

are to be taken up under cluster method and separate quarrying plan and Environmental Clearance certificate has to be obtained for such blocks. The District Committee was empowered to reserve any blocks for the State or Central Government or other government projects.

47. The PWD was required to invite tenders for extracting the sand for transportation, stocking and loading. To extract sand in the Coastal Regulation Zone in the coastal districts, it is mandatory to obtain Environmental Clearance. The District Committee was further empowered under Rule 31R (1B)(x) to delegate authority to any lower level officer of member department to control illegal sand mining activity.

48. Referring to the Notification of MoEF dated 9th September, 2013, categorisation of the projects relating to the minor minerals with an area less than 50 hectares as 'B' Category was also introduced. Six months' time was granted to submit approved quarrying plan in terms of Rule-8(I) for all the existing mines and one year time was granted to obtain approval of Environmental Management Project in terms of Rule-8(Q). The State Administration has also not admitted allegations in relation to illegal mining being carried on without Environmental Clearance. The State Government has also stated that they are taking steps to curb incidents of illegal mining and more coercive steps would be taken in future.

49. According to the State, prior to *Deepak Kumar's* judgment (supra), mining in less than 5 hectare was allowed without Environmental Clearance. The Hon'ble Supreme Court had not dealt with the existing cases of mining in the areas of less than 5 hectares as on the date of passing of the order. Hence, according to the State, order in the case of *Deepak Kumar* (supra) has no application to the leases which existed prior to 27th February, 2012, and accordingly, Notifications issued by the MoEF dated 9th September, 2013 and 16th December, 2013, have no application to these cases. They have also relied upon the Circular issued by the MoEF on 2nd July, 2007, stating that, the mining projects, which did not require Environmental Clearance under Notification of 1994, could continue to operate without Environmental Clearance till the mining lease falls due for renewal. The existing mines had to take Environmental Clearance within one year, with effect from, 16th December, 2013. Even in terms of the Amended Rule-25(A), no quarrying lease is to be granted or renewed to quarry non-specified minor minerals to the extent, not less than that specified in Schedule-II(A). Under Schedule-II(A), mining of ordinary sand has to have a minimum of 10 acres of area. The schedule gives different areas for different kinds of mining. For instance, for brick and tile clays, the area could be 1 acre, while for marble or crystalline limestone as ornamental stone the area could be 2.20 acres and for limestone under title "Shahabad Stone" it could be 0.20 acre. For all such unspecified minerals, it could be 1 acre.

50. As already noticed, and according to the stand taken by the parties, and more particularly, by the respective states, first and foremost, we have to deal with the legal history of the legislations in relation to extraction of minor minerals.

51. The Act of 1986 was enacted by the Parliament to implement the decision taken at the United Nations Conference on 'Human Environment' at Stockholm in 1972. The preliminary object was to take appropriate steps for protection and improvement of human environment. Environment includes water, air and land and inter-relationship which exists among and between water, air, land and human being and the other living creatures, plants, micro-organism and property. Anything that directly or indirectly pollutes any or all these, are subject to steps and action that could be taken by the concerned authorities, in terms of these laws. Mining of minor minerals in our country is an activity which is carried on at a large scale. Unregulated and illegal mining has serious adverse impacts on the environment and ecology of the State concerned.

52. MoEF, for the first time, issued a notification in exercise of the powers vested in it under Clause-(a) of Sub-Rule-(3) of Rule-(5) of the Rules of 1986 on 27th January, 1994. The draft Notification was issued on 28th January, 1993, inviting objections. Upon considering the same, final notification, specifying the imposition, restrictions and prohibition on the expansion and modernisation of any activity or new projects which were being undertaken in any part of India, unless Environment Clearance has been accorded by

the Central Government or State Government as per notification, was issued. This notification contemplated that any person who desires to undertake any new project or an expansion or modernisation of the existing industry or project listed in Schedule-I, has to move an application for seeking Environmental Clearance from the MoEF. Schedule-I to this notification, covered mining, amongst others, under Clause-II(a). However, in terms of Schedule-I, the list of projects requiring the Environmental Clearance from the Central Government, covered only mining projects (major minerals) with leases more than 5 hectares which were included under serial no. 20. In other words, there was no regulatory regime in place, as far as Central Government was concerned, in relation to carrying on extraction of minor minerals. However, some of the States, under their respective Rules, did provide regulation of minor minerals.

53. Then, in the year 2006, MoEF notified the Environmental Clearance Regulations, 2006, in exercise of its powers under the same provisions. Schedule to this Notification spells-out the list of projects or activities which require prior Environmental Clearance. Minor minerals were classified into two different categories. (i) where the mining lease area of more than 50 hectares was categorised as category 'A' project, while mining of an area of less than 50 hectare but more than 5 hectare was categorised as Category 'B' projects. Category 'A' projects required Environmental

Clearance from the MoEF, while category 'B' projects could be granted Environmental Clearance by SEIAA.

54. To this notification, certain objections were raised, which came to be clarified vide Circular dated 2nd July, 2007, whereby MoEF clarified that, all mining projects which did not require Environmental Clearance under the EIA Notification-1994 would continue to operate without Environmental Clearance till the mining lease falls due for renewal, and if, there is no increase in the lease area or enhancement of production.

55. This came to be amended vide notification dated 1st December, 2009, wherein amongst others, the Schedule-I was also amended. This notification made a distinction between non-coal mining lease and coal mining lease. Equal or more than 50 hectare of mining lease are in relation to non-coal mining lease with which we are concerned, required clearance from MoEF while more than or equal to 5 hectare but less than 50 hectare non-coal mine required clearance from SEIAA.

56. Thereafter, on 9th September, 2013, a Notification was issued under the relevant provisions of the Act and the Rules of 1986. By this Notification, Clause 4 of the Notification of 2006 was amended, i.e., for mining in respect of minor mineral, where the lease area was less than or equal to 50 hectares and greater than or equal to 5 hectares. In respect of other non-coal mine lease, the projects were to be treated as Category 'B' Projects, thus requiring Environmental Clearance from SEIAA. This Notification had been issued while

dispensing with the requirements of Clause (a) of Sub Rule 3 of Rule 5 in the public interest. In other words, inviting of the objections and dealing with them, in accordance with law, was waived. On 24th December, 2013, vide Office Memorandum, the Category 'B' Projects were divided into categories of 'B1' and 'B2' and guidelines in that behalf were issued. It was stated that the Project categorized as 'B1' will require Environmental Impact Assessment Report for appraisal and were to undergo public consultation process (as applicable). Projects categorized as 'B2' will be appraised based on the application in Form-I accompanied with the Pre-feasibility Report. While referring to earlier Office Memorandums in relation to brick earth and ordinary earth which termed some of them as 'B2' Projects, it also referred to the cluster situation and finally provided that river sand mining project with mine lease area of less than 5 hectares may be considered for granting Environmental Clearance on cluster basis. The river sand mining project within mining lease area of equal to or more than 5 hectares but less than 25 hectares were to be considered as B2 projects and were to furnish the required documents, subject to the conditions stated in that memorandum. From the above narrated events relating to issuance of Notifications, Office Memorandums and Circulars etc., it is clear that MoEF had been dealing with the entire situation on ad-hoc basis. Under the Notification of 2006, Clause 2, the Scheduled projects are to be divided only into two categories being category A and category B respectively. It does not contemplate any further

classification. However, Clause 7 of Notification of 2006 which primarily provides for the stages through which the project has to be cleared for grant and/or refusal of Environmental Clearance under 'Screening' states that, in case of Category B projects or activities at the time of scrutiny of application seeking Environmental Clearance, the State Expert Appraisal Committee is called upon to determine whether or not the project or activity requires further environmental study for preparation of an Environmental Impact Assessment for its appraisal prior to grant of Environmental Clearance depending upon the nature, location specificity of the Project. The project requiring Environment Impact Assessment Report shall be termed B1 and remaining projects shall be Category B2 and will not require an Environmental Impact Assessment Report. The Ministry has been empowered to issue guidelines from time to time for categorization of projects into B1 and B2 except item 8(b) of the Schedule i.e. township and area development projects.

57. It needs to be noticed here that, vide Office Memorandum dated 24th June, 2013, it was declared that no borrowing of brick earth or ordinary earth shall be permitted in case the area of borrowing excavation is within 1 km from the boundary of national parks and wild life sanctuaries. Another exception to the grant of such permissions was that in case the area of borrowing/excavation is likely to result into a cluster situation i.e. if the periphery of one borrow area is less than 500 m from the

periphery of another borrow area and the total borrow area equals or exceeds 5 hectares, the activity shall become Category 'B 1' in terms of the Notification of 2006 and such operation will be permitted only if the Environmental Clearance has been obtained in respect of the cluster.

Finally the Central Government issued an Office Memorandum dated 24th December, 2013 stating it to be guidelines for consideration of proposals for grant of Environmental Clearance. Under this memorandum, they categorized 'B' category projects into two categories, i.e., 'B1' and 'B2' and thus, it amended the notification dated 9th September, 2013 to that extent. The Category 'B2' projects, in relation to Brick Earth/ordinary Earth, mining projects where lease area was less than 5 hectares were to be considered as per guidelines of 24th June, 2013 for granting Environmental Clearance. The river sand mining project with mining lease area of more than 5 hectares but less than 25 hectares were categorized as 'B2' projects subject to the conditions stated in that Office Memorandum.

58. This power to issue guidelines is not a general power but is a specific power with inbuilt limitations. The limitations are that, such guidelines would alone be for the purposes of categorizing upon scrutiny of applications, projects that would fall under Category 'B1' and 'B2' respectively with specific exclusion of the projects specified under Item 8(b) of the Schedule. Restrictive power to issue guidelines, is further illustrated, by the fact that Clause 2

of the Notification of 2006 does not contemplate any such categorization except projects falling under Category 'A' and 'B' only. The purpose appears to be that the power of State Level Appraisal Committees to bifurcate projects into 'B1' and 'B2' categories respectively should not be unguided and unchecked. Prescription of such guidelines could be done by issuance of appropriate Office Memorandum or orders as the power to issue such guidelines has been vested in MoEF under the statutory provisions. But the greater part of such Office Order or Office Memorandum should be such that it would not vary the content or be contrary to the statutory provisions which are in place by virtue of enacting such provisions either by primarily legislative or delegated legislative power.

59. It is a settled principle that legislature can only delegate to an outside body subordinate or ancillary legislative power for carrying out a policy of the act. The body to whom such power is delegated is required to act strictly within the framework of such delegated powers. Such power is incidental to the exercise of all powers in as much as it is necessary to delegate for the proper discharge of all the public duties. It is because the body constituted should act in the manner indicated in law and should exercise its discretion by following the procedure therein itself or by such delegation as is permissible. Unlike the situation the judges are not allowed to surrender their judgments to others. The legislature and executive can delegate powers within the framework of law. It is an axiom of Constitutional law that representative legislative bodies are given the legislative powers

because the representative Government vested in the persons chosen to exercise the power of voting taxes and enacting laws which is the most important and sacred trust known to civil Government. The Delegation has its own restrictions. For instance, the legislature cannot delegate its functions of laying down legislative policy in respect of a measure and its formulation as a rule of conduct. A memorandum which is nothing but administrative order or instruction cannot amend or supersede the Statutory Rules adding something therein which would specifically alter the content and character of the Notification itself. It has been consistently reiterated with approval by the Hon'ble Supreme Court that administrative practice/ administrative order cannot supersede or override the statutory rule of Notification and it is stated to be a well settled proposition of law.

The delegated power is primarily for carrying out the purposes of the Act and this power could hardly be exercised to bring into existence a substantive right or obligation or disabilities not contemplated by the provisions of the Act or the primary Notification. A Constitution Bench of the Hon'ble Supreme Court in the case of *Sant Ram v. State of Rajasthan* AIR 1965 SC 1910, while dealing with the scope of executive instructions held that instructions can be issued only to supplement the statutory rules and not to supplant it. Such instructions should be subservient to the statutory provisions. They would have a binding effect provided the same has been issued to fill up the gaps between the statutory provisions and are not inconsistent with the said provisions. (Reference in regard to the above can be

made In Re: *The Delhi Laws Act, 1912* AIR 1951 SC 332, *P.D. Aggarwal and Ors. v. State of U.P. and Ors.*, (1987) 3 SCC 622, *Ram Sharma v. State of Rajasthan and Anr.*, (1968) 1 ILLJ 830 SC, *Mahender Lal Jaine v. State of Uttar Pradesh*, (1963) Supp. 1 SCR 912, *Naga People's Movement of Human Rights v. Union of India*, AIR 1998 SC 431).

60. In the case before the Tribunal, specific challenge has been raised to the Office Memorandum dated 24th December, 2013 on the ground that it violates the above stated principles, in as much as by an Office Memorandum, guidelines for 'B1', 'B2' categories cannot be provided and thus, it runs contra to the statutory provisions. We may also notice here that vide this memorandum, besides providing guidelines for categorization of 'B1', 'B2' projects under Clause (iii) of paragraph 2, MoEF has taken a decision that river sand mining project with mine lease area of less than 5 hectares may not be considered for grant of Environmental Clearance and river sand mining projects with mining lease areas of equal or more than 5 hectares but less than 25 hectares will be categorized 'B2', that too subject to the restrictions stated in that Office Memorandum. Though, the applicants have primarily raised a challenge in regard to the former only, but bare reading of the Notification has brought before us the question in regard to the latter as well. Dealing with the former challenge afore-noticed, it is clear that Clause 7 of the Notification of 2006 provides for further categorization of projects falling under Category 'B' into 'B1' and 'B2'. Though Clause 2 of the said Notification does not contemplate any classification other than 'A' and 'B', but, there is no challenge raised before us to the

Notification of 2006 and we see no reason to go into that aspect. The Notification of 2006 *ex facie* permits classification of Category 'B' projects and that discretion has been vested in State Level Expert Appraisal Committee, which, upon scrutiny of the applications has to take the decision. This discretion vested in the Committee is ought to be controlled by the issuance of guidelines by MoEF. MoEF had issued two guidelines, one on 24th June, 2013 and the other on 24th December, 2013 in relation to further classification and criteria which is to be adopted in that regard. Since the Office Memorandum dated 24th June, 2013, only relates to brick earth and ordinary earth and as per that Office Memorandum, such projects where the excavation area was less than 5 hectares were to be categorized as 'B2' projects, subject to the guidelines stated therein they were to be screened in accordance with the Notification of 2006. Under Paragraph 4(b) of this Memorandum, restrictions were laid down prohibiting any excavation of brick earth or ordinary earth within one km of national parks and wild life sanctuaries as well as it intended to elaborate the cluster situation. If the periphery of one borrow area is less than 500 m from the periphery of another borrow area and the total borrow area equals or exceeds 5 hectares, the activity shall become Category 'B1' project in terms of the Notification of 2006 and such activity will be permitted only if the Environmental Clearance has been obtained in respect of the cluster. If we examine these two Office Memorandums in the light of the well settled legal principles that we have referred above, partially both these Office Memorandums cannot stand scrutiny of law. As far

as guidelines or instructions in relation to classification of projects falling under Category 'B' into 'B1' and 'B2' is concerned, the exercise of such power would be saved on the strength of Clause 7(1) of the Notification of 2006 because it is an Office Memorandum which provides guidelines for exercise of discretion by the State Level Expert Committee for such categorization. Thus, it is an exercise of executive power contemplated under the Notification of 2006. Hence the contention of the applicant on that behalf cannot be accepted and deserves to be rejected. However, in so far as the Office Memorandum dated 24th June, 2013 placing a prohibition under paragraph 4(b) (i) is concerned, it apparently is beyond the scope of such guidelines. Prohibition of carrying on of mining activity or excavation activity which is otherwise permitted by the Notification of 2006 cannot be done by an Office Order, because it would apparently run contra to the provisions of Notification of 2006. In other words, such restriction is not only beyond the scope of the power vested in MoEF but in fact imposition of absolute restriction in exercise of delegated power is not permissible. Similarly, the Office Memorandum dated 24th December, 2013 in so far as it declares that river sand mining of a lease area of less than 5 hectares would not be considered for grant of Environmental Clearance is again violative of the above settled principles. No such restriction has been placed under the Notification of 2006 or under the provisions of the Act and the Rules of 1986. The executive therefore, cannot take away the right which is impermissible under the principle of subordinate legislation. Of course, part of the same Paragraph 2(iii),

in so far as it categorizes 'B2' projects, covering the mine lease area equal to or more than 5 hectares but less than 25 hectares is concerned, the same cannot be faulted in view of the fact that it only provides a criteria or a guiding factor for determining the categorization of projects. It neither vests any substantive right, nor any obligation in relation to any matter that is not squarely or effectively covered under the Notification. This only furthers the cause of fair classification of projects, which is the primary purpose of the Notification. For these reasons, we quash paragraph 4(b)(i) of the Office Memorandum dated 24th June 2013 and part of paragraph 2(iii) in so far as it prohibits grant of Environmental Clearance to the mine area of less than 5 hectares as being violative of the Notification of 2006 and the Rules of 1986. The MoEF has no jurisdiction in exercise of its executive power to issue such prohibitions, impose restrictions and/or create substantive rights and obligations. It *ex facie* is not only in excess of powers conferred upon them, but, is also in violation of the Notification of 2006. As already noticed, this Notification has been issued by MoEF in exercise of powers conferred upon it under Clause 5 of sub section 2 of section 3 of the Act of 1986 read with sub rule 4 of rule 5 of the Rules of 1986. Vide this Notification, the Central Government substituted item no. 1(a) and entries relating thereto. A Clause stating that the projects relating to non-coal mine lease and where the mining area was less than 50 hectares equal or more than 5 hectares was to be treated as Category 'B' projects, in addition to that, the minor mineral lease projects, where the mine lease area was less

than 50 hectares, were also to be treated as Category 'B' projects, also, the general conditions with provisos were also substituted. It is significant to note here that the Notification of 2006 had been amended by the Central Government by issuing a Notification dated 1st December, 2009 in exercise of its delegated legislative powers. While issuing this Notification, the Central Government had followed the procedure prescribed under Sub Rule 2 and 3 of Rule 5 of Rules of 1986. It had invited objections from the public and considered those objections as is evident from the very recital of the Notification where it recorded "and where as all objection and suggestions received in response to above mentioned draft Notification have been duly considered by the Central Government....." and then it published the final Notification. Vide the Notification dated 1st December, 2009, the Central Government had substituted item no. 1(a) and the entries relating thereto of the Schedule to the Notification of 2006 besides making other amendments as well in different entries. However, while making further amendments vide Notification dated 9th September, 2013, the Central Government did not follow the prescribed procedure under Rule 5. On the contrary it substantially altered, and in fact substituted, as well as made additions of a substantial nature in Clause 4 and Clause 5 of the Notification of 2006, where, for the first time, it added minor mineral mine leases of less than 50 hectares, and also added 'general conditions to apply except for the projects where the area was less than 5 hectares in relation to minor mineral lease' and provisos thereto. The period for applying for renewal of mine lease

of one year was changed to two years under the Notification dated 9th September, 2013.

61. It is significant to note here that Sub Rule 4 of Rule 5 empowers the Central Government to dispense with the prescribed procedure under Sub Rules 2 and 3 of Rule 5 in public interest. Firstly, the Notification is entirely silent as to what was the public interest which was required to be served by dispensation of the prescribed procedure. Secondly, no material has been placed before us to show what the grounds were for invoking the exception carved out under Sub Rule 4 of Rule 5. Such justification has to be, both in fact and in law. Justification in support thereof, has to be in contradistinction to imperfect justification. The justification should be objective and need based. Public interest is an expression of definite connotation. The Courts, including the Hon'ble Supreme Court of India, have examined this expression in different contexts and fields. However, the essence of the expression has remained unchanged. 'Public interest' has been explained in different contexts differently with reference to the peculiar facts and circumstances of a given case. Usefully reference can be made to the following:

“Stroud’s Judicial Dictionary, Vol. 4, Fourth Edn.: A matter of public or general interest does not mean that which is interesting or gratifying curiosity or a love of information or amusement but in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected. In the case of *Babu Ram Verma v. State of Uttar Pradesh through Commissioner and Secretary and others*, 1971 S.L.R. 649, the Allahabad High Court observed:

What is the meaning and scope of "Public interests"? Public interest in common parlance means an act beneficial to the general public. An action taken in public interest necessarily means an action taken for public purpose, public interest and public purpose are well-known terms, which have been used by the framers of our Constitution in Articles 19, 31 and 304(b). It is impossible to precisely define the expression 'public interest' or 'public purpose'. The requirements of public interest vary from case to case. In each case, all the facts and circumstances would require a close examination in order to determine whether the requirements of public interest or public purpose were satisfied.

In *Kalyani Stores v. State of Orissa*, 1966 SCR (1) 865, While discussing the reasonableness of the restriction and the requirement of public interest Shah J., speaking for the Court, made the following observations:-

"Reasonableness of the restriction would have to be adjudged in the light of the purpose for which the restriction is imposed, that is, "as may be required in the public interest". Without entering into an exhaustive categorization of what may be deemed required in the public interest", it may be said that restrictions which may validly be imposed under Article 304 are those which seek to protect public health, safety, morals and property within the territory."

In *Onkar Lal Bajaj and Ors. v. Union of India and Anr.*, (2003) 2 SCC 673, the Apex Court observed:

35. The expression 'public interest' or 'probity in governance' cannot be put in a strait-jacket. 'Public interest' takes into its fold several factors. There cannot be any hard and fast rule to determine what is public interest. The circumstance in each case would determine whether Government action was taken is in public interest or was taken to uphold probity in governance.

In the case of *Meerut Development Authority v. Association of Management Studies and Anr*, (2009) 6 SCC 171, the Supreme Court held as under:

67. The expression "public interest" if it is employed in a given statute is to be understood and interpreted in the light of the entire scheme,

purpose and object of the enactment but in the absence of the same it cannot be pressed into service to confer any right upon a person who otherwise does not possess any such right in law.”

From the above, it is clear that ‘Public Interest’ is an expression of general connotation which has to be interpreted in context of the facts of the case. However, in the present case, justifiable reasons had to be placed on record by MoEF to show that they have exercised their discretion in taking recourse to the exception in accordance with law.

62. It is noteworthy that the Notification dated 9th September, 2013 in its recital only records ‘after having dispensed with the requirements of the Notification under Clause (a) of sub rule 3 of the said rule 5 in public interest’. Sub Rule 4 of Rule 5 is an exception to the ‘rule of following the prescribed procedure’. The recourse to an exception of this kind cannot be made in a casual or routine manner. For instance, wherever recourse to emergency clause for acquisition of land is made and objections under Section 5(a) of the Land Acquisition Act are not invited. There, valid and proper reasons have to exist on record. In the case of *Gurinderpal singh and others v. State of Punjab*, Civil Appeal No. 10181 of 2013 (arising from SLP(C) No. 3916 of 2013), the Hon’ble Supreme Court while referring to the judgment of the Hon’ble Supreme Court in the case of *Radhy Shyam v. State of Uttar Pradesh* (2011) 5 SCC 553, reiterated that invocation of emergency clause has to be in cases of real urgency. Even an argument of an action taken in response to a public demand for invoking urgency provision was rejected.

This would clearly demonstrate that invocation of the exceptions have to be on existence of real demanding and exceptional grounds and circumstances. The purpose of the prescribed procedure is to give notice to all the concerned persons, who are likely to be affected by issuance of a restriction, to file objections. Such objections have to be considered by the authorities objectively so as to make the law framed in exercise of subordinate or delegated legislation effective in the public interest and to provide for due safeguards in regard to the imposition of restriction in the interest of environment. The purpose is to provide more comprehensive study and objective application of mind to avoid subjectivity in accordance with Rules/Notifications. Thus, avoidance of the prescribed procedure cannot be in a mechanical process, which is devoid of proper application of mind, reasons and grounds.

The Notification proceeded to make substantive amendments to law taking recourse to the provided exception. However, grounds, reasons and object of dispensing with the prescribed procedure are conspicuous by their absence in the Notification or any record before the Tribunal. Dispensation of prescribed procedure can only be on justifiable grounds and in public interest. Reference can also be made to the dictum of the Hon'ble Supreme Court in the case of *Ram Dhari Jindal Memorial Trust vs. Union of India (UOI) and Ors.* (2012) 11 SCC 370:

“The power of urgency by the Government under Section 17 for a public purpose like Residential Scheme cannot be invoked as a rule but has to be by way of exception. As noted above, no material is available on record that

justifies dispensation of enquiry under Section 5A of the Act. The High Court was clearly wrong in holding that there was sufficient urgency in invoking the provisions of Section 17 of the Act.”

Resultantly, we quash the Notification dated 9th September, 2013 in its entirety.

63. The MoEF through Dr. V.P. Upadhayay and Dr. P.B. Rastogi both scientists had made a submission on behalf of the MoEF on 28th August, 2014, before the Tribunal to explain an opinion to put the contents of the Office Memorandum dated 24th December, 2013 beyond ambiguity.

64. From those submissions, it is clear that no Environmental Clearance would be granted for extraction of minor minerals, sand mining from any riverbed where the area is less than 5 hectares. This will amount to total prohibition of carrying on of minor mineral activity of extraction of sand from riverbed anywhere in the country. Such prohibition, as we have already noticed, cannot be imposed in exercise of executive powers in face of the Notification of 2006 which places no such restriction. Furthermore, it will depend upon geographical and ecological situations in a given case. India is a diverse country with varied geographical, ecological and environmental limitations and situations. If such a direction is required to be imposed then it must be backed by proper data and objective application of mind. For instance, in the State of Himachal Pradesh which is symbolic of all hill States, may find it very difficult to find a mining area equal to or more than 5 hectares on the riverbed. It may be practically difficult to find an area where the area of sand mining is 5 hectares or more. It was

contended before us that if this restriction is to be imposed across the States, then it would be very difficult for the State of Himachal Pradesh to permit any sand mining on the riverbed in its entire State. For extraction of sand and other minor minerals, river/seasonal rivers are the main source in the State of Himachal Pradesh. This argument has to be considered with some merit. Again, neither the Office Memorandum dated 24th December, 2013 discusses any of these issues, nor it provides any data which was the foundation for issuing such Office Memorandum. Furthermore, no material in that regard is placed before the Tribunal. Therefore, we find that this restriction is without any basis and is incapable of being imposed through an Office Memorandum. The minor mineral mining activity, other than sand mining, on riverbed was permitted in the sense that for such activity even areas less than 5 hectares could be considered for grant of Environmental Clearance.

65. Now, we revert to the case advanced on behalf of the respective States in relation to the reliefs prayed by the applicant. According to the Applicant in Original Application No. 171/2013, rampant illegal mining is going on in different parts of the country particularly, the States involved in the present petition and there is clear violation of the orders passed by Hon'ble Supreme Court in the case of *Deepak Kumar* (supra) and orders of the Tribunal. As already noticed most of the States have denied that there is any illegal or unauthorized mining which is being carried on, particularly, on the riverbeds. However, this contention of the State Governments does not appear to be absolutely

correct. Besides this, applicant made specific averments and even placed documents to show that illegal and unauthorized sand mining, particularly, in the riverbeds is being carried on in different locations where the area was less or even more than 5 hectares. Certain States have even filed affidavits, which we have referred above, wherein it was stated that large number of cases of illegal mining have been detected and State Governments have taken action against such persons, as well as, huge amount of revenue on account of royalty or otherwise has been recovered. There is apparently some dispute between the State of Himachal Pradesh and Punjab in regard to where and who is carrying on such illegal mining. According to one State, the activity is being carried on in the area of other State, exactly contra is the stand of the other State. Whatever be the correctness of these averments, fact of the matter remains that at the border of Himachal Pradesh and Punjab, illegal mining is going on, causing degradation of environment and ecology as well as loss of the revenue to the concerned State. In furtherance to the order of the Tribunal during the pendency of these applications, it was also noticed by the inspecting team that illegal mining was going on at the border of the two States.

66. According to the State of Himachal Pradesh, though they have not carried out any amendments to their State Rules after the pronouncement of the Judgment of the Hon'ble Supreme Court in the case of *Deepak Kumar* (supra), but they have issued Policy of 2013 which brings it in conformity with the recommendations of MoEF and directions of the Hon'ble Supreme Court in the case of *Deepak Kumar*

(supra). Under this scheme, the removal of over-accumulated sand from the riverbeds even in the area of 1 hectare is allowed. However, this direction was kept in abeyance because of the orders of the Tribunal. In other words, the State of Himachal Pradesh, under its policy, is permitting carrying on of minor mineral activity (sand mining) on the riverbed in areas of 1 hectare, which is obviously less than 5 hectares. As already noticed, an attempt was made on behalf of the State of Himachal Pradesh to justify this policy on the ground of necessity, but fact of the matter remains that this policy and the practice followed by the State of Himachal Pradesh is in direct conflict with the order of the Hon'ble Supreme Court in the case of *Deepak Kumar* (supra) as well as the Office Memorandum issued by MoEF so far.

State of Himachal Pradesh, while granting lease in terms of Rule 14 of Rules of 1971, had also allowed grant of mining lease in relation to any area which is not compact and contiguous, for the reasons to be recorded in writing, in the interest of development of any mineral, if the State Government feels it to be necessary.

67. The State of Karnataka claims to have amended its Rules of 1994 after the passing of the Judgment of the Hon'ble Supreme Court in the case of *Deepak Kumar* (supra). In terms of these Rules, minor minerals mining in area of less than 5 hectares has been permitted, by either cluster mining or mining in the minimum specified area, which is, 10 acres, i.e., less than 5 hectares. In regard to other minor mineral mining even in the areas less than 5 hectares but subject to grant of

Environmental Clearance. The holders of existing mining lease for sand mining, even in the areas less than 5 hectares, have been granted one year to take Environmental Clearance w.e.f. 16th December, 2013. Environment Management Plan is to be submitted which has to be approved by a regional authority which has now been given up by the States and consent/Environmental Clearance is to be granted by SEIAA/MoEF only. Reference can be made to the Rules:

“8Q. Environmental Management Plan for individual or clusters of leases / licenses / working permission/sand tender areas.-

Every holder of lease / license / working permission shall prepare an Environment Management Plan through recognized qualified person and submit to the Regional Environment Management Committee/State Environment Impact Assessment Authority/Ministry of Environment and Forest as the case may be for approval and the lessees / licensees / permission holders of a cluster shall submit a collective Environment Management Plan through cluster association within a period of three months of formation of cluster association.

Provided that the existing holder of lease/license/working permission having an area less than stipulated shall form the cluster association and submit collective EMP within one year from the commencement of these rules.

However in case of sand, the Environment Management Plan shall be prepared through recognized qualified person and submitted to the Regional Environment Management Committee/ SEIAA/MoEF as the case may be for approval by Deputy Director / Senior Geologist concerned.

Provided, that in respect of plans within its purview, the Regional Environment Management Committee may extend the above period up to a further period of six months by recording the reasons.”

Instructions issued by the State of Karnataka through its Video Conferencing are also not in conformity with law. They had permitted continuation of mining activity without obtaining Environmental Clearance for a period of one year from 16th December, 2013. That period of one year is now over. Thus, in any case, nothing would survive for consideration resulting from the said video conference. The obvious result would be whether, Environmental Clearance is required for persons carrying on mining activity in an area of less than 5 hectares, through cluster mining or otherwise?

68. State of Rajasthan has also amended its Rules after the judgment of the Hon'ble Supreme Court in *Deepak Kumar* (supra). Rajasthan Minor Mineral Concession Rules, 1986 were amended by Notification dated 3rd May, 2012. Under these Rules, there are three most noticeable aspects. First relates to permission for carrying on mining activity in an area of less than 5 hectares, that too without obtaining the Environmental Clearance from SEIAA/MoEF. It has created District Level Environmental Committees to whom application of Environmental Clearance is to be moved and which has to recommend grant/refusal of such clearances. It has permitted cluster-mining by stating that an Environmental Management Plan could be submitted for such cluster mining and permits could be given for an area of less than 5 hectares. The short-term permit holders of the lease in clusters were required to form an association and file applications along with the Environment Management Plan to the District Committee for approval in terms of Rule 37P. Under proviso to this Rule, the permit

holders of short-term permits within the boundary of the cluster after formation of the association will be deemed to be members of the association. All these three issues are not in conformity with the law in force and the judgment of the Hon'ble Supreme Court. Secondly, they also suffer from the infirmity of imposing obligations on a person who may not be desirous of becoming a member of the association within the cluster boundaries. In our considered view, the 'deeming fiction' contained in proviso to Rule 37Q would not stand the scrutiny of law. It is in fact impractical as well as unsustainable. This would encourage what the Hon'ble Supreme Court has specifically discourage in the case of *Deepak Kumar* (supra) that persons carrying on mining activity should not be permitted by creating smaller segments of the areas of the mining activity and then forming a cluster or even without forming the clusters carrying on the mining activity degrading the environment and ecology of the area. The Rules amended by the State of Rajasthan thus, are not in line with the dictum of the Hon'ble Supreme Court and even the Notifications issued by the MoEF including the Notification of 2006.

69. The Union Parliament is vested with the powers of making laws for regulation and development of mines and minerals so far they are expedient in public interest. Similarly, legislative power is vested in the State but it is subject to the provisions of List I. The Parliament having enacted the Act of 1957, the Rules for regulation that can be framed by the State Legislature under Section 15 of the said Act has to be compliant of the Parliamentary legislation. In other words, whatever

rules are to be framed by the State Government, they should be in conformity with the Act of 1957 as well as with the Act of 1986. In terms of Article 141 of the Constitution, the Judgment of the Hon'ble Supreme Court is the law of the land and is binding on all concerned. The State Government while framing Rules in exercise of powers of delegated legislation has to be conscious of the fact that such legislation is expected to be in conformity with the law of the land as declared by the Hon'ble Supreme Court. The said Rules thus, so framed have to be in conformity with all, the two enactments, i.e., the Act of 1957 and Act of 1986 and Judgment of the Hon'ble Supreme Court. The constitution of District Level Environmental Committee for the purpose of considering and approving the Environment Management Plan in terms of proviso to Rule 37(Q) is another provision that requires consideration. Under the Notification of 2006, the projects whether falling in category 'A', 'B', 'B1' or 'B2' have to be considered for the purposes of grant of Environmental Clearance and other related matters by MoEF/SEIAA. The District Level Committee is neither framed under the provisions of the Act or Rules of 1986 and for that matter, nor under the Notification of 2006. Once the law provides for a particular procedure to be done or undertaken in a particular manner and by a specified authority, then it can be done in that manner alone by that authority and not in any other way. Even in the case of *Deepak Kumar* (supra), the Hon'ble Supreme Court had permitted consideration of Environmental Clearance application only by SEIAA or MoEF. It was contended that such Committees were only

expected to recommend the cases to SEIAA and not to grant or refuse Environmental Clearances. Firstly, this submission is not supported by any of the Rule. The Rules 37P and 37Q clearly requires that an Environmental Management Plan for cluster would be approved by the Committee. In that context, the expression 'approval' cannot be granted, any other meaning except that a final 'decision' in that regard will be taken. Once approval is granted by the District Level Environmental Committee, it is impractical to imagine, how it would be able to decline Environmental Clearance. In other words, it is a machinery created by the Rules which is in derogation to the Principle legislation and the Notification of 2006.

70. At this stage, we may revert to the judgment of the Tribunal dated 28th November, 2013, in the case of *National Green Tribunal Bar Association* (supra). In this judgment, the Tribunal specifically rejected the contention of the State of Madhya Pradesh that in view of Rules 42 to 49 and 68 of the Madhya Pradesh Minor Mineral Rules, 1996, the State has given authority to the District Level Environmental Committees to grant lease or license in accordance with the Rules. Amendment of the Rules, by the State Governments, cannot be done so as to entirely wipe out the impact, effect and procedure prescribed in the Central law. The District Level Environmental Committees so constituted have to perform their functions under the Act of 1957 and the Rules framed therein. The Act does not empower the State authorities to grant Environmental Clearance. The Tribunal further held that the appropriate way to read and interpret these Sections

would be that such powers are to be exercised in relation to environment but primarily for the purposes of granting or refusing mining leases or licences. The consideration and grant of Environmental Clearance is statutorily regulated by the Notification of 2006 and the State Government would not be competent to alter or completely give a go-by to the said statutory procedure and methodology, the Environmental Clearance has to be granted in accordance with the Central law. Thus, the contentions raised in the present case on similar lines cannot be accepted by us as well.

71. The Hon'ble Supreme Court had permitted preparation of Mining Plan primarily with the object of providing for reclamation and rehabilitation of the mined out area. It was to deal with progressive mine closure plan and post mined land of use. The Judgment of the Hon'ble Supreme Court had also dealt with cluster mining approach for small size mines. The purpose of adopting cluster approach with reference to small mine leases was to take care of preparation of Environmental Management Plan in clusters of mines, where the mining activity was being carried out in smaller areas. The Hon'ble Supreme Court accepted the recommendation of MoEF in regard to the above. The Hon'ble Supreme Court specifically noticed, what was pointed by the CEC to examine, whether there has been an attempt to flout the Notification of 2006 by breaking of homogenous area into pieces of less than 5 hectares. The Hon'ble Supreme Court upon taking note of the recommendations of MoEF which were passed on technical, scientific and environmental grounds, had directed the State

Governments to implement the recommendations. They were directed to get the Mining Plan prepared as afore-noticed. Besides all these, the Hon'ble Supreme Court had directed that lease of minor minerals, including their renewal, for an area of less than 5 hectares is granted by the said Union Territories/State only after getting Environmental Clearance from the MoEF.

From the above discussion, it is clear that there is apparent contradiction between the Rules framed by the State under the shelter of the Judgment of the Hon'ble Supreme Court in the case of *Deepak Kumar* (supra) on the one hand and the Central Law and Notifications on the other. This has created uncertainty in fact and in law. To put it more plainly, the actions taken by the State Governments post the case of *Deepak Kumar* (supra) has created more problems than it ought to have solved by the Hon'ble Supreme Court in its judgment. Thus, the State Government and MoEF needs to examine the matter collectively, objectively and with an intent to bring uniformity in law. We would issue directions in this regard separately.

72. India is not only a diverse country in relation to culture, language and character, but, it is also materially distinct and different in relation to geography, ecology and environment. Narrow rivers in the mid of the hills, limited riverbed space, snowing peaks and high altitude on the one hand and on the other huge river and riverbed, wide field areas are the indicators of this diversity. It may be difficult to have a uniform policy or law in relation to activities, like mining, particularly minor minerals, which have a very serious impact on the

environment, ecology and river flow. There is a dire need to formulate the laws which may be State specific but do not degrade or damage the environment and ecology. Any damage to the environment and ecology may be happening in one State but its adverse impacts would be seen on the entire nation. Therefore, there is a need for an effective and protective Central Legislation which will not only protect the environment in a particular area but the entire Indian Territory.

73. Another incidental but material issue that would fall for consideration is that whether State Rule providing for mining activity to be carried on in an area of less than 5 hectares would cause environmental concerns, particularly when no Environmental Clearance is obtained for the same.

This has to be answered in the affirmative. Indiscriminate, uncontrolled and unregulated mining activity being carried on in any area, particularly the riverbed, is bound to have an adverse impact on ecology and environment. These adverse impacts can be seen in two different and distinct manners. Firstly, uncontrolled and unregulated mining on the riverbed would adversely affect ground water and if the mining is carried on in excess of the specified depth, then, it would affect the course of the river. Secondly, it would also be a concern in relation to floods and may result in failure of flood protective measures. Mining of minor minerals, including sand mining, not only on the riverbed, but, even on other sites, has to be carried out in a regulated manner and under the effective supervision of the regulatory bodies. The law has created a complete regulatory regime for carrying

on of mining activities and that mechanism should be adhered to as otherwise the obvious consequences thereof would be prejudicial to the environmental interests of the country.

74. Another argument that has been advanced on behalf of the States, as well as, some of the respondents is that the Notification published by MoEF dated 9th September, 2013, which makes it compulsory for the minor mineral mining lease holders of area of less than 5 hectares to seek Environmental Clearance is not retrospective and therefore, will not be applicable to the mine leases that were in force as on that date. Firstly, we have already quashed and declared the Notification dated 9th September, 2013 as ineffective and inoperative, having not been issued in consonance with the provisions of law. As such, this argument would hardly survive. Since this argument may have some bearing even in relation to the other Office Memorandums issued by MoEF or on other Notifications validly issued by MoEF such as the one dated 1st December, 2009 and Office Memorandum of 24th June, 2013 and 24th December, 2013, we will even proceed to discuss the merits of this submission.

75. The environmental laws are laws enacted for the benefit of public at large. They are socio-beneficial legislation enacted to protect the environment for the benefit of the public at large. It is in discharge of their Constitutional obligation that such laws have been enacted by the Parliament or by other authorities in furtherance to the power of delegated legislation vested in them. These legislations and directives are incapable of being compared to the legislations in the field of

taxation or criminal jurisprudence. These laws have been enacted to protect the Fundamental Rights of the citizens. Thus, the contention that the existing mine holders would not be required to comply with the requirements of environmental laws, cannot be accepted. To illustratively examine this aspect, we may take a hypothetical situation, not far from reality. An industrial unit which had been established and operationalized prior to 1974, 1981 and/or 1986, was granted permission under the laws in force and the unit owner had made heavy investments in making the unit operational. The Water (Prevention and Control of Pollution) Act came into force in 1974, Air (Prevention and Control of Pollution) Act in 1981 and Environment (Protection) Act in 1986. All these Acts deal with existing units as well as the units which are to be established in future. These laws granted time to the existing units to take all anti-pollution measures and obtain the consent of the respective Pollution Control Boards to continue its operations. Failure to do so, could invite penal action including, closure of industry under these Acts. The said Unit should not be permitted to contend that since it was an existing unit, it has earned a right to pollute the environment and cause environmental pollution, putting the life of the others at risk, on the ground that it was an existing unit and was operating in accordance with law. Such a contention, if raised, would have to be noticed only to be rejected. Similarly, these Notifications or Office Memorandums, having been issued under the environmental laws, would equally apply to the existing industries as well. The directions contained in these

Notifications and Office Memorandums which are otherwise valid, would equally operate to the existing mines as well as the newly undertaken mining activities. All that the law would require, is to give them some reasonable time to comply with the requirements of law, wherever a specific time is not provided under the Act or the Notification. Obviously, these laws *stricto sensu* are not retrospective, as they do not abolish or impair any vested rights under the existing laws. However, these laws impose a new obligation without taking away the vested right. In that sense and somewhat loosely, it can be interpreted as being retroactive in nature, as they do not take away the right of the person to carry on business or his industrial unit, but only impose a new obligation to take Environmental Clearance under the environmental laws. The activity is not prohibited, but, compliance to the environmental laws is made mandatory. Examined from that angle, in so far as we have held, the Notification dated 1st December, 2009, Office Memorandums dated 18th May, 2012, 24th June, 2013 and 24th December, 2013, except to the extent they have been quashed as above by us, are valid and would be enforceable against even the existing mining lease holders. They cannot be permitted to destroy the environment and ecology for their personal gains on the strength of the contention that they are existing units and these Notifications, Office Memorandums would not apply to them.

State of Karnataka has already given a one year time to the existing mine lease holders to comply with the requirements of obtaining Environmental Clearance. Similarly, the State of Rajasthan

and Himachal Pradesh should also direct the existing mine lease holders to take Environmental Clearance, irrespective of their area of mining. The Hon'ble Supreme Court in the case of *Deepak Kumar* (supra) has clearly directed that the miners possessed of mining area of less than 5 hectares cannot operate without taking Environmental Clearance. This would unexceptionally apply to the new units, but, in our considered view, would also apply to the existing mine lease holders as well; except that they would have to be given time to comply with the requirements of law.

Sunil Acharya

76. We have already noticed above that Appeal No. 23/2014 has been filed by Mr. Sunil Acharya – Appellant, on the premise that there has been diversion of 64 hectare forest land for mining of marble near village Kothara, District Banswara. The District Collector vide letter dated 29th February, 2012 had issued a certificate with regard to such diversion in favour of 16 lease holders. The Government of India had directed the Assistant Engineer, Mining to comply with the certain conditions in compliance vide letter dated 13th February, 2012.

According to the applicant, indiscriminate mining of marble was carried on and, therefore, he prayed that the respondents should be directed to ensure that no mining work is done by respondent nos. 1 to 7 (in whose favour the mining lease has been granted). The private respondents, in fact, stated to have been given 4 hectares of mining area, each with an intent to circumvent the law and avoid seeking Environmental Clearance. According to the applicant, the entire

mining activity was being carried on illegally and in an unauthorised manner.

77. Each of the private respondents had filed independent M.As. like M.A. No. 469/2014 praying that the ex-parte stay granted by the Tribunal on 10th July, 2014 be vacated. It is admittedly a case where the forest land has been diverted for carrying on the marble mining activity. The private respondents have also claimed that they have been carrying on the mining operation since 29th November, 2012 till its closure on 14th July, 2014. Further, according to these private respondents, they have already applied on 24th March, 2014 for seeking Environmental Clearance in terms of the Notification dated 9th September, 2013.

These private respondents have the permission for diversion of the forest area for carrying on mining activity which is stated to have been granted by the competent authority and still these private respondents claimed to have applied for seeking Environmental Clearance despite the fact that the mining area is less than 5 hectares. If that be so, it is not necessary for us to examine the various controversies raised by the parties in these applications. Though, we have already dealt with the various legal issues that arise in these cases at length above.

78. Be that as it may, Appeal No. 23/2014 as well as M.A. No. 469/2014, M.A. No. 469 of 2014, 470 of 2014, 473 of 2014 479 of 2014, 480 of 2014 488 of 2014, 489 of 2014 can be disposed of merely by a direction to the concerned authorities to consider and dispose of

these applications for grant of Environmental Clearance expeditiously. The mining activity of all these respondents has been prohibited under the orders of the Tribunal, primarily on the ground that they have not received Environmental Clearance. If they have the permission for conversion of forest land and they obtained the Environmental Clearance for carrying on mining activity, in accordance with terms and conditions of the Notification of 2006 and other applicable Notification/Office Memorandums, then, they can obviously carry on their activity of marble mining in accordance with law. If applications are filed as cluster and the total extent of the cluster exceeds 5 hectares, the entire cluster will be taken as a unit for granting Environmental Clearance, subject to all the owners joining the cluster application.

79. Thus, we direct the respondent authorities, particularly SEIAA, to dispose of the applications of all these private respondents seeking Environmental Clearance as expeditiously as possible, in any case not later than three months from today. Thus, Appeal No. 23/2014 and M.A. No. 469/2014, M.A. No. M.A No. 488/2014, 489/2014, 479/2014, 480/2014, 473/2014, 470/2014, 471/2014, and 469/2014 stand disposed of with the above directions. We further direct that till the grant of Environmental Clearance they would not carry out any activity of marble mining

Himmat Singh

80. In Original Application No. 123/2014, the challenge has been raised to the guidelines issued by the Government of Rajasthan dated

8th January, 2014 and to the Office Memorandum issued by MoEF on 24th December, 2013. The challenge, as already referred by us above, is primarily based on the ground that attempt of both these documents is to permit illegal and unauthorised mining activity by directly auctioning and permitting mining in the areas less than 5 hectares or even between 5 to 25 hectares. Such action, being contrary to the very scheme under the Notification of 2006 and order of the Hon'ble Supreme Court in the case of *Deepak Kumar* (supra), the Tribunal had granted an injunction for carrying of mining activities without obtaining proper mining lease, Environmental Clearance and other requisite permissions, in accordance with law.

81. In this application, M.A. No. 419/2014 was filed by various applicants, including the project proponent - Larsen and Toubro Ltd., praying therein that SEIAA be directed to consider the application for Environmental Clearance filed by the applicant in respect of the mining of minor minerals in areas which were owned/ were under the mining lease of the applicants. According to these applicants, they are only carrying on the activity of brick earth and ordinary earth excavation for the purposes of completing the project of construction of railway line of the portion of the Dedicated Freight Corridor from Rewari in Haryana to Iqbalgarh in Gujarat running along a length of 626 kms. on design build lumpsum price basis. The project involves formation in embankment/cuttings, bridges, structures, buildings, ballast on formation and track work, including testing and commissioning. The work comprises of railway track along a length of

626 kms, 110 major bridges, 1229 minor bridges and 20 stations. According to the applicants, they were not covered by the injunction order passed by the Tribunal, in as much as, the areas of lease mine holders were less than 5 hectares and in alternative, all of them had applied for taking Environmental Clearance as they are category 'B2' projects in terms of Office Memorandum dated 24th June, 2013. The challenge to the Office Memorandum dated 24th December, 2013 is also raised on the ground that though the Office Memorandum refers to the report of the Committee constituted by MoEF vide its Office Memorandum dated 30th January, 2013 but that Committee had not made any recommendations in regard to the criteria that should be adopted for categorisation of the projects as 'B1' and 'B2' respectively. Factually, it is correct that the report of the Committee in its recommendations has not made any recommendations in regard to the bifurcation of 'B' category projects into 'B1' and 'B2'. However, there is some discussion in the opening paragraphs of the report in that behalf. Once, Clause 7 of the Notification of 2006 empowers MoEF to issue guidelines on that behalf then such jurisdiction cannot be taken away on the ground that the Committee constituted by the Ministry did or did not make a particular recommendation. Of course, it is always more appropriate to issue Notifications/Office Memorandums which are based and are supported by scientific reason, but, that does not mean the absence thereof would vitiate office memorandums, which, otherwise have been issued in accordance with law and within the framework of the power vested in the MoEF. Therefore, we are

unable to accept the contention of the applicants that this Office Memorandum should be quashed or declared invalid in its entirety on that ground alone.

Therefore, in their application, the only prayer is that their application for grant of Environmental Clearance should be considered expeditiously to avoid any prejudice to the progress of the projects. In view of the limited prayer made in this application, it is not necessary for us to again deliberate much on this application.

82. We dispose of this application with a direction that SEIAA shall consider these applications filed for seeking Environmental Clearance, in accordance with law and observations made in this judgment, expeditiously and in any case within a period of three months from today.

83. In light of the above discussion and particularly keeping in view the persistent conflict between the State Regulations and the Central Notifications, it is imperative for us to issue directions specially to provide for an interim period, during which appropriate steps should be taken to comply with the Judgment of the Hon'ble Supreme Court and to issue Notifications which are necessary in that regard. Therefore, we pass the following order and directions:

- I. For the reasons afore recorded, we hold and declare that the Notification dated 9th September, 2013 is invalid and inoperative for non-compliance of the statutorily prescribed procedure under the Environment (Protection) Rules, 1986 and

for absence of any justifiable reason for dispensation of such procedure.

II. We also hold and declare that the Office Memorandums dated 24th June, 2013 and 24th December, 2013 to the extent afore-indicated are invalid and inoperative being beyond the power of delegated legislation.

III. All the Office Memorandums and Notifications issued by MoEF i.e. 1st December, 2009, 18th May, 2012 and 24th June, 2013 and 24th December, 2013(except to the extent afore-stated) are operative and would apply to the lease mine holders irrespective of the fact that whether the area involved is more or less than 5 hectares.

IV. We further hold that the existing mining lease right holders would also have to comply with the requirement of obtaining Environmental Clearance from the competent authorities in accordance with law. However, all of them, if not already granted Environmental Clearance would be entitled to a reasonable period (say three months) to submit their applications for obtaining the same, which shall be disposed of expeditiously and in any case not later than six months from pronouncement of this judgment.

V. All the States and the Ministry of Environment and Forest shall ensure strict compliance to the directions issued by the Hon'ble Supreme Court in the case of *Deepak Kumar* (supra). We direct Secretary, Ministry of Environment and Forest to hold a

meeting with the State of Rajasthan, Himachal Pradesh and Karnataka to bring complete uniformity in application of the above referred Notifications and Office Memorandums including the Notification of 2006.

VI. We direct that in the meeting it shall also discuss and appropriate recommendations be made and placed before the Tribunal, as to whether riverbed mining covering an area of less than 5 hectares can be permitted, if so, the conditions and regulatory measures that need to be adopted in that behalf.

VII. We direct that the District Environmental Committees constituted by the respective State Governments shall not discharge any functions and grant approval as contemplated under the Notification of 2006.

VIII. Secretary, Ministry of Environment and Forest along with such experts and the States afore-referred will also consider the possibility of constituting the branches of SEIAA at the district or at least, division levels, to ensure easy accessibility to encourage the mine holders to take Environmental Clearance expeditiously.

IX. It is stated before us that in large number of cases, particularly in relation of State of Rajasthan, persons carrying on mining activity of minor minerals, non-coal mining and brick earth and ordinary earth have applied for obtaining Environmental Clearances in accordance with the terms and conditions of the Notification of 2006. Let all such applications be dealt with and

orders passed by the concerned authorities at the earliest and in any case not later than six months from today.

X. We direct the respondent authorities, particularly SEIAA, to dispose of the application of all these private respondents who have already filed applications seeking Environmental Clearance as expeditiously as possible, in any case not later than three months from today. Thus, Appeal No. 23/2014 and M.A. No. 469/2014, M.A. No. M.A No. 488/2014, 489/2014, 479/2014, 480/2014, 473/2014, 470/2014, 471/2014 and 469/2014 stand disposed of with the above directions. Till the grant of environmental clearance they would not carry out any activity of marble mining.

XI. We dispose of Original Application No. 123/13 with a direction that SEIAA shall consider the applications filed for seeking Environmental Clearance in accordance with law and observations made in this judgment, expeditiously, and in any case within a period of three months from today.

XII. In the meanwhile, no State shall permit carrying on of sand mining or minor mineral extraction on riverbed or otherwise without the concerned person obtaining Environmental Clearance from the competent authority.

XIII. We direct the Ministry of Environment and Forest to issue comprehensive but self-contained Notification relating to all minor mineral activity on the riverbed or otherwise, to avoid

unnecessary confusion, ambiguities and practical difficulties in implementation of the environmental laws.

XIV. In light of the judgment of the Supreme Court and what has emerged from the various cases that are subject matter of this Judgment, we direct the Ministry of Environment and Forest to formulate a uniform cluster policy in consultation with the States for permitting minor mineral mining activity including, its regulatory regime, in accordance with law.

84. For the reasons afore stated, we dispose of the Original Applications, Appeal and Miscellaneous Applications filed by different parties in all those Original Applications and Appeal, in terms of above directions, while leaving the parties to bear their own costs.

Justice Swatanter Kumar
Chairperson

Justice M.S.Nambiar
Judicial Member

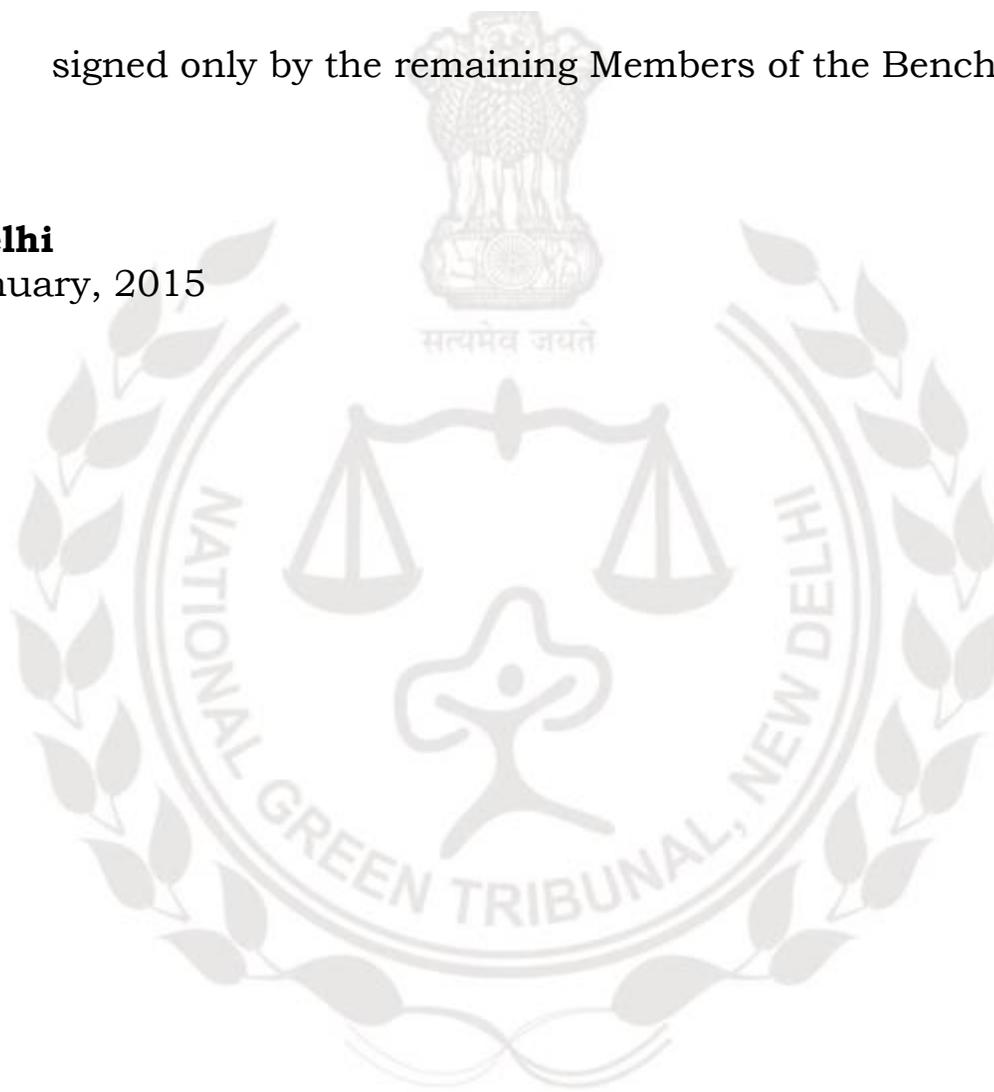
Dr. D.K. Agrawal
Expert Member

Order: This case was heard by a Bench consisting of Hon'ble Mr. Justice Swatanter Kumar (Chairperson), Hon'ble Mr. Justice M.S. Nambiar (Judicial Member), Hon'ble Dr. D.K. Agrawal (Expert Member) and Hon'ble Dr. R.C.

Trivedi (Expert Member). After the judgment was reserved, but, before its pronouncement, unfortunately, Dr. R.C. Trivedi, Learned Expert Member expired and left for heavenly abode on 26th December, 2014. Thus, the present judgment is being signed only by the remaining Members of the Bench.

New Delhi

13th January, 2015



NGT

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

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 15th January, 2016

S.O. 141(E).—Whereas in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), a draft notification for making certain amendments in the Environment Impact Assessment Notification, 2006, issued *vide* number S.O. 1533(E), dated the 14th September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, *vide* number S.O. 2588(E), dated 22nd September, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said notification were available to the public;

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

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

And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27th February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

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

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

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

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

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification,-

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

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

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

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

“5. Screening, Scoping and Appraisal Committees:-

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

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

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

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

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

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

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

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

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

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

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading “I. Stage (1)- Screening:”, the existing sub-paragraph shall be lettered as sub-paragraph “(A)” and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-
“(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance.” ;

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

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

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

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

(g) in paragraph 8,-

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

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

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

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

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

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

(j) in paragraph 11, -

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

(k) in the Schedule,-

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

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

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

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

“APPENDIX VII

(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

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

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

APPENDIX VIII

(See paragraph 6)

FORM 1 M

APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR LESS THAN AND EQUAL TO FIVE HECTARE

(II) Basic Information

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

Environmental Sensitivity

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

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

(Signature of Project Proponent
Along with name and address)

APPENDIX – IX

[See paragraph 7(i) (B)]

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

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

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

APPENDIX - X

[See paragraph 7 (iii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.

9. Physiography of the District
10. Rainfall: month-wise
11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.
- (b) District wise availability of sand or gravel or aggregate resources.
- (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

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

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for the District						

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up

to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

APPENDIX - XI

[See paragraph 7 (iii) (b)]

PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

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

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

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

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

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

APPENDIX - XII

[See paragraph 10 (iv)]

PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

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

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

2. Requirement at Mine Lease Site:

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

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

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

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

4. Proposed working of the system:

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

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

5. Checking On Route:

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

6. Breakdown of Vehicle:

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

7. Tracking of Vehicles:

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

8. Alerts or Report Generation and Action Review:

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

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

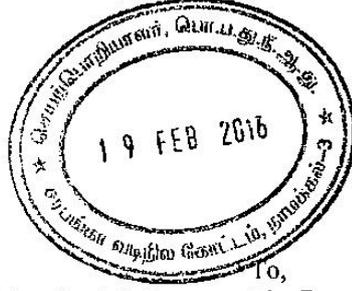
[No. Z-11013/98/2014-IA-II (M)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended *vide* the following numbers :-

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

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சாரங்கா வட்டியல் கோட்டம் நாமக்கல்.	
செ.மொ.	
கோ.க.	3.2.16
க.நா.	
மு.வ.தொ.அ.	சாரங்கா

From,
Thiru.V.Dakshina Moorthy, I.A.S.,
District Collector,
Namakkal.

To,
The Executive Engineer,
PWD, WRO,
Sarabanga Basin Division,
Namakkal.

Rc.No. 1198 / Mines / 2015 dated: 18.02.2016.

Sir,

Sub: Mines & Minerals – Namakkal District – Opening of New Sand Quarry in S.F.No.643/1 (Mile 77/2+150 to 77/5+50) over an extent of 16.18.0 hect of Cauvery River Poramboke – Oruvanthoor Village of Namakkal Taluk & District – proposal received from PWD Department – joint inspection report submitted – Precise Area Communication - reg.

- Ref:
1. The Proposal of the Executive Engineer, PWD, WRO, Sarabanga Basin Division, Namakkal letter Rc.No. 361M / வப / வஅ / கோ / 2015 Dated: 17.12.2015.
 2. The Executive Engineer, PWD, Sarabanga Basin Division, Namakkal in Rc.No. 26 பஸ / வப / வஅ / கோ-22 / 2016 dated: 06.02.2016
 3. The joint inspection team report dated: 10.02.2016.
 4. The Superintendent Engineer, TWAD, Maintenance Division, Namakkal letter No.11216 / கோ.கனிமம் / இவஅ-1 / 2016 dated: 11.02.2016.
 5. The Order of the Hon'ble Supreme Court of India in SLP© No. 19628-19629/2009 with SLP© No.729-731/2011 etc divided on 27.02.2012 (citation No.2012 STPL(web) 149 SC).
 6. The Ministry of Environment and Forest. New Delhi Letter No. L11011/47/2011/ IAI (M) dated: 18.05.2012.
 7. The Addl. Secretary to Government, Industries (MMC-1) Department, Chennai letter No: 4719/ MMC-1 / 2012-2 dated: 03.08.2012.

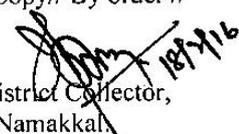
8. The Commissioner of Geology and Mining,
Guindy, Chennai, letter No: Na.Ka. 3868 / LC /
2012 Dated: 19.11.2012.

The Executive Engineer, PWD, WRO, Sarabanga Basin Division, Namakkal has sent a proposal seeking new sand quarry outlet in S.F.No.643/1 of Cauvery River Poramboke (Mile 77/2+150 to 77/5+50) in Oruvanthoor Village of Namakkal Taluk and District vide letter no. 361பல / கோ / வது / 2015 நாள்: 17.12.2015. In this regard, the subject proposed area was jointly inspected by Revenue Divisional Officer, Namakkal, Assistant Director of Mines, Namakkal, The Asst.Executive Engineer, Maintenance, TWAD, Namakkal and the Asst.Executive Engineer, WRO, PWD, Sarabanga Basin Division, Namakkal on 10.02.2016 to ascertain the technical viability and feasibility of quarrying of sand and recommended for grant of permission for opening of New Sand Quarry in the above proposed area.

Before passing final order on the proposal of the Executive Engineer, PWD, WRO, Sarabanga Basin Division, Namakkal, based on the recommendation of the inspection team a Precise Area Communication is intimated to the applicant as per the guidelines issued in the orders and communications in the reference 5th, 6th, 7th and 8th cited above. Therefore, the applicant is directed to submitting a Mining Plan approved by the Assistant Director of Mines, Namakkal and Clearance from State Level Environmental Impact Assessment Authority (SEIAA) and Tamil Nadu Pollution Control Board (TNPCB) for passing final order in respect of grant of sand quarrying permission in S.F.No. 643/1 over an extent of 16.18.0 hect of Cauvery River Poramboke ((Mile 77/2+150 to 77/5+50) in Oruvanthoor Village of Namakkal Taluk and District.

(Signed xxx...dt.18.02.2016),
District Collector,
Namakkal.

//True Copy// By order //


For District Collector,
Namakkal.

MINING PLAN FOR ORUVANTHOOR SAND QUARRY



(PREPARED UNDER RULE 12 OF DRAFT MINOR MINERAL CONSERVATION AND DEVELOPMENT RULES, 2016
& AS PER AMENDMENT UNDER TAMILNADU MINOR MINERAL CONCESSION RULES, 1959)
(Lease Period = Two years)

IN

LOCATION OF THE QUARRY LEASE APPLIED AREA

EXTENT : 16.18.0Ha,
S.F.NO : 643/1 (P),
VILLAGE : ORUVANTHOOR,
TALUK : NAMAKKAL,
DISTRICT : NAMAKKAL,
STATE : TAMILNADU.

FOR

APPLICANT

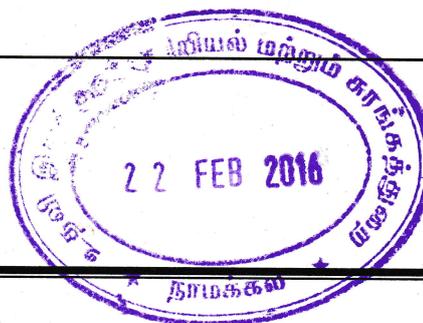
The Executive Engineer,
Public Works Department,
Water Resource Department,
Sarabanga Basin Division,
Namakkal.

PREPARED BY

M.Ifthikhar Ahmed, M.Sc., F.G.S., M.B.A., M.M.E.A.,
Recognized Qualified Person
RQP/MAS/183/2004/A
Valid upto - 10.01.2024

Regd.off.Old No.260-B,New No. 17,
Advaita Ashram Road,
Alagapuram, Salem.
Cell: 94422 78601, 94433 56539
E-mail: ifthiahmed@gmail.com
geothangam@gmail.com.

The Executive Engineer,
Public Works Department,
Water Resource Department,
Sarabanga Basin division,
Namakkal.



CONSENT LETTER FROM APPLICANT

The Mining Plan in respect of Sand Quarry in S.F.No 643/1 (P) over an extent of 16.18.0Ha Government land in Oruvanthoor village, Namakkal Taluk, Namakkal District, Tamilnadu State has been prepared by M.Ifthikhar Ahmed, M.Sc., F.G.S., M.B.A., M.M.E.A., RQP/MAS/183/2004/A

I request the District Collector, Namakkal to make further correspondence regarding the modification of the Mining Plan with the said recognized qualified person at his following address.

M.Ifthikhar Ahmed, M.Sc., F.G.S., M.B.A., M.M.E.A.,
Regd.off.Old No.260-B,New No. 17,
Advaitha Ashram Road,
Alagapuram, Salem.
Cell: 94422 78601, 94433 56539.

I hereby undertake that all the modifications, if any made in the mining plan by the Recognized qualified person may be deemed to have been made with my knowledge and consent and shall be acceptable to me and binding on me in all respects.

Signature of Applicant

**Executive Engineer, P.W.D.,
W.R.O., Sarabanga Basin Division,
Namakkal.**

Place: Namakkal
Date: 22-2-2016

The Executive Engineer,
Public Works Department,
Water Resource Department,
Sarabanga Basin division,
Namakkal.



DECLARATION OF THE APPLICANT

The Mining Plan in respect of Sand Quarry in S.F.No 643/1 (P) over an extent of 16.18.0Ha Government land in Oruvanthoor village, Namakkal Taluk, Namakkal District, Tamilnadu State has been prepared in full consultation with me.

I have understood its contents and agree to implement the same in accordance with Laws, Rules and Act applicable to Quarry.

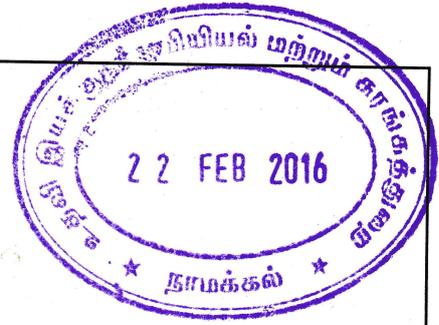
Signature of Applicant

[Handwritten Signature]
Executive Engineer, P.W.D.,
W.R.O., Sarabanga Basin Division,
Namakkal.

Place: Namakkal.

Date: 22-2-2016

M.Ifthikhar Ahmed, M.Sc., F.G.S., M.B.A., M.M.E.A.,
Regd.off.Old No.260-B,New No. 17,
Advaita Ashram Road,
Alagapuram, Salem.
Cell: 94422 78601, 94433 56539.



CERTIFICATE FROM THE RECOGNIZED QUALIFIED PERSON

This is to certify that the Provisions of Rule 12 of Minor Mineral Conservation and Development Rules, 2010 & as per Amendment Rules under Tamilnadu Minor Mineral Concession Rules, 1959 have been observed in the preparation of Mining Plan for Sand Quarry in S.F.No 643/1 (P) over an extent of 16.18.0Ha Government land in Oruvanthoor village, Namakkal Taluk, Namakkal District, Tamilnadu State has been prepared for

The Executive Engineer,
Public Works Department,
Water Resource Department,
Sarabanga Basin Division,
Namakkal.

Whenever specific permissions/exemptions/relaxations and approvals are required, the applicant will approach the concerned authorities of the District Collectorate, Namakkal, Tamilnadu for such permissions/exemptions/relaxations and approvals.

It is also certified that information furnished in the above Mining plan are true and correct to the best of my knowledge.

RQP SIGNATURE

M.Ifthikhar Ahmed, M.Sc., F.G.S., M.B.A., M.M.E.A.,

RQP/MAS/183/2004/A

Place: Salem

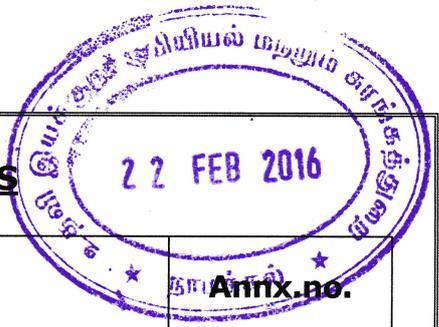
Date: 19-2-2016

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LIST OF ANNEXURES



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1.	Copy of Precise Area Communication	I
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Sl.No.	Description	Plate No.
1	Location Plan	I
2	Key map	IA
3	Topographical, Geological plan and Environmental Management Plan on scale 1:10,000	II

**MINING PLAN FOR SAND OVER AN EXTENT OF 16.18.0 Ha IN
ORUVANTHOOR VILLAGE, NAMAKKAL TALUK,
NAMAKKAL DISTRICT, TAMILNADU.**

(Prepared Under Rule 12 of Draft Minor Mineral Conservation and Development Rules, 2010 and as per Amended Rules in Tamil Nadu Minor Mineral Concession Rules, 1959)

22 FEB 2016

INTRODUCTION AND EXECUTIVE SUMMARY

The present Mining Plan and Environmental Management plan is prepared for The Executive Engineer, Public Works Department, Water Resource Department, Sarabanga Basin Division, Namakkal.

Total extent of the area is 16.18.0 Ha is being recommended for quarrying operations (Please refer the FMB sketch) in Government land of Oruvanthoor Village, Namakkal Taluk, Namakkal District, Tamilnadu.

Tamil Nadu Public Works department, pioneer in all branch of engineering, is the custodian of Odai, Canal, Rivers and Water bodies in the State. Public Works Department creates, maintains and protects all irrigation systems including the rivers. Periodical maintenance including desilting of the drains/river is carried out to maintain the functional efficiency including the carrying capacity of the river. But in rivers flood protection works are carried out by increasing top level of bund and protecting the sides of bund with revetment. The desilting was never carried out in river due to the cost constraints. Therefore, prolonged siltation for decades and more, the level of the floor of riverbed has increased and reduced the carrying capacity.

Whenever floods and consequent damages occurred, it was resorted to increase the bund level to restore the carrying capacity of river. It was never thought of desilting the river due to the enormous cost, it require and the problem of ways and means to dispose the desilted sand. Consequence of this change in river regime and reduction in carrying capacity of the Cauvery River, the shoals in the rivers, divert the flow of water resulting in bund erosion and consequent breaches, which lead to loss of property and lives.

Solution to the above problem is to desilt the shoals in the Cauvery river by expending huge amount. Alternatively, the economical solution to this problem is to mine the sand to remove the shoals.

This option would yield net revenue to the state exchequer apart from making available the important construction material for infrastructure development at a reasonable price to the common people.

The quarrying of sand in Government Poramboke lands and private Patta lands had been entrusted to private agencies by the revenue Department after concluding a lease agreement with them. This process was in practice up to august 2002.

**Mining plan is approved subject
to the conditions laid down in the
letter No. 1198/mines/2015.....**

Dated. 22.02.2016

**Asst. Director (Mines)
Namakkal.**

Public Works Department
Water Resource Department

As per G.O No. 46/industries (MMCI) Department, dated 25.09.2002, a high level committee had been constituted to conduct a survey of rivers and river beds in the state with reference to sand quarry. The high level committee concluded that,

- a) Even through several rules on sand mining exist, illegal quarrying of sand is out of control. Authority for regulating sand mining is vested with different organization such as, State Geology and Mining Department, Revenue Department and Public Works Department. Hence, implementation and monitoring of rules and regulation regarding sand quarrying are not effective. This important task of sand mining therefore, should be entrusted to a SINGLE AGENCY.

The Government issued an order vide G.O.Ms.No.95, industries (MMC1) Department, Dt.01.10.2003 to operate sand quarries in Tamil Nadu by Public Works department. Accordingly, sand quarrying operations are being carried out from October 2003 in Districts of the Tamil Nadu.

Based on the above instructions, the concerned Executive Engineers with their field staff will identify the quarry site considering the availability of sand deposits and sand humps, approach to the site, existing infrastructures, water head works, cross masonry works etc. After selecting the site, proposals will be sent to the concerned District Collectors. The District Collector will instruct the Executive Engineer, TWAD board, Assistant /Deputy Director (Mines) and Revenue Divisional Officer concerned to conduct a joint inspection. After getting the joint inspection reports, the District Collectors will issue orders to quarry sand in that particular place.

Hence this project of Removing sand for functional efficiency of the river is significant the state and country, and hence the approval may be considered on priority basis.

The application was processed by the District Collector Namakkal and communicated precise area communication letter vide Rc.No. 1198/Mines/2015 Dated 18.02.2016 to obtain an approved mining plan and Environmental Clearance from the State Level Environment Impact Assessment Authority, Tamil Nadu as per the order of the Hon'ble Supreme Court of India in I.A.No 12-13/2011 in S.L.P.No. 19628-19629 of 2009 etc., dt 27.02.2012 the Ministry of Environment and Forest office Memorandum Dt 18.05.2012.

The area applied for lease is a Government land in Survey Field No.643/1 (P) in Oruvanthoor Village of Namakkal Taluk, Namakkal District.

- | | | | |
|----|-----------------------|---|---------------------------------|
| a. | Village Panchayat | - | Oruvanthoor |
| b. | Panchayat union | - | Namakkal |
| c. | Geological Reserves | = | 6,84,531m ³ of Sand. |
| d. | The Mineable Reserves | = | 3,60,706m ³ |

- e. The proposed quantity of reserves (level of production) to be mined = 3,60,706m³ of sand for a period of Two years.
- a. Total extent of the area = 16.18.0 Ha
- b. Period of mining = Two years.
- c. Depth of mining = 1m
- d. Method of mining (level of mechanization)
Opencast semi mechanized method of shallow mining, without drilling and blasting.
- e. Type of machineries used in the quarry = Machineries like excavators are proposed for quarrying operation.
- f. No trees are uprooted due to this quarrying operations.
- g. There is No Export of sand.
- h. Topo sketch covering a 500m and 1km radius around the proposed area with markings of habitations, water bodies including streams, rivers, roads, major structure like bridges, wells, archeological importance, places of worships is marked and enclosed as Plate No. II.
- i. The area applied for lease is about 16.18.0Ha is bounded by four corners. The corners are designated as 1 to 4 Clockwise from South Eastern border and the coordinates are clearly marked in the Topography, Geological Plan and Section (Please refer Plate No II).



Oruvanthoor village (Toposheet No. 58 I/04)

TABLE -1

Corners	Co- ordinates (Degree, Minutes, Seconds on WGS 1984 Datum)	Distance between Corners
1	11°01'18"N 78°09'52"E	1-2 = 400m
2	11°01'13"N 78°09'40"E	2-3 = 425m
3	11°01'26"N 78°09'40"E	3-4 = 300m
4	11°01'31"N 78°09'42"E	4-1 = 500m

- j. The sketch of proposed mining area showing the dimensions of the pit, proposed depth of mining, proposed extent of area are marked enclosed as Plate No. II.
- k. The area applied for lease is 10Km away from the interstate boundary, protected area under wild life protection ACT 1972, critically polluted areas as identified by CPCB and notified Eco sensitive areas.
- l. There is no wastes anticipated, hence no waste dumps are proposed inside the lease applied area.

- m. Around 9 employees are proposed to be deployed for the quarrying operation.
- n. The total cost of the project is about Rs. 30,53,000/- for a period of two years.
- o. The CSR cost is around 28.33% of the sand cost from the royalty paid to Government. Apart from this an Budget of Rs.10,000/- will be allowed for Social Activities of the nearby villages.

The area applied for lease is a Government land maintained by PWD, WRD, Namakkal in Survey Field No. 164/1 (P), Oruvanthoor Village, Namakkal Taluk, Namakkal District. This mining plan is prepared by considering all the parameters required for the safe and systematic quarrying operations in order to excavate 3,60,706m³ of sand from Cauvery river.

Sand is composed of consolidated felsic compound Silica and Feldspar the sand is formed by the action of water due to transportation and erosion of Rocks sand has become a very important mineral for the expansion of society.

Sand is a naturally occurring granular material composed of finely divided rock and mineral particles. River sand is one of the world's most plentiful resources (perhaps as much as 20% of the Earth's crust is sand).and has the ability to replenish itself. River sand is vital for human well being & for sustenance of rivers.

1. GENERAL INFORMATION

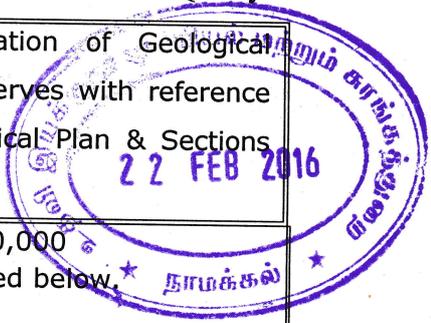
1.1	a)	Name of the applicant	The Executive Engineer
	b)	Address of the applicant (with phone No. & e-mail)	Address :Public works department ,(WRD) Sarabanga Basin Division Namakkal. Pin code : 637 003 State : Tamil Nadu Cell : 04286 280202 Email : eesarankl@yahoo.com
	c)	Status of the applicant (Individual / Company / Firm)	The Applicant is an Executive Engineer, on behalf of Public Works Department, Government of Tamilnadu.
1.2	a)	Mineral which the applicant intend to mine	The applicant intends to quarry sand only.
	b)	Precise area communication letter details received from the Government land	The Precise area communication letter was received from The District Collector, Namakkal District, vide Rc.No.1198/Mines/2015 Dated 18.02.2016 to obtain an approved mining plan and Environmental Clearance from the State Level Environment Impact Assessment Authority, Tamil Nadu.

	c)	Period of permission / lease to be granted	The applicant has obtained for permission to quarry sand for a period Two years.
	d)	Name and address of the RQP / Authorized person preparing the mining plan	Name :M. Ifthikhar Ahmed, M.Sc., F.G.S., M.B.A., M.M.E.A., Address :Regd.off.Old No.260-B, New No. 17, Advaita Ashram Road, Alagapuram, Salem. Mobile : 94422 78601 & 94433 56539. Tele Fax : 0427- 2431989 Registration No :RQP/MAS/183/2004/A Valid up to : 10.01.2024 Email : ifthiahmed@gmail.com
2.0 LOCATION			
	a)	Details of the area (with location map)	The quarry lease applied area falls in the Cauvery river of Oruvantheer Village, Namakkal Taluk, Namakkal District. Please refer the Location map enclosed as Plate No. I.
		i) District, Taluk and village	Oruvantheer Village, Namakkal Taluk, Namakkal District.
		ii) Survey Number	643/1 (P)
		iii) Extent(in hectares)	16.18.0Ha
	b)	Classification of the area (Ryotwari/ Poramboke / others)	It is a river Poramboke land, maintained by Public Works Department.
	c)	Ownership / Occupancy of the applied area (surface right)	It is a Government land maintained by Public Works Department, Sarabanga Basin Division, Namakkal.
	d)	Toposheet No. with latitude and longitude	Topo sheet No. 58-I/04 Latitude between 11°01'13"N to 11°01'31"N Longitude between 78°09'33"E to 78°09'52"E
	e)	Existence of public road / Railway line, if any nearby and approximate distance	There is a metal road on the south Eastern side of the area this road connecting in the Unniyur - Mohanur village at a distance of 1km. The panchayat road is available to the quarry site from the main road to quarry site no patta land roads are encountered for the haulage of sand. The Nearest Railway line is Namakkal - Karur line which is about 6Km on the North western side of the area.

**PART - A****3. GEOLOGY AND MINERAL RESERVES**

3.1	Brief description of the Topography and general Geology of the area (with plans)	The Cauvery river has a gentle slope towards Eastern side, the area covered mostly by sand, the geology of the river sand is very simple. The river sand is derived by erosion of weathered rocks and transported by the river water and deposited on the bed of river during the interface. The MSL value of the area is 95m (Maximum) Please refer the Topography, Geological plan and sections (Plate No. II).
3.2	Details of exploration already carried out if any	No exploration is carried out. The sand is found right from the surface and proposed to excavate 1m below the river bed.
3.3	Estimation of reserves	<p>The Geological plan demarcating the commercially viable sand has been prepared in 1:10,000 scale (Plate No. II). The quantity of the sand to be quarried is calculated by length and width of the lease area, which is suitably chosen to cover the maximum area.</p> <p>Totally six sections have been drawn one along the length wise of the area X-Y and another five sections (A-A'), (B-B'), (C-C'), (D-D') and (E-E') section along the width wise of the area to cover the area consider for lease in the scale of Horizontal: 1:5,000 & Vertical 1: 500 please refer (Plate No. II).</p> <p>The cross sectional area for the proved depth persistence of 1m has been worked out for the section. The cross sectional area multiplied by its length of influence on the longer axis gives the volume (insitu) in the cross sectional area. The sum total of the insitu reserves available within the individual cross sectional area gives the geological reserves of the lease applied area.</p> <p>As the Mineable reserves of sand is in the terms of cubic meter. The geological resource, mineable reserves are given only in terms of Cubic meter.</p>

The details of estimation of Geological Resource and Mineable reserves with reference to the Topography, Geological Plan & Sections (Plate No. II).



- a. Geological reserves with geological sections on a scale of 1:10,000
Total Geological Resources of sand on the river bed is furnished below.

The total depth of sand below the river bed is about 3m.

Total depth of availability of sand is about 3m below the river bed.

Proposed depth of sand quarry : 1m below the river bed.

The Availability of Resource is given below.

Dimensions :

Maximum Length : 500m

Maximum Width : 400m

Maximum Depth : 3m

TABLE-2

EARTH WORK CALCULATION SHEET					
SL.NO	CHAINAGE	AREA	MEAN	LENGTH IN M	QANTITY in m ³
1	0	379.62			
2	100	410.75	395.19	100	39518.75
3	200	481.87	446.31	100	44631.25
4	300	443.75	462.81	100	46281.25
5	400	462.87	453.31	100	45331.25
6	500	0.00	231.44	100	23143.75
The Proposed Shoal					1,98,906.00
Below Bed Level Proposed sand Qty 462.5m (Avg Length) X 350 (Avg Width) X 3m (Depth).					4,85,625.00
Total					6,84,531.00

Total Geological Resources of Shoals = 1,98,906m³

Geological Resources of Sand = 4,85,625m³

Total Geological Resources of sand including shoals = 6,84,531m³

The area for lease has been applied after leaving the 50m safety distance on both sides of the bank.

a) Mineable reserves

There is no wastage during the quarrying operation, Mineable Reserves is shown below.

(Please refer the Plate No. II)

Maximum Length : 500m

Maximum Width : 400m

Maximum Depth : 3m



TABLE-3

EARTH WORK CALCULATION SHEET

SL.NO.	CHAINAGE	AREA	MEAN	LENGTH	QUANTITY
1	0	379.62			
2	100	410.75	395.19	100	39518.75
3	200	481.87	446.31	100	44631.25
4	300	443.75	462.81	100	46281.25
5	400	462.87	453.31	100	45331.25
6	500	0.00	231.44	100	23143.75
The Proposed Shoal					198906
Below Bed Level Proposed sand Qty 462.5m (Avg Length) X 350 (Avg Width) X 1m (Depth).					161800.0
Total					360706.

Total Mineable Reserves of Shoals = 1,98,906m³

Geological Resources of Sand = 1,61,800m³

Total Geological Resources of sand including shoals = 3,60,706m³

The area for lease has been applied after leaving the 50m safety distance on both sides of the bank.

4. MINING

4.1	Method of mining (opencast / underground)	<p>Opencast method of shallow mining is proposed, Machineries like excavators are proposed for quarrying this sand upto an average depth of 1m.</p> <p>No drilling or blasting is proposed for this type of sand quarrying, it is a conventional eco-friendly quarrying operation.</p> <p>The sand will be loaded directly to the trucks / Lorries for transportation to the needy customers. Initially to approach the quarrying site a temporary road will be formed by using sand mixed with Bio-degradable materials and formed a grit around the sand quarrying site to move the vehicle easily.</p>
-----	---	--

		<p>During forming the approach road and grit, necessary temporary pipes will be provided wherever necessary for free flow of water in to downstream.</p> <p>After forming this approach roads the trucks/lorries are allowed after getting necessary demand draft (Rs 800/- per load. i.e. 200 cubic feet) for the sand cost with value added tax@5%, permits will be issued to load the sand.</p> <p>In this process temporary labours from neighboring villages are engaged for the purpose of maintaining the approaches. Regulating the vehicle movements, assisting to take levels, issuing of permits etc., to regulate the quarry operation in a scientific and systematic manner. At sand quarrying site judicial number of Excavators are used to load the sand directly into consumer vehicles (trucks/tippers). After that the loaded vehicles are allowed to go out after covering the sand load properly with tarpaulin to avoid any spillage.</p> <p>The driver will be strictly instructed to move the vehicle below 20km inside the lease and 40km during transportation. During the transportation the sand will be fully covered by Tarupaulin to prevent spillage.</p>
4.2	Mode of working (mechanized, semi mechanized, manual)	It is a Semi Mechanized quarrying operation without drilling and blasting.
4.3	Proposed bench height & width	1m height and 350m width.
4.4	Indicate the overburden / mineral production expected pit wise as detailed below (composite plan and section showing pit layout, dumps, disposal of waste if any etc.)	There is no overburden and the sand is clearly visible right from the surface and proposed to excavate upto a depth of 1m below the river bed.

**Production table
TABLE -4**

Year	Pit No.(s)	Overburden	ROM ore/ Mineral	Saleable ore / Mineral	Sub grade ore / mineral	Mineral rejects	Ore to Overburden ratio
First Year	1	Nil	1,80,353m ³	1,80,353m ³	Nil	Nil	Nil
Second	1	Nil	1,80,353m ³	1,80,353m ³	Nil	Nil	Nil
Third	The applicant has obtain recommendation to quarry sand for a period of Two years .						
Fourth							
Fifth							

4.5	Machineries used	
	a) For quarrying	Excavators 150-200 of 0.90M ³ capacity, Diesel Drive (1No)
	b) Loading equipment	Excavators 150 -200 of 0.90M ³ capacity, Diesel Drive (1No)
	c) Transportation (includes within the mine and mine to destination)	Hired Tippers 10/20Tons capacity. Diesel Drive. (Only from quarry to needy customers site)
4.6	Disposal of overburden / waste	There is no overburden the sand is clearly visible right from the surface. There is no wastage anticipated during the quarrying operation the entire sand will be transported to the needy customers.

4.7	Brief note on conceptual mining plan for the entire lease period base on the geological, mining and environmental considerations	<p>Conceptual mining plan is prepared based upon Topography, Geological plan and section with an object of Two years systematic development of benches, lay outs, selection of ultimate pit limit etc.,</p> <p>The ultimate pit size is designed based on certain practical parameters such as economical depth of quarrying & permissible area etc. The ultimate pit dimensions of the quarry are given below.</p> <p align="center">TABLE- 5</p> <table border="1"> <thead> <tr> <th>Description</th> <th>L (m)</th> <th>W (m) (Avg)</th> <th>D (m)</th> </tr> </thead> <tbody> <tr> <td>Conceptual</td> <td>500</td> <td>400</td> <td>1</td> </tr> </tbody> </table> <p>It is a Conventional Eco friendly Quarrying operation without drilling and Blasting. The rivers sand will replenish naturally during the ensuring flood / rainy season.</p>	Description	L (m)	W (m) (Avg)	D (m)	Conceptual	500	400	1
Description	L (m)	W (m) (Avg)	D (m)							
Conceptual	500	400	1							

5. BLASTING		
5.1	Blasting pattern	It Is a Conventional Eco friendly quarrying proposed without drilling and blasting.
5.2	Type of explosives to be used	
5.3	Measures proposed to minimize ground vibration due to blasting	
5.4	Storage and safety measures to be taken while blasting	
6. MINE DRAINAGE		
6.1	Depth of water table (based on nearby wells and water bodies)	The water table in this area in 6-8mts as observed in nearby wells.
6.2	Arrangements and places where the mine water is finally proposed to be discharged	The quarry area lies on Cauvery river, after the excavation of sand the land will be facilitate the free flow of water, hence there is no such type of activities involved in this quarrying operation.
7. OTHER PERMANENT STRUCTURES (also shown in the map)		
7.1	Habitations / village natham	Few habitations are located at a distance of 260m from the North western side of the area. There is no other habitations within the radius of 500m. (Please refer the plate No-II)
7.2	Power lines (HT/ LT)	There is no HT/LT Line within the radius of 500m from the area.
7.3	Water bodies (river, pond, lake, odai, channel etc.)	The lease applied area lies in the Cauvery river basin there is no other major water bodies like pond, lake odai etc., within the radius of 500m.
7.4	Archaeological / historical monuments	There is no Archaeological / historical monuments with in 1km radius from the lease applied area.
7.5	Road (NH, SH others)	National Highway (NH 7) Salem - Karur is located 10Km on the western side of the area. State Highways (SH 95) Namakkal - Mohanur is located about 6Km on the North western side of the area.
7.6	Places of worship	There is no place of worship within the radius of 500m.



7.7	Reserved forest / forest / social forest / wild life sanctuary etc.	There is no Reserved forest / forest / social forest / wild life sanctuary within 500m radius from the lease applied area.
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8. EMPLOYMENT POTENTIAL & WELFARE MEASURES

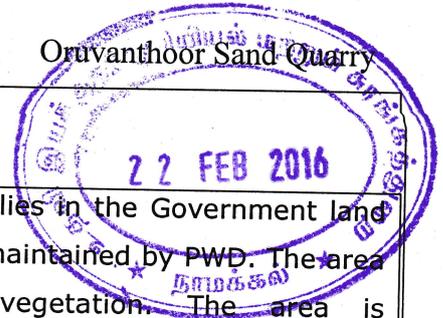
8.1	Employment potential (skilled, semi skilled, unskilled)	<p>The following man power is proposed for the sand quarrying to carry out the day-to-day quarrying activities, aimed at the proposed production target and also to comply with the statutory provisions of the Government land norms.</p> <p><u>Skilled :</u></p> <table border="0"> <tr> <td>Mines foreman</td> <td>:</td> <td>1</td> </tr> <tr> <td>PWD engineers</td> <td>:</td> <td>1</td> </tr> <tr> <td>Total</td> <td>:</td> <td>2 Nos.</td> </tr> </table> <p><u>Semi-skilled</u></p> <table border="0"> <tr> <td>Excavators Operators</td> <td>:</td> <td>2</td> </tr> <tr> <td>Co-operator</td> <td>:</td> <td>2</td> </tr> <tr> <td>Total</td> <td>:</td> <td>4Nos</td> </tr> </table> <p><u>Un skilled:</u></p> <table border="0"> <tr> <td>Watchman</td> <td>:</td> <td>1</td> </tr> <tr> <td>Helpers</td> <td>:</td> <td>2</td> </tr> <tr> <td>Total</td> <td>:</td> <td>9Nos</td> </tr> </table> <p>Allowing for 10% absenteeism, the no. of men of roll will be around 8.</p> <p>The above manpower is adequate to meet out the production schedule and the machinery strength envisaged in the mining plan and to comply with the statutory provisions of the Mines Safety Regulations. It is been ensured that the labor will not be deployed less than 21 years, No child labor will engaged or entertained for any kind of quarrying operations. All the labors engaged for this quarrying operation will be insured as per norms till the end of life of quarry.</p>	Mines foreman	:	1	PWD engineers	:	1	Total	:	2 Nos.	Excavators Operators	:	2	Co-operator	:	2	Total	:	4Nos	Watchman	:	1	Helpers	:	2	Total	:	9Nos
Mines foreman	:	1																											
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Helpers	:	2																											
Total	:	9Nos																											

8.2	Welfare measures	
	a) Drinking water	Packaged drinking water will be brought from the authorized water suppliers in the Oruvanthoor village which is about 1Km on the North Western side of the area.
	b) Sanitary facilities	Sanitary facilities will be constructed near the quarrying area as semi permanent structure. (As per court orders no permanent structure to be constructed in the course of the river and its banks.)
	c) First Aid facility	First aid kits are kept in Mines office room if any accident happens first aid will be given at the site and the injured person will be taken to the hospital immediately, Hospital is available at distance of 1Km North western side in Oruvanthoor village. The competent Engineer of PWD will be in charge of first aid.
	d) Labour Health	In the conventional Eco friendly opencast quarrying operation No drilling or Blasting is involved only excavators are used. Hence labors health does not affect any manner however periodically medical checkup will be conducted to all the workers in department's own cost.
	e) Precautionary safety measures to the laborers	All the quarry workers will be provided with safety helmets, Mine Goggles, Ear plugs, ear muffs, Dust mask, Safety Shoes and reflector jackets as personal protective device as per the specification of Director of Mine Safety. Besides also conducting periodically medical checkup for all workers for any mine health related problems, proper training to personal to create awareness of conventional Eco friendly quarrying operations.

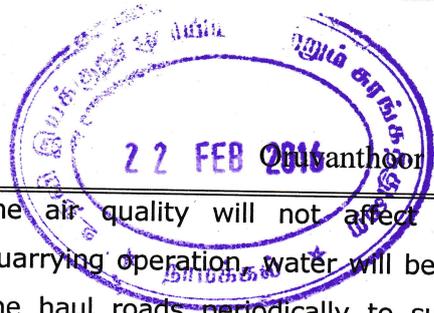


PART - B**9. ENVIRONMENT MANAGEMENT PLAN**

9.1	Existing land use pattern	The quarry area lies in the Government land (Cauvery river) maintained by PWD. The area is devoid of vegetation. The area is specifically used for free flow of water during rainy season. This removal of sand will increase the functional Efficiency of river.																				
9.2	Water Regime	Ground water is found below 6-8mt (avg) depth below ground level (nearby wells) 8m in summer and 6m in rainy season. The quarrying is restricted up to 1m below the river bed, hence the quarry operation will not be affected by the ground water.																				
9.3	Flora and fauna	The main trees are Hypomia, Garnia etc. There is No wild life, bird sanctuary, reserve or social forest near the area applied for quarrying lease. No flora of botanical interest nor fauna of zoological interest are noticed.																				
9.4	Climatic conditions	Both the North East and South West monsoon occurs here and the summer is hot due to the sea breeze. During April and May the temperature may go upto 42°C and during winter the temperature does not fall below 25°C. The average annual rainfall is around 1000mm.																				
9.5	Human settlement	<p>There are few villages located in 5Km radius from the lease applied area the details of the areas are given below.</p> <table border="1" data-bbox="774 1601 1396 1803"> <thead> <tr> <th>Sl.No</th> <th>Name of the village</th> <th>Approximate distance</th> <th>Approximate population</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Oruvantheer Pudur</td> <td>1.5km -NE</td> <td>550</td> </tr> <tr> <td>2.</td> <td>Oruvantheer</td> <td>1km - NW</td> <td>500</td> </tr> <tr> <td>3.</td> <td>Nerur North</td> <td>3km - SW</td> <td>450</td> </tr> <tr> <td>4.</td> <td>Nerur South</td> <td>2km - SE</td> <td>500</td> </tr> </tbody> </table>	Sl.No	Name of the village	Approximate distance	Approximate population	1.	Oruvantheer Pudur	1.5km -NE	550	2.	Oruvantheer	1km - NW	500	3.	Nerur North	3km - SW	450	4.	Nerur South	2km - SE	500
Sl.No	Name of the village	Approximate distance	Approximate population																			
1.	Oruvantheer Pudur	1.5km -NE	550																			
2.	Oruvantheer	1km - NW	500																			
3.	Nerur North	3km - SW	450																			
4.	Nerur South	2km - SE	500																			
9.6	Plan for air, dust suppression	In this conventional Eco friendly quarrying operation only Excavators are proposed without drilling and blasting, hence																				

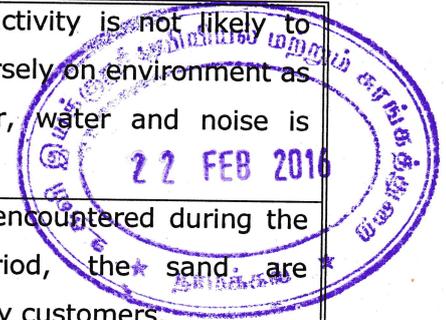


Mining Plan

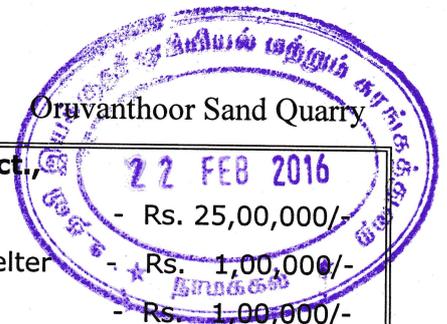


		<p>the air quality will not affect due to the quarrying operation, water will be sprinkled in the haul roads periodically to suppress dust Ambient Air Quality monitoring will be carried out to check the Quality of Air in and around the Quarry. Water for dust suppression will be brought from Nearby tank. During transportation the sand will be fully covered by Tarpaulin to prevent dust and spillage, and the vehicle during the transportation of sand will be less than 40Km/Hour. The estimated budget for Air Quality sampling would be around Rs. 50,000/-.</p>
9.7	Plan for noise level control	<p>This Conventional Eco Friendly quarrying operation does not involve any blasting and drilling methods hence noise will be minimal and this is only due to the movement of Excavators and Trucks, Noise level monitoring will be carried out to check the Noise level in and around the Quarry.</p> <p>During the transportation of sand from the quarry site the drivers will be strictly instructed to move the vehicles not exceeding 40km/hour.</p> <p>The vehicles for transportation are properly maintained by experienced mechanics as per RTO TNPCB Norms.</p> <p>Specific quantity (no over loading will be entertained) will be strictly allowed during transportation of sand from quarry to needy project site. Sentries with flags and whistle will posted on village and town junctions to regulate and control the movement of vehicles.</p> <p>The estimated budget for Noise level monitoring would be around Rs. 25,000/-.</p>
9.8	Environmental impact assessment statement describing impact of mining on the next five	<p>The life span of the quarry is proposed for the period of Two years for a small production of sand. It does not involve drilling and blasting.</p>

	years	Such limited mining activity is not likely to cause any impact adversely on environment as far as pollution of air, water and noise is concerned.
9.9	Proposal for waste management	There is no wastages encountered during the entire quarrying period, the sand are transported to the needy customers.
9.10	Proposal for reclamation of land affected during mining activities and at the end of mining (refilling / fencing etc.)	The quarry operation is restricted 1m below the river bed, after removing the sand there is no proposal for backfilling or reclamation. The quarried out land will be used to facilitate the functional efficiency of the river. No leveling cost is involved the floor will be leveled naturally.
9.11	Programme of afforestation (indicate extend, number, name of species to be afforested)	After the completion of the quarrying operation, the land will be only used for facilitating functional efficiency of the river. The afforestation is not proposed inside the quarry lease area. The applicant ensures to plant native species like pungam, neem, casurina in the nearby villages in consultation with the local panchyat authority. It is proposed to plant around 30 trees for Two years lease period.



9.12	Proposed financial estimate / budget for (EMP) environment management:	<p>The proposed financial estimate budget for CSR would be around 28.33% of the sand cost from the royalty (Rs. 12 per load) which will be handed over to the panchayat authority for panchayat development and EMP cost would be Rs.3,15,000/- for the period of Two years. Besides Rs. 10,000/- will be allotted for corporate Social Responsibilities.</p> <p>(Please refer column No.9.12. b. v)</p>
(a) Project cost / investment		
i)	Land cost	It's a Government river poramboke land. Hence no cost is involved.
ii)	Machinery to be used	<p>The excavators of 0.90M³ bucket capacity and tippers of 10/20Ts capacity will be used. The quantity of Diesel consumption is based on the working hours of Excavators (Filling Factor and loading Cycling), in the open cast quarry project Excavators are proposed to quarry sand. Average Diesel consumption of Hitachi Excavator model EX 150-200 is 10Ltrs/ Hr.</p> <p>Total number of Excavator used for quarrying sand = 2Nos</p> <p>Average Diesel consumption Tata Hitachi (Model Ex-150-200) = 10Ltr/Hr</p> <p>Diesel Prize around = Rs.60 (at present scenario)</p> <p>Total Excavator running hours for the project One excavator will excavate 60M³/Hour = 3,60,706m³/ 60M³ = 6012 Excavator hours One excavator will consume 10Ltrs/hour Hence 6012 X 10 =60,120Ltrs of HSD will be utilized for the entire project life.</p> <p>Excavator Cost = Rs.25,00,000/- For excavation = Rs.25,00,000/-</p>



		<p>Cost of the project,</p> <p>For excavation - Rs. 25,00,000/-</p> <p>Temporary rest shelter - Rs. 1,00,000/-</p> <p>Sanitary facilities - Rs. 1,00,000/-</p> <p>Drinking water - Rs. 24,000/-</p> <p>Safety kits - Rs. 50,000/-</p> <p>Sanitary maintenance - Rs. 24,000/-</p> <p>Cost of the project = Rs. 27,98,000/- (Rupees Twenty seven lakhs ninety eight thousand only).</p>
	iii) Refilling / Fencing	There is no proposal for Refilling, hence no cost is involved.
	iv) Labours shed	No labours are proposed for quarrying sand. The machine operators are from nearby local villages, hence no cost is involved. Anyhow rest shelter will be constructed as semi permanent structure at the cost of Rs.1,00,000/-
	v) Sanitary facility	Sanitary facility will be constructed as semi-permanent structure, the cost will be around Rs 1,00,000/-
	vi) Others items	The applicant ensures to level the floor after quarrying to facilitate the flowing capacity of the river.
	(b) Expenditure	
	i) Drinking water facility for the laborers	9 labours at the rate of Rs.1000/month for a period of Two years the cost will be around. Rs.24,000/-
	ii) Sanitary arrangement,	Sanitary maintenance will be carried out every month at the cost of Rs.1000 which will be around Rs. 24,000/- for a period of Two years.
	iii) Safety Kits,	Rs.50,000 will be spent for the safety kits such as Helmet, Goggles, Ear plugs, Ear mask, Safety shoes, Reflector jackets. All the labors engaged for quarrying operation will be insured till the end of life of quarry.

	iv) Water sprinkling (if necessary)	Rs. 5000/month will be spent for sprinkling the water on haul roads for Dust suppression which will be around Rs 1,20,000/- .																		
	v) Afforestation etc.	<p>No Afforestation is proposed within the lease applied area, plantation will be carried out in the nearby village and village roads. Rs.10,000 will be allotted for afforestation on the nearby villages and village roads.</p> <p>EMP cost</p> <table border="0"> <tr> <td>Air Quality Sampling</td> <td>= Rs. 50,000/-</td> </tr> <tr> <td>Water Quality Sampling</td> <td>= Rs. 25,000/-</td> </tr> <tr> <td>Noise Level Monitoring</td> <td>= Rs. 25,000/-</td> </tr> <tr> <td>Ground vibration test</td> <td>= Rs. 25,000/-</td> </tr> <tr> <td>Water Sprinkling</td> <td>= Rs. 1,20,000/-</td> </tr> <tr> <td>Afforestation</td> <td>= Rs. 10,000/-</td> </tr> <tr> <td>Total</td> <td>= Rs. 2,55,000/-</td> </tr> </table> <p>Cost towards CSR (socio economic development for panchayat)</p> <p>The CSR cost is around 28.33% of the sand cost</p> <table border="0"> <tr> <td>Total EMP cost</td> <td>= Rs. 2,55,000/-</td> </tr> <tr> <td>Estimated operational Cost of the project</td> <td>= Rs. 27,98,000/-</td> </tr> </table> <p>Total Operational cost + EMP cost is about Rs. 30,53,000/- (Rupees Thirty lakh fifty three thousand only)</p>	Air Quality Sampling	= Rs. 50,000/-	Water Quality Sampling	= Rs. 25,000/-	Noise Level Monitoring	= Rs. 25,000/-	Ground vibration test	= Rs. 25,000/-	Water Sprinkling	= Rs. 1,20,000/-	Afforestation	= Rs. 10,000/-	Total	= Rs. 2,55,000/-	Total EMP cost	= Rs. 2,55,000/-	Estimated operational Cost of the project	= Rs. 27,98,000/-
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10. MINE CLOSURE PLAN

10.1	Steps proposed for phased restoration, reclamation of already mined out areas	It is a New quarrying project no quarried out areas within the lease applied area.
10.2	Measures to be under taken on mine closure as per Act & Rules	This conventional Eco - Friendly Semi mechanized quarrying for a depth of 1mt does not require any backfill and rehabilitation any how the closure plan will be prepared after removing the specify quantity. Leveling will done naturally during the ensuring flood / raining seasons.
10.3	Mitigation measure to be undertaken for safety and restoration / reclamation of the already mined out area	This is a fresh sand quarry.



11. ANY OTHER DETAILS INTEND TO FURNISH BY THE APPLICANT

This conventional Eco Friendly quarrying operation does not involve any drilling and Blasting. Only Excavators are proposed to excavate the sand for a period of Two years care will be taken in all steps to prevent any adverse eventualities. The quarry operation has not been commenced and will likely to operate after grant of Environmental clearance and grant of quarry lease. I ensure to involve and participate in the corporate social responsibilities of the local community as declared in the mining plan and ensure to execute all the social and Environmental commitment as mentioned in the Mining plan to the best of my knowledge. This is the B2 category quarry proposed for a period of Two years.

Mining Plan



STATUTORY PROVISIONS

The mining plan for sand is prepared as per the Draft Minor Mineral Conservation and Development Rules, 2010 and also by the Tamil Nadu Minor Mineral Concession Rule, 1959. The provisions of the Mines Act, Rules and Regulations and orders made there under shall be complied with, so that the safety of the mine, machinery and person will be protected. Permission, relaxation or exemption wherever required for the safe and scientific quarrying of the deposit will be obtained from the concern Authorities. Any violation pointed out by the inspecting authorities shall be rectified as per the guidelines of the Department.

Prepared by


M. Ifthikhar Ahmed, M.Sc., F.G.S., M.B.A M.M.E.A
RQP/MAS/183/2004/A

Place : Salem

Date :

**Mining plan is approved subject
to the conditions laid down in the
letter No. 1198/mine/2015.....
Dated..22.02.2016**


Asst. Director (Mines)
Namakkal.

0188
220216

From,
Thiru.V.Dakshina Moorthy, I.A.S.,
District Collector,
Namakkal.

To,
The Executive Engineer,
PWD, WRO,
Sarabanga Basin Division,
Namakkal.

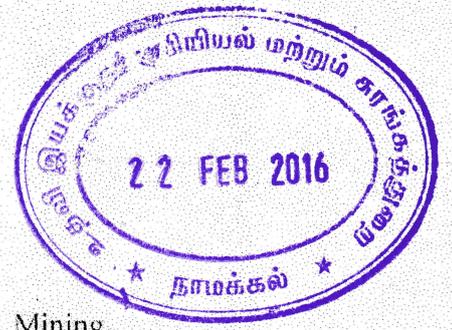
ANNEXURE-1

Re.No. 1198 / Mines / 2015 dated: 18.02.2016.



Sub: Mines & Minerals – Namakkal District – Opening of New Sand Quarry in S.F.No.643/1 (Mile 77/2+150 to 77/5+50) over an extent of 16.18.0 hect of Cauvery River Poramboke – Oruvanthoor Village of Namakkal Taluk & District – proposal received from PWD Department – joint inspection report submitted – Precise Area Communication - reg.

- Ref:
1. The Proposal of the Executive Engineer, PWD, WRO, Sarabanga Basin Division, Namakkal letter Re.No. 361M / வப / வஅ / கோ / 2015 Dated: 17.12.2015.
 2. The Executive Engineer, PWD, Sarabanga Basin Division, Namakkal in Re.No. 26 பஸ / வப / வஅ / கோ-22 / 2016 dated: 06.02.2016
 3. The joint inspection team report dated: 10.02.2016.
 4. The Superintendent Engineer, TWAD, Maintenance Division, Namakkal letter No.11216 / கோ.கனிமம் / இவஅ-1 / 2016 dated: 11.02.2016.
 5. The Order of the Hon'ble Supreme Court of India in SLP© No. 19628-19629/2009 with SLP© No.729-731/2011 etc divided on 27.02.2012 (citation No.2012 STPL(web) 149 SC).
 6. The Ministry of Environment and Forest, New Delhi Letter No. L11011/47/2011/ 1AII (M) dated: 18.05.2012.
 7. The Addl. Secretary to Government, Industries (MMC-1) Department, Chennai letter No: 4719/ MMC-1 / 2012-2 dated: 03.08.2012.



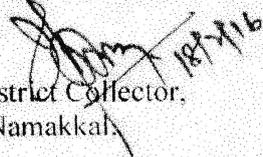
8. The Commissioner of Geology and Mining,
Guindy, Chennai, letter No: Na.Ka. 3868 / LC /
2012 Dated: 19.11.2012.

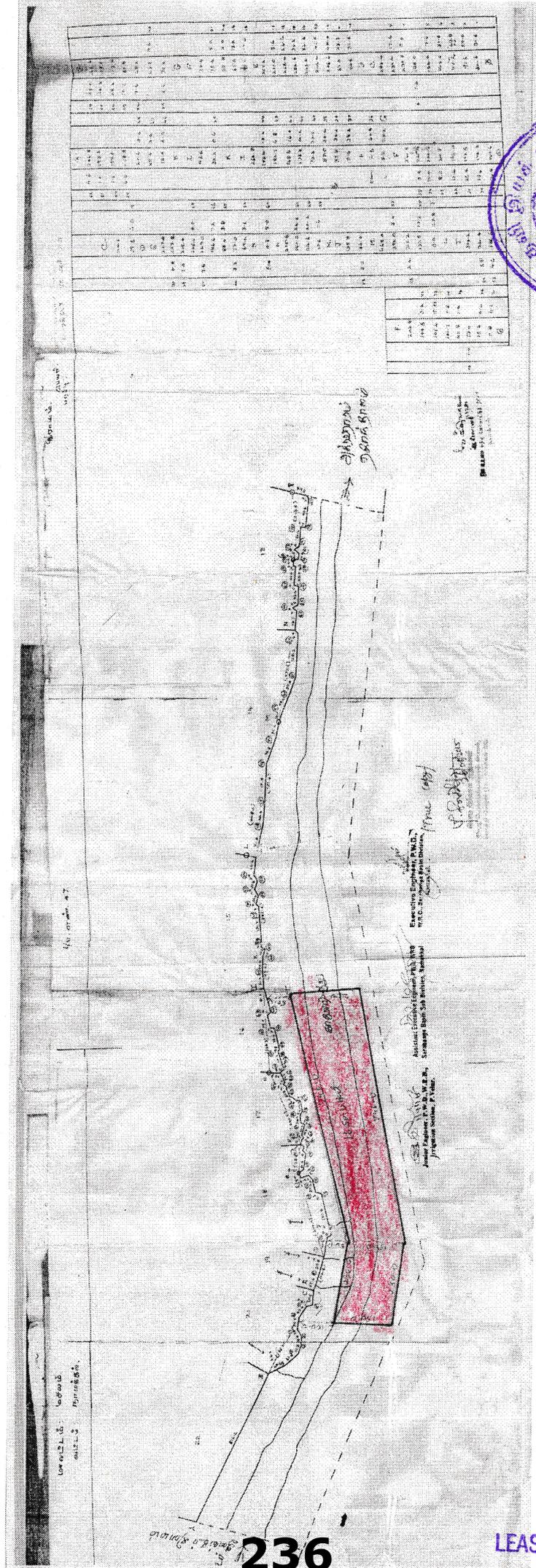
The Executive Engineer, PWD, WRO, Sarabanga Basin Division, Namakkal has sent a proposal seeking new sand quarry outlet in S.F.No.643/1 of Cauvery River Poramboke (Mile 77/2+150 to 77/5+50) in Oruvantheer Village of Namakkal Taluk and District vide letter no. 361பல / கோ / வ.அ / 2015 நாள்: 17.12.2015. In this regard, the subject proposed area was jointly inspected by Revenue Divisional Officer, Namakkal, Assistant Director of Mines, Namakkal, The Asst.Executive Engineer, Maintenance, TWAD, Namakkal and the Asst.Executive Engineer, WRO, PWD, Sarabanga Basin Division, Namakkal on 10.02.2016 to ascertain the technical viability and feasibility of quarrying of sand and recommended for grant of permission for opening of New Sand Quarry in the above proposed area.

Before passing final order on the proposal of the Executive Engineer, PWD, WRO, Sarabanga Basin Division, Namakkal, based on the recommendation of the inspection team a Precise Area Communication is intimated to the applicant as per the guidelines issued in the orders and communications in the reference 5th, 6th, 7th and 8th cited above. Therefore, the applicant is directed to submitting a Mining Plan approved by the Assistant Director of Mines, Namakkal and Clearance from State Level Environmental Impact Assessment Authority (SEIAA) and Tamil Nadu Pollution Control Board (TNPCCB) for passing final order in respect of grant of sand quarrying permission in S.F.No. 643/1 over an extent of 16.18.0 hect of Cauvery River Poramboke ((Mile 77/2+150 to 77/5+50) in Oruvantheer Village of Namakkal Taluk and District.

(Signed xxx...dt.18.02.2016),
District Collector,
Namakkal.

//True Copy// By order//


For District Collector,
Namakkal.



ச.நா.	பகுதி	பரப்பளவு (அ.கா.)	பரப்பளவு (ச.கா.)	பரப்பளவு (மீ.கா.)	பரப்பளவு (அ.கா.)	பரப்பளவு (ச.கா.)	பரப்பளவு (மீ.கா.)	பரப்பளவு (அ.கா.)	பரப்பளவு (ச.கா.)	பரப்பளவு (மீ.கா.)
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3	64300	சி.4ம்	14.3426.0	- கையாடல்
4	64300	சி.4ம்	0.4492.0	- கையாடல்
5	64300	சி.4ம்	35.7552.0	- கையாடல்
6	64300	சி.4ம்	10.3765.0	- கையாடல்
			<u>205.3350.0</u>	

AS Per T/339/8A/1421, T/R/15/1421
 dt 6.1.2012

சுற்று
 6.1.12
 சி.4ம்

சுற்று
 கிராம நிர்வாக அலுவலர்,
 எ.நெ. 86, ஆளுவந்தூர் கிராமம்,
 மாமக்கல் வட்டம் & மாவட்டம்



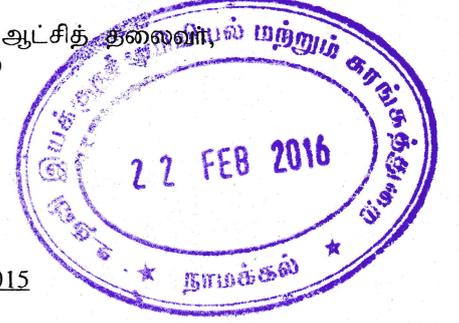
பொதுப்பணித்துறை / நீர்வள ஆதாரத்துறை

இணைப்புநர்

பெறுநர்

பொறி.இரா.பெரியசுவாமிபிரகலாதன்,பி.இ.,எம்.பி.ஏ.,
செயற்பொறியாளர் பொபது, நீஆது.,
சரபங்கா வடிநில கோட்டம், நாமக்கல்.
மின்னஞ்சல் முகவரி eesarankl@gmail.com
அலுவலக தொலைபேசி எண்04286-280202
நிகரி எண்:280 202.

மாவட்ட ஆட்சித் தலைவர்,
நாமக்கல்



க.எண்: 281 /கோ-/ வஅ/2015/நாள்:14.12.2015

அய்யா,

பொருள்: மணல் குவாரி - நாமக்கல் மாவட்டம்,நாமக்கல் வட்டம் - ஒருவந்தூர் கிராமம், சர்வே எண் காவேரி ஆற்றில் புதிய மணல் குவாரி துவங்க - சுரங்க திட்ட வரைவு தயார் செய்ய - துல்லிய பரப்பு கூறு கடிதம் - பெறுதல் - சம்மந்தமாக.

பார்வை: 1.அரசாணை எண் 3டி/39 பொதுப்பணித்துறை/ நாள்: 7.10.2013
2. அரசாணை எண் 110/பொதுப்பணித்துறை சி.பா.2/ நாள்: 6.7.2006
3.SEIAA,TN Lr.No. SEIAA/TN/F.No. 547/2012/Dt: 09.05.2013
4. உதவி செயற்பொறியாளர்,பொபது. நீஆது சரபங்கா வடிநில உபகோட்டம், நாமக்கல் அவர்களின் க.எண். கோ. 76/2015/ உசெபொ(நா) நாள்: 14.12.2015

பார்வை-1ல் காணும் அரசாணைக்கு இணங்க சரபங்கா வடிநிலக் கோட்டத்தின் கட்டுப்பாட்டில் உள்ள நாமக்கல் மாவட்டத்தில் காவிரி ஆற்றில் மணல் விற்பனை பொதுப்பணித்துறை மூலம் நேரடியாக செயல்படுத்தப்பட்டு வருகின்றது. பார்வை 2-ல் காணும் அரசாணையில் மாவட்ட ஆட்சியர் மூலம் ஒப்புதல் பெற்று மணல் குவாரி துவங்க தெரிவிக்கப்பட்டுள்ளது.

நாமக்கல் மாவட்டம், நாமக்கல் வட்டம், ஒருவந்தூர் கிராமம் சர்வே எண் 643/1-ல் காவேரி ஆற்றில் தளமட்டத்திற்கு (Bed Level) மேல் சுமார் 1 மீட்டர் உயரத்திற்கு வரைபடத்தில் காட்டியுள்ள பகுதிகளில் மணல் திட்டிகள் படிந்துள்ளது. மேலும் அப்பகுதியில் கோரை மற்றும் நாணல்கள் வளர்ந்துள்ளது. இம்மணல் திட்டப்பகுதிகளை அப்புறப்படுத்தாவிடில் காவேரி ஆற்றின் நீரோட்டத்திற்கு மிகவும்

தடை ஏற்படும். அதனால் மணல் திட்டிகள் மற்றும் செடிகொடிகளை உரியமுறையில் அகற்ற வேண்டுமாயின் அரசுக்கு வருவாய் இழப்பு ஏற்படும். எனவே மணல் திட்டிகளை மணல் குவாரி மூலம் அகற்றுவதால் ஆற்றின் நீரோட்டம் சீராக அமைவதுடன் அரசுக்கு சிறந்த வருவாய் கிடைப்பதற்கு வாய்ப்புள்ளது.

இந்த மணல் குவாரி அமையவுள்ள இடத்திற்கு நான்கு திசைகளிலும் 500 மீட்டர் சுற்றளவிற்கு குடிநீல் வடிகால் வாரிய ஊற்றுக்கிணறுகள், மதகுகள், பாலங்கள் உயர் மற்றும் தாழ்வழுத்த மின் பாதைகள் ஏதுமில்லை.

பார்வை 3-ல் காணும் மாநில சுற்றுச்சூழல் ஆணையத்தின் (SEIAA) கடிதத்தின் தெரிவித்துள்ளவாறு மத்திய சுரங்கத்துறையால் பதிவுபெற்ற தகுதி வாய்ந்த நபர் மூலம் நாமக்கல் மாவட்டம், நாமக்கல் வட்டம் ஒருவந்தூர் கிராமம் ஆறு மைல் 77/2+150 - 77/5+50 -ல் 16.18.0 ஹெக்டேரில் மணல் குவாரி செயல்படுத்த சரங்கத்திட்ட வரைவு தயார் செய்ய துல்லிய பரப்பு கூறு கடிதம் (Precise area Communication letter) மாவட்ட ஆட்சியர் அவர்களிடம் பெறும் பொருட்டு கனிவுடன் அனுப்பப்படுகிறது. ~~கோட்டை மாவட்டம்~~

இணைப்பு:

1. வரைபடம் - 2
2. அடங்கல்
3. அ.. பதிவேடு நகல்

செயற்பொறியாளர் பொபு, நீஆது,
சரபங்கா வடிநில கோட்டம், நாமக்கல்-3.

11/21/5

भारत सरकार / GOVERNMENT OF INDIA
खान मंत्रालय / MINISTRY OF MINES
भारतीय खान ब्यूरो / INDIAN BUREAU OF MINES



M. Dharmalingam

अर्हताप्राप्त व्यक्ति के रूप में मान्यता प्रमाण पत्र
(खनिज रियायत नियमावली, 1960 के नियम 22सी के तहत)
CERTIFICATE OF RECOGNITION AS QUALIFIED PERSON
(Under Rule 22C of Mineral Concession Rules, 1960)

श्री एम. इफ्थिकार अहमथ, 129/8, 11वीं क्रॉस, सिवया नगर, अलधापुरम-पी.आ., सेलम - 636 004, तमिल नाडू, जिनका फोटो और हस्ताक्षर ऊपर दिया हुआ है, तथा जिनहोंने अपनी अर्हता और अनुभव का संतोषजनक साक्ष्य दिया है, को खनन योजना तैयार करने हेतु खनिज रियायत नियमावली 1960 के नियम 22सी के तहत अर्हताप्राप्त व्यक्ति के रूप में मान्यता प्रदान की जाती है।

Shri M. Ifthikhar Ahmed, 129/8, 11th Cross, Sivaya Nagar, Alagapuram (PO), Salem - 636 004, Tamilnadu whose **Photograph and signature** is affixed herein above, having given satisfactory evidence of his qualifications & experience hereby **RECOGNISED** under Rule 22C of the Mineral Concession Rule, 1960 as a Qualified Person to prepare Mining Plans.

उनकी पंजीयन संख्या है
His registration number is

RQP /MAS/183/2004/A

यह मान्यता 10 वर्षों की अवधि के लिए मान्यता है जो दिनांक 10.01.2024 को समाप्त होगी।
This recognition is valid for a period of 10 years ending on 10.01.2024

उनके द्वारा प्रस्तुत खनन योजना में गलत जानकारी / दस्तावेज पाए जाने की स्थिति में यह प्रमाण पत्र वापस लिया जाएगा / निरस्त किया जाएगा।

This certificate will be liable to be withdrawn / cancelled in the event of furnishing the wrong information / documents in the Mining Plan submitted by him.

स्थान / Place : Chennai
दिनांक / Date : 02.01.2014

M. Dharmalingam
क्षेत्रीय खान नियंत्रक / Regional Controller of Mines
भारतीय खान ब्यूरो / Indian Bureau of Mines
चेन्नई क्षेत्र / Chennai Region

PLATE NO. I
DATE OF SURVEY :

APPLICANT:
THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
WATER RESOURCE DEPARTMENT,
SARAVANGA BASIN DIVISION,
NAMAKKAL.

LOCATION OF QUARRY LEASE
APPLIED AREA:
S.F.No. : 643/1 (P),
EXTENT : 16.18.0 Ha.
VILLAGE : ORAVANTHUR,
TALUK : NAMAKKAL,
DISTRICT : NAMAKKAL,
STATE : TAMIL NADU.

INDEX

-  QUARRY LEASE APPLIED BOUNDARY
-  STATE HIGHWAY
-  PANCHAYAT ROAD
-  APPROACH ROAD
-  RIVER
-  HABITATIONS

KEY MAP

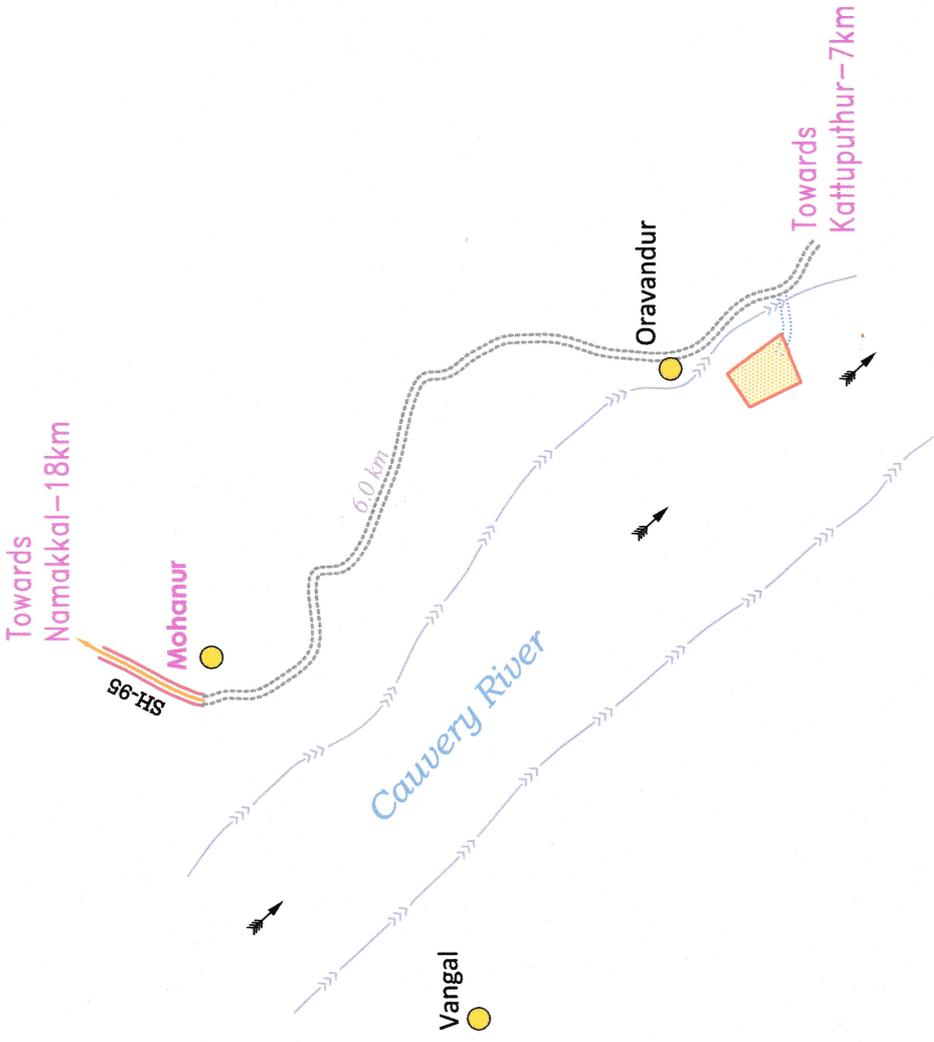
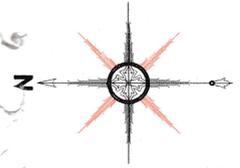
NOT TO SCALE



PREPARED BY :

THIS IS TO CERTIFY THAT THE INFORMATION IN
THIS PLATE IS TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE BASED UPON THE
LEASEMAP AUTHENTICATED
BY STATE GOVERNMENT


M. IFTHIKHAR AHMED, M.Sc., F.G.S., M.B.A., M.M.E.A.,
RECOGNISED QUALIFIED PERSON
RQP/MAS/183/2004/A



**BEFORE THE NATIONAL GREEN
TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

Original Application No. 77 of 2023 (SZ)

T. Saravanakumar,
S/o.Thangavel

... Applicant

Versus

The Tamilnadu State Environment Impact
Assessment Authority,

Rep by its Member Secretary ,
& another

... Respondents

**TYPED SET OF PAPERS
FILED BY 2nd RESPONDENT
(VOLUME I)**

DR. D SHANMUGANATHAN

COUNSEL FOR 2nd RESPONDENT