

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

In

Original Application No. 513/2019

In the Matter of: -

Mohd. Imran Khan Kadri, Muslim Rashtriya Manch

Applicant(s)

Vs.

State of Bihar

Respondent(s)

Index

S. No.	Particulars	Page No.
1.	Report on Sand Mining Ghats on River Son in Aurangabad and Rohtas Districts, Bihar in compliance to Hon'ble NGT, PB order dated 19.02.2020 in the matter of O.A. No. 513/2019 titled as Mohd. Imran Khan Kadri, Muslim Rashtriya Manch Vs. State of Bihar.	
2.	Annexure-I: A copy of Hon'ble NGT order dated 19.02.2020.	
3.	Annexure-II: Action taken report submitted by DMO Aurangabad against illegal mining activities.	
4.	Annexure-III: A descriptive report on compliance status of Environmental clearance conditions for Kesao.	
5.	Annexure-IV: Copy of questionnaire sent to DMOs of the Aurangabad and Rohtas.	
6.	Annexure-V: District Survey Report (DSR) of Aurangabad and Rohtas districts.	
7.	Annexure-VI & VII: Copy of Extension of Lease for the lease holder M/s Aditya Multicon Pvt Ltd for sand mining at different ghats on the River Sone in the district of Aurangabad and Rohtas which is valid till 31.10.2020.	

(Nazimuddin)

Scientist 'E'

Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar

Delhi-110032

Place: Delhi

Date: 27th July, 2020

Report on Sand Mining Ghats on River Son in Aurangabad and Rohtas Districts, Bihar

I. Background

The Hon'ble NGT, Principal Bench, New Delhi vide its order dated 19.02.2020 (**Annexure I**) passed in the above case has stated that *the report submitted by the PCB (Pollution Control Board) is at variance with the observations of the High Court. There are also inherent contradictions in the report.*

In view of the above, to ascertain the truth on the ground, it is necessary to constitute another Committee which will comprise of CPCB, a scientist nominated by MoEF&CC and an Expert nominated by the Indian School of Mines, Dhanbad. Accordingly, a Committee was constituted with following members:

- i. Dr. Gurdeep Singh, Professor, Dept of Environment Science and Engineering, IIT(ISM) Dhanbad
- ii. Shri Rajeev Ranjan: Scientist E, Regional Office Ranchi of MOEF&CC/ GoI.
- iii. Dr. G.P. Singh: Scientist D, CPCB, Kolkata, (Nodal Agency)

The Committee members could not plan field visit to the Sand Ghats in the month of March, April and May, 2020 due to COVID -19 pandemic and lockdown. Pursuant to relaxation in inter-state movement, field inspection on June 24, 2020 was planned. The Committee members inspected the Sand Ghats on river Son in Aurangabad and Rohtas Districts, Bihar on June 24, 2020 for one day only taking into account safe accommodation for the members in view of the COVID Pandemic.

II. Description of the field visit on different Sand Ghats on River Son and over the Bridge

The Committee members inspected various *Sand Ghats* on river Son in Aurangabad and Rohtas Districts, Bihar on 24.06.2020. The executives/managers of *Sand Mining Ghats Lessees* and (DMOs) of Aurangabad and Rohtas also accompanied the committee members on respective *Sand Ghats*.

The observations/ findings of the Committee members for different *Sand Ghats* are as under:

- A. Kesao Ghat:** The Committee constituted by NGT visited the Kesao Ghat on river Son in Aurangabad District. Lat-Long of a place near the sandghat was 24°53'10.94" 84°12'53.01"
- (1) Roads to the ghats were broken and full of mud at many places (photos 3 and 5). It was instructed to repair the roads since they had the potential of dust pollution in dry seasons. The water flow in the Son river at the Ghatsite was with gushing current and the level appeared such that the Ghat was submerged and therefore the amount and

- depth of sand extraction (mining) in the river site could not be ascertained (photos 6,7 and 8). No pillars could be observed at the Ghat for boundary demarcation. Project executive (M/s Aditya Multicon Private Limited) informed that they have erected pillars but pillars were broken or detached from the ground due to water flow in river.
- (2) No benchmark and or pillars were observed at the site so that the actual configuration of the edge of the river bank and its distance from the sand extraction site or the level of the banks prior to sand mining (to determine the depth of sand extraction in the river) could be ascertained.
 - (3) Sand stock was observed just adjacent to the highway near the Kesao Ghat area (photo 1).
 - (4) Foot prints of crawlers of Heavy Earth Moving Machinery (HEMM) were observed on the road adjacent to the river Son (photo 9). It implied that HEMM (Backhoe/Shovels etc.) were used on the Sand Ghats very close to the river. Project authorities explained that they use the HEMM for road construction/repair.
 - (5) Stocks of sand were observed near the Ghats (photos 02 and 03).
 - (6) The aerial distance of the place (where committee members visited and collected lat., long.) from the bridge (over river Son connecting Aurangabad and Rohtas) was approx 250m (as per the Google maps website) photo attached (see Google image photo 1)
 - (7) A water tanker attached with tractor was observed near the sand Ghat that was utilized for spraying water over the roads for dust suppression (photo 11).
 - (8) Illegal sand mining has been reported (as reported by project executives of Kesao Ghat and District Mining Officer, Aurangabad) near the Kesao sand mining ghat (photos 12 and 13). Footprints of HEMM were visible on the illegal sand mining ghat also. This illegal sand mining ghat was about 225m from the bridge (over river Son connecting Aurangabad and Rohtas). It was observed on the illegal sand mining ghat that a kutcha pavement (for movement of machinery) was made inside the river Son. Due to rains and water flow in the river the kutcha pathway has broken at few places (photo 13). This is in violation to Bihar Minerals (Concession, Prevention of illegal mining, Transportation & Storage Rules, 2019* {BM(C.P.T.&S) Rules 2019 { rule 29 (A) 2 (i)} and also dangerous for the safety of the bridge.
 - (9) Some plantations were developed by the project authorities near their office area (photo 10) but overall green belt development was not satisfactory.
 - (10) DMO Aurangabad has submitted Action taken report against illegal mining activities (given in **Annexure II**).

Photos of KesaoGhat



Photo01:Photo of sand stock kept adjacent to highway near Kesaoghat.



Photo 02:Photo of sand stocks near Kesaoghat.



Photo03: Photo of broken road to the Kesaoghatconnecting Aurangabad and RohtasDistricts .Photo taken from Kesaoghat road



Photo 04: Photo of bridge over river Sone



Photo 05: Photo of broken road to the KesaoKesaoghatghat (submerged in water in river Son)



Photo 06: Photo of road towards



Photo 07: Photo of Committee members and other officials visiting KesaoGhat



Photo 08: Photo of water flow in river Sone on the way to Kesaoghat.



Photo 09: Photo of footprints of HEMM on the way to Kesaoghat.



Photo10:Photo of some plantations near



Photo11:Photo of water tanker near project proponent office around KesaoGhat



Google image Photo 1: Photo showing distance of place of visit near Kesao sand ghat and the bridge.

Photos of Kesao Illegal sand mining Ghat



Photo 12: Footprints of Heavy Earth moving Photo 13: Illegal sand mining ghat machinery on the way to illegal sand mining near Kesaoghat close to the bridge.

B. Below Son Bridge connecting Aurangabad & Rohtas

(1) At few places below the bridge where river water level was less it appeared that sand mining/extraction was done below and near the bridge pillars (photos 15,16,17 and 25). It was dangerous for the safety of the bridge and in violation to Bihar Minerals (Concession, Prevention of illegal mining, Transportation & Storage Rules, 2019* {BM(C,PT& S)

Rules 2019. Field observation suggested that there are possibility of natural erosion near the bridge site.

- (2) In some areas in the river where water level was less, it was observed that there was no/negligible sand and clay material below sand was visible (photos 19 and 20).
- (3) There was a pathway/road constructed with morrum/earth material in the middle of river and passing below the bridges (both road & railway) (photos 22 and 23). It was informed by district officials that the road was built for gas pipe line by a Gas Company.
- (4) At many portions along the bridge there was such level and current of water flow in the Son river that occurrence of sand extraction, if any, could not be observed (photo 21).
- (5) At some places near and below the Railway bridge (over Son river connecting Aurangabad and Rohtas) such surface features were observed that could be indicative of sand extraction (photos 24, 26 and 27) and apparently distinct from natural erosion and bank formation.

Photos of Son Bridge connecting Aurangabad & Rohtas



Photo 14: View of Kesaoghat from the bridge over river Son

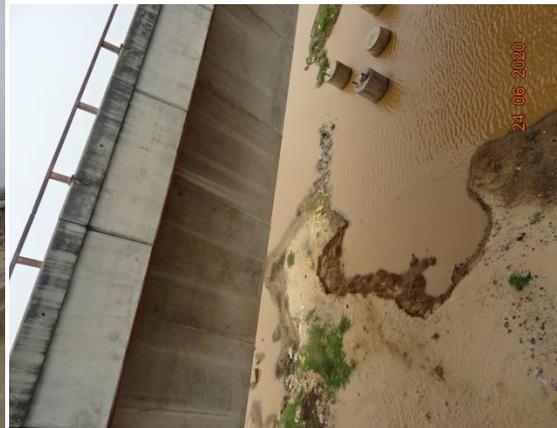


Photo 15: Photo of sand cutting near the pillars of the bridge over river Son

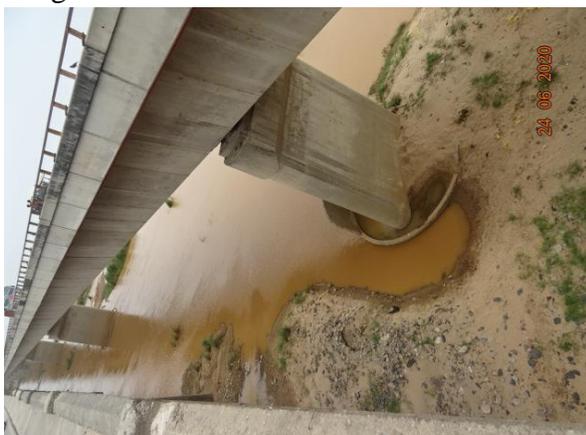


Photo 16: Photo of pot holes formed near Pillars of bridge over river Son



Photo 17: Photo of sand cutting near the pillars of the bridge over river Son



Photo 18: Photo of sand cutting and clay material visible under the bridge stretches of river Son.



Photo 19: photo of clay material visibility with no/negligible sand over some stretches of river Son.



Photo 20: Photo of clay material Visibility with no/negligible sand over some stretches of river Son near bridge.



Photo 21: Photo of water in the river Son



Photo 22 & 23: Photo of pathway/kutchha road built in the middle of river Son and under the bridge. (reportedly by some Gas pipeline company).



Photo 24: Photo of level difference in the river Son near the railway bridge (may be due to cutting of sand)



Photo 25: Photo of pot hole like structures adjacent to pillar of bridge over Sonriver.



Photo 26& 27: photo of indication of sand extraction under the Railway bridge over Son river as can be seen from substantial level difference.

C. General –Sand Stocking

- (1) During visit it was observed that at few places sand stocks were kept in agricultural fields / close to housed/habitations and those places were very far from Ghats (see photo 28). Such stocks of sand can have adverse impact on agricultural fields besides creating nuisance for nearby habitations (people) due to loading, transportation, Air and Noise Pollution.

Way to KeraGhat –



Photo28:Photo of large sand stock kept in the Agricultural field near human habitations.

D. KeraGhat A&B

- (1) Only one pillar was observed at KeraGhat (see photo 29). Project executives explained that they have built pillars around the Ghat boundary but due to water flow, those pillars were broken and not visible.
- (2) Footprints of HEMM (Shovel/Backhoe) were observed on the ghat very close to the river indicating the use of Heavy machineries in the river.
- (3) In most portions in the Ghats substantial water level was found with moderate current in the river and amount/extent of cutting of sand for extraction in river could not be even visually assessed.(see photo 30).
- (4) On the bank/edge of river at KeraGhat clay material was visible (photos 29 and 32).
- (5) Sand stock was observed near the KeraGhat (photo 34).
- (6) Location of site of visit at the KeraGhat – Latitude: 25⁰04'08.54" ; Longitude :84⁰25'55.85".
- (7) Some plantations were shown by project authorities on the bank of river at KeraGhat (photo 33). Overall the green belt development was not satisfactory.

Photos of KeraGhat A& B



Photo 29: Photo of a pillar at KeraGhat. Clay material can also be seen.Keraghat.



Photo 30: Photo of water in the Son River at



Photo 31&32:Photo of footprints of Heavy Earth moving machinery very close/touching the river at Keraghat.



Photo 33: Photo of some plantations near Kera Ghat.



Photo 34: Photo of large sand stock near KeraGhat.

E. Old G.T road and AniketGhat

- (1) Committee members visited old G.T. road that was passing across Son River (photos 35 and 37). At a place it was observed that lots of rocks have broken/ interlocking broken lying as such at the spot (see photo 38).
- (2) This old G.T. Road was the path for AnikatGhat. Committee members visited the place after which water was flowing in the river (see photos 39 and 40). Project authorities informed that there was no working in this AnikatGhatfor thelast 2½ -3 months because of local law and order problem. However,it was informed by other local sources that Ghat was closed from last two weeks or so.
- (3) Lots of Bricks and Brick pieces were observed near the AnikatGhat in the river (photos 41 and 42) which indicated bricks were used for road making in the river.
- (4) There was water filled in the river at AnikatGhat as can be seen from photos 40 and 42 Footprints of HEMM, trucks, Tractors could be observed on the old G.T. road and on the way to AnikatGhat (photo 36).
- (5) There was an old barrage/rock structure between G.T. road and the bridge (over Son river connecting Aurangabad and Rohtas) but committee members could not reach the place due to non-availability of proper approach road. However photo by camera was taken (photo 43). Long grasses have developed on the sides of that rock structure.
- (6) No pillars were observed at the AnikatGhat.
- (7) Plantations were not observed near AnikatGhat.

Photos of Old G.T. Road &AnikatGhat



Photo 35:Photo of old G.T road on the way to AnikatGhat

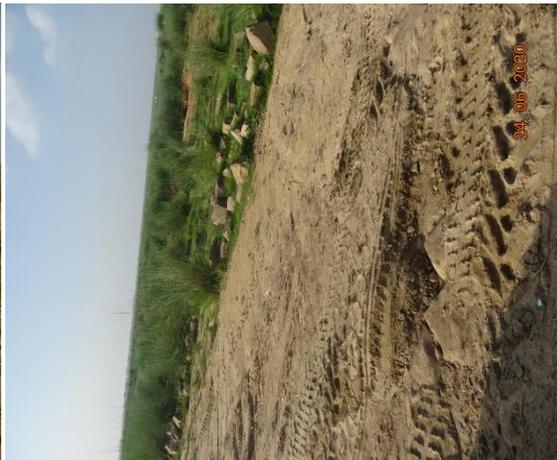


Photo 36:Photo of footprints of Tractors, HEMM on the way to AnikatGhat



Photo37:Photo of old GT road on the way to AnikatGhat



Photo38:Photo of broken/loose rocks adjacent to old GT road on the way to AnikatGhat.



Photo 39& 40: Photo of water in the Son river near AnikatGhat



Photo 41&42: Photo of Bricks kept and also used on the path to AnikatGhat



Photo 43:Photo of rock structure in between old GT road and bridge (over river Son).

F. DalmianagarGhat

- (1) Committee members visited DalmianagarGhat in Rohtas district which has also submerged (photos 44,45 and 46) in the water flowing in Son river and no sand extraction could be observed due to water in river.
- (2) No pillars were observed at DalmianagarGhat and boundary of the Ghat could not be known.
- (3) Some plantations were observed near the banks of DalmianagarGhat (photo 47) but overall the green belt development was not satisfactory.

Photos of DalmianagarGhat



Photo 44:Photo of pathway made to Dalmianagar Ghat



Photo 45:Photo on the way to DalmianagarGhat.



Photo 46:Photo of water in river Son near DalmianagarGhat



Photo 47:Photo of some plantations on the banks near DalmianagarGhat

- (8) Indrapuri Barrage over Son river was also visited by Committee members (photo 48)
The barrage was almost inundated to a good extent and water was being discharged in the river Son also.

Indrapuri Barrage



Photo 48: Water flow from Indrapuri Barrage.

III. Environment Clearance Conditions and Compliances Status:

DMO Aurangabad in his interaction with the Committee members informed that DEIAA Aurangabad, Bihar has accorded Environment Clearance to 72 sand mining projects/Ghats on river Son in Aurangabad district. Similarly DEIAA Rohtas, Bihar has accorded Environment Clearance to 30 sand mining projects/Ghats on river Son in Rohtas district.

Six monthly compliance reports of some of the projects were checked. **The project proponent (M/s Aditya Multicom Private Limited) has been irregular in submitting the six monthly compliance reports** as can be seen from table below:

Name of the Project(Sand Ghat) and EC No.	Six monthly compliance submission status							
	April 2016 to September 2016	October 2016 to March 2017	April 2017 to September 2017	October 2017 to March 2018	April 2018 to September 2018	October 2018 to March 2019	April 2019 to September 2019	October 2019 to March 2020*
Kera A Ghat, EC (Ref No.-122 dated 18/02/2018)	N.A	N.A	N.A	Yes received	Yes received	Yes received	Not received	Not received
Kera B Ghat, EC (Ref No.-122 dated 18/02/2018)	N.A	N.A	N.A	Yes received	Yes received	Yes received	Not received	Not received

KesaoGhat, EC (Ref No.-122 dated 18/02/2018)	N.A	N.A	N.A	Yes received	Yes received	Yes received	Not received	Not received
Sheikhpura 1 Ghat, EC (Ref No.-122 dated 18/02/2018)	N.A	N.A	N.A	Yes received	Yes received	Yes received	Not received	Not received
Anikaat 1 Ghaat, (Ref No.-122 dated 18/02/2018)	N.A	N.A	N.A	Yes received	Yes received	Yes received	Not received	Not received
ShankarpuraGhat A, EC (Ref No.-315/M dated 13/03/2018)	N.A	N.A	N.A	Yes received	Yes received	Yes received	Not received	Not received
ShankarpuraGhat B, EC (Ref No.-315/M dated 13/03/2018)	N.A	N.A	N.A	Yes received	Yes received	Yes received	Not received	Not received
DalmianagarGhat, EC (Ref No.-392 dated 28/03/2016)	Yes received	Not received	Not received	Yes received	Yes received	Yes received	Not received	Not received

Received= Six monthly compliance status report received in Regional office Ranchi,MOEF&CC.

Not Received= Six monthly compliance status report not received in Regional office Ranchi,MOEF&CC.

- PP has submitted six monthly compliance recently via email on dates 14.07.20, 15.07.20 and 16.09.20 but it could not be reviewed and incorporated in this report due to paucity of time. In any case PP should submit the six monthly compliance report till 1st June 2020.

Six monthly compliance status for EC conditions submitted by Project proponent (PP) was reviewed for KesaoGhat. A descriptive report on compliance status of Environmental clearance conditions for KesaoGhat has been prepared and provided in **AnnexureIII**

IV. **Analysis of Mining plan, production, sales data for sand ghats, compliance of rules:**

Mine plan document, production, sales data, etc. was not submitted by project proponent, DMOs during the visit. A questionnaire (as given in **Annexure IV**) related to resource (sand) availability, production, sales, compliance of relevant Mining rules, etc. has been sent to DMOs of the Aurangabad and Rohtas district (via email) which is still to be received.

V. **Analysis of District Survey Report (DSR) of Aurangabad and Rohtas districts:**

District Survey Report (DSR) of Aurangabad and Rohtas districts were downloaded from internet and studied. Some of the discrepancies observed in the DSR and recommendations for improving DSR is given in **Annexure V**

VI. **Overall observations:**

The committee after having field visit, interacting with local people, and the project personnel, and the local authority such as DMO, has following observations:

- i. The lease holder M/s Aditya Multicon Pvt Ltd has been granted lease for sand mining at different Ghatson the River Sone in the district of Aurangabad and Rohtas which is valid till 31.10.2020 (copy enclosed as **Annexure VI& VII**).
- ii. M/s. Aditya Multicom Pvt. Ltd, has mining lease for about 102 (72 in Aurangabad and 30 in Rohtas) numbers of major sand ghats in river Son in the district of Aurangabad and Rohtas.
- iii. There was a good water flow in the Son river at the ghat area and the amount of cutting of sand in river could not be ascertained (photos 6,7 and 8). No pillars could be observed at the ghat for boundary demarcation. Project authorities (M/s Aditya Multicon Private Limited) informed that they have erected pillars but pillars were broken due to water flow in river.
- iv. No benchmark and or pillars were observed at the site so that the actual configuration of the edge of the river bank and its distance from the sand extraction site or the level of the banks prior to sand mining (to determine the depth of sand extraction in the river) could be ascertained. The representative of PP could not show pillars required to be installed for demarcation of the mine lease area in river bed. During the inspection of sand ghats only one pillar (at kera sand ghat could be observed).
- v. Some plantations were developed by the project authorities near their office area (photo 10) but overall green belt development was not satisfactory.
- vi. No HEMM, trucks of heavy vehicle were found to be under use for mining during the inspection. However, foot prints of crawlers of Heavy Earth Moving Machinery (HEMM) were observed on the road adjacent to the river Son (photo 9). It implied that HEMM (Backhoe/Shovels etc.) were used on the Sand Ghats very close to the river/even inside the river. Project authorities explained that they use the HEMM for road construction/repair.
- vii. There was an illegal sand mining Ghat near the Kesao sand mining ghat. Footprints of HEMM were visible on the illegal sand mining ghat also. This illegal sand mining ghat was approx 225m from the bridge (over river Son connecting Aurangabad and Rohtas). It was observed on the illegal sand mining ghat that a kutcha pavement (for movement of machinery) was made inside the river Son. Due to rains and water flow in the river the kutcha pathway has broken at few places. However, it implied that illegal sand mining

was being carried out before rains very close to the bridge (within 200-225m distance) which was in violation to **Bihar Minerals (Concession, Prevention of illegal mining, Transportation & Storage Rules, 2019*** {BM(C,PT& S) Rules 2019}and also dangerous for the safety of the bridge. This illegal sand mining activity by other than the lease holder is on record of DMO and as report certain action has been initiated.

- viii. At few places below the bridge where river water was less river bed erosion was observed below and near the bridge pillars. It is dangerous for the safety of the bridge. However field situation suggest of possibility that sand cutting is may be due to natural erosion at some places below the bridge.In some areas in the river where water was less, it was observed that there was no/negligible sand and clay material below sand was visible.
- ix. It was observed at few places sand stocks were kept in agricultural fields / close to housed/habitations and those places were very far from Ghats. Such stocks of sand can have adverse impact on agricultural fields besides creating nuisance for nearby habitations (people) due to loading, transportation, Air and Noise Pollution. However, project representation informedthat stock is on permitted site. Document could not be produced in support of claim during the visit.
- x. Lots of Bricks and Brick pieces were observed near the AnikatGhat in the river which indicated bricks were used for road making in the river.
- xi. There was an old barrage/rock structure between G.T. road and the bridge (over Son river connecting Aurangabad and Rohtas) but committee members could not reach to the place due to non-availability of proper approach road. However photo by camera was taken. Long grasses have developed on the sides of that rock structure.
- xii. The project proponent (M/s Aditya Multicom Private Limited) has been irregular in submitting the six monthly compliance reports.Many of the EC conditions for the sand ghats on the river Son are being complied or partially complied.
- xiii. Mine plan document, production,stock inventory, sales data, etc. was not submitted by project proponent, DMOs. A questionnaire (as given in **Annexure IV**) related to resource (sand) availability, production, sales, compliance of relevant Mining rules, etc. has been sent to DMOs of the Aurangabad and Rohtas district (via email) on but the reply has not been received by the committee.
- xiv. Some observation and recommendations in the District Survey Report (DSR) of Auranagabad and Rohtas districts are given in **Annexure V**.
- xv. No person with sound environmental knowledge to explain the environmental issues were present from the project side.
- xvi. District Mining authorities were less in manpower and did not possess tools, latest technologies to prevent illegal mining completely.

VII. Recommendations of the committee:

Ascertained and precise assessments in respect of sand extraction from the lease sites in the river could not be observed or recorded due to presence of water in gushing or moderate current as rainy season had set in with the rains in the catchment areas of Son river.

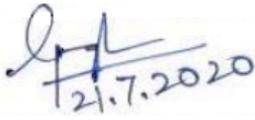
However, observations of the vicinity indicated that incidences of unsystematic sand extraction, limitation in compliance of some conditions of Environmental Clearance or Sand Mining and Management Guidelines or Bihar Minerals (Concession, Prevention of illegal mining, Transportation & Storage Rules, 2019* {BM(C PT& S) Rules 2019} exists in the context of river sand mining. The incidence of illegal sand mining by other than the project proponent and its reporting was also informed by DMO, against which appropriate action has been initiated. The record submitted in this regard by DMO is attached with this report as Annexure II.

Based on the field visit and interaction following measures are suggested for improved compliance of sustainable sand mining practices and related environmental concerns in future after the current monsoon that also include the measures for preventing illegal river sand mining:

- (i) Demarcation of mining area with pillars and geo-referencing should be done prior to start of mining by project proponent, M/s Aditya Multicom Pvt Ltd. before resuming sand mining. This shall be duly verified by the district authority concerned.
- (ii) Benchmark (BM) with respect to mean sea level (MSL) should be made essential in mining channel reaches (MCR) below which no mining shall be allowed. The mining should be allowed only for the quantity of aggradation.
- (iii) The procedure to be followed in preparation of Mining Plan has been provided MoEF&CC guideline 2020 (Enforcement & Monitoring Guidelines for Sand Mining published in January 2020 by MOEF&CC- Page no 21, 22, 23, 24 & 25) and it should be followed strictly by project proponent and scrutinized accordingly by Mining department. One important point to highlight that may be helpful while monitoring is “The mining plan should include the original ground level recorded at an interval not more than 10M x 10M along and across the length of the river. In addition to this-levels, outside the mining lease and bank of the river up to meters needs to be recorded”.
- (iv) In case of river bed, mineable material per hectare area available for actual mining shall not exceed the maximum quantity of 60,000 MT per annum. (Enforcement & Monitoring Guidelines for Sand Mining published in January 2020 by MOEF&CC- Page no 25)
- (v) Baseline data before commencement of Mining operations: Baseline data in respect of the initial level of mining lease in the interval not more than 25X25 meters shall be collected for record by leaseholder. The level of river bed upstream and downstream up to 100 meters also needs to be recorded. The area outside the mining lease/river bank (if lease boundary coincides with

mining lease) up to 100 meters from both the banks/mining lease needs to surveyed for initial level.

- (vi) Considering the importance of DSR, MoEF&CC after consultation with experts dealing with mining-related matters, formulated guidelines for preparation of comprehensive DSR for sand mining that is provided in “Enforcement and monitoring guidelines for sand mining, 2020” that should be strictly followed by Mining department.
- (vii) Regular monitoring of the stipulated environmental clearance condition should be done and monitoring report with corrective measure shall be intimated to State Mining Directorate, Project Proponent. The regulatory authorities SEIAA, BSPCB should ensure monitoring and compliance of the Stipulated EC conditions and other relevant rules, appropriate action within the provision of E(P) Act, 1986 or other applicable rules may be initiated on any violation observed.
- (viii) Regular replenishment study needs to be carried out to keep a balance between deposition and extraction.
- (ix) Strengthening and capacity building of district mining authorities has to be done especially in mineral rich districts of the state.
- (x) District mining officers should be equipped with latest tools, drones, CCTVs, tablets/mobiles for random checking of e-challans, other latest surveillance systems, etc. to ensure compliance of rules.
- (xi) The factual assessment (w.r.to sand cutting in river bed, scientific and systematic mining, sand mining buffer zone on banks of river, etc.) is possible only in dry weather conditions for sand mining activities. It is prudent to make such inspection during dry seasons/ non monsoon season when sand mining is allowed. Due to COVID-19 pandemic, travel restrictions and safety and health related issues the inspections could not be done in dry seasons.

		
<p>Dr. G.P. Singh, Scientist D, CPCB, Kolkata</p>	<p>Rajeev Ranjan Scientist E, Regional office, Ranchi MOEF&CC</p>	<p>Prof. Gurdeep Singh Dept. of Environmental Science & Engineering, IIT(ISM,) Dhanbad</p>

List of enclosures

Sl no.	Particulars	Annexure no.
i.	The Hon'ble NGT, Principal Bench, New Delhi vide its order dated 19.02.2020	I
ii.	DMO Aurangabad has submitted Action taken report against illegal mining activities	II
iii.	A descriptive report on compliance status of Environmental clearance conditions for Kesao	III
iv.	Copy questionnaire sent to DMOs of the Aurangabad and Rohtas	IV
v.	District Survey Report (DSR) of Auranagabad and Rohtas districts	V
vi.	Copy of Extension of Lease for the lease holder M/s Aditya Multicon Pvt Ltd for sand mining at different ghats on the River Sone in the district of Aurangabad and Rohtas which is valid till 31.10.2020	VI & VII

Item No. 03

Court No. 1

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

Original Application No. 513/2019

(With report dated 05.09.2019)

Mohd. Imran Khan Kadri, Muslim
Rashtriya Manch

Applicant(s)

Versus

State of Bihar

Respondent(s)

Date of hearing: 19.02.2020

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Applicant(s): None

For Respondent(s): Mr. Pankaj Bhagat, Advocate for Aditya
Multicon Pvt. Ltd., Intervenor

ORDER

1. A report was sought from the Bihar State Pollution Control Board (PCB) and the District Magistrates, Aurangabad and Rohtas with reference to the allegation of illegal sand mining in River son in Districts Aurangabad and Rohtas, Bihar, by using heavy earth moving machines inside the river, damaging the ecology of the river and also use of heavy trucks, causing air pollution.
2. A report has been filed by the PCB on 05.09.2019 along with an inspection report. Findings in the inspection report are:
 - “i). Sand mining was not being carried out at any site as it is rainy season and mining activities are closed in compliance with the Hon’ble NGT direction.
 - ii). Water was flowing in the river and mining ghats were submerged under water and therefore the river-bed was invisible.
 - iii). Pillars, demarcating sand ghat for which EC was granted, were not visible, may be due to the high level of water in the river.

- iv). *The allegation that mining by using heavy earth machine inside the river was being done, could not be observed due to absence of mining activity at present.*
- v). *The alleged dam in question having been constructed in the river to change the direction of the river, was not verified to be true, as Indrapuri Barrage was constructed long back to feed the canal system for irrigation purpose. Any other dam-structure could not be found.*
- vi). *Sand stock was kept beside the river. Beside the stocks, mechanical excavators/loaders and trucks were observed parked. Local people involved in sand mining, told that excavators were used for sand stocking and loading on trucks/tractors for transportation to other places.*
- vii). *The sand from sand storage yard was being transported with tarpaulin covered vehicle (Truck/tractors). But during visit it was observed that sand was being transported by some tractors without tarpaulin cover in between Daudnagar and Barun of Aurangabad District.*
- viii). *Tree plantation along the ghat roads was not observed.”*

3. During the hearing today, Mr. Pankaj Bhagat, Advocate seeking to represent an erstwhile lessee has submitted that the report is incorrect and misleading. In fact, illegal mining is going on in a big way, with the collusion of the authorities. He has handed over a copy of order of the Patna High Court dated 09.08.2019 in CWJC No. 4671 of 2019 dealing with the issue of illegal sand mining. Therein, following findings are recorded:

- “27. All the vehicles carrying sand from the District of Rohtas and Kaimur cross the border through G. T. Road taking advantage of the fact, that there is no check post in this area to verify the genuineness of transportation of such minor mineral. During Monsoon season, the settlers are entitled only to remove sand which has earlier been stocked by such settlers and removal of sand from the river bed is strictly prohibited. Still the illegal Minors in collusion with the District Administration, are removing sand. The District authorities, despite repeated orders passed by this Hon'ble Court, have neither filed affidavit nor have taken effective step to check such illegal mining.
- 28. *The removal of sand from the river bed will seriously prejudice the interest of the petitioners who are entitled to again mining sand from October, 2019, i.e. after Monsson period of July, August and September.*
- 29. *Therefore, from the statement made by the (Respondents in the counter affidavit, it appears that illegal mining is*

going on even during Monsson season while the excavation of sand from the river bed is prohibited.

30. The-District-Magistrate is empowered to pass order and directions for conducting the affairs of sand ghats and mining activity considering the public interest. The respondents have not taken proper action in public interest to check the illegal mining of Sand, which is rampant, as submitted by the petitioners in the writ applications and also admitted by respondents in the counter affidavits.
31. Therefore, this Court directs the District Magistrate of respective Districts in which the petitioners are settlees of Sand Ghats in following manner:
- a). To establish necessary check posts at appropriate places on all the sand ghats including at Mohania (Bihar-UP Border) and Babura(Near Koilwar Bridge, Bhojpur, Bihar) and check the vehicles to ascertain whether the minor mineral i.e. sand loaded on the vehicles are transported on the basis of valid challans and also to check over loading of sand on the vehicles.
 - b) To authorise the representative of petitioners to lodge First Information Report with the Police against the persons involved in illegal mining of sand from the sand ghats settled to the petitioners.
 - c) The District Magistrate shall also allow the representatives of the petitioners to check the vehicles on the - check post in order to ascertain whether the sand loaded in the vehicles are being transported, on the basis of valid Challans or not.
 - d) The District Magistrate shall issue identity cards to the representatives of the petitioners' company to facilitate the checking of illegal mining.
 - e) The District Magistrate shall ensure that FIRs with regard to illegal mining are accepted immediately by the respective Police Stations and appropriate action be taken without delay.
 - f) The Superintendent of Police of respective Districts shall issue necessary direction in this regard to all Police Stations to take immediate action on F.I.R. lodged by petitioners or by authorised agent against illegal Minors.
 - g) The Superintendent of Police of respective Districts shall himself monitor that necessary action are taken on all the 1 FIRs registered against illegal Minors in the Police Station and Police take suitable

action in terms of Provisions of Rules 40 and 41 of Bihar Minor Mineral Concession Rules, 1972.

32. *The District Magistrate and Superintendent of Police of all respective Districts will take appropriate step to comply the directions of this Court as mentioned above within a period of one month from the date of receipt/production of copy of this order.*
33. *Both the writ applications are accordingly allowed with aforesaid directions.”*

4. We are, prime facie, of the view that the report submitted by the PCB is at variance with the observations of the High Court. There are also inherent contradictions in the report.

5. In view of the above, to ascertain the truth on the ground, it is necessary to constitute another Committee which will comprise of CPCB, a Scientist nominated by MoEF&CC and an Expert nominated by the Indian School of Mines, Dhanbad. The State PCB will render necessary assistance to the Committee. CPCB will be the nodal agency for coordination and compliance. The Committee may furnish its report within two months by email at judicial-ngt@gov.in.

6. A copy of this order be sent to the CPCB, MoEF&CC and the Indian School of Mines, Dhanbad and the State PCB by email.

List for further consideration on 22.05.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 19, 2020

Original Application No. 513/2019
AK



जिला खनन कार्यालय, औरंगाबाद।

जिला खनन कार्यालय, औरंगाबाद की वित्तीय वर्ष, 2020-21 में माह- जून, 2020 (अवधि दिनांक- 01.06.2020 से 23.06.2020) तक की उपलब्धि :-

1. वित्तीय वर्ष, 2020-21 में माह- जून, 2020 (अवधि दिनांक- 01.06.2020 से 23.06.2020) तक प्राप्त कुल समाहरण :-

(आँकड़ा- रु० लाख में)

विभागीय लक्ष्य :- 14877.01 लाख रु०

क्र० सं०	मद/खनिज	प्राप्त कुल समाहरण	अभियुक्ति
		3	4
1	2		
1	ईट	5.69	
2	पत्थर (मेसर्स केपीएस स्ट्रक्चर मेकर्स प्रा० लि०)	46.52	इसमें 10.52 लाख रु० सूद की राशि है।
3	बालू (मेसर्स आदित्य मल्टीकॉम प्रा० लि० से)	2900.00	
4	बालूघाटों के नव बन्दोबस्ती से	667.11	
5	कार्य विभाग से	12.33	
6	दण्ड से	114.87	
7	अन्य	0.10	बालू भण्डारण अनुज्ञप्ति शुल्क
कुल :-		3746.62 लाख रु०	
8	बालू बन्दोबस्तधारी द्वारा प्राप्त डी०एम०एफ० की राशि	63.85	

2. लघु खनिजों के अवैध खनन/परिवहन/भण्डारण के विरुद्ध कृत कार्रवाई संबंधित विवरणो :-

(क). अवैध खनन, परिवहन एवं भण्डारण से संबंधित संयुक्त कार्रवाई का समेकित प्रतिवेदन

क्र०सं०	छापेमारी	प्राथमिकी	गिरफ्तारी	दण्ड की राशि (लाख में)	न्यायालय के आदेश के आलोक में वसूल गई राशि (लाख में)	जब्त वाहनों में खनिज की मात्रा		जब्त वाहनों की संख्या	अभि०
						बालू	पत्थर		
1	2	3	4	5	6	7	8	9	10
1	139	2	0	114.83	0.04	82550	4000	309	

(ख). अवैध खनन, परिवहन एवं भण्डारण के विरुद्ध कार्रवाई के क्रम में दर्ज प्राथमिकी से संबंधित प्रतिवेदन

क्र०सं०	संबंधित थाना का नाम	काण्ड संख्या/दिनांक	काण्ड के अभियुक्तों की संख्या	अभि०
1	2	3	4	5
1	बारुण थाना	97/20, दिनांक- 12.06.2020	95	
2	बारुण थाना	108/20, दिनांक- 21.06.2020	4 अभियुक्त नामित एवं 10 अन्य अज्ञात व्यक्तियों के विरुद्ध प्राथमिकी	

(ग). अवैध खनन, परिवहन एवं भण्डारण के प्रभावी रोकथाम हेतु कृत कार्रवाई से संबंधित प्रतिवेदन

क्र०सं०	संबंधित थाना का नाम	वैसे स्थान जहाँ हाईट गेज अधिष्ठापित किया गया है	अभि०
1	2	3	5
1	बारुण थाना	एनीकाट के सामने मैदान में, देवो घाट, सहसपुर पेट्रोल पंप के पीछे, बरुआ पुल, एनीकाट हाईडल के समीप एवं कोचाढ़	


 खनिज विकास पदाधिकारी,
 औरंगाबाद।

Descriptive report on compliance status of Environmental clearance conditions for Kesao Ghat

Six monthly compliance status for EC conditions submitted by PP was reviewed for Kesao Ghat. Some of the partially complied /not complied conditions are enumerated as given below:

Specific Condition

Sl. No.	Condition no. and the condition	Compliance Status
i.	1. The Environmental clearance is subject to grant of Mining Lease and will be co-terminus with the mining lease period.	Earlier, as per the PP "lease period is valid up to 31.12.2019. However, Lease period has been extended upto 31.10.20.
ii.	3. It shall be ensured that there shall be no mining beyond 03 m or up to water level whichever is less further meaning thereby that no mining activity in running/stagnant water in the River in the issue of Sand Mining. The Distance from the bank of the river shall be as per the Bihar Minor Mineral and concession Rule (2014) and amendment thereof.	Compliance could not be ascertained due to water flow in the river.
iii.	5.The project proponent shall prepare the plan of mining in conformity with the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area).	Plan of mining was requested from DMO Aurangabad but it is not submitted to committee members yet.
iv.	6. The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro-geological regime of the surrounding area shall not be affected.	Partially complied. At some places in the river (see photos 18,19,& 20). clay was visible that indicated unsystematic and unscientific cutting of sand. However due to water in the river this condition could not be ascertained at all the ghats visited.
v.	7. The project proponent will provide protective respiratory devices to workers working in dusty areas and they shall also be provided with adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly.	Partially complied. Project proponent (PP) should submit the list of workers (with their age) to whom training on safety and health aspects was imparted, content and dates of training conducted also be submitted. List of workers who have undergone periodical medical examination should also be submitted. Copy of few medical examination reports with signature of Medical professional conducting the tests should also be submitted. Number of protective respiratory duties provided to workers (with recipients of respiratory devices) should be submitted.
vi.	12. The project proponent should	Not complied. Project Proponent(PP) did not submit

	implement suitable conservation measures to augment ground water resources in the area in consultation with the Ground Water Directorate, Government of Bihar/ Central Ground Water Board.	any document to prove that any consultation with Ground Water Directorate, Govt. of Bihar/ Central Ground Water Board (for implementation of suitable conservation measures to augment ground water resources in the area) has been done.
vii.	18. The depth of mining in river-bed shall not exceed three meter or water level, whichever is less, provided that where the Joint Inspection Committee certifies about excessive deposit or over accumulation of mineral in certain reaches requiring channelization, it can be as specified by the Committee, on defined reaches of the river.	Compliance could not be ascertained. Depth of mining in river-bed could not be ascertained/verified because there was water flow in the river.
viii.	20. In river flood plain mining, a buffer of 3 meter be left from the river bank for mining.	It could not be ascertained that a buffer of 3 meter was left from the river bank mining by project proponent since there was water flow in the river. However on the river bank at Kera Ghat very / negligible sand was visible as can be seen from photo 29, 31 & 32 which indicates there has been sand mining from buffer zone also.
ix.	22. Mining shall be done in layers of 1 m depth to avoid ponding effect and after first layer is excavated, the process will be repeated for the next layers.	Ponding effect could not be ascertained/observed in the river due to water in the river.
x.	25. Mining should begin only after pucca pillar marking the boundary of lease area is erected at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the DEIAA, Bihar.	Not complied/Partially complied. No mining pillars were observed in any of the ghats except a single pillar at Kera Ghat (see photo 29).
xi.	27. Lease shall keep a correct account of quantity of mineral mined out, dispatched from the mine, mode of transport, registration number of vehicle, person in-charge of vehicle and mine plan. This should be produced before officers of Central Government and State for inspection.	Partially complied. Project authorities have not submitted production and sales details of sand in their Six Monthly compliance Reports (in Half yearly compliance report of 1 st June 2018 and half yearly compliance report of 1 st December 2018) . Project authorities have submitted production and sales details of sand monthwise (from October 2018 to March 2019). However there is no mention of Kesao Ghat in the list of projects for which production and sales is provided. The above data of production and sales could not be compared to the Mine plan figures since Mine plan is not submitted by PP and DMO of Aurangabad & Rohtas district. Also, production and sales data of sand and production and sales from the sand Ghats has not been provided by DMOs of Aurangabad and Rohtas district. Registration number of vehicle from which sand is transported (with person in charge of vehicle)

		has also not been submitted by PP.
xii.	29. The Pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly.	Partially complied. A water tanker attached with tractor was observed at/near the Kesao sand Ghat that was utilized for spraying water over the roads for dust suppression (see photo 11). It was instructed to Project authorities to make a log book of water tanker and mentioning kilometer reading per day, running hours per days, scheduled maintenance, breakdown maintenance hours in it. Copy of log book of water tankers should be submitted along with six monthly compliance reports for each ghats under this Project proponent. In all the reports submitted for values of PM10 and PM 2.5 sampling location is only one i.e project site. Project proponent should also submit PM 10 & PM 2.5 value at few locations along the transportation route. At project site value of PM 10 & PM2.5 is more than the NAAQS limit.
xiii.	31. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Wheel washing facility should be installed and used.	Partially complied. Apart from trucks, sand transportation is also done by tractors. At few locations in Rohtas and Aurangabad Districts, Committee members could observe uncovered tractors transporting sand. Their was no registration number found on one of the tractors transporting sand. Wheel washing facility could not be observed on any Ghats and visited place by committee members.
xiv.	33. Restoration of flora affected by mining should be done immediately. Twice the number of trees destroyed by mining be planted preferably of indigenous species.	Partially complied. Green belt development by project proponent was not found to be satisfactory.
xv.	40. Junction at takeoff point of approach road with main road be properly developed with proper width and geometry required for safe movement of traffic by lease holder at his own cost.	Partially complied. Haul roads (kutchra) have been developed by PP but there were pot holes and mud on the haul road and the road was broken at places at Kesao Ghat and Dalminagar Ghat.
xvi.	43. The Distance from N.H, Railway line, Reservoir, Bridge shall be adopted as per Bihar Minor Mineral and concession Rule (2014) and amendment thereof.	Partially complied. Illegal mining has been done near N.H Bridge and Railway bridge (see photos 12,13,15,16,17,18,20,26). Project proponent informed that they are not engaged in mining near bridges, N.H. As can be seen from photo 12 and 13, Google image photo 1 illegal mining near Kera Ghat has been done within 250m from Bridge.
xvii.	45. Vehicles only with fitness and PUC Certificates should be used.	Partially Complied. Project proponent should submit fitness and PUC certificates of few vehicles engaged in sand transportation.
xviii.	47. No stacking of sand is allowed on road side along national highways.	Not complied. Sand Stacking was observed on road side along National highway near Kera Ghat (see photo 1).

General Condition

Sl. No.	Condition	Status
I.	2. The Different Geo-Coordinate is given as per approved Mining Plan approved by Mining Deptt., Govt” of Bihar.	Partially complied. Mining plan has not been submitted by project proponent.
II.	3. It shall be ensured that standards related to ambient air quality/ effluent as prescribed by the Ministry of Environment & Forests are strictly complied with. Water sprinklers and other dust control majors should be applied to take-care of dust generated during mining operation, Sprinkling of water on haul roads to control dust will be ensured by the project proponent.	Partially complied. Since there was water there in the River Son, therefore it could not be ascertained whether Excavation of sand has disturbed or changed the underlying soil characteristics of river bed. At project site value of PM 10 & PM2.5 is more than the NAAQS limit.
III.	18. No change in the calendar plan including excavation, quantum of mineral and waste should be made"	Partially complied. Calendar plan including excavation, quantum of mineral and waste could not be known/verified since production sales figures, Mine plan etc. have not been submitted by project proponent.

EC conditions and compliance status of the other visited Ghats are similar as given above.

Questionnaire related to resource (sand) availability, production, sales, compliance of relevant Mining rules, etc. that has been sent to DMOs of the Aurangabad and Rohtas district.

Bihar Minerals (Concession, Prevention of illegal mining, Transportation & Storage Rules, 2019* {BM(C,PT& S) Rules 2019} has been notified and come into force from 17.09.2019.

To ascertain that the above rules have been complied certain documents that are not available with the committee are required and same are given in the table below along with comments of the committee:

Sl. No	Rule number and description	Observation/ comments of the committee and documents requirement from DMO Aurangabd and Rohtas, Bihar
	40. Usage of Electronic Procedures- The Mines Commissioner may, by notification, require all Mineral Concession Holder or any other Stake Holder to file their returns, statements and activities electronically and undertake all or any operations through electronic mode. Government shall implement all the working system of the Department through e-office system and ultimately convert to paperless working.	It is requested to provide information with respect to e-filling of returns, statements. Also provide the information about the operations that are done through electronic mode.
	41. E-Challan- The movement of all minor minerals, whether by Mineral Concession Holder or by the Corporation, shall be monitored through E-Challan in Form G or in the prescribed format.	It is requested to provide information about the procedure followed by District Administration/Mining department for monitoring through e-challan system.
	42. Mining MIS- The Department may also require all the Mineral Concession Holder, the Corporation and other persons engaged in the transport and trade of minor minerals to come under the purview of the provision of these rules and under take their activities as per the Mining MIS system to be developed by the Department.	Has the mining department developed any Mining MIS ?
	43. Prohibition on Transportation- No person shall transport or carry or cause to transport or carry any Ore/ mineral by any means from the place of raising, leasehold area or the area of stock of minerals to another place without being in possession of a valid transit pass/ Challan/ E-challan in Form-G or in the prescribed format issued by the Competent Officer under the Rules;	Has the Mining department/District Mining authorities kept the record of quantity of sand transported from the District to other districts through valid transit pass /Challan/e-challan? If Yes, Quantity of sand transported outside the district/state should be provided.
	44. Restrictions on Vehicles Carrying Minerals- The State Government may lay down reasonable restrictions on the vehicles transporting any minerals and may require	Has the State Government/Mining department started the process of installing GPS devices or such other devices to the transport vehicles carrying sand?

	<p>them to adhere to certain specifications. Provided further that the State Government may direct the owners of transport vehicles to install GPS devices or such other devices, as it may require and give such directions as it deems fit.</p>																															
	<p>45. Power to Regulate Movement of Minerals—The Department may by notification regulate the export of mineral from State to other states. The department may set up check-post, barriers, weighbridges etc. and such other facilities to regulate the movement of minerals. If the Department considers it necessary to do so with a view to check the transport and storage of minerals transported without lawful authority, it may direct the setting up of check-post or erection of barrier or both at any place or places within the state by an order in writing.</p>	<p>It is requested to provide the details about check posts, weigh bridges etc. as per the following table format.</p> <p>Table 1.</p> <table border="1" data-bbox="831 533 1460 880"> <thead> <tr> <th>S. N</th> <th>Name of Checkpost / barriers with location</th> <th>Latitude and longitude of the checkpost/barrier</th> <th>No. and list of discrepancies found at the checkpost in the years 2018, 2019 and 2020.</th> <th>Action against violators & cause</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Table 2</p> <table border="1" data-bbox="831 947 1460 1290"> <thead> <tr> <th>S. N</th> <th>Name of Weigh bridge with location</th> <th>Latitude and longitude of the Weigh bridge</th> <th>No. of sand ghats for which the weigh bridge operates.</th> <th>No. and list of cases where over loading or other related discrepancies found at the weigh bridge in the year 2018,2019 and 2020.</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	S. N	Name of Checkpost / barriers with location	Latitude and longitude of the checkpost/barrier	No. and list of discrepancies found at the checkpost in the years 2018, 2019 and 2020.	Action against violators & cause											S. N	Name of Weigh bridge with location	Latitude and longitude of the Weigh bridge	No. of sand ghats for which the weigh bridge operates.	No. and list of cases where over loading or other related discrepancies found at the weigh bridge in the year 2018,2019 and 2020.										
S. N	Name of Checkpost / barriers with location	Latitude and longitude of the checkpost/barrier	No. and list of discrepancies found at the checkpost in the years 2018, 2019 and 2020.	Action against violators & cause																												
S. N	Name of Weigh bridge with location	Latitude and longitude of the Weigh bridge	No. of sand ghats for which the weigh bridge operates.	No. and list of cases where over loading or other related discrepancies found at the weigh bridge in the year 2018,2019 and 2020.																												
	<p>51. Rent/royalty and assessment.— (6) The Mining Officer, after such enquiry and verification as he may deem necessary of the monthly returns furnished by the lessee in Form “I” and Annual Return in Form “J” shall assess the amount of rent/royalty payable by the Mineral Concession Holder at the end of the prescribed period.</p>	<p>The returns (monthly from February 2018 to June 2020) relating to mining activities, mineral extraction and dispatches of minerals submitted by settle/licenses should be submitted.</p>																														
	<p>75. Function of the District Level Mining Task Force.—The District Level Mining Task Force shall insure implementation of these rules and shall monitor the excavation, trade and availability of minor minerals in the district. In addition to the above, it shall also (1) ensure that all the mining activity is carried on as per the condition of the mining lease.</p>	<p>Record of inspections done on sand Ghats by District level mining task force, action taken report</p>																														

		if any violation/non-compliance found should be submitted.
	(2) ensure that no illegal mining, illegal transportation, over loading, hoarding and black marketing of minor mineral is carried on.	Record of any illegal mining, illegal transportation over loading hoarding & black marketing of sand found by the District level Mining Task Force.
	(5) Shall ensure that the mining activity is undertaken as per the environmental safeguard laid down by the Ministry of Environment Forest and Climate Change.	Record of instructions given by District level Mining task force to project proponent, Mining department officials Road transport officials, other persons. Etc. to ensure that mining activity is undertaken as per environmental safeguard laid down by MoEFCC.
	29 E. Online Sand Portal.—The Settlee shall make sale of sand to all consumers (small, medium or large) either through online or offline mode. All transactions/payments, excavation, production / transportation, stocking details shall be captured through the departmental online real time monitoring system. Sale of sand shall be controlled by electronic documentation linked to a central documentation monitoring facility and all lessee shall upload a monthly progress report on the departmental portal without fail.	Has the settle made transactions/ payments, excavation, production/ transportation, stocking details through the departmental online real time monitoring system? Record of monthly progress report by lessee uploaded on the Central documentation monitoring facility should be provided.

*One of the EC conditions for sand mining ghats on River Son in Aurangabad district stipulates that the operation of Mining at time schedule should be as per amended Bihar Minor Concession rule (2014). As per {BM(C,PT& S) Rules 2019} rule 88 “ Repeal and Savings.— (1) The Bihar Minor Mineral Concession Rules, 1972 (as amended from time to time), the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and Bihar Minor Mineral Rules, 2017 are hereby repealed.

Apart from the above queries related to compliance of the rules some more queries essential for report preparation are as given below:

- a. Has any sand replenishment study done by Mining department/ State Govt. for River Son in Aurangabad & Rohtas districts? if Yes, Provide the annual deposition rates of sand in river son; Deposition stretch of the rivers.
- b. Has District Mining officers/ Mining Dept. demarcated or arranged for demarcating the area in which fresh deposition of sand after the details thereof rainy seasons occurs (after October 2019). If Yes, the details thereof ?
- c. Has any measurements has been done with report to deposition of sand in river sand ghats (after October 2019) to know the approximate volume of sand deposited? If yes, the details thereof.

Analysis of District Survey Report (DSR) of Aurangabad and Rohtas districts

District Survey Report (DSR) of Aurangabad and Rohtas districts were downloaded from internet and studied. Some of the discrepancies observed in the DSR is as given below:

DSR Aurangabad

In page-6 topography : It is mentioned that “ at Barun there is a massive masonry dam on the river Son: DMO Aurangabad should explain the details(latitude longitude, some photographs, distance from Bridge, etc. of this masonry dam) about this masonry dam

In Chapter-3 (Page 16):- In table, List of Mining leases in the district with location, area and period of validity:

Annual capacity as per EC /Mining plans: **Not mentioned/provided in table.**

In Chapter 5 (Page no. 18): **Details of production of sand in last three years is not mentioned.**

In Chapter 7 (General profile of the district) page no. 24: **Mining Scenario total no. of mining leases, area of quarry lease, notified sand lease (area of sand leases) have not been mentioned.**

DSR Rohtas

In Chapter 3: List of mining leases in the district with location, area and period of validity: **Annual capacity as per EC/Mining Plans/ToR in not mentioned in any of the sand Ghats.**

In Chapter5- Page No. 17: **Details of production of Sand or minor mineral in last three years is not mentioned.**

In Chapter 7- (General Profile of the Rohtas District) : **Mining Scenario (Viz- Total no. of Notified sand leases, total area of sand lease etc. not mentioned).**

At last after references, list of all sand ghats in Rohtas is provided with name of ghats, area, latitude & longitude. All together 42 sand ghats names have been provided.

- Replenishment study has not been done in DSR. Resource estimation in DSR (Not descriptive). **Some of the points that should be taken care of while conducting replenishment study are:**
 - a. *The cross-section survey should cover a minimum distance of 1.0 km upstream and 1.0 km downstream of the potential reach for extraction.*

- b. *The sediment sampling should include the bed material and bed material load before, during and after extraction period.*
- c. *Development of sediment rating curve at the upstream end of the potential reach using the surveyed cross- section.*
- d. *Using the historical or gauged flow rating curve, determination of suitable period of high flow that can replenish the extracted volume.*
- e. *Calculation of the extraction volume based on the sediment rating curve and high flow period after determining the allowable mining depth.*

Recommendations for improving DSR

- **Considering** the importance of DSR, MoEF&CC after consultation with experts dealing with mining-related matters, formulated guidelines for preparation of comprehensive DSR for sand mining that is provided in “Enforcement and monitoring guidelines for sand mining, 2020” (Page no. 15, 16, 17, 18 & 19) that should be strictly followed by Mining department.

जिला खनन कार्यालय, औरंगाबाद।

पत्रांक २९२२ / ख०

प्रेषित,

मेसर्स आदित्य मल्टीकॉम प्राइवेट लिमिटेड,
C/O- शशि कुमार सिंह
वंदना होटल के पास,
शिवगंज पाली रोड, डेहरी-ओन-सोन,
रोहतास- 821307

औरंगाबाद, दिनांक २९ / ११ / १९

विषय :- पंचाग वर्ष 2015-19 के लिए संचालित बालूघाटों की बंदोबस्ती के अवधि विस्तार के संबंध में।

उपर्युक्त विषयक विभागीय अधिसूचना सं०- 4948 एवं विभागीय ज्ञापांक- 4949/एम०, पटना, दिनांक- 27.12.2019 द्वारा (बिहार खनिज समानुदान, अवैध खनन, परिवहन एवं भंडारण निवारण) नियमावली, 2019 के नियम 77(2) के तहत दिनांक- 31.12.2019 को समाप्त हो रही बंदोबस्ती अवधि को दिनांक- 31.10.2020 अथवा नये बालू बंदोबस्तधारी को पर्यावरणीय स्वीकृति के उपरान्त कार्यादेश निर्गत करने की तिथि जो पहले हो, तक के लिए अवधि विस्तार पंचाग वर्ष 2019 के बंदोबस्ती राशि पर 50 प्रतिशत वृद्धि के साथ स्वीकृति दी गई है।

अतः उक्त अधिसूचना के आलोक में आपको आदेश दिया जाता है कि निम्नलिखित राशि का भुगतान निर्धारित तिथि तक करना सुनिश्चित करें, ताकि आपको ससमय कार्यादेश निर्गत किया जा सके।

क्र० सं०	किस्त	राशि	जमा करने की निर्धारित तिथि	आयकर राशि (2.06%)	डी०एम०एफ० राशि (2%)	जी०एस०टी०
1	2	3	4	5	6	7
1	प्रथम	31,92,83,600 /-	31.12.2019 तक	65,77,250	63,85,680	संबंधित विभाग में जमा राशि के चालान की प्रति।
2	द्वितीय	31,92,83,600 /-	31.01.2020 के पूर्व	65,77,250	63,85,680	
3	तृतीय	31,92,83,600 /-	29.02.2020 के पूर्व	65,77,250	63,85,680	
4	चतुर्थ	31,92,83,600 /-	20.03.2020 के पूर्व	65,77,250	63,85,680	

इसे अत्यावश्यक समझें।


 खनिज विकास पदाधिकारी,
 औरंगाबाद।
 २९/११/१९

जिला खनन कार्यालय, रोहतास(सासाराम)

ज्ञापांक-2458/एम0

प्रेषित.

मेसर्स आदित्या मल्टीकॉम प्रा0 लि0,
द्वारा-शशि कुमार सिंह,
होटल बन्दना के पास, शिवगंज, पाली रोड,
डिहरी-ऑन-सोन, रोहतास।

सासाराम, दिनांक-28/12/2019

विषय:- पंचांग वर्ष 2015-19 के लिए संचालित बालूघाटों की बन्दोबस्ती के अवधि विस्तार के संबंध में।

उपर्युक्त विषयक विभागीय अधिसूचना सं0- 4948 एवं विभागीय ज्ञापांक- 4949/एम0, पटना, दिनांक- 27.12.2019 द्वारा (बिहार खनिज समानुदान, अवैध खनन, परिवहन एवं भण्डारण निवारण) नियमावली, 2019 के नियम 77(2) के तहत दिनांक- 31.12.2019 को समाप्त हो रही बन्दोबस्ती अवधि को दिनांक- 31.10.2020 अथवा नये बालू बन्दोबस्तधारियों को पर्यावरणीय स्वीकृति के उपरान्त कार्यादेश निर्गत करने की तिथि जो पहले हो, तक के लिए अवधि विस्तार पंचांग वर्ष 2019 के बन्दोबस्ती राशि में 50 प्रतिशत वृद्धि के साथ स्वीकृति दी गई है।

अतः उक्त अधिसूचना के आलोक में आपको आदेश दिया जाता है कि निम्नलिखित राशि का भुगतान निर्धारित तिथि तक करना सुनिश्चित करें, ताकि आपको ससमय कार्यादेश निर्गत किया जा सके।

क्र0 सं0	किस्त	राशि	जमा करने की निर्धारित तिथि	आयकर राशि (2.06%)	डी0एम0एफ0 राशि (2%)	जी0एस0 टी0
1	2	3	4	5	6	7
1	प्रथम	रु0 42,46,20,405 /-	31.12.2019 तक (अथवा कार्यादेश निर्गत के पूर्व)	रु0 87,47,181 /-	रु0 84,92,409 /-	संबंधित विभाग में जमा राशि के चालान की प्रति।
2	द्वितीय	रु0 42,46,20,405 /-	31.01.2020 के पूर्व	रु0 87,47,181 /-	रु0 84,92,409 /-	
3	तृतीय	रु0 42,46,20,405 /-	29.02.2020 के पूर्व	रु0 87,47,181 /-	रु0 84,92,409 /-	
4	चतुर्थ	रु0 42,46,20,405 /-	20.03.2020 के पूर्व	रु0 87,47,181 /-	रु0 84,92,409 /-	

इसे अत्यावश्यक समझें एवं अनुपालन करना सुनिश्चित करें।

सहायक निदेशक,
खनन एवं भूतत्व,
रोहतास, सासाराम।