

**GOVERNMENT OF INDIA
MINES
LOK SABHA**

UNSTARRED QUESTION NO:7017

ANSWERED ON:18.05.2012

MINING TRIBUNALS

Abdulrahman Shri ;Gowda Shri D.B. Chandre;Jeyadural Shri S. R.;Patle Kamla Devi

Will the Minister of MINES be pleased to state:

- (a) whether the Union/State are empowered to set up Mining Tribunals;
- (b) if so, the details thereof alongwith names of relevant Central/State statutes;
- (c) whether the Government has taken note of deficiencies and lack of transparency in the working of mining tribunals, both at Union and State levels especially Chhattisgarh;
- (d) if so, the details thereof and the reaction of the Government thereto;
- (e) the number of cases under consideration of Mining tribunals during last three years, year-wise and State-wise;and
- (f) the steps taken or proposed to be taken for adjudication of cases expeditiously in a transparent manner?

Answer

MINISTER OF THE STATE (INDEPENDENT CHARGE) IN THE MINISTRY OF MINES (SHRI DINSHA PATEL)

(a) & (b): Section 30 of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act) confers powers on the Central Government to revise any order made by the State Government or other authority in exercise of powers conferred on it by the Act or under the Rules made thereunder for minerals other than minor minerals, of its own motion or on an application made within the prescribed time by an aggrieved party. Thus the power of Revision lies with Central Government as per the MMDR Act, 1957. State Government have been empowered under Section 15 of MMDR Act 1957 to frame rules for revisionary authority for minor minerals. There is no Tribunal prescribed under MMDR Act or any Rules there under.

(c), (d) & (f): Disposal of revision application is a quasi judicial process. Revision Applications are decided by Revisionary Authorities as per provisions of MMDR Act, 1957 and rule framed thereunder. Right of hearing is given to a party availing the statutory remedy of Revision Application before Central Government. In order to have transparency all orders issued are available on the Website of Ministry of Mines. Revisionary Authorities are expected to discharge their quasi judicial functions as per law & prescribed procedures without any intervention or outside influence. At present three Joint Secretaries have been delegated powers to dispose of the Revision Application filed before the Central Government.

(e): The number of cases under consideration of Mining Tribunals during last three years, years-wise and State-wise is as under:-

Name of State As on 31.12.2009 As on 31.12.2010 As on 31.12.2011

Andhra Pradesh 93 48 15

Bihar 01 01 01

Chhattisgarh 66 62 57

Goa	14	34	10
Gujarat	107	68	94
Haryana	07	02	03
Jharkhand	11	09	03
Karnataka	49	55	36
Kerala	02	04	03
Madhya Pradesh	354	210	126
Maharashtra	61	47	16
Orissa	180	109	14
Rajasthan	416	282	119
Tamil Nadu	41	39	11
Uttar Pradesh	02	-	-
Uttarakhand	09	02	06
West Bengal	01	01	-
Total	1414	973	514