

27

STANDING COMMITTEE ON
COAL AND STEEL
(2006-2007)

FOURTEENTH LOK SABHA

MINISTRY OF MINES

PREVENTION OF ILLEGAL MINING

*[Action Taken by the Government on the Recommendations contained in the
Nineteenth Report of the Standing Committee on Coal and Steel
(Fourteenth Lok Sabha)]*

TWENTY-SEVENTH REPORT



LOK SABHA SECRETARIAT
NEW DELHI

August, 2007/Sravana, 1929 (Saka)

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Presented to Lok Sabha on 22.08.2007

Laid in Rajya Sabha on 22.08.2007



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CC&S No. 27

Price : Rs. 40.00

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Eleventh Edition) and printed by S. Narayan & Sons, New Delhi-20.

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COMPOSITION OF THE STANDING COMMITTEE ON
COAL AND STEEL (2006-2007)

Dr. Satyanarayan Jatiya — *Chairman*

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Lok Sabha

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3. Shri D.K. Audikesavulu
4. Shri Hiten Barman
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15. Shri Raghuraj Singh Shakya
16. Smt. Karuna Shukla
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18. Shri Rewati Raman Singh
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Rajya Sabha

22. Shri Ali Anwar
23. Maulana Obaidullah Khan Azmi
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25. Shri Surendra Lath
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30. Shri Bashistha Narain Singh
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SECRETARIAT

1. Shri S.K. Sharma — *Additional Secretary*
2. Shri P.K. Bhandari — *Joint Secretary*
3. Shri A.K. Singh — *Director*
4. Shri Shiv Singh — *Deputy Secretary*
5. Smt. Surinder Marwaha — *Under Secretary*

INTRODUCTION

I, the Chairman, Standing Committee on Coal and Steel having been authorised by the Committee to present the Report on their behalf, present this Twenty Seventh Report (Fourteenth Lok Sabha) on Action Taken by the Government on the recommendations contained in the Nineteenth Report of the Standing Committee on Coal and Steel on "Prevention of Illegal Mining" of the Ministry of Mines.

2. The Nineteenth Report on the Standing Committee on Coal and Steel was presented to Lok Sabha on 4th August 2006. Replies of the Government to all the recommendations contained in the Report were received on 15th March 2007.

3. The Standing Committee on Coal and Steel considered and adopted this Report at their sitting held on 14.6.2007.

4. An analysis of the Action Taken by the Government on the recommendations contained in the Nineteenth Report of the Committee is given at Annexure-III.

5. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;
16 August, 2007

25 Sravana, 1929 (Saka)

DR. SATYANARAYAN JATIYA,
Chairman,
Standing Committee on Coal and Steel.

CHAPTER-I

REPORT

This Report of the Committee deals with Action Taken by the Government on the recommendations contained in the Nineteenth Report (Fourteenth Lok Sabha) of the Standing Committee on Coal and Steel (2005-06) on the subject "Prevention of Illegal Mining" of the Ministry of Mines which was presented to Lok Sabha on 4th August, 2006.

1.2 Action Taken Notes have been received from the Government in respect of all the recommendations contained in the Report. These have been categorized as follows:

- (i) Recommendations/Observations that have been accepted by the Government:
Sl. Nos. 1, 2, 3, 5, 8, 10 and 12
- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government:
Sl. No. 9
- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee:
Sl. Nos. 4 and 14
- (iv) Recommendations/Observations in respect of which final replies of the Government are still awaited:
Sl. Nos. 6, 7, 11 and 13.

1.3 The Committee desire that final reply in respect of the recommendation which has been categorized as interim reply by the Committee should be furnished to the Committee at the earliest.

1.4 The Committee also desire that utmost importance should be given to the implementation of recommendations accepted by the Government. In case, it is not possible for the Government to implement any recommendation(s) in letter and spirit for any reasons, the matter should be reported to the Committee in time with reasons for non-implementation.

1.5 The Committee will now deal with the Action Taken by the Government on some of their recommendations/observations made in the Nineteenth Report.

A. Prepare and Implement Mine Closure Plans properly

Recommendation (Sl. No. 3, Para No. 2.18)

1.6 The Committee had noted that in most of the cases, illegal mining had been taking place stealthily and clandestinely from the abandoned/closed/disused mines/non-working part of mine or from outcrop region, as admitted by the Union Minister of State for Coal in reply to a Starred Question No. 306 dated 14.12.2005 in Lok Sabha. The Committee were anguished to note that Union as well as State Governments had neither the details of abandoned/closed/disused mines nor taken effective steps for prevention of illegal mining from such mines. This gave credence to the fact that no mine closure plans for the purpose of decommissioning, reclamation and rehabilitation in the mine or part thereof after cessation of mining and mineral processing operations were properly being prepared and implemented.

1.7 The Committee had, therefore, desired the Ministry/IBM to ensure that the mine closure plans were prepared and executed immediately after cessation of mining activities and also that no mine was left in an abandoned state. The Committee had also liked the Ministry to keep the State Governments informed about the mine closure plans in order to have a well coordinated approach for prevention of illegal mining.

1.8 The Ministry of Mines in its reply has stated that it has introduced the concept of the progressive mine closure plan and final mine closure plan for proper reclamation and rehabilitation of the area held under mining lease w.e.f. 10.4.2003. Every mining leaseholder has to submit a progressive and final mine closure plan in the progressive mine closure plan the mining lease has to indicate the protective, reclamation and rehabilitative measures to be taken progressively and in final mine closure plan such measures to be taken after the cessation of mining operations. Every lease holder has to furnish financial assurance to the competent authority and if the mining lease does not carry out protective reclamation and rehabilitative measures as envisaged in the approved mine closure plan the financial assurance can be realized by the State Government to carry out the requisite protective measures in the area held under mining lease.

1.9 The Committee had earlier desired the Ministry/IBM to ensure that the mine closer plans were prepared and executed

immediately after cessation of mining activity and also that no mine was left in abandoned stage. The Ministry has informed the Committee that it had introduced the concept of progressive mine closure plan and final mine closure plan for proper reclamation and rehabilitation of the area held under mining lease with effect from 10.4.2003. The Committee, however, feel that despite the provision of mine closure plan already in place, the menace of illegal mining continued unabated. The Committee, therefore, desire the Ministry to strictly implement the mine closure plan in close coordination with the State Governments in order to prevent the illegal mining. The Committee also desire the Ministry to furnish them the details of mine closure plans executed since April, 2003.

B. Issue directions to States to frame Rules for Prevention of Illegal Mining, transportation and storage of minerals

Recommendation (Sl. No. 4, Para No. 3.15)

1.10 The Committee had noted that Mines & Minerals (Development and Regulation) Act, 1957, Mineral Concession Rules, 1960, Mines and Minerals Development Rules, 1988 provide the legal framework for prevention of illegal mining. In pursuance to the recommendations of Tandon Committee, MMDR Act, 1957 was amended in 1999 by inserting new Section 23C empowering the State Governments to frame rules for prevention of illegal mining, transportation and storage of minerals. The State Governments were also required to regulate and provide for establishment of check posts, regulation of mineral transport, inspection, checking and search of minerals at the place of excavation, storage or during the transit.

1.11 The Committee had felt that Section 23C of MMDR Act was immensely crucial provision for managing the mineral wealth of the country and its exploitation for the welfare of the people. The Committee were dismayed that even after the lapse of more than seven years, only 9 State Governments had framed the necessary rules under Section 23C of MMDR Act. The Committee were deeply concerned that several States with high incidents of illegal mining were still blissfully unaware of their responsibilities as well as ground realities which was eating into their vital source of revenue.

1.12 The Committee could not but deprecate the lackadaisical attitude of the State Governments as well as the failure of the Ministry to convince them to frame such rules resulting in rampant illegal mining.

1.13 The Committee had, therefore, desired the Ministry of Mines to seriously look into the matter and issue directions to recalcitrant States to immediately frame the rules for prevention of illegal mining, transportation and storage of minerals.

1.14 In Action Taken Reply, the Ministry of Mines has informed the Committee that it is taking pro-active steps to prevent illegal mining. The Ministry has devised a three-pronged action strategy to effectively curb illegal mining by writing to Chief Minister's, Chief Secretaries and concerned Secretary of State Governments which is as follows:-

(i) Constitution of Task Forces/Flying Squads at both State and district levels for taking effective action against illegal mining. Instructions have been given to the State Governments to constitute Task Forces/Flying Squads at State and District level. These bodies would have a member from IBM. So far 19 States *i.e.* Karnataka, Andhra Pradesh, Chhattisgarh, Orissa, Rajasthan, Jharkhand, Madhya Pradesh, Gujarat, Goa, Haryana, Himachal Pradesh, Manipur, Nagaland, Punjab, Uttar Pradesh, West Bengal, Assam, Tamilnadu (State Level only) & Bihar have constituted Task Force.

Instructions have been given to the State Governments, which have not constituted Task forces to do so immediately.

(ii) Framing of rules by the State Governments under section 23C of Mines & Minerals (Development & Regulation) Act, 1957 to enable them to provide for inspection, checking & search of minerals at the place of excavation, storage and during transit. It also provides for establishment of check-post and weigh bridges.

So far 14 States *i.e.* Andhra Pradesh, Jharkhand, Madhya Pradesh Maharashtra, Gujarat, Bihar, Goa, Himachal Pradesh, Jammu & Kashmir, Uttaranchal, Uttar Pradesh, West Bengal, Rajasthan & Haryana have framed rules under section 23C of the MMDR Act 1957.

Instructions have been given to the State Governments, which have not framed Rules under Section 23C of the MMDR Act, 1957 to do so immediately.

(iii) Regular monitoring by the Central Government of instances of illegal mining, action taken by the State Government against such activities and other steps taken by State Governments to curb illegal mining with the Secretaries of State Governments in the review meeting held for the purpose. State Governments have been asked

to furnish quarterly returns in the prescribed proforma on instances of illegal mining and action taken by State Governments thereof to Indian Bureau of Mines, which are also reviewed by the Central Government by holding meetings with State Governments. So far the Ministry has held three meetings with the chief mineral producing States.

1.15 Since the non-framing of rules by most of the State Governments was the main reason for the rampant illegal mining in the country, the Committee had desired the Ministry to direct the States who had not framed rules for prevention of illegal mining, transportation and storage of minerals to do so. The Ministry in its reply has stated that so far 14 States have framed rules under section 23C of MMDR Act 1957 for the prevention of illegal mining and instructions have been issued to the remaining State Governments for framing such rules. The Committee are pained to note that illegal mining has already played havoc on the mineral resources of the country and caused great loss to the national exchequer but some of the State Governments are still oblivious to the fact that massive illegal mining is taking place in their respective States in the absence of rules to curb this menace. The Committee would like to reiterate their earlier recommendation and desire the Ministry to take up the matter vigorously with such State Governments.

C. Amend MMDR Act suitably to review/revise inconsistent orders of the State Governments

Recommendation (Sl. No. 5, Para No. 3.16)

1.16 The Committee had noted that under section 23C (3) of MMDR Act 1957, the Central Government have no power to revise any order passed by a State Government or any of its authorized officer or any authority under the rules made under sub-section (1) and (2). The Committee considered this an anomalous situation as in the absence of powers to revise any order passed by the State Governments, there might be conflicting provisions and deviations, inconsistent with the spirit of the Central Act.

1.17 The Committee felt that the Central Government should retain its moderating role and therefore desired that MMDR Act should be suitably amended to provide powers to the Central Government to review/revise inconsistent orders passed by the State Governments.

1.18 The Ministry of Mines in its Action Taken Reply has submitted that a high level meeting had taken up a review of the national mining policy and it has submitted its recommendations to the Government. Based on the recommendations, inter-ministerial consultations and consultations with State Governments, approval on National Mineral Policy, 2007 which address the policy issues raised by the Standing Committee, has been sought from the Cabinet.

1.19 The Committee in their earlier Report had recommended that MMDR Act should be suitably amended to provide powers to the Central Government to review/revise the inconsistent orders passed by the State Governments. The Ministry has submitted that a high level Committee had reviewed the National Mineral Policy and submitted its recommendations to the Government. Based on the recommendations, approval of the National Mineral Policy 2007 has been sought from the Cabinet. The Committee stress that debarring the Central Government from revising any inconsistent order passed by a State Government under section 23(c)(3) of MMDR Act is against the spirit of the Central Act and the issue needs to be addressed in right perspective. The Committee, therefore, would like to reiterate that MMDR Act should be suitably amended to provide powers to the Central Government to revise the inconsistent orders passed by State Governments.

D. Take measures to contain unlawful mining activities

Recommendation (Sl. No. 6, Para No. 3.17)

1.20 The Committee observed that MMDR Act, 1957 was silent whether mining activities beyond the permissible lease constitutes illegal mining. The Act was also silent whether any mining activity in the abandoned/closed/disused mines/non-working part of mine or from out crop regions constitutes illegal mining. The representatives of the Ministry during the course of evidence, had however, informed the Committee that mining activity beyond the permissible lease constitutes illegal mining until the approval of the Central Government obtained for relaxing the limit in the interest of mineral development. The Committee consider it as a glaring lacunae in the Act as definition of illegal mining did not find place in it.

1.21 The Committee viewed with concern the manipulation of existing mining plans and the violations in mining of major minerals in

various States. As was evident from large-scale transportation activities visible in the area, the mining companies were indulging in excessive excavation of minerals beyond the permissible limits under the approved plans. The Committee were also anguished to note that whereas mining plan approved for a particular area, mining activities were clandestinely being carried out much below the ground level and beyond the approved area sometimes jeopardizing the historical and ancient monuments.

1.22 The Committee were also perturbed to find a large number of casualties taking place on account of dubious means adopted for carrying out illegal mining particularly in coal bearing areas of several States. The Committee also believed that such activities necessarily involve large-scale exploitation of the labourers.

1.23 The Committee desired the Ministry to immediately come out with short term measures to contain such unlawful mining activities. The Committee also desired the Ministry to expeditiously frame the clear and unambiguous definition of illegal mining and also prepare a schedule of types of illegal mining for the information of concerned agencies/individuals and the State Governments.

1.24 In Action Taken Reply the Ministry of Mines has stated that Indian Bureau of Mines has been requested to suggest draft formulation for including the definition of illegal mining in the MCR, 1960. A high level Committee had taken up review of the National Mineral Policy and it has submitted its recommendations to the Government. Based on the recommendations, Inter Ministerial consultations and consultations with State Governments, approval on National Mineral Policy, 2007 which also address the policy issues raised by the Standing Committee, has been sought from Cabinet.

1.25 Keeping in view the large number of casualties taking place on account of dubious mining activities adopted for carrying out illegal mining, the Committee had desired the Ministry to immediately come out with short term measures to contain such unlawful mining activities and bring out the clear and unambiguous definition of illegal mining. While the Ministry in its reply has informed that IBM has been requested to suggest draft formulation for including the definition of illegal mining in the Mineral Concession Rules (MCR) 1960, it has not replied about the short term measures being taken or proposed to be taken to contain unlawful mining activities. The Committee is of the firm view that the clandestine business of illegal mining would continue

to thrive in the absence of urgent proactive measures and non-framing of rules and enabling legal provisions. The Committee therefore, would like to reiterate that Ministry/IBM should immediately bring forth a short term strategy for the prevention of illegal mining pending finalisation of long term measures. The Committee would also like to be apprised about the action taken to frame the clear and unambiguous definition of the illegal mining.

E. Dispose of cases of grant of mining leases immediately

Recommendation (Sl. No. 7, Para No. 3.18)

1.26 The Committee were anguished to note that as on 31.3.2006, 204 cases for grant of mining lease had been pending with the State Governments of Maharashtra, Andhra Pradesh, Rajasthan, Karnataka and Madhya Pradesh and this figure might increase further with the availability of information from other States. The Committee further noted that the cumbersome procedure for grant of mining lease had been identified as one of the reasons for the problem of illegal mining by the Ministry. The Committee had serious apprehensions that the malaise of the illegal mining would continue to raise its ugly head and the very purpose of streamlining the procedure for grant of mining lease would be defeated if the cases of grant of mining lease are not disposed of quickly.

1.27 The Committee desired the Ministry/IBM to seriously look at the problem and to ensure that the cases of grant of mining leases were disposed of as early as possible. The Committee would like to be apprised in this regard.

1.28 The Ministry of Mines has replied that a high level meeting had taken up a review of the National Mineral Policy and it has submitted its recommendations to the Government. Based on the recommendations, inter Ministerial consultations and consultations with State Governments, approval on National Mineral Policy, 2007 which address the policy issues raised by the Standing Committee, has been sought from the Cabinet.

1.29 The Committee had earlier desired the Ministry/IBM to ensure that the cases of grant of mining lease are disposed of as early as possible. The Committee deprecate that the Ministry instead of giving a categorical reply has informed that a high level Committee

had taken up review of National Mineral Policy and it has submitted its recommendations to the Government. The Committee need not emphasize that timely disposal of mining lease application is in the overall interest of mineral exploration and any delay in this regard could be interpreted as encouragement to the menace of illegal mining. The Committee feel that the Ministry cannot absolve itself from its responsibilities of timely disposal of mining lease application under the pretext that the issue is being reviewed by the high level committee of the Planning Commission. The Committee, therefore reiterate that the Ministry should take urgent steps to streamline the procedures as to minimize the delay in the grant of mining lease.

F. State Governments should set up Task Force to prevent Illegal Mining

Recommendation (Sl. No. 11, Para No. 4.19)

1.30 The Committee had appreciated that the constitution of Task Force by the State Governments and considered it a step in the right direction. The Committee had desired the Ministry to direct all State Governments to set up Task Forces at State level at the earliest.

1.31 The Ministry of Mines in Action Taken Reply has informed that it is taking pro-active steps to prevent illegal mining. The Ministry of Mines has devised a three-pronged action strategy to effectively curb illegal mining by writing to Chief Minister's, Chief Secretaries and concerned Secretary of State Governments which is as follows.

(i) Constitution of Task Forces/Flying Squads at both State and district levels for taking effective action against illegal mining. Instructions have been given to the State Governments to constitute Task Forces/Flying squads at State and District level. These bodies would have a member from IBM. So far 19 States *i.e.* Karnataka Andhra Pradesh, Chhattisgarh, Orissa, Rajasthan, Jharkhand, Madhya Pradesh, Gujarat, Goa, Haryana, Himachal Pradesh, Manipur, Nagaland, Punjab, Uttar Pradesh, West Bengal, Assam, Tamilnadu (State Level only) & Bihar have constituted Task Force.

Instructions have been given to the State Governments, which have not constituted Task forces to do so immediately.

(ii) Framing of rules by the State Governments under section 23C of Mines & Minerals (Development & Regulation) Act, 1957 to enable

them to provide for inspection, checking & search of minerals at the place of excavation, storage and during transit. It also provides for establishment of check-post and weigh bridges.

So far 14 States *i.e.* Andhra Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Bihar, Goa, Himachal Pradesh Jammu & Kashmir, Uttaranchal, Uttar Pradesh, West Bengal, Rajasthan & Haryana have frame rules under Section 23-C of the MMDR Act, 1957.

Instructions have been given to the State Governments, which have not framed Rules under Section 23C of the MMDR Act, 1957 to do so immediately.

(iii) Regular monitoring by the central Government of instances of illegal mining, action taken by the State Government against such activities and other steps taken by State Governments to curb illegal mining with the Secretaries of State Governments in the review meeting held for the purpose. State Governments have been asked to furnish quarterly returns in the prescribed proforma on instances of illegal mining and action taken by State Governments thereof to Indian Bureau of Mines, which are also reviewed by the Central Government by holding meetings with State Governments. So far the Ministry has held three meetings with the chief mineral producing States.

1.32 The Committee had desired the Ministry to direct all the State Governments to set up the task forces at State level at the earliest to carry out inspections for prevention of illegal mining. The Ministry has informed that so far 19 States have constituted task force and instructions have been issued to the remaining States for constitution of task force immediately. The Committee are of the strong view that constitution of task force is absolutely necessary for the prevention of illegal mining and in the absence of such mechanism, the malaise of illegal mining would continue unabated. The Committee, therefore, desire the Ministry to vigorously take up the matter with the State Governments who have not constituted task force so far at the highest level. The Committee would also like the Ministry to stringently monitor the framing of these task forces and seek periodical reports from them to ensure early detection and prevention of the cases of illegal mining.

G. Introduce advance technology to assess the extent and impact of Illegal Mining

Recommendation (Sl. No. 14, Para No. 4.22)

1.33 The Committee would like the Ministry to review the performance of Task Forces at quarterly intervals and conduct a detailed study and assessment about the efficacy of the new mechanism revolving around the Task Forces constituted in various States. In the event of menace of illegal mining continuing unabated despite the efforts of the new mechanism, the Committee would like the Ministry to entrust more powers to the IBM by suitable amendments in the Central legislation and also consider taking back the delegated powers from the State Governments. The Committee would also like the Ministry to take the assistance to recent advancement in science and technology including satellite mapping to assess the extent and impact of illegal mining and prepare a detailed data bank thereon for the use of State Governments. The Committee would also like the Ministry to take the assistance to recent advancement in science and technology including satellite mapping to assess the extent and impact of illegal mining and prepare a detailed data bank thereon for the use of State Governments.

1.34 In action taken reply, the Ministry of Mines has stated that it is taking pro-active steps to prevent illegal mining. The Ministry of Mines has devised a three-pronged action strategy to effectively curb illegal mining by writing to chief Ministers, Chief Secretaries and concerned Secretary of State Governments which is as follows:—

(i) Constitution of Task Force/Flying Squads at both state and district levels for taking effective action against illegal mining. Instructions have been given to the State Governments to constitute Task Forces/Flying squads at State and District level. These bodies would have a member from IBM. So far 19 States *i.e.* Karnataka, Andhra Pradesh, Chhattisgarh, Orissa, Rajasthan, Jharkhand, Madhya Pradesh, Gujarat, Goa, Haryana, Himachal Pradesh, Manipur, Nagaland, Punjab, Uttar Pradesh, West Bengal, Assam, Tamilnadu (State Level only) & Bihar have constituted Task Force.

Instructions have been given to the State Governments, which have not constituted Task forces to do so immediately.

(ii) Framing of rules by the state Governments under section 23C of mines & minerals (Development & Regulation) Act, 1957 to enable them to provide for inspection, checking & search of minerals at the

place of excavation, storage and during transit. It also provides for establishment of check-post and weigh bridges.

So far 14 States *i.e.* Andhra Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Bihar, Goa, Himachal Pradesh, Jammu & Kashmir, Uttaranchal, Uttar Pradesh, West Bengal, Rajasthan & Hayana have framed rules under section 23-C of the MMDR Act 1957.

Instructions have been given to the State Governments, which have not framed Rules under Section 23C of the MMDR Act, 1957 to do so immediately.

(iii) Regular monitoring by the Central Government of instances of illegal mining, action taken by the State Government against such activities and other steps taken by State Governments to curb illegal mining with the secretaries of State Governments in the review meeting held for the purpose. State Governments have been asked to furnish quarterly returns in the prescribed proforma on instances of illegal mining and action taken by State Governments thereof to Indian Bureau of mines, which are also reviewed by the Central Government by holding meetings with State Governments. So far the Ministry has held three meetings with the chief mineral producing states.

1.35 The Ministry of Mines is working on an online Mining Tenement Systems that would digitize all the explored/mineable free hold, leasehold, forest areas and other unexplored areas.

1.36 The Committee had desired the Ministry that in case of illegal mining continuing despite the task forces in place in various states, the Ministry to consider entrusting more powers to IBM by suitable amendments in the Central Legislation and also consider taking back the delegated powers from the State Governments in this regard. The Committee had also desired the Ministry to take the assistance of recent advancement in science and technology including satellite mapping to assess the extent and impact of illegal mining. The Committee note that while the Ministry is working on a online Mining Tenement Systems that digitize all the explored/mineable freehold, leasehold, forest areas and other unexplored areas, it has not replied to the recommendation about considering entrusting more power to IBM by effecting suitable amendments in the Central legislation. The Committee strongly believe that if the problem of illegal mining is to be properly tackled, IBM needs to be equipped with adequate powers to tackle the problem since most of the State Governments have miserably failed to curb the same. While the Committee reiterate their earlier recommendation and desire the Ministry to seriously consider empowering IBM in this regard.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 1, Para No. 1.9)

The conservation as well as systematic and scientific harnessing of mineral resources is bedrock of economic development of a nation. However, unscientific and unlawful mining had been thriving endlessly causing not only immense loss to the national exchequer but destruction of natural environment. The Government in its efforts to promote and develop mining sector had taken a number of steps and commissioned studies from time to time under National Mineral Policy, 1993. But, the impact thereof had been far from the satisfactory and exploration and development of mineral wealth of the country remained unproductive both economically and socially.

The Committee, therefore, desired that the Ministry should prepare a revised National Mineral Policy in consultation with the State Governments, concerned agencies/organizations and other stakeholders with adequate investment proposals to harness the vast mineral resources of the country and effectively meet the challenges of future in our strides towards the status of a developed country.

Action Taken

A high level Committee had taken up the review of the National Mineral Policy and it has submitted its recommendations to the Government. Based on the recommendations, inter Ministerial consultations and consultations with State Governments, approval on National Mineral Policy, 2007 which address the policy issues raised by the Standing Committee ,has been sought from the Cabinet.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15 .3.2007]

Recommendation (Sl. No. 2, Para No. 2.17)

The Committee noted that Indian Bureau of Mines (IBM), a subordinate office under the Ministry of Mines has been entrusted with the responsibilities for the promotion, conservation and scientific development of minerals in the country other than coal, petroleum, natural gas, atomic minerals and minor minerals. IBM also performs

regulatory functions *viz* enforcement the Mines and Minerals (Development and Regulation) Act, 1957, the Mineral Concession Rules, 1960 and Mineral Conservation and Development Rules, 1988. The Committee further noted that as an executive arm of the Ministry, IBM also regulates mining activities as per provisions of the Central Act and rules made thereunder.

The Committee further noted that the IBM also provides technical consultancy services to mining industry apart from advising the Central and State Governments on all aspects of mineral industry, trade legislation etc. The IBM undertook inspection/studies for the enforcement of provisions of MMDR Act, 1957 and rules made thereunder for ensuring that mining operations are carried out in accordance with the approved mining plans/schemes of mining. The Committee therefore, feel that while ensuring that mining operations are carried out as per approved plans and schemes, the IBM is duty bound to point out the violations in this regard.

The Committee noted that IBM with its 12 Regional Offices and two Sub Regional Offices has also been implementing a scheme of inspection of mines for scientific and systematic mining, mineral conservation and mines environment. The Committee further noted that consequent to inspections and studies during the year 2005-2006 (upto December, 2005) 1487 violations of MCDR, 1988 were pointed out in respect of 702 mines and 825 violations were rectified.

The Committee were, however, constrained to note that as compared to 1487 cases of violations detected by IBM during 2005-06 (upto December, 2005), 14504 cases of illegal mining have been reported from various States with the number of cases going on unreported is likely to be much more. The Committee noted that in ten States namely Andhra Pradesh, Maharashtra, Karnataka, Madhya Pradesh, Tamil Nadu, Rajasthan, Chhattisgarh, Gujarat, Jharkhand and Orissa, the total illegal mining/illegal transportation cases reported during 2002-2005 were 7536 and 44780 respectively. This includes 3194 cases of major minerals and 4342 cases of minor minerals. In the State of Karnataka alone, 1731 cases of illegal mining of major minerals were reported during this period. The Committee were deeply concerned that the IBM though vested with primary responsibility for scientific development of minerals resources, has failed to detect even a fraction of illegal mining activities.

The Committee were surprised that most of the State Governments were unable to indicate the exact area under illegal mining and at the same time, stating that there is no monetary loss in such cases. The Committee considered the argument of the State Governments untenable that they recover more money by imposition of penalty, etc. on defaulters than losses on account of illegal mining of minerals. The Committee were disappointed at this state of affairs wherein both the Union Government and State Governments had been unable to check the plague of illegal mining but were also oblivious of the extent and implications thereof.

The Committee were constrained to observe that the magnitude of illegal mining activities was not only detrimental to primary objectives of National Mineral Policy but also causing immense loss to the exchequer and the revenue realized through penalties imposed by the State Governments could in no case compensate the huge resources being drained away. The situation was too grim to be tackled by the State Governments on their own and, therefore, their insistence for not parting with the power in favour of IBM is not justifiable.

The Committee, therefore, desired that the State Governments, join hands with IBM to check the menace of illegal mining. The Committee also desired the Ministry to regularly sensitize State Governments about their role and responsibilities under the Act and desirability of scientific exploration of mineral resources of the country.

Action Taken

Ministry of Mines is taking pro-active steps to prevent illegal mining. The Ministry of Mines has devised a three-pronged action strategy to effectively curb illegal mining by writing to chief Minister's, Chief Secretaries and concerned Secretary of State Governments which is as follows:—

- (i) Constitution of Task Forces/Flying Squads at both State and district levels for taking effective action against illegal mining. Instructions have been given to the State Governments to constitute Task Forces/Flying squads at State and District level. These bodies would have a member from IBM. So far 19 States *i.e.* Karnataka, Andhra Pradesh, Chhattisgarh, Orissa, Rajasthan, Jharkhand, Madhya Pradesh, Gujarat, Goa, Haryana, Himachal Pradesh, Manipur, Nagaland, Punjab, Uttar Pradesh, West Bengal, Assam, Tamil Nadu (State Level only) & Bihar have constituted Task Force.

Instructions have been given to the State Governments, which have not constituted Task forces to do so immediately.

(ii) Framing of rules by the State Governments under section 23C of Mines & Minerals (Development & Regulation) Act, 1957 to enable them to provide for inspection, checking & search of minerals at the place of excavation, storage and during transit. It also provides for establishment of check-post and weigh bridges.

So far 14 States *i.e.* Andhra Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Bihar, Goa, Himachal Pradesh, Jammu & Kashmir, Uttaranchal, Uttar Pradesh, West Bengal, Rajasthan & Haryana have framed rules under section 23-C of the MMDR Act 1957.

Instructions have been given to the State Governments, which have not framed Rules under Section 23C of the MMDR Act, 1957 to do so immediately.

(iii) Regular monitoring by the Central Government of instances of illegal mining, action taken by the State Government against such activities and other steps taken by State Governments to curb illegal mining with the Secretaries of State Governments in the review meeting held for the purpose. State Governments have been asked to furnish quarterly returns in the prescribed proforma on instances of illegal mining and action taken by State Governments thereof to Indian Bureau of Mines, which are also reviewed by the Central Government by holding meetings with State Governments. So far the Ministry has held three meetings with the chief mineral producing States.

[Ministry of Mines, O.M. No. 16/103/2006-M.VI, dated 15.3.2007]

Recommendation (Sl. No. 3, Para No. 2.18)

The Committee noted that in most of the cases, illegal mining has been taking place stealthily and clandestinely from the abandoned/closed/disused mines/non-working part of mine or from outcrop region, as admitted by the union Minister of State for Coal in reply to a Starred Question No. 306 dated 14.12.2005 in Lok Sabha. The Committee were anguished to note that Union as well as State Governments had neither the details of abandoned/closed/disused mines nor taken effective steps for prevention of illegal mining from such mines. This gives credence to the fact that no mine closure plans for the purpose of decommissioning, reclamation and rehabilitation in the mine or part thereof after cessation

of mining and mineral processing operations are properly being prepared and implemented.

The Committee, therefore, desired the Ministry/IBM to ensure that the mine closure plans are prepared and executed immediately after cessation of mining activities and also that no mine is left in an abandoned state. The Committee would also like the Ministry to keep the State Governments informed about the mine closure plans in order to have a well coordinated approach for prevention of illegal mining.

Action Taken

Ministry of Mines has introduced the concept of the progressive mine closure plan and final mine closure plan for proper reclamation and rehabilitation of the area held under mining lease *w.e.f.* 10.4.2003. Every mining leaseholder has to submit a progressive and final mine closure plan. In the progressive mine closure plan, the mining lease has to indicate the protective, reclamation and rehabilitative measures to be taken progressively and in final mine closure plan such measures to be taken after the cessation of mining operations. Every lease holder has to furnish financial assurance to the competent authority and if the mining lease does not carry out protective, reclamation and rehabilitative measures as envisaged in the approved mine closure plan, the financial assurance can be realized by the State Government to carry out the requisite protective measures in the area held under mining lease.

[Ministry of Mines, O.M. No. 16/103/2006-M.VI, dated 15.3.2007]

Comments of the Committee

(Please *see* Para No. 1.9 of Chapter 1 of the Report)

Recommendation (Sl. No. 5, Para No. 3.16)

The Committee noted that under section 23C (3), the Central Government should have no power to revise any order passed by a State Government or any of its authorized officer or any authority under the rules made under sub-section (1) and (2). The Committee considered this an anomalous situation as in the absence of powers to revise any order passed by the State Governments, there might be conflicting provisions and deviations, inconsistent with the spirit of the Central Act.

The Committee felt that the Central Government should retain its moderating role and therefore desire that the MMDR Act should be suitably amended to provide powers to the Central Government to review/revise inconsistent orders passed by the State Governments.

Action Taken

A high level meeting had taken up a review of the National Mining Policy and it has submitted its recommendations to the Government. Based on the recommendations, Inter Ministerial consultations and consultations with State Governments, approval on National Mineral Policy, 2007 which address the policy issues raised by the Standing Committee, has been sought from the Cabinet.

[Ministry of Mines, O.M. No. 16/103/2006-M.VI, dated 15.3.2007]

Comments of the Committee

(Please *see* Para No. 1.19 of Chapter 1 of the Report)

Recommendation (Sl. No. 8, Para No. 4.16)

The Committee noted that under the Constitution of India, as approved by Entry 54 of the Union list in the Seventh Schedule, the Ministry of Mines had been entrusted with the responsibility for regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament law to be expedient in the public interest. The State Governments had also been entrusted with the responsibility for regulation of mines and mineral development under Entry 23 of the State List, subject to the provision of Entry 54 of the Union List. The Committee were, therefore, inclined to draw inference that the primary responsibility for regulation of mines and mineral development, which undoubtedly includes prevention of illegal mining, rest with the Central Government, even though under Section 23C of MMDR Act, 1957, State Governments had been empowered to make rules to prevent illegal mining, transportation and storage of minerals. The Committee were convinced that the said delegation of powers to the State Governments in no case absolve the Central Government from their inalienable responsibilities.

In this backdrop, the Committee were extremely constrained to note that no mechanism whatsoever existed in the Ministry till recently for effective prevention of illegal mining. The Committee were also surprised

that though the State Governments were empowered to take action for prevention of illegal mining, there was no semblance of coordination between the Ministry of Mines and the State Governments though forums like Mineral Advisory Council, Conference of State Ministers of Mining & Geology existed. The lack of seriousness was evident from the fact that the last conference of State Ministers of Mining & Geology was held in January, 2003. During all these years, the illegal mining continued unabated with unscrupulous miners playing havoc with scientific mineral exploration and environment concerns. The Committee were, therefore, of the view that Ministry of Mines had performed miserably to discharge their constitutional responsibility of regulation, scientific development and exploration of mines and minerals in the country.

The Committee noted that on their initiative, the Ministry is in the process of setting up of some sort of Monitoring machinery. The Committee now hoped that the Ministry would hold regular/quarterly meetings with the State Governments and the Conference of State Ministers which was last held more than three years back will be held at regular intervals. The Committee expected that the Conference of State Ministers of Mining & Geology besides deliberating on various issues concerning mineral industry would also focus on vital issue of prevention of illegal mining.

The Committee noted that while the Ministry/IBM had taken some proactive steps to curb the proliferation of illegal mining in pursuance of the Tandon Committee recommendations, nothing seems to have been done to educate the villagers regarding the rules and procedures. The Committee felt that the ignorance on the part of the villagers in this regard had been one of the reasons for illegal mining.

The Committee recommended that adequate measures should be taken to educate and sensitize the villagers about the rules and procedures to rein unintended illegal mining.

Action Taken

State Governments have been also requested to devise a suitable public awareness campaign to considered to sensitize the local people in mining areas about the need to adhere to rules and procedures to check unintended illegal mining. This may be given wide publicity.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

Recommendation (Sl. No. 10, Para No. 4.18)

The Committee felt that the amendments made in MMDR Act in pursuance of Tandon Committee recommendations had not brought about desired results as the case of illegal mining continue to take place unabated. The Committee noted that 8469 cases of illegal mining spreading over 46 hectares land were reported during the quarter ending September, 2005 and 6035 such cases spreading over 106 hectares land were reported during the quarter ending December, 2005 as deposed by Secretary, Ministry of Mines before the Committee. The Committee strongly felt that if more inspections were carried out, the possibility of a large number of cases of illegal mining being detected could not be ruled out particularly in Orissa, Chhattisgarh, Karnataka, Jharkhand, Rajasthan and Madhya Pradesh.

The Committee, therefore, desired that the Ministry should take initiative to suggest periodicity of routine and regular inspections by the State Governments and IBM for detecting and preventing such cases.

Action Taken

State Governments have been asked to constitute Task Forces/Flying Squads having a representative of Indian Bureau of Mines in it. State Governments have reported that they have been holding regular meetings of their Task Forces and based on the observations findings of the Task Force, follow up action is taken which is reflected by the State Government in its quarterly return received by this Ministry.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

Recommendation (Sl. No. 12, Para No. 4.20)

The Committee desired that the composition of the Task Forces apart from Director of the Department of Geology & Mines of the concerned State, Deputy Directors, Department of Geology & Mines and District Mining Officers and officials of the State Forest Department, Regional Controller of Mines of IBM, Representatives of State Pollution Control Board, Representatives of the Mine Owners Association and Federation of Indian Minerals should also include officials concerned with police and public order with clear mandate, guidelines and adequate powers for enforcement of rules. The Task Forces should also carry out frequent random/regular inspections to detect and prevent illegal mining to achieve their objective.

Action Taken

State Governments have been asked to constitute Task Forces/Flying Squads having a representative of Indian Bureau of Mines in it. State Governments have reported that they have been holding regular meetings of their Task Forces and based on the observations findings of the Task Force, follow up action is taken which is reflected by the State Government in its quarterly return received by this Ministry.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT

Recommendation (Sl. No. 9, Para No. 4.17)

The Committee noted that earlier no separate cell existed in the Ministry to exclusively deal with problem of illegal mining. A cell for reviewing/monitoring the returns to be filed by State Governments has since been set up in the Ministry. The Committee observed that the cell which had recently come into being had a limited role of reviewing/monitoring the returns filed by the State Governments.

The Committee desired the Ministry to clearly demarcate the powers and the responsibilities of this cell to not only review the returns filed by the State Governments but to also play a greater role in the direction of prevention of illegal mining. The Committee also desired that cell should be headed by a senior officer with adequate supporting staff.

Action Taken

The Ministry of Mines has created a cell for illegal mining.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation (Sl. No. 4, Para No. 3.15)

The Committee noted that Mines & Minerals (Development and Regulation) Act, 1957, Mineral Concession Rules, 1960, Mines and Minerals Development Rules, 1988 provide the legal framework for prevention of illegal mining. In pursuance to the recommendations of Tandon Committee, MMDR Act, 1957 was amended in 1999 by inserting new Section 23C empowering the State Governments to frame rules for prevention of illegal mining, transportation and storage of minerals. The State Governments were also required to regulate and provide for establishment of check posts, regulation of mineral transport, inspection, checking and search of minerals at the place of excavation, storage or during the transit.

The Committee felt that Section 23C of MMDR Act was immensely crucial provision for managing the mineral wealth of the Country and its exploitation for the welfare of the people. The Committee were dismayed that even after the lapse of more than seven years, only 9 State Governments have framed the necessary rules under Section 23C of MMDR Act. The Committee were deeply concerned that several States with high incidents of illegal mining are still blissfully unaware of their responsibilities as well as ground realities which is eating into their vital source of revenue.

The Committee could not but deprecate the lackadaisical attitude of the State Governments as well as the failure of the Ministry to convince them to frame such rules resulting in rampant illegal mining.

The Committee, therefore, desires the Ministry of Mines to seriously look into the matter and issue directions to recalcitrant States to immediately frame the rules for prevention of illegal mining, transportation and storage of minerals.

Action Taken

It is taking pro-active steps to prevent illegal mining. The Ministry has devised a three-pronged action strategy to effectively curb illegal

mining by writing to Chief Minister's, Chief Secretaries and concerned Secretary of State Governments which is as follows:—

(i) Constitution of Task Forces/Flying Squads at both State and District levels for taking effective action against illegal mining. Instructions have been given to the State Governments to constitute Task Forces/Flying squads at State and District level. These bodies would have a member from IBM. So far 19 States *i.e.* Karnataka, Andhra Pradesh, Chhattisgarh, Orissa, Rajasthan, Jharkhand, Madhya Pradesh, Gujarat, Goa, Haryana, Himachal Pradesh, Manipur, Nagaland, Punjab, Uttar Pradesh, West Bengal, Assam, Tamilnadu (State Level only) & Bihar have constituted Task Force.

Instructions have been given to the State Governments, which have not constituted Task Forces to do so immediately.

(ii) Framing to rules by the state Governments under section 23C of mines & minerals (Development & Regulation) Act, 1957 to enable them to provide for inspection, checking & search of minerals at the place of excavation, storage and during transit. It also provides for establishment of check-post and weigh bridges.

So far 14 States *i.e.* Andhra Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Bihar, Goa, Himachal Pradesh, Jammu & Kashmir, Uttaranchal, Uttar Pradesh, West Bengal, Rajasthan & Haryana have framed rules under section 23-C of the MMDR Act 1957.

Instructions have been given to the State Governments, which have not framed Rules under Section 23C of the MMDR Act, 1957 to do so immediately.

(iii) Regular monitoring by the central Government of instances of illegal mining, action taken by the State Government against such activities and other steps taken by State Governments to curb illegal mining with the Secretaries of State Governments in the review meeting held for the purpose. State Governments have been asked to furnish quarterly returns in the prescribed proforma on instances of illegal mining and action taken by State Governments thereof to Indian Bureau of Mines, which are also reviewed by the Central Government by holding meetings with State Governments. So far the Ministry has held three meetings with the chief mineral producing states.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

Comments of the Committee

(Please see Para No. 1.15 of Chapter I of the Report)

Recommendation (Sl. No. 14, Para No. 4.22)

The Committee would like the Ministry to review the performance of Task Forces at quarterly intervals and conduct a detailed study and assessment about the efficacy of the new mechanism revolving around the Task Forces constituted in various States. In the event of menace of illegal mining continuing unabated despite the efforts of the new mechanism, the Committee would like the Ministry to entrust more powers to the IBM by suitable amendments in the Central legislation and also consider taking back the delegated powers from the State Governments. The Committee would also like the Ministry to take the assistance to recent advancement in science and technology including satellite mapping to assess the extent and impact of illegal mining and prepare a detailed data bank thereon for the use of State Governments.

Action Taken

It is taking pro-active steps to prevent illegal mining. The Ministry of Mines has devised a three-pronged action strategy to effectively curb illegal minning by writing to chief Minister's. Chief Secretaries and concerned Secretary of State Governments which is as follows:—

(i) Constitution of Task Forces/Flying Squads at both State and district levels for taking effective action against illegal mining. Instructions have been given to the State Governments to constitute Task Forces/Flying squads at State and District level. These bodies would have a member from IBM. So far 19 States *i.e.* Karnataka, Andhra Pradesh, Chhattisgarh, Orissa, Rajasthan, Jharkhand, Madhya Pradesh, Gujarat, Goa, Haryana, Himachal Pradesh, Manipur, Nagaland, Punjab, Uttar Pradesh, West Bengal, Assam, Tamil Nadu (State Level only) & Bihar have constituted Task Force.

Instructions have been given to the State Governments, which have not constituted Task forces to do so immediately.

(ii) Framing of rules by the State Governments under section 23C of Mines & Minerals (Development & Regulation) Act, 1957 to enable them to provide for inspection, checking & search of minerals at the place of excavation, storage and during transit. It also provides for establishment of check-post and weigh bridges.

So far 14 States *i.e.* Andhra Pradesh, Jharkhand, Madhya Pradesh Maharashtra, Gujarat, Bihar, Goa, Himachal Pradesh, Jammu & Kashmir, Uttaranchal, Uttar Pradesh, West Bengal, Rajasthan & Haryana have framed rules under section 23C of the MMDR Act 1957.

Instructions have been given to the State Governments, which have not framed Rules under Section 23C of the MMDR Act, 1957 to do so immediately.

(iii) Regular monitoring by the Central Government of instances of illegal mining, action taken by the State Government against such activities and other steps taken by State Governments to curb illegal mining with the Secretaries of State Governments in the review meeting held for the purpose. State Governments have been asked to furnish quarterly returns in the prescribed proforma on instances of illegal mining and action taken by State Governments thereof to Indian Bureau of mines, which are also reviewed by the Central Government by holding meetings with State Governments. So far the Ministry has held three meetings with the chief mineral producing States.

The Ministry of Mines is working on an online Mining Tenement Systems that would digitize all the explored/mineable freehold, leasehold, forest areas and other unexplored areas.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

Comments of the Committee

(Please *see* Para No. 1.36 of Chapter I of the Report)

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED

Recommendation (Sl. No. 6, Para No. 3.17)

The committee observed that the MMDR Act, 1957 was silent whether mining activities beyond the permissible lease constitutes illegal mining. The Act was also silent whether any mining activity in the abandoned/closed/disused mines/non-working part of mine or from out crop regions constitutes illegal mining. The representatives of the Ministry during the course of evidence, had however, informed the Committee that mining activity beyond the permissible lease constitutes illegal mining until the approval of the Central Government obtained for relaxing the limit in the interest of mineral development. The Committee consider it as a glaring lacunae in the Act as definition of illegal mining did not find place in it.

The Committee viewed with concern the manipulation of existing mining plans and the violations in mining of major minerals in various States. As was evident from large-scale transportation activities visible in the area, the mining companies were indulging in excessive excavation of minerals beyond the permissible limits under the approved plans. The Committee were also anguished to note that whereas mining plan approved for a particular area, mining activities were clandestinely being carried out much below the ground level and beyond the approved area sometimes jeopardizing the historical and ancient monuments.

The Committee were also perturbed to find a large number of casualties taking place on account of dubious means adopted for carrying out illegal mining particularly in coal bearing areas of several States. The Committee also believed that such activities necessarily involve large-scale exploitation of the laboures.

The Committee desired the Ministry to immediately come out with short term measures to contain such unlawful mining activities. The Committee also desired the Ministry to expeditiously frame the clear and unambiguous definition of illegal mining and also prepare a schedule of types of illegal mining for the information of concerned agencies/ individuals and the State Governments.

Action Taken

Indian Bureau of Mines has been requested to suggest draft formulation for including the definition of illegal mining in the MCR, 1960. A high level Committee had taken up review of the National Mineral Policy and it has submitted its recommendations to the Government. Based on the recommendations, Inter Ministerial consultations and consultations with State Governments, approval on National Mineral Policy, 2007 which also address the policy issues raised by the Standing Committee, has been sought from Cabinet.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

Comments of the Committee

(Please *see* Para No. 1.25 of Chapter I of the Report)

Recommendation (Sl. No. 7, Para No. 3.18)

The Committee were anguished to note that as on 31.3.2006, 204 cases for grant of mining lease had been pending with the State Governments of Maharashtra, Andhra Pradesh, Rajasthan, Karnataka and Madhya Pradesh and this figure might increase further with the availability of information from other States. The Committee further noted that the cumbersome procedure for grant of mining lease had been identified as one of the reasons for the problem of illegal mining by the Ministry. The Committee had serious apprehensions that the malaise of the illegal mining would continue to raise its ugly head and the very purpose of streamlining the procedure for grant of mining lease would be defeated if the cases of grant of mining lease are not disposed of quickly.

The Committee desired the Ministry/IBM to seriously look at the problem and to ensure that the cases of grant of mining leases were disposed off as early as possible. The Committee would like to be apprised in this regard.

Action Taken

A high level meeting has taken up a review of the National Mining Policy and it has submitted its recommendations to the Government. Based on the recommendations, inter Ministerial consultations and consultations with State Governments, approval on National Mineral

Policy, 2007 which address the policy issues raised by the Standing Committee, has been sought from the Cabinet.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

Comments of the Committee

(Please *see* Para No. 1.29 of Chapter I of the Report)

Recommendation (Sl. No. 11, Para No. 4.19)

The Committee appreciated that the constitution of Task Force by the State Governments and considered it a step in the right direction. The Committee desired the Ministry to direct all State Governments to set up Task Forces at State level at the earliest.

Action Taken

Ministry of Mines is taking pro-active steps to prevent illegal mining. The Ministry of Mines has devised a three-pronged action strategy to effectively curb illegal mining by writing to Chief Ministers, Chief Secretaries and concerned Secretary of State Governments which is as follows.

(i) Constitution of Task Forces/Flying Squads at both State and district levels for taking effective action against illegal mining. Instructions have been given to the State Governments to constitute Task Forces/Flying Squads at State and District levels. These bodies would have a member from IBM. So far 19 States *i.e.* Karnataka Andhra Pradesh, Chhattisgarh, Orissa, Rajasthan, Jharkhand, Madhya Pradesh, Gujarat, Goa, Haryana, Himachal Pradesh, Manipur, Nagaland, Punjab, Uttar Pradesh, West Bengal, Assam, Tamil Nadu (State level only) and Bihar have constituted Task Force.

Instructions have been given to the State Governments, which have not constituted Task forces to do so immediately.

(ii) Framing of rules by the State Governments under section 23C of Mines and Minerals (Development and Regulation) Act, 1957 to enable them to provide for inspection, checking and search of minerals at the place of excavation, storage and during transit. It also provides for establishment of check-post and weigh bridges.

So far 14 States *i.e.* Andhra Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Bihar, Himachal Pradesh, Jammu & Kashmir, Uttaranchal, Uttar Pradesh, West Bengal, Rajasthan and Haryana have framed rules under Section 23C of the MMDR Act, 1957.

Instructions have been given to the State Governments, which have not framed Rules under Section 23C of the MMDR Act, 1957 to do so immediately.

(iii) Regular monitoring by the Central Government of instances of illegal mining, action taken by the State Governments against such activities and other steps taken by State Governments to curb illegal mining with the Secretaries of State Governments in the review meeting held for the purpose. State Governments have been asked to furnish quarterly returns in the prescribed proforma on instances of illegal mining and action taken by State Governments thereof to Indian Bureau of Mines, which are also reviewed by the Central Government by holding meetings with State Governments. So far the Ministry has held three meetings with the chief mineral producing States.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

Comments of the Committee

(Please see Para No. 1.32 of Chapter I of the Report)

Recommendation (Sl. No. 13, Para No. 4.21)

The Committee expected the Indian Bureau of Mines (IBM) to play a major and decisive role in the functioning for Task Forces in consonance with the primary function of the Ministry of Mines for balanced and scientific development and exploration of mines and minerals in the country. The Committee desired the Ministry of Mines to adequately strengthen IBM both in terms of manpower and finances to enable it to shoulder the greater responsibilities.

Action Taken

IBM has indicated its requirement in terms of manpower and finances to intensify its involvement in tackling the menace of illegal mining. This proposal is being taken up with concerned authorities in the Government.

[Ministry of Mines O.M. No. 16/103/2006-M.VI dated 15.3.2007]

NEW DELHI;
16 August, 2007

25 Sravana, 1929 (Saka)

DR. SATYANARAYAN JATIYA,
Chairman,
Standing Committee on Coal and Steel.

ANNEXURE-I

MINUTES OF THE TENTH SITTING OF THE STANDING
COMMITTEE ON COAL AND STEEL (2006-2007) HELD
ON 14TH JUNE, 2007 IN COMMITTEE ROOM NO. 139,
PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee met from 1500 hrs. to 1700 hrs.

Present

Dr. Satyanarayan Jatiya - *In the Chair*

MEMBERS

2. Shri Hansraj G. Ahir
3. Shri Bansa Gopal Choudhury
4. Shri Chandra Shekhar Dubey
5. Shri Vikrambhai Arjanbhai Maadam
6. Dr. Rameshwar Oraon
7. Shri Brajesh Pathak
8. Smt. Ranjeet Ranjan
9. Shri Raghuraj Singh Shakya
10. Smt. Karuna Shukla
11. Shri Anirudh Prasad *alias* Sadhu Yadav
12. Shri Ali Anwar
13. Shri Surendra Lath
14. Shri Ajay Maroo
15. Shri Swapan Sadhan Bose
16. Shri Bashistha Narain Singh
17. Shri Jai Narain Prasad Nishad

SECRETARIAT

- | | | |
|---------------------|---|-----------------------------|
| 1. Shri S.K. Sharma | — | <i>Additional Secretary</i> |
| 2. Shri A.K. Singh | — | <i>Director</i> |

2. At the outset, Chairman, welcomed the Members to the sitting of the Committee. The Committee then took up for consideration the draft Report on Action Taken by the Government on the recommendations contained in the Nineteenth Report (Fourteenth Lok Sabha) of the Standing Committee on Coal and Steel (2006-07) on “Prevention of Illegal Mining” of the Ministry of Mines.

3. The Committee adopted the aforesaid Draft Report.

4. The Committee authorized the Chairman to finalise the Report after making consequential change arising out of factual verification by the concerned Ministry and to present the same to both the Houses of Parliament.

The Committee then adjourned.

ANNEXURE-II

(vide Para IV of Introduction)

ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE NINETEENTH REPORT OF THE STANDING COMMITTEE ON COAL AND STEEL

I.	Total No. of Recommendations made	14
II.	Recommendations that have been accepted by the Government (vide recommendation at Sl. Nos. 1, 2, 3, 5, 8, 10 and 12)	07
	Percentage of total	50%
III.	Recommendations which the Committee do not desire to pursue in view of the Government's replies (vide recommendation at Sl. No. 9)	01
	Percentage of total	7.14%
IV.	Recommendations in respect of which replies of the Government have not been accepted by the Committee (vide recommendation at Sl. Nos. 4, 6, 7, 11 and 14)	05
	Percentage of total	35.71%
V.	Recommendations in respect of which final replies of the Government are still awaited (vide recommendation at Sl. No. 13)	01
	Percentage of total	7.14%