

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

**ORIGINAL APPLICATION NO. 412 OF 2023**

**IN THE MATTER OF:**

PRADEEP KUMAR SHUKLA ...APPLICANT  
VERSUS  
 MINISTRY OF ENVIRONMENT, FOREST  
 AND CLIMATE CHANGE & ORS.. ...RESPONDENTS

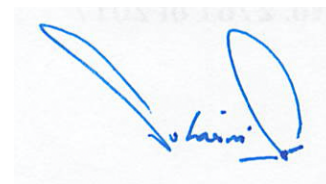
**WITH**

**ORIGINAL APPLICATION NO. 481 OF 2023**

BALBIR SANDHU & ORS ...APPLICANT  
VERSUS  
 STATE OF UP & ORS. ...RESPONDENTS

**INDEX**

S.NO	PARTICULARS	PAGE NO.
1.	Additional Affidavit on behalf of Ministry of Environment, Forest And Climate Change.	1-18
2.	<b>ANNEXURE – 1:</b> A Copy of the questionnaire	19-22
3.	<b>ANNEXURE – 2:</b> A Copy of record of discussion along with the responses received from the States/UTs	23-38
4.	<b>ANNEXURE – 3:</b> Recommendations of Expert Appraisal Committee (NCM)	39-47



Suhasini Sen  
 Counsel for MoEF&CC  
 Mobile No. 9650096066

Email Id: [Suhasini.sen@gmail.com](mailto:Suhasini.sen@gmail.com)

**Date: 03.09.2025**

**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 and Others**

**...Respondents**

**with**

**Original Application No. 462 of 2023**

**Raja Ram Singh**

**...Applicant**

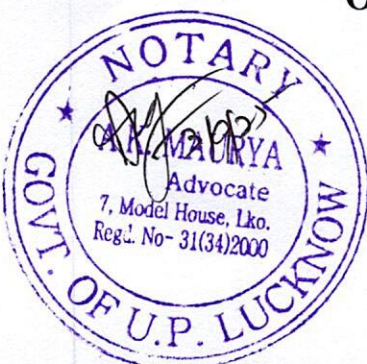
**Versus**

**State of Uttar Pradesh**

**...Respondents**

**with**

**Original Application No. 481 of 2023**



*Amil*

**Balbir Sandhu &Ors.**

**...Applicant**

**Versus**

**State of Uttar Pradesh**

**...Respondents**

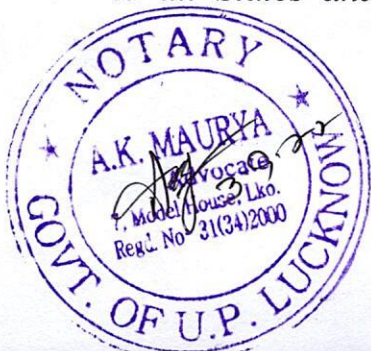
**ADDITIONAL AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE.**

**MOST RESPECTFULLY SHOWETH:**

I, Dr. A. K. Gupta, currently working as Scientist 'E' at the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Lucknow, 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.
2. It is submitted that The Hon'ble Tribunal vide its order dated 24.04.2024 in Original Application No. 462 of 2023 titled as Raja Ram Singh Vs State of UP & ors inter alia directed as follows:

*"42.. The matter needs to be examined in the context of applicability to all States and UTs and formulation of appropriate guidelines*



Amil

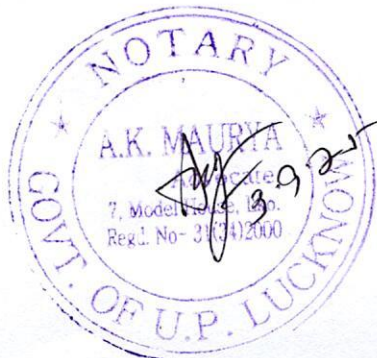
*imposing requisite environmental safe guards for grant and execution of short term permits for removal of sand deposited by flood on agricultural land.”*

That in compliance of the said order the Ministry had earlier filed an affidavit on 27.08.2024.

3. It is respectfully submitted that thereafter, the Ministry in compliance of order dated 28.08.2024 in O.A. No. 412 of 2023 titled as Pradeep Kumar Shukla Vs MoEF&CC&Ors filed an additional affidavit on 03.12.2024 wherein the Ministry has submitted that *“The Expert Appraisal Committee (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.”*

4. Thereafter, the Hon’ble Tribunal vide its order dated 16.12.2024 has directed as follows:

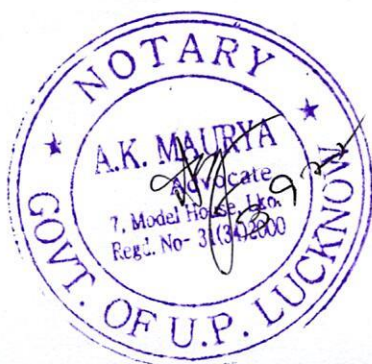
5. *Learned Counsel for MoEF&CC has informed that the Expert Appraisal Committee is in the process of undertaking the exercise and deliberations are in progress.*



Amil

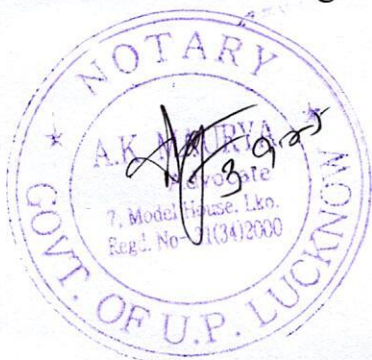
6. *In the said background, a prayer for grant of further four weeks has been made to place on record the recommendations of the Expert Appraisal Committee. Prayer is allowed.*

5. It is submitted that consequently two meetings were conducted in this regard. The first online meeting was held on 05.03.2025 with five States viz. Haryana, Bihar, Jharkhand, Uttarakhand and Uttar Pradesh (U.P.) in which officials of SEIAA, SPCB, DMG of the states and officials of MoEF&CC participated.
6. It is pertinent to mention herein that prior to the second meeting a questionnaire was circulated amongst all the stake holders. The second meeting was held on 11.06.2025 in which Chairman and members of Expert Appraisal Committee (EAC), Non-Coal Mining Sector, MoEFCC and Representatives/officials from the Departments of Mines and Geology (DMG), State Environment Impact Assessment Authorities (SEIAAs), State Expert Appraisal Committees (SEACs), and State Pollution Control Boards (SPCBs) of different States and UTs participated. A copy of the **questionnaire** is annexed as **Annexure-1** and copy of **record of discussion** along with the responses received from the



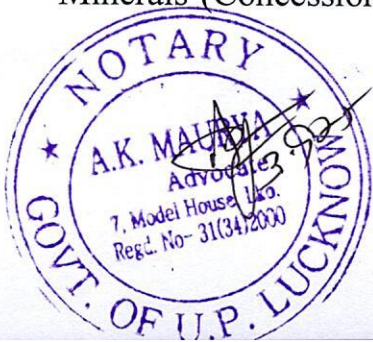
States/UTs are compiled and annexed herein as **Annexure-2** respectively.

7. It is submitted that Expert Appraisal Committee (NCM) again deliberated the issue in its meeting on 25-26th June, 2025 and subsequent meetings on 21st -22nd July, 2025 and 07th -08th August 2025 in which responses received from different states, environmental safeguards and steps to be taken for prevention of illegal mining, etc. were discussed. The recommendation of EAC (NCM) are annexed as **Annexure-3**.
8. It is respectfully submitted that as per direction of Hon'ble Tribunal four main issues were raised and discussed during the meeting supra:
- a. Short term permit-** The EIA Notification 2006 does not speak about short term permit therefore this Ministry has not allowed short term permit for removal of sand from agricultural field to any state. As per the information received, some of the states viz. Bihar, U.P., Gujarat and Uttarakhand short term permits are issued under state Mineral Concession Rules as the Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957, empowers State Governments to make rules for regulating the grant of quarry leases, mining leases, or



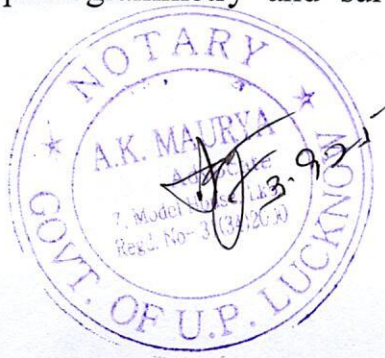
other mineral concessions in respect of minor minerals. As per Sustainable Sand Mining Management Guidelines 2016 , *“Removal of sand from the agricultural field by the owner farmer of the land from environment point of view will not be considered as mining operation and its removal and disposal can 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. 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.*

As per the responses received from States at present four states viz. U.P. Bihar, Gujarat and Uttarakhand issue short term permits for removing of sand on agricultural land due to flooding using their own environmental safeguard norms. The U.P. state has reported that Rule 52 of the Uttar Pradesh Sub-Mineral (Prevention) Rules, 2021 provides for a period not exceeding three months for the landholder of agricultural land to remove sand or gravel or boulders or any of these in a mixed state deposited on his land. The Bihar state has reported that as per Rule 37 (4) of Bihar Minerals (Concession, Prevention of Illegal Mining. Transportation and



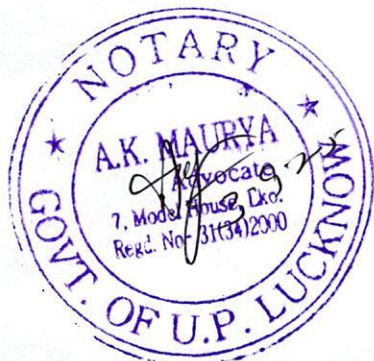
Storage) Amendment Rule, 2024, Mineral Disposal Permit is to be given for removal of the Dhush/Sand mixed soil required to convert the raiyat land into agricultural land.

It is further submitted that all these four states viz. UP, Bihar, Gujarat and Uttarkhand are issuing short term permits without requirement of EC for removal of sand from agricultural field. Remaining states have stated that at present no short-term permits are issued in their state. The Mineral Concession Rules of multiple states are framed by state/UTs as per the power delegated under MMDR Act and MCR rules. That during the discussion it was known that there are district committees constituting officers from Mining and Geological department along with officers from Irrigation and revenue departments who are surveying the area and short-term permits are issued on the basis of afore-said survey report. The EAC opined that the District Committees with the officials of Mining, Geology, Irrigation and Revenue departments, etc. are competent enough to determine as to whether the deposited sand is on account of flood or otherwise. These district committees with the help of latest technology like remote sensing, GIS, satellite imagery, drone /photogrammetry and survey equipment like theodolite survey, total



station, etc. can determine the nature and quantity of deposition. The District Committee may also examine their District/ Tehsil records of flooding in the area for determination of the above. If the above district committee recommend that the sand deposit is from flooding, adversely affecting the land of farmers, then MoEFCC Sustainable Sand Mining Guidelines, SSMG, 2016 and serial no – 3 of Appendix IX of S.O 1224 (E) dated 28.03.2020 will be applicable i.e. short term permits can be issued for sand removal with appropriate environmental safeguards without the requirement of EC. The EAC opined that customary rights to remove and dispose of the sand are available with the affected farmer in terms of the provisions of the sand mining guidelines SSMG, 2016 and they may be allowed to dispose of the sand so removed as per their customary rights.

In all other cases, the requirement of EC for sand mining will be applicable since it may be concluded as mining. It is pertinent to mention herein that the Hon'ble Courts has also time and again ruled that mining must come under purview of EC.

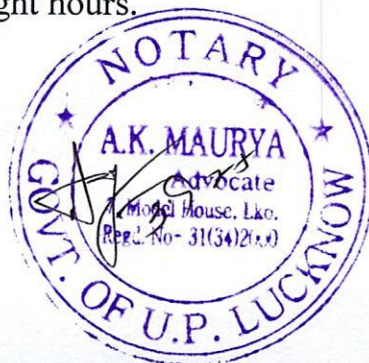


✓ Amil

**b. Environmental safeguards for removal of sand from agricultural**

**fields:** Based on the review of the measures being taken by different states and as per the provisions of SSMG 2016 and EMGSM 2020, EAC ( NCM) recommended following safeguards that can be taken during removal of sand from agricultural fields:

- i. The depth of sand removal shall be strictly limited to the original topsoil level. At no point shall excavation be carried out below the original ground level to avoid damaging soil profile.
- ii. During the removal of the sand from agricultural land, Mining Department shall ensure that at no point in time, the depth of sand removal exceeds below top soil.
- iii. To control air pollution due to dust, constant water sprinkling may be done on all pathways and dust-prone areas within and around the agriculture land. Additionally, all sand-transporting vehicles must be covered with tarpaulin. Transportation of wet sand should be avoided to prevent any spillage.
- iv. The removal of sand from agricultural land should be undertaken during daylight hours.

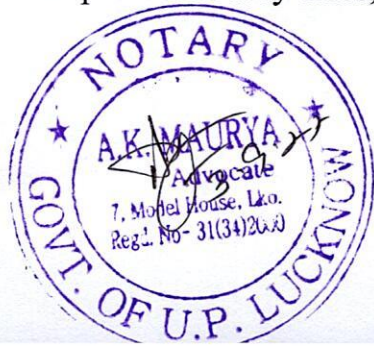


Amal

v. Restricting excavation depth and degree of side slopes are recommended to prevent erosion of adjoining lands and silting of the bottom of sand pits. The excavation depth and degree of slope shall vary from site to site depending upon soil texture and other site characteristics. Temporary barriers may be installed around the agricultural field to prevent erosion during and after sand removal from the agricultural field.

vi. Sand removal is strictly permitted only after the cessation of floodwater and the monsoon season. This prevents interference with active hydrological processes and ensures the activity is a genuine post-disaster recovery measure.

vii. The deployment of large-scale heavy earth-moving equipment (like excavators typically used in large-scale commercial mining) for deep or extensive excavation beyond surface clearing is generally restricted or disallowed to avoid compacting the remaining soil or damaging roots and also to protect nearby trees, vegetation, and water source, if any. The



Amr

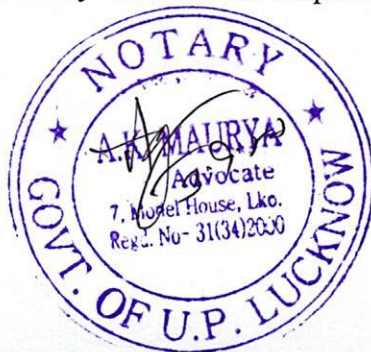
focus is on clearing the deposited layer. For smaller affected areas, manual labour or light machinery is preferred to minimize soil compaction and environmental disturbance.

viii. While the use of machinery (e.g., JCBs, tractors with trolleys) is often necessary for efficient removal of large quantities of sand, the permits issued by the district authorities will specify the type and capacity of machinery allowed.

ix. Operators must ensure that adjacent agricultural fields with standing crops, orchards, or natural vegetation (including trees) are not damaged during the sand removal process. Heavy penalties may be imposed if the adjacent agricultural lands of other farmers are damaged in any form.

x. The activity must not obstruct or alter the natural course of any river, stream, nala, or existing drainage lines. Care must be taken to prevent sand, silt, or debris from washing back into water bodies.

xi. The primary restoration requirement is to return the agricultural land



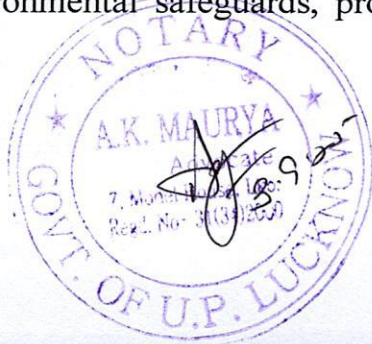
*Amir*

to its original cultivable state after the removal of flood-deposited sand. For areas with significant sand deposition, farmers are encouraged to incorporate organic matter (e.g., farmyard manure, compost) and potentially other soil amendments to improve the water-holding capacity, nutrient retention, and overall fertility of the sandy soil, as recommended by agricultural extension services.

States/UTs may also follow safeguards as per site specific conditions in consultation with SPCB and DMG.

**c. Illegal mining-**After reviewing measures taken by different States and provided in the SSMG 2016 and EMGSM 2020, EAC (NCM) recommended the following steps that may be adopted for preventing illegal mining under garb of sand removal from agricultural field:

- i. To ensure environmental compliance, States must mandate that short-term permits for removal of sand deposited by floods on agricultural lands are subject to applicable provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.
- ii. States may adopt dedicated rules, which impose specific environmental safeguards, prohibitions, regulations and restrictions on

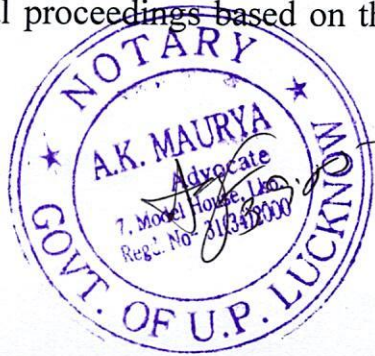


sand mining activities. These rules can be adapted to regulate short-term permits for flood-affected lands and deter their misuse for commercial mining.

iii. A structured application and inspection process should be institutionalized. For instance, the applicant (farmer/pattadar) should submit the proposal to the district-level authority who shall initiate a joint inspection with Mining, Geology, Revenue, irrigation and other concerned departments. The inspecting authority shall capture the geotagged locations of the land in question and capturing the “as -is” situation and the situation after removal of the sand deposited to ensure that the top soil is not removed and there is no digging/excavation of the earth. This ensures verification of the claim and safeguards against fraudulent permit use.

iv. The team with the help of latest technologies like remote sensing, GIS, satellite imagery, drone/photogrammetry and survey equipments like theodolite survey, Total station, etc. can determine the nature and quantity of deposition. The team should verify the Ground/Surface Level (in meter above MSL) around the area where removal of sand has to be done.

v. The District Level Sand Committee (DLSC) can be authorized to issue formal proceedings based on the joint inspection report after which the



sand removal process can start. This centralized execution mechanism adds accountability and transparency.

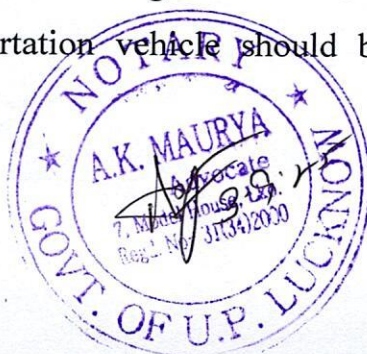
vi. Temporary boundary pillars should be erected at the boundaries of the identified agricultural land.

vii. The process must aim primarily at agricultural land reclamation, with regulatory checks and balances embedded. States should ensure that sand removal under short-term permits is not used as a pretext for unauthorized extraction or commercial gain.

viii. Permits for sand removal should be strictly time-bound and quantity-capped. Farmers may be allowed their customary rights to remove and dispose of the quantity capped sand from their agricultural land, as provided in the sand mining guidelines SSMG, 2016 only for a fixed duration.

ix. States shall maintain electronic weighbridges at the appropriate location identified by the District Mining officer, in order to ensure that all removed sand from the agricultural land is accounted for. The weighing bridge shall have the provision of CCTV camera.

x. The removed sand from agricultural land may be monitored and controlled through the GPS enabled transportation vehicle. The transportation vehicle should be colour coded or may have distinct



*Amir*

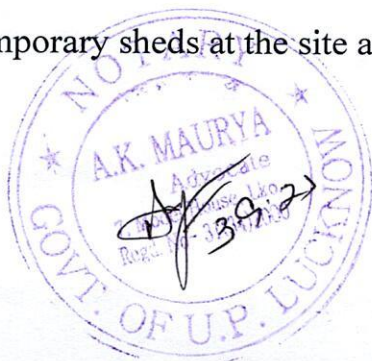
permit to differentiate the source of sand i.e. from agricultural land or otherwise. State Mining department and district level mining officer shall be responsible for ensuring that there is no illegal mining in the garb of sand removal from agricultural fields.

xi. The movement of minerals shall be reconciled with the data collected from the mines and various Naka/check posts can be installed in the villages where such sand removal is taking place. An electronic log/register should be maintained at the check post where transportation details mentioning amount of removed sand from agricultural land and registration number of vehicle should be maintained or any such alternate method may be put in place to capture the quantity of sand being transported and other necessary details to prevent illegal transportation of sand.

xii. The operational hours of sand quarries and depots shall be during daylight. No sand-transporting vehicles shall be allowed to park overnight on the agricultural land.

xiii. After the permitted quantity of sand is exhausted, officials shall ensure that:

- No sand beyond the approved limit is extracted.
- Temporary sheds at the site are dismantled.



✓ Amr

- All roads and pathways created for mining are levelled to restore natural flow and avoid obstruction in the river system.
- xiv. The Mining Department is responsible for ensuring that sand removal operations are conducted in an environmentally friendly and ecologically sustainable manner.
- xv. Encourage citizens to report illegal mining activities through dedicated mobile apps or web portals.
- xvi. Involve community leaders and gram panchayat to ensure that no illegal mining is carried out under the garb of short-term permit for agricultural field deposit by flooding.
- xvii. Ensure better coordination between different government agencies involved in mining regulation and enforcement.
- xviii. All States and Union Territories should be guided by the Ministry of Mines guidelines, along with binding judicial pronouncements of the Hon'ble Supreme Court, High Courts, and the National Green Tribunal, especially with respect to environmental safeguards for short-term permits.



Amr

States/UTs may take additional steps for prevention of illegal mining and transportation in the states.

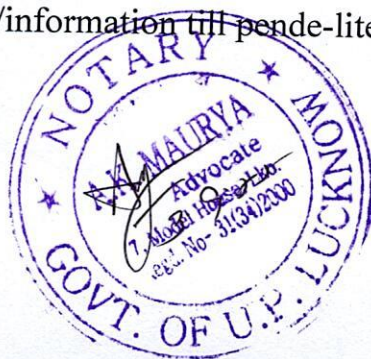
d. **District Survey Report (DSR)**- Majority of States suggested that the inclusion of mining on flood affected agricultural land in DSR is not feasible due to the following reasons:-

i. Floods/ Natural calamities are random and dynamic in nature and cannot be forecasted.

ii. Deposition of minor mineral in agricultural fields as a result of Floods/Natural calamities is not planned or known beforehand.

iii. Many rivers change their direction every year. EAC was also of the opinion that inclusion of mining on flood affected agricultural land in DSR is not feasible.

9. It is submitted that the Ministry reserves its right to file additional affidavit/information till pende-lite, as and when required.

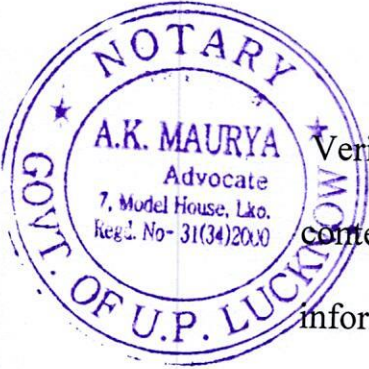


Amr

10. 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.

*Amil*  
DEPONENT

VERIFICATION



Verified at Lucknow on this day <sup>3<sup>rd</sup></sup> of September, 2025 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.

EXECUTION ADMITTED  
BEFORE ME  
*Amil*  
3.9.25  
*A.K. Maurya*  
Advocate Notary  
7, Model House, Lucknow

*Amil*  
DEPONENT

I identify the deponent/executioner who has signed put *Amil* *Amil*

File No.: IA-L-11011/76/2023-14-I Annexure- 1

Government of India  
Ministry of Environment, Forest and Climate Change  
Impact Assessment Division (Non-Coal Mining Sector)

**ANNEXURE - 1**

Indira Paryavaran Bhawan,  
Jor Bagh, Aliganj,  
New Delhi - 110003  
Dated: 2<sup>nd</sup> June 2025

To,

1. The Director, Department of Mines & Geology of all States & UTs,
2. The Member Secretary, State Environment Impact Assessment Authorities of all States & UTs &
3. The Member Secretary, State Pollution Control Boards of all States & UTs,

**Subject:** Request for response to the attached questionnaire and intimation regarding meeting scheduled on 11.06.2025 to discuss environmental safeguards to be taken during removal of sand deposited by floods on agricultural fields – reg.

**Reference:** Ministry's letter of even number dated 13.12.2024 and Hon'ble NGT orders in O.A. Nos. 412/2023, 462/2023, and 481/2023

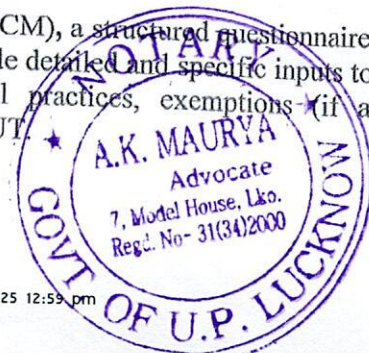
Madam/Sir,

This Ministry had earlier sought inputs from Uttar Pradesh, Haryana, Bihar, and Uttarakhand vide letter dated 13.12.2024 pursuant to the directions of the Hon'ble National Green Tribunal (NGT) in O.A. Nos. 412, 462, and 481 of 2023. The Hon'ble Tribunal had, inter alia, directed the Ministry to examine:

- a. Formulation of appropriate guidelines for imposing requisite environmental safeguards for grant and execution of short-term permits for removal of sand deposited by flood on agricultural land.
- b. Measures to be taken to prevent illegal sand mining in the garb of short term permits for removal of sand deposited on the agricultural land by flood.
- c. Environmental safe guard measures required to prevent negative environmental impact.
- d. Feasibility of inclusion of such areas in the District Survey Reports (DSRs).

2. In pursuance to the above, the Ministry convened a meeting of the Expert Appraisal Committee (EAC – Non-Coal Mining) on 11.09.2024. Subsequently another meeting on 05.03.2025, involving stakeholders from Uttar Pradesh, Haryana, Bihar, and Uttarakhand, including representatives from SEIAAs, Departments of Mining and Geology and SPCBs was conducted. The discussions underscored variations in existing practices among States, highlighted the absence of regulatory clarity, and emphasized the growing environmental and policy implications of the issue.

3. To facilitate a comprehensive deliberation by the EAC (NCM), a structured questionnaire has been enclosed with this letter. It is requested to kindly provide detailed and specific inputs to the questions therein, covering policy provisions, procedural practices, exemptions (if any), monitoring mechanisms, and challenges faced in your State/UT.



4. To deliberate further on the issues based on the responses received, a meeting is scheduled to be held on 11.06.2025 (via video conference). Inputs from the States/UTs will be deliberated in the EAC for further examination and formulation of recommendations to be submitted to the Hon'ble NGT.
5. In view of the above, it is requested to furnish the completed questionnaire and any relevant documents by 06.06.2025 positively to ensure timely review and inclusion of the inputs in the meeting. It is also requested to participate in the online meeting on 11.06.2025. The links of the online meeting will be shared shortly.
6. **This matter may kindly be treated as MOST URGENT.**

Yours faithfully,

*Rajeev Ranjan*  
02.06.25

**(Rajeev Ranjan)**

Scientist 'E' & Member Secretary (Non-Coal Mining)

Email: ranjan.rajeev@nic.in

**Encl.:**

1. Questionnaire on safeguards and regulatory practices regarding flood-deposited sand removal from agricultural fields
2. Copy of Ministry's letter dated 13.12.2024
3. Hon'ble NGT orders in the above matter.

**Copy to:** The Member Secretary, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi – 110032. Email: mscb.cpcb@nic.in (With a request to provide inputs in the matter with respect to NGT directions and also to nominate a representative from CPCB to participate in the online meeting on 11.06.2025 ).



Annexure

**Ministry of Environment, Forest and Climate Change**  
**Impact Assessment Division ( Non Coal Mining )**

Questionnaire in Compliance with Hon'ble NGT Orders in O.A. Nos. 412/2023, 462/2023, and 481/2023

**Subject:** Formulation of Guidelines for Environmental Safeguards and Regulation of Short-Term Permits for Removal of Flood-Deposited Sand on Agricultural Land

In pursuance of the Hon'ble NGT's directions, the Ministry is in the process of examining the formulation of appropriate guidelines imposing requisite environmental safeguards for grant and execution of short-term permits (STPs) for removal of sand deposited by flood on agricultural land. In the above context it is requested to furnish your responses to the questions below and submit the completed questionnaire along with any relevant supporting documents to Ministry by 06.06.2025.

1. Does your State/UT have specific conditions or guidelines in place to ensure the applicability of the Sustainable Sand Mining Guidelines, 2016 (SSMG) and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM) to short-term permits for removal of flood-deposited sand on agricultural land?

If yes, please provide details.

2. What measures are currently in place or proposed by your State/UT to prevent illegal sand mining under the garb of short-term permits issued for the removal of flood-deposited sand by farmers from agricultural land?

Kindly elaborate on monitoring, verification mechanisms, and enforcement actions.

3. What specific environmental safeguard measures does your State/UT consider necessary to prevent negative environmental impacts from such sand removal activities?

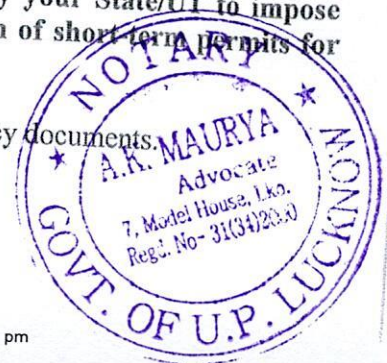
Please list mandatory or recommended best practices, including restrictions on machinery, timing, or restoration requirements.

4. Is it feasible to include such flood-affected agricultural areas (where sand is deposited and removed) in the District Survey Reports (DSRs)?

Please provide justification and any procedural or legal considerations.

5. What guidelines, if any, have been formulated or proposed by your State/UT to impose requisite environmental safeguards for the grant and execution of short term permits for removal of sand deposited by flood on agricultural land?

Please provide a copy of any relevant notifications, circulars or policy documents.



6. Is there a prescribed time period within which the removal of flood-deposited sand under short-term permits must be completed in your State/UT?

If yes, please specify the duration and whether it is uniformly applied.

7. Does your State/UT follow a standard procedure for assessing the quantity of sand to be removed from agricultural fields before granting such permits?

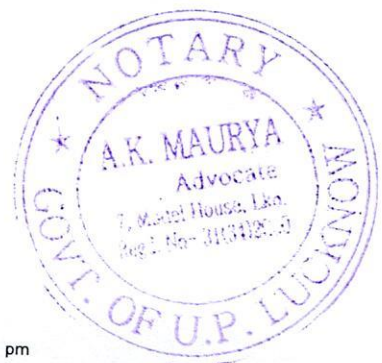
If yes, please describe the methodology and the authorities involved.

8. What method(s) of excavation/removal are permitted under short-term permits in your State/UT?

Are there any restrictions (e.g., manual removal only, no use of heavy machinery, depth limits)?

Please provide relevant details and enforcement mechanisms.

*Reid*



## Annexure-2

**Record of discussion held on 11.06.2025 with representatives from the Departments of Mines and Geology (DMG), State Environment Impact Assessment Authorities (SEIAAs), State Expert Appraisal Committees (SEACs), and State Pollution Control Boards (SPCBs) of States and Union Territories and members of Expert Appraisal Committee (EAC), Non-Coal Mining Sector with reference to short term permits, environmental safeguards and prevention of illegal mining during removal of sand deposited by floods on agricultural lands, in compliance with the directions of the Hon'ble National Green Tribunal in O.A. Nos. 412/2023, 462/2023, and 481/2023**

(i) The Hon'ble Tribunal vide its order dated 24.04.2024 in Original Application No. 462 of 2023 titled as Raja Ram Singh Vs State of UP & ors *inter alia* directed as follows:

42.. *The matter needs to be examined in the context of applicability to all States and UTs and formulation of appropriate guidelines imposing requisite environmental safe guards for grant and execution of short term permits for removal of sand deposited by flood on agricultural land.*

43. *The Director, Mining and Geology, U.P. and the Member Secretary, UPPCB and CPCB and MoEF & CC are directed to file their responses in this regard within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF...*

(ii) In compliance of the aforesaid order, the Ministry has filed an affidavit on 10.08.2024.

(iii) Thereafter, the Ministry in compliance of order dated 28.08.2024 in O.A. No. 412 of 2023 titled as Pradeep Kumar Shukla Vs MoEF&CC & Ors filed an additional affidavit on 03.12.2024 wherein the Ministry has submitted that "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."

(iv) Thereafter, the Hon'ble Tribunal vide its order dated 16.12.2024 has directed as follows:

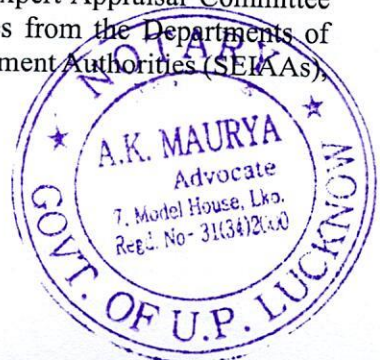
5. *Learned Counsel for MoEF&CC has informed that the Expert Appraisal Committee is in the process of undertaking the exercise and deliberations are in progress.*

6. *In the said background, a prayer for grant of further four weeks has been made to place on record the recommendations of the Expert Appraisal Committee. Prayer is allowed.*

(v) Subsequently, two meetings were held in this regard i.e.

(a) The first meeting dated 05.03.2025 was held with five States viz. Haryana, Bihar, Jharkhand, Uttarakhand and U.P.

(b) The second meeting held on 11.06.2025. Members of Expert Appraisal Committee (EAC), Non-Coal Mining (NCM) Sector and Representatives from the Departments of Mines and Geology (DMG), State Environment Impact Assessment Authorities (SEIAAs),



State Expert Appraisal Committees (SEACs), and State Pollution Control Boards (SPCBs) from States and Union Territories and officials of MoEFCC participated in the above meeting.

(vi) At the outset, Member Secretary, Non Coal Mining (NCM) welcomed the Chairman, EAC-Non Coal Mining Sector and the participating authorities from State/UT and provided a detailed outline on the ongoing issue of removal of sand deposited on agricultural land after flood by farmers. The State Authorities were apprised about the order dated 24.04.2024 passed by Hon'ble NGT in Original Application No. 462 of 2023 in the matter of Raja Ram Singh Vs State of UP & orders alongwith other related orders issued in the matter. The existing provisions of Ministry's Notification S.O.141 [E] dated 15.01.2016 and S.O. 1224[E] dated 28.03.2020 was highlighted during the meeting. It was informed that in both the notifications at Appendix IX serial number '3' exemption from requirement of Environmental Clearance has been provided for "*Removal of sand deposits on agricultural field after flood by farmers.*" The relevant portions of Sustainable Sand Mining Guidelines 2016 and and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM) concerning the removal of sand deposits on agricultural field after flood by farmers and monitoring mechanism for prevention of illegal mining were also highlighted.

Member Secretary, NCM informed that Ministry had prepared a questionnaire based on the directions of Hon'ble NGT and it was circulated among States/UTs to provide their inputs regarding removal of sand deposits on agricultural field after flood by farmers.

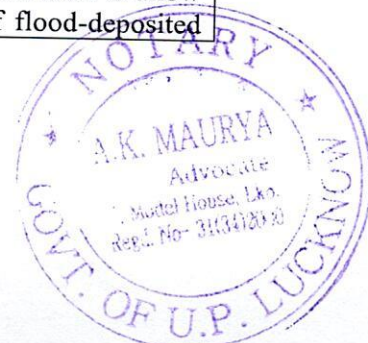
With the permission of Chairman, EAC Non Coal Mining Sector, Member Secretary, requested the States/UTs to state the procedures/rules/regulations/guidelines and requisite environmental safeguards, steps taken for prevention for illegal mining and procedures for grant and execution of short term permits, if any, for removal of sand deposits on agricultural field after flood by farmers.

Representatives of different States/UTs provided their views/comments on the above issues. The EAC members also enquired about the modalities followed by various State/UTs. The State/UTs representatives reported the procedures adopted in their respective States/UTs. Member Secretary, NCM informed about the court orders mandating the requirement of prior EC before any mining activity. "Management of Sand Deposited After Flood on Agricultural Field of Farmers" given in Sustainable Sand Mining Guidelines 2016 was also highlighted during the meeting where exemption from EC has been provided.

The responses given by the State/UT representatives during the meeting and the inputs received with regard to the questionnaire is summarized as under:-

**(I) DETAILS OF STATES WHERE SHORT TERM PERMITS ARE ISSUED:**

Sl.No.	State/ UTs	Short Term Permit/EC details
1.	Uttar Pradesh	The State of Uttar Pradesh has recognized the need to allow short-term permissions for the removal of flood-deposited

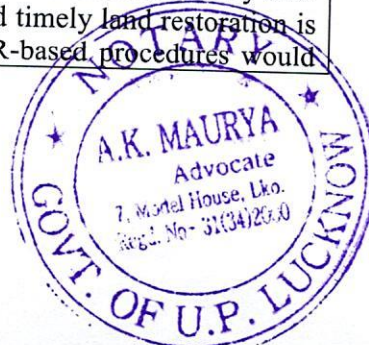


sand, gravel, or boulders from agricultural fields to restore land usability for farming. In this regard, Rule 52 of the *Uttar Pradesh Sub-Mineral (Prevention) Rules, 2021* provides that landholders may be granted permission for a period not exceeding three months to remove such material deposited due to natural causes like floods. This provision aims to support agricultural activity by ensuring the timely restoration of cultivable land affected by sudden mineral deposition.

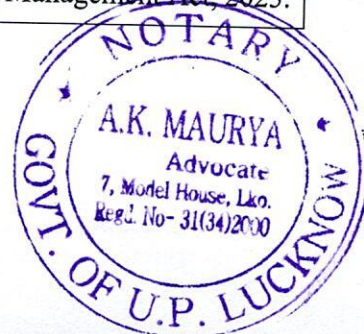
To prevent misuse of this provision for illegal mining under the garb of short-term removal, the Government of Uttar Pradesh has instituted several measures. As per *Government Order dated 29.11.2023*, an eight-member Task Force has been constituted in each district under the chairmanship of the District Magistrate to effectively curb illegal mining and transportation activities. Furthermore, technological interventions have been adopted to strengthen enforcement—AI-equipped check gates have been installed at 57 key locations across the state, and mobile monitoring through the *M-Check App* and *Handheld RFID Readers* enables real-time tracking of mineral transportation and overloading.

In terms of environmental safeguards, the short-term removal activities are governed by relevant Government Orders, the *EIA Notification dated 15.01.2016 and 28.03.2020*, and the provisions laid out in the *Sustainable Sand Mining Management Guidelines, 2016*, especially pages 58–59, which deal with floodplain mining and its management. These guidelines emphasize scientific removal, minimal environmental disturbance, and site-specific regulatory oversight.

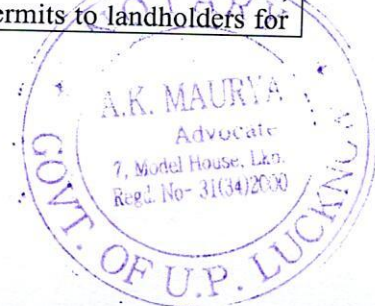
The State Government has clarified that the inclusion of such flood-affected agricultural areas in the District Survey Reports (DSRs) is not feasible. This is because floods are unpredictable and deposits resulting from such events are sporadic and temporary. DSRs are prepared every five years based on predictable replenishment cycles and consistent mineral presence, which do not apply in the case of incidental flood deposits. Further, agriculture is a seasonal activity with multiple crop cycles annually, and timely land restoration is crucial. Delays arising from DSR-based procedures would



		<p>defeat the very purpose of such short-term permits. Therefore, a flexible, time-bound, and case-specific approach has been adopted to ensure both environmental compliance and agricultural continuity.</p>
2.	<b>Bihar</b>	<p>The State of Bihar has a regulatory mechanism for permitting the removal of sand or sandy soil deposited on raiyati (private agricultural) land, primarily aimed at reclaiming such land for cultivation. As per Rule 37(4) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Amendment Rules, 2024, the District Collector, based on verification by the Circle Officer and a report from the Mining Officer, is empowered to grant Mineral Disposal Permits for the removal of Dhush/sand-mixed soil from raiyati lands. However, this provision applies only to lands situated outside a 3 km aerial radius from rivers such as Son, Kiul, Falgu, Morhar, Chanan, and Ganga.</p> <p>Applicants (raiyyats) must submit a formal application to the concerned Mining Officer to seek disposal permits. The permit is valid for a maximum of one year and is limited to the mineable quantity assessed by the authorities. Issuance of the permit is subject to advance payment of royalty and applicable taxes, and all prevailing statutory clearances must be secured. A time frame of five working days has been prescribed for processing such applications. Time limit/period for disposal is maximum upto three months.</p> <p>To prevent misuse of these permissions under the guise of short-term agricultural recovery, Bihar has instituted several safeguards. The rules explicitly restrict mineral disposal to the assessed quantity and mandate stringent timelines. Furthermore, the 2024 Amendment Rules incorporate strong provisions under Rule 30(4) and Rule 44 to regulate transportation and curb illegal mining.</p> <p>These rules require that transportation of minor minerals be done only through covered vehicles painted in specific colours, with wet sand strictly prohibited from being loaded. Any tampering with GPS devices or transporting uncovered minerals can attract penalties. Additionally, GPS installation in transport vehicles has been made mandatory, and vehicle identification through specific colours and markings is enforced. Mineral transport via waterways is regulated under the Bihar Ferry Ghat Settlement and Management Act, 2023.</p>

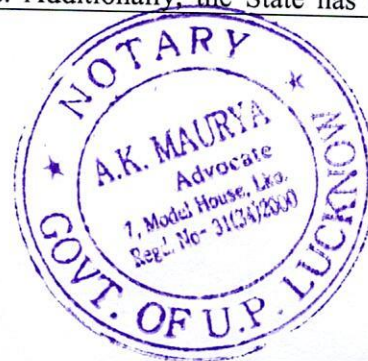


3.	Gujarat	<p>State regulates the removal of flood-deposited sand from agricultural land under the broader framework of the <i>Sustainable Sand Mining Guidelines, 2016 (SSMG)</i>. The District Collector/ District Magistrate is the key authority in granting short term permits &amp; enforcing compliances. The time period for short tem period varies with the amount of deposition on agricultural land.</p> <p>The authority typically stems from temporary government orders issued after floods or specific provisions in the Gujarat Minor Mineral concession Rules that allow for emergency/ remedial measures. While there are no standalone guidelines for short-term permits, the State adheres to the core principles of these documents. In line with <i>MoEF&amp;CC Notification S.O. 1224(E) dated 28.03.2020</i>, the removal of sand deposited on agricultural land post-flood is treated as a land reclamation activity and is exempt from prior Environmental Clearance (EC), provided it is done solely for agricultural restoration.</p> <p>The removal activity is limited to the actual flood-deposited layer, with a strict condition that natural ground levels must not be altered. Heavy machinery use is restricted, and operations are only allowed during daylight hours (6:00 AM to 6:00 PM).</p> <p>To prevent misuse under the guise of short-term permits, Gujarat has implemented strong enforcement measures, including inter-district inspection teams, and mandatory FIR registration for violations. Monitoring is jointly handled by the Geology &amp; Mining Department and the Gujarat Pollution Control Board (GPCB).</p> <p>Environmental safeguards include: prohibition of excavation below original soil levels, avoidance of harm to adjacent crops or water bodies, timing restrictions (post-flood only), and mandatory land restoration to a cultivable state. Topsoil preservation and soil improvement measures are encouraged.</p> <p>Flood affected agricultural areas where sand is deposited and removed are not included in DSR of State Government of Gujarat since flood events are unpredictable and the areas of sand depositions vary year to year. Including such transient, ad-hoc occurrences in a static DSR (which is updated every five years) would be impractical and constantly require amendments.</p>
4.	Uttarakhand	<p>The State of Uttarakhand, through the Uttarakhand Sub-Mineral (Prevention) (Second Amendment) Rules, 2024, allows the issuance of short-term permits to landholders for</p>



	<p>the removal of debris/ stones deposited on private lands during the rainy season. These permits are issued for a maximum period of three months based on an application by the landowner and a report prepared by a committee constituted under the chairmanship of the District Mining Officer. Importantly, such removal is not treated as mining and does not require environmental clearance, as clarified in the rules.</p> <p>To prevent misuse and ensure that these short-term permits are not exploited for illegal mining, the State has instituted detailed regulatory conditions. The permit holder is bound to carry out operations only on the approved site, and any excavation beyond the permitted depth or outside the demarcated boundary is considered illegal and is subject to action under the Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2021 (as amended in 2024). The rules also make it mandatory for permit holders to register on the e-Ravanna portal, submit GST details, and pay royalty and other dues in advance. Installation of CCTV cameras, drone videography, and submission of geo-tagged photographs before and after extraction are also required to ensure transparency and accountability.</p> <p>Environmental safeguard measures are clearly outlined. These include strict limits on excavation depth (restricted to topsoil level), prohibition of damage to adjoining land or structures, control of dust emissions during operations, and ensuring operations are conducted only from sunrise to sunset. The rules also mandate dust suppression measures, protection of access paths, and avoidance of any harm to nearby ecology. Permit holders must comply with all directives issued by judicial and governmental authorities and submit to monitoring by the District Mining Officer, the District Magistrate, and other relevant authorities.</p> <p>To prevent illegal mining activities, Uttarakhand has taken multiple institutional and technological measures. A dedicated District Anti-Illegal Mining Force has been established in every district under the District Magistrate and in each tehsil under the Sub-Divisional Magistrate. These teams include officials from the Revenue, Forest, Police, and Mining Departments, along with environmental experts and local village representatives. At the State level, an Enforcement Cell functions under the Directorate to conduct surprise inspections and raids. Additionally, the State has</p>
--	--

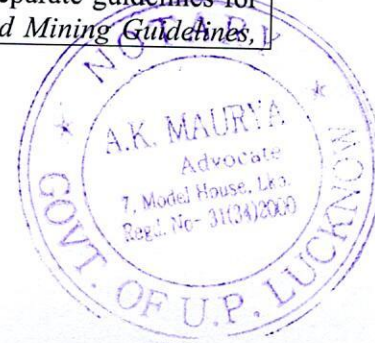
*Amr*



		<p>launched an online complaint redressal portal to enable citizens to report illegal mining activities promptly.</p> <p>It is important to note that the short-term permits issued for removal of flood-deposited sand on agricultural land in Uttarakhand are not included in the District Survey Report (DSR).</p>
--	--	---

**(II) DETAILS OF STATES WHERE SHORT TERM PERMITS WERE ISSUED IN PAST AS A ONE TIME/ PERIODIC MEASURE**

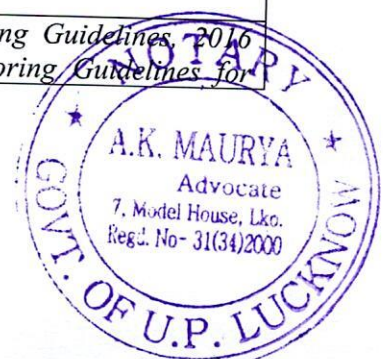
1.	<b>Haryana</b>	<p>Haryana reported that no permissions for sand removal from agricultural land have been granted recently. A one-time policy titled "Khasti Purti" was launched in 2023, which involved a portal-based application system and a district-level committee comprising officials from the Revenue and Mining Departments. Under this scheme, sand removal was permitted only where the deposition ranged between 3 inches to 2 feet, with the Revenue Department authorized to collect a share. However, no applications were received in 2024, and the committee constituted under the scheme has lapsed, indicating a discontinuation or lack of uptake. Additionally, the SEIAA Haryana clarified that no cases have been placed before it for such activities, suggesting a regulatory vacuum.</p>
2.	<b>Punjab</b>	<p>No specific guidelines or conditions have been framed by the State Pollution Control Board to ensure the applicability of the Sustainable Sand Mining Guidelines, 2016 (SSMG) and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM) to short-term permits for removal of flood-deposited sand on agricultural land.</p> <p>Short term permits are not being issued by the Punjab SPCB for removal of sand deposited by flood on agricultural land. However, as per policy of the Board, conditions w.r.t. the compliance of environmental laws to prevent negative environment impacts are being imposed while granting Consent to Establish (CTE)/Consent to Operate (CTO) under the provisions of the Water (Prevention &amp; Control Pollution) Act, 1974 and Air (Prevention &amp; Control of Pollution) Act, 1981.</p>
3.	<b>Karnataka</b>	<p>The State of Karnataka does not have separate guidelines for explicitly applying the <i>Sustainable Sand Mining Guidelines</i>,</p>



		<p>2016 (SSMG) and Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM) to short-term permits for the removal of flood-deposited sand on agricultural land. However, during 2019–20, 2020–21, and 2021–22, with Government approval, permissions were granted for such removal under certain regulated conditions aligned with the spirit of these central guidelines.</p> <p>Short-term permissions were issued for 2 months, extendable to 3 more months based on actual sand availability during the year 2019-20, 2020-21 &amp; 2021-22. Karnataka does not include such areas in the District Survey Reports (DSRs), citing the seasonal and low-volume nature of the deposits.</p> <p>To prevent illegal sand mining under the guise of short-term permits, Karnataka has constituted District and Taluk-level Sand Monitoring Committees, which include officers from the Revenue, Forest, Police, Transport, PWD, and Mines &amp; Geology Departments. The officers are empowered under Rule 31-R of the Karnataka Minor Mineral Concession Rules, 1994 to book a case against the persons indulging in illegal sand mining. They have operationalized mobile squads and strategic check posts to deter illegal mining and unauthorized transportation.</p> <p>In terms of environmental safeguards, the State imposed a set of conditions during previous years when permission for sand removal was granted. These include mandatory joint inspections by the Departments of Mines &amp; Geology and Revenue to identify the extent of deposition, estimate sand quantity, and assess land status. Sand removal is permitted only via semi-mechanized methods using low-load capacity vehicles (not exceeding 3 tons), and only for local use within the Gram Panchayat for domestic, community, or government-sponsored works. Sand removal is prohibited in agricultural areas adjoining riverbanks to avoid erosion or destabilization. Monitoring is undertaken by Gram Panchayats and the District Sand Committees.</p>
--	--	---

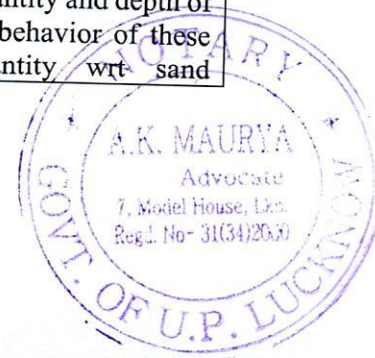
(III) DETAILS OF STATES WHERE SHORT TERM PERMITS NOT ISSUED

Sl.No.	States/UTs	Short Term Permit/EC details
1.	Assam	In Assam, the Sustainable Sand Mining Guidelines, 2016 (SSMG) and Enforcement and Monitoring Guidelines for

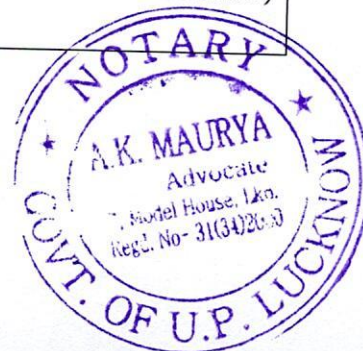


Ann 2

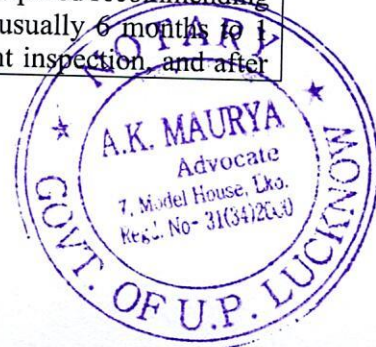
		<p><i>Sand Mining, 2020 (EMGSM)</i> are implemented for all riverbed mining proposals. District Survey Reports (DSRs) have been prepared accordingly, and mining activities are assessed as per these frameworks. However, no short-term permits for the removal of flood-deposited sand on agricultural land have been issued so far by SEIAA, Assam, and hence, no specific guidelines for such permits have been formulated.</p> <p>To deter illegal mining, the State Government has constituted Periodic Inspection Committees in compliance with directions of the Hon'ble National Green Tribunal. These committees monitor activities on the ground and enforce relevant provisions of the Assam Minor Mineral Concession Rules.</p> <p>Environmental safeguards enforced during EC appraisal include a ban on mechanized mining, a 2-meter depth limit, mandatory bank protection, seasonal restrictions (no mining during monsoon/floods), and requirement of a No Objection Certificate (NOC) from the Water Resources Department. Restoration of mined areas is also encouraged.</p> <p>Due to the transient and unpredictable nature of flood-deposited sand, Assam considers it unfeasible to include such agricultural lands in DSRs and prefers to address them through case-specific administrative responses.</p>
2.	Goa	<p>There are no short term permits issued for removal of flood deposited sand on agricultural land in Goa as such situations do not arise in the State of Goa. However Water Resources Department issues tender for desilting of rivers. The National Institute of Oceanography has conducted Environment Impact Assessment studies and modelling studies for sand mining in Rivers of Goa and as per the report majority of the sand deposits are in the salinity influenced areas of rivers.</p> <p>No specific guidelines issued.</p>
3.	Jharkhand	<p>State has notified Jharkhand Sand Mining Rules, 2025.</p> <p>As per the submission of SEIAA Jharkhand flood causes sand to be deposited in the nearby agriculture fields. However, there is no consistency in the deposit of sand in the agricultural fields. The flood and its nature and extent are dynamic and does not ascertain as to whether the same agriculture field will be affected and the quantity and depth of sand to be deposited. Very unpredictable behavior of these fields in terms of extent and quantity wrt sand</p>



		<p>deposits/replenishment of these agricultural floodplains during floods/ rainy season year after year. These floodplains also called Ecotones are real transition zone between upland terrestrial ecosystem and flowing aquatic ecosystem providing stability to both ecosystems.</p> <p>Besides these floodplains for their unique nature and role should not be encouraged as source and means of revenue generation.</p> <p>No assurance of replenishment can be ascertained. The quantity of sand that can be ascertained. The definite identification of agriculture fields is not possible</p> <p>Hence, mining/removal of sand from agriculture fields must be kept outside the preview of DSR</p> <p>The Department of Mines and Geology, Government of Jharkhand vide No "95/2024/1111/M dated 09.05.2025 has issued Jharkhand Sand Mining Rules 2025 which states that:</p> <p>"The sand available/deposited on any land or excavated during distillation cleaning of natural regulated water streams/bodies shall be categorised as category 2</p> <p>Category 2 states: The deposits of Category-2 shall be managed through e-auction by competitive bidding to be conducted by District Committee as constituted by the Department of Mines and Geology.</p> <p>However, in such cases following may be followed:</p> <p>The mining should be restricted to 1 or 1.5 m depth with manual method of mining.</p> <p>The deposit of sand to be reviewed every year to maintain a curb on illegal mining.</p>
4.	Ladakh	<p>As per the information provided by the Union Territory of Ladakh, no case has been reported so far regarding the issuance of short-term permits for the removal of flood-deposited sand from agricultural land. Consequently, the Department of Geology and Mining (DMG), UT Ladakh, has not issued any such permit or considered such activities for inclusion in the District Survey Reports (DSRs).</p> <p>However, the UT administration has in place a regulatory framework to prevent illegal sand mining under the pretext of short-term permits. If any such instance is detected, the DMG first verifies whether a valid permit has been issued. In the absence of a permit, the activity is treated as illegal, and penal action is taken under the J&amp;K Minor Mineral Concession Rules, 2016 (SRO-105), which continue to apply in Ladakh through the J&amp;K Reorganisation (Removal of Difficulties) Order, 2019.</p>



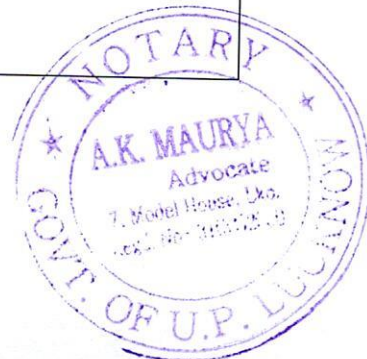
		<p>The rules mandate that any person granted a short-term or disposal permit must comply with environmental safeguards. These include preventing pollution, recording and reporting extracted quantities, using authenticated challans (Form-A) for transportation, and allowing inspections at all stages. The permit must be surrendered after dispatch of the sanctioned quantity, along with detailed records.</p> <p>Though no cases have been received yet, the UT has indicated that if such applications arise in the future, disposal permissions may be granted after obtaining all required No Objection Certificates (NOCs) from stakeholder departments. The issuance of such permits will depend on the quantum of sand deposited and will be time-bound.</p> <p>Short-term permits under the applicable rules are also provided for specific purposes such as government works, construction, and brick earth extraction, and are restricted to residents of Ladakh, except in cases involving public works departments like BRO, NHAI, and CPWD.</p>
5.	<b>Telangana</b>	<p>The State of Telangana does not issue Environmental Clearances (EC) through SEIAA for removal of sand deposited by floods on agricultural fields.</p> <p>The State Government of Telangana issued the New Sand Mining Policy vide G.O. M/s No. 38, Industries and Commerce Department (M-I), dated 12.12.2014, followed by the Telangana Sand Mining Rules, 2015, vide G.O. Ms. No. 3, Industries and Commerce (Mines-I), dated 08.01.2015. Under these regulations, the State permits pattadars (landowners) to remove deposited sand (de-casting) from their patta lands with the objective of restoring the agricultural productivity of the land.</p> <p>To regulate the activity and avoid misuse, a structured process is followed. The landowner applies to the District Authority or Assistant Director of Mines &amp; Geology (ADMG). A Joint Inspection Team, comprising officials from Revenue, Irrigation, Agriculture, Groundwater, and Mining Departments, conducts a site inspection. They assess proximity to rivers, environmental impact, soil profile, and sand depth. Based on this, a report is prepared recommending quantity and duration for de-casting, usually 6 months to 1 year. Based on the findings of the joint inspection, and after</p>



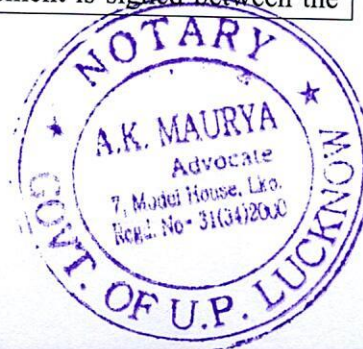
		<p>obtaining all necessary approvals from the competent authorities, a report shall be prepared. Upon recommendation, the Chairman of the District Level Sand Committee (DLSC) shall issue proceedings to the Telangana State Mineral Development Corporation (TSMDC) on behalf of the pattadar, authorizing the de-casting of sand from the respective patta lands. The landowner receives a fixed amount (per cubic feet) from the sand sale proceeds for land restoration, which promotes farmer welfare while discouraging illicit practices.</p> <p>If the land is found environmentally sensitive or unsuitable, it is treated as a sand-bearing area, and statutory clearances from SEIAA or MoEF&amp;CC become mandatory before any mining activity.</p> <p>The sand removal must strictly follow the recommendations of the inspection team. Measurement tools such as trial pits, GPS mapping, and levelling instruments are used to estimate volume. The guidelines prohibit illegal transport or commercial use of sand and mandate departmental monitoring throughout the operation.</p>
6.	West Bengal	<p>No application for Consent to Establish (CTE) or Consent to Operate (CTO) have been received by the West Bengal Pollution Control Board for removal of sand deposited by flood on agricultural fields. CTE/CTO are being issued to riverbed sand mining projects only which have received EC from SEIAA and are included in the District Survey Reports. Directions are issued to all such sand mining projects to ensure compliances of the provisions of Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020.</p>

## (IV) STATES ISSUED ENVIRONMENTAL CLEARANCE FOR REMOVAL OF SAND

Sl.No.	States/UTs	Short Term Permit/EC details
1	Andhra Pradesh	The Government of Andhra Pradesh does permit removal of sand deposited by floods from agriculture fields, particularly patta and DKT lands, under structured and rule-based mechanism.



	<p>The Government of Andhra Pradesh, through the Industries &amp; Commerce (Mines-III) Department, issued guidelines for the de-casting of sand from Patta lands vide G.O. Ms. No. 59, dated 01.10.2024.</p> <p>Further, the Government of Andhra Pradesh, vide G.O. Ms. No. 43 dated 08.07.2024, G.O. Ms. No. 49 dated 02.09.2024, and G.O. Ms. No. 66 dated 25.10.2024, issued guidelines for Free Sand Policy, incorporating various measures to monitor and prevent illegal sand mining activities.</p> <p>Additionally, vide G.O. Ms. No. 43 dated 08.07.2024, the Government introduced the New Sand Mining Policy, 2024; vide G.O. Ms. No. 49 dated 02.09.2024, issued revised guidelines for the Free Sand Policy; vide G.O. Ms. No. 59 dated 01.10.2024, issued guidelines for de-casting of sand from patta lands and issued A.P. WALTA Act, 2002. The Government of Andhra Pradesh vide G.O. Ms. No. 66 dated 25.10.2024, issued modified Free Sand Policy.</p> <p>To regulate the activity and prevent illegal sand mining under the garb of de-casting, a detailed application and inspection procedure has been put in place. The landholder (pattadar) must submit an application to the District Collector and provide ownership documents and land details. Following this, the District Level Sand Committee (DLSC), comprising officials from the Revenue, Agriculture, Irrigation, Groundwater, and Mines Departments, conducts a joint inspection to assess the feasibility of de-casting. This includes verifying the sand thickness, location with respect to the river, groundwater availability, and overall environmental suitability.</p> <p>Based on the inspection report, the DLSC classifies the land and either recommends issuance of de-casting permissions or advises obtaining full statutory clearances such as Environmental Clearance (EC), Approved Mining Plan, Consent to Establish (CTE), and Consent to Operate (CTO), depending on the sensitivity and location of the site. If all approvals are in place, an agreement is signed between the</p>
--	---



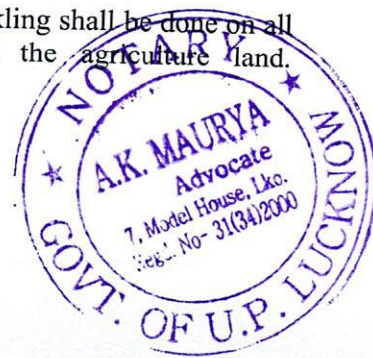
	<p>government and the pattadar, allowing de-casting for a period of up to one year or until the approved quantity is exhausted, whichever is earlier. Sand Mining operations shall be carried out during daylight.</p> <p>To ensure that the activity is not misused for commercial or unregulated mining, the government mandates strict environmental safeguard measures. These include a ban on de-casting during the monsoon season, restriction on depth of excavation as recommended by the inspection team, and use of manual methods for B2 category projects and semi-mechanised methods for B1 category projects only. The disposal of sand is carried out by the DLSC in accordance with laid-down procedures, and pattadars are compensated at a rate of ₹60 per metric ton (inclusive of GST).</p> <p>In conclusion, while Andhra Pradesh does allow removal of sand deposited by floods on agricultural land, it does so under a tightly regulated framework. The involvement of multiple departments, mandatory joint inspections, pre- and post-approval compliance requirements, and environmental safeguards together ensure that the objective of reclaiming farmland does not lead to uncontrolled or illegal sand mining.</p>
--	--

(V) Puducherry, Mizoram, Manipur, Meghalaya, Sikkim, Ladakh, etc. (at present) have submitted that no short term permit is issued in this States for sand removal from agricultural fields.

**(VI) BASED ON THE INPUT RECEIVED FROM THE STATES/UTs, FOLLOWING ENVIRONMENTAL SAFEGUARDS CAN BE CONSIDERED DURING REMOVAL OF SAND DEPOSITED BY FLOOD ON AGRICULTURAL FIELD:**

During the meeting , States and Union Territories stated their responses regarding removal of flood-deposited sand from agricultural land. The inputs provided by the State/UTs with regard to environmental safeguards are given as under:

- i. The depth of sand removal shall be strictly limited to the original topsoil level. At no point shall excavation be carried out below the original ground level to avoid damaging soil profile.
- ii. During the removal of the sand from agricultural land Mining Department shall ensure that at no point in time, the depth of sand removal exceeds below top soil.
- iii. To control air pollution due to dust, constant water sprinkling shall be done on all pathways and dust-prone areas within and around the agriculture land.



Additionally, all sand-transporting vehicles must be covered with tarpaulin. Transportation of wet sand should be avoided.

- iv. The removal of sand from agricultural land should be undertaken during daylight hours.
- v. While the use of machinery (e.g., JCBs, tractors with trolleys) is often necessary for efficient removal of large quantities of sand, the permits issued by the district authorities will specify the type and capacity of machinery allowed.
- vi. Operators must ensure that adjacent agricultural fields with standing crops, orchards, or natural vegetation (including trees) are not damaged or encroached upon during the sand removal process. Heavy penalties may be imposed if the adjacent agricultural lands of other farmers are damaged in any form.
- vii. The primary restoration requirement is to return the agricultural land to its original cultivable state after the removal of flood-deposited sand. For areas with significant sand deposition, farmers may be encouraged to incorporate organic matter (e.g., farmyard manure, compost) and potentially other soil amendments to improve the water-holding capacity, nutrient retention, and overall fertility of the sandy soil, as recommended by agricultural extension services.

**(VII) MEASURES TAKEN BY DIFFERENT STATES FOR PREVENTING ILLEGAL MINING IN THE GARB OF SHORT TERM PERMIT FOR REMOVAL OF SAND BY FARMERS:**

During the meeting State/UTs also provided their inputs/comments to prevent illegal mining activities being carried out in the name of land reclamation by farmers, and the measures that may be put in place to address this concern. The same has been compiled as under :

- i. A structured application and inspection process should be institutionalized. For instance, the applicant (farmer/pattadar) should submit the proposal to the district-level authority, who shall initiate a joint inspection with Mining, Geology, Revenue, irrigation and other concerned departments. This ensures verification of the claim and safeguards against fraudulent permit use.
- ii. The team with the help of latest technologies can determine the nature and quantity of deposition. The team should verify the Ground / Surface Level (in meter above MSL) around the area where removal of sand has to be done.
- iii. The District Level Sand Committee (DLSC) can be authorized to issue formal proceedings based on the joint inspection report after which the sand removal process can start. This centralized execution mechanism adds accountability and transparency.

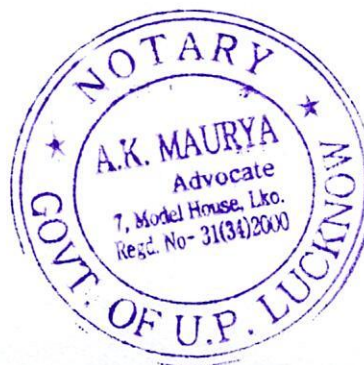


- iv. Temporary boundary pillars should be erected at the boundaries of the identified agricultural land.
- v. The process must aim primarily at agricultural land reclamation, with regulatory checks and balances embedded. States should ensure that sand removal under short-term permits is not used as a pretext for unauthorized extraction or commercial gain.
- vi. Permits for sand removal should be strictly time-bound and quantity-capped.
- vii. The removed sand from agricultural land may be monitored and controlled through the GPS enabled transportation vehicle. The transportation vehicle should be colour code to differentiate the source of sand i.e. from agricultural land or otherwise. State Mining department and district level mining officer shall be responsible for ensuring that there is no illegal mining in the garb of sand removal from agricultural fields.
- viii. The operational hours of sand quarries and depots shall be during daylight. No sand-transporting vehicles shall be allowed to park overnight on the agricultural land.
- ix. After the permitted quantity of sand is exhausted, officials shall ensure that:
  - No sand beyond the approved limit is extracted.
  - Temporary sheds at the site are dismantled.
  - All roads and pathways created for mining are levelled to restore natural flow and avoid obstruction in the river system.
- x. Ensure better coordination between different government agencies involved in mining regulation and enforcement.
- xi. States/UTs may take additional steps for prevention of illegal mining and transportation in the states.

**(VIII) DISTRICT SURVEY REPORT (DSR)-** Majority of States suggested that the inclusion of mining on flood affected agricultural land in DSR is not feasible due to the following reasons:-

- i. Floods /Natural calamities are random and dynamic in nature and cannot be forecasted.
- ii. Deposition of minor mineral in agricultural fields as a result of Floods/Natural calamities is not planned or known beforehand.
- iii. Many rivers change their direction every year

\*\*\*\*



## ANNEXURE - 3

Annexure-3

Record of discussion with reference to short term permits, environmental safeguards, prevention of illegal mining during removal of sand deposited by floods on agricultural lands and inclusion of mining on flood affected agricultural land in DSR. In compliance with the directions of the Hon'ble National Green Tribunal in O.A. Nos. 412/2023, 462/2023, and 481/2023

The Hon'ble Tribunal vide its order dated 24.04.2024 in Original Application No. 462 of 2023 titled as Raja Ram Singh Vs State of UP & ors *inter alia* directed as follows:

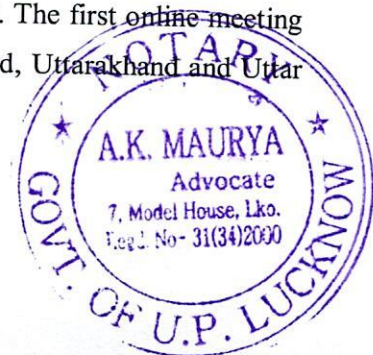
*"42.. The matter needs to be examined in the context of applicability to all States and UTs and formulation of appropriate guidelines imposing requisite environmental safe guards for grant and execution of short term permits for removal of sand deposited by flood on agricultural land."*

That in compliance of the said order the Ministry had earlier filed an affidavit on 27.08.2024. Ministry in compliance of order dated 28.08.2024 in O.A. No. 412 of 2023 titled as Pradeep Kumar Shukla Vs MoEF&CC & Ors filed an additional affidavit on 03.12.2024 wherein the Ministry has submitted that *"The Expert Appraisal Committee (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."*

The Hon'ble Tribunal vide its order dated 16.12.2024 has directed as follows:

5. *Learned Counsel for MoEF&CC has informed that the Expert Appraisal Committee is in the process of undertaking the exercise and deliberations are in progress.*
6. *In the said background, a prayer for grant of further four weeks has been made to place on record the recommendations of the Expert Appraisal Committee. Prayer is allowed.*

Two meetings with states representatives were conducted in this regard. The first online meeting was held on 05.03.2025 with five States viz. Haryana, Bihar, Jharkhand, Uttarakhand and Uttar

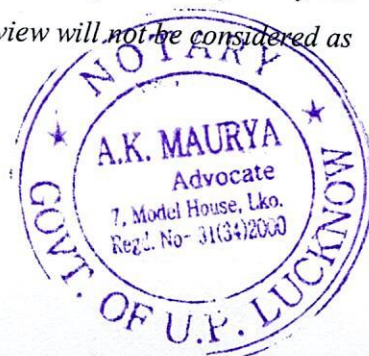


Pradesh (U.P.) in which officials of SEIAA, SPCB, DMG of the states and officials of MoEF&CC participated.

Prior to the second meeting a questionnaire was circulated amongst all the stake holders. The second meeting was held on 11.06.2025 in which Chairman and members of Expert Appraisal Committee (EAC), Non-Coal Mining Sector, and Representatives/officials from the Departments of Mines and Geology (DMG), State Environment Impact Assessment Authorities (SEIAAs), State Expert Appraisal Committees (SEACs), and State Pollution Control Boards (SPCBs) of different States and UTs participated. A copy of record of discussion along with the responses received from the States/UTs are compiled and annexed herein as **Annexure-1**.

Expert Appraisal Committee (NCM) again deliberated the issue in its meeting on 25-26<sup>th</sup> June, 2025 and subsequent meetings on 21<sup>st</sup>-22<sup>nd</sup> July, 2025 and 07<sup>th</sup> -08<sup>th</sup> August 2025 in which responses received from different states, environmental safeguards and steps to be taken for prevention of illegal mining, etc. were discussed. After discussions, and in view of the different responses of states received through questionnaire, statutory provisions, Court orders, relevant provisions in Sustainable Sand Mining Management Guidelines (SSMG) 2016, Enforcement and Monitoring Guidelines for Sand Mining (EMGSM 2020), the recommendations of EAC (NCM) on the four main issues that were raised by Hon'ble Tribunal are as follows:

- a. **Short term permit-** The EIA Notification 2006 does not speak about short term permit therefore MoEFCC has not allowed short term permit for removal of sand from agricultural field to any state. As per the information received, some of the states viz. Bihar, U.P., Gujarat and Uttarakhand short term permits are issued under state Mineral Concession Rules as the Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957, empowers State Governments to make rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals. As per Sustainable Sand Mining Management Guidelines 2016, *Removal of sand from the agricultural field by the owner farmer of the land from environment point of view will not be considered as*



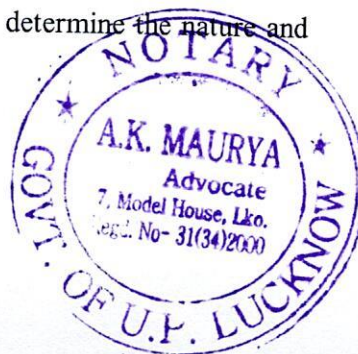
*Amul*

*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. Customary rights to remove and dispose of the sand should be given to the farmer affected by deposition of sand on account of sudden flood in his agricultural land.*

As per the responses received from States at present four states viz. U.P. Bihar, Gujarat and Uttarakhand issue short term permits for removing of sand on agricultural land due to flooding using their own environmental safeguard norms. U.P. has reported that Rule 52 of the Uttar Pradesh Sub-Mineral (Prevention) Rules, 2021 provides for a period not exceeding three months for the landholder of agricultural land to remove sand or gravel or boulders or any of these in a mixed state deposited on his land. Bihar has reported that as per Rule 37 (4) of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Amendment Rule, 2024, Mineral Disposal Permit is to be given for removal of the Dhush/Sand mixed soil required to convert the raiyat land into agricultural land.

All these four states viz. UP, Bihar, Gujarat and Uttarkhand are issuing short term permits without requirement of EC for removal of sand from agricultural field. Remaining states have stated that at present no short-term permits are issued in their state.

The Mineral Concession Rules of multiple states are framed by state/ UTs as per the power delegated under MMDR Act and MCR rules. During the discussion it was known that there are district committees constituting officers from Mining and Geological department along with officers from Irrigation and revenue departments who are surveying the area and short-term permits are issued on the basis of afore-said survey report. The EAC is of the opinion that the District Committees with the officials of Mining, Geology, Irrigation and Revenue departments, etc. are competent enough to determine as to whether the deposited sand is on account of flood or otherwise. These district committees with the help of latest technology like remote sensing, GIS, satellite imagery, drone /photogrammetry and survey equipment like theodolite survey, total station, etc. can determine the nature and

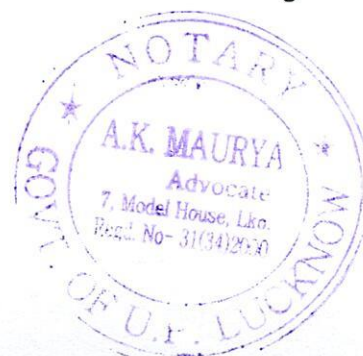


quantity of deposition. The District Committee may also examine their District/ Tehsil records of flooding in the area for determination of the above. If the above district committee recommend that the sand deposit is from flooding, adversely affecting the land of farmers, then MOEFCC sand mining guidelines, SSMG, 2016 and serial no – 3 of Appendix IX of S.O 1224 (E) dated 28.03.2020 will be applicable i.e. short term permits can be issued for sand removal with appropriate environmental safeguards without the requirement of EC. The EAC is of the opinion that customary rights to remove and dispose of the sand are available with the affected farmer in terms of the provisions of the sand mining guidelines SSMG, 2016 and they may be allowed to dispose of the sand so removed as per their customary rights.

In all other cases, the requirement of EC for sand mining will be applicable since it may be concluded as mining. Hon'ble Courts has also time and again ruled that mining must come under purview of EC.

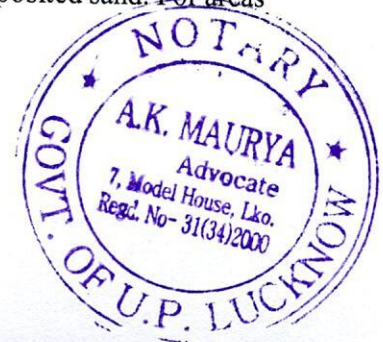
b. **Environmental safeguards** for removal of sand from agricultural fields: Based on the review of the measures being taken by different states and as per the provisions of SSMG 2016 and EMGSM 2020, EAC (NCM) recommends following safeguards that can be taken during removal of sand from agricultural fields:

- i. The depth of sand removal shall be strictly limited to the original topsoil level. At no point shall excavation be carried out below the original ground level to avoid damaging soil profile.
- ii. During the removal of the sand from agricultural land, Mining Department shall ensure that at no point in time, the depth of sand removal exceeds below top soil.
- iii. To control air pollution due to dust, constant water sprinkling may be done on all pathways and dust-prone areas within and around the agriculture land. Additionally, all sand-transporting vehicles must be covered with tarpaulin. Transportation of wet sand should be avoided to prevent any spillage.
- iv. The removal of sand from agricultural land should be undertaken during daylight hours.



*Am*

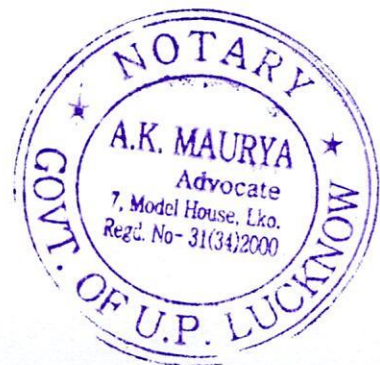
- v. Restricting mining depth and degree of side slopes are recommended to prevent erosion of adjoining lands and silting of the bottom of sand pits. The mining depth and degree of slope shall vary from site to site depending upon soil texture and other site characteristics. Temporary barriers may be installed around the agricultural field to prevent erosion during and after sand removal from the agricultural field.
- vi. Sand removal is strictly permitted only after the cessation of floodwater and the monsoon season. This prevents interference with active hydrological processes and ensures the activity is a genuine post-disaster recovery measure.
- vii. The deployment of large-scale heavy earth-moving equipment (like excavators typically used in large-scale commercial mining) for deep or extensive excavation beyond surface clearing is generally restricted or disallowed to avoid compacting the remaining soil or damaging roots and also to protect nearby trees, vegetation, and water source, if any. The focus is on clearing the deposited layer. For smaller affected areas, manual labour or light machinery is preferred to minimize soil compaction and environmental disturbance.
- viii. While the use of machinery (e.g., JCBs, tractors with trolleys) is often necessary for efficient removal of large quantities of sand, the permits issued by the district authorities will specify the type and capacity of machinery allowed.
- ix. Operators must ensure that adjacent agricultural fields with standing crops, orchards, or natural vegetation (including trees) are not damaged during the sand removal process. Heavy penalties may be imposed if the adjacent agricultural lands of other farmers are damaged in any form.
- x. The activity must not obstruct or alter the natural course of any river, stream, nala, or existing drainage lines. Care must be taken to prevent sand, silt, or debris from washing back into water bodies.
- xi. The primary restoration requirement is to return the agricultural land to its original cultivable state after the removal of flood-deposited sand. For areas



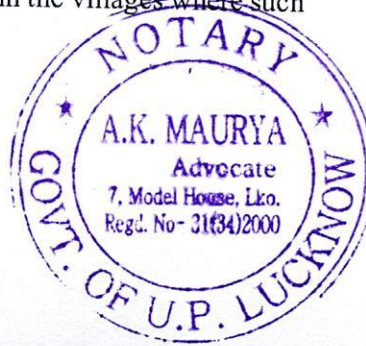
with significant sand deposition, farmers are encouraged to incorporate organic matter (e.g., farmyard manure, compost) and potentially other soil amendments to improve the water-holding capacity, nutrient retention, and overall fertility of the sandy soil, as recommended by agricultural extension services.

States/UTs may also follow safeguards as per site specific conditions in consultation with SPCB and State DMG.

- c. **Illegal mining-** After reviewing measures taken by different States and provisions provided in the SSMG 2016 and EMGSM 2020, EAC (NCM) recommends the following steps that may be adopted for preventing illegal mining under garb of sand removal from agricultural field:
- i. To ensure environmental compliance, States must mandate that short-term permits for removal of sand deposited by floods on agricultural lands are subject to applicable provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.
  - ii. States may adopt dedicated rules, which impose specific environmental safeguards, prohibitions, regulations and restrictions on sand mining activities. These rules can be adapted to regulate short-term permits for flood-affected lands and deter their misuse for commercial mining.
  - iii. A structured application and inspection process should be institutionalized. For instance, the applicant (farmer/ pattadar) should submit the proposal to the district-level authority who shall initiate a joint inspection with Mining, Geology, Revenue, irrigation and other concerned departments. The inspecting authority shall capture the geotagged locations of the land in question and capturing the "as - is" situation and the situation after removal of the sand deposited to ensure that the top soil is not removed and there is no digging/ excavation of the earth. This ensures verification of the claim and safeguards against fraudulent permit use.



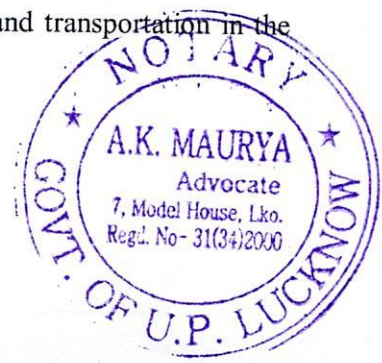
- iv. The team with the help of latest technologies like remote sensing, GIS, satellite imagery, drone/photogrammetry and survey equipments like theodolite survey, Total station, etc. can determine the nature and quantity of deposition. The team should verify the Ground/Surface Level (in meter above MSL) around the area where removal of sand has to be done.
- v. The District Level Sand Committee (DLSC) can be authorized to issue formal proceedings based on the joint inspection report after which the sand removal process can start. This centralized execution mechanism adds accountability and transparency.
- vi. Temporary boundary pillars should be erected at the boundaries of the identified agricultural land.
- vii. The process must aim primarily at agricultural land reclamation, with regulatory checks and balances embedded. States should ensure that sand removal under short-term permits is not used as a pretext for unauthorized extraction or commercial gain.
- viii. Permits for sand removal should be strictly time-bound and quantity-capped. Farmers may be allowed their customary rights to remove and dispose of the quantity capped sand from their agricultural land, as provided in the sand mining guidelines SSMG, 2016 only for a fixed duration.
- ix. States shall maintain electronic weighbridges at the appropriate location identified by the District Mining officer, in order to ensure that all removed sand from the agricultural land is accounted for. The weighing bridge shall have the provision of CCTV camera.
- x. The removed sand from agricultural land may be monitored and controlled through the GPS enabled transportation vehicle. The transportation vehicle should be colour coded or may have distinct permit to differentiate the source of sand i.e. from agricultural land or otherwise. State Mining department and district level mining officer shall be responsible for ensuring that there is no illegal mining in the garb of sand removal from agricultural fields.
- xi. The movement of minerals shall be reconciled with the data collected from the mines and various Naka/check posts can be installed in the villages where such



sand removal is taking place. An electronic log/ register should be maintained at the check post where transportation details mentioning amount of removed sand from agricultural land and registration number of vehicle should be maintained or any such alternate method may be put in place to capture the quantity of sand being transported and other necessary details to prevent illegal transportation of sand.

- xii. The operational hours of sand quarries and depots shall be during daylight. No sand-transporting vehicles shall be allowed to park overnight on the agricultural land.
- xiii. After the permitted quantity of sand is exhausted, officials shall ensure that:
  - No sand beyond the approved limit is extracted.
  - Temporary sheds at the site are dismantled.
  - All roads and pathways created for mining are levelled to restore natural flow and avoid obstruction in the river system.
- xiv. The Mining Department is responsible for ensuring that sand removal operations are conducted in an environmentally friendly and ecologically sustainable manner.
- xv. Encourage citizens to report illegal mining activities through dedicated mobile apps or web portals.
- xvi. Involve community leaders and gram panchayat to ensure that no illegal mining is carried out under the garb of short-term permit for agricultural field deposit by flooding.
- xvii. Ensure better coordination between different government agencies involved in mining regulation and enforcement.
- xviii. All States and Union Territories should be guided by the Ministry of Mines guidelines, along with binding judicial pronouncements of the Hon'ble Supreme Court, High Courts, and the National Green Tribunal, especially with respect to environmental safeguards for short-term permits.

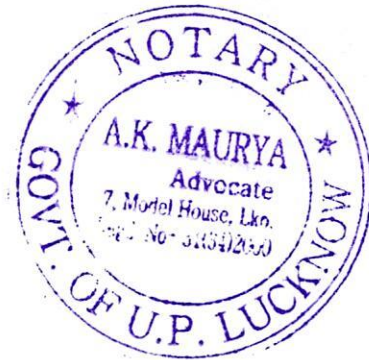
States/UTs may take additional steps for prevention of illegal mining and transportation in the states.



d. **District Survey Report (DSR)**- Majority of States suggested that the inclusion of mining on flood affected agricultural land in DSR is not feasible due to the following reasons:-

- i. Floods/ Natural calamities are random and dynamic in nature and cannot be forecasted.
- ii. Deposition of minor mineral in agricultural fields as a result of Floods/Natural calamities is not planned or known beforehand.
- iii. Many rivers change their direction every year.

EAC is also of the opinion that inclusion of mining on flood affected agricultural land in DSR is not feasible.



✓  
Final