्वारा पैरा 3क में दी गई संरचना के अनुसार किया जाएगा।

(ख) केन्द्रीय सरकार संबंधित राज्य सरकारों या संघ राज्यक्षेत्र प्रशासनों की पूर्व सहमति से प्रशासनिक सुविधा और लागत के कारणों से एक से अधिक राज्य या संघ राज्यक्षेत्र के लिए एक एसईएसी का गठन कर सकेगी।

(ग) ईएसी और एसईएसी का प्रत्येक तीन वर्ष के पश्चात् पुनर्गठन किया जाएगा।

(घ) संबंधित ईएसी, एसईएसी और डीईएसी के प्राधिकृत सदस्य उस परियोजना या कार्यकलाप से संबंधित स्थल का जिसके लिए स्कीनिंग या स्कोपिंग या निर्धारण के प्रयोजनों के लिए पर्यावरणीय निकासी की ईप्सा की गई है। परियोजना प्रस्तावक जो निरीक्षण के लिए आवश्यक सुविधाएं उपलब्ध कराएगा, को कम से कम सात दिन की पूर्व सूचना देकर निरीक्षण कर सकेंगे।

(ङ) ईएसी, एसईएसी और डीईएसी सामूहिक उत्तरदायित्व के सिद्धांत पर कार्य करेंगे। अध्यक्ष प्रत्येक दशा में एक मत पर पहुंचने का प्रयास करेगा और यदि सहमति नहीं होती है तो बहुमत का मत अभिभावी होगा।";

(च) पैरा 6 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :-

"(6) पूर्व पर्यावरणीय अनापत्ति (ईसी) के लिए आवेदन :-

कोई संनिर्माण कार्यकलाप करने या भूमि को तैयार करने या परियोजना प्रस्तावक द्वारा स्थल पर खनन करने से पूर्व सभी मामलों में पूर्व पर्यावरणीय अनापत्ति की ईप्सा करने वाला आवेदन परियोजना प्रस्तावक द्वारा परियोजना के लिए प्रस्तावित स्थल (स्थलों) की पहचान या कार्यकलापों जिनसे आवेदन संबंधित है की पहचान करने के पश्चात् इसके साथ उपाबद्ध प्ररूप 1 और अनुपूरक प्ररूप 1क, यदि लागू हों, जैसा परिशिष्ट 2 में दिया गया है, में किया जाएगा और प्रवर्ग 'ख2' परियोजनाओं के अधीन पांच हेक्टेयर तक लघु खनिजों के खनन के लिए प्ररूप1ड में किया जाएगा। परियोजना प्रस्तावक आवेदन के साथ पूर्व साध्यता परियोजना रिपोर्ट की एक प्रति प्ररूप 1, प्ररूप 1क और प्ररूप1ड के साथ प्रस्तुत करेगा; और संनिर्माण परियोजनाओं या कार्यकलापों की दशाओं (अनुसूची की मद 8) अवधारणा योजना की एक प्रति पूर्व साध्यता रिपोर्ट के स्थान पर प्रस्तुत की जाएगी।";

(च) पैरा 7 में,-

(i) उप पैरा (i) में शीर्ष "। प्रक्रम (1)-स्कीनिंग : ", विद्यमान उप पैरा को उप पैरा "(क)" के रूप में पुनः अक्षरांकित किया जाएगा और इस प्रकार अक्षरांकित उप पैरा के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"(ख) परिशिष्ट 9 में यथाविनिर्दिष्ट मामलों को पूर्व पर्यावरणीय अनापत्ति से छूट प्रदान की जाएगी।";

(ii) उप पैरा 7(ii) के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"7 (iii) बालू खनन या नदी तट खनन और अन्य लघु खनिजों के खनन के लिए जिला सर्वेक्षण रिपोर्ट तैयार

करना :

(क) खनन या नदी तट खनन और अन्य लघु खनिजों के खनन के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने की विहित प्रक्रिया परिशिष्ट 10 में दी गई है।

(ख) लघु खनिजों के खनन जिसके अंतर्गत समूह अवस्थिति भी है, के लिए पर्यावरणीय अनापत्ति की विहित प्रक्रिया परिशिष्ट 11 में दी गई है।";

(छ) पैरा 8 में,-

(i) "ईएसी या एसईएसी" अक्षरों और शब्द के स्थान पर "ईएसी या एसईएसी या डीईएसी" शब्द और अक्षर रखे जाएंगे ;

(ii) "विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द जहां-जहां वे आते हैं, के स्थान पर "विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति या जिला स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द रखे जाएंगे ;

(ज) पैरा 9 में, उप पैरा (i) में, -

"विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द जहां-जहां वे आते हैं, के स्थान पर "विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति या जिला स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द रखे जाएंगे ;

(झ) पैरा 10 में, उप पैरा (iii) के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"(iv) बालू खनन या नदी तट खनन और मानीटरी की विहित प्रक्रिया परिशिष्ट 12 में दी गई है।";

(ञ) पैरा 11 में,-

"विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द जहां-जहां वे आते हैं, के स्थान पर "विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति या जिला स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द रखे जाएंगे ;

(ट) अनुसूची में,-

(i) मद 1(क) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएगी,

अर्थात् :-

(1)	(2)	(3)	(4)	(5)
"1(क)	(i) खनिजों का खनन	गैर कोयला खनन पट्टे के संबंध में ≥ 50 खनन पट्टा क्षेत्र कोयला खनन पट्टे के संबंध में > 150 खनन पट्टा क्षेत्र खनन क्षेत्र तक विचार किए बिना अज़बेस्टो	गैर कोयला खनन पट्टे के संबंध में < 50 खनन पट्टा क्षेत्र कोयला खनन पट्टे के संबंध में ≤ 150 खनन पट्टा क्षेत्र	सिवाय निम्नलिखित के साधारण शर्तें लागू होंगी: (i) प्रवर्ग 'ख2' लघु खनिजों के खनन (25 हेक्टेयर खनन पट्टा क्षेत्र तक) के लिए परियोजना या कार्यकलाप ; (ii) अंतरराज्यीय सीमा के लेखें नदी

		<p>का खनन</p> <p>सभी परियोजनाएं।</p>	<p>तट खनन परियोजनाएं।</p> <p>टिप्पण :</p> <p>(1) खनिज के पूर्वक्षण को छूट दी गई है।";</p> <p>(2) लघु खनिजों जिसके अंतर्गत समूह अवस्थिति है, के खनन के लिए पर्यावरणीय अनापत्ति की विहित प्रक्रिया परिशिष्ट 11 में दी गई है।";</p> <p>(3) ऐसे खनन पट्टे जिन्होंने पर्यावरण निकासी, पर्यावरण संघात निर्धारण अधिसूचना, 1994 और पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन अभिप्रास की है, के लिए नई पर्यावरणीय अनापत्ति नवीकरण के दौरान प्रास करने की अपेक्षा नहीं होगी परंतु यह कि परियोजना के पास विधिमान्य और विद्यमान पर्यावरणीय अनापत्ति हो।</p>
	<p>(ii) पिच्छल पाइप लाईनें (कोयला लिगनाइट और अन्य अयस्क) जो राष्ट्रीय उद्यानों या अभ्यारण्यों या कोरल रीफ, पारिस्थितिकी संवेदी क्षेत्रों से गुजरती है।</p>		

(ठ) परिशिष्ट 6 के पश्चात् निम्नलिखित परिशिष्ट अंतःस्थापित किए जाएंगे, अर्थात् :-

"परिशिष्ट 7"

(पैरा 3क देखें)

डीईआईए और डीईएसी में विशेषज्ञों की अर्हताएं और निबंधन

1. अर्हता : व्यक्ति के पास कम से कम (i) संबंधित विषय में पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण होना चाहिए जिसकी परिणीति एम.ए. या एम.एस.सी. डिग्री के रूप में हों या (ii) इंजीनियरी/प्रौद्योगिकी/अभिन्यास विषय की दशा में उस क्षेत्र में विहित व्यवहारिक प्रशिक्षण के साथ चार वर्ष का औपचारिक प्रशिक्षण पाठ्यक्रम जिसकी परिणीति बी.टेक./बी.ई./बी.आर्क. डिग्री के रूप में या (iii) अन्य व्यवसायिक डिग्री (अर्थात् एम.बी.ए. आदि) जिसमें कुल पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण और विहित व्यवहारिक प्रशिक्षण अंतर्वलित हों या (iv) विहित शिक्षता/आर्टिकल शिप और संबंधित व्यवसायिक संगमों द्वारा संचालित परीक्षा उत्तीर्ण (अर्थात् चार्टर्ड एकाउंटेंसी) या (v) विश्वविद्यालय डिग्री के पश्चात् विश्वविद्यालय या सेवा अकादमी (अर्थात् एम.बी.ए./एम.पी.ए.) आदि के पश्चात् दो वर्ष का औपचारिक प्रशिक्षण। व्यष्टिक व्यवसायियों का चयन करते समय उनके द्वारा अपने संबंधित क्षेत्रों में अर्जित अनुभव का ध्यान रखा जाएगा।
2. विशेषज्ञ : पूर्वोक्त पात्रता मानदंड को पूरा करने वाला व्यवसायी जिसके पास संबंधित क्षेत्र में कम से कम दस वर्ष का अनुभव हो या कम से कम पांच वर्ष के सुसंगत अनुभव के साथ संबंधित क्षेत्र में उन्नत डिग्री (अर्थात् पी.एच.डी.)।
3. आयु : सत्तर वर्ष से कम। तथापि किसी दिए गए क्षेत्र में विशेषज्ञों की अनुपलब्धता या कमी की दशा में अधिकतम आयु को पचहत्तर वर्ष तक अनुज्ञात किया जा सकेगा।
4. क्षेत्र : खनन, भूविज्ञान, जल विज्ञान, सुदूर संवेदन पर्यावरण क्वालिटी, पर्यावरण संधात निर्धारण प्रक्रिया, जोखिम निर्धारण, जीव विज्ञान, समुद्र विज्ञान, वाणिकी और वन्य जीवन, पर्यावरण अर्थशास्त्र, जैव विभिन्नता और नदी पारिस्थितिकी।
5. पदावधि : विशेषज्ञ सदस्यों की अधिकतम पदावधि दो पदावधियों में तीन वर्ष होगी।
6. विशेषज्ञ सदस्य को उसकी पदावधि की समाप्ति से पूर्व बिना कारण और उचित जांच के नहीं हटाया जाएगा।

परिशिष्ट 8

(पैरा 6 देखें)

प्ररूप 1ड

पांच हेक्टेयर से कम और उसके बराबर प्रवर्ग 'ख2' के अधीन लघु खनिजों के खनन के लिए आवेदन

(i) मूल सूचना

- (i) खनन पट्टा स्थल का नाम :
- (ii) अवस्थिति/स्थल (जीपीएस समन्वयक):
- (iii) खनन पट्टे का आकार (हेक्टेयर):
- (iv) खनन पट्टे की क्षमता (टीपीए):
- (v) खनन पट्टे की कालावधि :
- (vi) परियोजना की अनुमानित लागत:
- (vii) संपर्क सूचना:

पर्यावरण संवेदनशीलता

क्रम सं.	क्षेत्र	किलोमीटर में दूरी / व्यौरे
1.	निकटतम रेल या संबंधित नदी, उप नदी, नाले आदि के ऊपर पुल से परियोजना की दूरी	

2.	<p>अवसंरचना प्रसुविधा से दूरी</p> <p>रेलवे लाईन</p> <p>राष्ट्रीय राजमार्ग</p> <p>राज्य राजमार्ग</p> <p>प्रमुख जिला सड़क</p> <p>कोई अन्य सड़क</p> <p>वैद्युत पारेषण लाईन खंभा या टावर</p> <p>नहर या चैक बांध या जलाशय या झील या तालाव</p> <p>पेयजल पंप हाउस के लिए अन्तर्ग्रहण</p> <p>सिंचाई नहर पंपों के लिए अन्तर्ग्रहण</p>	
3.	अंतरराष्ट्रीय अभिसमयों, राष्ट्रीय या स्थानीय विधान के अधीन अपनी पारिस्थितिकी, भूदृश्य, सांस्कृतिक या अन्य संबंधित मूल्य के लिए संरक्षित क्षेत्र	
4.	ऐसे क्षेत्र जो पारिस्थितिकी कारणों से महत्वपूर्ण या संवेदनशील हैं—आर्द्रभूमि, जलमार्ग या अन्य जल निकाय, तटीय क्षेत्र, जीव मंडल, पर्वत, वन	
5.	प्राणी या वनस्पति प्रजातियों के उनके प्रजनन, घोंसलों, चराई, आराम के लिए सर्दियों में, प्रवास के लिए इस्तेमाल किए जाने वाले संरक्षित, महत्वपूर्ण या संवेदनशील क्षेत्र	
6.	अंतर्देशीय, तटीय, समुद्री या भूगर्भीय जल	
7.	राज्य, राष्ट्रीय सीमाएं	
8.	पब्लिक द्वारा मनोरंजन या अन्य पर्यटन, धार्मिक स्थलों तक पहुंच के लिए उपयोग किए जाने वाले मार्ग या सुविधाएं	
9.	रक्षा संस्थापन	
10.	गहन जनसंख्या या निर्मित क्षेत्र, निकटतम मानव पर्यावास से दूरी	
11.	मानव निर्मित संवेदनशील भू-उपयोग के अधिभोग में क्षेत्र (अस्पताल, स्कूल, पूजास्थल, सामुदायिक सुविधाएं)	
12.	ऐसे क्षेत्र जिनमें महत्वपूर्ण उच्च क्वालिटी या दुर्लभ स्रोत विद्यमान है (भूजल स्रोत, भू-स्रोत, वानिकी, कृषि, मछली उद्योग, पर्यटन, खनिज)	
13.	ऐसे क्षेत्र जिनमें पहले से ही प्रदूषण या पर्यावरण नुकसान हुआ है (ऐसे क्षेत्र जहां विद्यमान विधि पर्यावरणीय मानकों से परे कार्य किया गया है)	
14.	ऐसे क्षेत्र जो प्राकृतिक संकटों के प्रति अति संवेदनशील हैं जिससे परियोजना द्वारा पर्यावरणीय समस्याएं उपस्थित हो सकती हैं (भूकंप, अवतलन, भूस्खलन, अवक्षयन, बाढ़ या अत्यधिक या प्रतिकूल जलवायु परिवर्तन)	
15.	क्या प्रस्तावित खनन स्थल के लिए भूजल रिचार्ज के लिए विदर/ दरार के पास अवस्थित है	
16.	<p>क्या प्रस्ताव में निम्नलिखित विनियमों या अधिनियमों के अधीन अनुमोदन या निकासी अंतर्वलित है, अर्थात्:—</p> <p>(क) वन (परिरक्षण) अधिनियम, 1980;</p>	

	(ख) वन्यजीव (संरक्षण) अधिनियम, 1972; (ग) तटीय विनियमन जोन अधिसूचना, 2011. यदि हां, तो उनके ब्यौरे और परिस्थिति दी जानी है।	
17.	अंतर्वलित वन भूमि (हेक्टेयर)	
18.	क्या परियोजना और/या भूमि जिसमें परियोजना स्थापित किए जाने के लिए प्रस्तावित है, के विरुद्ध कोई मुकद्दमेवाजी लंबित है ? (क) न्यायालय का नाम (ख) वाद संख्या (ग) न्यायालय के आदेश या निदेश, यदि कोई हों और उनकी प्रस्तावित परियोजना के लिए संगतता।	

(नाम और पते के साथ परियोजना
प्रस्तावक के हस्ताक्षर)

परिशिष्ट 9

[पैरा 7 (i)(ख) देखें]

कतिपय मामलों में पर्यावरणीय अनापत्ति की अपेक्षा से छूट

निम्नलिखित मामलों को पूर्व पर्यावरणीय अनापत्ति की अपेक्षा नहीं होगी, अर्थात् :—

1. साधारण मिट्टी या बालू की कुम्हारों द्वारा मिट्टी के घड़े, लैंप, खिलौने आदि बनाने के लिए उनकी प्रथाओं के अनुसार निकासी।
2. मिट्टी की टाइलें बनाने वालों द्वारा जो मिट्टी की टाइलें बनाते हैं, के लिए साधारण मिट्टी या बालू की निकासी।
3. किसानों द्वारा बाढ़ के पश्चात् कृषि भूमि से बालू के जमाव को हटाना।
4. ग्राम पंचायत में अवस्थित स्त्रोतों से बालू और साधारण मिट्टी को वैयक्तिक उपयोग या ग्राम में सामुदायिक कार्य के लिए प्रथा के अनुसार खनन।
5. सामुदायिक कार्य जैसे ग्रामीण तालाबों या टैंकों से गाद हटाना, महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार और गारंटी स्कीमों, अन्य सरकारी प्रायोजित स्कीमों तथा सामुदायिक प्रयासों द्वारा ग्रामीण सड़कों, तालाबों, बांधों का संनिर्माण।
6. बांधों, मेड़ों, बैराजों, नदी और नहरों की उनके अनुरक्षण तथा आपदा प्रबंधन के प्रयोजन के लिए तलमार्जन और गाद निकालना।
7. गुजरात में गुजरात सरकार की तारीख 14 फरवरी, 1990 की अधिसूचना सं.जीयू/90(16)/एमसीआर-2189 (68)/5-सीएचएच द्वारा बंजारा और ओड़ द्वारा बालू के पारंपरिक उपजीविका कार्य।
8. सिंचाई या पेयजल के लिए कुंओं की खुदाई।
9. ऐसे भवनों की नींव के लिए खुदाई जिनके लिए पूर्व पर्यावरणीय अनापत्ति अपेक्षित नहीं है।
10. जिला कलक्टर या जिला मजिस्ट्रेट के आदेश पर किसी नहर, नाला, ड्रेन, जल निकाय आदि में होने वाली दरार को भरने के लिए साधारण मिट्टी या बालू का उत्खनन ताकि किसी आपदा या बाढ़ जैसी स्थिति से निपटा जा सके।
11. ऐसे कार्यकलाप जिन्हें राज्य सरकार द्वारा विधान या नियमों के अधीन पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकारी की सहमति से गैर खननकारी कार्यकलाप घोषित किया है।

परिशिष्ट - 10

[पैरा 7 (iii) (क) देखें]

जिला सर्वेक्षण रिपोर्ट तैयार करने के लिए प्रक्रिया

जिला सर्वेक्षण रिपोर्ट तैयार करने का मुख्य उद्देश्य निम्नलिखित का सुनिश्चय करना है :

भूमिवृद्धि या जमाव के क्षेत्रों की पहचान जहां खनन को अनुज्ञात किया जा सकता है ; और अपक्षरण के क्षेत्रों की पहचान तथा उसकी अवसंरचना, ढांचों और संस्थापनों से निकटता जहां खनन को प्रतिपिद्ध किया जाना चाहिए तथा फिर से भराव की वार्षिक दर की संगणना तथा क्षेत्र में खनन के पश्चात् भराव के लिए अनुज्ञात समय ।

रिपोर्ट का निम्नलिखित ढांचा होगा :

1. प्राक्कथन
2. जिले में खनन कार्यकलापों पर विहंगम दृष्टि
3. अवस्थिति, क्षेत्र और विधिमान्यता का कालावधि के साथ जिले में खनन पट्टों की सूची
4. पिछले तीन वर्षों के दौरान प्राप्त स्वामिस्व या राजस्व के व्यौरे
5. पिछले तीन वर्षों के दौरान बालू या बजरी के उत्पादन के व्यौरे
6. जिले की नदियों में तलछटों के जमाव की प्रक्रिया
7. जिले का सामान्य प्रोफाइल
8. जिले में भूमि के उपयोग का पैटर्न : वन, कृषि, उद्यान कृषि, खनन आदि
9. जिले की भू-भौगोलिकी
10. वर्षा : मास-वार
11. जियोलोजी और खनिज संपदा

उपरोक्त के अतिरिक्त, रिपोर्ट में निम्नलिखित अंतर्विष्ट होगा :

- (क) नदी या धाराओं का जिलावार व्यौरा और बालू के अन्य स्रोत ।
- (ख) जिलावार बालू या पत्थरों की उपलब्धता या समग्र संसाधन ।
- (ग) जिलावार बालू के विद्यमान खनन पट्टों के व्यौरे तथा समग्र ।

डीईआईएए द्वारा जिले में जियोलोजी विभाग या सिंचाई विभाग या वन विभाग या लोक निर्माण विभाग या भूजल बोर्ड या सुदूर संवेदन विभाग या खनन विभाग आदि की सहायता से एक सर्वेक्षण किया जाएगा ।

मुख्य नदियों के विवरण सहित निकासी प्रणाली

क्रम सं.	नदी का नाम	निकासी क्षेत्र (वर्ग कि.मी.)	जिले में निकासी किया गया % क्षेत्र

महत्वपूर्ण नदियों और धाराओं की मुख्य विशेषताएं :

क्रम सं.	नदी या धारा का नाम	जिले में कुल दूरी (कि.मी. में)	उद्गम का स्थान	उद्गम पर ऊंचाई

खनिज छूट के लिए सिफारिश किया गया नदी या धारा का भाग	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की लंबाई (कि.मी. 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 संभावना (मीट्रिक टन में) (कुल खनिज संभावना का 60%)

खनिज संभावना

वोल्डर (एमटी)	वजरी (एमटी)	वालू (एमटी)	कुल खनन योग्य खनिज संभावना (एमटी)

वार्षिक जमाव

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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 (कि.मी. 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 संभावना (मीट्रिक टन में) (कुल खनिज संभावना का 60%)
जिले के लिए योग						

उप प्रभागीय मजिस्ट्रेट सिंचाई विभाग से अधिकारियों, राज्य प्रदूषण नियंत्रण बोर्ड या समिति, वन विभाग जियोलोजी या खनन अधिकारी से मिलकर बनने वाली उप प्रभागीय समिति ऐसे प्रत्येक स्थल का भ्रमण करेगी जिसके लिए पर्यावरणीय अनापत्ति के लिए आवेदन किया गया है और खनन के लिए या खनन का प्रतिपेद्ध करने के लिए स्थल की उपयोगिता पर सिफारिश करेगी।

खनिज संभावना की संगणना के लिए अंगीकृत विधि :

खनिज संभावना की संगणना क्षेत्र की जांच और नदी या धाराओं के आवाह क्षेत्र की जियोलोजी के आधार पर की जाती है। स्थल की स्थिति और अवस्थिति के अनुसार खनन योग्य खनिजों की गहराई को परिभाषित किया जाता है। किसी नदी या धारा में खनिजों को हटाने के क्षेत्र का विनिश्चय जियो-मोर्फोलोजी और अन्य कारकों पर निर्भर करता है। यह किसी विशिष्ट नदी या धारा में क्षेत्र का पचास प्रतिशत से साठ प्रतिशत तक हो सकता है। उदाहरण के लिए कुछ पहाड़ी राज्यों में खनिज संघटक जैसे वोल्डर, नदी से वजरी, वालू को एक मीटर की गहराई तक स्रोत खनिज माना जा सकता है। अन्य संघटक जैसे क्ले और गाद को किसी विशिष्ट नदी या धारा की खनिज संभावना की संगणना करते समय अपशिष्ट के रूप में अपवर्जित किया जाता है।

जिले में प्रत्येक लघु खनिज के लिए जिला सर्वेक्षण रिपोर्ट पृथक् रूप से तैयार की जाएगी और इसके प्रारूप को कोलेक्टोरेट में इसकी प्रति को रखते हुए पब्लिक डोमेन में रखा जाएगा तथा इसे जिले की वेबसाइट पर इक्कीस दिन के लिए पोस्ट किया जाएगा। प्राप्त की गई टिप्पणियों पर विचार किया जाएगा और उपयुक्त पाए जाने पर उन्हें डीईआईएए द्वारा छः मास के भीतर अंतिम रूप दी जाने वाली अंतिम रिपोर्ट में शामिल किया जाएगा।

जिला सर्वेक्षण रिपोर्ट पर्यावरणीय अनापत्ति रिपोर्टों को तैयार करने और परियोजनाओं के मूल्यांकन के लिए आवेदन का आधार होगी। रिपोर्ट को प्रत्येक पांच वर्ष में अद्यतन किया जाएगा।

परिशिष्ट - 11

[पैरा 7 (iii) (ख) देखें]

समूह सहित लघु खनिजों के खनन के लिए पर्यावरणीय अनापत्ति की प्रक्रिया

समूह अवस्थिति सहित लघु खनिजों के खनन के लिए पर्यावरणीय अनापत्ति के लिए निम्नलिखित नीति का अनुसरण किया जाएगा :-

- (1). राज्यों (वर्णीय बालू खनन मार्गदर्शक सिद्धांत) द्वारा उपलब्ध कराया गया डाटा उपदर्शित करता है कि लघु खनिजों के लिए अधिकांश खनन पट्टे पांच हेक्टेयर से कम पट्टा क्षेत्र के लिए है। यह भी रिपोर्ट किया गया है कि पहाड़ी राज्यों में पांच हेक्टेयर से अधिक नदी के भाग को प्राप्त करना बहुत असामान्य है। इसलिए लघु खनिजों के लिए पट्टे का आकार जिसके अंतर्गत नदी बालू खनन है, का अवधारण राज्यों द्वारा उनकी परिस्थितियों के आधार पर किया जाएगा।
- (2). लघु खनिजों का अधिकांशतः खनन समूहों में है। पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना को समस्त समूह के लिए तैयार करने की आवश्यकता है ताकि सभी संभावित बाधाओं को लिया जा सके। इन रिपोर्टों में समूह की वहन क्षमता, परिवहन और संबंधित मुद्दे पुनः भराव और रिचार्ज मुद्दों, समूह क्षेत्र का भूजलीय अध्ययन शामिल होगा। पर्यावरणीय संघात निर्धारण या पर्यावरणीय प्रबंधन योजना को राज्य या राज्य द्वारा नामनिर्दिष्ट अभिकरण या परियोजना प्रस्तावकों द्वारा समूह में या समूह के समर्थकों द्वारा तैयार किया जाएगा।
- (3). संपूर्ण समूह के लिए एक लोक परामर्श होगा जिसके पश्चात् समूह के लिए अंतिम अंतिम पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना रिपोर्ट तैयार की जाएगी।
- (4). पर्यावरण अनापत्ति के लिए आवेदन किया जाएगा और उसे व्यष्टिक परियोजना प्रस्तावक को जारी किया जाएगा। समूह में व्यष्टिक पट्टा धारक उसी पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना का पर्यावरणीय अनापत्ति के लिए आवेदन करने में उपयोग कर सकते हैं। समूह पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना को आवश्यकता के अनुसार महत्वपूर्ण परिवर्तनों को ध्यान में रखते हुए अद्यतन किया जाएगा।
- (5). पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना को उस समूह में प्रत्येक पर्यावरण अनापत्ति में उपदर्शित किया जाएगा और डीईआईसी, एसईआईसी और ईएसी यह सुनिश्चित करेंगे कि पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना से न्यूनीकरण उपाय अध्ययन को व्यष्टिक परियोजना प्रस्तावकों की उस समूह में पर्यावरणीय अनापत्ति में उपदर्शित किया जाए।
- (6). किसी समूह का तब निर्माण किया जाएगा जब किसी पट्टे की सीमाओं के बीच दूरी किसी अन्य पट्टे की सीमा से किसी एक समान खनिज क्षेत्र में 500 मीटर से कम हो।
- (7). प्ररूप 1ड, पूर्व साध्यता रिपोर्ट और लघु खनिजों के खनन के लिए प्रवर्ग 'ख2' परियोजना प्रवर्ग के लिए खनन योजना को रजिस्ट्रीकृत अर्हित व्यक्ति या भारत की क्वालिटी परिषद् के प्रत्ययित सलाहकारों, राष्ट्रीय शिक्षा और प्रशिक्षण प्रत्यय बोर्ड द्वारा तैयार किया जाएगा। प्रवर्ग 'क' और प्रवर्ग 'ख1' परियोजनाओं के लिए पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना को भारत की क्वालिटी परिषद् के प्रत्ययित सलाहकारों, राष्ट्रीय शिक्षा और प्रशिक्षण प्रत्यय बोर्ड द्वारा तैयार किया जाएगा।
- (8). एसईआईएए के पास डीईआईएए पर पर्यवेक्षणीय आधिकारिता होगी और डीईआईएए के विनिश्चयों की एसईआईएए द्वारा किसी विद्यमान विधि के उपबंधों पर-प्रतिकूल प्रभाव डाले बिना समीक्षा की जाएगी।

लघु खनिजों जिसके अंतर्गत समूह स्थिति है की पर्यावरणीय निकासी के लिए अपेक्षाओं का स्कीमटाइज्ड प्रस्तुतीकरण

पट्टे का क्षेत्र (हेक्टेयर)	परियोजना का प्रवर्ग	ईआईए / ईएमपी की अपेक्षा	लोक सुनवाई की अपेक्षा	ईसी की अपेक्षा	जो ईआईए / ईएमपी तैयार कर सकता है	ईसी के लिए कौन आवेदन करेगा	ईसी का मूल्यांकन/ अनुदत्त करने के लिए प्राधिकारी	ईसी की अनुपालना की मानीटरी करने के लिए प्राधिकारी
व्यक्तिक खनन पट्टे के आधार पर बालू खनन और अन्य लघु खनिजों के खनन के लिए ईसी प्रस्ताव								
0 – 5ha	'ब2'	प्ररूप – 1एम, पीएफआर और अनुमोदित खनन योजना	नहीं	हां	परियोजना प्रस्तावक	परियोजना प्रस्तावक	डीईएसी/ डीईआईएए	डीईआईएए एमआईएए एसपीसीवी सीपीसीवी एमओईएफसीसी एमओईएफएफ द्वारा नामनिर्दिष्ट अभिकरण
> 5 ha और < 25 ha	'ब2'	प्ररूप –1, पीएफआर और अनुमोदित खनन योजना तथा ईएमपी	नहीं	हां	परियोजना प्रस्तावक	परियोजना प्रस्तावक	सीईएसी / एमआईएए	
≥ 25ha और < 50ha	'ब1'	हां	हां	हां	परियोजना प्रस्तावक	परियोजना प्रस्तावक	सीईएसी/ सीआईएए	
≥ 50 ha	'क'	हां	हां	हां	परियोजना प्रस्तावक	परियोजना प्रस्तावक	ईएसी/ एमओईएफसीसी	
समूह स्थिति में बालू, खनन और अन्य लघु खनिज खनन के लिए ईसी प्रस्ताव								
5 ha तक खनन पट्टे का समूह क्षेत्र	'ब2'	प्ररूप –1, पीएफआर और अनुमोदित खनन योजना तथा ईएमपी	नहीं	हां	राज्य, राज्य अभिकरण, परियोजना प्रस्तावकों का समूह, परियोजना प्रस्तावक	परियोजना प्रस्तावक	डीईएसी/ डीईआईएए/	एमओईएफसीसी द्वारा नामनिर्दिष्ट डीईआईएए एसईआईए एसपीसीवी सीपीसीवी अभिकरण
> 5 ha तक खनन पट्टे का	'ब2'	प्ररूप –1, पीएफआर और	नहीं	हां	राज्य, राज्य अभिकरण, परियोजना	परियोजना प्रस्तावक	डीईएसी/ डीईआईएए/	

समूह क्षेत्र और < 25 ha बिना किसी व्यक्ति पट्टे के > 5 ha		अनुमोदित खनन योजना तथा समूह में सभी पट्टों के लिए एक ईएमपी			प्रस्तावकों का समूह, परियोजना प्रस्तावक		
व्यक्ति पट्टा आकार < 50ha हेक्टेयर के साथ \geq 25 से खनन पट्टे का समूह	'ख1'	हां	हां	हां	राज्य, राज्य अभिकरण, परियोजना प्रस्तावकों का समूह, परियोजना प्रस्तावक	परियोजना प्रस्तावक	सीईएसी/ एसईआईए
\geq 50ha से किसी व्यक्ति पट्टे के आकार का कोई समूह	'क'	हां	हां	हां	राज्य, राज्य अभिकरण, परियोजना प्रस्तावकों का समूह, परियोजना प्रस्तावक	परियोजना प्रस्तावक	ईएसी/ एमओईएफसीसी

परिशिष्ट - XII

[पैरा 10 (iv) देखें]

बालू खनन या नदी तट खनन की मानीटरी की प्रक्रिया

1. परिवहन अनुज्ञा पत्र के सुरक्षा अभिलक्षण नीचे दिए अनुसार है :

- (क) भारतीय बैंक संगम द्वारा अनुमोदित चुंबकीय स्याही अक्षर पहचान (एमआईसीआर) कोड पेपर पर मुद्रित
- (ख) विशिष्ट बारकोड
- (ग) विशिष्ट त्वरित प्रतिक्रिया (क्यूआर) कोड
- (घ) फ्यूजिटिव इंक पृष्ठभूमि
- (ङ) अदृश्य इंक चिन्ह
- (च) वायर्ड पेंटओग्रॉफ
- (छ) वॉटरमार्क

2. खनन पट्टा स्थल पर अपेक्षा :

- (क) छोटे आकार का प्लाट (5 हेक्टेयर तक): एंडरायड आधारित स्मार्ट फोन
- (ख) बड़े आकार के प्लाट (5 हेक्टेयर से अधिक): सीसीटीवी कैमरा, पर्सनल कंप्यूटर (पीसी), इंटरनेट कनेक्शन, पावर बैकअप
- (ग) खनन पट्टा स्थल का पहुंच नियंत्रण
- (घ) इस्तेमाल किए गए वाहन के ट्रेलर के आयतन के आधार पर खनन किए गए खनिज के भार को तोलने के लिए प्रबंध या अनुमानित भार।

3. परिवहन अनुज्ञापत्र या रसीद की स्कैनिंग और उसे सर्वर पर अपलोड करना :

- (क) वेबसाइट: खनन स्थल पर रसीद की स्कैनिंग, बारकोड स्कैनर और कंप्यूटर के माध्यम से सॉफ्टवेयर का इस्तेमाल करके की जा सकती है ;
- (ख) एंडरायड अनुप्रयोग : खनन स्थल पर स्कैनिंग, स्मार्ट फोन का उपयोग करके एंडरायड अनुप्रयोग द्वारा की जा सकती है। इसके लिए सिमकार्ड पर इंटरनेट की उपलब्धता की अपेक्षा होगी ;
- (ग) एसएमएस : सर्वर पर परिवहन अनुज्ञापत्रों या रसीद को मोबाइल फोन के माध्यम से एसएमएस भेजकर अपलोड किया जाएगा। एक बार परिवहन अनुज्ञापत्र या रसीद को अपलोड करने पर अपनी विधिमान्यता की अवधि के साथ एक विशिष्ट वीजक कोड सृजित हो जाता है।

4. प्रणाली का प्रस्तावित कार्यकरण :

राज्य खनन विभाग को परिवहन अनुज्ञापत्र या रसीद को ऊपर पैरा 1 में उपदर्शित सुरक्षा अभिलक्षणों के साथ मुद्रित करना चाहिए और उन्हें जिला कलक्टर के माध्यम से पट्टा धारक को जारी किया जाएगा। एक बार इन परिवहन अनुज्ञापत्रों या रसीदों को जारी करने के पश्चात् उन्हें खनन पट्टा क्षेत्र के विरुद्ध सर्वर पर अपलोड किया जाएगा। प्रत्येक रसीद अधिमानतः पूर्व नियत मात्रा के साथ होनी चाहिए ताकि जारी की गई रसीदों के लिए कुल मात्रा का अवधारण किया जा सके।

जब परिवहन अनुज्ञापत्र या रसीद का बारकोड स्कैन हो जाता है और वीजक का सृजन कर दिया जाता है जिससे विशिष्ट बारकोड का इस्तेमाल होता है और उसकी विधिमान्यता के समय को सर्वर पर अभिलिखित कर दिया जाता है। ताकि खनन की गई सामग्री के परिवहन के सभी व्यौरों को सर्वर पर रखा जा सके और परिवहन अनुज्ञापत्र या रसीद का पुनः इस्तेमाल नहीं किया जा सके।

5. मार्ग पर जांच :

खनन किए गए खनिजों को ले जाने वाले यानों की जांच करने के प्रयोजन के लिए तैनात कर्मचारिवृंद को परिवहन अनुज्ञापत्र या रसीद की वेबसाइट, एंडरायड अनुप्रयोग और एसएमएस का उपयोग करके उन्हें स्कैन करने की स्थिति में होना चाहिए।

6. यानों का खराब हो जाना :

यान के खराब होने की दशा में परिवहन अनुज्ञापत्र या रसीद की विधिमान्यता का चालक द्वारा यान के खराब हो जाने की रिपोर्ट करने के लिए विशिष्ट फोरमेट में एसएमएस भेजकर विस्तार किया जाएगा। सर्वर इस सूचना को रजिस्टर करेगा और खराब होने को रजिस्टर करेगा। राज्य एक काल सेंटर की भी स्थापना कर

सकता है जो ऐसे यानों के खराब होने को रजिस्टर कर सकता है तथा वैधता की अवधि का विस्तार कर सकता है। यान के पश्चात्त्वर्ती ठीक होने की भी इसी प्रकार सर्वर या काल सेंटर में रिपोर्ट की जानी चाहिए।

7. यानों की ट्रेकिंग :

यान के खोत से गंतव्य तक के मार्ग को जांच बिंदुओं, आरएफआईडी टैगों और जीपीएस ट्रेकिंग के माध्यम से ट्रैक किया जा सकता है।

8. चौकसी या रिपोर्ट सृजन और कार्रवाई समीक्षा :

प्रणाली दैनिक उठाई रिपोर्ट, यान लोग या इतिहास, आवंटन के विरुद्ध उठाई और कुल उठाई जैसे विभिन्न पैरामीटरों पर प्राधिकारियों को आवधिक रिपोर्ट विकसित करने में समर्थ करेगी। प्रणाली का उपयोग आटोमेल या एसएमएस सृजित करने के लिए किया जा सकता है। इससे जिला कलक्टर या जिला मजिस्ट्रेट सभी सुसंगत व्यौरे प्राप्त करने में समर्थ होंगे और इससे प्राधिकारी किसी अनियमितता में लिप्त पाए गए किसी स्थल से स्कैनिंग सुविधा को रोकने में समर्थ होंगे। जब भी कोई प्राधिकारी अवैध बालू का परिवहन करने वाले किसी यान को अंतररुद्ध करता है तो वह सर्वर पर रजिस्ट्रीकृत हो जाएगा और अधिकारी के लिए की गई कार्रवाई पर रिपोर्ट करना आज्ञापक होगा। प्रत्येक अंतररुद्ध किए गए यान को ट्रैक किया जाएगा।

खनन किए गए खनिज, पर्यावरणीय अनापत्त शतों और पर्यावरण प्रबंधन योजना के प्रवर्तन की मानीटरी का डीईआईएए, एसईआईएए और राज्य प्रदूषण नियंत्रण बोर्ड या समिति द्वारा सुनिश्चित किया जाएगा। ऊपर परकल्पित मानीटरी इंतजामों को तीन मास से पूर्व लागू किया जाएगा। पर्यावरणीय अनापत्ति शतों के प्रवर्तन की मानीटरी केन्द्रीय प्रदूषण नियंत्रण बोर्ड, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा इस प्रयोजन के लिए मंत्रालय द्वारा नामनिर्दिष्ट अभिकरण द्वारा किया जाएगा।”।

[सं. जेड-11013/98/2014-आईए-II (एम)]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में का.आ. सं. 1533 (अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और उनका पश्चात्त्वर्ती संशोधन निम्नलिखित संख्याओं द्वारा किया गया :-

1. का.आ. 1737(अ) तारीख 11 अक्टूबर 2007;
2. का.आ. 3067(अ) तारीख 1 दिसंबर 2009;
3. का.आ. 695(अ) तारीख 4 अप्रैल 2011;
4. का.आ. 2896(अ) तारीख 13 दिसम्बर 2012;
5. का.आ. 674(अ) तारीख 13 मार्च 2013;
6. का.आ. 2204(अ) तारीख 19 जुलाई 2013;
7. का.आ. 2555(अ) तारीख 21 अगस्त 2013;
8. का.आ. 2559(अ) तारीख 22 अगस्त 2013;
9. का.आ. 2731(अ) तारीख 9 सितंबर 2013;

- 10 का.आ. 562(अ) तारीख 26 फरवरी 2014;
11. का.आ. 637(अ) तारीख 28 फरवरी 2014;
12. का.आ. 1599(अ) तारीख 25 जून 2014;
13. का.आ. 2601(अ) तारीख 7 अक्टूबर 2014;
14. का.आ. 2600(अ) तारीख 9 अक्टूबर 2014
15. का.आ. 3252(अ) तारीख 22 दिसम्बर 2014;
16. का.आ. 382(अ) तारीख 3 फरवरी, 2015;
17. का.आ. 811(अ) तारीख 23 मार्च, 2015;
18. का.आ. 996(अ) तारीख 10 अप्रैल 2015;
19. का.आ. 1142(अ) तारीख 17 अप्रैल 2015;
20. का.आ. 1141(अ) तारीख 29 अप्रैल 2015;
21. का.आ. 1834(अ) तारीख 6 जुलाई 2015;

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 15th January, 2016

S.O. 141(E).—Whereas 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), a draft notification for making certain amendments in the Environment Impact Assessment Notification, 2006, issued *vide* number S.O. 1533(E), dated the 14th September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, *vide* number S.O. 2588(E), dated 22nd September, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said notification were available to the public;

And whereas, copies of said notification were made available to the public on 22nd September 2015;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

And whereas, in pursuance to the order of Hon'ble Supreme Court 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., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, *vide* its order dated the 13th January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

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 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification,-

(a) in paragraph 2, after the words "in the said Schedule", the following words shall be inserted, namely:-
"and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule";

(b) after paragraph 3, the following paragraph shall be inserted, namely:-

"3 A. District Level Environment Impact Assessment Authority:-

- (1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.
 - (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
 - (3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.
 - (4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.
 - (5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert member.
 - (6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
 - (7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.
 - (8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.
 - (9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.
 - (10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert members.
 - (11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.
 - (12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.
 - (13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail. ";
- (c) in paragraph 4, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-
"(iv) The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification." ;
- (d) for paragraph 5, the following paragraph shall be substituted, namely:-

"5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category 'A', 'B1 and B2' and 'B2' projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union

territory Administration with identical composition. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(b) The Central Government may with the prior concurrence of the concerned State Governments or the Union territory Administration constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost.

(c) The EAC and SEAC shall be reconstituted after every three years.

(d) The authorised members of the EAC, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental clearance is sought for the purpose of screening or scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

(e) The EAC, SEACs and DEACs shall function on the principle of collective responsibility. The Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached the view of the majority shall prevail.”;

(e) for paragraph 6, the following paragraph shall be substituted, namely:-

“6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form 1M for mining of minor minerals up to five hectare under Category ‘B2’ projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and Form 1M; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report.”;

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading “I. Stage (1)- Screening.”, the existing sub-paragraph shall be lettered as sub-paragraph “(A)” and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-

“(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance.”;

(ii) after sub-paragraph 7 (ii), the following sub-paragraph shall be inserted, namely:-

“7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;

(g) in paragraph 8,-

(i) for the letters and word “EAC or SEAC”, the words and letters “EAC or SEAC or DEAC” shall be substituted;

(ii) for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee” wherever they occur, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(h) in paragraph 9, in sub-paragraph (i),-

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(i) in paragraph 10, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

“(iv) The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII.”;

(j) in paragraph 11, -

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(k) in the Schedule,-

(i) for item 1 (a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
“1(a)	(i) Mining of minerals	≥50 ha of mining lease area in respect of non-coal mine lease >150 ha of mining lease area in respect of coal mine lease Asbestos mining	<50 ha of mining lease area in respect of non-coal mine lease ≤150 ha of mining lease area in respect of coal mine lease	General Conditions shall apply except: (i) for project or activity of mining of minor minerals of Category ‘B2’ (up to 25 ha of mining lease area); (ii) River bed mining projects on account of inter-state boundary.

		irrespective of mining area		<p>Note:</p> <p>(1) Mineral prospecting is exempted. ”;</p> <p>(2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;</p> <p>(3) The mining leases which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification, 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.</p>
	(ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	All projects.		

(1) after Appendix VI, the following appendices shall be inserted, namely:-

“APPENDIX VII

(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

- 1. Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
- 2. Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
- 3. Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
- 4. Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.

5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

APPENDIX VIII

(See paragraph 6)

FORM 1 M**APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR LESS THAN AND EQUAL TO FIVE HECTARE****(II) Basic Information**

- (viii) Name of the Mining Lease site:
- (ix) Location / site (GPS Co-ordinates):
- (x) Size of the Mining Lease (Hectare):
- (xi) Capacity of Mining Lease (TPA):
- (xii) Period of Mining Lease:
- (xiii) Expected cost of the Project:
- (xiv) Contact Information:

Environmental Sensitivity

Sl. No.	Areas	Distance in kilometer / Details
1.	Distance of project site from nearest rail or road bridge over the concerned River, Rivulet, Nallah etc.	
2.	Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoirs or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps	
3.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	
4.	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	
5.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	
6.	Inland, coastal, marine or underground waters	
7.	State, National boundaries	
8.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from nearest human habitation	
11.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	
12.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	
13.	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	
14.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	

15.	Is proposed mining site located over or near fissure / fracture for ground water recharge	
16.	Whether the proposal involves approval or clearance under the following Regulations or Acts, namely:- (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given.	
17.	Forest land involved (hectares)	
18.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No. (c) Orders or directions of the Court, if any, and its relevance with the proposed project.	

(Signature of Project Proponent
Along with name and address)

APPENDIX - IX

[See paragraph 7(i) (B)]

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely:-

1. Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat *vide* notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
8. Digging of well for irrigation or drinking water.
9. Digging of foundation for buildings not requiring prior environmental clearance.
10. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nala, drain, water body, etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate.
11. Activities declared by State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India.

APPENDIX - X

[See paragraph 7 (iii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

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 Bajari 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 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.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District

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

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)
Total for the District						

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.

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 mineable 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 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.

APPENDIX - XI

[See paragraph 7 (iii) (b)]

PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation:-

- (1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.
- (2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.
- (3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.
- (4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.
- (5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.
- (6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.
- (7). Form 1M, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.
- (8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease								
0 - 5ha	'B2'	Form -1M, PFR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency

> 5 ha and < 25 ha	'B2'	Form -I, PFR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	nominated by MoEFCC
≥ 25ha and < 50ha	'B1'	Yes	Yes	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	
≥ 50 ha	'A'	Yes	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation								
Cluster area of mine leases up to 5 ha	'B2'	Form -IM, PFR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	'B2'	Form -I, PFR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster of mine leases of area ≥ 25 hectares with individual lease size < 50ha	'B1'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	
Cluster of any size with any of the individual lease ≥ 50ha	'A'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/ MoEFCC	

APPENDIX - XII

[See paragraph 10 (iv)]

PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

1. The security feature of Transport Permit shall be as under:

- (a) Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
- (b) Unique Barcode.
- (c) Unique Quick Response (QR) code.
- (d) Fugitive Ink Background.
- (e) Invisible Ink Mark.
- (f) Void Pantograph.
- (g) Watermark.

2. Requirement at Mine Lease Site:

- (a) Small Size Plot (Up to 5 hectare): Android Based Smart Phone.

- (b) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.
- (c) Access control of mine lease site.
- (d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.

3. Scanning of Transport Permit or Receipt and Uploading on Server:

- (a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;
- (b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card;
- (c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.

4. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued.

When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

5. Checking On Route:

The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.

6. Breakdown of Vehicle:

In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call centre.

7. Tracking of Vehicles:

The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.

8. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose."

[No. Z-11013/98/2014-IA-II (M)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were 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 vide the following numbers :-

1. S.O. 1737 (E) dated the 11th October, 2007;
2. S.O. 3067 (E) dated the 1st December, 2009;
3. S.O. 695 (E) dated the 4th April, 2011;
4. S.O. 2896 (E) dated the 13th December, 2012;
5. S.O. 674 (E) dated the 13th March, 2013;
6. S.O. 2204 (E) dated the 19th July 2013;
7. S.O. 2555 (E) dated the 21st August, 2013;
8. S.O. 2559 (E) dated the 22nd August, 2013;
9. S.O. 2731 (E) dated the 9th September, 2013;
10. S.O. 562 (E) dated the 26th February, 2014;
11. S.O. 637 (E) dated the 28th February, 2014;
12. S.O. 1599 (E) dated the 25th June, 2014;
13. S.O. 2601 (E) dated the 7th October, 2014;
14. S.O. 2600 (E) dated the 9th October, 2014;
15. S.O. 3252 (E) dated the 22nd December, 2014;
16. S.O. 382 (E) dated the 3rd. February, 2015;
17. S.O. 811 (E) dated the 23rd March, 2015;
18. S.O. 996 (E) dated the 10th April, 2015;
19. S.O. 1142 (E) dated the 17th April, 2015;
20. S.O. 1141 (E) dated the 29th April, 2015;
21. S.O. 1834 (E) dated the 6th July, 2015.

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Annexure - 'B'



GOVERNMENT OF WEST BENGAL,
DEPARTMENT OF INDUSTRY, COMMERCE & ENTERPRISE,
SUKNINDRANATHI TAGORE BAHANI, (CAMAC BUREAU), KOLKATA - 700016

No. 365-ICIE/O/MIN/GEN-MIS/10/2025

Dated-12/06/2025

NOTIFICATION

WHEREAS, the West Bengal Sand Mining Policy 2021 was notified by the Industry, Commerce & Enterprises Department, Government of West Bengal vide No. 284-ICIE/O/MIN/GEN-MIS/09/2021, Dated 30th July 2021

AND WHEREAS, the West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021 was notified by the Industry, Commerce & Enterprises Department, Government of West Bengal vide No. 48-ICIE/O/MIN/GEN-MIS/ 17/ 2021, Dated 25th January 2022.

AND WHEREAS, as the provision 5.1 (vi) mandates to improve the effectiveness and efficiency of monitoring of mining and transportation of sand and to ensure availability of adequate quantity of sand in sustainable manner, thereby ensuring that sand is available to the end consumers at an affordable price

AND WHEREAS, as the provision 6 (viii) (C) of the West Bengal Sand Mining Policy 2021 and Rule 17 (2) (vii) of West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021 mandate to maintain enough stock of sand at any given point of time so that sand is available to end consumers and for various government projects at affordable price

AND WHEREAS, as per the Section 14 of WB Sand (Mining, Transportation, Storage & Sale) Rules 2021, the conditions are to be notified by the State Government in the Official Gazette for grant of such license. The same provisions were available in Rule 43 to 46 of WBMM Concession Rules, 2016

NOW THEREFORE, it is hereby notified that such licenses may be issued to those H1 bidders who have participated in the e-auction, made the requisite statutory payment, and obtained the Letter of Intent (LOI).

This has the approval of Land and Land Reforms and RR & R Department.

Sd/-

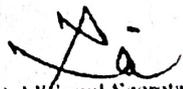
Additional Secretary
to the Government of West Bengal

No.365/1(49)-ICIE/O/MIN/GEN-MIS/10/2025

Dated-12/06/2025

Copy forwarded for information and necessary action to :-

1. The Chairman and MD of WBMDTCL.
2. The Additional Secretary, Department of L& LR & RR & R for kind information and taking necessary action.
3. The District Magistrate (all)
3. ADM & DI, & IRO (A.I.) for kind information and taking necessary action
4. Sr. P.S. to the Principal Secretary, IC&E Deptt. with request to place it before the authority for kind perusal.
5. P.A to the Secretary, IC&E Deptt. with request to place it before the authority for kind perusal.
5. Guard file


Additional Secretary
to the Government of West Bengal

12/6/25

Annexure - 'C'

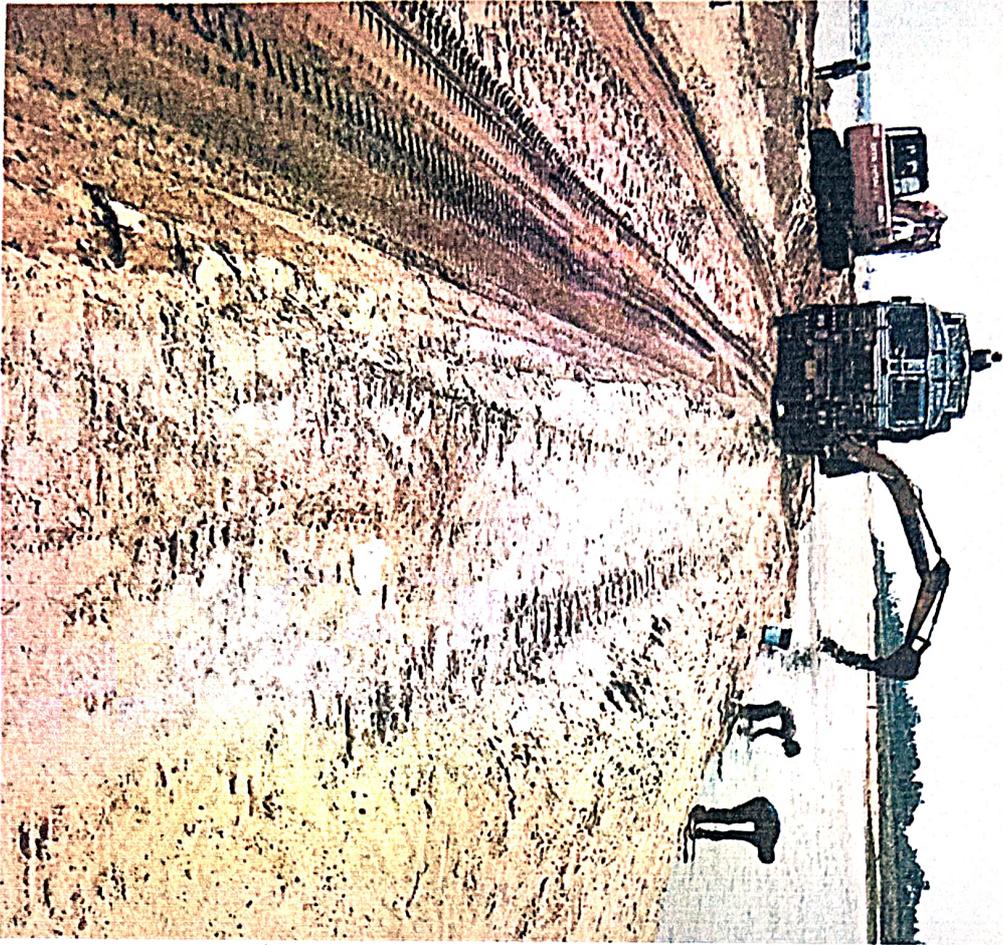
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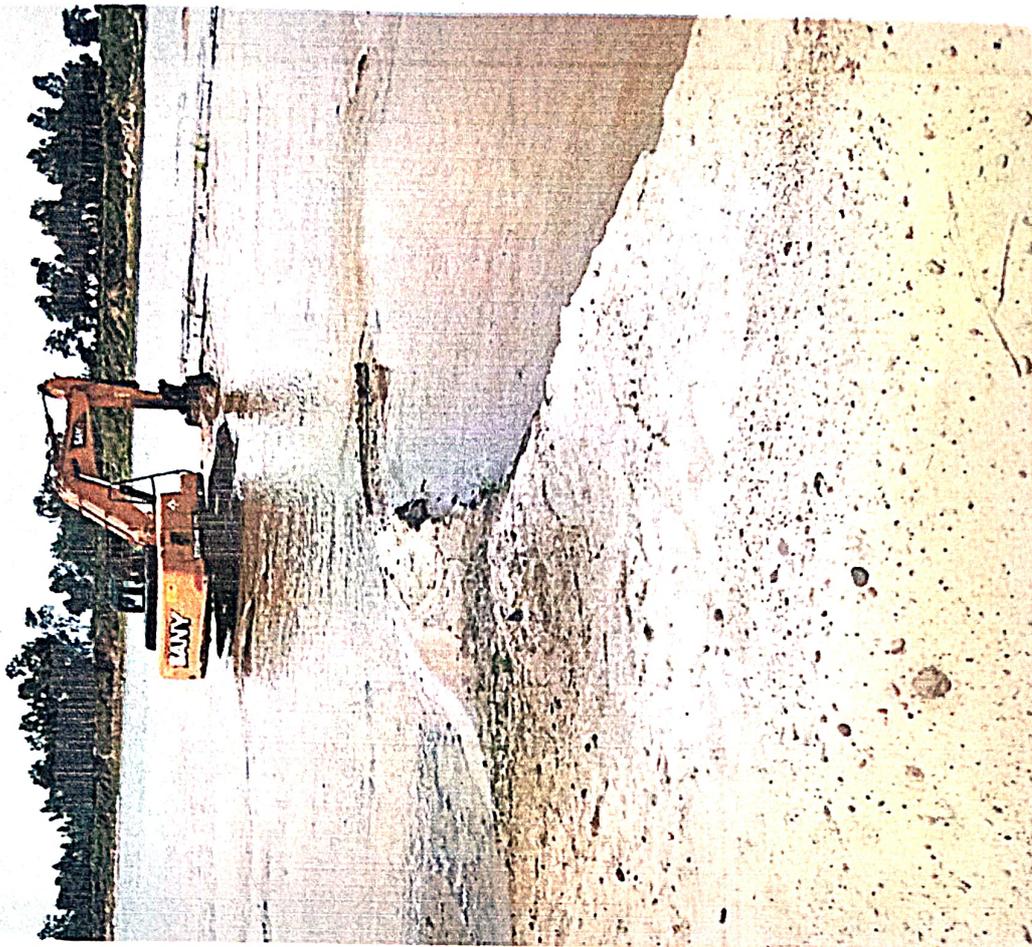




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