

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**
Original Application No. 412/2023

IN THE MATTER OF:

Pradeep Kumar Shukla

...Applicant

Versus

Ministry of Environment, Forest,
and Climate Change & Ors.

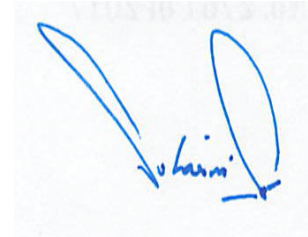
...Respondents

N.D.O.H. – 04.12.2024

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THROUGH



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New Delhi
Date: 03.12.2024

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI**

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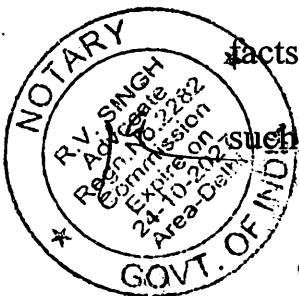
and Climate Change and Others

...Respondents


ADDITIONAL AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE.**MOST RESPECTFULLY SHOWETH:**

I, Rajeev Ranjan , currently working as Scientist 'E' at the Ministry of Environment, Forest and Climate Change (MoEF&CC), New Delhi , do hereby solemnly affirm and state as under:

1. That I, in my official capacity in the Ministry of Environment, Forest and Climate Change, in the above mentioned matter, I am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.

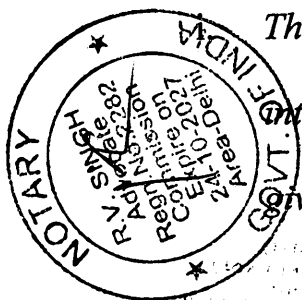


(In my office)
(MAHADEV PHILAO)
Notary Public, Delhi
Ministry of Environment, Forest and Climate Change
New Delhi


(RAJEEV RANJAN)
शैक्षणिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

2. It is submitted that an additional affidavit is being filed in compliance to the direction issued by this Hon'ble Tribunal vide order dated 28.08.2024. The Answering Respondent at this stage craves leave and liberty to file a detailed Affidavit to the aforesaid application, as and when required.
3. It is submitted that, in compliance to the Hon'ble Tribunal order dated 28.08.2024, Expert Appraisal Committee (EAC) (Non-Coal Mining Sector) meeting was held on 11.09.2024 to discuss various issues pertaining to the short-term permits for the removal of sand on agricultural land, feasibility of inclusion of such area in District Survey Report and environmentally friendly sand mining practices. Some other invitees, domain experts, state DMG officials, Members from SEIAA, etc. were also invited for the above online meeting. A copy of the record of discussion of the meeting is marked and annexed herein as **ANNEXURE R1/1**.
4. It is humbly submitted that the draft record of discussion of the meeting held on 11.09.2024 was circulated to the EAC members, Special Expert Members and other members from states various Stakeholders. Based on the inputs/comments of experts and other members some recommendations were made. The recommendations of the EAC are as follows:

The Committee recommended that for agricultural land that has not gone into river and has deposition of sand should be dealt as per the provisions given at Sustainable Sand Mining Guidelines 2016 issued by MoEFCC.

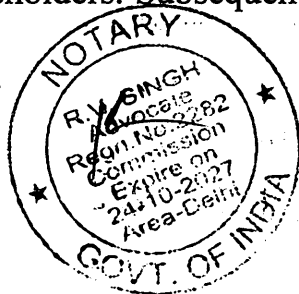


Rajeev Ranjan
 (RAJEEV RANJAN)
 वैज्ञानिक 'E' / Scientist 'E'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 Min. of Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

- ii. *Since the above issue appears to be a state specific issue pertaining to UP, inputs from State DMG would be needed on the exact nature of short term permits, statutory provisions under which such permits are being given, permissible activity under such short term permits. Environment safeguards observed, environment impacts of such activities, etc.*
- iii. *Members were also of the opinion that more discussions would be needed to deliberate on the issues involved in the matter. It was decided to keep one more meeting to discuss the further course of action on the above issues where official members from Department of Mining and Geology, UP (Uttar Pradesh), SEIAA, UP, UPSPCB, Dept. of Environment, Govt. of UP should also be requested to attend.*

5. It is humbly submitted that as per the recommendations of the 33rd meeting of the Expert Appraisal Committee (EAC-NCM), the Ministry of Environment, Forest and Climate Change has requested the Secretary, State Department of Mines & Geology, UP to provide inputs, which will be placed for consideration of the EAC-NCM. The EAC has felt it necessary to have further detailed deliberations on this issue. Accordingly, the matter will be referred back to the EAC, the Special Expert Members, and relevant stakeholders. Subsequently, a report will be submitted to the

Hon'ble Tribunal.



Rajeev
 (राजीव रणधीर)
 (RAJEEV RANDESH)
 वैज्ञानिक
 पर्यावरण, वन
 Min. of Environ
 भारत
 Govt.

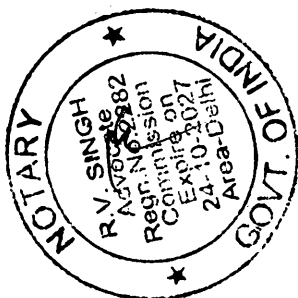
- 6. It is humbly submitted that, in view of the above mentioned facts, the Expert Appraisal Committee, Special Expert Members and Stakeholders will require some further time to deliberate the issues. Therefore, it is humbly prayed to Hon'ble Tribunal to grant a further period of 4 weeks to submit the recommendations of the EAC.
- 7. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/directions as the Hon'ble Tribunal may deem fit and proper in the interest of justice.

Surbhi Arora
I identified the deponent/Executant who has signed in my presence.

(राजीव रंजन)
(RAJEEV RANJAN)
पर्यावरण, वन एवं जलसंधन विभाग
Min. of Environment, Forest & Climate Change
भारत सरकार
03.12.2024
DEPONENT

VERIFICATION

Verified at _____ on this 3 DEC 2024 day of _____, 2024 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.



Solemnly affirmed before me read over & explained to the deponent.

Notary Public, Delhi

3 DEC 2024

Rajeev Ranjan
03.12.2024
(राजीव रंजन)
(RAJEEV RANJAN)
पर्यावरण, वन एवं जलसंधन विभाग
Min. of Environment, Forest & Climate Change
भारत सरकार
Govt. of India

Annexure R1/1

RECORD OF ADDITIONAL AGENDA MEETING FOR 33RD EXPERT APPRAISAL COMMITTEE (NON-COAL MINING SECTOR, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE), HELD ON 11.09.2024 THROUGH VIDEO CONFERENCE.

The 33rd EAC meeting to discuss the additional agenda was convened by Member Secretary, Mr. Rajeev Ranjan, Scientist 'E' (NCM-MoEF&CC), on 11/09/2024. The following members were invited to participate:

1. Expert Appraisal Committee Members (Non-Coal Mining)
2. Officials from State Environment Impact Assessment Authorities of Uttar Pradesh and Haryana
3. Officials from State Mines and Geology Department, U.P & Haryana
4. Dr. S.R Wate-Ex Director NEERI and earlier EAC Chairman (NCM)
5. Mr. Nazimuddin-Scientist 'F'-Central Pollution Control Board
6. Dr. Anupma Sharma, National Institute of Hydrology, Roorkee
7. Dr. Bimal Kumar Bhattacharya, Department of Space, ISRO, Space Applications Centre

Deliberations were required in pursuance of various directions passed by the Hon'ble National Green Tribunal (NGT) in different cases pertaining to the temporary construction of bridges for sand mining, short-term permits for the removal of sand on agricultural land, Jharkhand Sand Mining Policy 2017, and issues related to sustainable and environmentally friendly sand mining practices.

The Ministry examined these matters and decided that the issues should be presented and discussed before the Expert Appraisal Committee (Non-Coal Mining) alongside domain experts and other key stakeholders. The aim was to ensure a comprehensive understanding and resolution of the environmental and regulatory concerns surrounding sand mining activities, in alignment with the NGT's directions and sustainable sand mining guidelines.

Accordingly, a brief of the above court matters, Hon'ble NGT's orders and the relevant documents were circulated with the members and invitees. The below mentioned members attended the meeting-

1. Expert Appraisal Committee Members (Non Coal Mining)
2. Officials from State Environment Impact Assessment Authorities of Uttar Pradesh and Haryana
3. Officials from State Mine and Geology Department, U.P & Haryana

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4. Dr. S.R Wate- Ex Director NEERI and earlier EAC Chairman (NCM)

5. Mr. Nazimuddin-Scientist 'F'-Central Pollution Control Board

6. Dr. Anupma Sharma, National Institute of Hydrology, Roorkee

Chairman EAC (NCM) could not attend the above meeting.

AGENDA- 2

In Original Application No. 462 of 2023 titled Raja Ram Singh vs State of U.P. & Ors and OA No. 481 of 2023 titled Balbir Sandhu & Ors vs State of U.P., the Hon'ble National Green Tribunal (Principal Bench), in its order dated 22.04.2024, directed the Ministry to examine the formulation of appropriate guidelines to impose requisite environmental safeguards for the granting and execution of short-term permits for the removal of sand deposited by floods on agricultural land.

Observation and discussions

- The committee noted that as per Sustainable Sand Mining Guidelines 2016 contains the following provision, *“Removal of sand from the agricultural field by the owner farmer of the land from environment point of view will not be considered as mining operation and its removal and disposal can be allowed without the requirement of environment clearance till it is done only to the extent of reclaiming the agricultural land. The sand deposited after flood only be removed, so no mining / digging below the ground level is allowed.*
For removing sand in case where private land has gone into the river due to erosion, the requirement of mining lease and environment clearance will continue. This operation of removal of sand deposited on agricultural field should be done after a mapping of deposition is done by the Land Management Committee of the Gram Panchayat. The sand so deposited post flood can be removed by the farmer owning the land / group of farmers affected by this post flood sand deposition or the Gram Panchayat. Customary rights to remove and dispose off the sand should be given to the farmer affected by deposition of sand on account of sudden flood in his agricultural land.”
- During the discussion the members felt that existing guideline suffices the removal of sand from agricultural land on account of sudden flood. However, in those instances wherein private land has gone into the river due to erosion, some of the members of the the committee were of the opinion that a survey on the Reduced Level (RL) of sandbanks should be conducted by the State Department of Mines and Geology (DMG) and reduced level (RL) of all banks where sand mining is occurring or proposed, should be determined. Such a survey would help ascertain the actual quantity of sand deposited and detect illegal mining activities on agricultural lands which has gone into the river.
- As per the NGT’ order dated 24.04.2024, it was stated during the course of hearing that *“short term permits were being issued by the District Magistrate in the State of Uttar Pradesh. The State DMG from Uttar Pradesh informed that reports on sand deposition on agricultural land are prepared by the SDM and Tehsildar, following which short-*

term permits are granted. It was also informed that a mine plan is prepared for agricultural fields containing sand deposits”.

Recommendation of the committee

- The Committee recommended that for agricultural land that has not gone into river and has deposition of sand should be dealt as per the provisions given at Sustainable Sand Mining Guidelines 2016 issued by MoEFCC.
- Since the above issue appears to be a state specific issue pertaining to UP, inputs from State DMG would be needed on the exact nature of short term permits, statutory provisions under which such permits are being given, permissible activity under such short term permits. Environment safeguards observed, environment impacts of such activities, etc.
- Members were also of the opinion that more discussions would be needed to deliberate on the issues involved in the matter. It was decided to keep one more meeting to discuss the further course of action on the above issues where official members from Department of Mining and Geology, UP (Uttar Pradesh), SEIAA, UP, UPSPCB, Dept. of Environment, Govt. of UP should also be requested to attend.

Meanwhile Member Secretary (EAC-Non Coal Mining) may ask for inputs/reports from the states as mentioned in above columns / agenda recommendations.

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