

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION No. 2786
TO BE ANSWERED ON 28.12.2018

Environment Clearance for Mining Projects

2786. SHRI RAVNEET SINGH:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether mining projects of less than 5 hectares are exempted from environmental clearances and if so, the details thereof;
- (b) whether the Government has conducted any study on the amount of deforestation caused by mines under 5 hectares and if so, the details thereof;
- (c) the number of large mines that have split their lease into small mines; and
- (d) whether the Government plans to bring mines less than 5 hectares under the purview of environmental clearances, if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(DR. MAHESH SHARMA)

(a) to (d): The Ministry of Environment, Forest and Climate Change has issued the Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986 which deals with the process to grant Environmental Clearance. As per the EIA Notification, 2006, amended from time to time, Environmental clearance is required for all the non-coal mining projects irrespective of the size of the mine lease area and type of minerals.

The requirement for environmental clearance (EC) for minor mineral mining projects of area less than 5 hectare arose pursuant to order dated 27.2.2012 of the Hon'ble Supreme Court, in SLP (C) No.19628-19629 of 2009 titled Deepak Kumar etc. versus State of Haryana & Ors. Pursuant to the aforesaid order dated 27.02.2012, this Ministry issued an Office Memorandum dated 18.05.2012 stating inter-alia that all mining projects of minor minerals including their renewal, irrespective of the size of the lease would require prior EC. Further, the Ministry, vide Notification dated 15.01.2016, for the first time, has delegated the Authority of Environmental Clearance up to 5 hectares of individual mining lease of minor minerals and 25 hectares in clusters to the District Environment Impact Assessment Authority (DEIAA) headed by the District Magistrate/ District Collector. A District Expert Appraisal Committee (DEAC) has also been constituted. Recently, the Hon'ble National Green Tribunal, vide its judgment dated

04.09.2018 and 13.09.2018, inter-alia, directed this Ministry to amend the notification dated 15.01.2016 to the extent that leases admeasuring 0 to 5 hectares may be granted prior environmental clearance by State Environment Impact Assessment Authority (SEIAA) / State Expert Appraisal Committee (SEAC) and not by DEIAA/DEAC.

No specific study at National Level has been conducted by the Ministry of Environment, Forest and Climate Change on the amount of deforestation caused by mines under 5 hectares/ splitting of mines.
