

OFFICE OF THE STATE EXPERT APPRAISAL COMMITTEE (SEAC), ASSAM
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA
BAMUNIMADAM, GUWAHATI-21.

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Minutes of the 11th Meeting (2nd Sitting) of the State Expert Appraisal Committee (SEAC) held on 9th July, 2024 from 2.00 PM to 5.00 PM in the Conference Hall, 3rd floor, Pollution Control Board, Assam.

List of the Hon'ble Members / Officials present in the meeting:

Sl no.	Name	Designation	Signature
1	<i>Sri Jatindra Sarma, IFS (Retd.)</i>	<i>Chairman</i>	<i>Sd/-</i>
2	<i>Dr. Apurba Kumar Das</i>	<i>Member</i>	<i>Sd/</i>
3	<i>Dr. Bijoy Sankar Goswami</i>	<i>Member</i>	<i>Sd/-</i>
4	<i>Dr. Rahul Mahanta</i>	<i>Member</i>	<i>Sd/-</i>
5	<i>Sri. Arup Barpujary</i>	<i>Member</i>	<i>Sd/-</i>
6	<i>Dr. Raza Rofiqul Hoque</i>	<i>Member</i>	<i>Sd/</i>
7	<i>Shri Shantanoo Bhattacharyya</i>	<i>Member</i>	<i>Sd/</i>
8	<i>Dr. S.K. Dutta</i>	<i>Member Secretary</i>	<i>Sd/-</i>

At the very outset, the Member Secretary, SEAC welcomed the Hon'ble Chairman, SEAC and all the Members of the Committee. He briefed the house about the agenda for the meeting as circulated and requested the esteemed members for their thorough participation and deliberation to expedite the process of disposal of the pending cases at hand and also the recommendations to be made to the SEIAA, Assam by the Committee in to the findings of site inspections undertaken by the sub-committee for various proposals including serious nature of allegations received by the Regulatory authority among others regarding violations committed in the process of river bed mining.

The Chairperson requested the Hon'ble Members for conduct of the site inspections timely for maintenance of timelines as assigned to different sub-Committees for appraisal of the proposals, as pending, for disposal through deliberation in the next meeting proposed to be held later in the next month.

As per the agenda, the august committee duly reviewed the Minutes of the Meetings (2nd Sitting) held on 30th May' 2024 and ratified the minutes.



As per the agenda for the 2nd Sitting, the august Committee duly deliberated, discussed and made appraisal and furnished their opinion / views which were unanimously accepted, recommended for further course of requisite action by the SEIAA as pointed out against each of the agenda items, quoted here under:

A. REPLY to ADS:

1. Environmental Clearance for Jhanji River Sand Mining Permit Area (Miching Ghat) by DFO, Sivasagar Territorial Division (SIA/AS/MIN/427245/2023) SEIAA. 3522/2023

Resolution of the 5th SEAC Meeting is reproduced as follows:

“ Resolution 5/16:

The Project Area as allotted is measuring 4.22 Ha with the Mining Area being **4.22** Ha and recommended quantity of **20,000** cu m **Sand** for 2 (two) years as per the approved Mining Plan. The Mining Plan was prepared by the Registered Qualified Person (RQP) Sri Jyotiprasad Rajkhowa and the proposed mining area was visited by the RQP while the same was approved by the Director, Geology and Mining, Govt of Assam vide letter dated 19.10.2022. The DFO, Sivasagar Division had requested for the grant of the EC for the proposal allowing extraction minor minerals vide letter dated 02.02.2023. Necessary documents submitted in support of the proposal is placed before the Committee for appraisal. *The NOC from the Water Resources Department concerned is furnished.*

Further, on scrutiny of the KML file it revealed that a bridge is existing near to the project area requiring maintenance of adequate safety zone as non mining area thereby revision of the mining area reducing the area in terms of the AMMC, Rules 2013 (as amended), as necessary, and to submit the same duly certified by the DFO, the Proponent. The concerned RQP needs to get the Geo coordinates accordingly after due physical verification with the personnel of the Water Resources Department and competent Forest officials not below the rank of a Forest Ranger and submit the same for accord of the EC by the SEIAA, Assam.”

The proposal was discussed in the 5th SEAC Meeting held on 30.01.2024 and ADS was raised. Reply to the ADS by the Proponent was furnished on 20.06.2024.



Due discussions and deliberations is held. The proposed mining area in question is reduced after physical verification with revised Geo-coordinates of the mining area measuring **3.16** ha. The NOC from the Water Resource Department is furnished whereby it is recommended mining up to a depth of **1.5** mtrs only.

The Committee after due deliberation and appraisal is pleased to recommend for grant of the EC by the SEIAA for a quantity of **16,000** cu m **Sand** for 2 (two) years @ 8,000 Cu M of minor mineral, annually, subject to the conditions that the proponent shall have to strictly follow all terms and conditions laid down in the approved mining plan and also subject to the conditions that: (a) mining shall be confined and limited to the reduced mining area falling within the revised GPS coordinates ; (b) the active bank of the river is not disturbed / damaged because of mining operation and transportation of mining materials and (c) the proponent is permitted to extract the approved quantity of river bed minor minerals with maximum mining depth of up to **1.5** mtrs only from the non-mined surface.

It has been pointed out by the Member Secretary, SEAC that for mining in river beds and in flood plains the Consent to Establish (CTE) and Consent to Operate (CTO) are essentially required to be obtained from the PCBA in terms of the guidelines circulated by the CPCB / MoEF & CC for non manual extraction (in case the proponent uses Dumper for loading of mineral from the river bed) which need to be adhered to by the concerned DFO. No electrically operated suction pump shall be used for mining in river bed.

The Committee also is of the opinion to urge for taking requisite steps to conduct preparation of the District Survey Report (DSR) for the District by the DFO in terms of the orders of the Hon'ble Apex Court, the Principal Bench of the NGT for the Sustainable Sand Mining or River Bed Mining and Mining of other Minor Minerals following the guidelines issued by the MoEF & CC.

The Divisional Forest Officer shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period. Further, DFO is to ensure that mining be allowed only within the approved mining site and not beyond the limit of the same. Accordingly, the DFO shall also ensure marking the boundary of the mining site on the ground fixing permanent concrete pillars, painted yellow with the coordinates depicted there in on the pillars / posts, following the revised GPS coordinates as submitted reducing the area to **3.26** ha in terms of the approved Mining Plan and mining shall not be allowed prior to erection and demarcation of approved mining area with the pillars prescribed above.



Plantation activities shall be carried out / undertaken in Educational institutions, public places and Govt lands around the proposed mining area involving local NGOs, School / College students. Such plantation activities are to be carried out under the guidance of the DFO, SF Division, Sivasagar in terms of the areas identified (1ha) and Budget prepared accordingly. An amount of **Rs 2.00** (two) Lakh shall be spent for the purposes. Efforts shall be made to selectively use the saplings of aesthetic, medicinal value, evergreen nature with the consultation of the DFO, SF Division and label the plant species for the benefits of the villagers, common people and specially the College / school students.

The recommended species of plants in the locality could be of species like Bakul (*Mimosops elengi*), Agor (*Aquillaria malaccensis*), Amlokhi (*Phyllanthus emblica*), Hilikha (*Terminalia chebula*), Asoca (*Saraca asoca*), Bael (*Aegle marmelos*), Jamun (*Syzygium cumini*), Kordoi (*Averrhoa carambola*), Arjun (*Terminalia arjuna*), Ow Tenga (*Dillenia indica*), Thekera (*Garcinia spp*) etc etc.

Compliance of the same shall duly be uploaded by the Proponent in the PARIVESH portal.

The Committee is of the opinion to recommend for grant of the EC for 2 years for a quantity of **16,000** Cu M of Sand.

2. **EC for Barnadi Sand, Gravel and Stone Mahal -10 proposed by DFO, Baksa Forest Division, Mushalpur (SIA/AS/MIN/428654/2023) SEIAA. 3480/2023**

This proposal was discussed in the 1st SEAC Meeting held on 30.10.2023 and also on the 5th SEAC Meeting (2nd Sitting) held on 30.01.2024.

Resolutions taken in the aforesaid meeting is as follows:

“ Resolution of 5th SEAC Meeting:

The Project for the grant of the EC for mining in river bed for **sand-gravel and stone** from the “Barnadi Sand, Gravel and Stone Mahal -10.” under Baksa Forest Division of BTC proposed by the DFO, Baksa is placed before the SEAC for appraisal and detail discussion. The Project area is 4.9 Ha located on the river bed. The mining plan is approved by the DGM, Assam communicated vide letter dated 10th April, 2023 is deliberated. Recommendation of the concerned DFO is also discussed in detail. Analytical report of the ratio of the mineable quantum of minor minerals submitted along with the mining plan is also examined and appraised. After



discussion and deliberation the committee recommended the proposal in principle approving to excavate 54,370 cu.m. sand, 72,490 cu.m gravel and 54,370cu.m. stone from the river bed stone *from the proposed mining area within a period of 5 (five) years*. It is further recommended to extract **10,874 cu.m. sand, 10,874 cu.m. stone & 14,498 cu.m gravel** respectively per year strictly following all the terms and conditions laid down in the mining plan during the contract period of mining.

The project shall be approved for grant of the EC by the SEIAA on receipt of the clarification of the RQP who shall submit documentary evidence regarding his personal verification / visit of the site in question while preparation of the Mining Plan by him. He shall visit the area with the DFO, Baksa or the authorized officer as deputed by the DFO for the purpose at the disposal of the DFO, Baksa. The DFO shall submit / upload the report accordingly of having ground verification with Geo coordinates. Field verification of the site may also be caused by the officer delegated / deputed by the DFO to accompany the RQP including the Project Proponent who shall visit the area, the extent of which is nearly 5 Ha.

On receipt of the report necessary steps shall be taken for approval to grant the EC by the SEIAA.”

Furthermore, Additional Documents Sought (ADS) in respect of the alleged uploading of the DSR (District Survey Report) and the issue of the Letter of Intent (LoI) in the Form-I was discussed. The NOC from the Water Resources Department is found submitted vide letter dated 18.12.2023 by the concerned EE even without the visit of the proposed mining area by the competent official of the Forest Department with the RQP as desired showing the Geo tagged photograph of joint visit in this regard.

Bare perusal of the report as submitted in the form of the NOC goes to show that :
“ Activities in the proposed Mahal like digging may be allowed from the mid channel area of the river bed at least 50 M (Metre) distance from the bank of both side and opening of Mahal at Barnadi river may be allowed by maintaining the norms provided below..... removal of river bed materials may be allowed only from the convex (outward) bend.”

The proponent have replied that the documents in question are found missing this needs to be clarified by the DFO, the RQP in as much as the requisite field



verification have not been carried out as desired by the Committee in the 1st Meeting itself. Therefore, the Committee is of the opinion that following actions are taken and complied with as quoted hereunder:

I) The field verification with the RQP jointly with the competent forest official not below the rank of Forest Ranger and to upload the Geo tagged photograph of the mining area.

II) Whether Lol was at all issued by the DFO, Baksa Division and the DSR, if available, for the district needs to be clarified by the DFO, Baksa.

On receipt of the desired clarification and reports the same shall be considered accordingly for grant of the EC by the SEIAA, Assam."

The reply to the ADS raised is furnished by the DFO (Proponent) clarifying that the Lol had already been issued, no DSR is available for the District and that the RQP has visited the proposed mining area. Letter of acceptance of the Bid offered has also been issued by the competent authority in the BTC.

The records containing the ADS and reply received are placed before the Committee for deliberation and discussion.

The Committee after due diligence and deliberation is of the considered opinion to recommend for grant of EC for the extraction of minor mineral measuring 54,000 Cu M Sand, 72,000 Cu M Gravel and 54,000Cu M Stone from the proposed mining area within a period of 5 (five) years. It is further recommended to extract **10,800 Cu M Sand; 10,800 Cu M Stone and 14,400Cu M Gravel** respectively per year that the Proponent shall strictly follow all the terms and conditions laid down in the approved mining plan during the contract period of mining and also subject to the conditions that: (a) mining shall be confined and limited to the mining area falling within the GPS coordinates ; (b) the active bank of the river is not disturbed / damaged because of mining operation and transportation of mining materials and (c) the proponent is permitted to extract the approved quantity of river bed minor minerals with maximum mining depth of up to **1.5** mtrs only from the non-mined surface.

It has to be ensured that the Proponent shall obtain the Consent to Establish (CTE) and Consent to Operate (CTO) from the PCB, Assam in terms of the guidelines circulated by the CPCB / MoEF & CC for non manual extraction (in case the proponent uses Dumper for loading of mineral from the river bed) which need to be



adhered to by the concerned DFO. No electrically operated suction pump shall be used for mining in river bed.

The Committee also is of the opinion to urge for taking requisite steps to conduct preparation of the District Survey Report (DSR) for the District by the DFO in terms of the orders of the Hon'ble Apex Court, the Principal Bench of the NGT for the Sustainable Sand Mining or River Bed Mining and Mining of other Minor Minerals following the guidelines issued by the MoEF & CC.

The Divisional Forest Officer shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period. Further, DFO is to ensure that mining be allowed only within the approved mining site and not beyond the limit of the same. Accordingly, the DFO shall also ensure marking the boundary of the mining site on the ground fixing permanent concrete pillars, painted yellow with the coordinates depicted there in on the pillars / posts, following the GPS coordinates in terms of the approved Mining Plan and mining shall not be allowed prior to erection and demarcation of approved mining area with the pillars prescribed above.

The proponent shall also carry out ECR/CSR activities by way of establishment of Biotoilets for the use by the employees, labour forces around the proposed mining area, use of solar lights in the educational institutions, village roads, drinking water facilities in the nearest village around the mining area and amount of **Rs 6 (six) Lakh** shall be spent on these activities under guidance of the DFO, Baksa. All these activities shall be worked out with due consultation of the DFO and shall be uploaded in the PARIVESH 2.0 portal which shall be part of the Half Yearly Compliance Report (HCR).

Plantation activities shall be carried out / undertaken in Educational institutions, public places and Govt lands around the proposed mining area involving local NGOs, School / College students. Such plantation activities are to be carried out under the guidance of the DFO, Baksa in terms of the areas identified (**2ha**) and Budget prepared accordingly. An amount of **Rs 6.00 (six) Lakh** shall be spent for the purposes. Efforts shall be made to selectively use the saplings of aesthetic, medicinal value, evergreen nature with the consultation of the DFO and label the plant species for the benefits of the villagers, common people and specially the College / school students.

The recommended species of plants in the locality could be of species like Bakul (*Mimosops elengi*), Agor (*Aquillaria malaccensis*), Amlokhi (*Phyllanthus emblica*), Hilikha (*Terminalia chebula*), Asoca (*Saraca asoca*), Bael (*Aegle marmelos*), Jamun (*Syzygium cumini*), Kordoi (*Averrhoa carambola*), Arjun (*Terminalia arjuna*),



Ow Tenga (*Dillenia indica*), Thekera (*Garcinia spp*), Khair (*Acacia catechu*), Sissoo (*Dalbergia sissoo*) etc etc.

Compliance of the same shall duly be uploaded by the Proponent in the PARIVESH portal.

The Committee is of the opinion to recommend for grant of the **EC for 5 (five) years** for the quantity of minor minerals stipulated above.

Agenda Item . 2-

Any other matter-

3. Amendment of EC for Jatinga River Minor Mineral Unit-2 (Stone) by DFO Cachar, Division (SIA/AS/MIN/307966/2024) SEIAA.1313/2020

SALIENT FEATURES:

This is a river bed mining project namely Jatinga River Minor Mineral Unit-2 (Stone) Proponent being Sri Debajit Deb under Cachar District falling under the jurisdiction of the DFO, Cachar Division, Silchar. The Project proponent Sri Debajit Deb had applied for TOR on **19.6. 2020** for the project as falling under Category B-1 of the Schedule 1(a). The online TOR was granted by the SEIAA on **06.8.2020**. The Proponent had submitted the EIA/EMP report and applied for the EC for the project. The SEIAA had granted the EC vide its letter No-SEIAA.1313/2020/EC/19/1143 dated **09.10.2020** for a period of 5(five) years expiring its validity by **08.10.2025**. The approved quantity for the minor mineral was **5,35,000 Cu M** for 5 (five) years with the annual ceiling for mining of mineral in question measuring @ **1,07,000 Cu M**. The approved mining area for the aforesaid river bed mining is **24 ha**. Minor mineral (stone) was allowed to be extracted/collected manually/semi mechanized way from the mining area bounded by Geo-coordinates.

Subsequently, during the currency of the mining activity by the Proponent mining contract holder, the DFO, Cachar Division had applied for amendment of the EC for the same mining area and the EC was granted by the SEIAA vide its letter No - 1313/2020/EC/23/1303 dated **05.02.2021** for a period of **1(one) year** with the required quantity of minor mineral allowing extraction of @ **52,000 Cu M** from the mining area. On receipt of further application from the DFO, Cachar Division



showing requirement of **780** Cu M minor mineral another EC was granted by the SEIAA with the amendment for the same mining area vide its Letter No - 1313/2020/EC/1595 dated 23.11.2021 with the validity up to 04.02.2022 with the additional quantity of **780** Cu M total quantity of minor mineral measuring **52,780** Cu M (52,000 Cu M Original + 780 Cu M as Additional).

It is also derived from the record that on further receipt of application from the DFO, Cachar Division the SEIAA had again granted amended EC for the same mining area vide its Letter No -1313/2020/EC/1789 dated **23.8.2022** for another 1 (one) year with the required quantum of @ **37,000** Cu M of minor mineral.

It is apparent on the face of facts that additionally ECs were granted with due amendments allowing extraction of **89,780** Cu M of minor mineral from the mining area by the DFO, Cachar Division as required with the NOC from the project Proponent, the mining contract holder (within the period from **05.02.2021** to **21.08.2023**).

On further receipt of on line application from the DFO, Cachar Division in PARIVESH portal 1.0 seeking amendment of the EC for the same mining area requesting for an additional quantity measuring **52,781** Cu M under Proposal No-SIA/AS/MIN/307966/2024 Dated **02.01.2024**, the DFO was advised to apply online in the **PARIVESH portal 2.0** as currently applicable for all green clearances.

On receipt of the aforesaid application by the SEAC with similar such proposals received for other mining areas requiring the process of appraisal by on the spot study of the surrounding environment and the impact due to mining and as envisaged in Rule 5(d) of the EIA Notification, 2006 under the Environment Protection Act, 1986 a sub-Committee of the SEAC was constituted by the Chairman of the SEAC for site visit. And accordingly the sub-Committee had carried out the exercise for all the cases as vested on them.

In the instant matter, under deliberation, some allegations were received from unreliable sources and complaints were lodged with the Hon'ble NGT, Kolkata



Bench with copies marked to the Chairman, SEIAA and also to the Chairman, SEAC regarding alleged violation and illegal mining activities at the behest of the Proponent in the supported with photographic evidences as well as video footage. It was also asserted that the CCF, SAC, Silchar had detected such illegalities with effect of seizure of vehicles used in carriage of minor mineral from the mining area.

Be that at it may, the sub-Committee of the SEAC have caused the required field study duly assisted and supported by the CCF, SAC and the DFO, Cachar Division on 23rd and 24th May' 2024 and the said sub-Committee have submitted their report on 06.07.2024 as placed before the august SEAC Committee for discussion and deliberation.

For the sake of *brevity* the report of the sub-Committee pursuant to their field visit and appraisal is reproduced below for better appreciation of the mining area and the field scenario described:

“ Field visit by the sub-committee of SEAC on 23rd & 24th of May, 2024 and report is attached as under.

Site Visit Report

Date: 06.07.2024

Introduction:

One Sri Monoj Roy and others submitted a petition to the Chairperson, National Green Tribunal on 01.04.2024 *inter alia* alleging use of heavy mining machineries in river beds stone mining by the project proponent of Jatinga River Minor Mineral Unit-2 (Stone) and thereby causing severe environmental damages in the Jatinga river. The complainant forwarded a few geo-tagged photographs showing use of machineries, viz. Excavator (Poclain) and heavy duty 10 wheeler dumpers. [Copy of the complaint was marked to Chairman, SEIAA as well as Chairman, SEAC, Assam. Vide Memo No. SEAC 3717/2024/Pt-I dtd. 14.05.2024].

Chairman, SEAC directed the Member Secretary, SEAC for on spot verification and enquiry specially to areas falling under Jatinga River Minor Mineral Unit-2 (Stone)). The Chairman, SEAC constituted a sub-committee vide order No. 9 dtd. 04.04.2024 comprising of three members, viz. (i) Sri Arup Barpujary, (ii) Dr. Bijoy Sankar Goswami and (iii) Dr. Shantanu Kr. Dutta. Subsequently, vide the said



Memo dtd. 14.05.2024, Sri Shantanoo Bhattacharjee was added as special member in the sub-committee to assess the veracity of the allegations in the instant case.

Scope of the Order was to visit the alleged spot of Jatinga River Minor Mineral Unit-2 (Stone) with the CCF, Southern Assam Circle, Silchar together with the DFO, Cachar and to verify the mining area with the GPS coordinates (start point to end point) and also to find out the exact GPS locations (from the photographs of the allegations contained in letter dtd. 01.04.2024) wherein use of mechanized tools allegedly Crawler mounted excavators (Poclain) are allegedly illegally used for mining purposes.

Observations:

The sub-committee visited the site during May 23rd-24th, 2024. The CCF as well as the DFO accompanied the sub-committee during the visit to the site. The key observations are mentioned below:

1. The Committee visited the area in which alleged mining of stone were carried out using mining machineries. The Committee observed that the area falls under Jatinga River Minor Mineral Unit-2 (Stone). One Sri Debajit Deb has been the Project Proponent of the said mining project to which SEIAA granted EC in October, 2020. The geographical coverage of the mine was recorded as 24 hectare. The Committee perused the documents regarding the mining project and noted the following salient features:

A. Salient Features of the Project: (Environmental Clearance by the SEIAA)

SEIAA vide letter No-SEIAA.1313/2020/EC/19/1143 dtd. 9/10/2020 accorded prior EC to Sri Debajit Deb for collection of stone from '**Jatinga River Minor Mineral Unit-2 (Stone)**' under Cachar Forest Division, Assam for a total quantity 535000 Cu.M for 5 years, i.e. @107,000 Cu.M/year. In addition to the above, it came to light that:

- i) DFO, Cachar applied for amendment of the said EC and subsequently SEIAA vide letter No -1313/2020/EC/23/1303 dtd. 5/2/2021 amended the EC for one year (Quantity 52,000 Cu.M).



- ii) DFO, Cachar again applied for amendment of EC dtd. 05.02.2021 and SEIAA, vide letter No -1313/2020/EC/1595 dt 23/11/2021 amended the said EC and allowed Mining with additional 780 Cu.M mining (Quantity 52780 Cu.M i.e. 52,000 Cu.M, Original + 780 Cu.M addl.). The permission was valid upto 4/2/2022.
- iii) Vide letter No -1313/2020/EC/1789 dtd. 23/8/2022, SEIAA amended the aforesaid EC and granted mining of additional 37,000 Cu.M for one year.

B. Proposal Information Order: the DFO, Cachar Division had applied for amendment of the EC in Parivesh 1.0 portal and the status of the proposal is recorded as herein under:

- i) **Name of the Proposal – EC for Jatinga River Minor Mineral Unit-2 (Stone)**
 - ii) **Project ID (Online Proposal Number / Green Clearance Number) – SIA/AS/MIN/307966/2024, Dated 3/01/2024**
 - iii) **Name of the Company / Organization / User Agency – DFO, Cachar Division.**
 - iv) **Project proposal for - EC for Jatinga River Minor Mineral Unit-2 (Stone)**
 - v) **Quantity – 52,781 CuM**
2. During the visit to the site, the Committee found the entire project area to be in a bad shape and degraded. Only manual mining of boulders was seen at one location. *Prima facie*, the state of the river in the project area reflected unrestrained riverbed mining. Some stretches became quite deep and looked almost stagnant. Tinge of green algae could be seen. The river has lost the characteristics of a hilly stream (Annexure-I-Photographs 1 to 7). The inspection team is of the view that considerable degradation of the environment has resulted out of unrestrained riverbed mining.
3. There was no boundary pillar demarcating the project area. The Committee also noted that Jatinga River Minor Mineral Unit-1 is located at



immediate upstream of the Jatinga River Minor Mineral Unit-2. However, there is no boundary demarcation through permanent pillars. Moreover, in absence of any boundary pillar and any demarcation of the initial depth (MSL) of stone bed in the river, it was not possible for the Committee to ascertain the depth of mining already carried out.

4. Talked to local people who said that large number of dumpers were used to transport the boulders excavated from the river bed by Crawler Mounted Excavators (Poclain) as well as wheel mounted excavators. The photographs and videos submitted by the complainants corroborate the use of heavy machinery for mechanized mining, which is violation of the EC conditions.
5. The Committee observed mining of stone at the river bank at one location. It was reported that the alleged river bank location was owned by nearby Tea Garden. The complainant also pointed out mining at river bank at land owned by tea gardens.
6. The Committee observed ongoing manual mining operation in Jatinga River Minor Mineral Unit-1 (*Photographs 8 to 13*), Sri Apurba Rajkumar had been the PP for which SEIAA granted EC to the project vide No. SEIAA.1314/2020/EC/19/1142 dtd. 09.10.2020.

C. Whether any violation of provision as per EIA Notification, 2006 has been observed / recorded?

The Committee observed a Major Violations of the EC conditions:

- i) Non submissions of six monthly Compliance Reports by the PP
- ii) There was no monitoring and supervision of the mining activities at any level though the Beat office was located nearby.
- iii) Use of Crawler Mounted Excavators (Poclain) is in violation of EC conditions.

D. Recommendations /Suggestions/ Final Remarks -

During the discussions with the CCF, Southern Assam Circle, Assam on May 23, 2024, the Committee noted the following:



1. The Committee recorded that CCF, Southern Assam Circle, Assam visited the site on 29.04.2024 and observed a few machineries/vehicles used for mining and he ordered seizure of the vehicles including dumpers. It is reported that the CCF did not locate any Crawler Mounted Excavators (Poclain).
The DFO confirmed a list of vehicles seized from the mining area on 23rd May, 2024. The DFO imposed fine subsequently and released the vehicles. It is understood that no FIR was lodged against the owners of vehicles / machineries used for alleged mechanized mining.
2. DFO, Cachar Division, Silchar, vide letter No. B-11/Show Cause/1748 dtd. 30.04.2024, directed the Range Forest Officer (RFO), Udharbond Range, Udharbond to show cause as to why disciplinary action should not be initiated against the later for the irregularities found during the visit of the CCF to the areas under the jurisdiction of the RFO (Annexure-II).
3. DFO, Cachar Division, Silchar, vide letter No. B-11/Show Cause/1749 dtd. 30.04.2024, directed the Beat Forest Officer (BFO), Maruacherra Beat under Udharbond Range to show cause as to why disciplinary action should not be initiated against the later for the irregularities found during the visit of the CCF to the areas under the jurisdiction of the concerned Beat (Annexure-III).
4. The Range Forest Officer, Udharbond, Cachar vide letter No. UDB/1(ESTT)/91 dtd. 06.05.2024, as a reply to the show cause notice dtd. 30.04.2024 by DFO, Cachar, admitted about few lapses in his area of jurisdiction including unauthorised entry of Crawler mounted excavators (Poclain) (Annexure-IV) and other heavy machineries.
5. The Committee visited a screening plant allegedly operated by PP without Consent to Establish and Consent to Operate State PCBA.
6. The extent of environmental impact should be evaluated and necessary compensatory measures worked out.
7. Reclamation and restoration of the mining area is of immediate necessity including compliance of ECR activities."

Sd/

(Er Shantanoo Bhattacharyya)

Sd/

(Dr Bijoy S.Goswami)

Sd/

(Arup Barpujary)

Sd/

(Dr Shantanu Kr Dutta)



The aforesaid report of the sub-Committee is thoroughly discussed and deliberated upon and it was found expedient by the SEAC to recommend to SEIAA for taking up the matter with the competent authority in the Forest Department, GoA and initiate appropriate measures / requisite actions to stop recurrence of such illegal activities henceforth and also to streamline the process of sustainable river bed mining in terms of the Sustainable Sand Mining and Management Guidelines issued by the MoEF and CC in 2016 (SSMMG'2016) and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM'2020).

The detailed report of the sub-Committee containing the explanations of the officials to the show cause notices issued by the DFO, Cachar Division with supporting Annexures are attached here to for reference and further course of action.

The Offence Reports drawn up transpires to be against the Drivers of the vehicles only and not against the owners/custodians of the vehicles which need to be ascertained by the department/DFO, Cachar Division as envisaged in the EMGSM'2020 and, as may warrant under circumstances, Offence Reports are to be booked against the owners of the vehicles on the basis of the principle *Respondeat superior* or the *Vicarious liability* and penalized accordingly with adequate compensation in terms of the aforesaid guidelines to be assessed by the competent officials for the purpose. However, the SEAC is also of the opinion that it shall be in fitness of things to take the personal hearing of the Proponent for the ends of justice and fair play.

All the points and suggestions made by the sub-Committee are unanimously accepted by the SEAC and have decided to recommend for revoking the EC in terms of Clause 6 (General Conditions) of the EC granted to the Proponent restraining further damage after giving due opportunity of being heard to the project Proponent and to take up for proper monitoring of the mining area in question in terms of the



EMGSM'2020 through a Committee as ordered by the Hon'ble Apex Court in view of the apparent violations and deficiencies noticed in the field.

Restoration of the mining area in question with Green Belt / raising of plantations with indigenous species of plants around the mining area is of paramount importance and should be instructed to be taken up on priority under the guidance of the DFO, Cachar Division, Silchar as there had been lapses in its implementation although committed and required under Clauses 9 and 10, respectively, of the EC (General Conditions) granted.

The meeting ended with vote of thanks to the Chair.



**Chairman
SEAC, Assam**

Dated : 19 .07.2024

Memo No. SEAC.33/2013/Pt.-I -A

Copy to:

- 1) The Member Secretary, State Environment Impact Assessment Authority (SEIAA), Assam for favour of kind information and necessary action. Detailed copy of the report of the sub-Committee dated 06.07.2024 with the Annexures are enclosed (both hard and soft copy) for requisite action by the SEIAA in the matter. This has reference to letter No SEIAA.1622/pt-I/2024/21 Dated 29.06.2024 to the Secretary, Environment and Forest Department, Dispur and letter No 522544/2024/22 Dated 17.07.2024 from the GoA. The entire report may please be placed before the Chairman, SEIAA at the earliest.
- 2) The Member Secretary, PCB, Assam, Bamunimaidam, Guwahati-21 together with a copy of the report (both soft and hard) for kind perusal and further needful action in the matter.
- 3) All Members, SEAC, Assam for favour of their kind information.
- 4) Office copy for each of the proposals.



**Member Secretary
SEAC, Assam**