

**GOVERNMENT OF INDIA
MINES
LOK SABHA**

UNSTARRED QUESTION NO:1532
ANSWERED ON:13.12.2013
NATIONAL MINING REGULATORY AUTHORITY
Jardosh Smt. Darshana Vikram;Karnakaran Shri P.

Will the Minister of MINES be pleased to state:

- (a) whether the Government is considering a comprehensive policy for setting up of the National Mining Regulatory Authority (NMRA) replacing the Mines and Minerals (Development and Regulation) Act, 1957;
- (b) if so, the details thereof; and
- (c) the manner and extent to which the said authority is likely to help in checking illegal mining in the country;

Answer

THE MINISTER OF MINES (SHRI DINSHA PATEL)

(a) and (b): To repeal the existing statute on regulation of mines and development of minerals i.e. the Mines and Minerals (Development and Regulation) Act, 1957 the Government has introduced the Mines and Minerals (Development and Regulation) Bill, 2011 (MMDR Bill, 2011) in the Lok Sabha on 12.12.2011 which, inter alia, provides for establishment of the National Mining Regulatory Authority (NMRA).

(c): provisions relating the manner and extent to which the NMRA is likely to check illegal mining in the country are given in clause 69 of the MMDR Bill, 2011 which is reproduced below:

"69. (1) Without prejudice to any other law for the time being in force, the National Authority may, on the basis of written complaint alleging contravention of the provisions of the Act or alleging commission of any offence punishable under this Act or the rules made thereunder in respect of major minerals where such contraventions or commission of offences have been committed on large scale or on organised basis or takes place interstate, investigate or cause to be investigated any such complaint or institute prosecution against any person.

(2) Without prejudice to the generality of the provisions of sub-section (1), the National Authority may investigate or cause to be investigated or institute prosecution against any person where contraventions or commission of offences have been committed on large scale or on organised basis or have taken place inter-state, in respect of major minerals in the following cases, namely: "â€"

- (i) exploration and mining for any mineral without licence or lease;
- (ii) undertaking of mining or exploration activity outside the area granted under licence or lease;
- (iii) transactions relating to or possession of mineral stock of unknown origin, or such mineral which cannot be satisfactorily accounted for;
- (iv) transportation, storage, trade or export of illegally raised mineral without lawful authority:

(3) The National Authority may, if it finds that the contravention of any of the provisions of this Act or commission of any offence thereunder in respect of major minerals is of a small scale or isolated nature, refer any complaint referred to in sub-section (1) or sub-section (2) to the State Government concerned for such action as it deems fit.

(4) The Central Government or the State Government or the National Authority may, by notification in the Official Gazette, appoint such persons as it thinks fit, possessing such qualifications as may be prescribed, or such authority fulfilling such criteria or appoint an Investigation officer or Investigating Authority or appoint legal practitioner for initiating prosecution or defending its case before any Court or Tribunal for such area as may be specified in the notification, to investigate or initiate prosecution into contravention of any of the provisions of this Act or commission of any offence thereunder in respect of major minerals [including cases falling under clauses (i) to (iv) of sub-section (2)].

Explanation.â€"For the purposes of this sub-section, "legal practitioner" means an advocate, vakil or an attorney of any High Court, and includes a pleader in practice.

(5) The Investigation Officer or the Investigating Authority referred to in sub-section

(4), if so authorised by the Central Government, shall have the powerâ€”

(a) to enter and search, at all reasonable times and with such assistance, if any, as he considers necessary, any premises in which he has reason to believe an offence under this Act or the rules made thereunder has been or is being committed;

(b) to require the production of, and to inspect, examine and make copies of, or take extracts from registers, records or any other documents kept by a holder of a mining lease or licence, as the case may be, in pursuance of the provisions of this Act or the rules made thereunder and seize the same, if he has reason to believe that all or any of them, may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder;

(c) to make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act or the rules made thereunder are being complied with;

(d) to exercise such other powers as may be necessary for carrying out the purposes of this Act or the rules made thereunder.

(6) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

(7) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to the process of investigation and initiation of prosecution of the offences in respect of major minerals under the provisions of this Act, as they apply to the investigation or initiation of prosecution made under the provisions of the said Code.

(8) The Investigating Officer or Investigating Authority, as the case may be, shall complete the process of investigation within a period of three months from the date of authorisation for conducting such investigation and submit the report of such investigation to the National Authority.

(9) The Investigation Officer or the Investigating Authority may take the assistance of police if it so becomes necessary for discharge of its functions under this Act.

(10) The National Authority either on its own motion (on the basis of material in its possession) or on the basis of report referred to in sub-section (8) or an Investigation Officer or Investigating Authority or any of its officer, if so authorised by the National Authority may file a complaint before a competent court in respect of contravention of the provisions of this Act or commission of any offence thereunder in respect of major minerals."