



Guidelines to Monitor Sand Mining

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Why in News

For the first time, the Ministry of Environment, Forests and Climate Change (MoEFCC) has released guidelines to **monitor and check illegal sand mining** in the country.

- At present, the **Sustainable Sand Management Guidelines (SSMG), 2016** focuses on the **management of sand mining**, but there was a **need** to have guidelines for **effective enforcement of regulatory provisions** and their **monitoring**.
- The 2020 guidelines are to be enforced simultaneously with the **SSMG, 2016**, in case of **conflict**, the **new set will hold legal precedence**.

Key Points

Background

- The **Mines and Minerals (Development and Regulation) Act, 1957** has empowered **state governments** to make rules to prevent **illegal mining**, transportation and **storage of minerals**.
- However, there was a large number of illegal mining cases in the country and in some cases, many of the officers lost their lives while executing their duties to curb illegal mining.
- Illegal and uncontrolled illegal mining also leads to loss of revenue to the State and degradation of the environment.

Constitutional/ Legal Framework of Mining Sector in India

- The entry at serial No. 23 of List II (**State List**) to the Constitution of India mandates the **state government to own the minerals located within their boundaries.**
- The entry at serial No. 54 of List I (**Central List**) mandates the **central government to own the minerals within the exclusive economic zone of India (EEZ).** In pursuance to this Mines & Minerals (Development and Regulation) (MMDR) Act of 1957 was framed.
- Also, **the Central Government notifies** certain minerals as '**minor**' minerals from time to time for which the absolute powers for deciding on procedures of seeking applications for and granting mineral concessions, fixing rates of royalty, dead rent, and power to revise orders rest **only with the State Government.**
Example of minor minerals include building stones, gravel, ordinary clay, **ordinary sand.**
- For minerals specified in the **First Schedule** to the Mines and Minerals (Development and Regulation) Act, 1957 **approval of the Central Government is necessary.**
Schedule I contains minerals such as **coal and lignite**, minerals of the **"rare earths"** group containing **Uranium and Thorium.**

Enforcement and Monitoring Guidelines for Sand Mining 2020

- **Source to Destination Monitoring:** The new set of guidelines focuses on the effective monitoring of sand mining from the identification of sand mineral sources to its dispatch and end-use by consumers and the general public and look at a uniform protocol for the whole country.
Constantly **monitor mining** with drones and **night surveillance** of mining activity through night-vision drones.
- **Audits:** States to carry out **river audits**, put detailed survey reports of all mining areas in the public domain.
- **Transparency:** Online **sales and purchase** of sand and other **riverbed materials (RBM)** for **transparency** in the process.
- **Enforcement:** It gives directions to states to set up **dedicated task forces at district levels.**
In cases where rivers become district boundaries or state boundaries, the districts or states sharing the boundary shall constitute the combined task force for monitoring of mined materials, mining activity and participate in the preparation of **District Survey Reports (DSR)** by providing appropriate inputs.
- **Sustainability:** Conduct **replenishment study** for river bed sand in order to nullify the adverse impacts arising due to excessive sand extraction.
No riverbed mining will be allowed during the monsoon.

Procedure for Comprehensive DSRs

- While the **Sustainable Sand Mining Guidelines, 2016**, require the preparation of District Survey Reports (DSR), which is an important initial step **before grant of mining lease**, the government has found that the DSRs carried out by state and district administrations are often **not comprehensive enough**, allowing space for illegal mining.
- The **new** guidelines, therefore, **list a detailed procedure of how the DSRs are to be made**, including the development of an inventory, for the first time, of river bed material and other sand sources in the district.

Source: IE