

**GOVERNMENT OF INDIA
MINES
LOK SABHA**

UNSTARRED QUESTION NO:1281
ANSWERED ON:30.11.2012
EXCESS MINING
Singh Shri Dhananjay

Will the Minister of MINES be pleased to state:

- (a) the definition of illegal mining as per the Indian Bureau of Mines (IBM);
- (b) whether excess mining (more than the limits in the initial mining plan) is allowed as long as the companies involved pay the royalty for what they have extracted;
- (c) if so, the details of the percentage of excess mining allowed for a given year, for each mineral;
- (d) whether any penalties for over-mining are imposed by the Government;
- (e) if so, the details thereof along with the action taken by the Government against violators in recent past; and
- (f) if not, the reasons therefor?

Answer

THE MINISTER OF MINES (SHRI DINSHA PATEL)

(a): Rule 2(iiia) of Mineral Concession Rules, 1960 (MCR) defines illegal mining mentioned as below: "illegal mining" means any reconnaissance or prospecting or mining operation undertaken by any person or a company in any area without holding a reconnaissance permit or a prospecting licence or as the case may be, a mining lease as required under sub-section(1) of section 4 of the Act.

Explanation – For the purpose of this clause, -

(a) Violation of any rules, other than the rules made under section 23C of the Act, within the mining lease area by a holder of a mining lease shall not include illegal mining.

(b) Any area granted under a reconnaissance permit or a prospecting licence or a mining lease, as the case may be shall be considered as an area held with lawful authority by the holder of such permit of licence or a lease, while determining the extension of illegal mining."

(b) and (c): The Indian Bureau of Mines (IBM) has been allowing deviation upto 20% of the tentative annual production indicated in the approved Mining Plan / Scheme of Mining subject to the condition that the cumulative effect of deviation should not distort the approved ore to over-burden/waste ratio and result in significant shortfall in development work.

(d) and (e): In case of contravention of Mineral Conservation and Development Rules, 1988 (MCDR), the IBM issues a violation notice in terms of provisions of Rule 13(1) and Rule 45 of MCDR seeking rectifications in the mining operations by the lease holder. In case the lease holder fails to rectify the mining operations as per the violation notice, the IBM launches prosecution in the Courts. The IBM is also empowered to suspend mining operations for deviations by the miner from approved mining plan. Details of contraventions of MCDR and action taken by the IBM against such mines are given as Annexure.

(f): Does not arise in view of (d) and (e) above.