

PILs lead to the framing of Policy on Sand Mining for Maharashtra

According to Maharashtra Chamber of Housing industry, Maharashtra consumes over 65.55 million tonnes of sand a year, with a growth rate of 7%. All of this is river or creek sand, acquired by mechanically or manual dredging banks of rivers or creeks. Though the use of crushed sand (obtained by crushing rocks, usually mined from hills) is allowed by the govt, construction industry claims that many govt offices do not allow them to use this for big infrastructure projects like roads and bridges. As the construction industry and urbanisation boomed, the demand for river sand also sky rocketed. With 40% urban population, Maharashtra is the most urbanised state and the builders lobby here is very strong, with direct ties with govt officials & politicians. Though sand mining has been wreaking havoc with river ecology, very little was done to regulate it.

However, through some welcome developments initiated by PILs filed by NGOs and local communities over the last two years, the picture seems to have changed. Under pressure from local protests and High Court, Maharashtra has now framed a policy for sand mining.

Basic problems Current Sand mining practises involve dredging the river bank with dredgers. Manual sand mining, which has limited impacts on the environment is being jeopardised by the mechanised dredging. The dredgers are mostly owned by the wealthy and corrupt sand mafia. This has resulted in huge sand abstraction and has destroyed the aquifers in sand. These sand aquifers, though limited in stretch, are an important local source of water, especially in the summer. Sand Mining is specifically damaging in rivers with influent aquifers, i.e. basins in which water from the river recharges the aquifers. Here mining and dredging results in flow of the stored water downstream, at a high velocity. Also for rivers with effluent aquifers (where the groundwater aquifers feed the river), the sand beds retain a considerable amount of water which is either evaporates or flows downstream after mining, affecting the water availability of a specific region.

Dr Shrikant Limaye, Groundwater Institute, Pune says: "consider a stretch of riverbed sand of 1000 m length, 20 m width & 3 m depth, making to 60,000 cubic m volume, which is fully saturated with water in summer season, when the river flow has stopped. With 15% specific yield, the quantity of water available from this sand would be enough to supply a village with a population of about 900, water for 100 days at 100 lit/ person/ day."

Public Interest Litigations and responses In 2009, Sand mining was banned in the CRZ zones, following a petition made by Awaaz Foundation, Mumbai-based NGO. Though sand mining stopped at the previous hot spots, illegal mining and dredging along creeks and river banks, especially surrounding Mumbai, increased.

On 23 Sept 2010, Bombay High Court banned Sand Mining in entire Maharashtra following a petition filed by

Sagar Shramik Haat Pati Vaalu Utpadak Sahakari Sanstha, a union of manual sand excavators. The court asked the govt to formulate a policy in four weeks.

On 20 Oct 2010, State cabinet approved a new sand mining policy. The main features of the policy are:

- It is compulsory for contractors to obtain permission from the Gramsabha, for sand mining. The final decision-making powers rest with sub-divisional officer.
- The policy bans use of suction pumps in dredging
- It provides for a 2% environment cess on earnings from mining.
- The Revenue Dept should give sand mining licences only through a bidding process. Even where many small fishermen extract sand manually, bids have to be submitted by local fishermen's organisations. (Based on media reports, the Policy has not been updated as yet on the official website of Government of Maharashtra.)

On 25 Oct, 2010, in view of the new policy, the Bombay High Court division bench of Justice BH Marlapalle & UD Salvi revoked the ban on sand mining. The court, while

Dr Shyam Asolekar, Head of Dept of Environmental Science & Engineering at IIT Bombay, was appointed by the High Court to present a report on the status and alternative technologies for dredging. He has told the state that an audit needs to be done to check the "present status of destruction of habitats of fishermen and fishes due to prevailing rampant sand dredging and mining". He has stated that there is an urgent need of conducting environmental audit of rivers, estuaries and their ecosystems, studying the biodiversity and dependence of fishermen and coastal communities on the water bodies, looking into the destruction caused by dredging and mining and taking stock of the resources of the sand mining sector. He says that it is the need of the hour to minimise construction industries footprint on these zones. Asolekar has called for "recovery & recycling of construction quality sand from debris".

lifting the stay, noted, "The state has to find an alternative for sand being used in construction or else this fast depleting natural resource will not be available a decade." The bench has restricted the excavation up to 2 m in nullahs, creeks & rivers, and has said that offences in this regard should be made non-bailable.

However, the policy has failed to address key concerns:

- Mechanical dredging, which has damaged the environment has been allowed, pushing manual excavators to the brink of starvation and ruining fishing.
- The policy has neglected the plight of manual miners by retaining sand auctioning, which involves large sums of money. By giving the final authority to SDO, a revenue officer, the policy denies the local community a share in decisions which are vital to its well being.
- The policy has disregarded the Coastal Regulation Zone 2001, which prohibits dredging along coasts. (Down to Earth 301110, Indian Express 271110, DNA 011010)

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