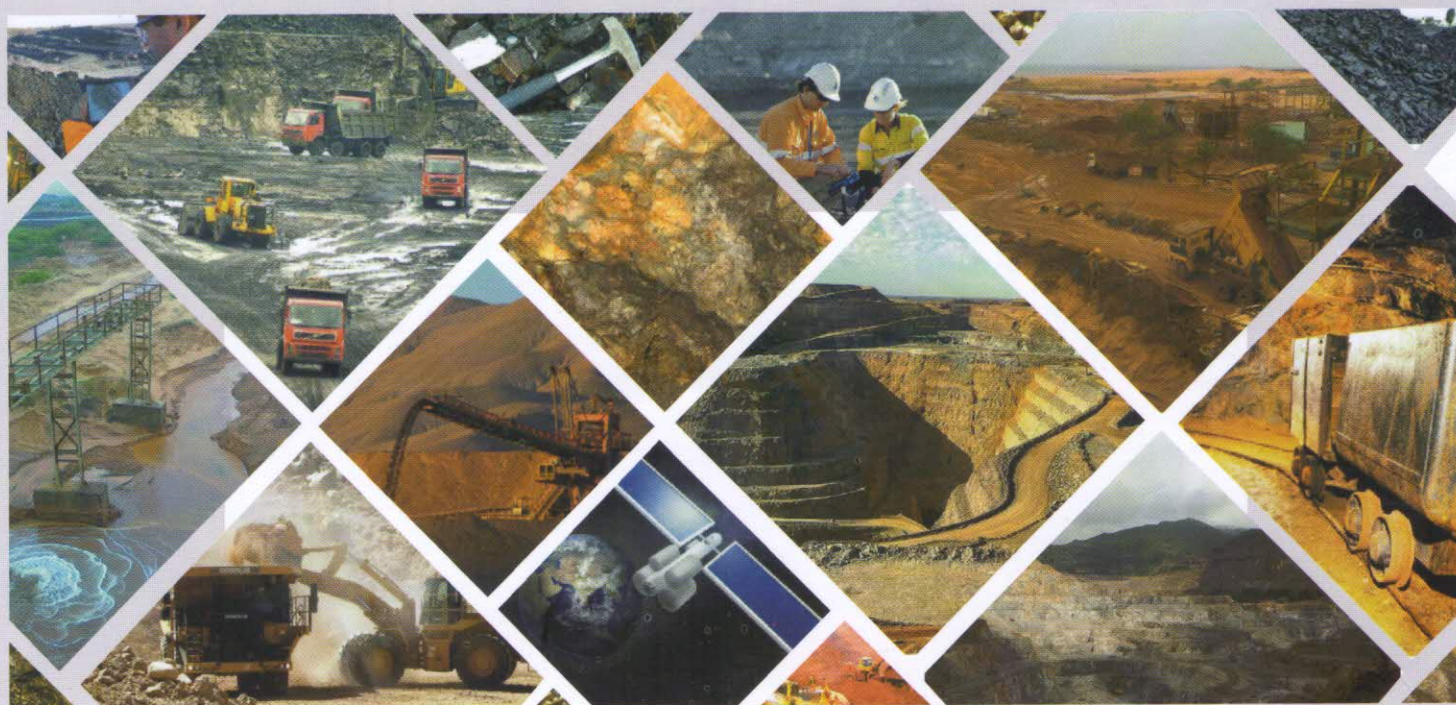


**Workshop on**  
**Mineral Sector of India**  
**- post MMDR Amendment Act, 2015**

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## **Environmental Clearance Process for mining projects in India**

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Environmental Impact Assessment (EIA) initially started around 1978 in India with river valley projects and subsequently EIA and environmental clearance extended to large public sector projects requiring PIB clearance. EIA Notification was first issued on 27th January, 1994 and was then superseded by the Environmental Impact Assessment Notification, 2006 issued vide S.O.No.1533(E) dated 14th September, 2006 under Section 3, sub-section(2), clause (v) of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule(3) of rule 5 of Environment(protection) Rule, 1986. Twenty eight amendments have been made so far in this notification. The notification regulates rapid industrial development of the country and aims at minimizing the adverse impact on environment and reversing any trends which may lead to environmental degradation and climate change. The projects of mining of minerals as per the schedule of the notification require prior environment clearance under this notification. There are two categories of projects viz; Category 'A' and Category 'B'. Category 'A' Projects are with greater environmental significance which are being handled in the MoEF & CC and Category 'B' projects are being handled by State Environment Impact Assessment Authorities (SEIAAs) notified by MoEF & CC following the procedure prescribed under the EIA Notification, 2006. Non-Coal Mining Projects, having mining lease area of more than 50 hectare are Category 'A' projects. Category 'B' projects are having mining lease area less than 50 hectare. As regards the Coal Mining Projects, Category 'A' Projects are with mining lease area greater than 150 hectare and Category 'B' projects with mining lease area less than 150 hectare.

### **ENVIRONMENTAL CLEARANCE AND COMPLIANCE: THE REFORMS**

Initially, EIA Notification did not have provisions for Environmental Clearance in case of Leases of Minor Minerals and Leases of Major Minerals with the area less than 5 ha. The Hon'ble Supreme Court and other Courts in the country in various cases directed that leases of minor mineral including their renewal for an area of less than five hectares be brought under environmental clearance. Pursuant to these orders, the Ministry has notified that "that all mining projects including their renewal, irrespective of the lease would henceforth require prior environment clearance. The Supreme Court had also directed the State Governments and Union Territories to take immediate steps to frame necessary rules under section 15 of the Mines and Minerals (Development & Regulation) Act, 1957 (MMDR Act) taking into consideration the recommendations of MoEF report of March 2010 and Model Guidelines framed by the Ministry of Mines, Government of India. Therefore, the mining of minor minerals such as sand, gravel, clay, marble and other stones will not be allowed in the country without the approval of the Central government. The Supreme Court, in a judgement on February 27, said all such mining leases by the state governments and

