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West Bengal Sand Mining Policy, 2021

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PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL DEPARTMENT OF INDUSTRY, COMMERCE & ENTERPRISES Mines Branch NOTIFICATION

No. 284-ICE/O/MIN/GEN-MIS/02/2021.—30th July, 2021.—Whereas, the Government of West Bengal has been considering the importance of framing a Sand Mining Policy for the State of West Bengal to improve the effectiveness of monitoring of mining and transportation of sand and to ensure the extraction is carried out in scientific, environmentally sustainable and socially responsible manner ;

Whereas, to prevent damage to the riverine ecology and to protect black marketing and hoarding of sand, the Government of West Bengal through its Cabinet Meeting held on 22nd July, 2021 has decided to bring a new Sand Mining Policy, 2021 for the State of West Bengal ;

Now, therefore, the Governor in the interest of the public service, is pleased to hereby publish the Sand Mining Policy, 2021 for the State of West Bengal as given in the Schedule hereto annexed for information of all persons in good faith.

The Schedule The West Bengal Sand Mining Policy, 2021

1. Introduction

- 1.1. Articles 39(B) of the Indian Constitution (Directive Principles of State Policy) states that the natural resources of the community have to be distributed so as to sub-serve the common good of the community. Natural resources are legally owned by the State. The State should ensure equitable, sustainable and affordable distribution of natural resources.
- 1.2. Sand, a natural resource, is a minor mineral as defined under S 3(e) of the Mines and Minerals (Development and Regulation) Act, 1957 ("MMDR Act"). Under the MMDR Act, the legal and administrative control over minor minerals vests with the State Government, which has the powers to make rules to govern minor minerals.

- 1.3 Currently, haphazard sand mining has led to severe environmental degradation. The current system is prone to profit-maximization and concern for the environment and the ecology gets relegated.
- 1.4 This policy aims to address the issues of indiscriminate mining of sand, black-marketing, artificial supply shortage through hoarding and to ensure compliance with environmental regulations and affordable pricing for the end consumers.
- 1.5 The State Government through this policy intends to govern the excavation, transportation, storage, sale and consumption of sand. The State Government intends to appoint the West Bengal Mineral Development and Trading Corporation Ltd. ("WBMDTCL") (a fully owned undertaking of the Government of West Bengal) as the designated agency, in order to effectively achieve the above mentioned objectives.

2. Sources of sand in West Bengal

- 2.1. There are two primary sources of sand in the State of West Bengal :

- (i) Riverine System
- (ii) Dams and Reservoirs

3. Existing Framework of Sand Mining in West Bengal

- 3.1. Currently the State of West Bengal follows a system wherein mining Ghats are e-auctioned by the State Government to private players.
- 3.2. Mining lease is granted by the State to the Winning private bidder. The lease period for each sand Ghat is usually 5 (five) years. The winning private bidders are authorized to extract sand as per the mining plan against payment of one time-bid money, royalty and cess proportionate to the quantity of sand extracted.

4. Need for Revised Framework :

- 4.1. There is a need for a revised framework as the current model has the following disadvantages:
 - (i) **Severe Damage to the Environment :** The current market-based model promotes profit-maximization. There is prevalent unethical and unscientific mining of sand, causing severe damage to riverine ecology. This in turn leads to groundwater depletion and flooding.
 - (ii) **Loss of Revenue of State :** The State Government revenue collection is at present less than the amount realized by the States having smaller or comparable sand reserves.
 - (iii) **Multiple Players :** The current market based model encourages participation by multiple players approximately 100-150 lease holders per district. The players due to their smaller size do not make investment in better equipment, scientific and eco-friendly extraction etc.
 - (iv) **Black Marketing and Price Fluctuations :** Due to the high demand for sand, there is hoarding and black marketing of sand. This leads to an abnormal increase in the price of sand for the consumers. There are also seasonal shortages.

5. Objectives of the Policy :

5.1. The main objectives of this new policy are as follows :

- (i) To ensure that sand mining is done in a scientific, environmentally sustainable and socially responsible manner, so as to prevent damage to the riverine ecology and to prevent groundwater depletion and flooding.
- (ii) To ensure that there is no obstruction to the river flow, water transport and restoring the riparian rights and in-stream habitats.
- (iii) To prevent ground water pollution by prohibiting sand mining on fissures where it works as filter prior to ground water recharge.
- (iv) To increase the revenue earned by the State Government from the sand mining process, not only through realization of Royalty, Cess but ensuring payment of all applicable taxes including GST.
- (v) To make efficient use of technology and Information Technology Enabled Services (ITES) for efficient regulation and monitoring of sand mining in the State and enforcement of compliances connected therewith.
- (vi) To improve the effectiveness and efficiency of monitoring of mining and transportation of sand and to ensure availability of adequate quantity of sand in sustainable manner and to prevent hoarding and black marketing, thereby ensuring that sand is available to the end consumers at an affordable price.

6. Proposed New Framework :

- (i) This new policy will be implemented by appointing the WBMDTCL as the designated agency in achieving the above-mentioned objectives. The policy is to be implemented through following steps which are only indicative in nature and may make changes in the implementation procedure as deemed fit to achieve the objectives. The State Government or WBMDTCL may decide to implement different steps concurrently or in a phase wise manner.
- (ii) **WBMDTCL to focus on buliding capacity :** WBMDTCL shall focus on bringing about organizational changes so as to ensure compliance with this policy, strict regard to environmental regualtions and affordable pricing for the end consumers of sand. To man the wings, the personnel will be either recruited directly or through deputation from other departments.

WBMDTCL shall have 3 (three) wings:

- (a) **Excavation Wing:** The excavation wing shall be responsible for contracting out the excavation of sand and the transport of sand from the sand mines to the stockyards.
- (b) **Storage and Sales Wing :** The storage and sales wing shall be responsible for managing storage of sand in the stockyard and for ensuring that the sand is sold in a transparent process to the end consumers.

- (c) **Enforcement Wing :** The enforcement wing officials shall have the power to file a complaint in case of pilferage, illegal mining, illegal transportation, misuse of sand, violation of environmental regulations and other such illegal and irregular activities. A 24x7 control room to be established at State/District level.
- (iii) **Transfer of existing mining leases :** In existing leases, the lease shall not renewed and shall automatically be resumed and vested with the State Government, upon expiry of such leases. The State Government shall then lease the sand mines to WBMDTCL or any agency recommended by it.
- (iv) **Excavation of sand by WBMDTCL :** Once sand mining lease has been granted to WBMDTCL/ any agency, it shall ensure sand mining either by appointing a Mine Developer and Operator (MDO) or through any other model through transparent bidding process. WBMDTCL may itself or through its nominated agents contract out the excavation and transportation of sand from the mines to the stockyards/depots.
- (v) **Development of a Centralized Portal and Introduction of Centralized-Challan System for Transportation of Sand :** The State Government shall issue e-challans to the vehicles transporting sand through a portal developed by WBMDTCL having inter-alia following features :
- (a) **E-challan shall have built in security feature like** Unique Barcode, Unique Quick Response (QR) code, Invisible Ink Mark, Void Pantograph and Watermark etc.
- (b) **Requirement at mine lease site would be built in like**
- Small size plot [Up to 5 (five) hectare] : Android based smart phone.
 - Large size plots [More than 5 (five) hectare]: CCTV camera, personal computer(PC), internet connection, power back up.
 - Access control of mine lease site.
 - Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.
- (c) **Content of e-challan :**
- E-Challan will capture all essential features like unique number, Date and time of issue, Validity period, Name, address and contact details of the lease holder, lease details, Purchaser details, Vehicle number etc.
- (d) **Scanning of e-challan and uploading on server :**
- **Website :** Scanning of receipt on mining site can be done through barcode scanner and computer using the software.
 - **Android Application :** Scanning on mining site can be done using Android Application in a smart phone. It will require internet availability on SIM card.
 - **SMS :** E-challan shall be uploaded on server even by sending SMS through mobile. Once the e-challan gets uploaded , a unique invoice code gets generated with its validity period.
- (e) **Proposed working of the e-challan system :** The Lessees would be given login id to automatically generate e-challan after entering the relevant details and depositing applicable royalty/cess online.

- (vi) **Collection of Royalty and Cess through WBMDTCL :** The collection of royalty and Cess for the State Government would be done through a software generated centralised e-challan system developed by WBMDTCL.
- (vii) **Environmental Audit :** It shall be conducted by an independent reputed third party entity/consultant to be selected by a bid process. In case of any adverse findings, the State Government may take appropriate actions against the defaulting lease-holder in accordance with applicable laws and the lease deed executed between the State Government and the lease-holder may be terminated after following due procedure.
- (viii) **Monitoring Activities :**
- (a) **Monitoring Excavation Process :** The lease boundary shall be demarcated by WBMDTCL/District Authorities with geo-coordinates or geo- fenced to ensure that sand excavation is being conducted only within the permitted area. Excavation of sand from river beds shall be monitored by WBMDTCL / District Authorities on a regular basis to keep track of excavated quantity.
 - (b) **Monitoring Transportation of Sand through GPS Monitoring :** It shall be endeavoured that transportation of sand is monitored in a proper manner starting from the Ghats till its end point. The route of vehicle from source to destination can be tracked through the system using check points , RFID tags and GPS tracking. The vehicles may follow a particular colour code. Vehicles may also be fitted with GPS and the e-challan shall be geo-tagged to the stock of sand in the vehicle.
 - (c) **Monitoring the Availability of Sand & Establishing Storage Points/ Depots by WBMDTCL :** WBMDTCL shall assess the demand for sand in the State of West Bengal and shall accordingly take measures for ensuring that the stockyards / sand depots have a stock of sand for a period of not more than 3 (three) months at any given point of time .Storage locations may be developed by WBMDTCL either directly or through private parties to store excavated sand at suitable locations like in periphery of urban centres so that consumers can lift sand from these points.
 - (d) **Monitoring Sale of Sand :** The centralized online portal developed by WBMDTCL will give consumers facility to view available stocks in different depots and purchase sand online.

By order of the Governor,

VANDANA YADAV,
Secy. to the Govt. of West Bengal.