

**IMMEDIATE
BY SPEED POST**

**F. No. J-11011/81/2003-IA-II (I)
Government of India
Ministry of Environment & Forests
(IA Division)**

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi – 110 003.
E-mail: plahujarai@yahoo.com
Tele: 011-2436 3973
Dated: October 21st, 2010

To,

The Chief Secretary,
State Government of Jharkhand,
Project Building, Dhurwa, Ranchi - 834004

Sub: Environmental clearance to the mining leases of 5 ha (major minerals and mining leases of minor mineral of 5 ha which have been operating before 14.9.2006 - applicability of EIA Notification, 2006.

Sir,

The undersigned is directed to refer to the above subject. The Ministry vide circular no. J-15012/35/2007-IA-II (M) - Part dated 2.07.2007 clarified the applicability of EIA Notification, 2006 on the mining leases of 5 ha regarding major and minor minerals which have been operating before 14.09.2006. As per the above circular, it was clarified that all such projects which have been operating without any environmental clearance would obtain environmental clearance at the time of their lease renewal even if there is no increase either in the term area or production. A copy of the above circular is enclosed for ready reference.

2. The findings of the report of the Committee for investigation into the proposal submitted by the Orissa mining company for bauxite in Niyamgiri under the Chairmanship of Dr. N.C. Saxena inter alia has brought out that M/s Vedanta Alluminium Limited (VAL) is sourcing the bauxite from 14 mines, 11 of which do not have requisite environmental clearance. All these mines are located in the State of Jharkhand as may be seen from the enclosed list.

3. The Ministry issued a show cause notice to M/s Vedanta Alluminium Limited vide letter of even no. dated 31st August, 2010 for non-compliance of environmental clearance conditions for 1 million MTPA refinery and 75 MW Captive Power Plant. While responding to the show cause notice issued, M/s VAL have clarified that the requirement for environmental clearance for the mines has come into force only after the issuance of the EIA Notification, 1994. The mines operating before 1994 have neither increased the capacity nor the mining area. According to M/s Vedanta Alluminium Limited, therefore, no environmental clearance is required in such cases, none of the mines from which M/s VAL are sourcing the bauxite have increased their capacity or lease area after 1994, the parties are having the mining lease and operating the mine prior to 1994 and in some of the cases, the lease has been expired and the application for renewal has been submitted, however, no renewal has been granted till date and therefore, the lease is deemed to have been extended.

4. It is noted that some of the mines have applied to this Ministry for obtaining environmental clearance. Most of the mines in question appears to be operating under the deemed renewal. As per the directions of the Supreme Court and the clarificatory OM issued by the Ministry dated 2nd July, 2007 all such projects, which have been operating without any environmental clearance would obtain environmental clearance at the time of their renewal of their mining lease.

5. In view of the above, it is requested that all the concerned Departments may be directed that the project proponent of the concerned mines shall obtain environmental clearance at the time of renewal of mine lease under the provisions of EIA Notification, 2006, otherwise, punitive action will need to be taken under the Environment (Protection) Act, 1986 for violating its provision and the EIA Notification, 2006.

6. This issues with the approval of the Competent Authority.


(Dr. P.L. Ahujara)
Scientist -F

Encl: as above

Copy to:-

1. The Secretary (Ministry of Mines), Shastri Bhawan, Government of India, New Delhi.
2. The Secretary, Department of Environment & Forest, Govt. of Jharkhand, Nepal House, Ranchi.
3. The Chief Conservator of Forests, Ministry of Environment & Forests, Regional Office, (EZ) A-3, Chandrashekharapur, Bhubaneswar-715023.
4. The Chairman, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar New Delhi – 110 032.
5. The Chairman, Jharkhand State Pollution Control Board, T.A Division Building (Ground Floor) HEC Campus, Dhurwa, Ranchi -834004.
6. Guard File/Monitoring File/Record File.
7. Ministry's Website


(Dr. P. L. Ahujara)
Scientist 'F'

LIST OF MINES IN JHARKHAND,

Sl No.	Name of Mines	State	Clearance Status
1.	M/s Arbind Kumar Singh of Shri Arbind Kumar Singh.	Jharkhand	No information available
2.	M/s Gandharva Oran of Shri Gandharva Oran.	Jharkhand	No information available
3.	M/s Gyanchand Prasad Agrawal of Shri Gyanchand Prasad Agrawal.	Jharkhand	No information available
4.	M/s Madan Mohan Prasad Singh of Shri Madan Mohan Prasad Singh.	Jharkhand	Ministry vide letter no. J-11015/154/2009-IA.II(M), dated 09.07.2009 issued TOR
5.	M/s Mahendra Prasad Mittal of Shri Mahendra Prasad Mittal.	Jharkhand	Ministry vide letter no. J-11015/151/2009-IA.II(M), dated 09.07.2009 issued TOR
6.	M/s Morarka Minerals and Industries of Shri Morarka Minerals and Industries	Jharkhand	No information available
7.	M/s Sphera Minerals Private Limited of Shri Sphera Minerals Private Limited.	Jharkhand	No information available
8.	M/s Vishar Minig Corporation of Shri Vishar Minig Corporation.	Jharkhand	No information available
9.	M/s Jagmohan Lal Gupta of Shri Jagmohan Lal Gupta.	Jharkhand	No information available
10.	M/s Ceramic Materials Company of Shri Ceramic Materials Company.	Jharkhand	No information available
11.	M/s Sharda Mica Mining Company of Smt. Sharda Mica Mining Company	Jharkhand	No information available
12.	M/s Awadesh Kumar Singh of Shri Awadesh Kumar Singh.	Jharkhand	No information available
13.	M/s Quality Ores of Shri Quality Ores.	Jharkhand	No information available
14.	KJST Iron Manganese and Bauxite mines of M/s S.N. Mohanty	Orissa	Environmental clearance granted vide letter No. J-11015/417/2006-IA.II (M) dated 28.01.2008

No. J-15012/35/2007-IA.II(M)-Part
Government of India
Ministry of Environment & Forests
(IA Division)

By Speed Post

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Dated the 2nd July, 2007

CIRCULAR

Sub: Clarification regarding applicability of EIA Notification, 2006 on mining leases of 5 hectare (major minerals) and mining leases of minor minerals which have been operating before 14.9.2006 – Regarding.

Federation of Mining Associations of Rajasthan and others have raised concerns regarding applicability of EIA Notification dated 14th September, 2006 to mining leases of 5 ha for major minerals and mining leases of minor minerals which have been in operation before the said Notification coming into force. The matter has been examined in the Ministry.

It is clarified that all such mining projects which did not require environmental clearance under the EIA Notification, 1994 would continue to operate without obtaining environmental clearance till the mining lease falls due for renewal, if there is no increase in lease area and / or there is no enhancement of production. In the event of any increase in lease area and or production, such projects would need to obtain prior environmental clearance. Further, all such projects which have been operating without any environmental clearance would obtain environmental clearance at the time of their lease renewal even if there is no increase either in terms of lease area or production.

(S.K. Aggarwal)
Director

To

1. Secretary (Environment) of all States / UT Governments
2. Member Secretary of State / JI Pollution Control Boards / Committees
3. PS to MOS (E), PPS to Secretary (ERF), PPS to SS, PS to JS(JM)
4. All Officers of IA Division.