

MINUTES OF THE 51st MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 29-3-2016 AT 9.30 A.M IN THE CHAMBER OF THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT (ENVIRONMENT & FOREST) GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

Present:

1. Prof. (Dr). K.P. Joy, Chairman, SEIAA
2. Dr. J. Subhashini, Member, SEIAA
3. Sri. P. Mara Pandiyan I.A.S. Additional Chief Secretary & Member Secretary, SEIAA.

The 51st meeting of SEIAA and the 18th meeting of the Authority as constituted by the notification No. S.O. 804 (F) dated 19-3-2015 was held from 9.30 a.m in the chamber of the Additional Chief Secretary to Government (Environment & Forest Departments). (Member Secretary SEIAA).

Member Secretary at the outset pointed out the code of conduct during the general election to the state assembly. He expressed the opinion that grant of E.C may be misconstrued in the light of the Model Code of Conduct, so that it might be necessary to defer the proposals on grant of E.C for completion of the elections. Other agenda items may be examined. Chairman pointed out that the Authority is exercising statutory functions having stipulated time limits. There is also the issue of ‘deemed clearance’ where the SEAC has made recommendations for grant of E.C. After deliberations the Authority decided to consider all the agenda items and to defer issue of E.C proceedings in the cases of new quarries. Chairman also wanted to start online processing without any further delay and the revised general conditions on mining to be included along with the E.C.

Item No. 51.01 Confirmation of minutes of 50th SEIAA meeting

Confirmed

Item No. 51.02 Action taken Report on minutes of 50th meeting of SEIAA held on 25-2-2016

Minutes of the 51st meeting of SEIAA held on 29th March 2016

Noted. Details of E.Cs issued in pursuance of the previous minutes shall be furnished in the action taken reports hereafter.

Item No. 51.03 **SEIAA – Petitions on Environmental Clearance and general complaints on illegal quarries and other environmentally degrading activities (individual cases consolidated)**

In the case of petitions in which applications for E.C. have not been received, general decision will apply. In the cases of complaints of violation of conditions of E.C issued for quarries Chairman and Member SEIAA may conduct enquiry and report to the Authority.

Item No. 51.04 **Removal of Ordinary earth/Brick earth Environmental Clearance issued-Applications for extension of period of validity of Environmental Clearance.**

It was decided to extend the period of validity of the E.Cs in the case by six months. No further extension will be allowed.

Item No. 51.05 **Environmental clearance for removal of Brick earth in Sy.no.538 at Annallor Village Mala Panchayath, Chalakkudy Taluk, Thrissur District, Kerala by Sri. K C Thomas (File No.630 /SEIAA/EC1/4856/2014)**

Approved for issuance of Environmental Clearance on usual conditions for mining of brick earth stipulated in O.M No. L.11011/47/2011-IA.II(M) dated 24-6-2013 of the Ministry of Environment & Forests, for removal not exceeding 8000 m³ as per recommendations and specific conditions made by SEAC. District Collector, Thrissur may ensure that the quantity of O.E removed does not exceed the limit as per the E.C.

Item No. 51.06 **Environmental clearance for removal of ordinary earth in Sy.nos. 75/43, 75/44 and 75/42 at Ollur Village, Thrissur Taluk, Thrissur Panchayath, Thrissur District, Kerala by Sri. Titto Varghese (File No. 787/SEIAA/EC1/1301/15)**

The proposal was considered by SEAC in its 52nd meeting held on 8/9-02-2016. In view of exemption provided in appendix 1X of MoEF notification dated 15/1/16, such proposal does not require EC. Hence the Committee recommended to delist the proposal.

The removal of OE is for the foundation of commercial building of plinth area 2617.9 m². This does not need prior E.C. Hence as per Appendix 1X.9 of amendment notification No. S.O. 141E dated 15.01.2016 (EIA Notification) E.C is not necessary for O.E removal. Applicant may be informed.

Item No. 51.07 Extension of Environmental Clearance for construction of M/s Sobha Developers Ltd, Sobha city in Survey nos. 218,217,534 to 544,546 to 556 at Kolazhy/ Adat Panchayath, Puzhakkal, Guruvayoor road, Thrissur district, Kerala (File No. 245/EC1/2014/SEIAA)

As per paragraph 9 of EIA Notification 2006, validity of such EC is 5 years. The period of validity may be extended by the Authority by a maximum period of 5 years provided an application is made by the applicant within the validity period, together with an updated form-1 and supplementary form 1 A (for construction activities). The Committee viewed the notification of MoEF & CC dated 29/4/2015 deals with the procedure for extension of the validity of EC. As per the above notification, the proponent has to apply for extension of validity of EC at least within 90 days of the expiry of the validity of EC. But in the present case the validity of EC expired on 16/4/2013 and the proponent has submitted the application only on 26/02/14 well after 90 days. Therefore the Committee recommended to delist the proposal.

The Authority decided to accept the above recommendation and to delist the proposal.

Item No. 51.08 Environmental clearance for P.K Das Institute of Medical Sciences project in Sy. No. 59/3A, 59/3B, 59/4A, 59/4B, 58, 57/1A, 57/1B, 57/3, 60/1, 60/12, 59/1, 57/3, 60/10, 60/11, 60/5, 54/8, 61/5, 55/7, 57/2, 57/ 4, 6/3, 6/1 and 6/6 at Vaniyankulam Village, Vaniyankulam, Palakkad District by Adv. Dr. P. Krishnadas (File No. 554/SEIAA/KL/4089/2014)

Violation proceedings to be initiated. Considering the situation that the EIA notification is being violated with impunity and applications for E.Cs are being submitted after the projects are progressed considerably, the Authority decided to alert the Government agencies such as LSGIs, K.S.EB, K.S.P.C.B etc. and also to put up boards at the site depicting the violation. Advertisements through media will also be given on the

effects of violation of EIA notification and taking up of activities without obtaining prior environmental clearance.

Item No.51.09 **Environmental clearance for the proposed expansion of Jubilee Mission Medical College & Research Institute in Sy. Nos. 666/1, 666/2, 681, 669/1, 669/2, 669/3, 2245/2, 2245/3, 669/4, 669/4, 671/6, 671/1, 2247/1, 2247/6, 2245/4, at Chembukkavu Village and Trissur Taluk, Thrissur District, Kerala by Sri. Francis (File No. 779/SEIAA/EC1/997/2015)**

The Subcommittee of SEAC which conducted the site inspection observed that the construction work is almost over, and to that extent it is a case of violation. The Committee recommended to SEIAA for action against violation and issuance of E.C. on completion of above proceedings Authority decided to initiate violation proceedings as per the decision in item 51.08.

Item No.51.10 **Environmental clearance for proposed Apartment Project at Sy.No. 109/1A1, at Nellikode Village, Kozhikode Taluk & Municipality and Kozhikode District, Kerala by Sri. Rameshan P., M/s ULCCS IT Infrastructure (P) Ltd (File No. 831/SEIAA/EC4/2705/2015)**

The proposal was placed in the 52nd meeting of SEAC held on 7/8-02-2016. The appraised the proposal and decided to recommend for issuance of Environmental Clearance, with specific condition in addition to the general conditions stipulated for non-mining projects. The Authority found that this is a 30 floor building with 99m height. Authority wanted to verify these parameters. Also conditions on green norms and e-waste management to be incorporated. After obtaining the clarifications from the proponent on structure and the environmental aspects the case may be placed before the Authority for final decision on grant of E.C.

Item No.51.11 **Environmental clearance for the proposed commercial cum retail building project by M/s Pothys in Survey nos. 106/1, 2, 107/2, 3 at Ernakulam Village, Kanayannur Taluk and Ernakulam District, application of Sri. S. Ramesh for M/s Pothys (File No. 833/SEIAA/EC3/2711/2015)**

The SEAC recommended for issuance of Environmental Clearance, subject to production of proper survey map, with specific condition in addition to the general conditions stipulated for non - mining projects.

1. The NS storm water drain seen within the plot has connectivity to the plot on the southern side and to the stream to the 3 m wide north. This connectivity must be maintained.
2. It is better to abandon the open well considering its location adjacent to the drain carrying all domestic pollutants and the presence of low yielding clayey substrate upto 15 m depth.
3. Considering a total roof area of about 2700 sq m and a peak daily rain fall of 20 cm, rainwater harvesting structure with a capacity 540 cu.m must be in place. This will ease the strain on public source.
4. There is also a need to provide a tree belt at least along the periphery of the project area.
5. Adequate precautions for disaster risk reduction and management should be made.
6. Carbon foot print of the project should be reduced to the maximum extent possible.

Authority approved the above recommendations with the usual 'green norms'.

Item No. 51.12 **Environmental clearance for proposed construction project- Artech City Meenakshi- Residential Project at old Sy. Nos. 8/2-3, 2-3-1, 2-4, 53/2, 53/8, 8/5, 15/1, 8/1, 53/1, 8/1-2, 8/1-11, 8/1-1, 8/4 (Re. Sy. Nos. 30, 11, 16, 3, 12, and 4) at Thycaud Village, Thiruvananthapuram (File No. 923/SEIAA/EC1/3889/2015**

Allowed to withdraw the application.

Item No. 51.13 **Environmental clearance for proposed mining project in Sy. Nos. 229/1, 229/13, 229/9, 229/9-1, 234/10, 234/11, 234/3, 234/4, 234/5, 234/6, 234/8-2, 234/9-1, 238/12, 238/13-2, 238/16-2, 238/17-2, 240/10, 240/11, 240/7, 240/7-1, 240/7-2, 240/8, 240/9, 241/10, 241/1-1, 241/1-2, 241/12-16, 241/12-17, 241/12-2, 241/13-1, 241/18, 241/2, 241/4, 241/5, 241/6, 241/7, 241/8, 241/8-1, 241/9-1, 242/1, 242/2, 242/4-2, 242/4-3, 242/5, 242/6, 242/7, 242/8, 245/4, 245/5, 245/6, 245/6-1, 245/6-2, 245/6-3 and 245/6-4 at Aruvikkara Village and Panchayath, Nedumangad Taluk, Thiruvananthapuram District, Kerala by M/s Travancore Blue Metal Industries (P) Ltd. (File No. 152/SEIAA/EC1/3072/2013)**

The proposal was considered by SEAC in its 52nd meeting held on 8/8-02-2016.. The sub-committee of SEAC which conducted site inspection has reported illegal mining by the proponent from areas adjoining to the proposed area. Also two adjoining Purambokku bits for which the proponent has lease, are not seen included in the proposal. Hence the Committee recommended to take action against violation and also to direct the proponent to resubmit revised mining plan including the above Govt. Purambokku bits.

The proponent has submitted the following explanations on the findings of SEAC.

1. No mining has been done in the area under consideration.
2. The site where quarrying is going on and which is pointed out as the case of violation has lease from 2010 .Operation of this quarry is not illegal as per the interim order dated 30-9-2015 of the Hon. Supreme Court in SLP No. 30103 /15 filed by Sri. T.K.Thomas.
3. They do not propose to mine in the government Poramboke adjacent to their property, except where they have lease and for which mining plan is not necessary.
4. The committee has not found any adverse impact on environment which is the consideration of the committee a per the EIA notification.
5. No illegality in respect of the land involved in the application has been reported.

Requirement of E.C for quarries having area less than 5ha was introduced only in 2012 consequent to the order dated 27-2-2012 of the Hon. Supreme Court in Deepak Kumar case. Thereafter the state Government granted time till 2/2015to function without E.C in respect of quarries having permit. On the question of need of E.C for the existing quarries the Hon. High Court of Kerala interalia observed as follows in the orders issued on 23-3-2015 in W.P no 31148/14 filed by Kerala River Protection Council:

‘As far as quarrying by private individuals are concerned, the District Collectors have to examine the right of such persons to carry out such mining operations. District collector has to issue necessary clarification/ clearance only after being satisfied that such mining operations are in accordance with the MMCR 2015 as well as observations made by the Court’.

In the judgment dated 15-7-2015 in W/A No. 1514/15 filed by Sri. M.K. Najeeb, a Division Bench of the Hon. High Court has held that the proviso to Rule 12 in respect of quarries which has valid permit as on January, 2015 have to be read in accordance with the law as has been noticed and laid down in the judgment. When it has been held by the Division Bench that no mining operation can be undertaken without obtaining environmental clearance subsequent to the dates as mentioned above, no mining operation can be carried out by any permit holder without obtaining environmental clearance. The word 'valid permit' used in the proviso to Rule 12 has to be read accordingly. The word 'valid permit' means permit which may entail a permit holder to carry on mining operation and mining operation can only be carried out along with environmental clearance. Those permit holders who does not have environmental clearance cannot be said to have valid permit on the relevant date. It is challenging the above Judgment that S.L.P No 30103 /15 has been filed by Sri. T.K. Thomas in which the Hon. Supreme Court has issued interim order to maintain status quo as on 30-10-2015. The proponent is entitled to the benefit of the interim order.

In view of the Court orders the proponent is now eligible to apply for E.C for the new areas though he has lease in the adjoining area and mining carried out elsewhere under existing lease. As SEAC has not made any clear recommendations otherwise on consideration of the findings made in the 52nd meeting (52.01) the case may be referred to SEAC for appraisal of the application with reference to the extent and Mining Plan as now applied for and subject to the result of SLP. No.30103 /15 of the Hon.Supreme Court in the event of the proponent submitting a notarised affidavit to the effect that no mining will be done in the government poromboke adjacent to their property where they do not have lease and where they have lease and quarrying is going on, the matter will be subject to the decision of the Hon. Supreme Court in the SLP NO. 30103/2015.

Item No.51.14

Environmental clearance for the quarry project in Sy. Nos. 373/13, 373/15, 373/12, 373/8-2, 373/11, 373/11-1, 372/2, 372/2-1, 372/2-1-1, 372/1-2, 371/2, 371/1-1,371/1-2, 371/10 ,369.1, 369/19, 373/15, 372/26, 373/10 373/7P, 373/19P 374/16P 372/18, 372/19, 372/5, 372/7, 372/23, 371/3, 369/2, 370/12, 370/3, 370/14P, 369/20P, 369/22P, 369/16P, 369/23P, 370/1, 369/2-1 P 370/12-1 are patta lands and 372/2 Govt land Pallichal Village & Panchayath, Neyyattinkara Taluk,

**Thiruvananthapuram District, Kerala by M/s
Kannamthanam & Co (File No. 375/SEIAA/EC1/2615/2014)**

The proponent was informed by SEIAA vide letter no. 375/SEIAA/KL/2615/2014 dated 29/7/2015 to make available the approved mining plan in accordance with KMMC rule 2015 and also to furnish one time processing fee if not already remitted. It was also informed therein that the proposal will be appraised only on receipt of revised mining plan. The proponent has not responded to the said letter. The matter was considered by SEAC in its 52nd meeting held on 8/9-02-2016. Since the proponent has neither submitted the revised mining plan as per KMMC rules 2015 nor remitted the processing fee, the Committee recommended to delist the proposal. Govt. have made available an enquiry report recommending against quarrying in Mookkunnimala. The authority decided to accept the recommendation and to delist the application.

Item No.51.15 Environmental clearance for the quarry project in Sy. Nos. 73/1(P),75/5-1,75/5-2(P),74/1(P),78/4,74/6(P),74/3-2-1,74/3-4-1,74/3-1,74/3-2 and 74/6-1at Pallichal Village and Panchayath, Neyyatinkara Taluk, Thiruvananthapuram District, Kerala by Mr. K.J. Thomas Kutty, Mukkunnimala, Edakod. (File No. 376/SEIAA/KL/2616/2014)

The proponent was informed by SEIAA vide letter no. 376/SEIAA/EC1/2616/2013 dated 3/7/2015 to make available the approved mining plan in accordance with KMMC rule 2015 to the SEAC and also to furnish one time processing fee if not already done. It was also informed therein that the proposal will be appraised only on receipt of revised mining plan. The proponent has not responded to the said letter. The proponent has not responded to the said letter. The matter was considered by SEAC in its 52nd meeting held on 8/9-02-2016. Since the proponent has neither submitted the revised mining plan as per KMMC rules 2015 nor remitted the processing fee, the Committee recommended to delist the proposal. Govt. have made available an enquiry report recommending against quarrying in Mookkunnimala. The Authority decided to accept the recommendation and to delist the application

Item No. 51.16 Environmental clearance for the proposed quarry project in Survey Nos. 1450/1, 1457/1, 1461/1, 1462/1,2, 1463/1,2, 1464/1 and 1465/1 at Madakkathara Village and

**Panchayath, Thrissur Taluk, Thrissur District, Kerala by
M/s Mridhul Granites and Crusher Pvt. Ltd (File No.
451/SEIAA/KL/3125/2014**

The proponent has submitted the cluster condition certificate from district Geologist, Certificate from the revenue authority (No.192/2013/13 & 193/2013/13 from VO. Madakkathara) that the land involved is not assigned for other purpose. As per the decision of SEIAA in the 47th meeting held on 7-1-2016, E.C may be issued.

Item No. 51.17 Environmental clearance for the quarry project in Sy. No. 52/3-1, 52/3-2, 52/3, 53/3-1, 53/3-2, 53/3, 53/4, 54/1, 54/3-3, 54/3-3, 54/4-1, 54/4, 55/4, 55/7, 57/7-1, 57/7, 57/8, 57/9-1, 57/11-1, 57/12, 60/3, 60/4-2, 60/4, 61/1 and 61/7, at Pallichal Village, Pallichal Panchayath, Neyyattinkara Taluk, Thiruvananthapuram District by Sri. Arun Varghese for M/s K. K. Rocks (File No. 541/SEIAA/EC1/3885/2014).

The proposal was considered in the 45th meeting of SEAC held on 11-12 of September 2015 and deferred for field visit and intimated the proponent to submit certain documents. The field visit to the quarry was carried out on 22/1/2016 by the sub-committee of SEAC, Kerala, comprising Dr. George Chakkacherry, Sri. Ajaya Kumar and Sri. John Mathai. The Proponent Sri. Arun Varghese along with his team was present at the site. The report is as follows:

“The project is located at about one km south of Malayam and more than 250 m east of Air force station. This quarry lease area of 7.86 ha falling in proponents own land occupy the eastern slopes of Mukkuni Mala exposing hard rock. The area demarcated with pillars with distinctive numbers along with GPS coordinates is a well-developed quarry with benches especially in the western part. The quarry pit includes the excavated parts of Govt. poramboke land (Sy no. 52/2 and 53/2) that was operated with NOC (to be verified) and permits. The eastern part closer to the public road is yet to be quarried. The rock type is a mixture of leucocratic gneiss and charnockite. Pockets of weathered rock with about 1 m thick over burden (OB) and top soil is seen interspersed with rock out crops. The drainage from the elevated land is channelized through abandoned pits into the culvert on the MLA road. The water let out was found to be turbid at the time of inspection. Abandoned pits are presently used as RWH structures. Rubber plantation is the dominant land use. Floral biodiversity is not observed as the area is considerably disturbed. No dwelling units were observed on the western side of MLA road. Three other quarries

are functioning within 500m but the total area as estimated from satellite image is less than 25 ha.

Based on an overall evaluation of the site, the quarry operations may be recommended with following conditions:

- 1. Fragments of Govt. Poramboke land seen interspersed within the proposed lease area should be included in the quarry land (to be taken as a whole unit). Relevant clearances may be obtained from Revenue authorities.*
- 2. The western part of the quarry is completely exploited with benches and must be left for eco-restoration.*
- 3. A clear buffer distance of 100 m should be provided from the MLA road to the quarry face.*
- 4. Considering the topography catch water drain should be provided along the eastern boundary. Turbid water presently let out should be clarified by suitable mechanism before it is let out.*
- 5. The old pits that collect water should be maintained as RWH structures.*
- 6. Ultimate depth of the quarry should be above the road level.”*

The proponent has also submitted the documents sought by 45th meeting of SEAC. The proposal was again considered by SEAC in its 52nd meeting held on 8/9-02-2016. The subcommittee during its filed visit observed that the area included in the proposal is interspersed with about 5 bits of revenue land. The Committee also observed that the mining operation has been already done in these bits and therefore, the proponent has to revise the mining plan including the above bits of land with relevant clearance from Revenue Department. As regards the nature of assignment of the land it is observed that the Honourable High Court in its judgement dated 2/11/2015 directed the Geology Department to issue permission for quarrying. However SEIAA was not a party to above WP(C) No. 32207 dated 2/11/2015. Meanwhile SEIAA may examine this aspect and take necessary decision. The secretariat may also contact the District Collector and ascertain whether there is a general ban on quarrying in Mookkunnimala area.

Accordingly it was got clarified by the District Collector Thiruvananthapuram that at present there is no ban imposed by revenue authorities on mining in Mookkunnimala area. It has also been informed that on enquiry through the V& ACB department, it has been revealed that Government has incurred heavy loss owing to the illegal quarrying in Government lands. Instructions have been given to V&ACB and Survey department to demarcate the private lands and government lands.

Pursuant to the decision of SEAC in its 52nd meeting, the proponent has represented that they have 24.00 ha of patta land in the site out of which only 7.86.03 ha is proposed to be used for quarrying as per the mining plan submitted. In between there are 5 bits of government lands in which 2 are suitable for mining. As they have no N.O.C at present these bits are excluded from the mining plan. It is stated that NOC for the govt. lands would be available only if and after E.C is obtained for the own lands! Without NOC, M& G department will not issue lease for the Govt .land, whereby revised Mining plan with the govt. land included for quarrying as proposed by SEAC will not be approved. They have also submitted a sworn affidavit that they will conduct quarrying operations in their patta land only as per the mining Plan already submitted, and that quarrying in government lands will be done only after obtaining NOC from the authorities concerned.

The issue related to the functioning of this quarry had been examined by the Hon. High Court of Kerala, D.C Thiruvananthapuram, M&G Department, District Law Officer, Thiruvananthapuram, and Tahsildar. Neyyattinkara, The main Writ Petitions and decisions therein are as follows:

Writ Petition No.	Date of Judgment	Proponent	Decision
10238/12	23-5-2012	Proponent	Interim order to conduct mining in Sy.No.61/4,49/3, and 54/1 of Pallichal village under permit.
22766/14	29-8-2014	Proponent	SEIAA to consider application if otherwise in order, to take up either on 2-9-2014 or 3-9-2014.
2413/15	24-2-2015	Proponent	Ban order of D.C. If there is encroachment, it is always open for the concerned authorities to intervene at any stage, taking appropriate steps in accordance with law. If the petitioners are otherwise eligible to carry out preparations in accordance with law.

27137/15	22-9-15	Preeth.M, Aswathy Bhavan, Machel, Thiruvananthapuram.	Filed challenging operations of the quarry. If the proponent didn't obtain E.C, the District Geologist should ensure that activities of the quarry based on the permit are stopped forthwith.
23995/15	7-8-2015	Proponent	Non consideration of application for E.C. Disposed of as per Judgment in W.P No 22768/13. Petitioner has not taken steps to file contempt against that order. This court is not inclined to pass orders one after another directing the very same relief. Closed. Application will have to be considered.
32207/15	2-11-2015	Proponent	Against action of Geologist in having called for certificate showing that the land is not assigned for special purpose .The application shall be considered if otherwise satisfies the eligibility for quarrying permit, <i>dehors</i> the fact that , it has been assigned by Government for rubber cultivation. The petitioner need not produce any certificate showing that it has been assigned for special purpose in the light of the fact that quarrying lease was given as per Ext.P1 and by other leases.

The Court has finally settled the issue regarding land and the legality of the land for quarrying. The contention of the proponent that the assignment deeds themselves contain a clause wherein the right of the Government over the mines and quarries subjacent to the lands are reserved for the Government and the government in exercise of its sovereign power decided to grant quarrying lease /permit on the basis of the said reserved right, has since been upheld by the Hon. High Court. Quarrying in patta lands is thus rendered legal if carried out under lease or permit issued under mining rules, even if the land is assigned for rubber cultivation.

Smt. Latha, S., Aswathnybhavan, Machel, Mookkunnimala has petitioned the Authority that the quarrying by the proponent is illegal and he is conducting mining in 100 survey numbers though permit is only for two survey numbers. She has also complained that the waste water from the quarry/crusher is polluting the stream nearby and her well. Permits have been granted by mining & Geology Department in respect of Government land also without N.O.C of the revenue authorities and without N.O.C of the Air Force which has a facility nearby. They had filed W.P No. 27137/15 in which the Hon. High court has directed that, if the proponent didn't obtain E.C, the District Geologist should ensure that activities of the quarry works based on the permit are stopped forthwith. But the District geologist did not implement the order so far. A report of the District Law Officer Thiruvananthapuram on the said complaints has also been produced in which the recommendation was to forward the complaint to the District Geologist for urgent enquiry and immediate action with assistance of police.

It is on 22-1-2016 that the subcommittee of SEAC visited the site. The report does not say anything in support of Smt. Latha's complaints except proximity to the Air Force Station. No major environmental issues have been pointed out by SEAC. That the interspersed Government lands have not been included in the mining plan does not appear to be an impediment in grant of E.C. There is no ban on quarrying at the site. SEIAA therefore decided to grant E.C with the following specific conditions.

1. The proponent shall obtain N.O.C of the Air Force authorities for conducting quarrying operations at the site as per the conditions in the E.C and mining plan.
2. The 5 bits of interspersed government lands shall be left untouched with buffer distance as per the Mining Plan.
3. The quarrying operations should not affect the 'Arumath' stream nearby and no waste water shall be let out. Effluent water shall conform to standards as undertaken in the Environment Management Plan.
4. Proper garland drains, slit traps, dust suppression measures noise reduction measures etc. will be mandatory so that human habitations are least affected.
5. As applied for and approved the lease area will be 7.86.03 ha with production limit of 660,000 MTA MTA.
 - a. Land use within the lease area during mining will be as follows:

b. Pit	7.0003 ha (reclaimed by plantation)
c. Green belt	0.086 ha
d. Road	nil
e. Undisturbed	nil
f. Total	7.8603 ha

6. The boundaries of the lease area shall be properly demarcated and the geographic coordinates conspicuously exhibited on boards clearly visible.
7. Life of mine is expected to be 12 years.
8. The bench height will be maintained at 5m and width 6m.
9. At the end of the life of the mine, excavated pit (7.0003ha) will be fully reclaimed and rehabilitated by plantation, leaving no voids.
10. The topsoil excavated (23,581cu.m) from the quarry will be dumped separately at predetermined place and utilised for spreading over the reclaimed areas for plantation. OB will be utilised for laying internal haul roads and reclamation.
11. Mining, blasting, mine drainage; stacking of mineral rejects and disposal of wastes environmental management and progressive mine closure shall be strictly in accordance with the documents submitted to SEIAA.
12. Controlled blasting should be carried out by adopting all safety measures as per 'MMR 1961' and with the permission of DGMS.
13. Blast timings should be restricted to the times of least traffic as 11- 11.30 am and 2- 2.30pm.
14. CSR activity must be conservation oriented in consultation with the Bio Diversity Management Committee of Pallichal Grama Panchayat.
15. At the end of mining, the total mined area should not exceed 7.0003ha.
16. The quarry shall not function between 6.00 p. m. and 8.00 a. m. If the timing condition fixed by the PCB is more stringent that will prevail.
17. Blasting shall be strictly in accordance with the conditions of the Mine Safety Directorate and Chapter 5 of the Mining Plan submitted.
18. The above conditions shall be without prejudice to compliance of more stringent conditions as may be stipulated as per any other statutory requirements or government orders and in such situations the more stringent conditions will prevail.

Before granting consent to operate, the Kerala State Pollution Control Board shall ensure that the condition precedents to be complied with as in the specific and general conditions are duly complied with.

Item No. 51.18 **Environmental clearance for the quarry project in Sy. No. 232 and 411(Pt), at Mangalam Dam Village, Mangalam Dam Panchayath, Alathur Taluk, Palakkad District by Sri. Tom George (File No. 570/SEIAA/EC1/4174/2014)**

As decided in the 48th meeting of SEIAA held on 23-1-2016, the Chairman SEIAA accompanied by the Administrator visited the quarry project site of Sri. Tom George in survey No. 232 and 411(pt) at Mangalam dam Village, Alathur Taluk, Palakkad district at 9.30 a.m on 11-3-2016. The Authority examined the inspection report and decided to grant E.C subject to the additional condition that mining shall be strictly in accordance with the approved mine plan and the buildings (canteen, workshop) very close to the mining area shall be relocated to safe distance.

Item No. 51.19 **Environmental clearance for the building stone quarry project in Sy. No. 86/2,87, 88/2, 88/3, 88/1, 89/2B, 147/2, 139/1 at Kolavallur Village, Kuthuparamba Grama Panchayat, Thalassery Taluk, Kannur District, Kerala by Sri. C.G. George (File No. 623/SEIAA/EC4/4806/2014)**

This application was placed before 46th meeting of SEAC held 29/09/2015. The committee decided to defer the item for field visit by subcommittee concerned and for submission of mining plan by the proponent in accordance with the KMMC Rule 2015. The proponent has submitted revised Mining Plan as per KMMC Rule 2015. Field visit was conducted on 22/10/15.

The proposal was again placed in the 52nd meeting of SEAC held on 8th and 9th February 2016. The Committee observed that since the quarrying is still taking place there is a case of violation for which necessary proceedings shall be initiated. The subcommittee visited the site had recommended to provide suitable clarification pond before water is let out from quarry premises. After examining the Mining Plan, Prefeasibility Report, Field Inspection Report and all other documents submitted, the Committee decided to Recommend

the issuance of EC on completion of action against violation subject to the following specific conditions in addition to general conditions for mining.

1. The drainage water should be collected after providing proper silt trap in pits.
2. To the extent possible local Biodiversity Management Committee shall be involved in the environmental management/restoration activities.
3. Reclamation and eco-restoration should be done by planting native species.

As regards the complaints referred by Sri. Dineshan and P.K. Chathu against functioning of the quarry, the committee found that the allegations are related the land survey number 151/1 and 156 of Puthur village and hence the committee was of the opinion that the complaint is not relevant and deserves no considerations.

Violation proceedings is recommended because 'quarrying is still taking place'. As regards the question of violation quarries were brought under E.C. regime only after 27.02.2012, consequent on order of Supreme Court in Deepak Kumar's case. Even thereafter the state Government had permitted quarries to work without E.C. up to early 2015. Though the issue was considered by Court, there was no decision to take violation proceedings. There is also High Court Judgement doing away with requirement of E.C. in the case of quarries which was operational before coming into effect of KMMC Rules 2015. The matter is now with Supreme Court in which there is an interim order for 'status quo'. If the mining area of the quarry is less than 5 ha it seems that violation proceedings would not be attracted, if it comes within the purview of the Government order (Ind. Dept.) on mining without E.Cs. E.C. has been issued to several working quarries. Authority decided to grant E.C subject to the final decision of the Hon'ble Supreme Court in SLP No. 30103/2015.

Item No.51.20 Environmental clearance for the quarry project in Sy.No. 133/6-1, 134/9-1, 134/9-2, 134/13, 135/2 and 135/4-1 at Manikkal Village, Nedumangadu, Taluk, Thiruvananthapuram District by Sri. P. Vijayan Nair, for M/s Kunjikuzhi Stones (File No. 708/SEIAA/KL/5685/2014)

The Authority found that there is mention in the inspection report that there are a few houses vulnerable in the vicinity of the mining area. It was therefore decided to direct the proponent to get a certificate of no residence within 100 meters of the boundary of the mining

area from the Village Officer and to submit to the Authority. CSR amount to be specified. E.C to be granted after the above requirements are satisfied.

Item No. 51.21 **Environmental clearance for the building stone quarry project in Sy.No. 59/2, 2-1, 2-2, 2-3, 60/3, 60/4 at Ramapuram Village-, Meenachil Taluk, Kottayam District by Sri. Reji Augustine (File No. 794/SEIAA/EC4/1852/2015)**

Authority desired that in all cases of quarries SEAC may indicate whether it is a working quarry or new one, in so far as the interim orders of the Hon. Supreme Court in SLP No. 30103/2015 would apply in the case of working quarries.

In the case of the quarry in question the inspection report says that dwelling units are seen within 100 meters. Authority wanted to confirm the fact for which the proponent to submit report of the village officer as to proximity of dwelling units from the boundary of the mining area.

Item No. 51.22 **Environmental clearance for the building stone quarry project in Sy.No. 53/1, 53/1-1 to 53/1-6 at Veliyanoor Village, Meenachil Taluk, Kottayam District by Sri. Shajimon E.N (File No. 802/SEIAA/EC4/2102/2015)**

Authority decided to issue E.C subject to the specific conditions recommended by SEAC and the new general conditions on mining.

Item No. 51.23 **Environmental clearance for the building stone quarry project in Sy.No.491/4, 491/4-1, 491/5(P) and 491/5-1 (P) at Pazhavangadi Village, Ranni Taluk, Pathanamthitta District by Sri. Joseph Mathew (File No. 808/SEIAA/EC4/2239/2015)**

Authority accepted the recommendations of SEAC and decided to issue E.C subject to the specific conditions recommended by SEAC and the new general conditions on mining. No cluster certificate also to be produced.

Item No. 51.24 **Environmental clearance for the Quarry project in Sy. Nos.24/2-14pt, 24/2-15pt, 24/2-18pt, 27/6pt, 27/5pt, 27/6-1-pt, 27/7pt, 27/8pt, 33/1, 33/2-1, 33/3pt, 33/5, 33/6pt, 34/1-1pt, 34/1 pt, 34/1-3pt, 34/3-1pt, 34/4pt,at Nedumkunnam Village**

**&Panchayath, Changanacherry Taluk, Kottayam District
by M/s. Puthiya Parambil Enterprises (File No.
837/SEIAA/EC4/2715/2015)**

There are four other quarries within 500 meters. Authority decided to issue E.C after site inspection by Chairman and getting no cluster condition certificate from the Mining & Geology authorities.

Item No.51.25 **Environmental clearance for the quarry project in Sy. Nos. 431/3-1Pt, 431/3-2Pt, 436/4-1, 436/5, 438/4Pt, 438/5Pt, 438/6Pt, 438/9 Pt, at Pampady Village, Pampady Panchayath, Kottayam Taluk, Kottayam District, Kerala by Smt. Mariamma Mathew (File No. 840/SEIAA/EC4/2718/2015)**

Considering the revelation in the site inspection report that there are several dwelling units in the vicinity, Authority authorised the Chairman to visit the site and report. It may also be clarified whether it is a working or new quarry.

Item No. 51.26 **Environmental clearance for the proposed quarry project in Sy.Nos.110/1,111/3 at Karakunnu Village, Thrikkalan Panchayath Abdul Majeed (FileNo.848/SEIAA/EC1/2861/2015)**

The proposal was again considered by SEAC in its 52nd meeting held on 8/9-02-2016. The proponent informed that the quarry is now under operation, which amounts to violation SEAC Recommended for issuance of EC on completion of action against violation, subject to following specific conditions in addition to the general conditions stipulated for mining projects.

1. To the extent possible local biodiversity management Committee shall be involved in the environmental management/restoration activities.
2. Reclamation and eco-restoration should be done by planting native species.

As regards the question of violation quarries were brought under E.C regime only after 27.02.2012, consequent on order of Supreme Court in Deepak Kumar's case. Even therefore the state Government had permitted quarries to work without E.C up to early 2015. Though the issue was considered by Court, there was no decision to take violation proceedings. There is also High Court Judgement doing away with requirement of E.C in the

case of quarries which was operational before coming into effect of KMMC Rules 2015. The matter is now with Supreme Court in which there is an interim order for status 'quo'. If the mining area of the quarry is less than 5 ha it seems that violation proceedings would not be attracted, if it comes within the purview of the Government order (Ind. Dept.) on mining without E.Cs. Authority decided to grant E.C subject to the specific and general conditions and the result of S.L.P No. 30103/2015 of the Supreme Court of India.

Item No.51.27 Environmental clearance for the Proposed quarry project in Sy. No.413/4A Pt at Payyanad Village, Manjeri Municipality, Eranad Taluk, Malappuram District, Kerala by Sri. V.P. Shareef (FileNo.850/SEIAA/EC1/2862/2015)

The proposal was again considered by SEAC in its 52nd meeting held on 8/9-02-2016. The proponent informed that the quarry is now under operation, which amounts to violation. It is patta land.

The Committee appraised the proposal and recommended for issuance of EC, on completion of action against violation subject to following specific condition in addition to the general conditions stipulated for mining projects.

1. To the extent possible local biodiversity management committee shall be involved in the environmental management/restoration activities.
2. Reclamation and eco-restoration should be done by planting native species.

As regards the question of violation quarries were brought under E.C regime only after 27.02.2012, consequent on order of Supreme Court in Deepak Kumar's case. Even thereafter the state Government had permitted quarries to work without E.C up to early 2015. Though the issue was considered by Court, there was no decision to take violation proceedings. There is also High Court Judgement doing away with requirement of E.C in the case of quarries which was operational before coming into effect of KMMC Rules 2015. The matter is now with Supreme Court in which there is an interim order for maintaining 'status quo'. If the mining area of the quarry is less than 5 ha violation proceedings would not be attracted, if it comes within the purview of the Government order (Ind. Dept.) on mining without E.C. As the recommendation is without site inspection Authority decided to depute the Chairman and Member for site inspection and to ascertain whether it is a working or new quarry.

Item No.51.28 **Environmental clearance for the Proposed Building Stone quarry project in Sy. No 36/3 (pt), 37/1(pt), 37/2(pt), 37/3(pt) at Morayoor Village, Kondotty Taluk, Malappuram District, Kerala by Sri. E. A. Abdul Karim (FileNo.853/SEIAA/EC1/2977/2015)**

The proposal was placed in the 52nd meeting of SEAC held on 8/9-02-2016. The Committee appraised the proposal and recommended for issuance of EC subject to following specific condition in addition to the general conditions stipulated for mining projects.

1. To the extent possible local biodiversity management Committee shall be involved in the environmental management/restoration activities.
2. Reclamation and eco-restoration should be done by planting native species.

As the recommendation is without site inspection, Authority decided to depute the Chairman and Member for site inspection and to ascertain whether it is a working or new quarry.

Item No. 51.29 **Environmental clearance for the Proposed – M/s Valorangal Building Stone quarry project in Sy. Nos. 318/1/1, 318/1/2, 318/3 (pt), 318/4, 319/1 (pt), at Thiruvalli Village, Nilambur Taluk, Malappuram District, Kerala by Sri. Sivasankaran, P (File No. 857/SEIAA/EC1/2981/2015)**

The proposal was considered by SEAC in its 52nd meeting held on 8/9-02-2016. The Committee appraised the proposal and recommended for issuance of Environmental Clearance with the following specific conditions, in addition to the general conditions stipulated for mining projects.

1. To the extent possible local Biodiversity Management Committee shall be involved in the environmental management/restoration activities.
2. Reclamation and eco-restoration should be done by planting native species.

As the recommendation is without site inspection, Authority decided to depute the Chairman and Member for site inspection and to ascertain whether it is a working or new quarry.

Item No. 51.30 **Request for transportation of ordinary earth for which E.C. was granted application of Sri. P.M. Chandran (File No. 2653/SEIAA/EC4/2015)**

Sri. P.M Chandran, Secretary, Sree Narayana Smaraka Educational Trust Mathumoola, Changanacherry submitted a representation on 8-7-2015 stating that site could be levelled only if 5600 m³ excavated earth is removed from the site. The 40th SEIAA held on 3/4-8-2015 considered the request and decided to permit for transportation of 5600 m³ of excavated ordinary earth and issued order No.2653/EC4/2015/ SEIAA on 15-9-2015.

Sri. P.M Chandran, again submitted a representation on 10-12-2015, requesting for granting permission to transport about 9130 m³ ordinary earth more. The removed earth is for road work (Kuragandu colony Mullassery purayidam road work). He also submitted a fresh application for removing the ordinary earth. The application was not certified by Revenue Authority. Meanwhile a copy of the Judgment dated 23-9-2015 of the Hon'ble High Court of Kerala was also produced with the new application, setting aside the condition No.10 (on preventing transportation) in the E.C. issued. SEIAA is not impleaded in the W.P.No. 21506/2015. It is on the basis of the recommendation of SEAC that the specific condition preventing transportation of removed ordinary earth was stipulated. The proposal was placed in the 46th meeting of SEIAA held on 14/12/2015. The Authority decided to refer to SEAC for opinion on the application for modification of the E.C issued, for transportation of 9130 m³ more of O.E.

The proposal was placed in the 52nd meeting of SEAC held on 8th and 9th February 2016. The earlier decision of the SEAC was taken after considering all aspects of the proposal which still hold good. However in view of the decision SEIAA had taken in its 40th meeting and the judgement of the Hon'ble High Court on 23.09.15 the above recommendation has now no relevance. Hence the Committee decided to recommend to SEIAA to take appropriate decision in the light of the above facts.

There was indication in the original application that the excavated earth is to be used for commercial purpose. Purpose of excavation is construction of a college building at the site. Removal of the excavated ordinary earth is therefore permitted, subject to remittance of processing fee. Environmental clearance proceedings to be amended suitably.

Item No. 51.31**River Sand Mining- Grant of environmental clearance- Contradictory procedural aspects- Decision of SEAC and observations of NGT (SZ) (File. No. 788/EC1/2015/SEIAA)**

The Authority gave serious thought to the extant river sand specific state legislation the 'Kerala Protection of River Bank and Regulation of Removal of Sand Act 2001 (Act 18 /2001)' The Act aims at protecting river banks and river beds from large scale dredging of river sand and to protect their biophysical environment system and regulate the removal of river sand. In the order dated 27-2-2012 in I.A No 1213/2011 in SLP No: 19628-29/2009 (Deepak Kumar Case), the Hon. Supreme Court of India has laid down the conditions for mining of river sand under lease. The main condition is the recommendation in the report of an expert committee engaged by MoEF that mining should be 3 meters or water level whichever is less. The Ministry of Environment and Forest in pursuance of the order dated 27-2-2012 of the Hon. Supreme Court issued Office Memorandum No; L- 11011/47/2011-IA. I.I.M dtd 18-5-2012 to the effect that mining projects with lease area up to less than 50ha including projects of minor minerals with lease area less than 5 ha would be treated as Category-B as defined in the Environment Impact Assessment Notification, 2006, and will be considered by the respective State Environment Impact Assessment Authorities notified by Ministry of Environment and Forest and following the procedure prescribed under Environment Impact Assessment notification, 2006. This procedure is being followed in the matter of mining of minor minerals.

The State Government have identified the Centre for Earth Science Studies, Thiruvananthapuram (CESS) and the Centre for Water Resources Development & Management, Kozhikode (CWRDM) as the expert agencies for sand audit and related matters. The conditions in Deepak Kumar case, generally applicable to big rivers like Ganga may not apply to the small rivers in the State. It is generally agreed to that in the State's context the practicable solution will be sand auditing for each river as in the state Act. The sand audit report is a scientific report. It is more exhaustive and intensive than prefeasibility report in the process of E.C. Quantity of sand recommended to be removed as per sand audit report is based on scientific data collected. Other environmental safeguards can be ensured based on the provisions of the Act and rules and the specific conditions in the E.C. Removal of sand proportionate to deposit only will be permitted. Considering this nature of the

streams, the Act has special provisions for controlling sand mining which the LSGIs overseeing the sand mining are required to adhere to.

The order dated 27-2-2012 in Deepak Kumar's case cannot be implemented as such in Kerala for more than one reason. The State Government had adduced the reasons in O/A No 171/2013 of the NGT (NB) filed by NGT Advocates Association. The whole issue of mining river sand in areas less than 5 hectares had been examined in detail by the NGT (NB) in O/A. No. 171/2013. On 13.01.2015 the NGT delivered the Judgment which on river sand mining observed interalia as under:

“From the submission it is clear that no E.C would be granted for extraction of minor minerals, sand mining from any river bank where the area is less than 5 hectares. This will amount to a total prohibition of carrying on miner mineral activity of extraction of sand from river bed anywhere in the country. Such prohibition as we have already noticed cannot be imposed in exercise of executive powers in face of the notification of 2006, which places no such restriction. Furthermore it will depend upon geographical and ecological situations in a given case. India is a diverse country with varied geographical, ecological and environmental limitations and situations. If such direction is required to be imposed then it must be backed by proper data and objective application of mind. For instance in the State of Himachal Pradesh, which is symbolic of all hill states, may find it very difficult, to find a mining area equal to or more than 5 hectares on the river bed. It may be practically difficult to find an area where the area of sand mining is 5 hector or more. It was contended before us that if this restriction is to be imposed, the states there it would be very difficult for the State of Himachal Pradesh to permit any sand mining on the river bed in its entire state. For extraction of sand and other minor minerals, river/seasonal rivers are the main source in Himachal Pradesh. This argument has to be considered with same merits. Again neither the O.M dated 24th December 2013 discusses any of these issues nor does it provide any data which was the foundation for issuing such O.M. Therefore we find this restriction without any basis and is incapable of being imposed through an O.M. The minor mineral mining activity, other than sand mining on riverbed was permitted is the same that for such activity even areas less than 5 hectores could be considered for grant of E.C.’

In view of the above among other and directions on the notification and O.Ms of MoEF, the NGT held and declared that the O.Ms dated 24th June 2013 and 24th December 2013 to the extent above indicated are invalid and inoperative being beyond the power of the delegated legislation. If it is to adhere to the O.M of MoEF in letter and spirit, State Government may have to opt for lease of river sand beds as in the case of quarries, which would go against the State Act of 2001 on river sand mining. In the order dated 13-1-2015 in O/A No 171/2013 filed by NGT Advocates' Association. The Hon NGT (NB) has opined as follows:

*‘72. India is not only a diverse country in relation to culture, language and character, but, it is also materially distinct and different in relation to geography, ecology and environment. Narrow rivers in the mid of the hills, limited riverbed space, snowing peaks and high altitude on the one hand and on the other huge river and riverbed, wide field areas are the indicators of this diversity. It may be difficult to have a uniform policy or law in relation to activities, like mining, particularly minor minerals, which have a very serious impact on the environment, ecology and river flow. **There is a dire need to formulate the laws which may be State specific but do not degrade or damage the environment and ecology.**’ (highlighted). The Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 aimed at protecting river banks and river beds from large scale dredging of river sand and to protect their biophysical environment system and regulate the removal of river sand is such a state and river sand specific Act, provisions of which cannot but be invoked in the matter of grant of permission for removal of river sand.’*

However of late the SEAC has adopted the stand that appraisal of applications of District Collectors for E.C for extraction of river sand shall be in accordance with the OMs of MoEF, rather than on the basis of the sand audit report being submitted with the application. Also the minimum area of mining should be 5 ha. On the grounds stated elsewhere, SEIAA has overruled the stand of SEAC and issued E.C subject to the conditions in the sand audit report and the conditions in Deepak Kumar’s case. In such a case related to Valapattanam river in Kannur District, the NGT (SZ) on 29-1-2016 held as follows in appeal No. 36/2016 filed by Sri.M.P. Muhammed Kunhi challenging E.C No. 571/ SEIAA/KL/ 54230/2014 dated 17-12-2015:

‘ On a reference to the E.C we are fully satisfied that the E.C has been granted mechanically , without any application of mind, especially having found that there are no sand available above the water level. If the E.C is given effect to, there is every possibility of divulging of sand below water level, which is not permissible in law. There is also one other issue that the site is situated within the CRZ area where sand mining is prohibited. Accordingly there will be an order of interim stay of the impugned E.C till the date of the next hearing’

It is seen that in the sand audit reports the computation of mineable sand is based on 2m below water level. It is wrong and in some cases SEIAA has directed to recompute the quantity based on 3m or water level whichever is less condition. Though the NGT (NB) has justified certain deviations from the condition on minimum area for mining, no exemption can be given on computation of mineable sand, quantity that obtains by replenishment etc. The continued wrong norms adopted for sand audit requires correction. Three applications with sand audit report prepared with the wrong norms are pending. Meanwhile MoEF has in the latest notification No.S.O 141(E) dated 15-1-2016 has laid down detailed procedure for sustainable sand mining for guidance of DEIAA/ DEAC and SEIAA/ SEAC. Of course the provisions of the Kerala Law and rules are far more eco centric than the new procedure prescribed by MoEF.

The Authority resolved that hereafter the general norm of 3m or water level whichever is less may be adopted for computation of mineable quantity of river sand. Where this ecological condition cannot be adopted there shall be no sand removal. As in the case of CRZ the State government may move the MoEF to make The Kerala Protection of Riverbanks and Regulation of Removal of Sand Act (Act 18 of 2001) and the rules thereunder the norms and guidelines to be followed for mining of river sand in Kerala, subject also to the additional condition that the depth of mining shall be 3 m or water level whichever is less w.r.t the lowest water level in summer. State government may also advise the District Collectors not to submit applications to SEIAA/ DEIAA for E.C for removal of sand from rivers without the sand audit reports having the computations on mineable quantity as per the orders of Supreme Court in Deepak Kumar's case (3m or water level whichever is less) ,correct assessment of capacity for replenishment, and satisfying the conditions in the Kerala Protection of River Bank and Regulation of Removal of Sand Act 2001 (Act 18 /2001) and rules thereunder as amended up to date. State government may also be advised that removal of rivers sand shall not be permitted where the above conditions cannot be fully and effectively complied with during the entire period of mining and in the full extent of mining area/ Kadavus.

Applications submitted to SEIAA with sand audit reports without complying the above conditions on removal of river sand, or where such compliance is not possible may be rejected outright.

Item No. 51.32 **Environmental clearance for sand mining from the rivers of Malappuram District viz. Bharathapuzha, Chaliyar and Kadalundi, Kerala submitted by District Collector, Malappuram (File No. 3482/EC1/SEIAA/2015 (Old file: 238/SEIAA/EC1/940/2014)**

See item 51.31. Authority wanted to have revised detailed sand audit reports with computation of mineable quantity strictly as per the condition in Deepak Kumar's case (3 meter or water level whichever is less) and the other conditions in the 'Kerala Protection of River Bank and Regulation of Removal of Sand Act 2001 (Act 18 /2001) and rules thereunder.

Item No. 51.33 **Environmental Clearance for removal of ordinary earth in Thalakkulathur village, Kozhikode Taluk, Kozhikode**

Minutes of the 51st meeting of SEIAA held on 29th March 2016

**District- Pending for Non-remittance of Processing fee-reg
(File No.830/SEIAA/EC4/2692/2015)**

Smt. Geetha Rani & Others submitted the application dated 17-6-2015 for Environmental Clearance for removal of ordinary earth for the purpose of construction of Kozhikode Bypass road. The applicant has not remitted the processing fee despite direction of SEIAA. The application cannot be considered for appraisal. Hence the application is rejected.

Item No.51.34 Request for NOC given to Stone Crusher Unit at Chuzhali Village, Chengalayi Grama Panchayat, Kannur District by Sri. K.P. Radhakrishnan (File No. 374/EC4/2016/SEIAA)

This is a case in which the Chief Town Planner, Thiruvananthapuram who had already given permission to the applicant for construction of a Stone Crusher unit vide proceedings No. D1-8665/2014/DDS dated 30-10-2014, had directed the applicant to get the NOC from SEIAA. As per the EIA notification, 2006 there is no need of EC for Stone Crusher insistence of E.C in cases where EIA clearance is unnecessary, is on the increase. The Authority estimated that it is not empowered to issue NOC as requested for. Govt. may be requested to issue a general circular, clarifying the position.

Item No. 51.35 Environmental Clearance granted to Quarry project at Chengalam East Village, Kottayam Taluk, Kottayam district – Request for Transfer of EC to M/s Palathra Constructions Pvt. Ltd. (File No. 835/EC4/2713/2015/SEIAA)

The E.C. issued to Sri. Charlse Mathew may be transferred to M/s Palathra Constructions Pvt. Ltd, Palathra Buildings, Thuruthy P.O., Changanacherry, Kottayam-686535 on the same terms and conditions under which the E.C was initially granted and for the same validity period. The transferee shall comply with all the conditions in the E.C.

Item No. 51. 36 Application for removal of ordinary earth for Public works- Decision on the grant of EC (File No. 1013/EC4/2015/SEIAA)

In view of the inordinate delay in disposing applications for extraction of ordinary earth for railway and public works, authority decided to sanction 50% of the quantity applied for and to issue environmental clearance in each of the 22 cases on usual conditions for

mining of ordinary earth stipulated in O.M No. L.11011/47/2011-IA.II(M) dated 24-6-2013 of the Ministry of Environment & Forests,. District Collectors may ensure that the quantity of O.E removed does not exceed the limit as per the E.C.

Item No. 51.37 Environmental clearance for the quarry project in Sy. No. 946/2 pt. at Chittar Village & Panchayath, Ranni Taluk, Pathanamthitta District, by M/s Delta Aggregates & Sand Pvt. Ltd. (File No. 239/SEIAA/EC4/969/2014)

The matter was considered in the 40th and 47th meetings of SEIAA and decided that ESAs can be distinguished only on the basis of the final notification of the MoEF on the recommendations on the Kasturirangan Committee. The final notification from MoEF is still awaited. The standing direction of MoEF is not to consider such applications. In view of the prohibition, the Authority has decided to delist all the applications for mining in ESAs to be revived with seniority in case MoEF exempts the areas involving the sites from the ESAs of the State. The quarry project of M/s Delta Aggregates and Sand Pvt. Ltd. In Chiitar Village, Ranni Taluk, Pathanamthitta district was also there in the delisted applications. The company filed W.P No. 6919/16 challenging the decision of the SEIAA in its 48th meeting held on 23-1-2016. Before SEIAA could file the Counter affidavit, the Hon: High Court delivered ex parte judgment holding as follows:

'The petitioner applied for environmental Clearance in respect of the site comprised in Sy.No. 946/2 of Chittar Village. The aforesaid land is originally from part of ESA identified by the KasturiRangan Report. The petitioner refers to Ext P19 map prepared by the Bio Diversity Board pertaining to Chittar Village. This map would show that the land referred as above is excluded from ESA area. In that view of the matter, the respondents are directed to consider the application of the petitioner as though the petitioner's area fall within non ESA. If the petitioner is otherwise found eligible, necessarily the environmental clearance should be granted to the petitioner without delay.'

The ex-parte decision of the High Court would have far reaching consequences not only in the particular case which has since been decided to be delisted, but in the matter of mining in ESAs, which is a banned activity in all the Western Ghat states. The site where the mining is going on is still in ESA. Until the ESAs of the state are finally notified by MoEF what is applicable is the Direction of the Govt. of India under Section 5 of the E (P) Act 1986, under which the site is in ESA. Based on an unapproved and unauthenticated map

features of which are not known, it cannot be concluded that the areas shown as non ESA therein are actually non ESAs for permitting activities banned in ESAs. There is no Ext P19 in the Writ Petition. There is no claim in the W.P based on Ext P18. Above all Govt. of India, MoEF which is the necessary party in the case has not been impleaded. Authority decided to bring the facts to the notice of the Advocate General for legal opinion on further course of action.

Item No. 51.38 **Environmental clearance for the Proposed quarry project in Sy. Nos 2059/1, 2060, 2061, 2063 of Kuttichira Village & Survey Nos . 928, 929, 930, 931, 932/1, 932/2 at Kodassery Village, Kodassery Panchayath, Chalakudy Taluk, Thrissur District, Kerala by Sri. Basil Madappilly (File No. 847/SEIAA/EC1/2859/2015)**

48th meeting of SEIAA held on 23rd January 2015 considered the proposal and wanted the proponent to produce the assignment order (Patta) to verify the conditions. The proponent submitted the copy of “Patta” certificate, Certificate from the revenue authority (No. 721/16, 720/16, 211/16 & 212/16 from V.O., Kodassery) that the land involved is not assigned for other purpose and copy of lease order from Government. There is also a recent Judgement of High Court of Kerala that the general Patta conditions will not apply against mining, when Govt. have granted lease/permit for mining and collected royalty therefor. Authority decided to issue E.C as per decision in the 48th meeting.

Item No. 51.39 **Application for Environmental clearance for the quarry project in Thiruvaniyoor Village, Kunnathunad Taluk, Ernakulam District, Kerala by Sri. Saji K. Alias for M/s Mariyem Industries- Notice on Contempt of Court. (File No 553/SEIAA/EC4/4087/2014)**

The authority had decided to hear Sri. V. A. Bhaskaran before issue of E.C in this case. Sri. Bhashkaran informed that he may be given more time as he is indisposed. It was decided to hear him in the next meeting. No further adjournment will be allowed.

Item No. 51.40 **SEIAA – Engagement of personnel – (File No. 1294/EC2/2015/SEIAA)**

Considering the persisting complaints about the delay in disposal of applications for E.C, and the proposal of the Secretary SEAC in his Note No. 304/EC6/2016/SEIAA dated 06/02/2016 that considering the work load, services of four personnel should be made

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available for handling works of SEAC to prepare agenda notes and other urgent details expeditiously to clear long pending proposals; and to deal with the influx of litigations, applications under RTI establishment subjects etc. Authority accorded sanction for engaging the following project personnel on contract basis:

1. Project Assistant - 1 (on Rs. 20,000/- P.M)
2. Office Assistant - 1 (on Rs. 15,000/- P.M)

A part time contingent employee may also be engaged.

Item No. 51.41 **Environmental Clearance to Category B Projects – Corporate Environmental Responsibility – Liability of Project Proponents – Report of Kerala State Biodiversity Board – Remarks called for – reg. (File No. 4671/EC2/2015/S0EIAA)**

Authority authorised the Chairman to study the matter to take the decisions in the next meeting.

Item No. 51.42 **Kerala Scientific Mining Policy recommended by State Planning Board – Remarks Called for – (File No. 3496/EC2/2014/SEIAA)**

Authority authorised the Chairman to study the matter to discuss further and to take the decisions in the next meeting.

Item No.51.43 **SEIAA Accounts – Retention of funds drawn – Proposals reg.**

Authority decided to authorise the Accountant to keep the amounts drawn /deferred payments up to Rs. 30,000/- till the actual disbursement and to expend the excess amount if any undisbursed for other purpose of the Authority as authorised by Member Secretary.

Item No. 51.44. **Application for E.C – Inordinate delay in disposal -**

Authority noted that applications submitted as far back in 2013 are pending, against the statutory outer timeline of 105 days. The long and tedious appraisal process is the main reason for pendency. Also defective applications are being, retained as live cases, awaiting rectification by proponents. In order to curtail delay the Authority approved the following measures:

1. All defective applications in which rectification action called for from proponent is not received even after 3 months may be delisted and party informed.
2. Applications (physical) pending to be referred to SEAC and complete in all respects may be sent to SEAC for appraisal.
3. SEAC may sort out the cases that require site inspection, and arrange to conduct site inspection even before it reaches the committee for appraisal, so that the time limit of 60 days in SEAC can be adhered to.
4. SEAC may consider constituting subcommittees to examine the applications for extraction of OE/BE/laterite, especially as a simplified application form is there, but there is no solution to the delay.
5. The system of appraisal report which contributes to the delay may be dispensed with. Specific recommendations may be incorporated in the minutes of SEAC.
6. Online applications may be scrutinised, by concerned Project Assistants (SEIAA/SEAC) for admissibility. If complete, communication may be given for remittance of processing fee, receipt on which file No. may be assigned and referred to SEAC. Members of SEAC can read the applications and documents in OSMEC website (environmentalclearance@nic.in). Basic data of the project if not furnished with the application, may also be obtained based on which agenda note for SEAC may be prepared by Project Assistants (SEAC).
7. Proposals for river sand mining may be rejected outright if computation is not based on 3m or water level condition or in-stream mining is involved.

Sd/-	Sd/-	Sd/-
Prof (Dr). K.P Joy)	Dr. J. Subhashini	Sri. P. Mara Pandiyan I.A.S
CHAIRMAN	MEMBER	MEMBER SECRETARY, SEIAA & ADL. CHIEF SECRETARY (ENVIRONMENT& FOREST)