



River Sand Mining - legal framework, challenges and way forward

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For the West Regional Dialogue of the
India Rivers Week on November 12, 2020

How did illegal and indiscriminate sand mining become the norm?

- Lack of environmental impact assessment
- Poorly regulated
- Licensing / permissions granted by local authorities
- Corruption, control of sand mafia, violent reprisals
- Complete disregard for law, rampant violation
- Monitoring, compliance and enforcement close to NIL
- No international regulations regarding global use, trade, extraction

No regulation = No legal deterrent = zero accountability

- Environment Impact Assessment (EIA) Notification, 1994 and 2006 under the Environment Protection Act, 1986 – no restriction or regulation on mining of minor minerals like sand
- Sand mining governed by states under Mines and Minerals (Development and Regulation) Act, 1957, defined as minor mineral under Section 3 (e)
- In 2009, Ministry of Environment and Forest (MoEF, now MoEF&CC) amends EIA Notification 2006 to distinguish coal and non-coal mine lease and provide for mining leases greater than or equal to 5 ha, with 5 ha to 50 ha leases under B category

Subsequent legal developments

- In February 2012, in *Deepak Kumar vs. State of Haryana & Ors.* Supreme Court made environmental clearances (EC) compulsory for mining leases (including their renewal) that involve minor minerals for area less than 5 ha
- On river sand mining - *“Sand mining on either side of the rivers, upstream and in-stream, is one of the causes for environmental degradation and also a threat to biodiversity. Over the years, India’s rivers and riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damages the ecosystem of rivers and the safety of bridges, weakens riverbeds, destroys natural habitats of organisms living on riverbeds, affects fish breeding and migration, spells disaster for the conservation of many bird species, increases saline water in the rivers etc. Extraction of alluvial material from within or near a stream-bed has a direct impact on the stream’s physical habitat characteristics... Altering these habitat characteristics can have deleterious impact on both in-stream biota and the associated riparian habitat.”*

Following SC order

- MoEF issued office memorandum in May 2012, asking states to follow SC order and seek EC from State Environmental Impact Assessment Authority
- MoEF issued further office memorandum in June 2013, bringing projects with less than 5 ha under B2 category
- In August 2013, National Green Tribunal passed order restraining sand and riverbed mining without an EC anywhere in the country.

Legislative amendment

- In September 2013, EIA Notification 2006 amended to include mining of minor minerals less than 50 ha under Category B
- Amendments once again in December 2013 and October 2014
- In January 2015, NGT passed order directing MoEF to formulate policy for regulation of mining of minor minerals, grant of environmental clearances
- In January 2016, EIA Notification 2006 amended to streamline process of environmental clearance for mining of minor minerals

Environmental Impact Assessment for sand mining

- Under amended EIA 2006, minor mineral mining leases categorized as B1 and B2
- EC compulsory for mining of minor minerals, even when area less than 5 ha
- District Environment Impact Assessment Authority and District Expert Appraisal Committee constituted to provide EC
- Preparation of District Survey Report to identify erosion areas where sand mining be prohibited and areas where it be allowed

Legislative ambiguity, dilutions

- Minor minerals – sand mining projects are B2 projects which do not require scoping and public consultation
- Over-delegation of powers through latest amendments
- Non-implementation of existing law
- Draft EIA 2020 on mining of minerals
 - Post-facto clearances
 - Exceptions to requirement of EC

What do we need going forward?

- Better implementation and enforcement of laws
- Strong legal framework empowering local bodies and gram sabhas
- Reporting and monitoring mechanisms
- Awareness on environmental impact
- Alternatives to sand use
- Protection of defenders



**STOP THE
DEGRADATION
OF RIVERS AND
RIVER
ECOSYSTEMS!**

THANKS!

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