



State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 16 EAA 2020

Date: 22.07.2022

To,

The Registrar,
National Green Tribunal, Southern Zone,
Kalas Mahal, Chennai – 600 005.

Respected Sir,

Sub:- Submission of SEIAA, Karnataka in respect of orders of Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No. 194 of 2020 (SZ) filed by Dr. Sarvabhoom Bagali Vs State of Karnataka and others – Reg.

This has reference to the orders of Hon'ble National Green Tribunal (SZ) in O.A. No. 194 of 2020 (SZ) filed by Dr. Sarvabhoom Bagali with regard to the conditions imposed by the District Environment Impact Assessment Authority (DEIAA) while granting Environmental Clearance for river sand mining.

As you are kindly aware that the Hon'ble NGT The Hon'ble NGT vide order dated 07.10.2020 have constituted a joint committee to inspect the areas in question and submit a factual as well as action taken report, in order to ascertain the impact of such conditions on Environment.

The Joint Committee submitted the report to the Hon'ble NGT on 01.06.2021. The Joint Committee observed that the conditions of Environmental clearances are in line with the Sustainable Sand Mining Policy. The Committee felt that the conditions stipulated in the Environmental Clearance such as dust extraction in mineral handling area (storage area), water conservation, etc are not so relevant for these mines hence conditions on dust extraction system, water conservation, Environmental Management Cell, CSR need to be revisited. The mine owners may utilise the service of accredited environmental consultant / laboratory for the environmental management instead of having their own Environment Management Cell.

Hence, the Joint Committee is of the view that imposing such non-relevant conditions in the Environmental Clearance has led to such non-compliances and hence MoEF&CC / SEIAA may relook into such conditions while according Environmental Clearance as some of the conditions are practically not-feasible for implementation by small sand mining leases. The MoEF&CC / SEIAA need to consider suitable modification of above conditions in the Environmental Clearance for such sand mining in future.

The Committee also concluded that in view of the least importance given by the lease owners on EC compliances and to bring attention and importance on EC, the committee felt that a lump sum amount, say Rs. 2-3 lakhs may be imposed on all operating mines as Environmental compensation. Further, in case of continuance of non-compliances, the SEIAA, Karnataka to take action as per the powers delegated under S.O 637 (E) dated 28.02.2014.

In this regard vide Affidavit dated 14.03.2022, it has been submitted that the Standard Environmental Clearance conditions have been prepared by MoEF & CC for expediting the process of Environmental Clearance without compromising environmental norms and the rigor of environment impact assessment. Accordingly, said conditions have been imposed in the Environmental Clearances accorded by SEIAA.

Further, the Hon'ble NGT vide order dated 11.07.2022, directed to file report regarding the action taken on the basis of Joint Committee Report against the erring units including imposition of environmental Compensation and other penal steps to be taken as directed by Principle Bench of NGT in several cases.

Accordingly, Ministry of Environment, Forest and Climate Change, Government of India has been requested vide letter dated 21.07.2022 to get the issue examined at the Ministry and to relook into Standard Environmental Clearance conditions practically feasible for implementation by small sand mining leases. (Copy is enclosed as Annexure-1)

Further, show cause notice has also been issued to the erring units for non-compliances to the conditions imposed in Environmental Clearance letter. (Copy is enclosed as Annexure-2)

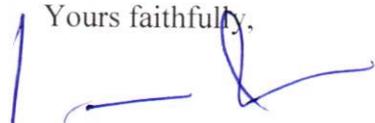
It is to be submitted that the Joint Committee has recommended SEIAA, Karnataka to take action as per the powers delegated under Notification S.O 637 (E) dated 28.02.2014 with respect to the above erring units in respect of non-compliance to the EC conditions.

It is kindly submitted that the Regional Office, MoEF&CC is authorized to monitor the implementation of the stipulated conditions and environmental safeguards contained in the Environmental Clearance vide Circular No. J-11013/30/2009-IA.II (I), dated 3rd June 2009 issued by MoEF.

In this regard once SEIAA receives certified compliance reports from Regional Office, MoEF&CC of erring units, the action will be initiated by SEIAA as per the Notification No. S.O 637 (E) dated 28.02.2014.

This is for kind perusal of the Hon'ble National Green Tribunal (SZ) Chennai.

Yours faithfully,


(Vijay Mohan Raj V.)
Member Secretary,
SEIAA.



State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 16 EAA 2020

Date: 22 .07.2022

To,

The Secretary,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Paryavaran Bhavan, Jor Bagh,
Aliganj Road, New Delhi - 110003.

Sir,

Sub:- OA No. 194/2020 (SZ) filed by Dr. Sarvabhoom Bagali before
Hon'ble NGT (Southern Zone), Chennai.

Your kind attention is invited to the submission of appeal by Dr. Sarvabhoom Bagali, the Hon'ble National Green Tribunal (SZ) Chennai dealt in O.A. No. 194 of 2020 (SZ). The petitioner has alleged regarding the conditions imposed by the District Environment Impact Assessment Authority (DEIAA) while granting Environmental Clearance for river sand mining in violations of the Sustainable Sand Mining Policy issued by MoEF & CC and there is no monitoring mechanism that is being adopted by the MoEF & CC in respect of compliance of directions issued by them from time to time in respect of river sand mining.

The Hon'ble NGT vide order dated 07.10.2020 have constituted a joint committee to inspect the areas in question and submit a factual as well as action taken report, in order to ascertain the impact of such conditions on Environment.

The Joint Committee submitted the report to the Hon'ble NGT on 01.06.2021. The Joint Committee observed that the conditions of Environmental clearances are in line with the Sustainable Sand Mining Policy. The Committee felt that the conditions stipulated in the Environmental Clearance such as dust extraction in mineral handling area (storage area), water conservation, etc are not so relevant for these mines hence conditions on dust extraction system, water conservation, Environmental Management Cell, CSR need to be revisited. The mine owners may utilise the service of accredited environmental consultant / laboratory for the environmental management instead of having their own Environment Management Cell.

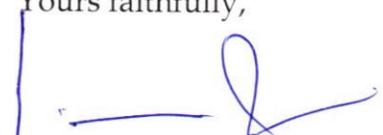
Hence, the Joint Committee is of the view that imposing such non-relevant conditions in the Environmental Clearance has led to such non-compliances and hence MoEF&CC / SEIAA may relook into such conditions while according Environmental Clearance as some of the conditions are practically not-feasible for implementation by small sand mining leases. The MoEF&CC / SEIAA need to consider suitable modification of above conditions in the Environmental Clearance for such sand mining in future.

The Committee also concluded that , in view of the least importance given by the lease owners on EC compliances and to bring attention and importance on EC, the committee felt that a lump sum amount, say Rs. 2-3 lakhs may be imposed on all operating mines as Environmental compensation. Further, in case of continuance of non- compliances, the SEIAA, Karnataka to take action as per the powers delegated under S.O 637 (E) dated 28.02.2014.

In this regard it has been submitted that the Standard Environmental Clearance conditions have been prepared by MoEF& CC for expediting the process of Environmental Clearance without compromising environmental norms and the rigor of environment impact assessment. Accordingly, said conditions have been imposed in the Environmental Clearances accorded by SEIAA.

You are therefore requested to get the issue examined at the Ministry and cause relook into Standard Environmental Clearance conditions practically feasible for implementation by small sand mining leases and oblige.

Yours faithfully,


(Vijay Mohan Raj V.)
Member Secretary,
SEIAA.

22/07/22



सत्यमेव जयते

Annexure - 2

By RPAD

State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 16 EAA 2020

Date: 22.07.2022

SHOW CAUSE NOTICE

Sub:- OA No. 194/2020 (SZ) filed by Dr. Sarvabhoom Bagali before Hon'ble NGT (Southern Zone), Chennai.

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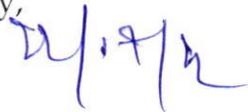
1. Whereas, the Ministry of Environment and Forests, Government of India have issued Notification No. S.O. 1533 (E) dated 14th September 2006 under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986.
2. Whereas, all new, expansion and modernization and change in product-mix projects listed in schedule to the aforesaid notification require Prior Environmental Clearance from the concerned regulatory authority.
3. Whereas, upon submission of appeal by Dr. Sarvabhoom Bagali, the Hon'ble National Green Tribunal (SZ) Chennai in O.A. No. 194 of 2020 (SZ) vide order dated 07.10.2020 have constituted a joint committee to inspect the areas in question and submit a factual as well as action taken report, in order to ascertain the impact of such conditions on Environment.
4. Whereas, the Joint Committee submitted the report to the Hon'ble NGT on 01.06.2021. The Joint Committee observed that the conditions of Environmental clearances are in line with the Sustainable Sand Mining Policy.
5. Whereas, the Committee also concluded that , in view of the least importance given by the lease owners on EC compliances and to bring attention and importance on EC, the committee felt that a lump sum amount, say Rs. 2-3 lakhs may be imposed on all operating mines as Environmental compensation. Further, in case of continuance of non- compliances, the SEIAA, Karnataka to take action as per the powers delegated under S.O 637 (E) dated 28.02.2014.
6. Whereas, the Hon'ble NGT vide order dated 11.07.2022, directed to file report regarding the action taken on the basis of Joint Committee Report against the erring units including imposition of environmental Compensation and other penal steps to be taken as directed by Principle Bench of NGT in several cases.
7. Whereas, as per the direction given by Hon'ble NGT, it is decided to issue notice to all the proponents to submit Half year Compliance Report to the Regional

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Office of the MoEF & CC Bangalore. Further, it is also directed to get the Certified Compliance Report from the Regional Office of the MoEF &CC.

8. Wherefore, the following are hereby called upon to show cause why the Environmental Clearance granted to them for sand mining should not be cancelled for not submitting Half year Compliance Report to the Regional Office of the MoEF & CC Bangalore and non-compliance to the respective Environmental Clearance issued under EIA Notification 2006. The clarification/explanation along with documents if any in this regard shall be submitted within 30 days from the date of receipt of this notice.

It is to inform that this opportunity of being heard is provided to the above project authorities in terms of the provision under para 8 (vi) of the EIA Notification No. S.O. 1533(E) dated 14.06.2006 amended from time to time and in the event of failure to submit your clarification/explanation, the Authority will be constrained to initiate action deemed fit in accordance with law.


(Vijay Mohan Raj V)
Member Secretary,
SEIAA. 

To,

1. Gangapura Sand Mining - Bock 1 - Fakiragouda Hireninganagoudra- DEIAA (3) 04 MIN (S) 2017 dated 30.12.2017
2. Gangapura Sand Mining - Bock 2 - Vanajakshamma C Malladad - DEIAA (3) 30 MIN (S) 2017 dated 30.12.2017
3. Hesaruuru Sand Mining Block - 4 - Jahiruddin Mulla , DEIAA (3) 06 MIN (S) 2017 dated 30.12.2017
4. Shingatalur Sand Mining Block - 1 - Santhosh P Doddwad -DEIAA (3) 18 MIN (S) 2017 dated 30.12.2017
5. Shingatalur Sand Mining Block - 2 - Raju D Kalli - DEIAA (3) 07 MIN (S) 2017
6. Shingatoor Sand Mining Block - 3 - Anand B Doddamani - DEIAA (3) 27 MIN (S) 2017 dated 30.12.2017
7. Shiranahalli Sand Mining Block -1 - K V Hanchinal - DEIAA (03) 05 MIN (S) 2017 dated 30.12.2017
8. Gulagundi Sand Mining Block - 1 Hanumanthappa Koravar - DEIAA (3) 31 MIN (S) 2017 dated 13.06.2017

9. Hesaruuru Sand Mining Block - 2 - Anand B Doddamani - DEIAA (3) 24 MIN (S) 2017 dated 30.12.2017
10. Ghattaraga Block -15 - Ravindra Appasab Maali, R/o, Vidya Nagar, halahatti Post, Chikkodi Taluk, Belgaum District - DEIAA/0004/MIS/2017-18/AFZ-005 dated 23.03.2018
11. Joladahadagali Block - 2 - P. L. Kamble, NH 13, Ilkal Road, Hunagunda, Bagalkot District, - DEIAA - OS- 25 - MIN -2017 dated 08.06.2017
12. Srinahalli Block - 1 - Gadag District.

Copy To:

District Senior Geologist / Deputy Director, DMG, Gadag, Kalaburagi & Raichur requested to issue the concerned project proponents of the erring units noticed by Joint Committee constituted by Hon'ble NGT, Chennai.