

झारखण्ड सरकार  
खान एवं भूतत्व विभाग  
खान निदेशालय

पत्रांक-ख०नि०(विविध)-12/2019

891/एम०, राँची, दिनांक-3/7/2020

प्रेषक,

निदेशक, खान  
झारखण्ड, राँची।

सेवा में,

श्री मुकुल प्रसाद  
उप निदेशक, खान (मु०)  
खान निदेशालय  
झारखण्ड, राँची।

विषय :- **O.A No. 173/2018 Sudarshan Das-Vrs-West Bengal and Ors.** वाद  
में दिनांक-26.07.2019 एवं 08.01.2020 को पारित न्यायादेश के  
आलोक में अनुपालन प्रतिवेदन दाखिल करने के संबंध में।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि दिनांक-26.07.2019 एवं 08.01.2020  
को पारित न्यायादेश के आलोक में अनुपालन प्रतिवेदन (छायाप्रति संलग्न) माननीय राष्ट्रीय  
हरित न्यायाधिकरण, प्रिसिंपल बेंच, नई दिल्ली में दाखिल किये जाने हेतु आपको प्राधिकृत  
किया जाता है।

अनुलग्नक-यथोक्त

विश्वासभाजन

निदेशक, खान

## Compliance against OA No 173/2018, Sudarshan Das vs West Bengal and Others

### I. Background

- This is w.r.t. the order of Hon'ble NGT, Principal Bench, New Delhi in the matter of O.A. No. 173/2018, Sudarshan Das vs West Bengal and Others on 26.07.2019 and 08.01.2020.
- In the above matter, Hon'ble NGT Principal Bench, New Delhi vide its orders on 26.07.2019 and 08.01.2010 issued directions which may be summarized as follows:
  - “ (a) Revision of Sustainable Sand Mining Guidelines, 2016 by the MoEF&CC
  - (b) Compliance of Sustainable Sand Mining Guidelines 2016 as may be revised by MoEF&CC
  - (c) Effective monitoring mechanisms for preventive and remedial measures
  - (d) Directions in individual cases listed for the day
  - (e) Scale of Compensation.”

### II. Action Points and Responses for Mines and Geology Department, Govt. of Jharkhand

- **Sustainable Sand Mining Guidelines 2016**

In compliance of the judgement of Hon'ble Supreme Court in the matter of Deepak Kumar v/s State of Haryana etc. and subsequent notifications of MoEF&CC, GoI, Govt. of Jharkhand has formulated an environmentally sustainable and social centric comprehensive sand mining policy, the Jharkhand State Sand Mining Policy 2017, and same has been already implemented.

The said policy mandated for preparation of District Survey Report (DSR) by the committee headed by Deputy Commissioner-cum-Chairman, DEIAA as envisaged in Para 7(ii) of Part- II- Section- 3 Sub Section (ii) of Extraordinary Gazette of MoEF&CC, GoI dated 15/01/2016.

Based on the DSR, Sand Ghats are to be categorized under two different categories namely Category- I and Category- II. Category- I sand ghat shall be used only for non-commercial purposes and shall be maintained and supervised by Gram Panchayat/ Local Self Govt. Category- II sand ghats shall be allocated to Jharkhand State Mineral Development Corporation (JSMDC) Ltd. for a minimum period of 5 years. Mining shall be carried out by JSMDC Ltd. following all statutory provisions of guidelines/ rules/ acts. JSMDC Ltd. shall adopt scientific and sustainable mining practices and shall ensure transparent, fair and effective delivery system. Further, the said policy also mandated

JSMDC Ltd. for adaptation of appropriate technology such as RFID/ GPS tracking of vehicles, CCTV surveillance, central monitoring, cashless online sale etc. to prevent illegal mining and transportation of sand.

- **Monitoring mechanisms**

State Government has implemented several measures to ensure effective monitoring mechanisms for preventive and remedial measures:

- JSMDC Ltd. has implemented Sand Management System (SMS) to ensure efficient monitoring of sand mining operations at sand ghats and for sale of sand at stockyards. The Sand Management System shall be able to validate the permitted quantity of sand to be dispatched to the buyers (data from Permit) and also validate customer vehicles through its integration with JIMMS portal. SMS will also provide reconciliation features and audit functionalities of the transported quantity of sand.
- Govt. of Jharkhand has formulated “The Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 in order to curb illegal mining, transportation and storage of minerals in the State. The said Rule provides the provision for search, seizure and confiscation of minerals being mined or transported illegally in the State and prohibits any commercial dealing which includes buying, selling, processing, transporting of minerals without being a dealer or mining lease holder.
- Government of Jharkhand has also constituted a State Level and District Level Task Force for prevention and monitoring of illegal mining and transportation of the mineral in the State.
- State Govt. is also implementing star rating framework for minor mineral blocks on similar lines as that of major minerals wherein ~50% weightage is on the parameters, i) Systematic and Sustainable Mining, and ii) Protection of Environment and Conservation of Water. With implementation of the star rating of minor mineral block, pollution due to minor mineral block is expected to be controlled.
- The “Jharkhand State Mineral Policy, 2020” is being formulated and under approval process that will facilitate systematic and sustainable mining and mineral activities within the threshold limit of forest and environment.

- **Directions in individual cases listed for the day**

Not Applicable

- **Scale of Compensation**

State Government has implemented several measures to collect fees/ penalty in compliance towards cost of restoration of environment specially in case of illegal mining:

- Govt. of Jharkhand has formulated Jharkhand Minor Mineral Concession (Amendment) Rules 2017 wherein its Rule 54 states that in case during transportation of mineral any person unable to show valid challan shall be punishable with an imprisonment of one year/ shall pay a penalty of double the value of mineral/ both as the case may be.
- In order to manage the adverse environmental impact from mining operations, Govt. of Jharkhand has constituted an environment management fund. As per Rule 34K of JMMC (Amendment) Rules, 2017, every mining lease holder in Jharkhand shall contribute 1% of the royalty to the fund. The amount from the fund shall be used for conservation of forest, environment and climate.
- Govt. of Jharkhand has established District Mineral Foundation Trusts in all the districts and minor minerals are also covered under the Jharkhand District Mineral Foundation (Trust) Rules, 2016. The rule mandates all leaseholders to pay an additional levy of 30% of royalty for leases which are not granted through auction and 10% of royalty for leases which are granted through auction. The schemes are undertaken as per guidelines prescribed in the Pradhan Mantri Khanij Kshetra Kalyan Yojna (PMKKKY) that include schemes for environment preservation and pollution control measures; energy and watershed development such as development of alternate source of energy, rainwater harvesting system, integrated farming and economic forestry and restoration of catchments or any other measures for enhancing environmental quality in mining district.