

**GOVERNMENT OF INDIA
MINES
LOK SABHA**

UNSTARRED QUESTION NO:1086

ANSWERED ON:02.03.2015

INSPECTION BY IBM

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Will the Minister of MINES be pleased to state:

- (a) the definition of illegal mining as per the Indian Bureau of Mines (IBM);
- (b) whether IBM carries out periodical inspections of mines in order to monitor the conservation of mineral, systematic and scientific mining and protection of environment, if so, the details thereof, State-wise;
- (c) whether excess mining (more than the limits in the initial mining plan) is allowed as long as the companies involved pay the royalty for what they have extracted;
- (d) if so, the details of the percentage of excess mining allowed for a given year for each mineral;
- (e) whether any penalties for over-mining are imposed by the Government; and
- (f) if so, the details thereof along with the action taken by the Government against violators during the current year, State- wise and if not, the reasons therefor?

Answer

THE MINISTER OF STATE FOR STEEL AND MINES (SHRI VISHNU DEO SAI)

(a): Illegal mining has been defined by rule 2(ii) of the Mineral Concession Rules, (MCR) 1960, which states as follows:

(ii) "illegal mining" means any reconnaissance or prospecting or mining operation undertaken by any person or a company in any area without holding a reconnaissance permit or a prospecting licence or as the case may be, a mining lease as required under sub-section(1) of section 4 of the Act.

(b): Indian Bureau of Mines (IBM) carries out periodical inspections in order to monitor the conservation of minerals, systematic and scientific mining, and protection of environment under the provisions of the Mineral Conservation & Development Rules (MCDR), 1988. State- wise details in this regard are given in ANNEXURE-I.

(c) and (d): As per section 5(2)(b) of the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957, a mining plan is essential for grant of mining lease. Mining plan is for the entire lease period. It includes a tentative scheme of mining and annual excavation plan for five year periods. At the end of each five year period, the scheme of mining is subject to fresh approval. At the start of mining activity a tentative scheme of mining is conceptualized based on preliminary information on geology and reserves. Laying the limits for annual production for the entire life span of a mine, which is generally 20- 30 years, at the time of approval of mining plan, is not practicable for the following reasons:

- i. Complete information on geology and reserves is not available;
 - ii. The mining rights encompass the area from the surface to the core of earth for which advance geological information is not available, and anticipated depth of mine changes depending upon many technical factors; and
 - iii. Change in the method of mining from manual to mechanized;
- Rule 10 of MCDR, 1988 provides for modification of mining plan in the interest of safe and scientific mining, conservation of minerals, or for the protection of environment. However, IBM has been instructed, vide letter dated 29.10.2010, to ensure that the approvals of modification of mining plans for increase in production shall be with prospective effect only.
- IBM has been allowing deviation upto 20% of the tentative annual production indicated in the approved mining plan/scheme of mining. This relaxation is subject to the condition that the cumulative effect of deviation should not distort the approved ore to overburden/waste ratio and result in significant shortfall in development work. Excess ore production, which is more than 20% of the tentative annual production quantity indicated in the mining plan, is considered as a contravention of the provisions of MCDR, 1988.

(e) and (f): As per Rule 13(1) of the MCR, 1960 all mining operations have to be in terms of the mining plan. In case of violation of mining plan, including production of ore in excess of the approved mining plan, IBM may issue violation notice for rectification of the violation. In case the violation is not rectified, then IBM launches prosecution against the lessees in Courts. In case of failure to operate a mine as per the approved mining plan, the IBM may also suspend mining operations as per Rule 13(2) of MCDR, 1988 in a mine till such period the mining operations can be undertaken as per mining plan.

Details of action taken by IBM in this regard in the last three years are given in ANNEXURE-II.