

Minutes of the 47th Meeting of State level Environment Impact Assessment Authority, Jharkhand, held on 08th May, 2017.

The 47th meeting of the State Level Environment Impact Assessment Authority (SEIAA) was convened on 08/05/2017 in the office of SEIAA, Ranchi. The meeting was chaired by Shri S.E.H. Kazmi, Chairman, SEIAA, Jharkhand. The attendance in the meeting was as follows:-

1. Shri S.E.H. Kazmi, Chairman, SEIAA, Jharkhand, Ranchi.
2. Shri Jabber Singh, Member Secretary, SEIAA, Jharkhand, Ranchi.
3. Shri S.C. Narayan, Member, SEIAA, Jharkhand, Ranchi.

The decisions taken in the 47th SEIAA meeting are as follows –

1. Hon'ble NGT order dated 11.04.2017 in OA No. - 108/2015/EZ Niranjana Sharma and Ors. Vs Ministry of Environment, Forest and Climate Change Govt. of India and Ors.

In pursuance of order dated 11.04.2017 passed by Hon'ble NGT, EZ, Kolkata in OA 108/2015/EZ, Niranjana Sharma and Ors. Vs Ministry of Environment, Forest and Climate Change, Govt. of India and Ors. a meeting was convened in which representative of Department of Industry, Mines and Geology, Govt. of Jharkhand, Director (Mines) and Deputy Director (Mines) participated.

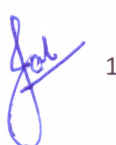
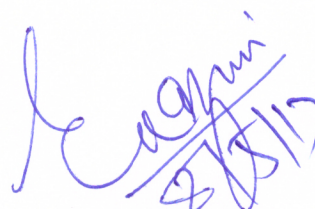
Hon'ble NGT vide order dated 11.04.2017 have been pleased inter alia to observe that prima facie Jharkhand Minor Mineral Concession (Amendment) Rules, 2017 are not in consonance with the direction of Hon'ble Supreme Court in **Deepak Kumar Case** so far Rule 1 (ii) 6 (B) of the amendment Rules is concerned, because necessity of obtaining Environmental Clearance for an area less than 5 Ha has not been made in amendment rules.

That as per direction of Hon'ble NGT opinion was sought from State Level Expert Appraisal Committee (SEAC), Jharkhand and vide letter no. 140, dated 02.05.2017 Member Secretary SEAC has also conveyed the opinion of SEAC that in Rules 1 (ii) 6 (B) Jharkhand Minor Mineral Concession (Amendment) Rules, 2017 there is no provision for obtaining Environmental Clearance for Mining lease having an area less than 5 Ha.

That as regard stand of SEIAA, Jharkhand, view and finding is in consonance with the observation made by Hon'ble NGT that Rules 1 (ii) 6 (B) Jharkhand Minor Mineral Concession (Amendment) Rules, 2017 is not in accordance with the direction of Hon'ble Supreme Court given in **Deepak Kumar Case**.

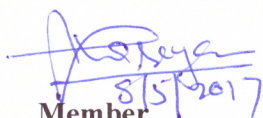
As regard the stand of Department of Industry, Mines and Geology, Govt. of Jharkhand, when this specific deficiency and observation of Hon'ble NGT was pointed out to them, the representative of Mines Department drew the attention of SEIAA to Rule 11 (B) as inserted in Rule 11 (vide sl. no. 5) of the Jharkhand Minor Mineral Concession (Amendment) Rules, 2014 which lays down as follow:-

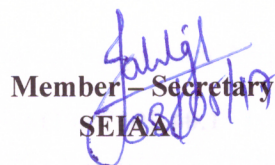
"11 (B) Every application of a mining lease shall be granted with in 30 days of production of Environmental Clearance certificates issued by the competent authority". The representative further laid emphasis that by the aforesaid provision every mining lease irrespective of the area either below 5 Ha or above 5 Ha has to be supported by a certificate of Environmental Clearance for grant of mining lease, and therefore direction of Hon'ble Supreme Court in **Deepak Kumar Case** for grant of Environmental Clearance even for an area less than

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5 Ha has been taken care of, and it is for this reason that such provision was not made again in Rule 1 (ii) 6 (B) Jharkhand Minor Mineral Concession (Amendment) Rules 2017.

The meeting concluded with vote of thanks to the Chairman.


Member
SEIAA


Member – Secretary
SEIAA


Chairman
SEIAA