

**JOINT COMMITTEE REPORT SUBMITTED TO HON'BLE NGT (SZ),
CHENNAI IN O.A. NO. 187 OF 2021 (SZ) & I.A. NOS. 123 TO 126 OF
2021 (SZ) IN THE MATTER OF NAGENDRAKUMAR, GUNTUR DISTRICT,
ANDHRA PRADESH Vs GOVT. OF INDIA, REP. BY ITS SECRETARY,
MOEF&CC, NEW DELHI AND ORS.**

1.0 Preamble

The Hon'ble NGT received grievance via O.A. No. 187 of 2021 (SZ) & I.A. Nos. 123 to 126 of 2021 (SZ) in the matter of Nagendrakumar, Guntur District, Andhra Pradesh vs Govt. of India, Rep. by its Secretary, MoEF&CC, New Delhi and Ors. and alleged that there are violation of conditions of environmental clearance and permissions are granted and also excess mining is being done by the persons, who are permitted to do sand mining and they were also doing sand mining using mechanised method instead of manual methods as provided under the "Sustainable Sand Mining Management Guidelines 2016" by the Ministry of Environment, Forest and Climate Change (MoEF&CC) thereby huge environmental degradation has been caused in the riverine beds of State of Andhra Pradesh.

It is also alleged in the application that they are not following the directions issued by the Principle Bench of National Green Tribunal, New Delhi as well as this Tribunal in carrying out the mining activities and checking mechanism of mining activities thereby illegal excess mining has been done by the persons to whom permissions have been granted and there is no mechanism to check such activities and on account of the same, the persons to whom such permissions have been granted are being unlawfully enriched and heavy loss is being caused to the exchequer, apart from causing damage to the environment. The applicant filed the application seeking the following reliefs:

- (a) *To pass an order directing the respondents 2 to 18 to take appropriate and effective steps to monitor the excavation and sand*

mining performed by the respondents 19 and 20 in all the Districts of State of Andhra Pradesh.

(b) To pass an order directing the respondents 2 to 18 to take effective measures to prevent the usage of heavy mechanized vehicles by the respondents 19 and 20 in the excavation and sand mining process in all 13 districts of State of Andhra Pradesh.

(c) To pass an order directing the respondents 19 and 20 to follow manual excavation rather than using vehicles for the purpose of excavation and sand mining in all 13 districts of State of Andhra Pradesh.

(d) To pass an order directing the respondents 2 to 18 to take appropriate action against the respondents 19 and 20 for any violation in the excavation and sand mining performed by them in all 13 districts of State of Andhra Pradesh.

(e) To pass an order directing the respondents 19 and 20 to erect boundary pillars and follow the provisions of the A.P. Minor Mineral Concession Rules 1966 and also the various guidelines issued by the 1st respondent in the excavation and sand mining process undertaken by them in all 13 districts of State Andhra Pradesh.

The Hon'ble NGT (SZ) satisfied with the allegations made in the application and admitted as there arises a substantial question of environment which requires the interference of the Tribunal for resolving the same.

2.0 Orders of the Hon'ble Tribunal dated 25.08.2021

The Hon'ble National Green Tribunal (NGT), (SZ), Chennai vide Orders dated 25.08.2021 in I.A. No's 123 to 126 / 2021 (SZ) in O.A. No. 187 of 2021, the following directions were made:

“8. In order to ascertain the genuineness of the allegations made in the application, we feel it is appropriate to appoint a joint committee consisting of (1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC) regional office, Andhra Pradesh at Vijayawada, (2) a Senior Officer from State Level Environment Impact Assessment Authority (SEIAA), (3) a Senior Officer from Department of Mines and Geology deputed by the Director and (4) a Senior Officer / Scientist from the Andhra Pradesh Pollution Control Board (APPCB) to inspect the mining areas as mentioned in the application in all the Districts and submit action taken report, if there is any violation found.

9. The above said committee is directed to include the respective District Collectors, whenever they are visiting the respective Districts as part of the committee and the District Collector himself/herself has to accompany the committee, considering the importance and the gravity of this issue as alleged in this application.

10. The committee is directed to ascertain as to :-

- i. Whether the respondents 19 and 20 are having necessary clearance as well as ‘Consent’ under the environmental laws for doing such sand mining.*
- ii. Whether there are any violations of conditions imposed either in the environmental clearance or in the consent to operate if any obtained while carrying out the mining operation.*
- iii. Whether indiscriminate unscientific sand mining is being carried out, against the directions issued by the Tribunal in several cases of this nature and also against the guidelines provided by the Ministry of Environment, Forests and Climate Change (MoEF & CC) under “Sustainable Sand Mining Management Guidelines 2016” and also the guidelines for “Enforcement and Monitoring Guidelines for Sand Mining”*

- iv. Whether any excess mining has been done and if so, what is the quantity of excess mining done,*
- v. To assess the value of the excess mining apart from royalty and penalty and assess the environment including the amount required for restoration.*
- vi. Whether the supervisory mechanism which was directed to be adopted by this Tribunal in (O.A. No.152 of O.A. No.184 of 2017) is being adopted by the regulators to check illegal / excess mining.*

11. The Department of Mines and Geology, Andhra Pradesh will be the nodal agency for co-ordination and providing necessary logistics for this purpose.”

Accordingly, the Director of Mines & Geology, Ibrahimpatnam has nominated Deputy Director's (DDM&G's) of the 13 districts as committee members vide proceedings No:4914357/Sand/NGT-187(SZ)/2021 Dt: 20.09.2021 (copy enclosed as Annexure-I) and conducted virtual meeting with all the committee members on 22.09.2021 at 11.00 AM to workout modalities to complete the task in time.

Subsequently, the Hon'ble NGT (SZ), Chennai vide Order dated 20.09.2021 in I.A. No. 142 & 143 of 2021 in O.A. No. 187 of 2021 has directed the committee to inspect the sand reaches located in Guntur and Krishna Districts.

3.0 Constitution of the Joint committee

In compliance to the Hon'ble NGT Orders dated 25.08.2021 and 20.09.2021, as a nodal agency, the Department of Mines & Geology, Andhra Pradesh has constituted Joint Committee for respective Districts based on nominations received from concerned organizations. The Joint Committee comprises the following members:

MoEF&CC:

Dr. Suresh Babu Pasupuleti, Scientist 'D', Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Vijayawada.

SEIAA, AP:

Shri K. Venkata Ramana, Member-State Expert Appraisal Committee (SEAC) Andhra Pradesh, representative of State Environmental Impact Assessment Authority (SEIAA), Andhra Pradesh.

District wise Members:

SN	District	Name of the member from DM&G	Name of the member from APPCB
1	Srikakulam	Shri Ch. Surya Chandra Rao, Deputy Director	Shri S. Shankar Naik, Environmental Engineer
2	Vizianagaram	Shri N. Venkata Krishna, Deputy Director	Shri T. Sudarsanam, Environmental Engineer
3	Visakhapatnam	Shri Ch. Surya Chandra Rao, Deputy Director	Shri M. Pramod Kumar Reddy, Environmental Engineer
4	East Godavari	Shri E. Narasimha Reddy, Deputy Director	Shri A. Ramarao Naidu, Environmental Engineer
5	West Godavari	Shri Papa Rao, Deputy Director	Shri K. Vijaya Mohan, Environmental Engineer
6	Krishna	Shri M. Subramanyam, Deputy Director	Shri S S S Murali, Environmental Engineer
7	Guntur	Shri S. K. V. Satyanarayana, Deputy Director	Shri M. Narayana, Environmental Engineer
8	Prakasham	Shri B. Ravi Kumar, Deputy Director	Shri G. Nagi Reddy, Environmental Engineer
9	Sri Potti Sriramulu Nellore	Shri B. Jagannadha Rao, Deputy Director	Shri. Ch. Raha Sekhar, Environmental Engineer
10	Chittoor	Shri K. L. V. Prasad, Deputy Director	Shri A. Narendra Babu, Environmental Engineer
11	YSR District, Kadapa (Cuddapah)	Shri Venkateswara Reddy, Deputy Director	Shri L. Javeed Basha, Environmental Engineer
12	Ananthapur	Shri M. Rama Siva Reddy, Deputy Director	Shri M. B S. Shankar Rao, Environmental Engineer

13	Kurnool	Shri B. Y. Muni Prasad, Environmental Engineer
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3.1 Terms of References (ToR) of the Joint Committee

As per the Hon'ble NGT Order dated 25.08.2021 the committee is entrusted to visit and inspect the site in question and following ToR:

- i. *Whether the respondents 19 and 20 are having necessary clearance as well as 'Consent' under the environmental laws for doing such sand mining.*
- ii. *Whether there are any violations of conditions imposed either in the environmental clearance or in the consent to operate if any obtained while carrying out the mining operation.*
- iii. *Whether indiscriminate unscientific sand mining is being carried out, against the directions issued by the Tribunal in several cases of this nature and also against the guidelines provided by the Ministry of Environment, Forests and Climate Change (MoEF & CC) under "Sustainable Sand Mining Management Guidelines 2016" and also the guidelines for "Enforcement and Monitoring Guidelines for Sand Mining"*
- iv. *Whether any excess mining has been done and if so, what is the quantity of excess mining done,*
- v. *To assess the value of the excess mining apart from royalty and penalty and assess the environment including the amount required for restoration.*
- vi. *Whether the supervisory mechanism which was directed to be adopted by this Tribunal in (O.A. No.152 of O.A. No.184 of 2017) is being adopted by the regulators to check illegal / excess mining.*

4.0 Site visit by the Joint Committee

In compliance to the Hon'ble NGT Orders, the Joint Committee has inspected the sand reaches located in State of Andhra Pradesh as follows:

SN	District	Date of Visit
1	Srikakulam	01.11.2021
2	Vizianagaram	No sand reaches
3	Visakhapatnam	No sand reaches
4	East Godavari	12.11.2021

5	West Godavari	13.11.2021
6	Krishna	25.09.2021
7	Guntur	24.09.2021
8	Prakasham	No sand reaches
9	Sri Potti Sriramulu Nellore	11.10.2021
10	Chittoor	12.10.2021
11	YSR District, Kadapa (Cuddapah)	20.10.2021
12	Ananthapur	19.10.2021
13	Kurnool	18.10.2021

The committee inspected various sand reaches in respective districts and verified the compliance status of Environmental Clearance (EC), Consent conditions of both Air & Water, District Survey Reports, Mining methodology, violations (if any), etc.

The present status of number of sand reaches being operated in the State of Andhra Pradesh is as follows:

SN	District	No. of active reaches
1	Srikakulam	19
2	Vizianagaram	No sand reaches
3	Visakhapatnam	No sand reaches
4	East Godavari	52
5	West Godavari	27
6	Krishna	59
7	Guntur	39
8	Prakasham	No sand reaches
9	Sri Potti Sriramulu Nellore	07
10	Chittoor	09
11	YSR District, Kadapa (Cuddapah)	11
12	Ananthapur	15
13	Kurnool	06
Total		244

4.1 Observations of the Joint Committee

It has been observed that most of the sand reaches in the State of Andhra Pradesh are inundated by flood water and very few reaches are in working condition.

The detailed status of sand reaches which are being operated in respective districts are enclosed as separate enclosures.

The common observations with respect to all sand reaches of Andhra Pradesh are as follows:

- It has been observed that, for all reaches, Environmental Clearances (ECs), Consent for Operations (CFOs) are issued in favor of Assistant Director of Mines and Geology Dept. (ADMG) of respective regions in Andhra Pradesh.
- It has been observed that, ECs and CFOs for most of the present operative reaches were granted in the month of December, 2020.
- The Government of Andhra Pradesh, Department of Mines and Geology vide proceedings dated 12.05.2021 has permitted M/s Jayaprakash Power Ventures Limited to commence sand operation from 12.05.2021 onwards and the details are as follows:

Proceedings No.	Package	Districts covered
2793/Sand-P1/2021 dated 12.05.2021	Package-1	Srikakulam, Vizianagaram, Visakhapatnam, East Godavari
2794/Sand-P2/2021 dated 12.05.2021	Package-2	West Godavari, Krishna, Guntur, Prakasam
2795/Sand-P3/2021 dated 12.05.2021	Package-3	Nellore, Anantapur, Chittoor, Kurnool, YSR Kadapa

- In addition to above, it has been observed that sand is being extracted at a few third order streams for quantities below 5000 Cu.m are operated for government works and for local use with the permission of the District Collectors at various districts as per the provision given in Sustainable Sand Mining Management Guidelines, 2016.

4.1.a Observations with respect to Mining

- The sand replenishment studies in respective District Survey Reports (DSR) were not prepared in a scientific manner considering all the technical parameters by a competent person/authority.
- During inspection, the boundary pillars were not available in most of the sand reaches. It has been informed that, the boundary pillars which were erected during reach operation are damaged/washed away by flood water.
- The mining plans of sand reaches does not have detailed information regarding total sand reserves available in respective reach.
- The mining plans does not included scientific mine closure plan and approach roads/ramps to the sand reach are not shown.
- It has been observed that the few sand reaches located at interstate and inter district boundaries are falls under cluster category (distance between two reaches is below 500 meters) and requires prior Public Hearing for grant of EC.

4.1.b Non compliance of Environmental Clearance conditions:

- It has been observed that the ADMG is not submitting six monthly compliance reports to MoEF&CC's Integrated Regional Office, Vijayawada, SEIAA, AP, and APPCB.
- ADMG has not allocated funds for implementation of Corporate Social Responsibility (CSR) activities as committed.
- As per specific condition no. vii. It shall be ensured that sand mining does not in any way disturb the flow pattern of the river water. However, it has been observed that, at few reaches, the river flow patter is being disturbed by the ramp constructed for transportation of sand.
- ADMG does not have a separate Environmental Management Cell with suitable qualified persons to implement various environmental protection measures.

- Plantations has not done both sides of the approach katcha path (through which vehicles ply) between the bund of the river and the main road.
- Monitoring of ambient air quality (AAQ) parameters as per National Ambient Air Quality norms notified by MoEF&CC dated 16.11.2009 is not being done.
- Hydro geological studies in the mines lease area is being carried out.
- Regular monitoring of Ground Water levels are not being monitored in and around the mine lease areas to assess the quality of the ground water.
- Occupational health surveillance programme of the workers is being done.
- The expenditure statement regarding environmental protection measures is not being done.
- Copies of newspaper advertisements regarding grant of EC to the lease is not provided.

5.0 Finding of the Joint Committee on the Task Assigned by Hon'ble NGT

- i. Whether the respondents 19 and 20 are having necessary clearance as well as 'Consent' under the environmental laws for doing such sand mining.***

Observation:

The committee has observed that all the sand reaches which are in operation in the State of Andhra Pradesh have obtained Environmental Clearance (EC) and Consent-For-Operations (CFO). The Assistant Director of Mines and Geology of respective region is the lessee of all the sand reaches. The detailed list of total sand reaches including details of ECs and CFOs are enclosed in respective districts reports.

In addition to above, it has been observed that sand is being extracted at few third order streams for quantities below 5000 Cu.m. are operated for

government works and for local use with the permission of the District Collectors at various districts without obtaining prior EC and CFO.

- ii. Whether there are any violations of conditions imposed either in the environmental clearance or in the consent to operate if any obtained while carrying out the mining operation.**

Observation:

The Joint Committee is unable to reach the most of the sand reaches as they are inundated by flood water and could not identify operational violations. But, during the inspection of the operational sand reaches and the verification of records, no violations of conditions imposed either in the environmental clearance or in the consent to operate are identified.

Detailed information regarding non compliance of EC and CFO conditions are mentioned at 4.1.b section.

- iii. Whether indiscriminate unscientific sand mining is being carried out, against the directions issued by the Tribunal in several cases of this nature and also against the guidelines provided by the Ministry of Environment, Forests and Climate Change (MoEF & CC) under "Sustainable Sand Mining Management Guidelines 2016" and also the guidelines for "Enforcement and Monitoring Guidelines for Sand Mining"**

Observation:

The Joint Committee is unable to reach most of the sand reaches as they are under flood and did not identify any operational violations during the visit of the few operational sand reaches.

It has been observed that few reaches are having video cameras with solar power panels near the ramp points, meant for monitoring the transport of the sand.

During visit of expired/exhausted/earlier operated reaches, it has been observed that the gravel/boulders used for construction of roads/ramps were left in unscientific manner which causing obstruction of river flow during flood season.

Strict implementation and practice of "Sustainable Sand Mining Management Guidelines 2016" and also the guidelines for "Enforcement and

Monitoring Guidelines for Sand Mining, 2020" at all reaches is required for all the reaches.

- iv. Whether any excess mining has been done and if so, what is the quantity of excess mining done,*

Observation:

As per the records available at O/o Deputy Director, and M/s JVPL, no violations regarding excess mining are identified.

- v. To assess the value of the excess mining apart from royalty and penalty and assess the environment including the amount required for restoration.*

Observation:

As per the records available at O/o Deputy Director, and M/s JVPL, no violations regarding excess mining are identified.

- vi. Whether the supervisory mechanism which was directed to be adopted by this Tribunal in (O.A. No.152 of O.A. No.184 of 2017) is being adopted by the regulators to check illegal / excess mining.*

Observation:

The committee has been observed that the DM&G is in process of adopting supervisory mechanism as directed by Hon'ble Tribunal in O.A. No.152 of O.A. No.184 of 2017 to check illegal / excess mining.

It is required strengthen the sand transport pass mechanism system by Director of Mines and Geology Department, Govt. of Andhra Pradesh. The committee was informed that E permit system is being developed and shall be implemented in few weeks.

6.0 Recommendations of the Joint Committee

As per the observations, the following recommendations are made by the Joint Committee:

1. Replenishment study of the sand bearing areas must be prepared in a scientific manner considering all the technical parameters by a competent person/authority. The District Survey Report shall be strengthened by including replenishment study of sand.

2. Operation of number of reaches with mine lease area of less than 5 ha. at a particular area may leads to cluster formation. Instead of number of reaches, a single mine lease of having mine lease area up to 25 ha may be identified and processed.
3. The Director of Mines and Geology Department (DM&G) may declare above areas sand mining zone and mine leases may grant up to 25 ha.
4. The SEIAA, Andhra Pradesh may carefully examine and appraise the EC applications for sand mine reaches especially the reaches falls at cluster area.
5. The DM&G is required to obtain prior EC for sand mining at third order streams for quantities more than 5000 Cu.m. if used for commercial purpose.
6. As a part of post mining, the approach roads/ramps should be removed and the gravel/boulders should be stacked outside the river bank for further use in other sand reaches.
7. The mining plans of sand reaches shall have detailed information regarding total sand reserves available in respective reach.
8. The mining plans shall be included scientific mine closure plan along with detailed map of approach roads/ramps to the sand reach.
9. The mining plan shall include detailed mine closure plan.
10. The mining plan shall include the Plates/sketches, as produced for other minor minerals.
11. Financial Assurance for the mine closure shall be furnished.
12. The DM&G must comply all the condition stipulated in Environmental Clearances and Consent for Operation.


Dr. Suresh Babu Pasupuleti,
Scientist 'D', MoEF&CC,
Integrated Regional Office,
Vijayawada.


Shri K. Venkata Ramana,
Member (SEAC), SEIAA,
Andhra Pradesh.


Director of Mines and Geology
Govt. of Andhra Pradesh
Ibrahimpatnam, Vijayawada.
Krishna District.


SENIOR ENVIRONMENTAL SCIENTIST
A.P. POLLUTION CONTROL BOARD
ZONAL LABORATORY VIJAYAWADA