

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI**

ORIGINAL APPLICATION NO. 01 OF 2021 (SZ)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU Based on The

News item in The Mathrubhumi Newspaper, Edition Dated:

03.10.2020, “30 Lakh Cubic Metre of Sand can be taken from
Bharathapuzha”.

...Applicant(s)

Vs.

Union of India, Rep. by its Secretary,

Ministry of Environment and Forests and Climate Change,

Indira Paryavaran Bhawan,

Jorbagh Road, New Delhi 110 003.

And 19 Others

...Respondent(s)

**REPLY FILED BY 14TH RESPONDENT, THE DISTRICT
COLLECTOR, THRISSUR.**

The 14th Respondent, the District collector of Thrissur submits his report
as follows:-

1. It is humbly submitted that in the above Original Application the
Hon’ble Tribunal vide order dated 28.05.2021, has directed to file Report
independently regarding the steps taken.
2. It is submitted that according to section 12 of Kerala Protection
of River banks and Removal of Sand Act, 2001 and sustainable sand
mining guidelines(SSMG) 2016 of MoEFCC are to be followed while
implementing the sand removal operations and its transportation. Also, an
IT enabled online system called “e-manal”(e-sand)was also developed by
NIC Thrissur to ensure Transparency in sand distribution. The detail
report herewith annexed as Annexure-1.

It is therefore Prayed this Hon'ble Tribunal consider the interim report filed by the 14th respondent and pass suitable order and thus render Justice.

Dated at Chennai on this 23th the June 2021.

E.K.Kumaresan



Standing Counsel for State of Kerala

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Annexure

Report Submitted by the 14th respondent and the District Collector, Thrissur before the Hon'ble National Green Tribunal, Southern Zone Chennai as per the directions in OA No: 01 of 2021(SZ)dated 28/05/2021

As per the order dated 28/05/2021 of the Hon'ble National Green Tribunal Chennai, the District Collector, Thrissur has been directed to submit an independent report regarding a news item in the Mathrubhumi Newspaper edition dated 3rd October 2020 in connection with sand auditing of Bharathapuzha.

Government have approved Sand audit report in 3 stretches of Bharathapuzha and have also directed the District Collectors of Thrissur and Palakkad to take all necessary steps to strictly comply with all instructions pertaining to Sand mining so that no unauthorized mining of sand or environmental degradation is allowed to happen. The District Administration, Thrissur has initiated procedures for mining sand from the two stretches of Bharathapuzha river namely stretch-1(33 Km from Parli bridge to Vazhalippadam checkdam) and stretch-2 (29 km from Vazhalippadam checkdam to Thrithala regulator cum bridge). Recognized Qualified Persons (RQP) were appointed in Thrissur District after inviting competitive quotations for preparing Mining Plan for submitting to State Environment Impact Assessment Authority (hereafter refer as SEIAA) for environmental clearance. Accordingly, three RQP's are selected to this assignment and their reports are awaited. Once their reports are submitted and approved, the same shall be sent for environment clearance by SEIAA. Only after getting environment clearance, the sand mining process can be carried out.

Government of Kerala is conducting Sand auditing of rivers as per the standard guidelines of National Centre for Earth Science Studies (NCESS) since 2012 and the same was amended in 2017 based on the Supreme Court Order and orders issued by MoEFCC. An expert Committee has been constituted for this purpose by the institute of Land and Disaster Management(ILDM), Thiruvananthapuram.

General conditions of Sand removal in Section 12 of the Kerala Protection of River Banks and Removal of Sand Act, 2001 and Sustainable Sand Mining Guidelines (SSMG) 2016 of MoEFCC are to be followed while implementing the sand removal operations and its transportation. Sand is collected by registered laborers under the supervision of Kadavu Committee of Panchayaths/Urban local bodies. Depth of mining as 3 meter or water level whichever is less as decided by Hon'ble Supreme Court in Deepak Kumar Vs State of Haryana judgment has to be strictly followed in the district. There is a three - tier system consisting of State High Level Committee (SHLC), District Expert Committee (DEC) and Kadavu Committee (KC) functioning to monitor the sand mining operations in the state as per The Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. Taluk Level Squads are functioning in Thrissur district to prevent illegal sand mining. Police and revenue officials are taking stringent measures to prevent illegal sand mining. As per Section 23 of the above said Act, Police and Revenue Officials have the power to seize and confiscate vehicles, tools, implements used for illegal mining and transportation of river sand.

River Sand Mining in Kerala is regulated through the provisions of the Kerala Protection of River Banks and Regulation of Sand Act 2001 (Amended in 2013) and rules 2002. Hon'ble Supreme Court's Judgment in Deepak Kumar Vs State of Haryana in 2012 and the provisions of EIA Notification 2006 and amended Notification 2016 are strictly followed in the state.

River Sand Mining cannot commence without Environmental Clearance from the Competent Authority. The District Survey Reports (DSRs), necessary for seeking environmental clearance, has not been prepared in the state so far. Hon'ble National Green Tribunal vide its order dated 14/10/2020 instructed that the DSR shall be prepared through consultants accredited by the National Board of Education and Training/ Quality Control Council of India in terms of the O.M of MoEFCC dated 16/03/2010. Thus DSR can be prepared for the districts by the above said consultants using the sand audit reports and other required

informations as per EMGSM 2020.

Guidelines have been issued by the State Government for obtaining environmental Clearance for river sand mining as per Circular No: P3/248/18/RD dated 15/11/2018 in the context of the EIA Notification 2006 and Sustainable Sand Mining Management guidelines of MoEFCC – 2016. River bed sand mining from rivers is not being done in the District of Thrissur since 2016 for want of environmental clearance. Sand mining was done till 2015 based on the sand audit reports prepared based on the Kerala Protection Of River Banks and Regulation of Removal of Sand Act 2001(Amended in 2013) and subsequent Environmental Clearance(EC) from SEIAA(EC No:571/SEIAA/K1/4230/2014 dated 20/04/2015 and 17/12/2015.

Sand mining from river bed is not being done in the State of Kerala since 2016 including the forest areas and eco – sensitive zones like National parks and wild life sanctuaries etc. It can be done only after obtaining Environmental Clearance from Competent Authority. Mining plan preparation by Recognized Qualified Person (RQP) is progressing in different districts .

Once the environmental clearance is granted only the fixed/allocated amount of sand as per the clearance obtained will be collected by the registered laborers under the supervision of Kadavu Committees of Panchayat/Urban/Local bodies established under the Kerala Protection of River Banks and Regulation of Removal of Sand Act 2001 and Rules 2002. Depth of mining and other EC norms will be strictly followed in the district. Sand mining will also be monitored by the District Expert Committee, Tahsildar and other officers entrusted by the District Collector as per the provisions of Kerala Protection of River Banks and Regulation of Removal of Sand Act 2001and Rules. When mining permission is granted, necessary safeguards recommended by the Sustainable Sand Mining Guidelines – 2016 and EMGSM -2020 will also be strictly ensured to prevent illegal or excess mining .

(4)

General conditions of sand removal provided under Section 12 of the Act are followed while implementing the sand removal operations and its transportation. Sand is collected by registered laborers under the supervision of Kadavu Committees of Local Bodies concerned. An IT enabled Online system called 'e - manal (e - sand)' was also developed by NIC Thrissur to ensure transparency in sand distribution.

It is therefore most humbly prayed that the interim report may please be accepted.



SHANAVAS. S
District Collector, Thrissur