

**GOVERNMENT OF INDIA  
MINISTRY OF MINES**

**LOK SABHA  
UNSTARRED QUESTION NO. 4251  
TO BE ANSWERED ON 11<sup>th</sup> AUGUST 2016**

**ILLEGAL SAND MINING**

**4251. SHRI ADHIR RANJAN CHOWDHURY:  
SHRI SHIVKUMAR UDASI:  
SHRI BHAIRON PRASAD MISHRA:  
SHRI BHANU PRATAP SINGH VERMA:  
SHRI B. SENGUTTUVAN:**

Will the Minister of **MINES** be pleased to state:

- (a) whether the Government is aware of the large scale illegal sand mining taking place in the river beds of the country, if so, the details thereof for the current Plan, State/UT-wise;
- (b) whether this activity has resulted in the environmental degradation in the respective regions and if so, the details thereof;
- (c) whether the Government has held any discussions with State Governments with regard to illegal sand mining, and if so, the details and the outcomes thereof;
- (d) whether the Government proposes to review the provisions of Mines Act and Minor Mineral Concession Rules and enact stringent laws with a view to checking the rampant exploitation of the riverbed by the sand-mining mafia in various parts of the country, if so the details thereof; and
- (e) whether there is any Central level mechanism to control illegal sand mining on the river beds, if so, the details thereof?

**ANSWER**

**THE MINISTER OF STATE (INDEPENDENT CHARGE) FOR POWER, COAL, NEW & RENEWABLE ENERGY AND MINES (SHRI PIYUSH GOYAL)**

(a) to (e) Sand is a minor mineral, as defined under section 3(e) of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Section 15 of the MMDR Act provides that State Governments may, by notification in the official Gazette, make rules for regulating the grant of mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith. The administration of the mining of minor minerals is a subject that is, therefore, completely within the domain of the respective State Governments. Under the power granted to them by section 15 of the MMDR Act, State Governments have framed their own minor minerals concession rules.

Besides, section 23C of the MMDR Act, 1957 empowers State Governments to frame rules to prevent illegal mining and the state governments may, by notification in the Official Gazette, make such rules for preventing illegal mining, transportation and storage of minerals (both major minerals and minor minerals) and for purposes connected therewith. Control of illegal mining is, therefore, under the legislative and administrative jurisdiction of State Governments.

A meeting was held with the Principal Secretaries/Secretaries in charge of Mines in the States/UTs on 29.10.2014 to 31.10.2014. The State Governments brought to the notice of the Ministry that the legal framework to curb/stop illegal sand mining exist in their respective States. The problems being faced by them in curbing the menace of illegal mining of sand as well its adverse impact to the environment were also discussed. Information on the price of sand, rates of royalty, the mode of payment and the revenue sharing methods practiced by each state was shared in the meeting. The issue regarding the size of the mines as well as the issues involved in obtaining environmental clearance subsequent to Deepak Kumar judgment was also discussed.

The MMDR Act, 1957 was amended through the MMDR Amendment Act, 2015 which came into effect from 12th January, 2015. The Amendment Act has, inter alia, stringent punitive provisions for combating illegal mining. Illegal mining has been made punishable with imprisonment for a term which may extend to five years and with fine which may extend to five lakh rupees per hectare of the area. Provisions have been made for setting up of Special Courts for the purpose of providing speedy trial of offences relating to illegal mining.

Ministry of Environment and Forest and Climate has recently issued Sustainable Sand Mining Management Guidelines, 2016, which, inter-alia, also addresses the issues relating to regulation of sand mining. The salient features of the Guidelines in this regard are as follows:

- To ensure that sand and gravel mining is done in environmentally sustainable and socially responsible manner.
- Implementing safeguards for checking illegal and indiscriminate mining.
- Monitoring system for sustainable sand Mining.
- To improve the effectiveness of monitoring of mining and transportation of mined out material.
- Ensure conservation of the river equilibrium and its natural environment by protection and restoration of the ecological system.
- Ensure the rivers are protected from bank and bed erosion beyond its stable profile.
- Streamlining and simplifying the process for grant of environmental clearance (EC) for sustainable mining.

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