

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION NO: 1182
TO BE ANSWERED ON 01.08.2024

Violations of environmental and forest clearances by mining companies

1182 DR. SASMIT PATRA:

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

- (a) the details of violations of environmental and forest clearance norms by mining companies in India over the last five years;
- (b) the violation-wise details indicating the violation, the mining company, nature of the violation and the action taken by Government so far in this regard;
- (c) the steps being taken against such violators to ensure that such violations are not repeated; and
- (d) the cases of violations which are sub-judice presently and the current status of such matters in Court?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI KIRTI VARDHAN SINGH)

(a) to (d) As per information received from Regional Offices (RO)/Sub- Regional Offices (SRO) of Ministry, a total of 375 cases of violation/non-compliance of environmental norms by mining companies have been reported during past five years in the country. As reported, the nature of violation/non-compliance include excess production; operating the mine without obtaining Consent to Establish (CTE)/ Consent to Operate (CTO)/Prior Environmental Clearance EC); issues wrt green belt development; non implementation of Corporate Environment Responsibility (CER) etc.

As regards violation of forest norms, the proposals for diversion of forestland under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are processed on PARIVESH portal. As per the information available on the said portal, 10 number of proposals in the mining category involving violation have been submitted during last 5 years i.e. 01.01.2019 to till date. Violations mainly pertain to breaking of forest land/execution of mining lease without prior approval of central government.

The environmental non-compliance are addressed as per provisions under Section 5, 15 and 19 of Environment (Protection) Act, 1986 and Rule 4 of Environment (Protection) Rules, 1986. Further, as per para 10 of Environment Impact Assessment (EIA) Notification, 2006 on 'Post Environmental Clearance Monitoring', whereby it is mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions to the regulatory authority concerned, on 1st June and 1st December of

each calendar year. The implementation of these provisions are guided by Standard Operating Procedure (SoP) established vide Office Memorandum dated 25.11.2022 for Post Environmental Clearance Monitoring and Compliance of projects.

The violators are dealt with under the provisions of Section 15 of the Environment (Protection) Act, 1986, which have been decriminalized as part of Jan Vishwas (Amendment of Provisions) Act, 2023 with provisions of higher penalty and additional penalty amount, with failure to pay the penalty and additional penalty attracting penal action.

As regards action taken for violation of forest norms, the proposals under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are considered on case to case basis and while taking decision on the proposals, the penalty for violation is imposed as per rules/guidelines on the matter. Further action under Sections 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is initiated, as applicable.
