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Jharkhand State Sand Mining Policy, 2017

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THE JHARKHAND GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY

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Ranchi, Friday, 18th AUGUST, 2017

Department of Industries, Mines and Geology

Notification

16 AUGUST, 2017

No. Kha. Ni. (Vividh)-67/2017-1905-- In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Governor of Jharkhand exercises power to notify following policy:-

JHARKHAND STATE SAND MINING POLICY - 2017

Sand is a very important minor mineral. It is closely connected with the basic need of the common people and plays a vital role in the infrastructural development of the State.

Under Jharkhand Minor Mineral Concession Rule, 2017 sand is placed in schedule-II and is regulated and governed by Rule 12. In compliance of the Supreme Court ruling of Deepak Kumar v/s State of Haryana etc. (Special Leave Petition (C) No. 19629 of 2009 and Interlocutory Application No. 12-13 of 2011), and subsequent MoEF&CC Guidelines, the State has made certain amendments in the year 2014 and later in February 2017. However it was felt that there is a need for an environmentally sustainable and social centric comprehensive sand mining policy which will fulfil the developmental needs of the State as well as regular and adequate supply of sand at a reasonable price for the common people of the State.

Therefore, with a view to achieve these objectives, after detailed, careful examination, consultations and consideration of various aspects, the Government has introduced a comprehensive ***Jharkhand State Sand Mining Policy 2017***, which will broadly and effectively guide sand mining in the State in an environmentally sustainable and socially responsible manner.

The salient features of Jharkhand State Sand Mining Policy 2017 are as follows:-

1. Preparation of District Survey Report:-

- a. A District Survey Report for each district shall be prepared by the committee headed by Deputy Commissioner-cum-Chairman DEIAA, as envisaged in Para 7 (iii) of Part –II – Section -3-Sub Section (ii) of Extraordinary Gazette of MoEF&CC, Government of India, New Delhi dated 15 January, 2016.
- b. The State shall issue necessary guidelines or directives as and when required for an effective preparation of District Survey Report.

2. Categorization of Streams/Rivers:

- a. Identification of the sand available in different order of streams such as 1st, 2nd, 3rd, 4th, 5th order or more shall be carried out by the District Survey Committee based on its size and capacity.
- b. Based on District Survey Report the Survey Committee shall categorize the sand in 1st order and 2nd order stream/river as Category-1 and 3rd order and above as Category-2.
- c. However, based on recommendation of District Survey Committee and depending upon local conditions/requirements, the State may review and change the positioning of a particular order of stream/river into a particular category of Category-1 or Category-2.

3. Management of Sand Deposits of Category-1 Streams/Rivers:

- a. The sand deposits of Category-1 stream/rivers will be kept fully free from domain of grant of mining lease.
- b. The sand from this category can be used only for non-commercial purposes such as domestic purpose, Community purposes, Government Sponsored Schemes etc. or as defined in Appendix – IX of Part–II–Section-3-Sub Section-(ii) of Extraordinary Gazette of MoEF&CC, Government of India New Delhi dated 15 January, 2016.
- c. Gram Panchayat/Local Self Government shall be responsible for supervision of sand collection from such area.
- d. There shall be no transfer or subletting of the sand deposits from these Streams/Rivers.
- e. The sand from these Streams/Rivers shall be free from any taxes, royalty or levy.

- f. For the purpose of maintenance of the approach road, management, supervision etc. a nominal *Maintenance Charge* shall be levied by Gram Panchayat/Local Self Government per unit volume of sand lifted/collected/dispatched, as per the rate decided by Department of Industries, Mines and Geology, Government of Jharkhand.
- g. It shall be responsibility of Gram Panchayat/Local Self Government to ensure that sand from these deposits is not used for any commercial purposes and to regulate the same, a receipt-cum-dispatch challan will be issued by the Gram Panchayat/Local Self Government in the format as prescribed by the State.
- h. The maintenance charge so collected shall be deposited in the account of Gram Panchayat/Local Self Government.
- i. The book keeping of this account shall be maintained by Gram Panchayat/Local Self Government according to prevailing rules and guidelines of the Gram Panchayat/Local Self Government.
- j. Under no circumstances the sand shall be allowed to be stored from these Streams/Rivers.
- k. As mentioned in para 7-(i)-(B) of Part-II-Section-3-Sub Section-(ii) of Extraordinary Gazette of MoEF&CC, Government of India, New Delhi dated 15 January, 2016 such usage of sand shall be exempted from environmental clearance.
- l. This shall be the responsibility of the Gram Panchayat/Local Self-Government to restrict sand mining in prohibited areas as directed by the Department.
- m. Under no circumstances mechanized lifting of sand shall be allowed from these category of streams/rivers.
- n. The Deputy Commissioner shall put in place proper administrative/enforcement mechanism to ensure no commercial/illegal extraction of sand from these orders of streams/rivers.

4. Management of Sand Deposits of Category-2 Streams/Rivers:-

- a. The Sand deposits of Category-2 shall be managed by State Government through Jharkhand State Mineral Development Corporation Limited (JSMDC).
- b. All the sand deposits in Category-2 shall be allocated to JSMDC for a minimum period of 5 years or more as decided by the Government.
- c. Sand shall be sold by the JSMDC on commercial basis.
- d. The sale price of sand shall be decided by JSMDC in consultation with the Government.
- e. JSMDC shall obtain all clearances such as Environmental Clearance, Mining Plan or any other statutory requirements for sand mining, storage and sale.
- f. JSMDC shall ensure compliance of all applicable rules, regulations, guidelines, directives of honourable courts etc.

- g. JSMD C shall ensure that no Sand mining is carried out in any such zone or depth as prohibited under MoEF&CC Guidelines.
- h. JSMD C shall adopt scientific and sustainable mining practices and shall ensure a transparent, fair and effective delivery system.
- i. JSMD C shall adopt appropriate technology such as RFID/GPS tracking of vehicles, CCTV surveillance, central monitoring, cashless online sale etc. to prevent illegal mining and transportation of sand.
- j. State shall reimburse the entire expenditure incurred by JSMD C for operation and maintenance of sand ghats and also pay suitable agency commission as fixed by the Government.

The Government may review the Sand Mining Policy in future as and when required and issue Guidelines or Amendments accordingly.

By order of Governor of Jharkhand,

Sunil Kumar Barnwal,
Secretary of Government.
