

**GOVERNMENT OF INDIA
MINES
LOK SABHA**

STARRED QUESTION NO:189

ANSWERED ON:24.08.2012

VIOLATION OF MINERAL CONCESSIONS

Jaiswal Shri Gorakh Prasad ;Rama Devi Smt.

Will the Minister of MINES be pleased to state:

- (a) whether cases of violations of the provisions of the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957 and the Rules framed thereunder have been reported from various parts of the country;
- (b) if so, the details of such cases during the last three years and the current year and the action taken by the Government thereon;
- (c) whether the erring companies in such cases had entered into agreements with the Government and if so, the names of such companies with whom agreements were signed during the last three years along with the reasons therefor; and
- (d) the corrective steps taken by the Government in this regard?

Answer

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

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED IN REPLY TO LOK SABHA STARRED QUESTION NO. 189 FOR REPLY ON 24.8.2012 REGARDING VIOLATION OF MINERAL CONCESSIONS ASKED BY SHRIMATI RAMA DEVI AND SHRI GORAKH PRASAD JAISWAL

(a) and (b) : Yes, Madam. It is stated that as per the delineation of powers in the Mines and Minerals (Development and Regulation) Act, 1957, the Indian Bureau of Mines (IBM) has powers to regulate the mining activities for major minerals (excluding fuel, coal and atomic minerals) in mining lease areas through Mineral Conservation and Development Rules, 1988 (MCDR), and the State Government concerned have powers to curb illegal mining activities for major minerals through Rules framed under Section 23 C of the said Act and also regulate mining of minor minerals in terms of Rules framed under Section 15 of the Act.

Accordingly, as per the delineation of powers and as per available information, details of violations of MCDR pointed out and action taken by the IBM in the last three years and the current year are given in Annexure - I, and details of cases of illegal mining of minerals reported and action taken by the State Governments in the last three years are given in Annexure - II. However, details of names of the companies or persons involved in illegal mining are not centrally maintained.

(c) and (d): Central Government does not enter into any agreement with any erring companies. The State Governments are responsible for controlling illegal mining. However, the Central Government has taken the following steps to curb and check illegal mining in the country:

(i) State Governments were asked to frame rules to control illegal mining as per Section 23 C of MMDR Act (so far 18 States have framed Rules).

(ii) State Governments were requested to set up Task Forces at State and District level to control illegal mining since the year 2005 (so far 21 States have reported to have set up Task Forces).

(iii) State Governments were advised to set up State Coordination-cum-Empowered Committee (SCEC) to coordinate efforts to control illegal mining by including representatives of Railways, Customs and Port authorities (13 State Governments have set up such Committees).

(iv) All State Governments advised to adopt an Action Plan with specific measures to detect and control illegal mining including, use of remote sensing, control on traffic, gather market intelligence, registration of end-users and setting up of special cells etc.

(v) Ministry of Mines has so far held five meetings with the State Governments to specifically review the action taken by the State Governments on illegal mining on 3.8.2009, 27.11.2009, 22.2.2010, 16.4.2010 and 21.9.2010. This periodical review has been dovetailed in the meeting of Central Coordination-cum-Empowered Committee meetings.

(vi) A Central Coordination-cum-Empowered Committee set up under Secretary (Mines) on 4.3.2009 has held nine meetings on 24.7.2009, 22.12.2009, 18.6.2010, 22.12.2010, 3.5.2011, 20.9.2011, 16.1.2012, 27.3.2012 and 28.6.2012 to consider all mining related issues, including matters relating to coordination of activities to combat illegal mining.

(vii) Railways have instituted a mechanism to allow transportation of iron ore only against permits issued rake-wise and verified by State Government, apart from taking measures to fence and set up check post at the railway sidings.

(viii) Customs Department has issued instructions to all its field units to share information on ore export with State Governments.

(ix) Ministry of Shipping has issued a direction to all major Ports to streamline the verification procedures for movement of consignment by road and rail to Ports for exports.

(x) Government has notified amendment in Rule 45 of Mineral Conservation and Development Rules, 1988, on 9.2.2011 making it mandatory for all miners, traders, stockist, exporters and end-users to register with IBM and report their transaction in minerals on monthly basis for a proper end-to-end accounting of minerals. As on 11.6.2012, out of 9409 mining leases in the country, 8027 mining leases have registered online with the IBM. The IBM has suspended 1587 mines for non-compliance and initiated prosecution in 4 cases and recommended 21 cases to State Governments for termination. IBM has also requested the State Governments not to issue transit passes for movement of minerals to unregistered operators.

(xi) Indian Bureau Mines had constituted Special Task Forces for inspection of mines in endemic areas by taking the help of Satellite imageries. Special Task Force conducted inspections in a total of 454 mines in the States of Karnataka, Andhra Pradesh, Orissa, Jharkhand and Gujarat and suspended 155 mines under rule 13(2) of Mineral Conservation and Development Rules, 1988 due to serious violations. Further, the Indian Bureau of Mines have recommended for termination of eight leases.

(xii) In so far as the online approval of mining plans and display of approved mining plans in the public domain is concerned, it is submitted that the Ministry is developing 'Mining Tenement System (MTS)' to automate the various processes associated with the mineral concession regime with features also to reflect the information as desired above.

(xiii) The Central Government has also set up Shri Justice M. B. Shah Commission of Inquiry (COI) for illegal mining of iron ore and manganese vide gazette notification dated 22.11.2010. The COI submitted its First Interim Report on 14.7.2011, which has been tabled in the Parliament alongwith the Memorandum of Action Taken. The tenure of the COI has been extended till 16th July, 2013 by the Government. COI has so far visited Andhra Pradesh, Goa, Jharkhand, Karnataka and Odisha.