

# A Study of The Impact of Imposition of Ban on The Illegal Sand Mining By Supreme Court on The People (With Special Reference to The Chambal Sand in Dholpur and Morena Districts)

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## Abstract

India is said to be so rich in its natural resources through which it has ever enjoyed a distinct identity of its own. One may assume that with the ample treasures of minerals, it must generate job opportunities to the people every hour with no problem of unemployment, but it is not so. The realistic picture of the mines and its benefits to the people seems to be just opposite to the general implications. It is indeed contradictory to note that despite having millions and billions of mines with unlimited treasures of minerals scattered all over it, India is unable to be free from the curse of poverty. The Indian youth rich in abilities and potential is unable to get jobs. The mining sector is expected to play a great role in this field, but it fails to serve the people by generating sufficient job opportunities. Obviously, the government policies are responsible for it. Had the government made mining policies keeping in view the rising graph of poverty, the mining sector might have been helpful in it.

The mining industry and the construction industry are sister concerns as the construction industry depends on the mining industry. The material to be used for construction comes from the mines. Stone, iron, sand, soil etc. all relate to the mining. The construction industry can flourish only when the material to be used for the construction work is easily available through the mines. On the contrary, the construction industry cannot flourish if the mining industry fails to fulfil the demands.

The paper surveys the crisis of the Chambal and Banas sand in particular and its impact on the people living in the area who are unable to raise their life standards in spite of having the inaccessible job opportunities at their door.

**Keywords:** Richness, Natural Resources, Availability, Chambal Sand, Banas Sand, Mining, Construction Industry, Crisis, Employment, Job-Opportunities, Poverty

### Introduction

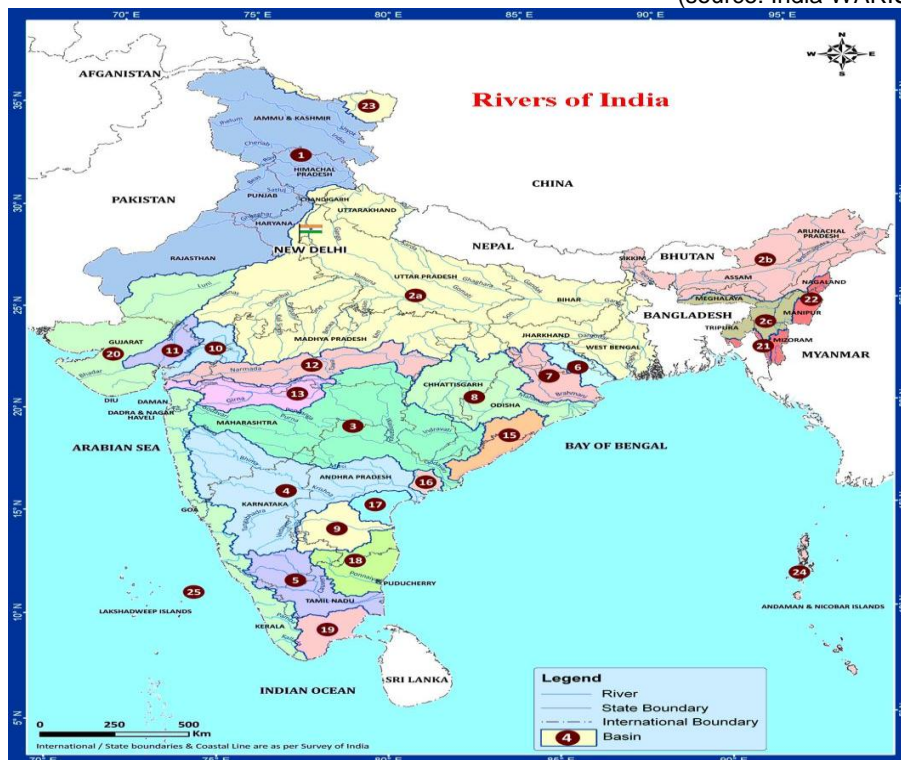
India is a country of large dimensions with a total area of 3,287,469 square kilometres (1,269,299 sq mi) and with the population of 1,363,898,602. India is rightly said to be a home of minerals as almost every mineral imaginable on the part of man is found in plenty here. The prediction of the new possibilities of the optimum utilization of the available Indian natural resources is made with the world wide impact of industrialization. Coal, Manganese Ore, Bauxite ore or Aluminium, Iron Ore, Copper Ore, Dolomite, Limestone and Diamond, Chromite, Apatite, Ball clay etc. are available here in plenty. Most of the Indian states are rich in the reserves of minerals, and collectively win India the status of being 'a home of minerals. Obviously, India is tremendously rich in the mineral resources that impart it a special identity and prove it better than and superior to several other nations of the world. The contribution of the Indian mining industry to its economy is so immense. The mining sector of India is probably the most important sector that forms the basis and foundation of the economy. It needs much care and attention for its constant growth and development. There is no doubt that there is much still to be explored, used and exploited in the mineral sector of India, and that it is only through the growth and development of the mineral sector that the Indian economy can head the other economies of the world. All this can be raised to a large

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extent provided the Government is serious about it and makes favouring policies for the development of the mining sector of India. The market size for most of the popular minerals in India is on an average moderate. The Report of the Ministry of Mines reflects the satisfactory market trend of some of the Indian minerals. As a result of the growth of the construction industry, the demand for iron and steel is increasing. The rivers of India play an important role in the lives of the Indian people. The river systems provide irrigation, potable water, cheap transportation, electricity, as well as provide livelihoods for a large number of people all over the country. This easily explains why nearly all the major cities of India are located by the banks of river. The rivers also have an important role in Hindu mythology and are considered holy by all Hindus in the country. Eight major rivers, namely, the Indus, Brahmaputra, Narmada, Tapi, Godavari, Krishna and Mahanadi along with their numerous tributaries make up the river system of India. Most of the rivers pour their waters into the Bay of Bengal. Some of the rivers whose courses take them through the western part of the country and towards the east of the state of Himachal Pradesh empty into the Arabian Sea. Parts of Ladakh, northern parts of the Aravalli range and the arid parts of the Thar Desert have inland drainage. All major rivers of India originate from one of the three main watersheds. The rivers of India can be classified on the basis of origin and on the type of basin that they form.

Code	Basin Name
1	Indus (Up to border)
2a	Ganga
2b	Brahmaputra
2b	Barak and others
3	Godavari
4	Krishna
5	Cauvery
6	Subernarekha
7	Brahmani and Baitarni
8	Mahanadi
9	Pennar
10	Mahi
11	Sabarmati
12	Narmada
13	Tapi
14	West flowing rivers South of Tapi
15	East flowing rivers between Mahanadi and Godavari
16	East flowing rivers between Godavari and Krishna
17	East flowing rivers between Krishna and Pennar
18	East flowing rivers between Pennar and Cauvery
19	East flowing rivers South of Cauvery
20	West flowing rivers of Kutch and Saurashtra including Luni
21	Minor rivers draining into Bangladesh
22	Minor rivers draining into Myanmar
23	Area of North Ladakh not draining into Indus
24	Drainage Area of Andaman & Nicobar Islands
25	Drainage Area of Lakshadweep Islands

(source: India-WARIS)



**National Mineral Policy- 2008**

The National Mineral Policy recognizes the value of minerals. It emphasizes the maximum extraction and exploration of mineral resources through scientific methods of mining, need of the zero waste mining as the national goal and upgraded mining technology to ensure extraction and utilization of the entire run-of-mines. The National Mineral Policy-2008 equally aims at preserving the environment. As it is known, mining is closely linked with forestry and environment issues. A significant part of the nation's known reserves of some important minerals are in areas which are under forest cover. Further, mining activity is an intervention in the environment and has the potential to disturb the ecological balance of an area. However, the needs of economic development make the extraction of the nation's mineral resources an important priority. The policy prescribes a framework of sustainable development ensuring care of bio diversity issues, ecological balance, protection of the interest of host and indigenous (tribal) populations through comprehensive relief and rehabilitation packages in line with the National Rehabilitation and Resettlement Policy.

**Legal Framework Related To Sand Mining**

Mining Leases for the mineral Bajri are granted as provided in Rajasthan Minor Mineral Concession (Amendments) Rules, 2012 notified vide Department Notification No. F.14 (1) Mines/ Gr. II/ 2011 dated 23-05-2012 i.e. RMMCR, 1986. According to rule 7 (Amendment) "Provided that mining lease for mineral Bajri shall only be granted by way of tender or auction". According to rule 8 & 17 (Amendment) "The mining lease for Bajri shall not be renewed". According to rule 16 (Amendment) "The mining lease for mineral Bajri shall be granted for a period of five years only". According to rule 18 (Amendment) "In case of mining lease for Bajri Mineral, part surrender of lease area shall not be accepted and the lessee shall not have any right to remove any stock of Bajri after the expiry of lease period or receipt of the order of determination of lease".

New clause 32 has been added under rule 18 stating that "The lessee shall abstain from mining beyond depth of three meters from the surface and below the water table of river/ nallah and shall work in such a manner that natural flow path of river/ nallah is not altered". The Ministry of Environment, Forests and Climate Change (formerly Ministry of Environment & Forests), New Delhi in perpetuation of the directive of the Apex court in reference to the SLP (C) No. 729-731/2011, 21833/ 2009, 12498 – 499/ 2010, SLP (C) CC....16157/ 2011 & CC 18235/ 2011 issued guidelines on sand mining. Based on above order, Govt. of Rajasthan allowed sand mining permission to the proposed leases up to 28th February 2014, which was further extended till 31st March 2014. On 27th March 2014, Hon'ble Supreme Court of India has further extended this duration till further order, which is awaited.

**Rivers in Rajasthan**

The rivers in Rajasthan are -Arvari River (Alwar), Magan River, Banas River, Berach River, Bandi River, Bhagani River (Alwar), Chambal River, Gambhir River, Ghaggar-Hakra River, Gomati River (Rajasthan), Garri River (having the settlements of the CHOUBEY's clan), Jawai River, Jahajwali River (Alwar), Kali Sindh River, Luni River, Ruparel River (Alwar), Sabarmati River, Sarsa River (Alwar), Sarasvati River, Sukri, Sahibi River, West Banas River north

**Dholpur-Morena & Chambal Sand: An Overview**

Dholpur District is a district of Rajasthan state in Northern India. The town of Dholpur is the district headquarters. Dholpur District is a part of Bharatpur Divisional Commissionerate. Dholpur District has an area of 3084 km. The Chambal River forms the southern boundary of the district, across which lies the state of Madhya Pradesh. The district is bounded by the state of Uttar Pradesh on the east and northeast, by Bharatpur District of Rajasthan on the northwest, and Karauli District of Rajasthan on the west. All along the bank of the Chambal River the district is deeply intersected by ravines; low ranges of hills in the western portion of the district supply quarries of fine-grained and easily worked red sandstone.

Sand mining in the district is allegedly controlled by people close to bureaucrats and state politicians. Several Gurjar families living nearby the Chambal area depend on the Chambal sand for their livelihood. The sand is sold to builders and others at a much higher rate, without any receipt. This not just increases the income, but also evasion of taxes.

Morena district in Madhya Pradesh is governed by a municipality corporation. Morena is known as an industrial hub but the economy relies majorly on agriculture. Many manufacturing industries are situated in the industrial areas of Morena and Morena District. The lower Chambal River basin consists of an alluvial tract in the north, cut by numerous ravines, and a forested area toward the south.

**Objectives of the Study**

1. To study the mining sector of India & its role in the growth of the economy of the nation
2. To correlate the mining industry with the employment and life standards of the people living in the areas near the mining industries
3. To make an overview of the construction industry and the things required for the construction work
4. To study the rivers and availability of sand on their banks
5. To explore the various uses of sand
6. To go through the various reports on sand mining in the Dholpur and published in the newspapers

7. To find out the correlation between sand and various associated job opportunities to the people in the areas
8. To study the conditions of living of the people in the Chambal and the Banas area
9. To study the environmental impacts of sand extraction
10. To study the demand and supply of the Chambal and Banas sand
11. To brood over the various causes of the ban on the sand extraction by judiciary
12. To study the decision of the Rajasthan High Court and the Supreme Court of India on the sand extraction and its impact on the public
13. To explore the substitutes of the river sand for the construction work
14. To observe the economic downfall and family disturbance of the people in the area as a result of the ban on the supply of the Chambal and Banas sand
15. To give valuable suggestions for the issue

#### Review of Literature

Ranjana U K Piyadasa (2009) in River sand mining and associated environmental problems in Sri Lanka finds that the demand for sand for construction purposes has increased significantly in Sri Lanka in recent years, particularly due to the tsunami disaster that occurred in December 2004. This high demand led to a major increase in sand mining in many areas. Extraction of sand from river bed and river bank sand deposits has increased greatly. The current demand for sand for building construction within the country is approximately 7– 7.5 million cubic metres per year. River sand mining activities have disrupted the natural equilibrium and have caused adverse effects on the environment. The Nilwala and Ginganga rivers are the main rivers in southern Sri Lanka that are suffering from both illegal and excessive sand mining. Excessive extraction of sand from river channels results in wide ranging impacts, including the intrusion of sea water into the river, collapse of river bank, and loss of riparian land.

Sumit Ganguly (2011) in India Since 1980 states that India is Asia's third and world's eleventh largest economy. The economy of India is a developing mixed economy. It is the world's sixth-largest economy by nominal GDP and the third-largest by purchasing power parity (PPP). The country ranks 139th in per capita GDP (nominal) with \$2,134 and 122nd in per capita GDP (PPP) with \$7,783 as of 2018.

Ernst & Young (2014) in Emerging Economies and India's Mining Industry observes that in 2013, it mined and processed 89 minerals, of which four were fuel, three were atomic energy minerals, and 80 non-fuel. The government-owned public sector accounted for 68% of mineral production by volume in 2011–12.

According to *The New Indian Express*, July 13, 2016 report illegal sand mining was going unchecked in the Karim Nagar district in connivance with public representatives and smugglers, despite the fact that district administration had formed divisional level teams with revenue, police and

transport department authorities. Sand transporters dug sand on the unauthorized banks of Manair river leaving behind hundreds of sand trenches along the path of the river.

In the words of Miley Jacobsm (Quora, 25<sup>th</sup> August, 2017) -India is a leading producer and exporter of many natural stones that are used in the construction industry and architectural designing and detailing in homes as well as offices. Often called as "dimension" stones, these stones are processed in various sizes, thicknesses, shapes and designs for various construction- and renovation-based applications all over the world. Major stones that are being produced and supplied to various countries from India are granite (India is a world leader in granite production and export), marble, sandstone, slate, limestone and quartzite.

Times of India (March 30, 2018) under 'Illegal sand mining: Close shave for cop in Dholpur' surveys that a deputy superintendent of police (DSP) in Dholpur district had a close shave when suspects involved in illegal sand mining fired at his patrolling vehicle and pelted stones at him on the intervening night of Tuesday and Wednesday. DSP Satish Yadav, currently posted as circle officer (CO) City, was patrolling on a stretch of the state highway in Dholpur when he had received an intelligence input about mining mafia operating in the locality. "At about 12.30 am, Yadav and other cops accompanying him, intercepted a few tractors transporting sand (bajri). The police teams asked drivers to stop their vehicles, instead, the mining mafia fired at them and began pelting stones.

Ranjan and Shruti Tomar (2018) under the head 'Madhya Pradesh still hotbed of illegal sand mining' report that a total of 42,152 cases of illegal mining for major and minor minerals were registered in the state from 2009 to 2015.

The death of journalist Sandeep Sharma in Madhya Pradesh's Bhind has put the spotlight on illegal sand mining in the state. This is not the first time that a death has been linked to the practice of illegal mining that has thrived despite several measures promised to check the practice.

In 2012, Indian Police Service (IPS) officer Narendra Kumar was run over in Morena by a tractor-trolley carrying illegally mined stone slabs when he was attempting to stop the vehicle on March 8.

In April 2015, a constable was run over by a truck filled up with illegally mined sand when he tried to stop it.

An Indian Administrative Service (IAS) officer Sonia Meena was threatened at gun point by illegal miners when, as a sub-divisional magistrate in Chhattarpur district, she made a bid to check illegal mining in Betwa river in 2017. Later, she faced a death threat and complained to the chief secretary BP Singh.







### **Important Reports on Sand Mining In Rajasthan & Madhya Pradesh**

#### **Rajasthan**

On February 08, 2016, mining mafia attacked the police team in Sawai Madhopur district. Following a tip, the police had seized truck carrying illegally mined sand. While asking them to surrender the miners hit police vehicle so strongly that it fell down in 50 feet deep gorge. The police personals escaped the fatal attack by jumping out of the vehicle in the nick of time.

#### **Madhya Pradesh**

In the same month, a Sub-Divisional Magistrate (SDM) was also attacked while taking action against illegal sand mining from Tapti river in Jainabad. The culprits tried to drown the SDM in the river while he was chasing them. On March 06, 2016 a 45-year-old forest guard was killed when a tractor-trolley loaded with illegally mined sand fell on him while he was trying to stop it at Raira area in Gwalior district. In a similar case, in April, 2015, Dharmendra Chauhan a police constable was run over by vehicle carrying illegally mined sand when he tried to stop it in Morena district, adjoining Gwalior. In same district, in

2012, IPS officer Narendra Kumar was killed by mining mafia.

Following the incident, Prerna Bindra in her article counting similar attacks and murders highlighted the negative impact of unabated mining in the National Chambal Wildlife Sanctuary, bordering Rajasthan, UP and MP. The report also mentioned that forest departments in all these three states were understaffed and inadequately equipped to guard against growing mining incidents along 435 km stretch of the river sanctuary. The report also stated that the annual loss government faced from illegal river sand mining was more than Rs 30,000 crore. According to another report, critically endangered gharials population was facing a major threat from the organized sand mafia.

On March 9, 2016, State Congress demanded a CBI inquiry into illegal mining and transportation of sand from the bed of Narmada river in Sehore and Hoshangabad districts. Party state general secretary Dipti Singh charged private companies involved in attacks on villagers, who tried to confront illegal miners.

Showing no fear of law, again, in the night of April 16, 2016 a reporter & camera person of a regional television channel, were attacked by the goons of sand contractors in Hoshangabad district. It was also alleged that mining officers were hand in gloves with mining contractors. There had been similar attacks on forest and administrative officials in the same region earlier also, but no credible action was taken by the govt. In 2014 also, four persons including a police constable were injured when sand mafia attacked a mining inspection team in the same district.

#### **Hypothesis**

1. India is a rich country in the availability of minerals and Rajasthan's contribution to the availability of minerals is so immense
2. In spite of being immensely rich in natural resources, India occupies the status of being a developing nation
3. The mining sector of India contributes a lot to the economy of the nation
4. India is a country of various rivers that enrich the construction and mining sectors incredibly as well as prove a great source of livelihood to the people dwelling in the areas
5. Sand has several uses of its own, and is chiefly used in the construction work
6. The sand of the Chambal river is in high demand in the Chambal region and in the other regions
7. Sand extraction and sand mining cause negative impacts on environment
8. The Supreme Court has banned the illegal sand mining and the people involved in the sand business are helpless
9. For the construction work substitutes of the Chambal sand have been explored
10. There may be some other substitutes for the Chambal sand

#### **Methodology**

Based on the personal observation and insight into the issue, the study is a qualitative

research focused on the dependence of certain communities in the Chambal region on the supply of sand, correlation between the sand supply and life standards of the people in the region, ban on the sand supply, causes and effects of the imposition of ban on the sand supply, employment crisis in the region etc. For the purpose, in addition to his personal insight and observation as well as the casual talks and discussions with the concerning people, the author collected information on the issue from the secondary sources. The steps undergone include non-participant observation of the region and of the condition of the inhabitants in the area, the study of the related literature, making review of literature on the theme, content analysis, application of own observation, development of thought keeping in mind the objectives and hypothesis, arriving at findings and shaping of the contents systematically in the article form.

#### Research Questions

1. What is India's status in terms of natural resources?
2. What is India's economic status, and what factors are responsible for such an economic status of India?
3. How are rivers helpful to the economic status of the country?
4. What are the various uses of sand?
5. Is the sand extraction harmful to ecology and environment?
6. What rivers are there in the Chambal region and how are they helpful to the construction industry in India?
7. The sand of which river is in the highest demand, and if the people are able to satisfy their demand?
8. Do the people depend on the river sand for their livelihood?
9. If yes, how?
10. The members of which castes and communities do the sand business most in the Chambal region?
11. In what capacities are they involved in the sand business?
12. What is the decision of the Supreme Court on the illegal sand mining?
13. What is the impact of the decision of the Supreme Court on the people involved in the sand business?
14. What are the positive consequences of the ban on the sand extraction and sand mining?
15. What are the negative consequences of the ban on the sand extraction and sand mining?
16. What substitutes are available for the Chambal sand?
17. How are the people involved in the sand business managing their affairs and livelihood after the imposition of the ban on the sand mining?
18. How can the happiness of the people involved in the sand business be restored?

#### Key Findings

1. Despite having ample natural resources, India is still a developing country where the process of development is still on move. The factors

responsible for such an status include non-participation of the women in the process of development, unwillingness of the people, unawareness etc.

2. India is one of the richest countries in terms of availability of natural resources
3. The development and growth of the Indian economy depends on the mining industry which can support it through the expansion of the market of various minerals
4. The construction industry and mining industry are integrally correlated, as it is only through the mining industry that the material required for the construction is made available
5. Iron, steel, stone and many other things are provided to the construction sector by the mining industry
6. Rivers play a dominant role in the growth and development of the construction industry. They supply water, sand and soil to the construction industry
7. Sand is used for various purposes, but its chief use lies in the construction work as it strengthens the quality of the construction material like cement
8. The members of all the Hindu castes, the Muslims and even Sikhs do the sand business in both the districts, but it the Gurjars and Malahs who are involved most in the sand business
9. They are involved in the business in the various capacities, such as, in the capacities of truck and tractor owners, lease holders, agents, suppliers, extractors and labourers
10. The Chambal region covers the areas of Uttar Pradesh, Madhya Pradesh and Rajasthan, and the major rivers that provide employment to the people in certain capacities include the Chambal, the Sind, the Banas, the Parwati etc.
11. In the Chambal region, the Chambal sand is in demand, but the demanded sand is not available due to the Mining policies ensuring the protection of the environment and public health
12. Sand mining without the state consent is a violation of the MMDR Act, 1957 according to the Supreme Court
13. The recent ban on the illegal sand mining has disturbed the peace and life of the people involved in the business of sand
14. The positive aspect of the ban on the extraction and supply of sand lies in the ecological safety and safeguard
15. The negative aspect of the ban can be seen in the sudden economic downfall of the people, poverty, adoption of other illegal ways of extraction, going against the laws and administration, assaults and attacks and increasing criminality in the behavior of the people involved in the sand business
16. The ban on the supply of the Chambal sand in the region has created a horrible job crisis; the people associated with it are bound to lead a life of poverty and penury; they are led to various forms of crimes

17. The sand business in the region can be restored by the revision in the Mining policy only in a way that the sand business can be restarted and the environment and public health can be protected in an eco-friendly manner
18. The revival of the supply of the Chambal sand can bring new hopes in the life of those who are associated with the supply of sand, as it has always been a great source of their livelihood
19. Manufactured sand, processed quarry dust, processed crushed rock fines, offshore sand, dune sand, washed soil or filtered sand, fly ash, bottom ash, pond ash, slag sand, copper slag sand, construction demolition waste, powdered glass etc. are some of the substitutes of the sand
20. The judiciary should not intervene the mining of sand over again and again, and the decisions should be given on both the ecological and humanitarian grounds because if only the ecological grounds are considered neglecting the life of the people, the results seem to be more horrible.
21. The Government should form an appropriate policy for mining and especially for sand mining that can ensure unseasonal non-interference of the judiciary, direct and indirect employment to the people belonging to the area, regular work to the truck-tractor mechanics, and peaceful flourishing of the sand business resulting into an immense profit to the sandbusinessmen, banks and motor-parts dealers and businessmen.

#### Conclusion

River plays an important role in the lives of the people. The river systems provide irrigation, potable water, transportation, electricity and the livelihoods for a large number of people all over the country and to rural areas. A part from this, river is also a good source of construction grade material as sand & gravel. The construction industry is growing with major trust on infrastructure and the demand for sand is also increasing. The overuse of river sand for construction has many undesirable environmental and social consequences. The natural sand deposits are depleting and illegal sand mining is becoming uncontrollable issue. In-stream sand mining has become a common practice and resulted in a mushrooming of river sand mining activities which have given rise to various problems that require urgent action by the authorities. These include river bank erosion, river bed degradation, river buffer zone encroachment and deterioration of river water quality and groundwater availability. Uncontrolled illicit river sand mining creates a level of damage to rivers that are ecologically irreversible even in the long run; an urgent and sustainable solution is now needed for the affected rivers and communities. Hence decisive steps have to be taken and alternate solutions found for sand mining, without disturbing the environment. Keeping in view the betterment of the people dwelling in the Chambal region in terms of their employment opportunities, the mining policy should be revised. Only then the attacks by the sand mafias on the administration officers preventing them from supplying sand and from sand extraction can be checked.

Sand mining should be positively as it can be benefitted to the public at large. Housing is the demand of every one. Every body wants the material to be used in his house of good quality that can ensure durability of the building. When for both the districts, that is, for Dholpur district in Rajasthan and for Morena in Madhya Pradesh, the Chambal sand is easily accessible, it should be made available under some good policy. This step can bring about a revolutionary improvement and change in the construction industry. Moreover, several people both educated and uneducated in the area can get opportunity to serve the construction industry. Hence, setting a few limits required for the preservation and protection of the ecology and environment and for the water animals, the ban should be cancelled in the interest of the public.

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