

GOVERNMENT OF INDIA
MINISTRY OF MINES
LOK SABHA
UNSTARRED QUESTION NO. 1746
ANSWERED ON 27.07.2022
LEASING OF MINES

†1746. SHRI MALOOK NAGAR:

Will the Minister of MINES be pleased to state:

(a) the role of the Union Government in the development of minerals across the country and especially in leasing of mines and giving approval for mineral concessions to the State Governments;

(b) whether the Indian Bureau of Mines performs regulatory functions with respect to the conservation and development of mines under Mines and Minerals (Development and Regulation) Act;

(c) if so, the details thereof;

(d) whether the prevailing system is helpful in checking of illegal mining across the country;

(e) if not, whether the Government proposes to amend the current legislative framework for the above purpose; and

(f) if so, the details thereof?

ANSWER

THE MINISTER OF MINES, COAL AND PARLIAMENTARY AFFAIRS
(SHRI PRALHAD JOSHI)

(a): As per the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act), the Central Government has been empowered for regulation of mines and development of minerals to the extent provided in the said Act. As per section 18 of the MMDR Act, Central Government is responsible to make rules for conservation and systematic development of minerals in India and for the protection of the environment by preventing or controlling any pollution which may be caused by prospecting or mining operations and for such purposes as necessary. Under this section, the Central Government has framed the Mineral Conservation and Development Rules, 2017.

Under the said Act and the rules framed thereunder, the State Government are empowered to carry out auction of mineral concessions in respect of land in which the minerals vest in the concerned Government. However, previous approval of the Central Government is required in the following cases:

- i. Under section 5(1) of the Act for minerals listed in Part A & B of the first schedule to the Act for grant of mineral concession.
- ii. Under section 10B(2) of the Act for auction of Composite Licence (CL) of notified minerals, viz., Iron Ore, Limestone, Manganese and Bauxite.
- iii. Under section 17A(2) of the Act for reservation of any area by the State Government in favour of a Government company or corporation owned or controlled by the State Government.

Further, Central Government is empowered to reserve any area not already held under a mineral concession, in favor of a Government company or corporation owned or controlled by the Central Government under Section 17A(1A) of the MMDR Act.

(b) & (c): Indian Bureau of Mines (IBM), a subordinate office of Ministry of Mines, is engaged in the promotion of scientific development of mineral resources of the country, conservation of minerals, protection of environment in mines, other than coal, petroleum and natural gas, atomic minerals and minor minerals. It performs regulatory functions with respect to the relevant provisions of MMDR Act and the Mineral Conservation and Development Rules, 2017.

Further, as per notification in Official Gazette vide Resolution No. 31/49/2014 – M. III, dated 3rd November, 2014, IBM is mandated to functions as the National Technical Regulator in respect of the mining sector, and lay down regulations, procedures and systems to guide the State Governments (first tier of regulation); provide technical consultancy services; participate in international collaborative projects in the area of regulation and development of the mineral sector; undertake any such other activity as has become necessary in the light of developments in the field of geology, mining, mineral beneficiation and the environment; etc.

(d) to (f): Section 23C of the MMDR Act, 1957 empowers the State Government to make rules for preventing illegal mining, transportation and storage of minerals and for purposes connected therewith. The MMDR Act has stringent punitive provision for combating illegal mining. Provisions have been made for setting up of special courts for purpose of providing speedy trial of offences relating to illegal mining.
