

REPORT OF THE OVERSIGHT COMMITTEE, NGT, U.P, LUCKNOW

IN THE MATTER OF:-

ORIGINAL APPLICATION NO. 360/2015

NATIONAL GREEN TRIBUNAL BAR ASSOCIATION

VERSUS

VIRENDER SINGH (STATE OF GUJARAT)

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REPORT OF OVERSIGHT COMMITTEE IN COMPLIANCE OF ORDER OF HON'BLE NATIONAL GREEN TRIBUNAL PASSED IN O.A. NO. 360/2015 IN RE: NATIONAL GREEN TRIBUNAL BAR ASSOCIATION Vs. Virender Singh (State of Gujarat) WITH REGARDS TO THE ILLEGAL SAND MINING IN THE STATE OF GUJARAT, KARNATAKA, MAHARASTRA, WEST BENGAL, ODISHA, PUNJAB, HARYANA AND UTTAR PRADESH

I. INTRODUCTION

Hon'ble National Green Tribunal dealing with the matter of OA No. 360/2015 in re: *National Green Tribunal Bar Association vs Virendra Singh* has taken into account the matter of illegal sand mining in Uttar Pradesh. Several cases have been filed regarding remedial action against illegal sand mining in the States of Gujarat, Karnataka, Maharashtra, West Bengal, Odisha, Punjab, Haryana and Uttar Pradesh. Hon'ble Supreme Court had directed in *Deepak Kumar Vs State of Haryana & Ors. (2012) 4 SCC 629* that leases of minor minerals including their renewal, even for an area of less than 5 hectares be granted only after environmental clearance from MOEF&CC. The direction was held to be necessary in view of degradation of environment on account of illegal and unrestricted upstream, instream and flood plain sand mining activities.

As per the observation by Hon'ble Supreme Court, the absence of regulation of such mining was not justified as it was a threat to bio-diversity, could destroy riverine vegetation, cause erosion, pollute water sources, badly affect riparian ecology, damage ecosystem of rivers, safety of bridges, cause weakening of riverbeds, destruction of natural habitats of organisms living on the riverbeds, affect fish breeding and migration, spell disaster for the conservation of bird species and increase saline water in the rivers. These mining activities have direct impact on the physical habitat characteristics of the rivers (i.e. bed elevation, substrate composition and stability, in-stream roughness of elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature). Thus, lack of proper management and planning disturbs marine ecosystem and upsets the ability of natural marine processes to replenish the sand.

II. OPINION OF THE EXPERTS ABOUT ILLEGAL SAND MINING IN INDIA

The process of mining affects water balance, wildlife habitats, local climate, pattern of rainfall, sedimentation and depletion of forest and ultimately results in ecological disruption (Mehta, 2019¹).

According to Stebbins (2006²), mining from streambeds causes alteration of channel slope and changes in channel morphology. Sand mining and dredging activities affect quality of water, reducing water quality for downstream users and increasing treatment costs. Ecological impacts (i.e. loss of habitats and species disturbances) are a result of mining gravel and sand continuously leading to removal of channel substrate, suspension of sediments and clearance of vegetation.

Pereira (2012³) researched on sand mining in India (legal and illegal) by studying three villages in Maharashtra. He stated that the sources of sand and gravel such as riverbeds, beaches, creeks are being mined faster than nature can replenish. India has the third largest construction business in the world after USA and China, so sand and gravel are required in large quantities and all this happens when the country does not have a regulatory and monitoring framework for excavation of sand.

Mining process involves combinations of estimating, drilling, blasting, excavating, hoisting, crushing and hauling, as well as measures for quality control, health and safety, financial risks and environmental impacts. To maximize the profit and utilization of mine reserves while providing a better development program, a good mining plan/schedule must not only meet both the long-range and short-range

¹ Mehta PS (2019). The Indian Mining Sector: Effects on the Environment & FDI Inflows. Conference on Foreign Direct Investment and the Environment. OSDC Headquarters, Paris, France held on 7th – 8th February, 2002. Pp. 1-10.

² Stebbins M (2006). Can gravel Mining and Water Supply Well coexist. Maine- University of Maine.

³ Pereira K (2012). Illegal Sand Mining: The Unexamined threat to Water Security in India. <https://www.ismenvis.nic.in>

mining requirements but also satisfy many practical details that are unique to day-to-day operations (Kozan and Liu, 2011⁴).

Mining industries provide most of the materials for building infrastructure and instruments of daily use and also supply fertilizers to agriculture. Mining is the human activity that has been disturbing environment and is linked with large social impacts and inequalities. Valuable mining practices need to change and contribute to community development with more equity and to protect natural resources as well as ecosystems better as reported by Carvalho (2017⁵).

Despite this, the menace of illegal sand mining in India continues unabated. The sand business in India employs over 35 million people and is valued at well over \$126 billion per annum. In the year 2015-2016, there were over 19,000 cases of illegal mining of minor minerals including sand in the country⁶. In Uttarakhand, a 115 year old bridge collapsed due to overloaded sand trucks. In Maharashtra, 26,628 cases of illegal sand mining were recorded in the year 2017. The State of Maharashtra has the highest number of cases of noncompliance of Sustainable Sand Mining Management Guidelines, 2016. The State of Kerala suffered largely in 2004 Tsunami and 2018 floods which were stated to be aggravated by illegal sand extraction⁷.

⁴ Kozan E and Liu SQ (2011). Operations Research for Mining: A Classification and Literature Review. pp. 1-23. <https://www.researchgate.net/publication/292017272>

⁵ Carvalho FP (2017). Mining Industry and Sustainable Development: time for change. *Food and Energy Security* published by John Wiley & Sons Ltd. and the Association of Applied Biologists. pp. 61-77.

⁶ <http://www.legalserviceindia.com/legal/article-73-why-is-illegal-sand-mining-harmful-.html>

⁷ <https://sandrp.in/2019/03/01/sand-mining-2018-is-it-a-national-menace>.

The issue of illegal sand mining is also rampant in the states of Goa⁸, Bihar⁹, Tamil Nadu¹⁰, Uttarakhand¹¹, Telangana¹², Jammu and Kashmir¹³.

III. FEW ORDERS PASSED BY THE HON'BLE NGT IN O.A. No. 360/2015

1. The State of Uttar Pradesh was directed to frame a policy to check illegal sand mining. MOEF & CC was also directed to prepare comprehensive guideline on the subject matter. The Hon'ble NGT considered regulatory regime applicable in some of the States in the light of the judgement of the Hon'ble Supreme Court in *Deepak Kumar* (supra), including in the States of Uttar Pradesh, Haryana, Madhya Pradesh, Maharashtra, Karnataka, Gujarat, West Bengal and Odisha.

In this regard, the MOEF&CC issued *Sustainable Sand Mining Guidelines, 2016 vide notification* dated 15.01.2016. Thereafter, further directions were issued by the Hon'ble NGT in context of High-powered Committee report (as in Order dated 08.08.2018 in *Gurpreet Singh Bagga Vs. Ministry of Environment, Forest and Climate Change, E.A. No. 17/2016*).

2. Some important directions had been given by Hon'ble NGT in **other cases of mining** that have a bearing on this case as well. **Important orders of Hon'ble NGT are order dated 04.09.2019 in OA No. 173/2018 in re: *Sudarsan Das versus State of West Bengal and others*; order dated 26.04.2019 passed in OA No. 44/2016 in re: *Mushtakeem versus MoEF&CC and others* and order dated 13.09.2018 passed in OA**

⁸<https://timesofindia.indiatimes.com/city/goa/govt-is-ignoring-illegal-sand-mining/articleshow/67908428.cms>

⁹<https://www.firstpost.com/india/illegal-sand-mining-part-3-bihar-govts-attempted-crackdown-has-sent-pricessoaring-officials-face-axe-as-rivers-in-ruin-6008351.html>

¹⁰ https://en.wikipedia.org/wiki/Sand_mining_in_Tamil_Nadu

¹¹ <https://sandrp.in/tag/uttarakhand-sand-mining>

¹² <https://sandrp.in/2019/02/26/sand-mining-2018-telangana-and-andhra-pradesh>

¹³https://greaterkashmir.com/article/news.aspx?story_id=309365&catid=2&mid=53&Aspx_AutoDetect_Cookie_Support

No. 186/2016 in re: *Satendra Pandey versus MoEF&CC and another*. Salient directives in these cases were as follows:

- a. There has to be a demarcation of boundaries of all mineral leases. No mining can be allowed without demarcating the boundary.*
- b. Mining has to be as per EIA Notification, 2006, MOEF Notification dated 15.01.2016 and Sustainable Sand Mining Management Guidelines, 2016.*
- c. Compliance of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Regulations of Central Ground Water Authority in all sand mining leases is mandatory.*
- d. For ensuring compliance of all these directives, district administration is fully accountable.*
- e. District Magistrates and Superintendents of Police have to seize all mining equipments and vehicles in case of illegal mining.*
- f. Besides criminal proceedings, there has to be imposed exemplary penalty by District Magistrates in case of illegal mining.*
- g. A detailed restoration plan for rivers and river beds has to be made, based on recommendations of Expert Committee.*
- h. Assessment of ecological damage has to be ensured by Indian Council of Forestry Research and Education, Dehradun, incorporating cost of river bed material, cost of ecological restoration, and net present value of the future ecosystem services foregone. Regional Office of the Central Pollution Control Board would be the Nodal Officer.*
- i. Vehicles confiscated would be released only on payment of 50% of showroom value.*
- j. For environmental clearance in sand mining, even for B-2 cases, where land is between 5 to 25 Hectares, there will be provision for assessment (EIA), Environment Management Plan (EMP) and public consultation. Even in the cases of leases below 5Hectares, Form-1M would be made more comprehensive and recommendation of environmental clearance would be made by State Environment Impact Assessment Authority (SEIAA) rather than by District Environment Impact Assessment Authority (DEIAA).*

k. MoEF&CC will prepare guidelines for calculation of damage to mine out areas.

3. As per order dated 05.04.2019 in O. A.360/2015, the status of Sand mining in the State of Uttar Pradesh was as follows:

- O.A. No. 44/2016 in re: *Mushtakeem vs. MoEF&CC & Ors.*, involved illegal mining in Uttar Pradesh and Haryana on riverbeds of Yamuna. The matter was disposed of vide order dated 05.09.2018 following directions passed on 04.09.2018 in *Sudarsan Das (supra)*. In terms of order dated 05.09.2018, no report was received from the State of Uttar Pradesh. Thus, further directions were made. A report was received from Additional Chief Secretary, Haryana vide email dated 05.04.2019 to the effect that the State of Haryana was following the guidelines and would implement revised Sustainable Sand Mining Guidelines issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) in terms of the order dated 04.09.2018, in *O.A No. 173/2018 (Earlier O.A. No. 89/2017 (EZ) (I.A. No. 76/2019), Sudarsan Das Vs. State of West Bengal & Ors.*

4. Vide order dated 5.04.2019 following major issues were focused:

“(a) Revision of Sustainable Sand Mining Guidelines, 2016 by the MoEF&CC in the light of directions of this Tribunal vide order dated 04.09.2018 in Sudarsan Das (supra).

(b) Compliance of Sustainable Sand Mining Guidelines, 2016 as may be revised by MoEF&CC as above.

(c) Effective monitoring mechanism for preventive and remedial measures as directed in orders of this Tribunal, including surveillance system and recovery of compensation.

(d) Directions in individual cases listed today.

(e) Scale of compensation.

Re (i): Revision of Sustainable Sand Mining Guidelines, 2016 by the MoEF&CC in the light of directions of this Tribunal vide order dated 04.09.2018 in Sudarsan Das (supra).

As per the observation of Hon'ble Tribunal, need for revision of Sustainable Sand Mining Guidelines, 2016 was discussed. The 2016 Guidelines needed revision in the light of report of High Powered Committee in September, 2016 for rectifying the failure of monitoring mechanism. In this regard, the MoEF&CC was directed to take necessary steps in the matter in terms of order dated 04.09.2018 in *Sudarsan Das* (supra) by June 30, 2019 and file compliance report by 15.07.2019.

Re (ii): Compliance of Sustainable Sand Mining Guidelines, 2016 as may be revised by MoEF&CC.

As earlier, the States of Uttar Pradesh was required to follow SSMG, 2016 as may be revised by MoEF&CC and even other States where illegal sand mining was taking place. All States were to take steps in terms of **orders dated 04.09.2018** in *Sudarsan Das v. State of West Bengal & ors*, **05.09.2018** in *Mushtakeem v. MoEF&CC & Ors.*, 13.09.2018 in *Satendra Pandey v. MOEF&CC & Ors.* and **16.01.2019** titled Compliance of Municipal Solid Waste Management Rules, 2016.

Re (iii): Effective monitoring mechanism for preventive and remedial measures as directed in orders of this Tribunal, including surveillance system and recovery of compensation.

With regard to current status in various States, it was felt that monitoring mechanism in respect of preventive and remedial measures was not effective and illegal sand mining was rampant. Regarding monetary compensation, it was directed that the same had to be not only equal to cost of mined material and penalty to evade royalty but also to meet cost of restoration and NPV of eco services foregone forever. Seizure of vehicles or other equipment was to be dealt with as per rules and directions in *Threat to life arising out of coal mining in South Garo Hills district* (supra).

Re (iv): Directions in Individual Cases

- In *Sudarsan Das (supra)* one of the directions was that the Chief Secretaries of West Bengal and Odisha would prepare a restoration plan in consultation with the Central Pollution Control Board (CPCB), Indian School of Mines, Dhanbad and the Respective State Pollution Control Boards (SPCBs).
- The *State of Uttar Pradesh* had not complied with the order dated 05.09.2018 and in view of this the last opportunity to comply was given till 30.06.2019, failing which coercive measures had to be adopted. Responsibility for compliance was held with the Chief Secretary.

Re (v): Scale of Compensation

- The scale of compensation proposed by the State of Gujarat did not fully comply with the 'Polluter Pays' principle which envisaged that polluter was required to pay for complete restoration of the environment. This principle was articulated further by the Hon'ble Supreme Court of India in *T.N. Godavarman Thirumulpad vs Union Of India & Ors, (2006) 1 SCC 1* in the context of forests. In this matter, the Hon'ble Supreme Court appointed a committee of experts and following directions were given:
 - i. To identify and define parameters (scientific, biometric and social) on the basis of which each of the categories of values of forest land should be estimated.
 - ii. To formulate a practical methodology applicable to different bio-geographical zones of India for estimation of the values in monetary terms in respect of each of the above categories of forest values.
 - iii. To illustratively apply this methodology to obtain actual numerical values for different forest types for each bio-geographical zone in the country.

iv. To determine on the basis of established principles of public finance, who should pay the costs of restoration and /or compensation with respect to each category of values of forests.

v. Which projects deserve to be exempted from payment of NPV.

- The compensation had to not only included the full value of the illegally mined material but also cost of restoration of environment as well as cost of ecological services foregone forever. In *Sudarsan Das Vs. State of West Bengal & Ors.* (Supra), it was held that full value of the material, the cost of restoration and the NPV should form part of the compensation to be recovered. There had also to be action against the polluters and the erring officers. The vehicles or any other equipment used for illegal mining were required to be confiscated and to be released only on payment of atleast 50% of the showroom value as laid down in *Original Application No.110(THC)/2012, Threat to life arising out of coal mining in South Garo Hills District v. State of Meghalaya& Ors.* This scale could then apply for all States, as far as possible.
- It was felt necessary to constitute a Committee comprising representatives of the MOEF&CC, CPCB, Indian Institute of Forest Management, Bhopal; Institute of Economic Growth, Delhi and Madras School of Economics to prepare a scale of compensation, after including the above components which could then be adopted in whole of the country.

5. Hon'ble NGT vide order dated 05.04.2019 in this matter mentioned that its directions given vide *order dated 04.09.2018 in OA No. 173 of 2010* should be followed. The directions to the MoEF&CC in the said order were as under:

"25. In view of above discussion, we are of the view that since the subject of mining is also required to be regulated for protection of environment and it is to take care of this requirement, MoEF&CC has issued directions from time to time under Section 3 and 5 of the

Environment (Protection) Act, 1986. The MoEF&CC needs to revise its directions keeping in mind the following:

i. Mining Surveillance System discussed in para 23 above be finalized in consultation with ISRO, Hyderabad.

ii. Safeguards suggested in Sustainable Sand Mining Guidelines published by the MoEF&CC in the year 2016.

iii. Suggestions in the High Power Committee Report.

iv. Requirement of demarcation of boundaries being published in respect of different leases in public domain.

v. Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone.

vi. Need to set up a dedicated institutional mechanism for effective monitoring of sand and gravel mining which may also take care of mining done without any Environmental Clearance as well as mining done in violation of Environmental Clearance conditions.

vii. The Mining Department may make a provision for keeping apart at least 25% of the value of mined material for restoration of the area affected by the mining and also for compensating the inhabitants affected by the mining.

viii. One of the conditions of every lease of mine or minerals would be that there will be independent environmental audit at least once in a year by reputed third party entity and report of such audit be placed in public domain.

ix. In the course of such environmental audit, a three member committee of the local inhabitants will also be associated. Composition of three members committee may preferably include ex-servicemen, former teacher and former civil servant. The Committee will be nominated by the District Magistrate.

26. Such steps may be worked out within two months and circulated to all States. The Mechanism may provide for a report of implementation

from the concerned States every quarter. The matter may be reviewed after every six months by the MoEF&CC.

27. The direction with regard to setting up of dedicated institutional mechanism for monitoring of conditions of Environmental Clearance as granted under EIA Notification, 2006 in respect of sand and gravel mining as directed in para (vi) may be an Over-Encompassing Body to monitor the conditions of Environmental Clearance with respect to all development projects”.

6. The directions in OA No. 173/2018 in re: Sudarsan Das versus State of West Bengal and others vide order dated 04.09.2019: The issue of illegal sand mining on the banks of river Swaran Rekha on Orissa-West Bengal Border was considered. The illegal sand mining was observed without requisite safeguards and in violation of **Sustainable Sand Mining and Management Guidelines, 2016**. Hon’ble Tribunal gave the following directions:

“(i) The State of West Bengal and Odisha may demarcate the boundaries for regulating grant of sand mining lease within three months from today. No mining lease of minor minerals may be given in the area in question till demarcation is complete. All existing mining operations in those areas shall remain suspended till demarcation work is completed and attains finality. To carry out the demarcation, the Chief Secretaries of the two States may constitute a team of three suitable officers each within two weeks. The said teams may hold their first meeting within one month.

(ii) The States of West Bengal and Odisha must ensure that mining in all sand mining blocks is undertaken strictly in accordance with the provisions of EIA Notification, 2006, MOEF Notification dated 15th January, 2016 and the Sustainable Sand Mining Management Guidelines, 2016. They must also ensure that no sand mining is permitted without due compliance of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as well as regulations governing clearances by the Central Ground Water Authority. The District Administration must be held accountable for any failure.

(iii) District Magistrates and Superintendents of Police, Balasore district in Odisha and Paschim Medinapur, West Bengal, respectively, shall seize all

sump pumps, other machinery, tools, vehicles, etc. used for carrying out illegal sand mining.

(iv) Apart from instituting appropriate criminal proceedings against those carrying out illegal mining, exemplary penalty shall be imposed against them by the concerned District Magistrates within three months from today to cover the cost of restoration of environment and to compensate the victims.

(v) The Chief Secretaries of the two States shall also get prepared jointly a detailed restoration plan for river Subarnarekha and its river beds for which a Committee of experts shall be constituted from independent institutions, i.e., the CPCB, Indian School of Mines, Dhanbad and the respective State Pollution Control Boards as members. Such constitution may take place within one month.

(vi) The Expert Committee shall carry out detailed study and submit the restoration plan, as far as may be practicable, within three months after its constitution.

(vii) The Committee shall also get the assessment done through Indian Council of Forestry Research and Education, Dehradun of the ecological damage on account of illegal mining by incorporating the following components:

(a) Cost of river bed material.

(b) Cost of ecological restoration.

(c) Net present value of the future ecosystem services foregone.

(viii) The above steps may be facilitated by the Regional Office of the CPCB as nodal officer, by coordinating with the Chief Secretaries of the two States.

(ix) The damage suffered by the inhabitants caused by the illegal mining may also be assessed by the above Committee, which shall form a separate component of the Restoration Plan for river Subarnarekha as per direction No. (v) above. Cost of restoration plan shall be recovered as environmental compensation from the illegal miners, to be identified by the District Magistrate. The component of the compensation in respect of damages suffered by the inhabitants may be credited with District Legal Services Authority. The District Legal Services Authority may disburse the same to the victims of illegal mining, after proper identification”.

7. The directions in OA No. 186/2016 in re: Satendra Pandey vs. MOEF & CC and another, Order dated 13.09.2018: Vide order dated 13.09.2018 in O.A. No. 186/2016, *Satendra Pandey Vs. MOEF*, the Hon'ble NGT observed that Notifications dated 15.01.2016, 20.01.2016 and 01.07.2016 to the extent of procedure of environment impact assessment were diluted and in violation of judgment of the Hon'ble Supreme Court in *Deepak Kumar Vs. State of Haryana & Ors.: (2012) 4 SCC 629* and also in O.A. No. 123/2014 dated 13.01.2015 and found it to be unsustainable. The direction of the Hon'ble NGT is given below:

“25. The MoEF&CC shall, therefore, take appropriate steps to revise the procedure laid down in the impugned Notification dated 15th January, 2016 in terms of the above directions so that it is conformity with the letter and spirit of the directions passed by the Hon'ble Supreme Court in Deepak Kumar (supra).”

8. Vide order dated 26.07.2019 the Report of the CPCB was considered in OA No. 360 of 2015 which includes-

- i. The Committee constituted in terms of paragraph 57 was to prepare a scale of compensation and furnish its interim report seeking six months' time.
- ii. In view of the failure of the States to give appropriate response or failure to give any response, while giving last opportunity, we make it clear that for any further default, matter may have to be viewed seriously and deterrent costs imposed for continued default in giving relevant response by the States. The cost may have to be recovered personally from senior Officers of the State responsible for the default.
- iii. It is made clear that pending further reports, the States must apply the compensation regime as per principles specified in paragraph 56 of order dated 05.04.2019.
- iv. All the reports be filed in O.A. No. 360 of 2015.
- v. Apology of Director, IIT – Indian School of Mines, Dhanbad is taken on record. He is advised to be careful in future.

- vi. Copies of this order be sent to the Secretary, MoEF &CC, Chairman CPCB and the Chief Secretaries of the States of West Bengal, Gujarat, Karnataka, Maharashtra, Punjab, Uttar Pradesh, Haryana, Madhya Pradesh, Andhra Pradesh, Bihar, Uttarakhand, Jammu and Kashmir, Goa, Kerala, Telangana and Tamil Nadu and Himachal Pradesh.

9. Vide order dated 08.01.2020, the Tribunal observed that directions given by Hon'ble NGT in earlier orders have not been complied. In the order it was specifically stated that *"the only course left with this Tribunal in the circumstances is coercive measures as per law"*. It was directed that directions must positively be complied with before the next date. The Additional Secretary was required to remain present on the next date. Further, CPCB was directed to submit a rectified report on the subject of fixing the amount of environmental compensation.

IV. MINUTES OF THE MEETING OF OVERSIGHT COMMITTEE

The meeting regarding O.A. No. 360/2015 was held on 28.07.2020 by Oversight Committee, NGT, UP through Video-Conferencing (Refer Appendix- I). The minutes of meeting are as follows:

1. Regarding revision of Sustainable Sand Mining Guidelines, 2016 it was informed by Chief Mining Officer, Uttar Pradesh that Sustainable Sand Mining Guidelines, 2020 are being followed now in the State.
2. As per Hon'ble NGT orders it was directed that Chief Secretary must ensure compliance of Sand Mining Guidelines. In the meeting it was mentioned that so far no review has taken place at the level of Chief Secretary. The Committee directed that the Chief Secretary may hold a monitoring meeting and report the implementation to Hon'ble NGT.
3. With reference to effective monitoring mechanism for preventive and remedial measures for sand mining, the Chief Mining Officer informed that District

Administration is directly responsible for all mining activity in the District. All DSRs were prepared only on the recommendation of the District Collectors. Besides the system of installing pillars on the ground, site coordinates have to be compulsorily indicated for each mining site to ensure that mining activity is taking place at the allotted site only.

4. Chief Mining Officer reported that CCTV Cameras and weigh bridges have been installed on each site. Regular monitoring and patrolling is taking place. Progress of each site was being monitored at headquarter level regularly.

5. Regarding the system of recovery of compensation including damage to environment and provision of future gains foregone, CPCB informed that they had submitted a draft scheme for approval of Hon'ble NGT.

V. SUMMARY OF COMPLIANCE STATUS AS GIVEN BY MINES DEPARTMENT REGARDING COMPLIANCE OF THE DIRECTIONS GIVEN BY HON'BLE NGT IN O.A. NO. 360/2015

Various issues and directions were discussed in orders of the Hon'ble NGT in O.A. No. 360/2015. The compliance status of the different issues on a questionnaire given to them by the Oversight Committee has been reported by Chief Mines Officer on 28.07.2020 (Appendix- II) and on 06.08.2020 (Appendix- III). The details are as follows:

S.No.	Directions by Hon'ble NGT	Compliance Status
1	The progress in ensuring issues related to illegal sand mining in the State of Uttar Pradesh	For the control of illegal mining and transportation, a seven member District Task Force has been constituted under the chairmanship of DM vide Govt. Order dated 20.03.2018. Under the Integrated Mines Surveillance System, all the mine areas have been geo fenced. PTZ cameras at the mines have been installed. Weigh Bridges fitted with cameras have been installed at all mines and have been integrated with the Control Centre at Head

		Quarters. There are 33000 registered vehicles and 250 Weigh Bridges.
2	Demarcation of boundaries for regulating grant of sand mining lease	There are provisions for notifying the geo coordinates of all boundary pillars of the mining area in the UP Minor Mineral Regulations which are being followed.
3	Environmental Compensation imposed on leasing of minor minerals in any area to cover the restoration cost of environment and to compensate the victims	There is provision for execution of mining lease deed only after demarcation under rule-17 of the Mining lease Approval Rules, 1963.
4	Mining in all blocks is undertaken as per provisions of EIA Notification, 2006; MOEF Notification dated 15.1.2016 and the Sustainable Sand Mining Management Guidelines, 2016.	As per Rule 34(4) of Rules-1963 and EIA notification, mining activity can be started only after taking Environment Clearance. According to the Sustainable Sand Mining Management Guidelines, 2016 issued by MOEF&CC, riverine mining is restricted during the monsoon season. Thus, mining work is restricted in the State in the month of July, August and September.
5	No sand mining is permitted without due compliance of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as well as regulations governing clearances by the Central Ground Water Authority.	Rule- 41(J)(1) of the 1963 Rules envisages that no mining in the river bed is permitted beyond a depth of 3 m or water level whichever is less . The conditions mentioned in the Environmental Clearance certificate issued by the State Level Environmental Impact Authority are being followed.
6	It was directed by Hon'ble NGT that District authorities shall seize all sump pumps, other machinery, tools, vehicles, etc. used for carrying out illegal sand mining.	According to information received in the Directorate, no case has come to notice.
7	Any penalty imposed or not by concerned Department to cover the restoration cost of environment and to compensate the victims.	The orders of Hon'ble NGT dated 18.2.2016 in OA No. 184/2013 Gurpreet Singh Baggha vs. MOEF, regarding recovery of penalty/ environmental damage from the concerned lease holders are being complied at district level.

8	A detailed restoration plan for the concerned river and its river beds.	Mining work is being done on the basis of approved mining plan by including the restoration plan in that.
9	The assessment done through Indian Council of Forestry Research and Education, Dehradun of the ecological damage on account of illegal mining by incorporating the given components: a) Cost of river bed material b) Cost of ecological restoration c) Net present value of the future ecosystem services.	In OA No. 184/2013 Gurpreet Singh Bagga vs. MOEF, the assessment of environmental damage is being done through Indian Council of Forestry Research and Education, Dehradun.
10	Action against the polluters and the erring officers	As per the information received by the Directorate, no case has come to notice.
11	Status of CCTV Cameras installation at mining points to verify the amount of sand extracted	Rule-35(2) of Uttar Pradesh Minor Mineral Regulations, 1963 provides that the mining lease holder whose mining lease area is more than 5 hectares, shall constructs check-post/gate and install 4 CCTV cameras capable of recording at 360° visibility at his own expense for monitoring under the supervision of the DMs.
12	Status of regular patrolling by the police to inspect the mining operations	For effective control over illegal mining and transportation of minerals, a seven member district level task force has been set up under the chairmanship of DM vide order dated 20.03.2016. Deputy Superintendent of Police level officers of Police department are members of this task force The mining areas are constantly monitored by this task force.
13	Status of daily reports regarding mining to be filed by SHO/ Mining officer to be sent to District Magistrate.	According to the information received from the DM, Prayagraj in compliance of the order of Hon'ble NGT passed in OA No. 670/2018 in re: Atul Singh Chauhan vs. MOEF&CC and Ors., regular checking of illegal mining transportation is being done by the Task force constituted at the district level. The District Collector/ Senior Superintendent of Police, Prayagraj are regularly informed.
14	Status of vehicles confiscation	In compliance of orders of Hon'ble NGT in OA No. 670/2018 in re: Atul Singh Chauhan vs.

		MOEF&CC and Ors., in district Prayagraj 06 charge-sheets were filed in the financial year 2018-19; 80 charge-sheets filed in 2019-20 and in the year 2020-21 till now 90 charge-sheets have been filed in the competent courts. Similar instructions have also been issued to the other districts.
15	With regard to setting up of dedicated institutional mechanism for monitoring of conditions of Environmental Clearance as granted under EIA Notification, 2006 in respect of sand and gravel mining.	Under the supervision of the DMs, the conditions of the Environmental Clearance Certificate are complied with by the PCBs/ Departmental officers. A separate institutional mechanism has been established for the same.
16	It was directed to require incorporation of further safeguards based on High Powered Committee report and observations into the Sustainable Sand Mining and Management Guidelines, 2016.	MOEF& CC is following the Sustainable Sand Mining Management Guidelines, 2016.
17	Necessary steps have been taken by MOEF & CC to restore effective impact assessment and safeguards, any action taken against the erring officers.	Directorate level comments are not required in the case.

Additional Information provided by Mines Department

1. The Mines Department has established a Command Centre at the Directorate of Geology and Mines at Lucknow from where they operate the Integrated Mines Surveillance System for the entire State. They are using Artificial Intelligence based Software and taking the help of Drones and Cloud Services for monitoring mining activity in the State. Drone Video-graphy has been done in sensitive districts- Fatehpur, Banda, Prayagraj and Saharanpur. Besides the CCTV Cameras, they are using RFID tags to monitor the movement of vehicles.

2. They have made a provision in the Rules to blacklist a person for upto 2 years if found guilty of illegal mining/illegal transportation. So far 125 persons/firms have been blacklisted.
3. They have amended the Rules to allow storage of minerals beyond 5Km radius from the riverbed. This has been done to prevent illegal mining from river bed under the alibi of storage.
4. They have established a Vehicle Tracking System to check the misuse of Transport Pass and Overloading. To begin with, this system has been introduced in the most sensitive districts of Hamirpur, Banda, Fatehpur, Jalaun and Jhansi.
5. New areas have been identified based on survey conducted according to Sustainable Mining Guidelines and they are being included in the DSR.
6. Instead of the printed MM-11, online royalty payment has been introduced through E- MM- 11.
7. Security features have been introduced in E-MM 11 to check its misuse.
8. Transport of minerals even from stores is being regulated through electronic E-forms.

Observation of the Oversight Committee: The Committee felt that the compliance of the Mining Department needs to be verified by independent sources. CPCB and State PCB are being directed by the Committee to jointly verify the compliance. The report would be submitted in three months' time.

VI. RECOMMENDATIONS

1. DSRs need to be prepared very carefully. They should be based on Physical surveys and replenishment studies. Since sand deposition is a dynamic issue, they need to be regularly updated. While awarding lease deeds, important

environmental parameters like deposition and replenishment of sand, areas of erosion, distance from infrastructural structures need be considered.

2. In the absence of replenishment studies and physical inspection before award, many times sites are awarded where there is no sand. The lease holder per force indulges in mining adjoining areas, some of which may be environmentally not very suitable. Before award of LOI, physical inspection should be mandatory.
3. Environmental Clearance takes into account all the environmental concerns. Mining plan is the instrument through which it is enforced. However, for mining activity going on illegally, there is neither any EC nor any mining plan. Illegal mining invariably leads to reckless damage to environment. Hence, utmost efforts are required in surveillance, patrolling and enforcement. Electronic surveillance through UAVs/Remote Sensing is a good surveillance option especially in areas where sand mafias are active. Night vision drones could be used for checking mining activity at night. Sensitive spots need to be identified and police presence- both static presence and dynamic patrolling needs to be beefed up there. DMs / SSPs be made directly responsible for checking illegal mining.
4. Areas where only a few leases are operative and the rest are not settled/surrendered need to be carefully watched. There could be a chance of cartel formation and mining of sand illegally from other vacant mining plots under the garb of the operative lease. (In district Prayagraj, there is only one operative lease out of 51 leases).
5. Storage Godowns should be at least 5 kms away from the river bank. Otherwise illegal mining can be carried on under the garb of storage by the leaseholder himself.
6. Geo-fencing of sites, their physical demarcation, allotment of geo-coordinates to all the pillars and their constant physical inspection and electronic surveillance is a must to ensure that the mining activity is as per the approved mining plan and no illegal mining, detrimental to environment, is going on.

7. There has to be a mechanism to ensure that the actual mining activity conforms to the approved Mining Plan and the approved Environment Management Plan (EMP). Besides the statutory system of Departmental inspections, there has to be a system of annual mandatory Environmental Audit by experts. Environment Department can empanel some experts/expert institutions with standard TORs and Remuneration terms which could be utilized by the Mines Department on a regular basis. This way the District Administrations can access good technical experts with standard conditions in a transparent way without bothering about tedious time consuming tender formalities.
8. There has to be an effective mechanism for restoration of environment in case of its degradation due to mining. A portion of the royalty could be reserved for it as Environment Restoration Fund. The Environment Department can empanel some reputed institutions with standard terms for preparing environmental restoration plans which could be used directly by the Mining Department without the arduous formalities. These plans could be funded by the Environment Fund as mentioned above. Already a number of mineral rich districts like Sonbhadra have a sizeable District Mineral Fund at the disposal of the District Collector. However since there is no mechanism available at the level of District Collector for preparation of Environment Restoration Plans, this fund is normally used for works other than environmental restoration.
9. All the mining activity should strictly comply with Provisions of EIA Notification 2006, Sustainable Sand Mining Guidelines, 2016; The Environmental Protection Act, 1986; The Water (Prevention and Control of Pollution) Act, 1974; The Air (Prevention and Control of Pollution) Act, 1981 and Regulations of Central Ground Water Authority.

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of Uttar

Pradesh for necessary action. The report also be uploaded on the website of the Committee.

13-08-2020

13-08-2020

X Anup Chandra Pandey

Dr Anup Chandra Pandey
Member, Oversight Committee
Signed by: ANUP CHANDRA PANDEY

X SVS Rathore

Justice SVS Rathore
Chairman, Oversight Committee
Signed by: SURENDRA VIKRAM SINGH RATHORE

August 13, 2020

Please visit our website: oscngt.upsdc.gov.in for more information.

Appendices:

Appendix-I: Minutes of Meeting of Oversight Committee, NGT held on 28.07.2020

Appendix- II: The Compliance Report in O.A. No. 360/2015 submitted by Chief Mines Officer on 28.07.2020

Appendix- III: The Compliance Status in O.A. No. 360/2015 submitted by Chief Mines Officer on 06.08.2020

MINUTES OF MEETINGS OF OVERSIGHT COMMITTEE, NGT, UP LUCKNOW HELD ON 28.07.2020 AT 11-00 AM AT (ORGANISED WITH THE HELP OF NIC) IN OA NO. 360 OF 2015 IN RE: NATIONAL GREEN TRIBUNAL BAR ASSOCIATION VS VIRENDRA SINGH

THROUGH VIDEO-CONFERENCING

Present: Hon'ble Mr Justice SVS Rathore, Chairman, and Dr Anup Chandra Pandey, Member.

Other dignitaries present:

1. Shri JB Singh, District Magistrate, Etawah
2. Shri Mannan Akhtar, District Magistrate, Jalaun
3. Shri Abhishek, District Magistrate, Auraiya
4. Shri Ashish Tiwari, Member Secretary, UPPCB
5. Shri Anil Kumar Sharma, Chief Mining Officer
6. Shri Avadhesh Tripathi, CPCB

The Committee reviewed the implementation of the directions of Hon NGT in **OA No. 360 of 2015** in re: *National Green Tribunal Bar Association vs Virendra Singh* in the light of NGT's order dated 05.04.2019. Before going into the point-wise detailed compliance of the order, we would like to give the background of the case.

Some of the important directions given by NGT in other cases of mining have a bearing on this case as well. Important NGT orders are order dated 04.09.2019 in **OA No. 173/2018** in re: *Sudarshan Das versus State of West Bengal and others*, order dated 26.04.2019 passed in **OA No. 44/2016** in re: *Mushtakeem versus MoEF&CC and others* and order dated 13.09.2018 passed in **OA No. 186/2016** in re: *Satendra Pandey versus MoEF&CC and another*. Salient directives in these cases are as follows:

1. There has to be a demarcation of boundaries of all mineral leases. No mining can be allowed without demarcating the boundary.
2. Mining has to be as per EIA Notification, 2006, MoEF Notification dated 15.01.2016 and Sustainable Sand Mining Management Guidelines, 2016.
3. Compliance of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Regulations of Central Ground Water Authority in all sand mining leases is mandatory.
4. For ensuring compliance of all these directives, district administration is fully accountable.
5. District Magistrates and Superintendents of Police have to seize all mining equipments and vehicles in case of illegal mining.
6. Besides criminal proceedings, there has to be imposed exemplary penalty by District Magistrates in case of illegal mining.
7. A detailed restoration plan for rivers and river beds has to be made, based on recommendations of Expert Committee.
8. Assessment of ecological damage has to be ensured by Indian Council of Forestry Research and Education, Dehradun, incorporating cost of river bed material, cost of ecological restoration, and net present value of the future ecosystem services foregone. Regional Office of the Central Pollution Control Board would be the Nodal Officer.
9. Vehicles confiscated would be released only on payment of 50% of showroom value.
10. For environmental clearance in sand mining, even for B-2 cases, where land is between 5 to 25 Hectares, there will be provision for assessment (EIA), Environment Management Plan (EMP) and public consultation. Even in the cases of leases below 5

Hectares, Form-1M would be made more comprehensive and recommendation of environmental clearance would be made by State Environment Impact Assessment Authority (SEIAA) rather than by District Environment Impact Assessment Authority (DEIAA).

11. MoEF&CC will prepare guidelines for calculation of damage to mined out areas.

Hon NGT in its order dated 5.4.19 in this case has mentioned that its directions given vide order 04.09.2018 in OA No. 173 of 2018 should be followed. The directions of the Hon Tribunal in that order may be summarised as under:

- (i) Mining Surveillance System discussed in para 23 above be finalised.
- (ii) *Safeguards suggested in Sustainable Sand Mining Guidelines 2016 be followed.*
- (iii) *Suggestions given in the High-Powered Committee Report be followed.*
- (iv) *Demarcation of boundaries of different leases be put in public domain.*
- (v) *SOPs be made for evaluating loss to the ecology and for recovering cost of restoration from the legal or illegal miners.*
- (vi) *Dedicated institutional mechanism be set up for effective monitoring of sand and gravel mining.*
- (vii) *At least 25% of the value of mined material be kept for restoration of the area and for compensating the inhabitants.*
- (viii) *Independent annual environmental third party audit be made one of the conditions of every mining lease and it be placed in public domain.*

(ix) *A three member committee of the local inhabitants nominated by DM be associated with this audit*

Main Issues in the present OA are as follows:

(a) Revision of Sustainable Sand Mining Guidelines, 2016 by the MoEF&CC in the light of directions of this Tribunal vide order dated 04.09.2018 in Sudarsan Das (supra).

(b) Compliance of Sustainable Sand Mining Guidelines, 2016 as may be revised by MoEF&CC as above.

(c) Effective monitoring mechanism for preventive and remedial measures as directed in orders of this Tribunal, including surveillance system and recovery of compensation.

(d) Directions in individual cases listed today.

(e) Scale of compensation

Regarding point-wise compliance, it was mentioned by the Chief Mines Officer that:

(i) Sustainable Sand Mining Guidelines have now been revised as Sustainable Sand Mining Guidelines, 2020 and the same are being followed.

(ii) Compliance of Sustainable Sand Mining Guidelines-

Hon NGT has directed that the Chief Secretary may monitor the implementation of these guidelines and furnish reports as directed earlier. It was mentioned that so far no review has taken place at the level of Chief Secretary. It

was directed that the Chief Secretary may hold a monitoring meeting and report the implementation to Hon NGT.

(iii) Effective monitoring mechanism for preventive and remedial measures including surveillance system for recovery of compensation-

Chief Mining Officer informed that District Administration is directly responsible for all mining activity in the District. All DSRs are prepared only on the recommendation of the District Collectors. Besides the system of installing pillars on the ground, site coordinates have to be compulsorily indicated for each mining site to ensure that mining activity is taking place at the allotted site only. CCTV Cameras and weigh bridges have been installed on each site. Regular monitoring and patrolling is taking place. Progress of each site is monitored at headquarter level regularly.

(iv) Regarding the system of recovery of compensation including damage to environment and provision of future gains foregone, CPCB informs that they have submitted a draft scheme for approval of Hon NGT.

It was mentioned that the State of UP has so far not complied with the order dated 08.09.2018 and last opportunity for compliance has been given. Responsibility for compliance is of the Chief Secretary. It was directed that review meetings may be held at Chief Secretary level and compliance report as directed be filed before Hon NGT before the next date of listing of the case i.e. 17.08.2020.

28-07-2020

28-07-2020

X Anup Chandra Pandey

Dr Anup Chandra Pandey
Member, Oversight Committee
Signed by: ANUP CHANDRA PANDEY

X SVS Rathore

Justice SVS Rathore
Chairman, Oversight Committee
Signed by: SURENDRA VIKRAM SINGH RATHORE

July 28, 2020

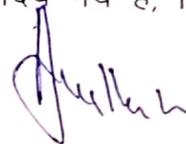
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दिनांक 28.07.2020 को ओवर साईट कमेटी की वीडियों कान्फेन्सिंग में दिये गये निर्देशों के क्रम में अवैध खनन/परिवहन पर प्रभावी नियंत्रण हेतु माइनिंग सर्विलांस सिस्टम के सम्बन्ध में विवरण :-

1. अवैध खनन/परिवहन पर प्रभावी नियंत्रण करने के उद्देश्य से इन्टीग्रेटेड माइन्स सर्विलांस सिस्टम को प्रयोग में लाये जाने हेतु भूतत्व एवं खनिकर्म निदेशालय, लखनऊ में स्थायी कमाण्ड सेन्टर की स्थापना की गयी है। कमाण्ड सेन्टर के माध्यम से आर्टिफिशियल इन्टेलिजेन्स युक्त साफ्टवेयर द्वारा खनन संक्रियाओं की मॉनिटरिंग की जा रही है, जिस हेतु ड्रोन एवं क्लाउड सर्विसेज को प्रयोग लाये जाने की व्यवस्था है। जनपद-फतेहपुर, बाँदा, प्रयागराज एवं सहारनपुर में कुछ क्षेत्रों की ड्रोन के माध्यम से विडियोग्राफी करायी गयी है।
2. उ०प्र० उपखनिज(परिहार) नियमावली-1963 यथासंशोधित के द्वारा नियमों में संशोधन कर उपखनिजों का परिवहन करने वाले वाहनों की निगरानी हेतु 05 हे० से अधिक क्षेत्रफल वाले पट्टों के पट्टाधारकों द्वारा सी०सी०टी०वी० कैमरा तथा आर०एफ०आई०डी० स्कैनर लगाया जाना अनिवार्य किया गया है। इसके साथ ही सी०सी०टी०वी० कैमरा को कमाण्ड सेन्टर में प्रयुक्त आर्टिफिशियल इन्टेलिजेन्स युक्त साफ्टवेयर से इन्टीग्रेट किये जाने के निर्देश दिये गये हैं।
3. उत्तर प्रदेश उपखनिज (परिहार) नियमावली-1963 यथासंशोधित के नियम नियम-23 में जियो-कोआर्डिनेट्स के साथ किसी क्षेत्र को विज्ञापित किये जाने तथा नियम-17 में परिहार पर स्वीकृत क्षेत्रों के समस्त सीमास्तम्भों के जियो-कोआर्डिनेट्स का उल्लेख करने के प्राविधान किये गये हैं, जिसका अनुपालन समस्त जिलाधिकारियों द्वारा किया जा रहा है।
4. अवैध खनन/परिवहन पर प्रभावी नियंत्रण हेतु Integrated Mining Surveillance System (IMSS) अर्न्तगत खनन क्षेत्रों के खनिजों का परिवहन करने वाले वाहनों का पंजीकरण व खानों में निकासी स्थल पर कैमरे व वे-ब्रिज स्थापित कराये गये हैं। जिसे निदेशालय स्थित कमाण्ड सेन्टर से इन्टीग्रेट किया गया है। वर्तमान में 33000 वाहनों का पंजीकरण तथा 284 वे-ब्रिज स्थापित किये गये हैं।
5. पट्टाधारक तथा पट्टाधारक से भिन्न अन्य किसी व्यक्ति द्वारा अवैध खनन/परिवहन का आरोप सिद्ध पाये जाने पर उनका नाम दो वर्ष से अनाधिक ऐसी अवधि के लिए जैसा कि उचित हो, काली सूची में डाल दिया जायेगा जो विभाग की वेबसाईट पर अपलोड किया जायेगा तथा काली सूची की अवधि तक कोई खनन परिहार अनुमत्य नहीं किये जाने सम्बन्धी प्राविधान उत्तर प्रदेश उपखनिज परिहार नियमावली-1963 में किया गया है। अवैध खनन/परिवहन में लिप्त 125 व्यक्तियों/फर्मों पर नियमानुसार कार्यवाही करते हुए काली सूची घोषित कर विभागीय वेबसाईट पर अपलोड किया गया है।
6. खनिजों के अवैध उत्खनन पर प्रभावी नियंत्रण हेतु उत्तर प्रदेश खनिज (अवैध खनन परिवहन एवं भण्डारण का निवारण) नियमावली-2002 को अतिक्रमित कर नई नियमावली उत्तर प्रदेश खनिज (अवैध खनन, परिवहन एवं भण्डारण का निवारण) नियमावली-2018 प्रथम संशोधन नियमावली-2019 द्वारा 05 कि०मी० की परिधि से बाहर भण्डारण अनुज्ञा स्वीकृत किये जाने का

प्राविधान किया गया है ताकि भण्डारण की आड़ में नदी तल में अवैध खनन न हो साथ ही मानसून सत्र (01 जुलाई से 30 सितम्बर तक) में भण्डारित खनिजों का 90 प्रतिशत स्टॉक परिसमाप्त (liquidation) करने का भी प्राविधान है।

7. अवैध खनन/परिवहन पर प्रभावी नियंत्रण हेतु उत्तर प्रदेश शासन द्वारा निर्गत शासनादेश सं०-616/86-2018, दिनांक-20.03.2018 द्वारा जिलाधिकारी की अध्यक्षता में 07 सदस्यीय (पुलिस अधीक्षक, प्रभागीय वन अधिकारी, उपजिलाधिकारी, पुलिस क्षेत्राधिकारी, सहायक सम्भागीय परिवहन अधिकारी एवं खान अधिकारी) जनपदीय कार्यबल का गठन किया गया है।
8. खनिजों के परिवहन में अभिवहन पास के दुरुपयोग एवं ओवरलोडिंग के नियंत्रण हेतु खनिजों का परिवहन करने वाले वाहनों में Vehicle Tracking System (VTS) प्रणाली लागू की गयी है। प्रथम चरण में प्रदेश के पाँच खनिज बाहुल्य जनपदों हमीरपुर/बांदा/फतेहपुर/जालौन एवं झांसी में कार्यवाही की जा रही है।
9. खनिजों के अवैध खनन पर प्रभावी नियंत्रण किये जाने के उद्देश्य से प्रदेश में खनिजों के अधिकाधिक खनन क्षेत्रों को खनन परिहार पर व्यवस्थित किये जाने हेतु प्राथमिकता के आधार पर क्षेत्रों का सर्वेक्षण कराकर सस्टेनेबल सैण्ड माइनिंग गाईडलाईन 2020 के अनुसार नये क्षेत्रों का चिन्हांकन कर, तदनुसार डी०एस०आर० में सम्मिलित कराने की कार्यवाही की जा रही है।
10. शासनादेश संख्या-1407/86-2017-107(सामान्य)/2017, दिनांक-11.07.2017 द्वारा दिनांक 01.08.2017 से उपखनिजों के परिवहन हेतु मुद्रित अभिवहन प्रपत्र एम०एम० 11 के स्थान पर आनलाईन रायल्टी के भुगतान पर ई-एम०एम० 11 लागू किया गया, जिससे प्रदेश में उपखनिजों के अवैध परिवहन पर प्रभावी नियंत्रण हो पाना सम्भव हुआ है।
11. ई एम०एम०-11 की स्कैन/छायाप्रति के प्रयोग पर अंकुश लगाये जाने हेतु एन०आई० सी० के सहयोग ई एम०एम०-11 जनित किये जाने हेतु साफ्टवेयर में निम्नवत् Security Features की व्यवस्था की गयी है :-
 - (i) ई एम०एम०-11 के क्यू०आर० कोड के नीचे अल्फा न्यूमैरिक अंक लाया गया है। अल्फा न्यूमैरिक अंक, ई एम०एम०-11 के मूल प्रति के Front Side में दिखेगा परन्तु ई एम०एम०-11 के Back Side में नहीं दिखेगा। स्कैन/छायाप्रति में उक्त एल्फा न्यूमैरिक डिजिट विलुप्त हो जायेगा।
 - (ii) ई एम०एम०-11 की मूल प्रति में Security Features अल्फा न्यूमैरिक अंक में किसी प्रकार का छेड़छाड़ करने से अल्फा न्यूमैरिक अंक ई एम०एम०-11 के Back Side में प्रदर्शित होने लगेगी।
12. निदेशालय के पत्र संख्या-450/एम-1 ए 233 (भण्डारण)/18 दिनांक 30.06.2020 द्वारा प्रदेश में भण्डारण स्थल से भी उपखनिजों का परिवहन इलेक्ट्रानिक जनित ई-फार्म-सी के माध्यम से किये जाने के निर्देश समस्त जिलाधिकारियों को दिये गये है, जिसका अनुपालन किया जा रहा है।



(अनिल कुमार शर्मा)
मुख्य खान अधिकारी

In compliance of the Meeting No. 45 dated 28.07.2020 of Hon Oversight Committee, NGT, UP Lucknow in the matter of O.A. NO. 360/2015 in re: National Green Tribunal Bar Association Vs. State Of U.P. & Ors.

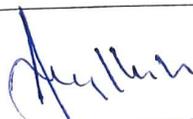
Date 06.08.2020

Sr. no.	Issues	Breif
1	What has been the progress in ensuring issues related to illegal sand mining in the State of Uttar Pradesh? Specify what temporary arrangement has been made in this regard?	<ul style="list-style-type: none"> ● खनिजों के अवैध खनन व परिवहन पर प्रभावी नियंत्रण करने हेतु शासनादेश सं0-616/86- 2018-371/2005, दिनांक-20.03.2018 द्वारा जिलाधिकारी की अध्यक्षता में सात सदस्यीय जनपद स्तरीय कार्य बल (टास्क फोर्स) का गठन किया गया है। ● IMSS के अर्न्तगत खनन क्षेत्रों के Geo-fencing, कार्यरत बालू/मोरम की खदानों पर PTZ Camera, खनन क्षेत्र से निकासी स्थल पर खनिजों के वाहनों के मापन हेतु कैमरे युक्त Weigh-Bridge स्थापित करते हुए इसे निदेशालय स्थित कमाण्ड सेन्टर से Integrate किया गया है। वर्तमान में 33000 वाहनों का पंजीकरण तथा 250 Weigh-Bridge स्थापित किये गये हैं।
2	Has demarcation of boundaries for regulating grant of sand mining lease done?	उत्तर प्रदेश उपखनिज (परिहार) नियमावली-1963 यथासंशोधित के नियम नियम-23 में जियो-कोआर्डिनेट्स के साथ किसी क्षेत्र को विज्ञापित किये जाने तथा नियम-17 में परिहार पर स्वीकृत क्षेत्रों के समस्त सीमास्तम्भों के जियो-कोआर्डिनेट्स का उल्लेख करने के प्राविधान किये गये हैं, जिसका अनुपालन समस्त जिलाधिकारियों द्वारा किया जा रहा है।
3	Has restriction imposed on leasing of minor minerals in any area till demarcation is completed?	खनन पट्टा स्वीकृति उपरान्त नियमावली-1963 के नियम-17 के अन्तर्गत सीमांकन के पश्चात् ही खनन पट्टा विलेख का निष्पादन किये जाने के प्राविधान है।
4	Has the Chief Secretary constituted a team to carry out demarcation?	नियमावली-1963 के नियम-17 के अन्तर्गत भूतत्व एवं खनिकर्म निदेशालय के अधिकृत अधिकारी/कर्मचारी द्वारा क्षेत्र का सर्वेक्षण/सीमांकन किये जाने का प्राविधान है। मुख्य सचिव स्तर से पृथक से टीम गठित किये जाने का औचित्य नहीं है।
5	What steps have been taken to ensure that mining in all blocks is undertaken as per provisions of EIA Notification, 2006; MOEF Notification dated 15.1.2016 and the Sustainable Sand Mining Management Guidelines, 2016?	<ul style="list-style-type: none"> ● नियमावली-1963 के नियम-34(4) में पर्यावरण समाघात निर्धारण अधिसूचना दिनांक 14.09.2006 एवं तत्कम में समय-समय पर यथासंशोधित अधिसूचनाओं के अनुक्रम में खनन प्रारम्भ करने के पूर्व पर्यावरणीय अनापत्ति प्राप्त करने के प्राविधान है। ● MoEF&CC द्वारा निर्गत Sustainable Sand Mining Managment Guidelines, 2016 के अनुसार मानसून सत्र में नदी तल से खनन कार्य प्रतिबन्धित होता है, इस प्रकार प्रदेश में माह जुलाई, अगस्त, सितम्बर में खनन कार्य प्रतिबन्धित रहता है।

6	What actions have been taken to ensure that no sand mining is permitted without due compliance of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as well as regulations governing clearances by the Central Ground Water Authority?	नियमावली-1963 के नियम-41(ज)(1) में प्राविधानित है कि पट्टेदार नदी तल में तीन मीटर की गहराई अथवा जलस्तर जो भी कम हो, के परे कोई खनन सक्रियायें नहीं करेगा। राज्य स्तरीय पर्यावरण संघात प्राधिकरण (SEIAA) द्वारा निर्गत पर्यावरण स्वच्छता प्रमाण पत्र में उल्लिखित शर्तों का पालन कराया जा रहा है।
7	It was directed by Hon'ble NGT that District authorities shall seize all sump pumps, other machinery, tools, vehicles, etc. used for carrying out illegal sand mining. Any action of this sort undertaken?	निदेशालय में प्राप्त सूचना के अनुसार कोई प्रकरण संज्ञान में नहीं आया है।
8	Has any penalty imposed or not by concerned Department to cover the restoration cost of environment and to compensate the victims?	मा० राष्ट्रीय हरित अधिकरण में योजित ओ०ए० सं०-184/2013 गुरप्रीत सिंह बग्गा बनाम एम०ओ०ई०एफ में पर्यावरण क्षतिपूर्ति/जुर्माना वसूली के सम्बन्ध में मा० एन०जी०टी० का आदेश दिनांक 18.02.2016 के अनुपालन में सम्बन्धित पट्टाधारकों से पर्यावरणीय क्षति में लगाये गये जुर्माने की वसूली की कार्यवाही जनपद स्तर पर प्रचलित है।
9	What is the current status of a detailed restoration plan for the concerned river and its river beds. Has this been done?	खनन योजना में restoration plan को सम्मिलित कर अनुमोदित खनन योजना के आधार पर खनन कार्य किया जा रहा है।
10	The Committee shall also get the assessment done through Indian Council of Forestry Research and Education, Dehradun of the ecological damage on account of illegal mining by incorporating the given components: a) Cost of river bed material. b) Cost of ecological restoration. c) Net present value of the future ecosystem services foregone.	मा० राष्ट्रीय हरित अधिकरण में योजित ओ०ए० सं०-184/2013 गुरप्रीत सिंह बग्गा बनाम एम०ओ०ई०एफ में पर्यावरण क्षतिपूर्ति/जुर्माना वसूली के सम्बन्ध में मा० एन०जी०टी० का आदेश दिनांक 18.02.2016 के अनुपालन में पर्यावरण क्षति का आंकलन Indian Council of Forestry Research and Education, Dehradun से कराकर कार्यवाही की जा रही है।
11	What action has been taken against the polluters and the erring officers?	निदेशालय में प्राप्त सूचना के अनुसार कोई प्रकरण संज्ञान में नहीं आया है।
12	Present status of CCTV Cameras installation at mining points to verify the amount of sand extracted?	उत्तर प्रदेश उपखनिज (परिहार) नियमावली- 1963 यथासंशोधित के नियम-35(2) में प्राविधानित है कि खनन पट्टाधारक जिसका खनन पट्टा क्षेत्र 05 हेक्टेयर से अधिक है, परिवहन के निगरानी के लिये, स्वयं के व्यय पर 360 डिग्री दृश्यता रिकार्डिंग के योग्य चार सी०सी०टी०वी० कैमरा लगाने सहित एक चैक पोस्ट/गेट का निर्माण करेगा तथा उसका अनुरक्षण करेगा, जिसका अनुपालन जिलाधिकारी द्वारा कराया जा रहा है।



13	What is the status of regular patrolling by the police to inspect the mining operations?	खनिजों के अवैध खनन व परिवहन पर प्रभावी नियंत्रण करने हेतु शासनादेश सं०-616/86-2018-371/2005, दिनांक-20.03.2018 द्वारा जिलाधिकारी की अध्यक्षता में सात सदस्यीय जनपद स्तरीय कार्य बल (टास्क फोर्स) का गठन किया गया है। उक्त टास्क फोर्स में पुलिस विभाग के पुलिस उपाधिकारक स्तर के अधिकारी नामित है। टास्क फोर्स द्वारा खनन क्षेत्रों की सतत निगरानी रखी जाती है।
14	Present status of daily reports regarding mining to be filed by SHO/ Mining officer to be sent to District Magistrate.	ओ०ए० संख्या 670/2018 अतुल सिंह चौहान बनाम पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय व अन्य में पारित मा० एन०जी०टी० के आदेश के अनुपालन में जिलाधिकारी प्रयागराज से प्राप्त सूचना के अनुसार जनपद स्तर पर गठित टास्क फोर्स द्वारा अवैध खनन/ परिवहन की नियमित जाँच की जा रही है तथा तदसम्बन्धी सूचना से जिलाधिकारी/वरिष्ठ पुलिस अधीक्षक प्रयागराज को सूचित किया जा रहा है।
15	Have any such vehicles been confiscated?	ओ०ए० संख्या 670/2018 अतुल सिंह चौहान बनाम पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय व अन्य में पारित आदेश के अनुपालन में जनपद प्रयागराज में वित्तीय वर्ष 2018-19 में 06, 2019-20 में 80 तथा वित्तीय वर्ष 2020-21 में अब तक 90 मामलों में सक्षम न्यायालय में परिवाद प्रस्तुत किया गया है, जिसमें मा० एन०जी०टी० द्वारा पारित आदेश को समावेशित कर लिया गया है। उक्त के सम्बन्ध में अन्य जनपदों को भी निर्देश निर्गत किये गये हैं।
16	How much EC has been imposed and realized by the CPCB till date in this regards?	सम्बन्धित विभाग की सूचना निदेशालय स्तर पर उपलब्ध नहीं है।
17	With regard to setting up of dedicated institutional mechanism for monitoring of conditions of Environmental Clearance as granted under EIA Notification, 2006 in respect of sand and gravel mining. Present status?	जनपदों में जिलाधिकारी के मार्गदर्शन में पर्यावरण स्वच्छता प्रमाण पत्र की शर्तों का अनुपालन प्रदूषण नियंत्रण बोर्ड/विभागीय अधिकारी द्वारा किया जाता है। पृथक से संस्थागत तंत्र की स्थापना है।
18	It was directed to require incorporation of further safeguards based on High Powered Committee report and observations into the Sustainable Sand Mining and Management Guidelines, 2016. What has been the progress so far.	MoEF&CC द्वारा निर्गत Sustainable Sand Mining Management Guidelines, 2016 का अनुपालन कराया जा रहा है।
19	What necessary steps have been taken by MOEF & CC to restore effective impact assessment and safeguards, any action taken against the erring officers?	प्रकरण में निदेशालय स्तर से टिप्पणी अपेक्षित नहीं है।


 (अनिल कुमार शर्मा)
 मुख्य खान अधिकारी