

Minutes of the 53rd Meeting of State Level Environment Impact Assessment Authority, Jharkhand held on 20.12.2017 and 21.12.2017.

The 53rd meeting of the State Level Environment Impact Assessment Authority (SEIAA) was convened on 20.12.2017 and 21.12.2017 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 53rd SEIAA meeting are :-

1. SEIAA considered the minutes of the 50th meeting of SEAC held on 20th to 22nd November, 2017 -

The Member Secretary SEAC has forwarded the minutes of the 50th meeting of SEAC with his observations on certain issues decided by the committee. The minutes are signed by all the members so the authority feels that the MS SEAC being a member of the committee has already expressed or opined his concerns during the meeting and the same must have been recorded in the minutes. It was decided to discuss and decide the matters forwarded in the minutes only.

The SEAC has deliberated upon the issue of distance of the mining leases from the nearest forest boundary and the District Survey Reports for minor minerals. It recorded that the distance of 100 mtr. of mining lease from the nearest forest boundary is in line with Hon'ble Supreme Court directives on keeping a buffer zone of 100 mtr. The SEIAA has already approved the recommendations of the SEAC in this regard during its 50th meeting.

The issue of the compliance of the provisions of the notification no.- 141(E) of MoEF & CC Govt. of India dated 15.01.2016 is dealt by SEAC in detail. It recorded that the project proposals of sand mining and minor minerals have been appraised and recommendations were made by the committee in the absence of DSRs for respective minor minerals. It has submitted the detail technical grounds based on which the committee has made appraisal of proposals for minor minerals without DSR. Mining proposals (for minor minerals & river sand mining) for Environmental Clearance were reviewed by the SEAC based on the geological reports and maps published by the Geological Survey of India and Directorate of Geology, Govt. of Jharkhand which are already in public domain.

The methods of evaluating the proposals of stone mining and sand mining have been laid down in the minutes. It has also been clarified that the process of technical evaluation conducted in the appraised projects has not violated the norms and guidelines. Hence all the proposals have been referred back to the authority without attending the issues raised in the 52nd meeting of SEIAA with regard to the provisions of the Gazette notification of the Govt. of India dated 15.01.2016 which provides for preparation of District Survey Reports for each minor minerals separately. The notification also states that "these district survey reports shall form the basis for application of Environmental Clearance, Preparation of Reports and Appraisal of Projects."

The minutes of the 50th meeting of SEAC explains the basis of appraisal of the projects related to minor mineral without discussing the issue of need of the DSR as laid down in the notification dated 15.01.2016. The State Expert Appraisal Committee (SEAC) is a technical body and is supposed to appraise the proposals not only on the basis of technical grounds but also in the light of various provisions of the present notifications, guidelines and directions issued from time to time from MoEF & CC GoI. The authority in its 52nd meeting has

deliberated in detail upon the content of the notification dated 15.01.2016 and accordingly recorded the importance and the need for the DSR while making appraisal of the proposals for mining of minor minerals. The minutes were circulated to SEAC and all the DEIAAs in the state for information and necessary action.

The authority was informed regarding a judgement of Principal Bench of National Green Tribunal, New Delhi in the O.A. No. 557/2017 Anjani Kumar versus State of U.P. The judgement dated 08.12.2017 in this matter spells out in para. 94 *"The information or data collected by the authorised officer the state government under mining act for inviting tenders would not be and cannot be the base for compliance of Appendix – X as it is not a substitute for the District Survey Report referred to which must be prepared by District Environmental Impact Assessment Authority the body in terms of Appendix – X"* and in para. 94 (2) *" preparation of DSR shall take precedent over other data and would form the foundation for providing mining lease in terms of Appendix - X to the notification dated 15.01.2016 must be prepared by the statutory authority stated therein i.e. DEIAA prior to awarding of permits for carrying on mining activity....."* Also the para. 94 (6) states that *"The State Government and its instrumentalities shall also ensure that the terms and conditions of the mining lease would contain all the relevant clauses as stated in Appendix – X and notifications dated 15.01.2016 for carrying out sustainable mining"*

The above judgement of the Hon'ble Principle Bench NGT, New Delhi has clearly explained the need and importance of the Appendix – X of the notification dated 15.01.2016 while awarding mining lease and carrying out the mining activities. The SEAC and all the DEIAAs / DEACs are supposed to take due note of notification dated 15.01.2016 while making appraisal of the proposals related to minor minerals including sand mining. The copy of the minutes should be forwarded to the SEAC and the DEIAAs for information and necessary action.

2. The SEAC recommended 9 projects for considerations of grant of EC out of which 8 projects related to minor minerals were examined and appraised without District Survey Reports as required in the MoEF notification dated 15.01.2016 Appendix – X, hence the recommendations with regard to these 8 projects cannot be approved by the authority in the light of judgement of Hon'ble NGT and the notification dated 15.01.2016.

The issue of pending project proposals awaiting the EC for renewal or new mining leases of minor minerals was discussed and it was decided that any new application for EC related to minor minerals should not be accepted by SEIAA/DEIAA if not found in accordance with the provisions of the notification of MoEF dated 15.01.2016 with regard to minor minerals. The District Survey Report may be added as a required document in the checklist for the application. Also many applications without District Survey Report are already pending before SEIAA or SEAC for consideration and due disposal. It was decided that such applications related to minor minerals should be returned to the applicants with the amount of fee if already charged.

The proposal for inclusion of Common Bio-Medical Waste Treatment Facility in Hazardous waste management of M/s Adityapur Auto Cluster at village – Dungi, Saraikela Kharsawan is recommended for consideration for grant of amendment of EC along with all the conditions provided earlier. The recommendation of the SEAC in this proposal is accepted.

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3. **Murma Graphite Mine Project of Shri Kumar Poddar at Village- Murma, P.S.- Satbarwa, Dist- Palamu, Jharkhand (4.93 Ha).**



The authority has received an application of PP requesting for issuance of Environmental Clearance in the light of the Judgement of Hon'ble High Court Jharkhand in WPC 2364 of 2014 in the matter of Hindustan Copper Ltd. Vs Union of India. It is pertinent to record that the SEAC, Jharkhand in its 48th meeting has recommended for grant of EC to the PP but the member secretary SEAC asked for a report from the JSPCB

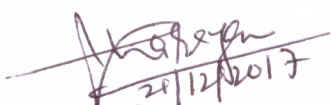
regarding violation of Air and Water Act and requested the authority to issue the EC after the required report has been received. Hence the SEIAA in its 52nd meeting decided to with hold the issuance of EC.

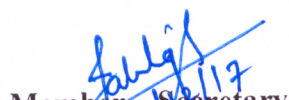
The authority during its perusal of the Hon'ble High Court Judgement in above case examined the merit of the case on the basis of the para 21 of the judgement whereby it is stated that *".....action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for Environmental Clearance cannot await initiation of action against the project proponent."* Hence the recommendation by SEAC in its 48th meeting in this case, are accepted.

4. Department of Forests, Environment and Climate Change, Government of Jharkhand
Letter No.- 7/ पर्या० प्रदू०- 40/2016,4188 व० प० राँची, दिनांक- 10.10.2017.

In the continuation of the decision taken in 46th meeting of SEIAA regarding SO No.- 3999 (E), dated – 09.12.2016 further amended by MoEF & CC OM F. No. 22-35/2017-IA, III dated 7th July, 2017 it is decided to write a letter to Municipal Corporations and the department of Urban Development Govt. of Jharkhand to ensure effective implementation of notification and office memorandum for Environmental Clearance to the Building and Construction projects & Township area development project before granting permission for construction.

The meeting concluded with vote of thanks to the Chairman.


Member
SEIAA


Member Secretary
SEIAA


Chairman
SEIAA