

**GOVERNMENT OF INDIA
MINES
LOK SABHA**

UNSTARRED QUESTION NO:4472
ANSWERED ON:07.09.2012
HUMAN RIGHTS WATCH REPORT ON MINING POLICIES
Muttamwar Shri Vilas Baburao

Will the Minister of MINES be pleased to state:

(a) whether the Government has taken note of the Human Rights Watch Report which highlights deep rooted shortcomings in the design and implementation of key mining policies and failure in checking illegal mining in the country; and

(b) if so, the details thereof and the reaction of the Government thereto?

Answer

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

(a) and (b): A report titled "Out of Control – Mining, Regulatory Failure, and Human Rights in India" has come to the notice of the Central Government which highlights illegal mining, failure of the regulatory bodies in checking illegal mining and impact of mining on human rights in the country, especially in State of Karnataka and State of Goa. 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.