

**GOVERNMENT OF INDIA  
ENVIRONMENT, FORESTS AND CLIMATE CHANGE  
LOK SABHA**

UNSTARRED QUESTION NO:2542

ANSWERED ON:09.12.2014

SAND MINING IN YAMUNA

Chaudhary Shri P.P.;Patil Shri Bheemrao Baswanthrao

**Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:**

- (a) whether illegal sand mining in various rivers including Yamuna river is still going on and if so, the details thereof;
- (b) whether the Government has taken corrective steps at the national level to prevent river mining and if so, the details thereof;
- (c) whether the Government has any proposal to deploy additional river protection forces;
- (d) if so, the details thereof and the time by which such force is likely to be deployed;
- (e) whether the National Green Tribunal has issued notices to the Government of Delhi on sand mining in Yamuna and if so, the details thereof along with the action taken in this regard; and
- (f) the other corrective steps taken to stop illegal sand mining particularly in rivers?

**Answer**

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FORESTS AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR)

(a) to (d) Mining of sand other than when used for prescribed purposes, being a minor mineral, is regulated by the State Governments concerned. Under section 15 of the Mines and Minerals (Development and Regulation) [MMDR] Act, 1957, the respective State Governments are required to frame rules for mining of minor minerals.

This Ministry had constituted a Group under the Chairmanship of the then Secretary (E&F) to look into the environmental aspects associated with mining of minor minerals vide order dated 24.03.2009. The report of the Group was sent to all States in June 2010 with the request for incorporating in the Mineral Concessions Rules for mining of minor minerals u/s 15 of the MMDR Act, 1957. Subsequently, the Hon'ble Supreme Court vide order dated 27.02.2012 in SLP(C) Nos. 19628-19629 of 2009 titled Deepak Kumar etc. Vs. State of Haryana & Ors., inter alia directed the State Governments to take immediate steps to frame necessary rules u/s 15 of the MMDR Act taking into consideration the recommendations of aforesaid report of MoEFCC and model guidelines framed by Ministry of Mines, Government of India. The Hon'ble Supreme Court also ordered that, in the meanwhile, the leases of minor mineral including their renewal for an area of less than 5 ha be granted by the States / Union Territories only after getting EC from MoEFCC.

The Chief Minister of Uttar Pradesh had been requested vide letter dated 21.08.2013 to intervene for controlling the menace of illegal sand mining in the State, and to take following actions:

- (i) The State Government should ensure that no illegal sand mining including cluster mining takes place in the State by taking strict legal action under the MMDR Act and the rules framed therein and under the Indian Penal Code.
- (ii) The State Government should ensure that no mining leases of minor minerals are granted without prior EC. For mining lease area less than 50 ha, the EC is to be granted by the Uttar Pradesh State Environment Impact Assessment Authority. For lease area equal to or more than 50 ha, EC is to be granted by Union Ministry of Environment & Forests.
- (iii) The directions given by the Hon'ble Supreme Court vide order dated 27.02.2012 in Deepak Kumar case [SLP (C) Nos. 19628-19629 of 2009] and order dated 05.08.2013 of the National Green Tribunal in Application No. 171/2013 may be strictly followed.
- (iv) There should be regular monitoring of the mining activities in the State to ensure effective compliance of stipulated EC conditions and of the provisions under the Minor Mineral concessions Rules framed by the State Government.

Considering the large number of sand mining operations spread throughout the country, it is essentially for the concerned State Government machinery to ensure that sand mining is allowed in the State only after required statutory clearances, in line with the conditionalities of clearances and as per the directions of various courts on the subject.

(e) and (f) As informed by Delhi Pollution Control Committee a notice was issued by Hon'ble NGT on issue of illegal sand mining in Original Application no. 165 of 2014 titled as 'Rahul Nagar' vs Government of NCT. NGT vide order dated 01.09.2014 had directed the Irrigation and Flood Department, Delhi Pollution Control Committee and Commissioner of Police to ensure that no illegal mining is

carried out on the riverbed of Yamuna and no mining is permitted without obtaining Environmental Clearance and consent from DPCC or any other competent authority in accordance with law and as per the Orders of the Hon'ble Supreme Court of India.