

**GOVERNMENT OF INDIA
MINES
LOK SABHA**

UNSTARRED QUESTION NO:1353

ANSWERED ON:17.08.2012

ILLEGAL MINING

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Will the Minister of MINES be pleased to state:

- (a) whether incidents of illegal mining including of iron-ore and sand are increasing in the country;
- (b) if so, the details thereof indicating the details of such cases detected/reported in the country during each of the last three years and the current year and the action taken by the Government against the companies and officials found involved therein, State/UT-wise;
- (c) whether an assessment has been made regarding loss of revenue to the Union and State Governments thereby;
- (d) if so, the details thereof and the mechanism evolved by the Government to recover the losses;
- (e) whether the Supreme Court has issued any directions to curb illegal mining in the country; and
- (f) if so, the compliance status of such directions by the States/UTs along with the other corrective measures taken by the Union Government in cooperation with State Governments to curb illegal mining in the country?

Answer

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

(a) to (d): Some instances of illegal mining of iron ore and sand have been reported in the country. Since State Governments have been empowered to deal with cases of illegal mining, specific details are not centrally maintained in the Ministry. In cases of illegal mining, where there is a loss of revenue to the State Government from royalty, rents or taxes and the actual loss of mineral, the Mines and Minerals (Development and Regulation) Act, 1957, provides a penalty of imprisonment for a term upto two years or a fine extending to Rs.25000 or with both. The said Act also provides that the State Governments may recover not only the price of mined out mineral, in case the mineral is disposed off, but also the royalty and rent or taxes, as may be payable for the mineral mined illegally from an area. The year-wise details of cases of illegal mining detected and action taken by State Governments, till September 2011, as reported by the State Governments, are as follows:

Details of State - wise No. of cases detected Action Taken Illegal Mining cases

S.No.	State	2006	2007	2008	2009	2010	2011 upto	Vehicle	FIR	Court	Fine
	Quarter	Seized	Lod	Cases	realized						
	ended	ged	filed	(Rs.							
	September	-	in								
											Lakhs)

1. Andhra 5385 9216 13478 11591 17882 9536 844 18 0 10767.58
Pradesh

2. Assam 0 0 0 0 0 0 0 0 0 0

3. Chhatt 2259 2352 1713 1078 2017 1133 3363 0 6689 1162.029 isgarh

4. Goa 313 13 159 9 13 0 459 0 0 18.628

5. Gujarat 7435 6593 5492 5416 2184 2022 1282 226 20 10424.976

6. Haryana 504 812 1209 1372 3446 1501 103 467 21 907.767

7 Himac 478 0 503 1114 1213 1289 0 700 1306 1684.55
hal
Pradesh

8. Jhark 631 82 225 15 411 594 90 225 30 39.763
hand

9. Karna 3027 5180 2997 1687 4949 3293 74782 874 600 7791.927
taka

10. Kerala 1595 2593 2695 1321 2028 676 0 0 0 884.461

11. Madhya 5050 4581 3895 3868 4245 2538 0 28 21247 2856.057 Pradesh

12. Mahar 4919 3868 5828 8270 26563 20928 70101 13 1 7828.01 ashtra

13. Odisha 284 655 1059 758 420 150 1812 35 35 5643.31

14. Punjab 218 26 50 73 754 126 0 30 0 340.746

15. Rajas 2359 2265 2178 4711 1833 508 145 1133 37 1091.456
than

16. Sikkim 0 0 0 0 0 0 0 0 0 0

17. Tamil 2140 1263 1573 215 277 78 32849 1315 617 10496.812 Nadu

18. Tripura 0 0 0 0 0 0 0 0 0 0

19. Uttara 0 0 191 0 0 0 683 0 0 38.5
khand

20. Uttar 0 0 0 0 4641 2773 0 0 0 1230.68
Pradesh

21. West 80 426 315 80 239 109 3829 1319 430 0
Bengal

Total 36677 39925 43560 41578 73115 47254 190342 6383 31033 63207.252

Source: Indian Bureau of Mines, Government of India

(e) and (f): As per available information, in W.P. no. 562 of 2009, Hon'ble Supreme Court has ordered CBI inquiry into cases of illegal mining in State of Andhra Pradesh and Karnataka. The State Governments of Andhra Pradesh and Karnataka have referred the cases to CBI. Also, 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 of 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.