

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION 1345 OF 2024**

IN THE MATTER OF:

ANEES ALI

...APPLICANTS

VERSUS

STATE OF UTTAR PRADESH

...RESPONDENTS

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Through



Date: 27.05.2025

Place: New Delhi

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**REPLY ON BEHALF OF THE MEMBER SECRETARY RESPONDENT
NO.3 SEIAA AND SEAC, UTTAR PRADESH ALONGWITH THE
SUPPORTING AFFIDAVIT.**

MOST RESPECTFULLY SHOWETH

That the answering Respondent deny each and every statement, contention, submission, allegation, and/or averment made by the Appellant in the complaint, which is contrary to or inconsistent with the present reply or the records of the case. It is categorically stated that all such statements, submissions, or averments made by the Appellant that are inconsistent with what is submitted in this reply are denied in totality, except those which are specifically and expressly admitted hereinafter. Furthermore, it is submitted that any omission to deny any of the averments made by the Appellant should not be construed as an admission on the part of the answering Respondents, and no adverse inference should be drawn from such omissions.

PRELIMINARY SUBMISSIONS

1. That as per para 4.1.1(a) of Enforcement and Monitoring Guidelines for sand mining 2020:- *“DSR for sand mining shall be prepared before auction/e-auction/grant of mining lease/LoI by Mining department”*.

2. That it becomes necessary to mention here that Mining lease in the District are granted by District Administration, for which prior environmental clearance is a prerequisite in cases where grant of new leases or renewal of leases have been undertaken after 14/09/2006, i.e. date of issuance is EIA notification, 2006.
3. That clarification was sought from MoEFCC, GoI vide letter dated 16.11.2023 in this regard. Copy of Concerned letter dated 16.11.2023 is being filed herewith and marked as **Annexure no.01**.

4. That MoEFCC, GoI has clarified vide letter dated 04.12.2023 and mentioned that:-

2. *The matter has been examined in the Ministry. In this context, it is informed that, as per Ministry's notification dated 25/07/2018, the DSR is prepared by the District Authorities and it should be in sync with Sustainable Sand Management Guidelines 2016 & enforcement and Monitoring Guidelines for sand mining 2020.*

3. *Further, the Hon'ble NGT vide its order dated 29/09/2022 in OA No. 34 of 2022 titled Subhash Bhai Ishwar Bhai Parmar Vs. State of Gujarat & Ors. observed that they would like to follow the principle laid down by the Hon'ble Supreme Court in order dated 10/11/2021 in Civil Appeal Nos. 3661-3662 of 2020 titled State of Bihar V/s Pawan Kumar. The above referred order of Hon'ble SC mandates submission of DSR to State Expert Appraisal Committee (SEAC) for examination and evaluation and State Environment Impact Assessment Authority (SEIAA) for approval.*

Copy of Concerned MoEFCC, GoI letter dated 04.12.2023 is being filed herewith and marked as **Annexure no.02**.

Reply on Merits:

1. Further, a Joint Meeting of State Environment Impact Assessment Authority (SEIAA) & State Expert Appraisal Committees (SEAC-1 & SEAC-2) was held on 02.02.2024. Wherein, “the SEIAA and SEAC jointly discussed the matter and formulated detailed Standard Operating Procedure (SOP) regarding preparation and modification of DSR. Copy of Concerned Minutes of Meeting dated 02.02.2024 is being filed herewith and marked as **Annexure no.03**.
2. That the DSR of District Saharanpur was considered in Joint Meeting of State Expert Appraisal Committee (SEAC-1 & 2) on 03.05.2024 wherein Joint committee discussed the matter and recommended to approve the DSR.
3. Thereafter the DSR was considered in 814th SEIAA Meeting, dated 24.05.2024 wherein, SEIAA agreed with the recommendations of the SEAC to approve the DSR of District Saharanpur.
4. That further, MS, SEIAA, vide letter no. 159/Parya./DSR/ Saharanpur /2024 dated 07.06.2024 sent a letter to Director, Directorate of Geology and Mining, UP regarding the approval of DSR of District Saharanpur. Concerned copy of letter dated 07.06.2024 is being filed herewith and marked as **Annexure no.04**.
5. That as mandate of auction/e-auction/grant of mining lease/LoI is of Mining department, It becomes necessary to mention here that Mining lease in the District are granted by District Administration, for which prior environmental clearance is a prerequisite in cases where grant of new leases or renewal of leases have been undertaken after 14/09/2006, i.e. date of issuance is EIA notification, 2006.

6. That in light of the above, the DSR for District Saharanpur have been approved following a uniform procedure whereby draft DSR is placed before SEAC for scrutiny and thereafter before SEIAA for final ratification.
7. That with respect to the impugned e-tender notice for District Saharanpur, it is humbly submitted that even if such notice was issued prior to the formal communication of the approved DSR, no mining operation can lawfully commence without due compliance with the EIA Notification, 2006 (as amended), which requires prior Environmental Clearance for any permissible activity.
8. That the contention of the Applicant that no valid DSR existed for District Saharanpur is therefore erroneous. The DSR has been duly prepared, examined by SEAC, and approved by SEIAA in its 814th Meeting. Mere issuance of an e-tender does not dispense with the requirement of obtaining EC, nor does it legitimize mining activity in the absence of such clearance.
9. That the answering Respondents reaffirm their commitment to ensuring strict adherence to the EIA Notification, 2006 (as amended), the Sustainable Sand Management Guidelines, 2016, and the Enforcement and Monitoring Guidelines for Sand Mining, 2020. No leaseholder or project proponent shall be allowed to commence mining unless all statutory and procedural prerequisites, including prior EC, are fulfilled.
10. That in view of the foregoing, the Original Application, to the extent it challenges the e-tender notice on the basis of an allegedly non-existent DSR for District Saharanpur, is devoid of merit and warrants dismissal.
11. That the answering Respondents, therefore, humbly pray that this Hon'ble Tribunal may be pleased to note the valid approval of the DSR for District

Saharanpur and dismiss the Original Application accordingly, while permitting the answering Respondents to continue enforcing environmental norms in line with the EIA Notification, 2006 (as amended), and the relevant guidelines.

12. That as per para 4.1.1(a) of Enforcement and Monitoring Guidelines for sand mining 2020:- “*DSR for sand mining shall be prepared before auction/e-auction/grant of mining lease/LoI by Mining department*”.
13. That it becomes necessary to mention here that Mining lease in the District are granted by District Administration, for which prior environmental clearance is a prerequisite in cases where grant of new leases or renewal of leases have been undertaken after 14/09/2006, i.e. date of issuance is EIA notification, 2006.
14. In view of the above, it is respectfully submitted that the DSR for District Saharanpur has been duly prepared, examined by SEAC, and approved by SEIAA in its 814th meeting dated 24.05.2024, in compliance with all applicable guidelines and the EIA Notification, 2006 (as amended). Hence, the challenge raised in the Original Application regarding the absence of an approved DSR is misconceived and liable to be dismissed.

Through



Date: 27.05.2025
Place: New Delhi

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
In Original Application No.1345 of 2024

ANEES ALI

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH

.....RESPONDENT(S)

AFFIDAVIT

I, ANURAG YADAV, aged about 48 years s/o Sh. P.N. SINGH is presently posted as DEPUTY DIRECTOR, REGIONAL OFFICE, NOIDA, DIRECTORATE OF ENVIRONMENTAL, UP. having an office at E-21/1, NOIDA, UTTAR PARDESH.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of **Member Secretary, SEIAA** before this Tribunal.
2. That the accompanying Reply has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying Reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.



Shivam
D/16004/2022
I identified the deponent who
has signed in my presence



[Signature]

DEPONENT

VERIFICATION

Verified on solemn affirmation at New Delhi on this 27 MAY 2025 2025,
that the contents of the foregoing affidavit are true and correct to the best of my
knowledge and no part of it is false and nothing material has been concealed
therefrom.

ATTESTED
NOTARY PUBLIC
(INDIA)
27 MAY 2025

[Signature]

DEPONENT

प्रेषक,

निदेशक / सदस्य-सचिव,
राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति, उ०प्र०,
पर्यावरण निदेशालय, उ०प्र०,
विनीत खण्ड-1, गोमती नगर, लखनऊ।

सेवा में,

संयुक्त सचिव,
आई०ए० डिवीजन,
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
भारत सरकार, नई दिल्ली।

पत्रांक: 656 / सिविल अपील सं०-6463 / 2021

दिनांक: 16 नवम्बर, 2023

विषय: District Survey Report (DSR) के अनुमोदन के सम्बन्ध में।

महोदय,

कृपया पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार की अधिसूचना सं०-2276 दिनांक 11-06-2021 द्वारा राज्य स्तरीय पर्यावरण प्रभाव ऑकलन प्राधिकरण, उ०प्र० एवं राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति, उ०प्र० (1 व 2) का गठन किया गया है। पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार से निर्गत ई०आई०ए० अधिसूचना 2006 (यथा संशोधित) में एस०ई०ए०सी०/ए०ई०आई०ए०ए० के कार्य-दायित्वों में जिला सर्वेक्षण रिपोर्ट (DSR) का अप्रैजल/अनुमोदन किये जाने का कोई प्राविधान नहीं है।

2- पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार से निर्गत ई०आई०ए० अधिसूचना संख्या- S.O. 141(E) दिनांक 15 जनवरी, 2016 में जिला सर्वेक्षण रिपोर्ट के सम्बन्ध में निम्नवत् उल्लेख किया गया है:-

"The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA." उल्लेखनीय है कि वर्तमान में डी०आई०ए०ए० अस्तित्व में नहीं है।

Original Application No. 403/2022 (I.A. No.133/2022) Daljeet Singh Applicant Versus State of Uttar Pradesh & Ors. में मा० एन०जी०टी० नई दिल्ली द्वारा दिनांक 30-05-2022 (संलग्न) आदेश पारित किया गया जिसके सुसंगत अंश निम्नवत् है :-

"8. In the meanwhile no lease shall be granted and also no mining shall be commenced in any of the mining sites in District Saharanpur, Uttar Pradesh before completion of replenishment study, updation of DSR and grant of environmental clearance/CTE/CTO on the basis thereof in accordance with SSMG, 2016 and EMGSM, 2020."

3- उक्त के क्रम में अवगत कराना है कि मा० उच्चतम न्यायालय, नई दिल्ली द्वारा सिविल अपील No 3661-3662 of 2022, The State of Bihar and others Vs. Pawan Kumar and Others & Ors. में District Survey Report (DSR) के सम्बन्ध में दिनांक 10-11-2021 को बिहार स्टेट के संबंध में निम्नवत् आदेश पारित किया गया है:-

The directions issued by the Tribunal vide judgment and order dated 14th October 2020, are substituted as follows:

(i) The exercise of preparation of DSR for the purpose of mining in the State of Bihar in all the districts shall be undertaken afresh. The draft DSRs shall be prepared by the sub-divisional

committees consisting of the Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or mining officer. The same shall be prepared by undertaking site visits and also by using modern technology. The said draft DSRs shall be prepared within a period of 3 6 weeks from the date of this order. After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC. The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereon;

(ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed;

4- पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार नई दिल्ली द्वारा निर्गत दिशा-निर्देश "Enforcement and Monitoring Guidelines for Sand Mining" 2020 के पैरा 4.1.1 (a) में निम्नवत् उल्लेखित हैं:-

"District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (Loi) by Mining department or department dealing the mining activity in respective states."

5- उपरोक्त से स्पष्ट है कि "Enforcement and Monitoring Guidelines for Sand Mining" 2020 के प्राविधानों के अनुसार जिला सर्वेक्षण रिपोर्ट (DSR) खनन विभाग द्वारा तैयार की जायेगी, परन्तु उसके अनुमोदन हेतु सक्षम स्तर के संबंध में ई0आई0ए0 अधिसूचना में कोई प्राविधान न होने के कारण उक्त मा0 न्यायालय/मा0 एन0जी0टी0 के आदेशों के दृष्टिगत संशय की स्थिति उत्पन्न हो गयी है।

अतः अनुरोध है कि जिला सर्वेक्षण रिपोर्ट (DSR) खनन विभाग द्वारा ही तैयार की जायेगी, की पुष्टि करने का कष्ट करें तथा मा0 उच्चतम न्यायालय, नई दिल्ली द्वारा बिहार स्टेट के संदर्भ में पारित आदेश दिनांक 10-11-2021 एवं पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा निर्गत ई0आई0ए0 अधिसूचना, 2006 के प्राविधानों को दृष्टिगत रखते हुए जिला सर्वेक्षण रिपोर्ट (DSR) के अनुमोदन के सक्षम स्तर के संबंध में मार्गदर्शन प्रदान करने का कष्ट करें।

भवदीय,

संलग्न-यथोक्त।

(आशीष तिवारी)

निदेशक/ सदस्य-सचिव

पत्रांक: /सिविल अपील सं0-6463/2021, तददिनांक

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यावही हेतु प्रेषित है।

1. अपर मुख्य सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-7, उ0प्र0 शासन, लखनऊ।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0 लखनऊ

(आशीष तिवारी)

निदेशक/ सदस्य-सचिव

IA-L-11011/13/2021-IA-II(M)

9011/2023

F.No. L-11011/13/2021-IA-II (M)
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

2nd Floor, Prithvi Wing,
Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi-110 003
Dated: 4th December, 2023

To,
The Member Secretary
State Level Environment Impact Assessment Authority
Directorate of Environment
Vineet Khand 1, Gomti Nagar,
Lucknow, Uttar Pradesh 226010
Email: doeuplko@yahoo.com

Sub: Clarification regarding District Survey Report-reg.

Sir,

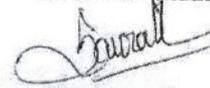
This is with reference to the letter no. 656/Civil Appeal no. 6463/2021 dated 16.11.2023 regarding seeking clarification on District Survey Report (DSR).

2. The matter has been examined in the Ministry. In this context, it is informed that, as per Ministry's notification dated 25.07.2018, the DSR is prepared by the District Authorities and it should be in sync with Sustainable Sand Management Guidelines 2016 & Enforcement and monitoring Guidelines for sand mining 2020.

3. Further, the Hon'ble NGT vide its order dated 29/9/2022 in OA No. 34 of 2022 titled Subhash Bhai Ishwar Bhai Parmar vs State of Gujarat & Ors. observed that they would like to follow the principle laid down by the Hon'ble Supreme Court in order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 titled State of Bihar v/s Pawan Kumar. The above-referred order of Hon'ble SC mandates submission of DSR to State Expert Appraisal Committee (SEAC) for examination and evaluation and State Environment Impact Assessment Authority (SEIAA) for approval.

4. This is issued with the approval of the Competent Authority.

Yours faithfully,



(Dr. Saurabh Upadhyay)
Scientist C

E-mail: saurabh.upadhyay85@gov.in

Handwritten notes:
Dr. Saurabh Upadhyay
21/12/2023

Copy to:

- Scientist E(PV)/ Guard File

Minutes of the Joint meeting of SEIAA and SEAC, U.P. held on 02.02.2024

The Joint Meeting of State Environment Impact Assessment Authority (SEIAA) & State Expert Appraisal Committee (SEAC-1&2) was held in Directorate of Environment, U.P. on 02.02.2024, following members were present in the meeting:

1. Smt. Mamta Sanjeev Dubey	Chairman, SEIAA, U.P
2. Shri Rajive Kumar	Chairman, SEAC-1
3. Dr. Harikesh Bahadur Singh	Chairman, SEAC-2
4. Shri Ashish Tiwari	Member Secretary, SEAC-1&2
5. Shri Sanjeev Kumar Singh	Member Secretary, SEIAA, U.P
6. Shri Paras Nath	Member, SEIAA, U.P
7. Dr. Brij Bihari Awasthi	Member, SEAC-1
8. Shri Umesh Chandra Sharma	Member, SEAC-1
9. Dr. Ratan Kar	Member, SEAC-1
10. Shri Om Prakash Srivastava	Member, SEAC-1
11. Dr. Amrit Lal Halder	Member, SEAC-2
12. Dr. Dineshwar Prasad Singh	Member, SEAC-2
13. Shri Tansar Ullah Khan	Member, SEAC-2
14. Prof. Jaswant Singh	Member, SEAC-2
15. Dr. Shiv Om Singh	Member, SEAC-2
16. Shri Amit Kaushik	Joint Director, Mining Directorate, UP
17. Dr. Ajai Mishra	MEMBER SEAC-1

In the joint committee following agenda were discussed and resolved:-

Agenda-1 - Regarding procedure for approval of D.S.R. (District Survey Report)

1. The detailed Standard Operating Procedure (S.O.P.) regarding preparation and modification of D.S.R. for Sand Mining or R.B.M. and for in-situ rocks were discussed and formulated.
2. It was resolved that the Secretariat shall forward the approved SOP for preparation and modification of D.S.R. for Sand Mining or R.B.M. and for in-situ rocks to Director – Geology & Mining for its effective implementation by respective Districts. (SOP attached as Annexure1 &2)
3. It was further resolved that all DSR received by SEIAA/SEAC shall be forwarded to D.G.M. by Member Secretary/Nodal officer SEAC for comments and suggestions.

Agenda-2 - Regarding grant of Standard-TOR as per MoEF&CC O.M. dated 6-May-2022

1. It was deliberated that Standard-TOR issued by MoEF&CC can be issued by MS-SEAC adding some additional conditions approved by SEIAA/SEAC, on the basis of experience gained in past 1 to 2 years.
2. In case of Mining of Minor Mineral Projects, the Standard-TOR can be granted on case to case basis, as per MoEFCC circular F. No. IA3-22/15/2022-IA-3 dated 06.05.2022 Mining Department, UP will certify whether the case under consideration is a green field project or a brown field project. If the case under consideration is a brown field project then details of previous E.C. should also be submitted by Mining Department.



(Shri Sanjeev Kumar Singh)
Member Secretary, SEIAA



(Shri Ashish Tiwari)
Member Secretary, SEAC-1&2

STANDARD OPERATING PROCEDURE

Preparation/Modification of D.S.R. for in-situ rocks by

District Level Sub-Divisional Committee and

its Appraisal/Approval by SEAC/SEIAA, U.P.

Issued by – Joint Committee of SEAC, SEIAA and DGM, U.P.

Background:-

- The SOP for in-situ rocks has been prepared as per MoEF&CC, GoI, Notification No. S.O. 3611 (E), dated 25-July-2018 regarding DSR.
- As per Schedule-II of the Appendix—X of the MoEF&CC, GoI, Notification No. S.O. 3611 (E), dated 25-July-2018 the District Survey Report shall be prepared for each minor mineral in the district separately.
- The Schedule-II provides format for preparation of DSR for minor minerals other than sand mining or river bed mining.

Short Titles:-

Detailed Title	Short Title to be read hereafter
District Level Sub-Divisional Committee	SDC
Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.	Pawan Kumar
State Level Expert Appraisal Committee	SEAC
State Level Environment Impact Assessment Authority	SEIAA
District Survey Report	DSR

• Procedure for Preparation of DSR by respective District of Uttar Pradesh

Sl. No / Step	Details	Action Required
1	<p>Formation of Sub-Divisional Committee (SDC) in the district by District Magistrate comprising Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or Mining Officer.</p> <p><i>Reference – Para 14(i) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.</i></p>	<ul style="list-style-type: none"> • D.M. shall issue an Office Memorandum regarding nomination and formation of Sub-Divisional committee in the district.
2	<p>Preparation of DSR – DSR which is a technical document shall be prepared in line with the Schedule-II of the MoEF&CC Notification dated dated 25-July-2018. The contents of DRAFT DSR shall be as under:-</p> <ul style="list-style-type: none"> • Contents of Report <ol style="list-style-type: none"> 1. Introduction 2. Overview of Mining Activity in the District (brief history of old working, pre-existing and proposed mining activities). 3. General Profile of the District 4. Geology of the District 5. Drainage of Irrigation pattern. 6. Land Utilisation Pattern in the District: Forest, Agricultural, Horticultural, Mining etc. 7. Surface Water and Ground Water scenario of the district 	<ul style="list-style-type: none"> • The sub-divisional committee (SDC) will prepare the draft DSR. If required the SDC may take help/assistance of QCI/NABET Consultants, DGM Approved Exploration Agencies as per Government Order ref. no 1659/86-2023 dated 17-May-2023 issued by Secretary Geology & Mining. • Additionally, the SDC may also take help/assistance of renowned academic institutions/ Universities

	<p>8. Rainfall of the district and climatic condition</p> <p>9. details of the mining leases in the District as per the following format:-</p> <ol style="list-style-type: none"> a) Sl. No. b) Name of the Mineral c) Name of the Lessee d) Address & Contact No. of Lessee e) Mining lease Grant Order No. & date f) Area of Mining lease (ha) g) Period of Mining lease (Initial) – [From till To] h) Period of Mining lease (1st /2nd ...renewal) - [From till To] i) Date of commencement of Mining Operation j) Status (Working/Non-Working/Temp. Working for dispatch etc.) k) Captive/Non-Captive l) Obtained Environmental Clearance (Yes/No), If Yes Letter No with date of grant of EC. m) Location of the Mining lease (Latitude & Longitude) n) Method of Mining (Opencast/Underground) <p>10. Details of Royalty or Revenue received in last three years</p> <p>11. Details of Production of Minor Mineral in last three years</p> <p>12. Mineral Map of the District</p>	<p>having domain expertise in Environment/ Geology and Mining.</p> <ul style="list-style-type: none"> • It will be the responsibility of SDC/hired agency to collect primary and secondary data, DSR drafting with Annexure-I to Annexure-VII and conduct presentation before SEAC/SEIAA and DGM. • Whenever a new lease is identified for adding in the DSR, the SDC/hired agency will follow the entire procedure every time on the basis of existing DSR. The validity of amended or modified DSR will be upto the validity of the original DSR. • The SDC/hired agency will update the data in the revised DSR with reference to the primary DSR. Special focus on collection of latest data will be done w.r.t. land use pattern.
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<p>13. list of Letter of Intent (LOI) Holders in the District along with its validity as per the following format :-</p> <p>14. Total Mineral Reserve available in the District.</p> <ol style="list-style-type: none"> a) Sl. No. b) Name of the Mineral c) Name of the Lessee d) Address & Contact No. of Letter of Intent Holder e) Letter of Intent Grant Order No.& date f) Area of Mining lease to be allotted g) Validity of Loi h) Use (Captive/Non-Captive) i) Location of the Mining lease (Latitude & Longitude) <p>15. Quality /Grade of Mineral available in the District</p> <p>16. Use of Mineral</p> <p>17. Demand and Supply of the Mineral in the last three years</p> <p>18. Mining leases marked on the map of the district</p> <p>19. Details of the area of where there is a cluster of mining leases viz. number of mining leases, location (latitude and longitude)</p> <p>20. Details of Eco-Sensitive Area, if any, in the District</p> <p>21. Impact on the Environment (Air, Water, Noise, Soil, Flora & Fauna, land use, agriculture, forest etc.) due to mining activity</p>	<p>rainfall, IMD data, river geometry, updated geology (if any), water table, population data etc. as such parameters generally change in every 5 years.</p> <ul style="list-style-type: none"> • The source of secondary data used in DSR should have proper citation reference and in case primary data has been collected, then the name and details of experts involved in collection and synthesis and interpretation of data will be mentioned in the DSR. • It should be specifically ensured that DSR is the district specific environmental document in which all the environmental and safety parameters as per the guidelines and notifications should be covered and reflected in the DSR document. • For this a district specific mineral resource map shall be prepared in
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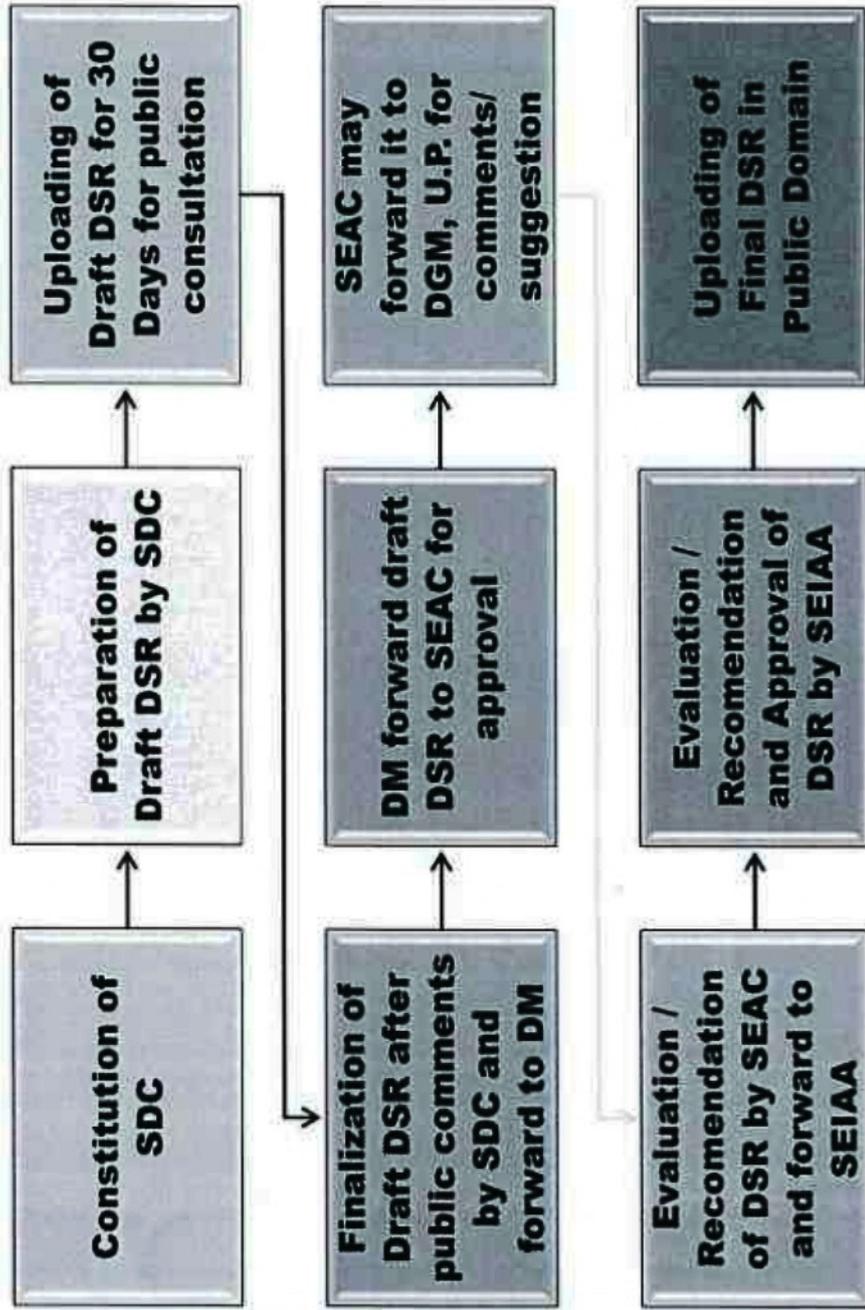
	<p>22. Remedial Measures to mitigate the impact of mining on the Environment</p> <p>23. Reclamation of Mined out area (best practice already implemented in the district, requirement as per rules and regulation, proposed reclamation plan)</p> <p>24. R& Disaster Management Plan</p> <p>25. Details of the Occupational Health issues in the District. (Last five-year data of number of patients of Silicosis & Tuberculosis is also needs to be submitted)</p> <p>26. Plantation and Green Belt development in respect of leases already granted in the District</p> <p>27. Any other information</p> <ul style="list-style-type: none"> • After this Annexure-I to Annexure-IV shall also be prepared as per the format provided in Enforcement & Monitoring Guidelines for Sand Mining-2020, which will be enclosed as annexure to the Draft DSR (<i>Reference – Page- 64 to 67 of EMGSM-2020</i>) • Lease wise NOC will be taken from Irrigation and Forest Department and Deposit Verification/Estimation reports shall also be prepared by SDC. • The proposed lease should clearly identify and mark the mineable deposit on satellite image/drone image. • The mineable resource is to be calculated based on field investigation, 	<p>which the drainage patterns of rivers along with explored mineral resources shall be reflected.</p>
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	geology of the area, site conditions locations, depth of mineral availability and other geomorphic features.	
3	Once the Draft DSR and Annexure I to IV is prepared, then all the SDC members evaluate and approve it, which will be uploaded in the District Website for 30 days for public comments/objections as well as DM/ADM/MO office. <i>For this the notification should be issued by District Authority about draft DSR for suggestions/comments /objections from public in minimum two newspapers having wide circulation. Date of uploading and last date of receiving suggestions/comments/objections should be clearly mentioned in the notification.</i> <i>(Reference - EMGSM-2020, Section 4.1.1 (clause - o & p; Page-19)</i>	For this a letter to the District Information Office will be issued for uploading the draft DSR in District Website for 30 days.
4	The Draft DSR shall be withdrawn from District Website after 30 days and SDC Members shall conduct a joint meeting to mitigate/resolve the public comments/objections received, if any. <i>(Reference - EMGSM-2020, Section 4.1.1 (clause – p; Page-19)</i> <i>In case no objection/comments are received then Mining Officer will issue a Certificate that no comments/objections have been received in the period of uploading.</i>	For this a joint meeting of SDC Members is required for final draft DSR examination/evaluation.
5	Thereafter, the draft DSR shall be finalized including Annexure-I to Annexure-VII which will be signed by all SDC Members and then forwarded to D.M. for perusal and approval.	For this a recommendation of SDC Members is required who will finalize the draft DSR and forward it to the D.M.
6	<ul style="list-style-type: none"> The DM shall forward the proposed DSR to SEAC 	<ul style="list-style-type: none"> The DM of respective district

	<p>for examination and approval.</p> <ul style="list-style-type: none"> • The Member Secretary/Nodal Officer will forward it to DGM, U.P. for comments and suggestions. The SEAC will evaluate after getting the comments and suggestions of DGM, U.P. • The SEAC may invite a representative of DGM, U.P. to assist SEAC in appraisal of the draft DSR. • The SEAC will evaluate and recommend for approval of the draft DSR on the basis of SDC recommendations as well as DGM, U.P. comments/suggestions. • The SEIAA may approve the draft DSR on the basis of recommendations of SEAC. <p><i>Reference – (Para 14(i) & ii) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vrs. Pawan Kumar and Others Etc.)</i></p>	<p>shall send the draft DSR, along with following documents <u>Following shall be the Annexures of the DM letter:-</u></p> <ol style="list-style-type: none"> 1. Primary DSR which requires addition/modification. 2. Draft Modified/ Revised DSR Document. 3. Annexure-1 to VII. 4. Lease wise NOC from Irrigation and Forest Department. 5. Revenue report and resource evaluation/ reserve estimation. 6. Notification regarding the constitution of the SDC. 7. Minutes of the SDC about draft DSR. 8. Office order for uploading the draft DSR in the district website for a period of 30 days along with newspaper notification. 9. Minutes of the SDC recommending draft DSR.
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7	<ul style="list-style-type: none"> • The SEAC shall examine the draft DSR within a period of 6 weeks and its report shall be forwarded to SEIAA. • The SEIAA on receipt of SEAC recommendation report shall consider the grant of approval of DSR within a period of 6 weeks. <p><i>Reference – (Section 14(i) & ii) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.)</i></p>	<p>The DSR being a public document after approval shall be signed with seal (<i>in each page of DSR</i>) by the competent authority of SEIAA and will be uploaded in the respective district portal within a week.</p>
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Process Flow Chart



Checklist for examination / approval of DSR by SEAC/SEIAA of Uttar Pradesh

Sl. No	Checklist/ Examination Details	Yes / No
1	Office Order of DM/ADM regarding formation of Sub-Divisional Committee in District	
2	DSR technical document signed by all the Sub-Divisional Members having following annexure: 1. Primary DSR which requires addition/modification. 2. Draft Modified/ Revised DSR Document. 3. Annexure-1 to VII. 4. Lease wise NOC from Irrigation and Forest Department. 5. Revenue report and resource evaluation/ reserve estimation. 6. Notification regarding the constitution of the SDC. 7. Minutes of the SDC about draft DSR. 8. Office order for uploading the draft DSR in the district website for a period of 30 days along with newspaper notification. 9. Minutes of the SDC recommending draft DSR.	
4	Office Order of DM/ADM/Competent Authority regarding uploading of Draft DSR in District Website for 30 days for public comments/objections.	
5	Period/Dates of DSR uploaded in District Website.	
6	Minutes of joint meeting of Sub-Divisional Members to mitigate/resolve the public comments/objections received, if any. After 30 days.	
7	Lease wise NOC from Irrigation and Forest Department.	
8	Deposit verification/estimation Report, Revenue report	

STANDARD OPERATING PROCEDURE

Preparation/Modification of D.S.R. for Sand Mining or R.B.M. by

**District Level Sub-Divisional Committee and
its Appraisal/Approval by SEAC/SEIAA, U.P.**

Issued by – Joint Committee of SEAC, SEIAA and DGM, U.P.

Background and Scope of Work: - The SOP has been prepared as per MoEF&CC, GoI, Notification No. S.O. 141(E), dated 15-Jan-2016, S.O. 3611 (E), dated 25-July-2018, Sustainable Sand Mining Management Guidelines 2016 and Enforcement & Monitoring Guidelines for Sand Mining 2020 & Hon'ble Supreme Court Judgement passed in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and MoEF&CC, GoI letter dated 04/12/2023 regarding DSR.

Short Titles:-

Detailed Title	Short Title to be read hereafter
Sustainable Sand Mining Management Guidelines 2016	SSMMG-2016
Enforcement & Monitoring Guidelines for Sand Mining -2020	EMGSM-2020
District Level Sub-Divisional Committee	SDC
Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.	Pawan Kumar
State Level Expert Appraisal Committee	SEAC
State Level Environment Impact Assessment Authority	SEIAA
District Survey Report	DSR

• Procedure for Preparation of DSR by respective District of Uttar Pradesh

Sl. No / Step	Details	Action Required
1	<p>Formation of Sub-Divisional Committee (SDC) in the district by District Magistrate comprising Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or Mining Officer.</p> <p><i>Reference – Para 14(i) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.</i></p>	<ul style="list-style-type: none"> • D.M. shall issue an Office Memorandum regarding nomination and formation of Sub-Divisional committee in the district.
2	<p>Preparation of DSR – DSR which is a technical document shall be prepared in line with the MoEF&CC Notification, dated 15/01/20216, dated 25-July-2018 and ESMMG 2020. The contents of DRAFT DSR shall be as under:-</p> <ul style="list-style-type: none"> • Contents of Report <ol style="list-style-type: none"> 1. Introduction 2. Overview of Mining Activity in the District (brief history of old working, pre-existing and proposed mining activities). 3. List of Mining Leases in the District with location, area and period of validity. 4. Details of Royalty or Revenue received in last three years. 5. Detail of Production of Sand/Morrum/RBM or other minor mineral in last three years. 	<ul style="list-style-type: none"> • The sub-divisional committee (SDC) will prepare the draft DSR. If required the SDC may take help/assistance of QCI/NABET Consultants, DGM Approved Exploration Agencies as per Government Order ref. no 1659/86-2023 dated 17-May-2023 issued by Secretary Geology & Mining. • Additionally, the SDC may also take help/assistance of renowned academic institutions/ Universities

<p>6. Process of deposition of sediments in the Rivers of the District (River Geometry).</p> <p>7. General Profile of the District.</p> <p>8. Land utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.</p> <p>9. Physiography of the District.</p> <p>10. Rainfall: month-wise.</p> <p>11. Geology and Mineral Wealth.</p> <p>12. The report shall also contain:-</p> <p>a) District wise detail of river or stream and other sand source;</p> <p>b) District wise availability of sand or gravel or aggregate resources;</p> <p>c) District wise detail of existing mining leases of sand and aggregates.</p> <p>13. Drainage system with description of main rivers</p> <p>a) Name of the river.</p> <p>b) Area drained (sq. km)</p> <p>c) Percentage area drained in the District.</p> <p>14. Salient Features of Important Rivers and Streams:-</p> <p>a) Name of the river or stream.</p> <p>b) Total length in the district.(in Km.)</p> <p>c) Place of origin.</p> <p>d) Altitude at origin.</p> <p>e) Portion of the river or stream recommended for mineral concession.</p>	<p>having domain expertise in Environment/ Geology and Mining.</p> <ul style="list-style-type: none"> • It will be the responsibility of SDC/hired agency to collect primary and secondary data, DSR drafting with Annexure-I to Annexure-VII and conduct presentation before SEAC/SEIAA and DGM. • Whenever a new lease is identified for adding in the DSR, the SDC/hired agency will follow the entire procedure every time on the basis of existing DSR. The validity of amended or modified DSR will be upto the validity of the original DSR. • The SDC/hired agency will update the data in the revised DSR with reference to the primary DSR. Special focus on collection of latest data will be done w.r.t. landuse pattern.
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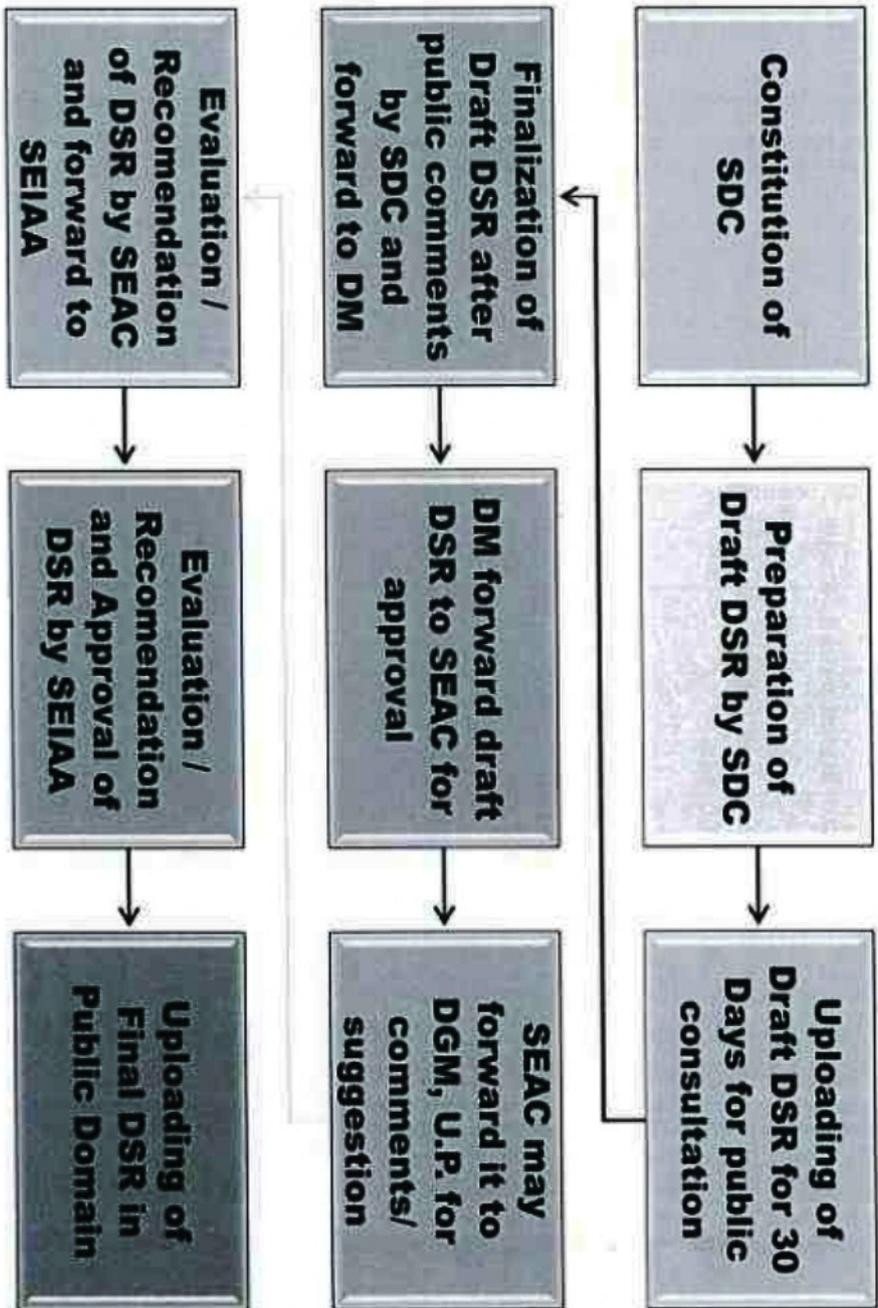
<p>f) Length of area recommended for mineral concession.(in Kms)</p> <p>g) Average width of area recommended for mineral concession (in meters)</p> <p>h) Area recommended for mineral concession (in square meter)</p> <p>i) Mineable mineral potential (in metric tonne) (60% of total mineral potential)</p> <p>15. Mineral Potential:-</p> <p>a) Boulder (MT)</p> <p>b) Bajari (MT)</p> <p>c) Sand (MT)</p> <p>d) Total Mineable Mineral Potential (MT)</p> <p>16. Annual Deposition:-</p> <p>a) River or Stream.</p> <p>b) Portion of the river or stream recommended for mineral concession.</p> <p>c) Length of area recommended for mineral concession.(in Kms)</p> <p>d) Average width of area recommended for mineral concession (in meters)</p> <p>e) Area recommended for mineral concession (in square meter)</p> <p>f) Mineable mineral potential (in metric tonne) (60% of total mineral potential)</p> <p>g) Total for the District</p> <ul style="list-style-type: none"> • After this Annexure-I to Annexure-IV shall also be prepared as per the format provided in Enforcement & Monitoring Guidelines for Sand Mining-2020, which will be enclosed as annexure to the Draft DSR 	<p>rainfall, IMD data, river geometry, updated geology (if any), water table, population data etc. as such parameters generally change in every 5 years.</p> <ul style="list-style-type: none"> • The source of secondary data used in DSR should have proper citation reference and in case primary data has been collected, then the name and details of experts involved in collection and synthesis and interpretation of data will be mentioned in the DSR. • It should be specifically ensured that DSR is the district specific environmental document in which all the environmental and safety parameters as per the guidelines and notifications should be covered and reflected in the DSR document. • For this a district specific mineral resource map shall be prepared in
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	<p><i>(Reference – Page- 64 to 67 of EMGSM-2020)</i></p> <ul style="list-style-type: none"> • Lease wise NOC will be taken from Irrigation and Forest Department and Deposit Verification/Estimation reports shall also be prepared by SDC. • The proposed lease should clearly identify and mark the mineable deposit on satellite image/drone image. • The mineable resource is to be calculated based on field investigation, geology of the catchment area, site conditions locations, depth of mineral availability and other geomorphic features. The mineable resource should be 50 to 60 % of the total resource available. 	<p>which the drainage patterns of rivers along with explored mineral resources shall be reflected.</p>
3	<p>Once the Draft DSR and Annexure 1 to IV is prepared, then all the SDC members evaluate and approve it, which will be uploaded in the District Website for 30 days for public comments/objections as well as DM/ADM/MO office.</p> <p><i>For this the notification should be issued by District Authority about draft DSR for suggestions/comments /objections from public in minimum two newspapers having wide circulation. Date of uploading and last date of receiving suggestions/comments/objections should be clearly mentioned in the notification.</i></p> <p><i>(Reference - EMGSM- -2020, Para 4.1.1 (clause – O & P; Page-19)</i></p>	<p>For this a letter to the District Information Office will be issued for uploading the draft DSR in District Website for 30 days.</p>
4	<p>The Draft DSR shall be withdrawn from District Website after 30 days and SDC Members shall conduct a joint meeting to mitigate/resolve the public comments/objections received, if any. <i>(Reference - EMGSM- -2020, Para 4.1.1 (clause – p; Page-19)</i></p>	<p>For this a joint meeting of SDC Members is required for final draft DSR examination/evaluation.</p>

	<p><i>In case no objection/comments are received then Mining Officer will issue a Certificate that no comments/objections have been received in the period of uploading.</i></p>	
5	<p>Thereafter, the draft DSR shall be finalized including Annexure-I to Annexure-VII which will be signed by all SDC Members and then forwarded to D.M. for perusal and approval.</p>	<p>For this a recommendation of SDC Members is required who will finalize the draft DSR and forward it to the D.M.</p>
6	<ul style="list-style-type: none"> • The DM shall forward the proposed DSR to SEAC for examination and approval. • The Member Secretary/Nodal Officer will forward it to DGM, U.P. for comments and suggestions. The SEAC will evaluate after getting the comments and suggestions of DGM, U.P. • The SEAC may invite a representative of DGM, U.P. to assist SEAC in appraisal of the draft DSR. • The SEAC will evaluate and recommend for approval of the draft DSR on the basis of SDC recommendations as well as DGM, U.P. comments/suggestions. • The SEIAA may approve the draft DSR on the basis of recommendations of SEAC. <p><i>Reference – (Para 14(i) & ii) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.)</i></p>	<ul style="list-style-type: none"> • The DM of respective district shall send the draft DSR, along with following documents <p><u>Following shall be the Annexures of the DM letter:-</u></p> <ol style="list-style-type: none"> 1. Primary DSR which requires addition/modification. 2. Draft Modified/ Revised DSR Document. 3. Annexure-1 to VII. 4. Lease wise NOC from Irrigation and Forest Department. 5. Revenue report and resource evaluation/ reserve estimation. 6. Notification regarding the constitution of the SDC. 7. Minutes of the SDC about draft

		<p>DSR.</p> <p>8. Office order for uploading the draft DSR in the district website for a period of 30 days along with newspaper notification.</p> <p>9. Minutes of the SDC recommending draft DSR.</p>
7	<ul style="list-style-type: none"> • The SEAC shall examine the draft DSR within a period of 6 weeks and its report shall be forwarded to SEIAA. • The SEIAA on receipt of SEAC recommendation report shall consider the grant of approval of DSR within a period of 6 weeks. <p><i>Reference – (Para 14(i & ii) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vrs. Pawan Kumar and Others Etc.)</i></p>	<p>The DSR being a public document after approval shall be signed with seal (<i>in each page of DSR</i>) by the competent authority of SEIAA and will be uploaded in the respective district portal within a week.</p>

Process Flow Chart



Checklist for examination / approval of DSR by SEAC/SEIAA of Uttar Pradesh

Sl. No	Checklist/ Examination Details	Yes / No
1	Office Order of DM/ADM regarding formation of Sub-Divisional Committee in District	
2	<p>DSR technical document signed by all the Sub-Divisional Members having following annexure:</p> <ol style="list-style-type: none"> 1. Primary DSR which requires addition/modification. 2. Draft Modified/ Revised DSR Document. 3. Annexure-1 to VII. 4. Lease wise NOC from Irrigation and Forest Department. 5. Revenue report and resource evaluation/ reserve estimation. 6. Notification regarding the constitution of the SDC. 7. Minutes of the SDC about draft DSR. 8. Office order for uploading the draft DSR in the district website for a period of 30 days along with newspaper notification. 9. Minutes of the SDC recommending draft DSR. 	
4	Office Order of DM/ADM/Competent Authority regarding uploading of Draft DSR in District Website for 30 days for public comments/objections.	
5	Period/Dates of DSR uploaded in District Website.	
6	Minutes of joint meeting of Sub-Divisional Members to mitigate/resolve the public comments/objections received, if any. After 30 days.	
7	Lease wise NOC from Irrigation and Forest Department.	
8	Deposit verification/estimation Report, Revenue report	

ANNEXURE-4

प्रेषक,

सदस्य सचिव,
राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ०प्र०
विनीत खण्ड-1, गोमती नगर,
लखनऊ।

सेवा में,

निदेशक,
भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०
खनिज भवन, लखनऊ।

पत्रांक: 159/पर्या०/डी०एस०आर०/सहारनपुर/2024

दिनांक: 07 जून, 2024

विषय: जिला सर्वेक्षण रिपोर्ट (डी०एस०आर०) के अनुमोदन के संबंध में।

महोदया,

कृपया उपर्युक्त विषयक अपने पत्र सं०-85/डी०एस०आर०, दिनांक 19-04-2024 का सन्दर्भ ग्रहण करना चाहें, जिसके साथ जनपद-सहारनपुर का ड्राफ्ट डी०एस०आर० मूल रूप में संलग्न कर आवश्यक कार्यवाही हेतु प्रेषित किया गया था।

जनपद-सहारनपुर की ड्राफ्ट डी०एस०आर० अप्रेजल हेतु राज्य स्तरीय पर्यावरण मूल्यांकन समिति (SEAC-1&2) की संयुक्त बैठक दिनांक 03-05-2024 को सूचीबद्ध था तथा जिसको राज्य स्तरीय मूल्यांकन समिति द्वारा कुछ शर्तों के साथ अनुमोदन हेतु संस्तुत किया गया। तदोपरान्त राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण (SEIAA) की 814वीं बैठक दिनांक 24-05-2024 में सहारनपुर की डी०एस०आर० अन्य शर्तों के अतिरिक्त इस शर्त के साथ अनुमोदित की गई कि:-

SEIAA noted that in draft DSR unit of quantity is not similar, like under list of potential mining lease (existing and proposed) rivers and cluster and contiguous detail, total excavation is given in MT/Year whereas in final list of cluster geological reserve is given in cubic meter, hence a clarification must be submitted and it should be same as given in Lol.

अनुरोध है कि खनन अधिकारी, सहारनपुर के ई०-मेल दिनांकित 03-06-2024 द्वारा प्रेषित इकाईयों को डी०एस०आर० में प्रतिस्थापित किया जाये।

भवदीय,

(संजीव कुमार सिंह)

सदस्य सचिव, एस०ई०आई०ए०ए०