



सत्यमेव जयते

State Level Environment Impact Assessment Authority-Karnataka

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

No. SEIAA 70 MISC 2021

Date: 23.03.2022

To,

The Registrar,

National Green Tribunal, Southern Zone,
Kalas Mahal, Chennai - 600 005.

Respected Sir,

Sub:- Submission of report by SEIAA, Karnataka as per the orders of Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No. 252 of 2017 (SZ)- Reg.

This has reference to the orders of Hon'ble National Green Tribunal (SZ) in O.A. No. 252 of 2017 (SZ) filed by Shri Udaya Suvarna against the Deputy Commissioner / Chairman, Udupi District Sand Monitoring Committee & Others with regard to the allegation that sand mining is being done in CRZ area in the guise of removing sand bar. Accordingly, the report of Respondent No.3, SEIAA in this regard, is enclosed for kind perusal of the Hon'ble National Green Tribunal (SZ) Chennai.

Yours faithfully,

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

Report filed by SEIAA, Karnataka (Respondent No. 3) in respect to the rejoinder filed by applicant in O.A. No. 252 of 2017 (SZ) before Hon'ble NGT South Zone (SZ).

It is submitted that sand mining is a prohibited activity in the CRZ area as per para 3 (x) of CRZ Notification bearing No. S.O. 19 (E), dated 6th January 2011 issued by MoEF&CC. However, the Ministry of Environment, Forest and Climate Change vide Office Memorandum bearing No. 11-83/2005-IA.III, dated 24th February 2011, 9th June 2011 and 8th November 2011 permitted removal of sand bars which pose danger to navigation of fishing boats and vessels shall be identified by the concerned Department in the State Government, by traditional coastal communities only by manual method. Accordingly, local communities are permitted to use the traditional boats, baskets and buckets to clear the sand dunes that hinder the boats with manual method.

However, the Principal Bench of the Hon'ble NGT vide order dated 5th August 2013 in O.A. No.171/2013 and connected matters restrained carrying out any mining activity or removal of sand from river beds anywhere in the country without obtaining environmental clearance from MoEF/SEIAA and license from competent authorities. Accordingly, such application, when submitted following due procedure of law were considered by the SEIAA, Karnataka and decided based on merit to grant Environmental Clearance with conditions.

When the O.A. No. 171/2013 was finally disposed off vide order dated 13.01.2015 by the Hon'ble NGT, no specific direction regarding consideration of applications for grant of EC for removal of sand bar were issued and management / removal of sand bar do not fall under the purview of mining of minerals as specified either under MMDR Act or under EIA Notification, 2006. Therefore, since then no applications were received seeking Environmental Clearance for removal of sand bar under EIA Notification, 2006.

It is submitted that the Procedure of sand mining involves,

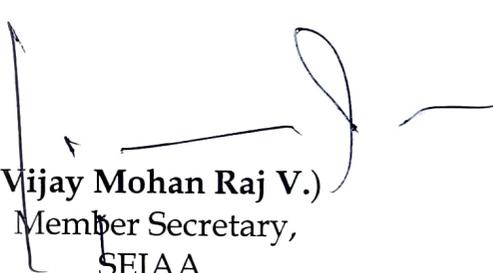
1. The Deputy Director, Department of Mines and Geology (DMG) will select suitable site and prepare sketch and submit it to the concerned district Deputy Commissioner office for Notification.
2. Joint Inspection will be conducted and Form JIR will be prepared by DMG and will be signed by all the officials including Forest, Irrigation, Tahsildar and DMG.
3. The Deputy Commissioner then conducts District Sand Monitoring Committee meeting and will check for the feasibility of the site. Then the Deputy Commissioner will issue Gazette Notification.
4. The DMG then auctions the site to the public and the successful bidder will be given letter of intent from DMG.

5. The proponent then has to get Environment Clearance from SEIAA.
6. After getting EC and all necessary approvals, the Lease deed will be granted to the proponent from Concerned DMG.

It is kindly submitted that, in the above said case District Administration/concerned authorities have not made any application before SEIAA because sand bar removal does not require prior EC as per EIA Notification, 2006.

However, the District Administration have full powers to initiate appropriate legal action against the violation, if it is found to remove Sand Bars other than condition specified as per orders of the Ministry of Environment, Forest and Climate Change vide Office Memorandum bearing No. 11-83/2005-IA.III, dated 24th February 2011, 9th June 2011 and 8th November 2011.

In this regard, it is kindly submitted that, the process of removal of sand bars in rivers of the CRZ area has not been considered as sand mining and hence, Karnataka Minor Mineral Concession Rules do not apply to this process. Therefore, the activities of removal sand bar/dunes does not covered in the EIA notification, 2006.


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

28/08/12