

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

ORIGINAL APPLICATION NO. 232 OF 2020 (SZ)

(Under S. 14 r/w. S. 18(1) of the National Green Tribunal Act, 2010)

IN THE MATTER OF:

A.K.S. VIJAYAN
S/o. A.K. Subbiah

... APPLICANT

- Versus -

1. UNION OF INDIA

Rep. by the Secretary (EF & CC)
Ministry of Environment, Forest & Climate Change
and 4 Others

... RESPONDENTS

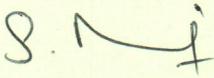
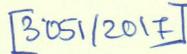
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(Filed on 27.10.2020)

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// Certified that the above are all true copies of their originals //

Dated at Chennai on this the 27th day of October 2020


 (MS/43/2016) 


COUNSELS FOR THE APPLICANT

Cauvery Water Disputes Tribunal

Final Order

The Tribunal hereby passes, in conclusion the following order:-

Clause-I

This order shall come into operation on the date of the publication of the decision of this Tribunal in the official gazette under Section 6 of the Inter-State Water Disputes Act, 1956 as amended from time to time.

Clause-II

Agreements of the years 1892 and 1924:

The Agreements of the years 1892 and 1924 which were executed between the then Governments of Mysore and Madras cannot be held to be invalid, specially after a lapse of about more than 110 and 80 years respectively. Before the execution of the two agreements, there was full consultation between the then Governments of Madras and Mysore. However, the agreement of 1924 provides for review of some of the clauses after 1974. Accordingly, we have reviewed and re-examined various provisions of the agreement on the principles of just and equitable apportionment.

Clause-III

This order shall supersede –

- i) The agreement of 1892 between the then Government of Madras and the Government of Mysore so far as it related to the Cauvery river system.

ii) The agreement of 1924 between the then Government of Madras and the Government of Mysore so far as it related to the Cauvery river system.

Clause-IV

The Tribunal hereby determines that the utilisable quantum of waters of the Cauvery at Lower Coleroon Anicut site on the basis of 50% dependability to be 740 thousand million cubic feet-TMC (20,954 M.cu.m.).

Clause-V

The Tribunal hereby orders that the waters of the river Cauvery be allocated in three States of Kerala, Karnataka and Tamil Nadu and U.T. of Pondicherry for their beneficial uses as mentioned hereunder:-

| | | | |
|------|-------------------------|---|--------------|
| i) | The State of Kerala | - | 30 TMC |
| ii) | The State of Karnataka | - | 270 TMC |
| iii) | The State of Tamil Nadu | - | 419 TMC |
| iv) | U.T. of Pondicherry | - | <u>7 TMC</u> |
| | | | 726 TMC |

In addition, we reserve some quantity of water for (i) environmental protection and (ii) inevitable escapages into the sea as under:-

| | | | |
|-----|--|---|------------------------|
| i) | Quantity reserved for environmental protection. | - | 10 TMC |
| ii) | Quantity determined for inevitable escapages into the sea. | - | <u>4 TMC</u> 14 TMC |
| | Total (726 + 14) | | 740 TMC |

Clause-VI

The State of Kerala has been allocated a total share of 30 TMC, the distribution of which in different tributary basins is as under:

| | | |
|------------------------|---|--------|
| (i) Kabini sub-basin | - | 21 TMC |
| (ii) Bhavani sub-basin | - | 6 TMC |
| (iii) Pambar sub-basin | - | 3 TMC |

Clause-VII

In case the yield of Cauvery basin is less in a distress year, the allocated shares shall be proportionately reduced among the States of Kerala, Karnataka, Tamil Nadu and Union Territory of Pondicherry.

Clause-VIII

The following inter-State contact points are identified for monitoring the water deliveries:

- (i) Between Kerala and Karnataka : Kabini reservoir site
- (ii) Between Kerala and Tamil Nadu
 - a) For Bhavani sub-basin : Chavadiyoor G.D.site

It is reported that Chavadiyoor G.D. Site was being earlier operated by the State of Kerala which could be revived for inter-State observations.

- b) For Pambar sub-basin : Amaravathy reservoir site
- (iii) Between Karnataka and Tamil Nadu : Billigundulu G.D. site/any other site on common border
- (iv) Between Tamil Nadu and Pondicherry : Seven contact points as already in operation

Clause-IX

Since the major shareholders in the Cauvery waters are the States of Karnataka and Tamil Nadu, we order the tentative monthly deliveries during

a normal year to be made available by the State of Karnataka at the inter-State contact point presently identified as Billigundulu gauge and discharge station located on the common border as under:-

| <u>Month</u> | <u>TMC</u> | <u>Month</u> | <u>TMC</u> |
|--------------|------------|--------------|------------|
| June | 10 | December | 8 |
| July | 34 | January | 3 |
| August | 50 | February | 2.5 |
| September | 40 | March | 2.5 |
| October | 22 | April | 2.5 |
| November | 15 | May | <u>2.5</u> |
| | | | 192 TMC |

The above quantum of 192 TMC of water comprises of 182 TMC from the allocated share of Tamil Nadu and 10 TMC of water allocated for environmental purposes.

The above monthly releases shall be broken in 10 daily intervals by the Regulatory Authority.

The Authority shall properly monitor the working of monthly schedule with the help of the concerned States and Central Water Commission for a period of five years and if any modification/adjustment is needed in the schedule thereafter, it may be worked out in consultation with the party States and help of Central Water Commission for future adoption without changing the annual allocation amongst the parties.

Clause -X

The available utilisable waters during a water year will include the waters carried over from the previous water year as assessed on the 1st of June on the basis of stored waters available on that date in all the reservoirs with effective storage capacity of 3 TMC and above.

Clause-XI

Any upper riparian State shall not take any action so as to affect the scheduled deliveries of water to the lower riparian States. However, the States concerned can by mutual agreement and in consultation with the Regulatory Authority make any amendment in the pattern of water deliveries.

Clause-XII

The use of underground waters by any riparian State and U.T. of Pondicherry shall not be reckoned as use of the water of the river Cauvery.

The above declaration shall not in any way alter the rights, if any, under the law for the time being in force, of any private individuals, bodies or authorities.

Clause-XIII

The States of Karnataka and Tamil Nadu brought to our notice that a few hydro-power projects in the common reach boundary are being negotiated with the National Hydro-Power Corporation (NHPC). In this connection, we have only to observe that whenever any such hydro-power project is constructed and Cauvery waters are stored in the reservoir, the pattern of

downstream releases should be consistent with our order so that the irrigation requirements are not jeopardized.

Clause-XIV

Use of water shall be measured by the extent of its depletion of the waters of the river Cauvery including its tributaries in any manner whatsoever; the depletion would also include the evaporation losses from the reservoirs. The storage in any reservoir across any stream of the Cauvery river system except the annual evaporation losses shall form part of the available water. The water diverted from any reservoir by a State for its own use during any water year shall be reckoned as use by that State in that water year. The measurement for domestic and municipal water supply, as also the industrial use shall be made in the manner indicated below:-

| Use | Measurement |
|-------------------------------------|---|
| Domestic and municipal Water supply | By 20 per cent of the quantity of water diverted or lifted from the river or any of its tributaries or from any reservoir, storage or canal. |
| Industrial use | By 2.5 per cent of the quantity of water diverted or lifted from the river or any of its tributaries or from any reservoir, storage or canal. |

Clause-XV

If any riparian State or U.T. of Pondicherry is not able to make use of any portion of its allocated share during any month in a particular water year and requests for its storage in the designated reservoirs, it shall be at

liberty to make use of its unutilized share in any other subsequent month during the same water year provided this arrangement is approved by the Implementing Authority.

Clause-XVI

Inability of any State to make use of some portion of the water allocated to it during any water year shall not constitute forfeiture or abandonment of its share of water in any subsequent water year nor shall it increase the share of other State in the subsequent year if such State has used that water.

Clause-XVII

In addition, note shall be taken of all such orders, directions, recommendations, suggestions etc, which have been detailed earlier in different chapters/volumes of the report with decision for appropriate action.

Clause XVIII

Nothing in the order of this Tribunal shall impair the right or power or authority of any State to regulate within its boundaries the use of water, or to enjoy the benefit of waters within that State in a manner not inconsistent with the order of this Tribunal.

Clause-XIX

In this order,

- (a) "Normal year" shall mean a year in which the total yield of the Cauvery basin is 740 TMC.

- (b) Use of the water of the river Cauvery by any person or entity of any nature whatsoever, within the territories of a State shall be reckoned as use by that State.
- (c) The expression “water year” shall mean the year commencing on 1st June and ending on 31st May.
- (d) The “irrigation season” shall mean the season commencing on 1st June and ending on 31st January of the next year.
- (e) The expression “Cauvery river” includes the main stream of the Cauvery river, all its tributaries and all other streams contributing water directly or indirectly to the Cauvery river.
- (f) The expression “TMC” means thousand million cubic feet of water.

Clause-XX

Nothing contained herein shall prevent the alteration, amendment or modification of all or any of the foregoing clauses by agreement between the parties.

Clause-XXI

The State Governments of Kerala, Karnataka, Tamil Nadu and Union Territory of Pondicherry shall bear the expenses of the Tribunal in the ratio of 15:40:40:5. However, these parties shall bear their own costs before this Tribunal.

Sd/-
Sudhir Narain J.
MEMBER

Sd/-
N. S. Rao J.
MEMBER

Sd/-
N. P. Singh J.
CHAIRMAN

New Delhi
5th February 2007

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(BEFORE K.S.P. RADHAKRISHNAN AND C.K. PRASAD, JJ.)

a DEEPAK KUMAR AND OTHERS .. Petitioners;

Versus

STATE OF HARYANA AND OTHERS .. Respondents.

IAs Nos. 12-13 of 2011 in SLPs (C) Nos. 19628-29 of 2009[†] with SLPs
(C) Nos. 729-31 of 2011, 21833 of 2009, 12498-99 of 2010,

b SLPs (C) Nos. CC ... 16157 and 18235 of 2011,
decided on February 27, 2012

c **A. Environment Protection and Pollution Control — Mining — Minor minerals — Environmental impact assessment not required for mining areas of less than 5 ha — Invalidity — Mining/quarrying of minor minerals, boulders, gravel and sand in notified areas and riverbeds — Environmental consequences of — Necessary directions issued**

d — Inspection report submitted by CEC silent on serious illegal sand mining activities in rivers and prevailing degree of degradation of environment especially on riverbeds — Auction notices concerned stating that for mining leases of area less than 5 ha no environmental impact assessment clearance was required by MoEF, GoI Noti. dt. 14-9-2006 — No light thrown on question whether there has been, in fact, an attempt to flout the Noti. dt. 14-9-2006 by breaking the homogeneous area into pieces of less than 5 ha — Deep concern expressed by Supreme Court on possible adverse environmental/ecological consequences of mining leases on rivers of fragile Shivalik Hills

e — Held, there are no materials to come to conclusion that removal of minor minerals, boulders, gravel and sand quarries, etc. covered by auction notices would not cause environmental degradation or threat to biodiversity — Auction notices were issued without conducting any study on possible environmental impact on/in riverbeds and elsewhere

f — When faced with a situation where extraction of alluvial material within or near a riverbed has an impact on river's physical habitat characteristics it is not an answer to say that extraction is in blocks of less than 5 ha, separated by 1 km — Collective impact may be significant, therefore, necessity of a proper environmental assessment plan is not done away with — Hence, States/UTs directed that all leases of minor minerals including their renewal for an area of less than five hectares could be granted only after getting EIA (environmental impact assessment) clearance from MoEF, GoI — Recommendation issued to States to prepare
g “comprehensive mines plan” for contiguous stretches of mineral deposits to be suitably incorporated in Mineral Concession Rules, 1960 by Ministry of Mines, GoI — Constitution of India — Arts. 21, 48-A and 51-A(g) — Minor Minerals Conservation and Development Rules, 2010 — Mines and Minerals (Development and Regulation) Act, 1957, Ss. 3(e), 70 and 15
(Paras 3, 4, 8 to 15 and 20 to 29)

h

[†] From the Judgment and Order dated 15-5-2009 of the High Court of Punjab and Haryana at Chandigarh in CWPs Nos. 20134 of 2004 and 4758 of 2008

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B. Environment Protection and Pollution Control — Mining — Effective mining plan framework — Necessity of — Recommendations issued by MoEF, Government of India and Model Rules, 2010 framed by Ministry of Mines, GoI — Non-implementation of, by States and UTs — Directions issued — Held, all States', UTs' MoEFs and Ministries of Mines directed to give effect to recommendations of MoEF, GoI and model guidelines within a period of six months from date of this order and to submit their compliance reports — Central Government also directed to take steps to bring into force Minor Minerals Conservation and Development Rules, 2010 at the earliest — Directions issued to State Governments and UTs to take immediate steps to frame necessary rules under S. 15 of Mines and Minerals (Development and Regulation) Act, 1957 — Further directions passed — Mines and Minerals (Development and Regulation) Act, 1957, S. 15

B-D/49566/C

Advocates who appeared in this case :

Mohan Jain, Additional Solicitor General, Narender Hooda, Senior Additional Advocate General, Dr Manish Singhvi, Additional Advocate General, P.S. Narasimha, Gopal Subramaniam, Ranjit Kumar, P.S. Patwalia and Ranbir Chandra, Senior Advocates [Gaurav Agarwal, K. Parmeswar, Haris Beeran, P.K. Manohar, V. Venayagam Balan, Shish Pal Laler, N.P. Midha, Balbir Singh Gupta, D.K. Thakur, B.K. Prasad, S.N. Terdal, Shivendra Dwivedi, Tarjit Singh, Manjit Singh (for Kamal Mohan Gupta), Aseem Mehrotra, Mohd. F. Khan, Ms Shefai Jain, R.P. Singh, Shree Pal Singh, Devashish Bharuka, Radhashyam Jena, Tapesh Kr. Singh, Samir Ali Khan, Jitender Mohan Sharma, Sandeep Singh, Vibhor Verdhan, Sameer Singh, Mohit Kr. Shah, Ashutosh Singh, Devanshu K. Devesh, Irshad Ahmad, Sarvesh Singh, A. Benayagamblan, Manish Pitale, Wasi Haider, C.S. Ashri, Ms Asha G. Nair, Sanand Ramakrishnan, Ms Meena C.R., M/s Karanjawala & Co., Prakash Kr. Singh, Vijay Panjwani, Ms Anitha Shenoy, Ms Vibha Datta Makhija, D.S. Mahra, Ms H. Wahi, D.K. Sinha, Milind Kumar, Krishananand Pandey, Kamendra Mishra, Ms Rachana Srivastava, B.S. Banthia, Gopal Singh, Anil Srivastava, M/s Corporate Law Group, T.V. George, Naresh K. Sharma, Prashant Bhushan, Shibashish Misra, Ms Purna Mehta, S.M. Jadhav, Shiv Kr. Suri, G. Prakash, E.M.S. Anam, Subhro Sanyal, Himinder Lal, Moinuddin Ansari, L.R. Singh, C.D. Singh, Ms Lalitha Kaushik, K.S. Bhati, Neeraj Shekhar, Ms Sumita Hazarika, M/s Suresh A. Shroff & Co., S. Prasad, M/s Khaitan & Co., Ms Pragati Neekhra, Naresh K. Sharma, R. Nedumaran, K.K. Mani, Ms Srikala Gurukrishna Kumar, S. Srinivasan, Prashant Kumar, L.K. Pandey, Shiv Prakash Pandey, Ms Sangeeta Kumar, Nikhil Nayyar, V. Ramasubramanian, Pratap Venugopal, Ms Namrata Sood (for M/s K.J. John & Co.), R. Ayyam Perumal, Ms Prabha Swami, M.A. Chinnasamy, C.N. Sreekumar, Naveen R. Nath, Ms Revathy Raghavan, L.C. Agrawala and Ashwani Bhardwaj, Advocates] for the appearing parties.

The Order of the Court was delivered by

K.S.P. RADHAKRISHNAN, J.— IAs Nos. 12-13 of 2011 are allowed. SLPs (C) Nos. 12498-99 of 2010 be detagged and be listed after two weeks.

2. The Department of Mines and Geology, Government of Haryana issued an auction notice dated 3-6-2011 proposing to auction the extraction of minor minerals, boulders, gravel and sand quarries of an area not exceeding 4.5 ha in each case in the district of Panchkula, auction notices

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a dated 8-8-2011 in the districts of Panchkula, Ambala and Yamuna Nagar exceeding 5 ha and above, quarrying minor mineral, road metal and masonry stone mines in the district of Bhiwani, stone and sand mines in the district of Mohindergarh, slate stone mines in the district of Rewari, and also in the districts of Kurukshetra, Karnal, Faridabad and Palwal, with certain restrictions for quarrying in the riverbeds of Yamuna, Tangri, Markanda, Ghaggar, Krishnavati River basin, Dohan River basin, etc. The validity of those auction notices is under challenge before us, apart from the complaint
b of illegal mining going on in the States of Rajasthan and Uttar Pradesh.

3. When the matter came up for hearing on 25-11-2011, we passed an order directing the CEC to make a local inspection with intimation to MoEF, the States of U.P., Rajasthan and Haryana with regard to the alleged illegal mining going on in the States of Uttar Pradesh, Rajasthan and also with regard to the areas identified for mining in the State of Haryana and submit a
c report. We also directed the CEC to examine whether there has been an attempt to flout EIA Notification dated 14-9-2006 by breaking the homogeneous area into pieces of less than 5 ha. CEC was also directed to examine whether the activities going on in that area have any adverse environmental impact.

d 4. CEC, in response to our order, submitted a detailed report on 4-1-2012. However, the report is silent with regard to the disturbing trend of serious illegal and unrestricted upstream, instream and flood plain sand mining activities and the prevailing degree of degradation of the sites and the environment, especially on the riverbeds mentioned earlier. The report of CEC however states that the auction notice also refers to mining leases of
e less than 5 ha and hence no environmental clearance need be obtained as per the MoEF Notification dated 14-9-2006. No light is also thrown on the question whether there has been, in fact, an attempt to flout the Notification dated 14-9-2006 by breaking the homogeneous area into pieces of less than 5 ha and the possible environmental or ecological impact on quarrying of minor minerals.

f 5. Mr Patwalia, learned Senior Counsel appearing for the petitioners, submitted that the CEC report is silent about those aspects and also whether 1 km distance has been maintained between the mining blocks of less than 5 ha. The learned counsel also submitted that mining areas earmarked are at the foothills of fragile Himalayan ranges known as Shivalik Hills, which are spread over the districts of Panchkula, Ambala and Yamuna Nagar and the
g illegal and excessive mining has caused serious environmental degradation and ecological impact, and no environmental impact assessment has ever taken place in areas earmarked for mining especially on the riverbeds.

6. Shri Gopal Subramaniam, learned Senior Counsel appearing for the
h State of Haryana, submitted that the State has taken adequate and effective precautions to maintain 1 km separation between mining blocks of less than 5 ha each and that the auction notice dated 3-6-2011 itself has imposed strict restrictions on quarrying in the riverbeds so also the auction notice dated

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8-8-2011. Further, it was pointed out that the Notification dated 14-9-2006 would not apply for quarrying minor minerals from areas of less than 5 ha and therefore, no environmental impact assessment needs to be undertaken either at the instance of the State Government or the project proponent. a

7. Shri Mohan Jain, learned Additional Solicitor General, appearing for MoEF submitted that the grant or allotment of mining licence/lease of smaller plots of less than five hectares should not be encouraged from the environmental point of view and that the applicability of EIA Notification of 2006, has to be seen in its letter and spirit so as to ensure environmental safeguards in place and implemented for sustainable mining. The learned counsel also assured, if environmental clearance is sought for covering a mining area of less than five hectares, the same shall be immediately attended to and necessary clearance would be granted in accordance with law. b

8. We have no materials before us to come to the conclusion that the removal of minor minerals, boulders, gravel, sand quarries, etc. covered by the auction notices dated 3-6-2011 and 8-8-2011, in the places notified therein and also in the riverbeds of Yamuna, Ghaggar, Tangri, Markanda, Krishnavati River basin, Dohan River basin, etc. would not cause environmental degradation or threat to the biodiversity, destroy riverine vegetation, cause erosion, pollute water sources, etc. Sand mining on either side of the rivers, upstream and instream, is one of the causes for environmental degradation and also a threat to the biodiversity. Over the years, India's rivers and riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damage the ecosystem of rivers and the safety of bridges, weakening of riverbeds, destruction of natural habitats of organisms living on the riverbeds, affects fish breeding and migration, spells disaster for the conservation of many bird species, increases saline water in the rivers, etc. c
d
e

9. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, instream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both instream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand. f
g

10. We are expressing our deep concern since we are faced with a situation where the auction notices dated 3-6-2011 and 8-8-2011 have permitted quarrying, mining and removal of sand from instream and upstream of several rivers, which may have serious environmental impact on h

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ephemeral, seasonal and perennial rivers and riverbeds and sand extraction may have an adverse effect on biodiversity as well. Further, it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. The rivers mentioned in the auction notices are on the foothills of the fragile Shivalik Hills. Shivalik Hills are the source of rivers like Ghaggar, Tangri, Markanda, etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik Hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, River Yamuna.

11. We find that it is without conducting any study on the possible environmental impact on/in the riverbeds and elsewhere the auction notices have been issued. We are of the considered view that when we are faced with a situation where extraction of alluvial material within or near a riverbed has an impact on the river's physical habitat characteristics, like river stability, flood risk, environmental degradation, loss of habitat, decline in biodiversity, it is not an answer to say that the extraction is in blocks of less than 5 ha, separated by 1 km, because their collective impact may be significant, hence the necessity of a proper environmental assessment plan.

12. Possibly this may be the reason that in the affidavit filed by MoEF on 23-11-2011 along with Annexure 2, report, the following stand has been taken:

“The Ministry is of the opinion that where the mining area is homogenous, physically proximate and on identifiable piece of land of 5 ha or more, it should not be broken into smaller sizes to circumvent the EIA Notification, 2006 as the EIA Notification, 2006 is not applicable to the mining projects having lease area of less than 5 ha. The report of the Committee on Minor Minerals, under the Chairmanship of the Secretary (Environment & Forests) with representatives of various State Governments as members including the States of Haryana and Rajasthan recommended a minimum lease size of 5 ha for minor minerals for undertaking scientific mining for the purpose of integrating and addressing environmental concerns. Only in cases of isolated discontinued mineral deposits in less than 5 ha, such mining leases may be considered keeping in view the mineral conservation.”

13. Situations referred to earlier prevail not only in the State of Haryana but also in the neighbouring and other States of the country as well and those issues had come up for serious deliberations before the Government of India, on various occasions.

14. The Government of India was receiving various reports regarding the adverse impacts on riverbeds and groundwater due to quarrying/mining of minerals. The Mines and Minerals (Development and Regulation) Act, 1957 empowers the State Governments to make rules in respect of minor minerals.

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It was noticed that proposals for mining of major minerals typically undergo environmental impact assessment and environmental clearance procedure, but due attention has not been given to environmental aspects of mining of minor minerals. Environmental Impact Assessment Notification of 1994 did not apply to the mining of minor minerals, noticing that minor minerals were brought under the ambit of the Environmental Impact Assessment Notification of 2006 and as per the said notification mining of minerals with a lease area of 5 ha and above require prior environmental clearance. a

15. MoEF's attention was drawn to several instances across the country regarding damage to lakes, riverbeds and groundwater leading to drying up of waterbeds and causing water scarcity on account of quarry/mining leases and mineral concessions granted under the Mineral Concession Rules framed by the State Governments under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957. MoEF noticed that less attention was given on environmental aspects of mining of minor minerals since the area was small, but it was noticed that the collective impact in a particular area over a period of time might be significant. Taking note of those aspects, MoEF constituted a Core Group under the Chairmanship of the Secretary (Environment & Forests) to look into the environmental aspects associated with mining of minor minerals, vide its Order dated 24-3-2009. b

16. The terms of reference to the Core Group were as under: c

(i) To consider the environmental aspects of mining of minor minerals (quarrying as well as riverbed mining) for their integration into the mining process. d

(ii) Specific safeguard measures required to minimise the likely adverse impacts of mining on environment with specific reference to impact on water bodies as well as groundwater so as to ensure sustainable mining. e

(iii) To evolve model guidelines so as to address mining as well as environmental concerns in a balanced manner for their adoption and implementation by all the mineral-producing States. f

17. The Core Group held its first meeting on 7-7-2009 and discussed the impact that may be caused by quarrying/mining of minor minerals on riverbeds and groundwaters. It was noticed that individual mines of minor minerals being small in size may have insignificant impact, however, their collective impacts, taking into consideration various mines on a regional scale, is significantly adverse. It was, therefore, felt necessary to consider various aspects since appropriate guidelines have to be issued on the basis of the report of the Committee. The issues which were brought up for consideration were; (i) the need to relook the definition of minor mineral, (ii) minimum size of lease for adopting eco-friendly scientific mining practices, (iii) period of lease, (iv) cluster of mine approach for addressing and implementing EMP in case of small mines, (v) depth of mining to minimise adverse impact on hydrological regime, (vi) requirement of mine plan for minor minerals, similar to major minerals, and (vii) reclamation of mined out area, post mine land use, progressive mine closure plan, etc. g

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18. Comments and inputs from various States and experts were also invited so as to prepare a report for consideration of MoEF. Based on the discussion held and subsequent inputs received, a draft report was prepared and circulated to all members for their further inputs. The report was further discussed on 29-1-2010 for its finalisation. The observations/comments made during the meeting were incorporated in the report and it was again circulated to all members for their consideration. The report so circulated was ultimately finalised. The decision taken by MoEF affects generally the mining of minor minerals including the riverbed mining throughout the country.

19. For an easy reference, we may extract the issues and recommendations made by MoEF, which are as follows:

“4.0. Issues and recommendations

4.1. Definition of minor mineral

The term ‘minor mineral’ is defined in clause (e) of Section 3 of the MMDR Act, 1957 as:

‘3. (e) “**minor minerals**” means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central Government may, by notification in the Official Gazette declare to be a minor mineral;’

The term ‘ordinary sand’ used in clause (e) of Section 3 of the MMDR Act, 1957 has been further clarified in Rule 70 of the MCR, 1960 as:

‘70. **Sand not be treated as minor mineral when used for certain purpose.**—Sand shall not be treated as a minor mineral when used for any of the following purposes, namely:

- (i) purpose of refractory and manufacture of ceramic;
- (ii) metallurgical purposes;
- (iii) optical purposes;
- (iv) purposes of stowing in coal mines;
- (v) for manufacture of silvitrete cement;
- (vi) manufacture of sodium silicate; and
- (vii) for manufacture of pottery and glass.’

Additionally, the Central Government has declared the following minerals as minor minerals: (i) boulder, (ii) shingle, (iii) chalcedony pebbles used for ball mill purposes only, (iv) limeshell, kankar and limestone used in kilns for manufacture of lime used as building material, (v) murrum, (vi) brick-earth, (vii) fuller’s earth, (viii) bentonite, (ix) road metal, (x) reh-matti, (xi) slate and shale when used for building material, (xii) marble, (xiii) stone used for making household utensils, (xiv) quartzite and sandstone when used for purposes of building or for making road metal and household utensils, (xv) saltpetre and (xvi) ordinary earth (used for filling or levelling purposes in construction or embankments, roads, railways building).

It may thus be observed that minerals have been classified into major and minor minerals based on their end use rather than level of

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production, level of mechanisation, export and import, etc. There do exist some minor mineral mines of silica sand and limestone where the scale of mechanisation and level of production is much higher than those of industrial mineral mines. Further, in terms of the economic cost and revenue, it has been estimated that the total value of minor minerals constitutes about 10% of the total value of mineral production whereas the value of non-metallic minerals comprises only 3%. It is, therefore, evident that the operation of mines of minor minerals need to be subject to some regulatory parameters as that of mines of major minerals.

Further, unlike India there does not exist any such system based on end usage in other countries for classifying minerals into major and minor categories. Thus, there is a need to relook at the definition of 'minor minerals' per se.

It is, therefore, recommended that the Ministry of Mines along with Indian Bureau of Mines, in consultation with the State Governments may re-examine the classification of minerals into major and minor categories so that the regulatory aspects and environment mitigation measures are appropriately integrated for ensuring sustainable and scientific mining with least impacts on environment.

4.2. Size of the mine lease

Area for grant of mine lease varies from State to State. Maximum area which can be held under one or more mine lease is 2590 ha or 25.90 sq miles in Jammu and Kashmir. Rajasthan prescribed a minimum limit of 1 ha for a lease. Maximum area prescribed for permit is 50 × 50 m. In most of the States area of permit is not specified in the Rules. It has recently been observed by the Punjab and Haryana High Court in its order dated 15-5-2009 that the State Government apparently granting short-term permits by dividing the mining area into small zones in effect avoids environmental norms.

There is, thus a need to bring uniformity in the extent of area to be granted for mine lease so as to ensure that eco-friendly scientific mining practices can be adopted. *It is recommended that the minimum size of mine lease should be 5 ha. Further, preparation of comprehensive mine plan for contiguous stretches of mineral deposits by the respective State Governments may also be encouraged. This may suitably be incorporated in the Mineral Concession Rules, 1960 by the Ministry of Mines.*

4.3. Period of mine lease

The period of lease varies from State to State depending on type of concessions, minerals and its end use. The minimum lease period is one year and maximum 30 years. Minerals like granite where huge investments are required, a period of 20 years is generally given with the provisions of renewal. Permits are generally granted for short periods which vary from one month to a maximum of one year. In States like Haryana, minor mineral leases are auctioned for a particular time period. Mining is considered to be capital intensive industry and considerable time is lost for developing the mine before it attains the status of fully developed mine. If the tenure of the mine lease is short, it would encourage the lessee to concentrate more on rapid exploitation of

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a mineral without really undertaking adequate measures for reclamation and rehabilitation of mined out area, posing thereby a serious threat to the environment and health of the workers and public at large.

There is thus, a need to bring uniformity in the period of lease. *It is recommended that a minimum period of mine lease should be 5 years, so that eco-friendly, scientific and sustainable mining practices are adopted. However, under exceptional circumstances arising due to judicial interventions, short-term mining leases/contracts could be granted to the State Agencies to meet the situation arising therefrom.*

b **4.4. Cluster of mine approach for small-sized mines**

Considering the nature of occurrence of minor mineral, economic condition of the lessee and the likely difficulties to be faced by Regulatory Authorities in monitoring the environmental impacts and implementation of necessary mitigation measures, *it may be desirable to adopt cluster approach in case of smaller mine leases being operated presently. Further, these clusters need be provided with processing/crusher zones for forward integration and minimising excessive pressure on road infrastructure. The respective State Governments/mine owners' associations may facilitate implementation of Environment Management Plans in such cluster of mines.*

c **4.5. Requirement of mine plan for minor minerals**

d At present, most of the State Governments have not made it mandatory for preparation of mining plan in respect of minor minerals. In some States like Rajasthan, eco-friendly mining plans are prepared, which are approved by the State Mining Department. The eco-friendly mining plans so prepared, though conceptually welcome, are observed to be deficient and need to be made comprehensive in a manner as is being done for major minerals. Besides, the aspects of reclamation and rehabilitation of mined out areas, progressive mine closure plan, as in vogue for major minerals could be introduced for minor minerals as well.

e *It is recommended that provision for preparation and approval of mine plan, as in the case of major minerals may appropriately be provided in the rules governing the mining of minor minerals by the respective State Governments. These should specifically include the provision for reclamation and rehabilitation of mined out area, progressive mine closure plan and post mine land use.*

f **4.6. Creation of separate corpus for reclamation/rehabilitation of mines of minor minerals**

g Mining of minor minerals, in our country, is by and large an unorganised sector and is practised in haphazard and unscientific manner. At times, the size of the leasehold is also too small to address the issue of reclamation and rehabilitation of mined out areas. It may, therefore, be desirable that before the concept of mine closure plan for minor minerals is adopted, the existing abandoned mines may be reclaimed and rehabilitated with the involvement of the State Government. *There is thus, a need to create a separate corpus, which may be utilised for reclamation and rehabilitation of mined out areas. The respective State Governments may work out a suitable mechanism*

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for creation of such corpus on the 'polluter pays' principle. An organisational structure may also need to be created for undertaking and monitoring these activities.

4.7. Depth of mining

Mining of minerals, whether major or minor have a direct bearing on the hydrological regime of the area. Besides affecting the availability of water as a resource, it also affects the quality of water through direct run of going into the surface water bodies and infiltration/leaching into groundwater. Further, groundwater withdrawal, dewatering of water from mine-pit and diversion of surface water may cause surface and subsurface hydrologic systems to dry up. An ideal situation would require that quarrying should be restricted to unsaturated zone only above the phreatic water table and should not intersect the groundwater table at any point of time. However, from the point of view of mineral conservation, it may not be desirable to impose blanket ban on mining operation below groundwater table.

It is, therefore, recommended that detailed hydrogeological report should be prepared in respect of any mining operation for minor minerals to be undertaken below groundwater table. Based on the findings of the study so undertaken and the comments/recommendations of the Central Groundwater Authority/State Groundwater Board, a decision regarding restriction on depth of mining for any area should be taken on case-to-case basis.

4.8. Uniform minor mineral concession rules

The economic value of the minor minerals excavated in the country is estimated to contribute to about 9% of the total value of the minerals whereas the non-metallic minerals contribute to about 2.8%. Keeping in view the large extent of mining of minor minerals and its significant potential to adversely affect the environment, it is recommended that model mineral concession rules may be framed for minor minerals as well and the minor minerals may be subjected to a simpler regulatory regime, which is, however, similar to major minerals regime.

4.9. Riverbed mining

4.9.1. Environment damage being caused by unregulated riverbed mining of sand, bazari and boulders is attracting considerable attention including in the courts. The following recommendations are therefore made for the riverbed mining:

(a) In the case of mining leases for riverbed sand mining, specific river stretches should be identified and mining permits/lease should be granted stretchwise, so that the requisite safeguard measures are duly implemented and are effectively monitored by the respective Regulatory Authorities.

(b) The depth of mining may be restricted to 3m/water level, whichever is less.

(c) For carrying out mining in proximity to any bridge and/or embankment, appropriate safety zone should be worked out on case-to-case basis, taking into account the structural parameters, locational aspects, flow rate, etc. and no mining should be carried out in the safety zone so worked out.

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5.0. Conclusion

a Mining of minor minerals, though individually, because of smaller size of mine leases is perceived to have lesser impact as compared to mining of major minerals. However, the activity as a whole is seen to have significant adverse impacts on environment. It is, therefore, necessary that the mining of minor minerals is subjected to simpler but strict regulatory regime and *carried out only under an approved framework of mining plan, which should provide for reclamation and rehabilitation of the mined out areas. Further, while granting 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 be duly noted.* The Union Ministry of Mines along with the Indian Bureau of Mines and respective State Governments should therefore make necessary provisions in this regard under the Mines and Minerals (Development and Regulation) Act, 1957, Mineral Concession Rules, 1960 and adopt model guidelines to be followed by all States.” (emphasis supplied)

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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.

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

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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

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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. a

(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.

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

(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. c

(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: d

“**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;” e

24. We are of the view that all State Governments/Union Territories have to give due weight to the abovementioned recommendations of MoEF which are made in consultation with all the State Governments and Union Territories. The Model Rules of 2010 issued by the Ministry of Mines are very vital from the environmental, ecological and biodiversity point of view and therefore the State Governments have to frame proper rules in accordance with the recommendations, under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957. f

25. Quarrying of river sand, it is true, is an important economic activity in the country with river sand forming a crucial raw material for the infrastructural development and for the construction industry but excessive instream sand and gravel mining causes the degradation of rivers. Instream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the streambed and along coastal areas causes the g

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a deepening of rivers which may result in destruction of aquatic and riparian habitats as well. Extraction of alluvial material as already mentioned from within or near a streambed has a direct impact on the stream's physical habitat characteristics.

b **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 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
c 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.

d **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.

e **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
f 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.

g **29.** We, in the meanwhile, order that leases of minor minerals including their renewal for an area of less than five hectares be granted by the States/ Union Territories only after getting environmental clearance from MoEF. Ordered accordingly.

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No.P.15011/3/2015-SPR

Government of India

Ministry of Water Resources, River Development & Ganga Rejuvenation

Shram Shakti Bhavan, Rafi Marg,
New Delhi - 110001.

Dated 17th December, 2015

To

The Chief Secretary,
Government of all... *States of Union of India*

Subject: Guidelines for Investment Clearance by the M/o Water Resources, River Development & Ganga Rejuvenation in respect of Irrigation and Flood Control Projects.

Sir,

The Government has approved the transfer of powers for according Investment Clearance to major, medium irrigation, Extension, Renovation & Modernisation (ERM) of Projects, Flood Control and Multi-purpose projects from the erstwhile Planning Commission to the Ministry of Water Resources River Development and Ganga Rejuvenation (M/o WR, RD&GR). Accordingly, and keeping in view the policy of decentralization, the guidelines for investment approval by the (M/oWR, RD&GR) for Irrigation and Flood Control including drainage projects are detailed below:

A. Investment clearance by the State Governments

- (1) The State Governments are empowered to accord investment approval for the major and medium irrigation & or multi-purpose and flood control projects including drainage projects, which do not have inter-State ramifications. A project will be exempted from seeking investment clearance of Government of India in the following cases:
- (i). If the water utilization from the project does not impinge upon any inter-state water agreement, tribunal awards, and existing allocation or is dependent on the residual flows resulting from previous inter-State allocations, no investment clearance will be required. However, inter-State issues shall continue to be handled by CWC and clearance shall be obtained from CWC before approving the project.
 - (ii). If the Project is not covered under (i) above and does not envisage any Central assistance through Central Sector or Centrally Sponsored Scheme, no investment clearance will be required from this Ministry. However, the major/medium and multi-purpose projects envisaging central assistance through Central Sector or Centrally Sponsored Schemes shall continue to need investment clearance.
 - (iii). Projects other than Major, Medium and multi-purpose Projects such as Schemes of Surface and Ground Water Minor Irrigation, Command Area Development and Water Management, Repair, Renovation and

Restoration of water bodies will continue to be approved by the respective State Governments, as per the existing policies.

- (iv). The State Governments shall intimate with the copy of the investment clearance accorded by them in respect of eligible schemes to the M/oWR, RD, & GR, NITI Aayog (Water Resources Division), Central Water Commission and all concerned Central Ministries Organisations.
- (2) Before according the investment approval to the schemes/projects, the concerned State/UT Government will first obtain a certificate from the Central Water Commission to the effect that such project/scheme does not have any inter-state or international ramifications/implications in case of major and medium irrigation (and multi-purpose) projects as a pre-requisite whereas for flood and drainage projects/schemes, a similar certificate from Ganga Flood Control Commission in case of all Ganga basin States, the Brahmaputra Board in case of all the North Eastern States including Sikkim and CWC in case of all other flood schemes of the States shall be obtained.
- (3) The State Government should take into account the committed liabilities of ongoing schemes vis-a-vis the availability of resources for the implementation of such scheme in the Plans so that available resources are not thinly spread over number of schemes resulting in time and cost overruns. For this purpose, the State Irrigation/Water Resources Department should obtain the clearance from their State Planning Department.
- (4) The State Government shall also obtain all required statutory clearance(s) from the Ministry of Environment & Forests and Ministry of Social Justice and Empowerment such as environmental clearance; forest clearance, approval for rehabilitation and resettlement plan and all other clearances, as may be required by the Ministry in accordance with their latest guidelines/norms fixed by them, before the investment approval is accorded.
- (5) Before according investment approval, the State Government shall satisfy itself that:
- (i). The schemes have been prepared after adequate investigations; and planning / designs have been made conforming with relevant standard codes and practices;
 - (ii). The estimates are complete and correct technically;
 - (iii). The financial forecasts and estimates of benefits anticipated are based on reliable and accurate data; and
 - (iv). The needs of environment conservation and proper rehabilitation of project-affected persons have been taken into account.

B. Investment clearance by the MoWR, RD & GR.

- (1) All new major and medium irrigation projects and flood control projects or coastal protection projects including multi-purpose and which have Inter-State or international ramifications will be subject to techno-economic appraisal in CWC and then approval by the Advisory Committee on Irrigation, Flood Control and Multi-purpose Projects in the MoWR, RD & GR. The investment clearance will henceforth be accorded by this Ministry

in place of the erstwhile Planning Commission. The following categories of projects of State Governments, located on inter-state rivers or their tributaries, based on Benefit-Cost Ratio and Technical Feasibility established after exhaustive appraisal by Central Water Commission (CWC), may be recommended for Investment Clearance:

- (i). Major Irrigation (CCA more than 10000 ha.) & Medium Irrigation (CCA more than 2000 ha and less than 10000 ha.) Projects including Multipurpose water resources projects,
- (ii). Extension, Renovation & Modernisation of Irrigation Projects,
- (iii). Flood Control Projects (Major projects costing more than Rs. 25 crore and Medium project costing more than Rs.12.5 crore). These costs would be revised on the basis of inflation index every five years, at the sole discretion of the Committee.
- (iv). In respect of revised project estimates for Major Irrigation and Multipurpose Projects where there is no change in the scope and where the costs escalation due to price rise **alone** have not changed by more than 15%, the concerned State Govt. need not forward detailed estimates for examination at Centre. For such projects/estimates the procedure will be as follows:
 - the State Govt. should send project-wise statements of excess costs to CWC giving the abstract of costs under major sub-heads indicating the excess costs over the sanctioned costs and reasons there for after obtaining concurrence of the State Finance Department.
 - The covering note will include the salient features of the project contemplated in original proposal and that being executed at site.
 - The CWC will examine such estimates broadly and send its views to the Committee for consideration and recommendation for investment clearance.
 - No successive proforma clearances will be allowed after a cap of 15%.
- (v). Revised Cost Estimate of Projects for cost escalation beyond 15% of the cost approved in the last accorded Investment Clearance for reasons other than cost escalation beyond 15%, viz. change in scope, technical reasons etc., the procedure at (iv) above would not be applicable. In that case appraisal procedure through Advisory Committee will be followed.
- (vi). Extension of time after lapse of duration to complete a previously cleared project without any change in scope or estimate will be examined on case to case basis based on detailed justifications submitted by the State Govt. directly by the Committee in MOWR, RD & GR.
- (vii). As a general principle any project which is located on an inter-State river or its tributary will be deemed to involve inter-State

ramifications and as such shall need investment clearance from this Ministry.

(2) The States will submit the proposals for Investment Clearance, along with check-list (format as annexed) to CWC, Headquarters. CWC will compile all such proposals and send fortnightly report to Ministry of WR, RD & GR with recommendations for the proposed Committee for Investment Clearance. While processing in CWC, the CWC will take into account overall picture of implementability of the project without affecting the implementation of other projects under irrigation sector, overall state plan size, the year-wise allocation for the project including allocation for all other ongoing projects and capacity of State Government to incur financial expenditure and bottlenecks in implementation of the projects.

(3) The following Committee is being constituted for making recommendations for Investment Clearance to the Hon'ble Minister of Water Resources, River Development and Ganga Rejuvenation:

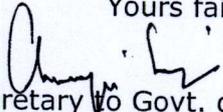
- a) Secretary (WR, RD & GR) - *Chairperson*
- b) Chairman, CWC
- c) Advisor (WR), NITI Aayog
- d) JS&FA, MoWR, RD & GR
- e) JS (PP), MoWR, RD & GR
- f) Commissioner - SPR/FM, MoWR, RD & GR - *Member Secretary* *
- g) Economic Adviser, MoWR, RD & GR
- h) Chief Engineer (PAO), CWC (Permanent Invitee)

*Commissioner (SPR) will be the Member-Secretary and Commissioner(FM) will brief the Committee on Flood Control Projects.

(4) The meeting of Committee, after receipt of the proposals in the MoWR, RD & GR, will be convened for considering the proposals for recommendation of Investment Clearance. The Investment Clearance will be granted on the basis of detailed check-list enclosed herewith for benefits cost ratio more than one. Investment clearance will be granted after recommendation of committee by the Hon'ble Minister of Water Resources, River Development and Ganga Rejuvenation in the Ministry.

The above guidelines take place with immediate effect.

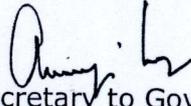
Yours faithfully,


Special Secretary to Govt. of India
Tel. No. 2371 0619

Copy for information to:

1. Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
2. Principal Secretary, Prime Minister's Office, South Block, New Delhi.
3. Secretary to President, President Estate, New Delhi.
4. Secretary, Ministry of Agriculture & Farmers' Welfare (Department of Agriculture & Cooperation), Krishi Bhavan, New Delhi.
5. Secretary, Ministry of Environment, Forests & Climate Change, New Delhi.
6. Secretary, Ministry of Social Justice & Empowerment, Shastri Bhavan, New Delhi.
7. Chairman, Central Water Commission, Sewa Bhavan, R.K.Puram, New Delhi.

8. Chairman, Ganga Flood Control Commission, Patna, Bihar.
9. Chairman, Brahmaputra Board, Guwahati, Assam.
10. Joint Secretary, Ministry of Finance, Department of Expenditure, Plan Finance, North Block, New Delhi.
11. Chief General Manager, NABARD, Sterling Centre, Post Box No.6552, Dr. Annie Besant Road, Worli, Mumbai-18.
12. Irrigation Secretary of all the States/Administrator of UTs.
13. Adviser (Admn.)/Adviser (P&E), NITI Aayog
14. NIC for uploading on the site of Ministry of WR,RD&GR.


Special Secretary to Govt. of India
Tel. No. 2371 061

**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH
AT CHENNAI**

O.A. No. 232 of 2020 (SZ)

A.K.S. VIJAYAN

... Applicant

- Vs-

1. UNION OF INDIA

Rep. by the Secretary (EF & CC)
Ministry of Environment, Forest &
Climate Change

& 4 Ors.

... Respondents

**INDEX TO ADDITIONAL TYPED SET
OF DOCUMENTS**

**M/s. S. MANURAJ [MS/143/2016]
VADHANA BHASKAR
[MS/3051/2017]**

Counsels for the Applicant

Mobile: +91 99621 98210
E-mail: manuraj.office@gmail.com