

**GOVERNMENT OF INDIA
MINES
LOK SABHA**

STARRED QUESTION NO:241

ANSWERED ON:21.07.2009

CONSERVATION AND DEVELOPMENT OF MINES

Anuragi Shri Ghansyam ;Vasava Shri Mansukhbhai D.

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) & (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) & (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.