

THIRTY FOURTH REPORT

COMMITTEE ON
GOVERNMENT ASSURANCES
(2012-2013)

(FIFTEENTH LOK SABHA)

REVIEW OF PENDING
ASSURANCES PERTAINING TO
THE MINISTRY OF MINES

Presented to Lok Sabha on 29 August, 2013



LOK SABHA SECRETARIAT
NEW DELHI

August, 2013/Bhadrapada, 1935 (Saka)

CGA No. 245

Price: Rs. 65.00

© 2013 BY LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fourteenth Edition) and Printed by the General Manager, Government of India Press, Minto Road, New Delhi-110 002.

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE (2012-2013)	(iii)
INTRODUCTION	(v)
REPORT	1
Review of Pending Assurances pertaining to the Ministry of Mines	1
APPENDICES	
I-XXIII Questions and the Answers	10
XXIV Extracts from Manual of Practice & Procedure in the Government of India, Ministry of Parliamentary Affairs, New Delhi	45
ANNEXURES	
I. Minutes of the Sitting of the Committee held on 27 December, 2012.	49
II. Minutes of the Sitting of the Committee held on 14 January, 2013.	53
III. Minutes of the Sitting of the Committee held on 26 August 2013.	57

COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES*

(2012-2013)

Shrimati Maneka Sanjay Gandhi—*Chairperson*

MEMBERS

2. Shri Anandrao Adsul
3. Shri Rajendra Agrawal
4. Shri Hansraj G. Ahir
5. Dr. Rattan Singh Ajnala
6. Shri Kantilal Bhuria
7. Shri Jayant Chaudhary
8. Shri Gurudas Das Gupta
9. Shri Bijoy Handique
10. Shri Badri Ram Jakhar
11. Sardar Sukhdev Singh Libra
12. Shri Anjan Kumar M. Yadav
13. Shri Nama Nageswara Rao
14. Rajkumari Ratna Singh
15. Dr. M. Thambidurai**

SECRETARIAT

- | | | |
|-------------------------|---|-----------------------------|
| 1. Shri P. Sreedharan | — | <i>Additional Secretary</i> |
| 2. Shri U.B.S. Negi | — | <i>Director</i> |
| 3. Shri T.S. Rangarajan | — | <i>Additional Director</i> |
| 4. Shri Kulvinder Singh | — | <i>Committee Officer</i> |

*The Committee was constituted *w.e.f.* 23 September, 2012 *vide* Para No. 4552 of Lok Sabha Bulletin Part-II dated 18 October, 2012.

**Nominated to the Committee *vide* Para No. 4625 of Lok Sabha Bulletin Part-II dated 16 November, 2012.

INTRODUCTION

I, the Chairperson of the Committee on Government Assurances, having been authorized by the Committee to submit the Report on their behalf, present this Thirty Fourth Report of the Committee on Government Assurances.

2. The Committee (2012-2013) at their sittings held on 27 December, 2012 and 14 January, 2013 took oral evidence of the representatives of the Ministry of Mines regarding pending assurances from the 7th Session of 14th Lok Sabha to the 9th Session of the 15th Lok Sabha pertaining to the Ministry of Mines.

3. At their sitting held on 26 August, 2013, the Committee (2012-2013) considered and adopted their Thirty Fourth Report.

4. The minutes of the aforesaid sittings of the Committee form part of this report.

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

NEW DELHI;

26 August, 2013
4 Bhadrapada, 1935 (*Saka*)

MANEKA SANJAY GANDHI

*Chairperson,
Committee on Government Assurances.*

REPORT

I. Introductory

The Committee on Government Assurances scrutinise the assurances, promises, undertakings etc. given by the Ministers from time to time on the floor of the House and report the extent to which such assurances, promises, undertakings etc. have been implemented. Once an assurance has been given on the floor of the House, the same is required to be implemented within three months. The Ministries/Departments of the Government of India are under obligation to seek extension of time, if they are unable to fulfil the assurance within the prescribed period of three months. Where a Ministry/Department are unable to implement an assurance, they are required to move the Committee to drop the same. The Committee consider such requests and agree to drop, if they are convinced with the grounds cited to be justified. The Committee also examine whether the implementation of assurances has taken place within the minimum time necessary for the purpose and the Committee also look into the extent to which the assurances have been implemented.

2. The Committee on Government Assurances (2009-10) took a policy decision to call the representatives of the various Ministries/Departments of the Government of India, in a phased manner, to review the pending assurances and also look at the reasons for pendency, the operation of the prescribed system in the Ministries/Departments for dealing with assurances. The Committee also decided to look at the quality of assurances implemented by the Government.

3. In pursuance of the decision referred to above, the Committee (2012-2013) called the representatives of the Ministry of Mines and examined the 23 pending assurances pertaining to the Ministry at their sittings held on 27 December, 2012 and 14 January, 2013 as mentioned below.

Pending Assurances

Sl. No.	SQ/USQ No. and date	Subject
1	2	3
1.	USQ No. 1119 01.03.2006	Review of Mineral Law
2.	USQ No. 3792 19.12.2006	Mineral Development Fund
3.	SQ No. 21 27.02.2007 (Shri Punnulal Mohale, M.P.)	Extraction of Minerals

1	2	3
4.	USQ No. 960 06.03.2007	Mining Disputes
5.	SQ No. 106 24.02.2009 (Shri Devendra Prasad Yadav, M.P.)	Abandoned Mines
6.	SQ No. 241 21.07.2009 (Shri Basudev Acharia, M.P.)	Conservation and Development of Mines
7.	SQ No. 241 21.07.2009 (Shri Mansukh Bhai D. Vasava, M.P.)	Conservation and Development of Mines
8.	USQ No. 2372 21.07.2009	Review of New National Mineral Policy
9.	USQ No. 2981 16.03.2010	Ban on Mining Activities
10.	USQ No. 287 27.07.2010	Irregularities in Mining Sector
11.	USQ No. 438 27.07.2010	Illegal Mining of Iron Ore
12.	USQ No. 2564 10.08.2010	Use of Mining Profit for Welfare Activities
13.	USQ No. 142 09.11.2010	New Mining Policy
14.	SQ No. 287 30.11.2010 (Shrimati Suriya Sadanand Sule, M.P.)	Mineral Concessions
15.	USQ No. 4407 07.12.2010	Extraction of Minerals
16.	USQ No. 4445 07.12.2010	Amendment in Provisions of MMDR Act
17.	USQ No. 4564 07.12.2010	National Mineral Fund
18.	USQ No. 3012 19.08.2011	Study on Asbestos Mining by IBM
19.	SQ No. 345 26.08.2011 (Shri K. <i>alias</i> J.K. Ritheesh Shivakumar, M.P.)	Offshore Mineral
20.	USQ No. 4091 26.08.2011	Award/grant of Mining Lease

1	2	3
21.	USQ No. 5005 02.09.2011	Profit sharing in Mining with Locals
22.	USQ No. 5058 02.09.2011	National Mining Regulatory Authority
23.	USQ No. 2042 02.12.2011	Shah Commission on Illegal Mining

4. The above-mentioned questions and the answers given thereto, wherein the assurances were pending implementation, are shown in Appendix I to XXIII. The Committee reviewed the above 23 assurances pending from 7th session of 14th Lok Sabha to 9th session of 15th Lok Sabha.

5. The Ministry of Parliamentary Affairs, which act as the interface between the various Ministries/Departments of the Government of India and Parliament, have issued comprehensive instructions which *inter-alia* include review of assurances at different levels in the hierarchy periodically. A copy of the instructions is given at **Appendix XXIV**.

6. During the oral evidence, the Committee enquired as to whether any system exists in the Ministry to take care of the assurances given by the Ministers on the floor of the House from time to time in the Ministry. In reply, the representative of the Ministry stated as follows:—

“Madam, the system that we have is that we review at the level of the head of the Division which is the Joint Secretary and also the Secretary reviews to see that the assurances are being fulfilled and where they cannot be fulfilled, we seek extension of time with the approval of the Ministry. So, that is the system we have in place.”

7. On being asked by the Committee as to whether the Ministry is aware of the Manual on Practice and Procedure brought out by the Ministry of Parliamentary Affairs. The representative replied in affirmative and also submitted that he had the relevant extracts also.

8. When asked whether the instructions contained therein have been followed, the representative replied as follow:—

“We have tried to follow them.....”

9. On being asked whether the review of assurances was undertaken by the Secretary and if so, when was the last review undertaken and also the outcome thereof. The Committee were apprised that the assurances are reviewed in his monthly meetings and the last review was undertaken on 7th December, 2012.

10. When the Committee enquired about the nodal officer and as to whether weekly or fortnightly reviews are undertaken by the concerned officers, the representative of the Ministry informed that the nodal officer is the Joint Secretary in

charge of coordination. On being asked as to whether he takes the meetings/reviews on these assurances, the Joint Secretary stated as under:

“I have been doing it monthly.....”

11. The Committee further enquired as to whether the Ministry apprise the Minister about the progress made in the implementation/review of assurances. In reply, the representative of the Ministry stated as follows:—

“Madam to be frank, I have not personally apprised in three months stay but I am reviewing it monthly and we do put it up to him and it is with his approval only that we seek extension but I will start doing that now.

In this context, he has also added as under:

“As you are aware, assurances are normally given by the hon. Ministers in the course of replies to starred questions. Once that is communicated to us that an assurance has been given, we take it up and we try to fulfill it at the earliest. Often what happens is that information is required either from other Ministries or the field units or from the States itself. But I entirely agree with you that it has to be given the highest importance and we do give it.....but here there are only 23. When we go in to them, you will find that majority of them are related to the Bill which is now before the Standing Committee of Parliament. Most of them are about issues of CSR part, the mining in forest and tribal areas and some mechanism for preventing illegal mining and so on. That is the nature of the majority of the assurances.”

12. The Implementation Reports of 02 Assurances (Sl. Nos. 3 and 19 above) on 13 March, 2013 and 17 Assurances (Sl. Nos. 1, 2, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21 and 22 above) were laid on the Table of the House on 03 May, 2013 by the Ministry of Parliamentary Affairs. Thus, these Implementation Reports were laid after evidence of the representatives of the Ministry was taken by the Committee. However, 03 Assurances (Sl. Nos. 5, 18 and 23 above) are still pending for implementation.

Observations / Recommendations

13. The Committee note that as many as 23 assurances from the 7th session of 14th Lok Sabha to the 9th session of 15th Lok Sabha pertaining to the Ministry of Mines were pending implementation. Out of these 23 assurances, four were pending implementation for the last more than six years. The Committee also noted that the Ministry was aware of the provisions and instructions contained in the Manual on Practice and Procedure issued by the Ministry of Parliamentary Affairs but the same were not followed by them in letter and spirit. This clearly explains the lack of seriousness and lackadaisical approach of the Ministry in dealing with the assurances which is highly deplorable. The Committee are of the view that since the assurances involve crucial decisions, the discussions have to be at the level of Secretary regularly on weekly or fortnightly basis and in consultation with the Minister. The contention of the Ministry that the nature of most of the assurances related to the Mines and Minerals (Development and

Regulation) Bill, 2011 which is pending consideration before the Standing Committee of the Parliament would not suffice as the Ministry is duty bound to review and implement the pending assurances as envisaged in the said Manual. The Committee, therefore, recommend that the existing mechanism in the Ministry of Mines may be streamlined with a view to ensuring prompt disposal and implementation of assurances. The Committee hope and trust that the Ministry of Mines would follow the instructions contained in the Manual in letter and spirit for expeditious implementation of pending assurances.

II. Scrutiny of Pending Assurances pertaining to the Ministry of Mines

14. During the oral evidence, the Committee examined all the 23 assurances. Some of the important assurances critically scrutinized by the Committee are given in the succeeding paragraphs. These are as follow:—

- (a) Assurance given in reply to USQ No. 1119 dated 01 March, 2006 regarding Review of Mineral Law (Appendix I).
- (b) Assurance given in reply to USQ No. 3792 dated 19 December, 2006 regarding Mineral Development Fund (Appendix II).
- (c) Assurance given in reply to SQ No. 106 dated 24 February, 2009 regarding Abandoned Mines (Supplementary by Shri Devendra Prasad Yadav, M.P.) (Appendix V).

(A) Assurance given in reply to USQ No. 1119 dated 01 March, 2006 regarding Review of Mineral Law

15. The Committee noted that the above assurance was given about seven years ago. In his reply, it was stated by the Minister that a High level Committee was constituted to review the National Mineral Policy, 1993 and the Mines and Mineral Development and Regulation Act, 1957 and to suggest the changes required for encouraging investment in Public and Private Sector in exploration and exploitation of mineral. The High level Committee had already held several meetings to have the views of stakeholders and the report was under preparation.

16. On being asked about the delay of seven years in the implementation of the assurance, the representative of the Ministry submitted as follows:—

“The two Committees had been set up by the Union Government namely, the Dang Committee and the Hooda Committee subsequently, the report was received and the new Mineral Policy, 2008 was tabled in the Parliament on 20 March, 2008. As a consequence of the further progress in this regard, the Mines and Minerals (Development and Regulation) Bill, 2001 has been introduced in the Lok Sabha on 12 December, 2011. This Bill in January, 2012 was referred to the Standing Committee on Coal and Steel. It is presently under consideration of the Standing Committee.....once the Committee submits its findings it will come back to the Government and then go to the Cabinet, depending on the suggestions or amendments that are proposed

17. Clarifying further the representative, submitted as follows:—

“..... we initially decided that there is a need for an amendment to the existing Act, which was the 1957 Act. But when we went to the Law Ministry they said since we were bringing in any changes to almost every section of the Act, there is need for repealing the existing Act and to come out with a new one. So we again held deliberations discussions with everybody.”

18. In its written note/status, the Ministry apprised as follows:—

“The High level Committee under the Chairmanship of Shri Anuwaral Hoda, considered the recommendations of the Dang Committee. Based on recommendations of the Committee the National Mineral Policy, 2008 (NMP) was finalised. In pursuance thereof, the Ministry has received the Mineral Law and drafted the Mines and Minerals (Development and Regulation) Bill, 2011 which was approved by the Government on 30.09.2011. The Bill has since been referred to the Standing Committee on Coal and Steel on 05.01.2012. The compliance/ Implementation Report of the assurance has been reported to the Ministry of Parliamentary Affairs on 04.01.2013.”

19. The Implementation Report of the above assurance was finally laid on the Table of the House by the Ministry of Parliamentary Affairs *vide* Statement 27/2 on 03 May, 2013.

20. Subsequently it came to the notice of the Committee that the Standing Committee on Coal and Steel have since examined the Mines and Minerals (Development and Regulation) Bill, 2011 and have accordingly presented their 36th Report in Lok Sabha and also laid it in Rajya Sabha on 07 May 2013.

Observations / Recommendations

21. The Committee note that an assurance was given about seven years ago in reply to USQ No. 1119 dated 01 March, 2006. It was stated that a High Level Committee was constituted to review the National Mineral Policy, 1993 and the Mines and Mineral Development and Regulation Act, 1957. Based on the recommendations of the said Committee, the National Mineral Policy, 2008 was finalized on 13.03.2008 and was tabled in the Parliament on 20.03.2008. In pursuance of the said Policy, the mineral law was reviewed. During the course of oral evidence of the Ministry, the Committee were informed that the Ministry of Law suggested them for repealing of the existing Act and to bring in a new Act in its place. Accordingly, the deliberations were held afresh with all stakeholders. Thereafter, the Mines and Minerals (Development and Regulation) Bill, 2011 (MMDR Bill) was drafted which was approved by the Government on 30.09.2011 and then the same was referred to the Standing Committee on Coal and Steel on 05.01.2012. The Committee are distressed to note that after the new Mineral Policy was formulated in 2008, the Ministry took almost four years in drafting the Bill till its reference to the Standing Committee in January 2012 which resulted in inordinate delay in implementation of the pending assurance on the issue. The Standing Committee have since examined the Bill and

submitted their report thereon on 07.05.2013. The Committee now hope that the Ministry would take further action in the matter expeditiously without any further delay. The Committee however, note that the Implementation Report of the assurance sent by the Ministry of Mines on 04 January, 2013 had since been laid on the Table of the House on 03 May, 2013 at their intervention.

(B) Assurance given in reply to USQ No. 3792 dated 19 December, 2006 regarding Mineral Development Fund

22. On being enquired by the Committee as to whether the Mineral Development Fund has been set up? In its reply, the representative of the Ministry submitted as follows:—

“Here, it may appear a repetition, but as I had submitted.....the majority of the assurances which are pending, relate to that *i.e.* the MMDR Bill.”

23. When the Committee pointed out that the above assurance does not relate to law or anything like that, the representative of the Ministry reiterated as under:

“This is now a part of the Bill.....”

24. When the Committee sought the clarification and enquired as to how the setting up of a Development Fund can become a part of law and also as to what prevented the Ministry of Mines from either starting the fund or taking a decision on the fund, the representative of the Ministry submitted as follows:—

“You are absolutely right, but in a given scheme of our management, the royalty and the cess which we collect today on the mineral, go to the State and nothing comes to the Centre..... we proposed to have a cess..... for that there was a need for coming through the Act. We directly can not impose cess on mineral which is being extracted by the States.”

25. The Implementation Report of this assurance was laid on the Table of the House on 03 May, 2013 in which the Ministry stated as follows:—

“(a) to (d) The Government has prepared a Mines and Minerals (Development and Regulation) Bill, 2011 (MMDR Bill) on the basis of the recommendations of the High Level Committee set up under the Chairmanship of Shri Anwarul Hoda and the National Mineral Policy-2008, which provides for setting up of a National Mineral Fund at Centre and a State Mineral Fund at State level. The National Mineral Fund is proposed to be funded from a Central Cess not exceeding 2.5% of the Customs and Excise collected on the major minerals, and the State Mineral fund is to be funded by a Cess on major minerals and minor minerals extracted at a rate not exceeding 10% of the royalty payable on the minerals. There is no proposal to release any matching contribution to the State Mineral fund. The MMDR Bill was introduced in Lok Sabha on 12.12.2011 and referred to the Standing Committee on Coal & Steel on 05.01.2012.”

Observations / Recommendations

26. The Committee note that the assurance given in reply to USQ No. 3792 dated 19 December, 2006 regarding Mineral Development Fund was again lying pending implementation for over a period of six years. It was explained to the Committee that the setting up of Mineral Development Fund is part of the MMDR Bill which is under consideration of the Standing Committee on Coal and Steel and as a result thereof, there is delay in the implementation of the pending assurance. According to the Ministry, they proposed to impose a cess on minerals being extracted by the States for setting up of Mineral Development Fund and contended that the same can be done only through an Act. However, the Committee are not entirely convinced with the contention of the Ministry as the Committee are of the strong view that the Fund could have been created through an administrative decision which does not require any law for the purpose. Nevertheless, the Committee note that the assurance has been implemented on 03 May, 2013 *i.e.* before the presentation of the Report by the Standing Committee on 07.01.2013. The Committee now hope that further action in the matter will be taken by the Ministry expeditiously.

(C) Assurance given in reply to SQ No. 106 dated 24 February, 2009 regarding Abandoned Mines (Supplementary by Shri Devendra Prasad Yadav, M.P.)

27. The Committee noted that the above assurance was given in the year 2009 and accordingly desired to know the progress made in the implementation of assurance and also reasons for the delay. In reply, the representative of the Ministry submitted as follows:—

“Madam, this I think has been specifically assured and implementation report was sent in October, 2009 because this was very specific issue in Rajasthan about some site where dynamite has been used.”

28. In a written note submitted to the Committee, the Ministry of Mines also informed that the Implementation Report of the assurance was sent to the Ministry of Parliamentary Affairs on 16 October, 2009 for being laid on the Table of the House. However the record of the Committee confirmed that the Implementation Report of the assurance stated to have been sent on 16 October, 2009, was not at all laid on the Table of the House by the Ministry of Parliamentary Affairs.

Observations / Recommendations

29. The Committee are deeply perturbed to note that the assurance given in reply to SQ No. 106 dated 24 February, 2009 regarding abandoned Mines continues to remain pending in spite of the fact that its Implementation Report was sent to the Ministry of Parliamentary Affairs way back on 16 October, 2009. This clearly reflects that there is no coordination between the two Ministries of the Government of India. The Ministry of Mines on their part have failed to ensure that the Implementation Report be actually laid on the table of the House in 2009 itself. This indicates the scant attention being paid by the Ministry in the matter of implementation of the assurance which is highly deplorable. The Committee desire that the Ministry of Mines should now immediately take up necessary steps for

laying of the Implementation Report by the Ministry of Parliamentary Affairs in the Monsoon session itself and the Committee be apprised accordingly. The Committee hope and trust that Ministry would be careful and vigilant in the implementation of pending assurances expeditiously in future.

NEW DELHI;
26 August, 2013

4 Bhadrapada, 1935 (Saka)

MANEKA SANJAY GANDHI
Chairperson,
Committee on Government Assurances.

APPENDIX I

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF PLANNING

LOK SABHA UNSTARRED QUESTION NO. 1119

ANSWERED ON 01.03.2006

Review of Mineral Law

1119 . SHRI SAMBASIVA RAYAPATI RAO:

Will the Minister of PLANNING be pleased to state:

(a) whether the Government has taken a decision to review mineral policy in the country including iron ore policy based on the recommendations of two Committees set up by the Union Government;

(b) if so, the details thereof;

(c) whether the Ministry of Planning has forwarded Dang Committee recommendations to Anwarul Hoda Committee set up by the Planning Commission for further deliberations; and

(d) if so, the main decision taken by the Government in this regard and the time by which the mineral law is likely to be reviewed?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI M.V. RAJASEKHARAN): (a) Yes, sir.

(b) to (d) As a follow-up of the Mid-term Appraisal of the Tenth Plan, a High Level Committee under the Chairmanship of Shri Anwarul Hoda, Member, Planning Commission was constituted with representation to the concerned central Ministries/ Departments, State Governments and private stakeholders. The terms of reference of the Committee is to review the present National Mineral Policy, 1993 and the Mines and Mineral Development and Regulation Act, 1957 and to suggest the changes required for encouraging investment in public and private sector in exploration and exploitation of minerals. Existing procedures for according clearances, critical infrastructure needs, implication of the policy of mineral rich states to make value addition within the State and augmenting State revenues from the sector are also included in the terms of reference. The Report of the Dang Committee on iron ore policy has been received from the Ministry of Steel. The High Level Committee has already held six meetings to have the views of concerned stakeholders and the report is under preparation.

APPENDIX II

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 3792

ANSWERED ON 19.12.2006

Mineral Development Fund

3792 . SHRIBHARTRUHARI MAHTAB:

Will the Minister of MINES be pleased to state:

- (a) whether the Government proposes to set up a Mineral Development Fund;
- (b) if so, the details thereof;
- (c) the details of contribution of State and Centre in said fund; and
- (d) the steps taken by the Union Government to release its matching contribution to the Mineral Development Fund?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF MINES (DR. T. SUBBARAMI REDDY): (a) to (d) A High Level Committee (HLC) under the chairmanship of Shri Anwarul Hoda, Member, Planning Commission was constituted to review the National Mineral Policy and recommend possible amendments in the Mines and Minerals (Development & Regulation) Act, 1957 to give a fillip to private investment in the sector. The Committee has submitted its report to the Central Government. One of the recommendations relates to setting up of Mineral Development Fund. The report of HLC is under consideration.

APPENDIX III
(*Vide* Para 4 of the Report)
GOVERNMENT OF INDIA
MINISTRY OF MINES
LOK SABHA STARRED QUESTION NO. 21
ANSWERED ON 27.02.2007

Extraction of Minerals

21. SHRI PUNNULAL MOHALE:
SHRI KAILASH MEGHWAL:

Will the Minister of MINES be pleased to state:

(a) whether the Government proposes to bring any amendment in the law to float open tenders for extraction of various types of minerals before making the lease offer for this purpose;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF MINES (SHRI SIS RAM OLA): (a) to (c). A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION NO. 21 FOR 27.2.2007 ASKED BY SHRI PUNNULAL MOHALE AND SHRI KAILASH MEGHWAL REGARDING EXTRACTION OF MINERALS.

(a) Mineral Concessions are presently granted in three stage *viz.* Reconnaissance Permit, Prospecting Licence and Mining Lease. The High Level Committee has recommended changes in these mineral concessions which have been discussed with the State Governments in detail. The matter is under consideration of the Government.

(b) & (c) The recommendations of the High Level Committee are under consideration of the Government.

APPENDIX IV
(*Vide* Para 4 of the Report)
GOVERNMENT OF INDIA
MINISTRY OF MINES
LOK SABHA UNSTARRED QUESTION NO. 960
ANSWERED ON 06.03.2007

Mining Disputes

960. SMT. KIRAN MAHESHWARI:
SHRI GIRDHARILAL BHARGAV:

Will the Minister of MINES be pleased to state:

- (a) whether the Government proposes to constitute a separate autonomous body for the arbitration of mining disputes;
- (b) if so, the details thereof; and
- (c) the time by which the said body is likely to be constituted?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF MINES (DR. T. SUBBARAMMI REDDY): (a) to (c) The issue of arbitration of mining disputes, as a part of the National Mineral Policy, is under consideration of the Government.

APPENDIX V
(Vide Para 4 of the Report)
GOVERNMENT OF INDIA
MINISTRY OF MINES
LOK SABHA STARRED QUESTION NO. 106
ANSWERED ON 24.02.2009

Abandoned Mines

106 . SHRI RAMDAS ATHAWALE:

Will the Minister of MINES be pleased to state:

- (a) whether the Government has evolved any policy in relation to reclamation of abandoned mines;
- (b) if so, the details thereof;
- (c) the number of abandoned mines reclaimed/rehabilitated during the last three years;
- (d) the number of mine sites identified for reclamation; and
- (e) the further action being contemplated by the Government in this regard?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF MINES (SHRI SIS RAM OLAL): (a) to (e) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION NO. 106 TO BE ANSWERED IN THE LOK SABHA ON THE 24TH FEBRUARY, 2009 REGARDING ABANDONED MINES.

(a) and (b) National Mineral Policy, 2008, enunciates scientific mine closure after the process of economical extraction in a mine is complete. The Policy further refers to reclamation and re-vegetation of the mined area. The policy also provides for reclamation of old disused mining sites. Since April 2003, the Mineral Conservation and Development Rules, 1988, provide that a mining lease holder shall abandon or close his mines in terms of an approved final mine closure plan.

(c) to (e) 297 mine sites, abandoned prior to April 2003, have been identified. Of these, a total of 106 abandoned mine sites were shortlisted for reclamation. Out of the 106 mine sites, in the last three years (2006-08) 16 mine sites are now operational again. The reclamation of abandoned mine sites is as per the policy guidelines.

APPENDIX VI

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA
MINISTRY OF MINES
LOK SABHA STARRED QUESTION NO. 241
ANSWERED ON 21.07.2009

Conservation and Development of Mines

*241. SHRI MANSUKHBHAID. VASAVA:
SHRI GHANSHYAM ANURAGI:

Will the Minister of MINES be pleased to state:

(a) the role of the Union Government in the matter of development of minerals in the country in general and awarding mines on lease-according approval for grant of mineral concessions to the State Governments, in particular;

(b) whether the Indian Bureau of Mines exercises the regulatory role under the Mines and Minerals (Development and Regulation) Law in the matter of conservation and development of mines;

(c) if so, the details thereof;

(d) whether the existing structure has helped in prevention of illegal mining in the country; and

(e) if not, whether the Union Government proposes to make any changes in the prevailing legal framework?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (e) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION NO. 241 SLATED FOR ANSWER IN THE LOK SABHA ON THE 21ST JULY, 2009 ASKED BY SHRI MANSUKH BHAI D. VASAVA AND SHRI GHANSHYAM ANURAGI REGARDING CONSERVATION AND DEVELOPMENT OF MINES.

(a) As provided in the Constitution of India, the Parliament, may by law if it holds that it is expedient in the public interest, allow the Central Government to take under its control the regulation of mines and development of minerals to the extent allowed by the Parliament. Accordingly, the Parliament has legislated the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act), which provides the framework for the regulation of the mining sector in India. In terms of the MMDR Act,

the State Governments grant mineral concessions (reconnaissance permit, prospecting licence and mining lease) for non-fuel minerals. However in respect of minerals specified in the First schedule to the MMDR Act, prior approval of the Central Government is necessary before the grant of mineral concession. The Central Government, in respect of grant of mineral concessions, also has powers to allow:

- (i) relaxation of limits on maximum area of grant of minerals concession specified in the MMDR Act;
- (ii) relaxation of the need to notify an area after it has been held earlier under a grant or if reserved for specific use;
- (iii) reservation of a mineral bearing area for the purposes of conservation or for specific use by a PSU, etc.

(b) and (c) The Central Government has framed the Mineral Conservation and Development Rules, 1988 (MCDR), for conservation and development of minerals, and the Mineral Concession Rules, 1960 (MCR). The Indian Bureau of Mines (IBM), a subordinate office of the Ministry of Mines, administers the MCDR and MCR for regulating mining activity and for ensuring that mining activities take place in a systematic and scientific manner in the interest of conservation and development of minerals. The IBM performs the following regulatory roles in respect of major minerals (non-fuel) under the MMDR Act and Rules thereunder :—

- (i) Approve mining plans, schemes and mine closure plans having regard to conservation of minerals and protection of environment.
- (ii) Collect, collate and maintain database on exploration, prospecting, mines and minerals and to bring out publications/bulletins highlighting the problems and prospects of mining industry.
- (iii) Inspection of Mines.
- (iv) Facilitate in minimising adverse impact of mining on the environment by undertaking environmental assessment studies on regional basis.
- (v) Conduct *suo moto* techno-economic field studies in mining, geology, mineral processing and environmental aspects including analysis of ore and minerals and to promote R & D activities in these areas.
- (vi) Promote awareness about conservation, systematic and scientific development of mineral deposits and protection of environment including restoration and rehabilitation of mined out areas through exhibitions and audiovisual media.
- (vii) Promote and monitor community development activities in the mining areas.
- (viii) Promote systematic and scientific development of mineral resources of the country.

(d) and (e) Yes, Sir. The mineral rights and collection of revenue vests with the State Government, which also has the power to frame rules for curbing illegal mining under Section 23C of MMDR Act. The Ministry of Mines reviews the status of mining operations and issues suitable advisories. The IBM in exercise of powers vested in it

under the MMDR Act and rules thereunder, performs regulatory functions which ensures that mining activities are in accordance with the terms of the mining plan. However, the existing legislative framework is under review in the light of the National Mineral Policy, 2008 and the recommendations of the Hoda Committee.

APPENDIX VII

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA
MINISTRY OF MINES
LOK SABHA STARRED QUESTION NO. 241
ANSWERED ON 21.07.2009

Conservation and Development of Mines

241. SHRI MANSUKHBHAI D. VASAVA:
SHRI GHANSHYAM ANURAGI:

Will the Minister of MINES be pleased to state:

(a) the role of the Union Government in the matter of development of minerals in the country in general and awarding mines on lease/ according approval for grant of mineral concessions to the State Governments, in particular;

(b) whether the Indian Bureau of Mines exercises the regulatory role under the Mines and Minerals (Development and Regulation) Law in the matter of conservation and development of mines;

(c) if so, the details thereof;

(d) whether the existing structure has helped in prevention of illegal mining in the country; and

(e) if not, whether the Union Government proposes to make any changes in the prevailing legal framework?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (e) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION NO. 241 SLATED FOR ANSWER IN THE LOK SABHA ON THE 21ST JULY, 2009 ASKED BY SHRI MANSUKHBHAI D. VASAVA AND SHRI GHANSHYAM ANURAGI REGARDING CONSERVATION AND DEVELOPMENT OF MINES

(a) As provided in the Constitution of India, the Parliament, may by law if it holds that it is expedient in the public interest, allow the Central Government to take under its control the regulation of mines and development of minerals to the extent allowed by the Parliament. Accordingly, the Parliament has legislated the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act), which provides the

framework for the regulation of the mining sector in India. In terms of the MMDR Act, the State Governments grant mineral concessions (reconnaissance permit, prospecting licence and mining lease) for non-fuel minerals. However in respect of minerals specified in the First schedule to the MMDR Act, prior approval of the Central Government is necessary before the grant of mineral concession. The Central Government, in respect of grant of mineral concessions, also has powers to allow:

- (i) relaxation of limits on maximum area of grant of minerals concession specified in the MMDR Act,
- (ii) relaxation of the need to notify an area after it has been held earlier under a grant or if reserved for specific use,
- (iii) reservation of a mineral bearing area for the purposes of conservation or for specific use by a PSU, etc.

(b) and (c) The Central Government has framed the Mineral Conservation and Development Rules, 1988 (MCDR), for conservation and development of minerals, and the Mineral Concession Rules, 1960 (MCR). The Indian Bureau of Mines (IBM), a subordinate office of the Ministry of Mines, administers the MCDR and MCR for regulating mining activity and for ensuring that mining activities take place in a systematic and scientific manner in the interest of conservation and development of minerals. The IBM performs the following regulatory roles in respect of major minerals (non-fuel) under the MMDR Act and Rules thereunder :—

- (i) Approve mining plans, schemes and mine closure plans having regard to conservation of minerals and protection of environment.
- (ii) Collect, collate and maintain database on exploration, prospecting, mines and minerals and to bring out publications/bulletins highlighting the problems and prospects of mining industry.
- (iii) Inspection of Mines.
- (iv) Facilitate in minimising adverse impact of mining on the environment by undertaking environmental assessment studies on regional basis.
- (v) Conduct *suo moto* techno-economic field studies in mining, geology, mineral processing and environmental aspects including analysis of ore and minerals and to promote R & D activities in these areas.
- (vi) Promote awareness about conservation, systematic and scientific development of mineral deposits and protection of environment including restoration and rehabilitation of mined out areas through exhibitions and audiovisual media.
- (vii) Promote and monitor community development activities in the mining areas.
- (viii) Promote systematic and scientific development of mineral resources of the country.

(d) and (e) Yes, Sir. The mineral rights and collection of revenue vests with the State Government, which also has the power to frame rules for curbing illegal mining under Section 23C of MMDR Act. The Ministry of Mines reviews the status of mining

operations and issues suitable advisories. The IBM in exercise of powers vested in it under the MMDR Act and rules thereunder, performs regulatory functions which ensures that mining activities are in accordance with the terms of the mining plan. However, the existing legislative framework is under review in the light of the National Mineral Policy, 2008 and the recommendations of the Hoda Committee.

APPENDIX VIII

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 2372

ANSWERED ON 21.07.2009

Review of New National Mineral Policy

2372. SHRI ADHALRAO PATIL SHIVAJI:

Will the Minister of MINES be pleased to state:

(a) whether various State Governments had requested the Union Government to review the New National Mineral Policy as the proposed policy abridged the rights of the mineral producing States;

(b) if so, the reaction of the Union Government thereon;

(c) whether the State Governments have also requested the Union Government to set up a task force to look into the issues raised by them, before a final decision is taken on the amendment to the Mines and Minerals (Development and Regulations) Act; and

(d) if so, the details thereof and the steps taken by the Union Government in this regard?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) and (b) The Government received representation from some State Governments raising concerns *inter alia* on the need to allow the State Government to give preference to value addition in grant of mineral concessions, policy on seamless transition, security of tenure, allow preferential treatment in grant of mineral concessions to PSUs, and for levy of royalty on *ad valorem* basis. These issues had been considered and appropriately addressed by the Government before the enunciation of National Mineral Policy, 2008.

(c) and (d) Based on the policy guidelines enunciated in the new mineral policy and consultations with a task force consisting of representatives with Governments of chief mineral producing States, the Government is deliberating amendments to the mining law.

APPENDIX IX

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 2981

ANSWERED ON 16.03.2010

Ban on Mining Activities

2981. SHRI A.T. NANAPATIL:

Will the Minister of MINES be pleased to state:

(a) whether Amnesty International, a human rights organisation has demanded to ban mining activities in Orissa and some other States of the country;

(b) if so, the details thereof and the reasons therefor, State-wise; and

(c) the corrective measures taken/being taken by the Government in this regard?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (c) The information is being collected and will be laid on the Table of the House.

APPENDIX X
(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 287

ANSWERED ON 27.07.2010

Irregularities in Mining Sector

287. Dr. SANJAY SINH:
SHRIRAJAIAH SIRICILLA:
SHRI P. BALRAM:
SHRI PONNAM PRABHAKAR:
SHRI YASHBANT NARAYAN SINGH LAGURI:

Will the Minister of MINES be pleased to state:

- (a) whether the Government has not taken cognizance of the mining irregularities pointed out by the Indian Bureau of Mines resulting in gross irregularities in the mining sector;
- (b) if so, the reaction of the Government thereto;
- (c) the reasons for continued illegal mining despite the various steps taken by the Union Government/State Governments;
- (d) whether the Government has taken steps to identify those responsible for illegal mining and take action against them; and
- (e) if so, the details thereof along with the success achieved in this regard?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (e) State Governments are the owners of minerals and they grant mineral concessions including mining leases. Only in case of minerals listed in the First Schedule to the Mines and Minerals (Development and Regulation) Act, 1957, the prior approval of Central Government is necessary before grant of mineral concessions. In terms of provisions of Mines and Minerals (Development and Regulation) Act, 1957, the State Governments have been given powers to take action against illegal mining. However, in view of recent increase in the instances of illegal mining, being reported in the media, the Central Government has requested State Governments to prepare Action Plans to monitor and curb illegal mining which includes the use of Satellite imagery and other intelligence inputs. So far, 10 State Governments of Andhra Pradesh, Gujarat, Jharkhand, Karnataka,

Maharashtra, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh and Uttarakhand have prepared Action Plan in terms of advice of Central Government. Further, there is a Central Empowered-cum-Coordination Committee which has been meeting six monthly to discuss various issues relating to the mining sector including illegal mining and measures to prevent, detect and control it. The Ministry of Mines has been issuing various guidelines and suggestions on the issue and monitors progress through the Central Committee. As per information received, 10 State Governments of Andhra Pradesh, Chhattisgarh, Gujarat, Goa, Haryana, Karnataka, Maharashtra, Orissa, Rajasthan and West Bengal have set up Coordination-cum-Empowered Committee. Other States have been requested to ensure setting up of similar Committees at the earliest. A draft Model State Mineral Policy has also been circulated to all the State Governments. Indian Bureau of Mines has constituted Special Task Force Teams which conducted inspections in 106 mines in endemic areas in 5 States of Karnataka, Andhra Pradesh, Orissa, Jharkhand and Gujarat between 7.12.2009 to 17.12.2009 and suspended operations in 60 mines. Out of the 60 suspended mines, 58 applied for revocation of suspension orders and 2 mines (one each in Orissa and Andhra Pradesh) have been recommended for termination. Out of 28 mines issued violation notices, 4 mines have been suspended, 10 mines have reported compliance. The Special Task Force conducted second round of inspections from 17.4.2010 to 27.4.2010 in Karnataka. It inspected 67 mines and found serious violations in 18 mines, which were suspended. Similarly, less serious violations were found in 16 mines, which have been issued violation notices for compliance.

In order to ensure Direct role of Central Government in curbing illegal mining, where the State Governments have failed, a draft Mines and Minerals (Development and Regulation) Act, has been suitably prepared. The draft Act is presently referred to a Group of Ministers.

APPENDIX XI
(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 438

ANSWERED ON 27.07.2010

Illegal Mining of Iron Ore

438. SHRI P. LINGAM:

Will the Minister of MINES be pleased to state:

- (a) whether there are reports of the seizure of illegally mined iron ore at Bellekari port in Karnataka;
- (b) if so, the details thereof alongwith the source of such iron ore;
- (c) whether the Union Government/State Government have conducted any inquiry in this regard;
- (d) if so, the details of their findings alongwith the details involved in such illegal activities and the action taken thereon; and
- (e) the corrective measures taken by the Government to stop such illegal activities?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (d) As per available information, the Karnataka State Forest Department has seized about 8,05,991.083 metric tonnes of ore without valid permits. A Forest offence case was filed *vide* FIR No. 17/2009-10 dated 15.3.2010 under section 2(7)(b) (iv) 62, 80, 24 Karnataka Forest Act and Rule 143 and 162 of Karnataka Forest Rules. The seized material was kept at the disposal of Port Conservator, Belikere Port for safe custody. However, on the basis of a report on 20.6.2010 that the seized material has been exported illegally, the Karnataka State Forest Department investigated the matter, which revealed that 6.00 lakh metric tonnes of seized material has been illegally exported. The State Government has initiated action against the erring Port Conservator and he has been kept under suspension. Further the investigation by the Hon'ble Lokayukta and State Corps of Detective is in progress and stringent action would be initiated against the culprits. Hon'ble High Court of Karnataka has also prohibited export of ore seized in the Belekeri port.

(e) In view of recent increase in the instances of illegal mining, being reported in the media, the Central Government has requested State Governments to prepare Action

Plans to monitor and curb illegal mining which includes the use of Satellite imagery and other intelligence inputs. So far, 10 State Governments of Andhra Pradesh, Gujarat, Jharkhand, Karnataka, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh and Uttarakhand have prepared Action Plan in terms of advice of Central Government. Further, there is a Central Empowered-cum-Coordination Committee which has been meeting six monthly to discuss various issues relating to the mining sector including illegal mining and measures to prevent, detect and control it. The Ministry of Mines has been issuing various guidelines and suggestions on the issue and monitors progress through the Central Committee. As per information received, 10 State Governments of Andhra Pradesh, Chhattisgarh, Gujarat, Goa, Haryana, Karnataka, Maharashtra, Orissa, Rajasthan and West Bengal have set up Coordination-cum-Empowered Committee. Other States have been requested to ensure setting up of similar Committees at the earliest. A draft Model State Mineral Policy has also been circulated to all the State Governments. Indian Bureau of Mines has constituted Special Task Force Teams, which conducted inspections in 106 mines in endemic areas in 5 States of Karnataka, Andhra Pradesh, Orissa, Jharkhand and Gujarat between 7.12.2009 to 17.12.2009 and suspended operations in 60 mines. Out of the 60 suspended mines, 58 applied for evocation of suspension orders and 2 mines (one each in Orissa and Andhra Pradesh) have been recommended for termination. Out of 28 mines issued violation notices, 4 mines have been suspended, 10 mines have reported compliance. The Special Task Force conducted second round of inspections from 17.4.2010 to 27.4.2010 in Karnataka. It inspected 67 mines and found serious violations in 18 mines, which were suspended. Similarly, less serious violations were found in 16 mines, which have been issued violation notices for compliance. In order to ensure direct role of Central Government in curbing illegal mining, where the State Governments have failed, a draft Mines and Minerals (Development and Regulation) Act, has been suitably prepared. The draft Act is presently referred to a Group of Ministers.

APPENDIX XII

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 2564

ANSWERED ON 10.08.2010

Use of Mining Profit for Welfare Activities

2564. SHRI SURESH KUMAR SHETKAR:

Will the Minister of MINES be pleased to state:

(a) whether the Government proposes to make it mandatory for the mining companies to earmark their profit for the welfare of local and tribal people of the country; and

(b) if so, the details thereof, State-wise and the time by which such proposal is likely to be implemented?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) and (b) In terms of National Mineral Policy, 2008 which enunciates that special care will be paid to protect the interests of host and indigenous (tribal) population in the mining operations, the Government has drafted a new Mines and Minerals (Development and Regulation) Bill, 2010. The Government has constituted a Group of Ministers to consider various view points on the draft Mines and Minerals (Development and Regulation) Bill, 2010, and give its recommendation to the Government. Since the draft Act is under consideration, the specific measures and provisions are not yet finalised.

APPENDIX XIII

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 142

ANSWERED ON 09.11.2010

New Mining Policy

142. SHRIMATI KILLI KRUPA RANI:
SHRI CHANDRAKANT BHURAO KHAIRE:
SHRI ANANTHA VENKATARAMI REDDY:
SHRI RAJAIAH SIRICILLA:
SHRI SANJEEV GANESH NAIK:
SHRI S. SEMMALAI:
SHRI S. RAMASUBBU:

Will the Minister of MINES be pleased to state:

(a) whether the Government proposes to introduce a new mining policy/bill replacing the Mines and Mineral Development and Regulation Act, 1957 for effective check of illegal mining and to empower the people settled around mining areas;

(b) if so, the details thereof alongwith the salient features of the proposed bill;

(c) whether the Government has made any provision in the bill for setting up of the National Mining Regulatory Authority (NMRA) to investigate and prosecute miners involved in illegal mining;

(d) if so, the details thereof; and

(e) the time by which the provisions of the bill are likely to be implemented?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (e) Yes, Madam. Draft Bill is presently under consideration of Group of Ministers (GoM). Till a final decision is taken, it is not possible to indicate salient features of Bill and provisions.

APPENDIX XIV

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA STARRED QUESTION NO. 287

ANSWERED ON 30.11.2010

Mineral Concessions

287. SHRIMATI SUPRIYA SULE:

Will the Minister of MINES be pleased to state:

- (a) the details of the present norms relating to the concessions granted for mineral prospecting operations in the country;
- (b) whether the Government has any proposal to revise such norms/increase the area permissible for mineral prospecting;
- (c) if so, the details thereof and the reasons therefor along with the time by which action in this regard is likely to be taken;
- (d) whether such move would help in attracting modern technology in the mining sector; and
- (e) if so, the details thereof?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (e) A statement is laid on the Table of the House.

STATEMENT REFERRED IN REPLY TO LOK SABHA STARRED QUESTION NO. 287 FOR 30.11.2010 REGARDING MINERAL CONCESSIONS BY SHRIMATI SUPRIYA SULE.

(a) As per the Mines and Minerals (Development and Regulation) Act, 1957, and Mineral Concession Rules, 1960, prospecting licences for major minerals (other than coal minerals, oil and natural gas) are granted by the State Governments:—

- (i) in case an area is notified, on the basis of assessment of the applicants in terms of criteria including any special knowledge of, or experience in, reconnaissance operations, prospecting operations or mining operations, as the case may be, possessed by the applicant; the financial resources of the applicant; the nature and quality of the technical staff employed or to

be employed by the applicant and the investment which the applicant proposes to make in the mines and in the industry based on the minerals;

- (ii) in case an area is not notified, on 'first-in-time' basis, with the provision that the State Government, may, for special reasons to be recorded and with the prior approval of the Central Government in respect of First Schedule minerals, give preference to a later applicant;
- (iii) subject to the restriction (unless relaxed with the approval of the Central Government) that the total area held by the licensee for the mineral in the State shall not exceed a total area of twenty five square kilometers in a State; and
- (iv) in case of First Schedule minerals, prior approval of the Central Government has been duly obtained.

(b) to (e) The Government has enunciated a National Mineral Policy, 2008, which seeks to attract investment and high technology for prospecting and exploration. The Policy seeks to expedite reconnaissance work for the entire country at the earliest through an open sky policy of non-exclusivity in grant of reconnaissance licence. In order to attract large investments and high technology particularly to locate deep seated minerals, the Policy recommends introduction of a Large Area Prospecting Licence for non-bulk minerals. The Policy further enunciates that areas of operations within each State to be suitably enlarged. A proposal to give legislative effect to the Policy recommendations is under consideration of the Government.

APPENDIX XV
(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 4407

ANSWERED ON 07.12.2010

Extraction of Minerals

4407. SHRIMATI KAMLA DEVI PATLE:

Will the Minister of MINES be pleased to state:

- (a) whether the Government of Chhattisgarh has sent a proposal to the High Level Committee on mining policy to address the issue of extraction of minerals in scheduled areas;
- (b) if so, the details thereof and the reaction of the Government thereto; and
- (c) the follow up action taken by the Government thereon?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (c) The State Government of Chhattisgarh has suggested to the Group of Ministers, which is considering a draft Mines and Mineral Bill, that the Mining Law should provide for a clear obligation on the mining lease holder in the Scheduled Areas to provide an amount for benefit of tribals. Since the draft Act is under consideration, the specific measures and provisions are not yet finalised. Till a final decision is taken, it would not be possible to give specific details on the proposal.

APPENDIX XVI

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 4445

ANSWERED ON 07.12.2010

Amendment in Provisions of MMDR Act

4445. SHRIMATI DEEPA DASHMUNSI:
SHRI MANSUKHBHAID. VASAVA:
SHRIMATI SUPRIYA SULE:
SHRI SANJAY DINA PATIL:
SHRI SANJEEV GANESH NAIK:
SHRI BADRI RAM JAKHAR:
SHRI RAGHUVIR SINGH MEENA:
SHRI YASHBANT NARAYAN SINGH LAGURI:
SHRI GADHVIMUKESH KUMAR BHEIRAVDANJI:

Will the Minister of MINES be pleased to state:

(a) whether the Government proposes to amend the existing provisions of Schedule 'A', 'C' and Section 6(3) of the Mine and Mineral (Development and Regulation) Act, 1957 for empowering the States in granting mining lease in their territories;

(b) if so, the details and the reasons therefor;

(c) whether the Government has received certain requests from various fora including the Ministry of Law to rechristen the existing mining law and ensure conservation of minerals;

(d) if so, the details thereof; and

(e) the reaction of the Government thereto?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (e) The Government has constituted a Group of Ministers to consider various view points on the draft Mines and Minerals (Development and Regulation) Bill, 2010, and give its recommendation to the Government. The Group of Ministers is taking into consideration the view of all stakeholders, including Ministries/Departments of Central Government. Since the draft Act is under consideration, the specific measures and provisions are not yet finalised.

APPENDIX XVII

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 4564

ANSWERED ON 07.12.2010

National Mineral Fund

4564. SHRIDUSHYANT SINGH:

Will the Minister of MINES be pleased to state:

(a) whether the Union Government proposes to set up a separate National Mineral Fund under the Mines and Minerals (Development and Regulation) Bill, 2010;

(b) if so, the details thereof and the reasons therefor;

(c) whether various State Governments have requested the Union Government to provide the entire proceeds of the cess on major mineral to the States instead of setting up a separate National Mineral Fund;

(d) if so, the response of the Union Government thereto; and

(e) the action taken in this regard?

ANSWER

THE MINISTER OF MINES AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI B.K. HANDIQUE): (a) to (e) Government is preparing a draft Mines and Minerals (Development and Regulation) Bill, 2010 which *inter-alia* provides for Mineral Fund. In the preparation of the new draft Act, adequate consultation has been undertaken with the stakeholders. The draft Mines and Minerals (Development and Regulation) Bill, 2010 is presently under consideration of Group of Ministers. Since the draft Act is under consideration, the specific measures and provisions are not yet finalised.

APPENDIX XVIII
(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 3012

ANSWERED ON 19.08.2011

Study on Asbestos Mining by IBM

3012 . SHRI N. CHELUVARAYA SWAMY SWAMYGOWDA:

Will the Minister of MINES be pleased to state:

(a) whether the Indian Bureau of Mines (IBM) has conducted any study regarding the adverse impact on the health of the labourers involved in mining of asbestos;

(b) if so, the details thereof alongwith the findings/recommendations of the study;

(c) the follow-up action taken by the Government thereon;

(d) whether the safeguard measures for asbestos mining have since been finalised and the ban on grant/renewal of asbestos mining have been lifted;

(e) if so, the details thereof; and

(f) if not, the reasons therefor and the time by which the same are likely to be finalised?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) FOR MINES (SHRI DINSHA PATEL): (a) to (f) An S&T Project titled 'Study of Pollution Level in Asbestos Mines and processing plants in Rajasthan' was undertaken by Indian Bureau of Mines (IBM), a subordinate office of the Ministry. The Study recommended that subject to imposition of safeguards on pollution level in work environment, the restrictions imposed on grant and renewal of mining leases and expansion of mining may be lifted.

Recommendations of the Study have been examined in consultation with all stakeholders. Some stakeholders have suggested that asbestos mining can be permitted with appropriate safeguards. IBM in consultation with Central Pollution Control Board and Directorate General of Mines Safety has prepared draft guidelines laying down the safeguards for mining of asbestos, which are in the process of finalisation in consultation with stakeholders. The restriction on grant/renewal of mining leases of asbestos can not be lifted till the finalisation of guidelines.

APPENDIX XIX
(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA STARRED QUESTION NO. 345

ANSWERED ON 26.08.2011

Offshore Mineral

345. SHRI K. SIVAKUMAR ALIAS J.K. RITHEESH:

Will the Minister of MINES be pleased to state:

- (a) whether any survey/study has been undertaken to assess the offshore mineral potential;
- (b) if so, the details thereof;
- (c) whether phosphatic sediments have been found in the outer shelf and upper continental margin of Kollam in Kerala by RV Samudra Manthan;
- (d) if so, the details thereof;
- (e) whether any parametric survey has been carried out within the territorial waters of Porto Novo and South Karaikal in Tamil Nadu; and
- (f) if so, the details thereof?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) FOR MINES (SHRI DINSHA PATEL): (a) to (f) A Statement is laid on the Table of the House.

STATEMENT REFERRED IN REPLY TO LOK SABHA STARRED QUESTION NO. 345 REGARDING OFFSHORE MINERAL ASKED BY SHRI K. SHIVAKUMAR ALIAS J.K. RITHEESH FOR ANSWER ON 26TH AUGUST, 2011.

(a) and (b) Yes, Madam. Geological Survey of India (GSI), an attached office with the Ministry of Mines has undertaken studies to assess the economic mineral bearing areas within the Exclusive Economic Zone (EEZ) and the Territorial Waters (TW) of India. The details are given in Annexure.

(c) and (d) Geological Survey of India (GSI) has undertaken surveys onboard Research Vessel (RV) Samudra Manthan during Field Season (F.S.) 2009-10, at water depths between 50 meters to 2500 meters, in the outer continental shelf and upper continental slope region of Kollam in Kerala for search for possible occurrences of phosphatic sediments. But, the economic prospect of such occurrence does not appear

to be encouraging from the preliminary results obtained as major part of the area is blanketed by sandy sediments with varying amount of clay. Clay content is negligible in the eastern part of the surveyed area and it increases towards west. The sand in the eastern part contains more terrigenous minerals whereas towards western part the sand is calcareous and further west, it is clay and silty clay. Chemical analysis of the sediments and carbonate concretions in the sediments show phosphate (P_2O_5) content less than 0.5%. The sediments dominated by terrigenous component in the eastern part show P_2O_5 content less than 0.1%. Clay minerals have P_2O_5 content around 0.2%. Calcareous sediments in the middle part of the area have upto 0.45% of P_2O_5 content.

(e) and (f) GSI has carried out parametric (magnetic and bathymetric) surveys onboard RV Samudra Kaustubh in the year 2009-2010 (F.S. 2008-09). The surveyed area is within the territorial waters of Karaikal, Tamil Nadu. The survey was carried out covering an area of 800 sq. km. between Karaikal - Nagapattinam in the bathymetric zone of 12 to 300 meters. Seabed mapping was carried out between Porto Novo and Karaikal in the region off Uppanar to Coleroon River mouths. An area of 800 sq. km. was surveyed for seabed mapping by 233 line km. of bathymetry and shallow seismic survey and 230 line km. of magnetic survey, 20 sq km. of swath bathymetry along with collection of 60 sediment samples and water samples at 3 stations. The sediment type in general is coarse to fine sand in the shelf zone upto 37 m isobath and further the silt and clay content increases. Fine sized heavy minerals occur near the palaeo-strands. Coral debris is abundant near the 87 m ridge.

ANNEXURE

Annexure referred to in parts (a) and (b) of answer to Lok Sabha Starred Question No. 345 due for answer on 26th August, 2011.

GSI have delineated economic mineral bearing areas within the Exclusive Economic Zone (EEZ) of India including the Territorial Waters. The findings of the surveys are given below:

- # Heavy mineral sands comprising ilmenite, rutile, zircon, sillimanite, monazite and garnet found off East coast (Orissa and Andhra Pradesh).
- # Similar heavy mineral sands comprising ilmenite, rutile, zircon, sillimanite, monazite and garnet have been found off West coast (Kerala –Tamil Nadu).
- # Heavy mineral sands comprising ilmenite and magnetite also have been found off Ratnagiri in the West coast.
- # Oolites and calcareous sands have been found in the continental shelf off Andhra Pradesh, Tamil Nadu, Maharashtra and Gujarat coast.
- # High grade of lime mud occurrences is found in water depth of 100 – 200 m off Andhra coast.
- # High grade lime mud deposit found in water depth of 180 – 1200 m off Gujarat.

- # Phosphatic sediment (17 – 19% P_2O_5) found in water depths of 100 – 200 m south east off Chennai.
- # Phosphatic sediments (15 – 20% P_2O_5) found in water depths of 200 – 1000 m off Gujarat coast.
- # Reconnaissance Survey, for identification of potential areas for Ocean Thermal Energy Conversion (OTEC) and occurrences of construction grade sand has been carried out off Andaman and Nicobar Islands.
- # Potential areas of occurrences of construction grade sand off Kerala coast have been identified.
- # Occurrence of micro-manganese nodules has been identified, within a wide area west of Lakshadweep, at water depths ranging from 2800 metres to 4300 metres. The chemical composition of these nodules are as follows: Manganese: 5% - 41%, Iron: 0.3 – 5.3%, Copper: 530 – 900 parts per million (ppm); Lead: 230 – 1600 ppm; Zinc: 790 – 4800 ppm; Nickel: 700 – 1000 ppm; Cobalt: 80 – 300 ppm; Ferromanganese encrustations has also been located in the Andaman sea off Batti Malva.

APPENDIX XX

(*Vide* Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 4091

ANSWERED ON 26.08.2011

Award/Grant of Mining Lease

4091. SHRI DEVJI PATEL:

Will the Minister of MINES be pleased to state:

(a) whether the Government proposes to award/grant mining lease through competitive bids;

(b) if so, the details thereof; and

(c) the progress made in this regard along with its present status?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) FOR MINES (SHRI DINSHA PATEL): (a) to (c) The Government had amended the Mines and Minerals (Development and Regulation) Act, 1957, *vide* Gazette (Extraordinary) Notification No. 43 dated 9th September, 2010 to introduce provisions in the said Act for awarding mining licences for coal minerals through a process of competitive bidding. *Vide* this amendment, Section 11A has been inserted in the Mines and Minerals (Development and Regulation) Act, 1957. In addition, the National Mineral Policy, 2008, advocates, with respect to non-coal non-fuel minerals, that transparency in allocation of concessions will be ensured. In pursuant of this policy, the proposed legislative changes in the form of MMDR Bill is under the consideration of the Government.

APPENDIX XXI

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 5005

ANSWERED ON 02.09.2011

PROFIT SHARING IN MINING WITH LOCALS

5005 . SHRI CHAUDHARY LAL SINGH:

SHRID.B. CHANDRE GOWDA:

SHRIMATI SHRUTI CHOUDHRY:

SHRI BIBHU PRASAD TARAI:

SHRI MODUGULA VENUGOPALA REDDY:

SHRIM.K. RAGHAVAN:

Will the Minister of MINES be pleased to state:

(a) whether there is any provision in the mining sector to share certain percentage of profits earned by the mining companies through mining with the people, particularly with tribal people displaced by such projects;

(b) if so, the details thereof including the details of such profits earned by mining companies along with amount spent by them for the rehabilitation of displaced people and development of mining areas during each of the last three years and the current year, State-wise;

(c) whether some mining companies have shown reservations in sharing their profits with the locals;

(d) if so, the details thereof along with the complaints received in this regard during the said period and the action taken by the Government thereon;

(e) the remedial measures taken/to be taken by the Government for sharing of profits earned by mining companies with the locals;

(f) whether the Government is reconsidering its decision to share profits of miners with locals; and

(g) if so, the details thereof along with the reasons therefor?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) FOR MINES (SHRI DINSHA PATEL): (a) The National Mineral Policy, 2008 provides that special care will be taken to protect the interest of host and indigenous population through developing models of stakeholder interest based on international best practice. In terms of the policy, the Government has drafted legislation taking into view the concerns of various stakeholders including industry, and the same are consideration.

(b) to (g) Does not arise in view of (a) above.

APPENDIX XXII

(Vide Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 5058

ANSWERED ON 02.09.2011

National Mining Regulatory Authority

5058 . SHRI SAJJAN SINGH VERMA:

Will the Minister of MINES be pleased to state:

(a) whether the Government proposes to frame a stringent law to check illegal mining in the country and to punish the mining mafia;

(b) if so, the details thereof;

(c) whether the Government proposes to set up a high powered National Mining Regulatory Authority (NMRA) to check illegal mining; and

(d) if so, the details thereof and the time by which it is likely to be set up?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) FOR MINES (SHRI DINSHA PATEL): (a) and (b) The Government has amended Rule 45 of Mineral Conservation and Development Rules, 1988 (MCDR) making it mandatory for all miners, traders, end-users, stockists and exporters to register and report all transactions of minerals for end-to-end accounting from production of minerals to its last use in the country. Separately, the Government is also considering a new draft legislation, which includes provisions for stringent measures to curb illegal mining.

(c) and (d) The proposal is part of new draft legislation, which is under consideration.

APPENDIX XXIII

(*Vide* Para 4 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF MINES

LOK SABHA UNSTARRED QUESTION NO. 2042

ANSWERED ON 02.12.2011

Shah Commission on Illegal Mining

2042. SHRI RAJAIAH SIRICILLA:

SHRI PRABODH PANDA:

Will the Minister of MINES be pleased to state:

(a) whether the Union Government has appointed Shah Commission to inquire into the large scale mining of iron-ore and manganese ore without lawful authority and to fix ore extraction amount in several States;

(b) if so, the details thereof along with its terms of references;

(c) whether the Commission has submitted any interim/preliminary report in this regard;

(d) if so, the details thereof including recommendations/suggestions made by the Commission;

(e) the follow-up action taken by the Union Government thereon; and

(f) the time by which the Commission is likely to submit its final report?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) FOR MINES (SHRI DINSHA PATEL): (a) and (b) The Government has appointed Shri Justice M. B. Shah Commission of Inquiry under the Commission of Inquiry Act, 1952 to inquire into the large scale mining of iron ore and manganese ore without lawful authority in several States *vide* Notification S. O. 2817, dated 22nd November, 2010. The Terms of Reference of the Commission of Inquiry are:

- (i) to inquire into and determine the nature and extent of mining and trade and transportation, done illegally or without lawful authority, of iron ore and manganese ore, and the losses resulting therefrom; and to identify, as far as possible, the persons, firms, companies and others that are engaged in such mining, trade and transportation of iron ore and manganese ore, done illegally or without lawful authority;

- (ii) to inquire into and determine the extent to which the management, regulatory and monitoring systems have failed to deter, prevent, detect and punish offences relating to mining, storage, transportation, trade and export of such ore, done illegally or without lawful authority, and the persons responsible for the same;
- (iii) to inquire into the tampering of official records, including records relating to land and boundaries, to facilitate illegal mining and to identify, as far as possible, the persons responsible for such tampering; and
- (iv) to inquire into the overall impact of such mining, trade, transportation and export, done illegally or without lawful authority, in terms of destruction of forest wealth, damage to the environment, prejudice to livelihood and other rights of tribal people, forest dwellers and other persons in the mined areas, and the financial losses caused to the Central and State Governments.

(c) to (e) The Commission of Inquiry has submitted an Interim Report to the Government on 14.7.2011 recommending, *inter alia* :

- # Amendment in section 24 of the Mines and Minerals (Development and Regulation) Act, 1957
- # Amendments in Rules 24A of Mineral Concession Rules (MCR), 1960 regarding deemed extension of mining leases, in Rule 26 and Rule 27 of MCR restricting persons convicted for illegal mining from renewal of mining lease and cancellation of mining lease;
- # Amendments in field circulars issued by Indian Bureau of Mines for stringent regulation of boundary pillars of mining leases;
- # ban on export of iron ore and manganese ore; and
- # measures to be taken by State Governments for improving regulation by:
 - (i) introducing computerized weigh bridges,
 - (ii) installing Check Posts at exit points,
 - (iii) proper maintenance of roads and collection of toll tax, and
 - (iv) providing adequate staff for regulatory purposes in State.

The Government has considered the recommendation of the Commission of Inquiry and has accepted recommendations pertaining to amendment of Rule 26 and Rule 27 of MCR restricting persons convicted for illegal mining from renewal of mining lease and cancellation of mining lease, amendments in field circulars issued by Indian Bureau of Mines for stringent regulation of boundary pillars of mining leases, and measures to be taken by State Governments for introducing computerized weigh bridges, installing Check Posts at exit points, proper maintenance of roads and collection of toll tax, and providing adequate staff for regulatory purposes in State.

The Government has commenced suitable action for implementation of the accepted recommendations. The Government is considering recommendation on ban on exports of iron ore and manganese ore in the context of EXIM Policy.

(f) The Commission of Inquiry is required to submit its final report within 18 months of its first sitting as per the Terms of Reference.

APPENDIX XXIV

EXTRACTS FROM MANUAL OF PRACTICE & PROCEDURE IN THE GOVERNMENT OF INDIA, MINISTRY OF PARLIAMENTARY AFFAIRS, NEW DELHI

1	2
Definition	<p>8.1 During the course of reply given to a question or a discussion, if a Minister gives an undertaking which involves further action on the part of the Government in reporting back to the House, it is called an 'assurance'. Standard list of such expressions which normally constitute assurances and as approved by the Committees on Government Assurances of the Lok Sabha and the Rajya Sabha, is given at Annexure 3. As assurances are required to be implemented within a specified time limit, care should be taken by all concerned while drafting replies to the questions to restrict the use of these expressions only to those occasions when it is clearly intended to give an assurance in these terms.</p> <p>8.2 When an assurance is given by a Minister or when the Presiding Officer directs the Government to furnish information to the House, it is extracted by the Ministry of Parliamentary Affairs from the relevant proceedings and communicated to the department concerned normally within 10 working days of the date on which it is given.</p>
Deletion from the list of assurances	<p>8.3.1 If the administrative department has any objection to treating such a statement as an assurance or finds that it would not be in the public interest to fulfil it, it may write to the Lok/Rajya Sabha Secretariat direct with a copy to the Ministry of Parliamentary Affairs within a week of the receipt of such communication for getting it deleted from the list of assurances. Such action will require prior approval of the Minister.</p> <p>8.3.2 Departments should make request for dropping of assurances immediately on receipt of statement of assurances from the Ministry of Parliamentary Affairs and only in rare cases where they are fully convinced that the assurances could not be implemented under any circumstances and there is no option left with them but to make a request for dropping. Such requests</p>

1	2
	<p>should have the approval of their Minister and this fact should be indicated in their communication containing the request. If such a request is made towards the end of the stipulated period of three months, then it should invariably be accompanied with a request for extension of time. The department should continue to seek extension of time till a decision of the Committee on Government Assurances is received by them. Copy of the above communications should be simultaneously endorsed to the Ministry of Parliamentary Affairs.</p>
Time limit for fulfilling an assurance	<p>8.4.1 An assurance given in either House is required to be fulfilled within a period of three months from the date of the assurance. This time limit has to be strictly observed.</p>
Extension of time for fulfilling an assurance	<p>8.4.2 If the department finds that it is not possible to fulfil the assurance within the stipulated period of three months or within the period of extension already granted, it may seek further extension of time direct from the respective Committee on Government Assurances under intimation to the Ministry of Parliamentary Affairs as soon as the need for such extension becomes apparent, indicating the reasons for delay and the probable additional time required. Such a communication should be issued with the approval of the Minister.</p>
Registers of assurances	<p>8.5.1 The particulars of every assurance will be entered by the Parliament Unit of the department concerned in a register as at Annexure 4 after which the assurance will be passed on to the concerned section.</p> <p>8.5.2 Even ahead of the receipt of communication from the Ministry of Parliamentary Affairs, the section concerned should take prompt action to fulfil such assurances and keep a watch thereon in a register as at Annexure 5.</p> <p>8.5.3 The registers referred to in paras 8.5.1 and 8.5.2 will be maintained separately for the Lok Sabha and the Rajya Sabha assurances, entries therein being made session-wise.</p>
Role of Section Officer and Branch Officer	<p>8.6.1 The Section Officer incharge of the concerned section will:</p> <p>(a) scrutinise the registers once a week;</p>

1	2
Procedure for fulfilment of an assurance	(b) ensure that necessary follow-up action is taken without any delay whatsoever;
	(c) submit the registers to the branch officer every fortnight if the House concerned is in session and once a month otherwise, drawing his special attention to assurances which are not likely to be implemented within the period of three months; and
	(d) review of pending assurances should be undertaken periodically at the highest level in order to minimise the delay in implementing the assurances.
	8.6.2 The branch officer will likewise keep his higher officer and Minister informed of the progress made in the implementation of assurances, drawing their special attention to the causes of delay.
	8.7.1 Every effort should be made to fulfil the assurance within the prescribed period. In case only part of the information is available and collection of the remaining information would involve considerable time, an implementation report containing the available information should be supplied to the Ministry of Parliamentary Affairs in part scrutinize of the assurance, within the prescribed time limit. However, efforts should continue to be made for expeditious collection of the remaining information for complete implementation of the assurance at the earliest.
	8.7.2 Information to be supplied in partial or complete fulfilment of an assurance should be approved by the Minister concerned and 15 copies thereof (bilingual) in the prescribed proforma as at Annexure 6, together with its enclosures, along with one copy each in Hindi and English duly authenticated by the officer forwarding the implementation report, should be sent to the Ministry of Parliamentary Affairs. If, however, the information being furnished is in response to an assurance given in reply to a question etc., asked for by more than one member, an additional copy of the completed proforma (both in Hindi and English) should be furnished in respect of each additional member. A copy of this communication should be endorsed to the Parliament Unit for completing column 7 of its register.
	8.7.3 The implementation reports should be sent to the Ministry of the Parliamentary Affairs and not to the Lok Sabha/Rajya Sabha Secretariat. No advance copies

1	2
Laying of the implementation report on the Table of the House	<p>of the implementation reports are to be endorsed to the Lok Sabha Rajya Sabha Secretariat either.</p> <p>8.8 The Ministry of Parliamentary Affairs, after a scrutiny of the implementation report, will arrange to lay it on the Table of the House concerned. A copy of the statement, as laid on the Table, will be forwarded by the Ministry of Parliamentary Affairs to the member as well as the department concerned. The Parliament Unit of the department concerned and the concerned section will, on the basis of this statement, make a suitable entry in their registers.</p>
Obligation to lay a paper on the Table of the House <i>vis-à-vis</i> assurance on the same subject	<p>8.9 Where there is an obligation to lay any paper (rule/order/notification, etc.) on the Table of the House and for which an assurance has also been given, it will be laid on the Table, in the first instance, in fulfilment of the obligation, independent of the assurance given. After this is done, a report in formal implementation of the assurance indicating the date on which the paper was laid on the Table will be sent to the Ministry of Parliamentary Affairs in the prescribed proforma (Annexure 6) in the manner already described in para 8.7.2.</p>
Committees on Government Assurances LSR 323, 324 RSR 211-A	<p>8.10 Each House of Parliament has a Committee on Government assurances nominated by the Speaker/Chairman. It scrutinizes the implementation reports and the time taken in the scrutinization of Government assurances and focuses attention on the delays and other significant aspects, if any, pertaining to them. Instructions issued by the Ministry of Parliamentary Affairs from time to time are to be followed strictly.</p>
Reports of the Committees on Government Assurances	<p>8.11 The department will, in consultation with the Ministry of Parliamentary Affairs, scrutinize the reports of these two Committees for remedial action wherever called for.</p>
Effect on assurances on dissolution of the Lok Sabha	<p>8.12 On dissolution of the Lok Sabha, all assurances, promises or undertakings pending implementation are scrutinized by the new Committee on Government Assurances for selection of such of them as are of considerable public importance. The Committee then submits a report to the Lok Sabha with a specific recommendation regarding the assurances to be dropped or retained for implementation by the Government.</p>

MINUTES

FOURTH SITTING

**MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT
ASSURANCES (2012-2013) HELD ON 27 DECEMBER, 2012
IN COMMITTEE ROOM 'E', PARLIAMENT
HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1500 hours to 1615 hours on Thursday, 27 December, 2012.

PRESENT

Shrimati Maneka Gandhi — *Chairperson*

MEMBERS

2. Shri Anandrao Adsul
3. Shri Hansraj G. Ahir
4. Shri Gurudas Das Gupta
5. Sardar Sukhdev Singh Libra
6. Shri Anjan Kumar M. Yadav
7. Rajkumari Ratna Singh
8. Dr. M. Thambidurai

SECRETARIAT

1. Shri U.B.S. Negi — *Director*
2. Shri T.S. Rangarajan — *Additional Director*
3. Smt. Veena Kumari — *Deputy Secretary*

Ministry of Mines

1. Shri R. H. Khwaja, Secretary (Mines)
2. Ms. Gauri Kumar, Additional Secretary
3. Smt. Anjali Anand Srivastava, JS & FS
4. Shri Arun Kumar, Joint Secretary
5. Shri Durga Shankar Mishra, Joint Secretary
6. Shri Naresh Kumar, Joint Secretary

At the outset, the Chairperson welcomed the Members to the sitting of the Committee. Thereafter the Committee proceeded to review the pending assurances (upto 9th Session of 15th Lok Sabha) from Sl. Nos. 1 to 23 (Annexure) pertaining to the Ministry of Mines. The Committee took oral evidence of the representatives of the Ministry on the assurances listed from Sl.Nos. 1 to 6 only. The Committee decided to review the remaining assurances later.

2. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

ANNEXURE

Statement showing Pending Assurances (from 7th Session of 14th Lok Sabha to 9th Session of 15th Lok Sabha) of the Ministry of Mines

(Sl. No. 1 to 6 reviewed by the Committee on 27 December, 2012)

Sl. No.	SQ/USQ No. Dated	Subject
1	2	3
1.	USQ No. 1119 01.03.2006	Review of Mineral Law
2.	USQ No. 3792 19.12.2006	Mineral Development Fund
3.	SQ No. 21 27.02.2007 (Shri Punnulal Mohale, M.P.)	Extraction of Minerals
4.	USQ No. 960 06.03.2007	Mining Disputes
5.	SQ No. 106 24.02.2009 (Shri Devendra Prasad Yadav, M.P.)	Abandoned Mines
6.	SQ No. 241 21.07.2009 (Shri Basudev Acharia, M.P.)	Conservation and Development of Mines
7.	SQ No. 241 21.07.2009 (Shri Mansukh Bhai D. Vasava, M.P.)	Conservation and Development of Mines
8.	USQ No. 2372 21.07.2009	Review of New National Mineral Policy
9.	USQ No. 2981 16.03.2010	Ban on Mining Activities
10.	USQ No. 287 27.07.2010	Irregularities in Mining Sector
11.	USQ No. 438 27.07.2010	Illegal Mining of Iron Ore
12.	USQ No. 2564 10.08.2010	Use of Mining Profit for Welfare Activities

1	2	3
13.	USQ No. 142 09.11.2010	New Mining Policy
14.	SQ No. 287 30.11.2010 (Shrimati Supriya Sadanand Sule, M.P.)	Mineral Concessions
15.	USQ No. 4407 07.12.2010	Extraction of Minerals
16.	USQ No. 4445 07.12.2010	Amendment in Provisions of MMDR Act
17.	USQ No. 4564 07.12.2010	National Mineral Fund
18.	USQ No. 3012 19.08.2011	Study on Asbestos Mining by IBM
19.	SQ No. 345 26.08.2011 (Shri K. <i>alias</i> J.K. Ritheesh Shivakumar, M.P.)	Offshore Mineral
20.	USQ No. 4091 26.08.2011	Award/grant of Mining Lease
21.	USQ No. 5005 02.09.2011	Profit sharing in Mining with Locals
22.	USQ No. 5058 02.09.2011	National Mining Regulatory Authority
23.	USQ No. 2042 02.12.2011	Shah Commission on Illegal Mining

ANNEXURE II

MINUTES

FIFTH SITTING

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT
ASSURANCES (2012-2013) HELD ON 14 JANUARY, 2013 IN COMMITTEE
ROOM 'E', PARLIAMENT HOUSE ANNEXE, NEW DELHI.

The Committee sat from 1500 hours to 1630 hours on Monday, 14 January, 2013.

PRESENT

Shrimati Maneka Gandhi — *Chairperson*

MEMBERS

2. Shri Rajendra Agrawal
3. Dr. Rattan Singh Ajnala
4. Shri Jayant Chaudhary
5. Shri Gurudas Das Gupta
6. Sardar Sukhdev Singh Libra

SECRETARIAT

1. Shri P. Sreedharan — *Additional Secretary*
2. Shri U.B.S. Negi — *Director*
3. Smt. Veena Kumari — *Additional Director*

Ministry of Mines

1. Shri R. H. Khwaja, Secretary (Mines)
2. Ms. Gauri Kumar, Additional Secretary
3. Shri Arun Kumar, Joint Secretary
4. Shri Durga Shanker Mishra, Joint Secretary
5. Shri Naresh Kumar, Joint Secretary
6. Shri Chandramani Sharma, Director
7. Dr. Joyesh Bagchi, Sr. Geologist-GSI

At the outset, the Chairperson welcomed the Members to the sitting of the Committee.

2. Thereafter, the representatives of the Ministry of Mines were called in. The Committee then resumed oral evidence of the representatives of the Ministry of Mines regarding pending assurances. The Committee reviewed the pending assurances (upto 9th Session of 15th Lok Sabha) from Sl. Nos. 7 to 23 (Annexure) pertaining to the Ministry of Mines and sought certain clarifications which were replied to by the representatives of the Ministry. However, with reference to some of the assurances the Committee desired that action be taken by the Ministry as follows:—

SQ No. 241 dated 21.07.2009 regarding Conservation and Development of Mines (Sl. No. 7 of Annexure): The Committee drew the attention of the representatives of the Ministry towards a small mountain in Sadenahalli near Bangalore international airport which is being illegally mined and emphasized that it be stopped forthwith.

USQ No. 2981 dated 16.03.2010 regarding Ban on Mining Activities (Sl. No. 9 of Annexure): The Committee desired that they be apprised of the steps taken by the Ministry to stop mining activities in Orissa, and other parts of the country.

USQ No. 287 dated 27.07.2010 regarding Irregularities in Mining Sector (Sl. No. 10 of Annexure): The Committee desired that a Central list of blacklisted people and companies involved in illegal mining be prepared.

USQ No. 438 dated 27.07.2010 regarding Illegal Mining of Iron Ore (Sl. No. 11 of Annexure): The Committee noted that inspection in 106 mines in five States namely Karnataka, Andhra Pradesh, Orissa, Jharkhand and Gujarat was conducted between 07.12.2009 to 17.12.2009 by a Special Task Force Team constituted by Indian Bureau of Mines (IBM) and it suspended operations in 60 mines, out of which 58 applied for revocation of suspension orders and 2 mines were recommended for termination. In this regard, the Committee directed the Ministry to furnish the details of those 60 suspended mines, the nature of violation in respect of 58 mines, mine-wise, the circumstances for their revocation and reasons for termination of two mines and whether these two mines have actually been terminated or not?

USQ No. 3012 dated 19.08.2011 regarding Study on Asbestos Mining IBM (Sl. No. 18 of Annexure): The Committee noted that IBM in consultation with Central Pollution Control Board (CPCB) and Directorate General of Mines Safety has prepared draft guidelines laying down the safeguards for mining of asbestos, which are in the process of finalization in consultation with stakeholders. The restriction on grant/renewal of mining leases of asbestos cannot be lifted till the finalization of guidelines. While expressing their concern about the hazardous effects of asbestos on human beings, the Committee strongly desired the need for immediate ban on mining of asbestos in the country. The Secretary of the Ministry assured the Committee to look into the issue personally.

3. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

ANNEXURE

**Statement showing Pending Assurances (from 7th Session of 14th Lok Sabha to
9th Session of 15th Lok Sabha) of the Ministry of Mines**

(S.Nos. 1 to 6 reviewed by the Committee on 27 December, 2012)

Sl. No.	SQ/USQ No. Dated	Subject
1	2	3
1.	USQ No. 1119 01.03.2006	Review of Mineral Law
2.	USQ No. 3792 19.12.2006	Mineral Development Fund
3.	SQ No. 21 27.02.2007 (Shri Punnulal Mohale, M.P.)	Extraction of Minerals
4.	USQ No. 960 06.03.2007	Mining Disputes
5.	SQ No. 106 24.02.2009 (Shri Devendra Prasad Yadav, M.P.)	Abandoned Mines
6.	SQ No. 241 21.07.2009 (Shri Basudev Acharia, M.P.)	Conservation and Development of Mines
7.	SQ No. 241 21.07.2009 (Shri Mansukh Bhai D. Vasava, M.P.)	Conservation and Development of Mines
8.	USQ No. 2372 21.07.2009	Review of New National Mineral Policy
9.	USQ No. 2981 16.03.2010	Ban on Mining Activities
10.	USQ No. 287 27.07.2010	Irregularities in Mining Sector
11.	USQ No. 438 27.07.2010	Illegal Mining of Iron Ore
12.	USQ No. 2564 10.08.2010	Use of Mining Profit for Welfare Activities

1	2	3
13.	USQ No. 142 09.11.2010	New Mining Policy
14.	SQ No. 287 30.11.2010 (Shrimati Suriya Sadanand Sule, M.P.)	Mineral Concessions
15.	USQ No. 4407 07.12.2010	Extraction of Minerals
16.	USQ No. 4445 07.12.2010	Amendment in Provisions of MMDR Act
17.	USQ No. 4564 07.12.2010	National Mineral Fund
18.	USQ No. 3012 19.08.2011	Study on Asbestos Mining by IBM
19.	SQ No. 345 26.08.2011 (Shri K. <i>alias</i> J.K. Ritheesh Shivakumar, M.P.)	Offshore Mineral
20.	USQ No. 4091 26.08.2011	Award/grant of Mining Lease
21.	USQ No. 5005 02.09.2011	Profit sharing in Mining with Locals
22.	USQ No. 5058 02.09.2011	National Mining Regulatory Authority
23.	USQ No. 2042 02.12.2011	Shah Commission on Illegal Mining

MINUTES

SIXTEENTH SITTING

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT
ASSURANCES (2012-2013) HELD ON 26 AUGUST, 2013 IN COMMITTEE
ROOM 'B', PARLIAMENT HOUSE ANNEXE, NEW DELHI.

The Committee sat from 1500 hours to 1530 hours on Monday, 26 August, 2013.

PRESENT

Shri Hansraj G. Ahir — *In chair*

MEMBERS

2. Shri Anandrao Adsul
3. Shri Bijoy Handique
4. Shri Badri Ram Jakhar
5. Sardar Sukhdev Singh Libra
6. Rajkumari Ratna Singh
7. Dr. M. Thambidurai

SECRETARIAT

1. Shri U.B.S. Negi — *Director*
2. Shri T.S. Rangarajan — *Additional Director*
3. Shri Kulvinder Singh — *Committee Officer*

In the absence of Smt. Maneka Gandhi, Chairperson, Shri Hansraj G. Ahir, M.P. was chosen to chair the sitting of the Committee under rule 258(3) of the Rules of Procedure and Conduct of the Business in Lok Sabha. At the outset, the acting Chairman welcomed the Members to the sitting of the Committee and apprised them regarding the day's agenda. Thereafter Committee considered and adopted the following draft Seven reports without any amendment and authorized the Chairperson to present them in the House in the present session itself:—

- (i) Draft Twenty Ninth Report regarding review of pending assurances pertaining to the Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industry).
- (ii) Draft Thirtieth Report regarding requests for dropping of assurances (not acceded to).

- (iii) Draft Thirty First Report regarding requests for dropping of assurances (acceded to).
- (iv) Draft Thirty Second Report regarding requests for dropping of assurances (acceded to).
- (v) Draft Thirty Third Report regarding requests for dropping of assurances (not acceded to).
- (vi) Draft Thirty Fourth Report regarding review of pending assurances pertaining to the Ministry of Mines.
- (vii) Draft Thirty Fifth Report regarding review of pending assurances pertaining to the Ministry of Agriculture (Department of Agriculture and Co-operation).

2. In view of the debate going in the House on an important matter, the Committee decided to postpone the evidence of the representatives of the Ministry of Health and Family Welfare (Department of AYUSH) to a subsequent date.

The Committee then adjourned.