

**GOVERNMENT OF INDIA
ENVIRONMENT, FORESTS AND CLIMATE CHANGE
LOK SABHA**

UNSTARRED QUESTION NO:3844
ANSWERED ON:06.08.2014
MINING OF MINOR MINERALS
Nath Shri Chand

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

- (a) whether the Union Government has framed model guidelines on mining of minor minerals;
- (b) if so, the details and salient features thereof;
- (c) whether some State Governments have represented for reconsideration of the notification wherein environment clearance has been made mandatory for all mining leases of minor minerals and if so, the details thereof;
- (d) whether development of mines of minor minerals has come to halt resulting in illegal mining, reduction of employment and revenue loss; and
- (e) if so, the details thereof and action taken by the Government in this regard?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FORESTS AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR)

(a) & (b) This Ministry had constituted a Group under the Chairmanship of Secretary, Ministry of Environment and Forests to look into the environmental aspects associated with mining of minor minerals vide order dated 24.03.2009. The Group submitted its report with recommendations viz. (i) Minimum size of mine lease should be 5ha; (ii) Minimum period of mine lease should be 5 years; (iii) A cluster approach to mines should be taken in case of smaller mine leases operating currently; (iv) Mine plans should be made mandatory for minor minerals as well; (v) A separate corpus should be created for reclamation and rehabilitation of mined out areas; (vi) Hydro-geological reports should be prepared for mining proposed below groundwater table; (vii) For river bed mining, leases should be granted stretch wise, depth may be restricted to 3m/water level, whichever is less, and safety zones should be worked out; and (viii) The present classification of minerals into major and minor categories should be re-examined by the Ministry of Mines in consultation with the States. The report of the Group was sent to all State Governments in June 2010 with the request for incorporating in their Mineral Concessions Rules for mining of minor minerals. Subsequently, the Hon'ble Supreme Court vide order dated 27.02.2012 in SLP(C) Nos.19628-19629 of 2009 titled "Deepak Kumar etc. Vs. State of Haryana & Ors." directed the State Governments 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 aforesaid MoEF's report and model guidelines framed by Ministry of Mines, Government of India.

(c) The aforesaid court order also inter-alia directed that leases of minor mineral including their renewal for an area of less than five hectares be granted by the States/Union Territories only after getting environment clearance from the MOEF. This Ministry has delegated the function of grant of environment clearance to minor mineral mining projects of area less than five hectares to the concerned State Level Environment Impact Assessment Authorities. The State Governments of Rajasthan, Madhya Pradesh and Goa have represented that since they have framed necessary rules under the MMDR Act, as per directions of the Supreme Court, the minor mineral mining projects in the State of area less than 5 ha may be exempted from the requirement of EC. This Ministry has decided to examine the Minor Mineral Concession Rules framed by some of the State Governments, pursuant to aforesaid court order dated 27.02.2012 from environment angle, and file petition before the Supreme Court stating that this Ministry may be authorized to examine and clear such rules from environment angle. It is proposed to obtain Supreme Court approval to the proposal that once this Ministry has examined such rules and approved them from environment angle.

(d) & (e) The cases of environmental clearance of mining projects of minor minerals are considered under the provisions of the Environment Impact Assessment (EIA) Notification, 2006, as amended. The projects with mining lease area equal to or greater than 50 ha are handled by this Ministry for grant of environmental clearance. The projects with mining lease area less than 50 ha are handled by the respective State Environment Impact Assessment Authority. The enforcement of various legal provisions with a view to containing the menace of illegal mining of minor minerals is largely in the domain of the State Governments.