Dear Sir/Tumour Bhai,

As recommended by the Hoda Committee, the Ministry of Mines has constituted a Coordination-cum-Empowered Committee to monitor and minimize delays at various levels in grant of approvals for mineral concessions. The first meeting of the Committee was held under my chairpersonship on 24th July, 2009, which was attended by Secretary/Director in charge of Mining and Geology in your State. A copy of the minutes of meeting was circulated to all State Governments vide letter of even number dated 6th August, 2009.

2. One of the main decisions taken in the said meeting was that a Coordination-cum-Empowered Committee would be constituted in each State under the chairmanship of Chief Secretary or Additional Chief Secretary/Principal Secretary of the Mining/Industries Department with representation from all concerned Departments/institutions. However, barring the Government of Gujarat and Government of West Bengal, no other State Government has so far informed us about constitution of such a Committee in their States.

3. In our view, a State level Coordination Committee would be able to:

- effect coordination with Revenue Department for managing the land for purposes of concession.

- ensure that clearances/NOCs/approvals are given by Forest, Environment and other departments in a streamlined way.

- monitor process of approval of concessions and compliance with concession conditions.

- ensure building up of a computerized data base, effectively integrated with other State Level databases.

Contd.....2....
4. I would accordingly request you to kindly notify the State level Committee very urgently. The progress in this regard will be reviewed by the Central Empowered Committee at its next meeting this month.

Yours sincerely

(Santha Sheela Nair)

Shri Tabom Bam  
Chief Secretary,  
Government of Arunachal Pradesh,  
Itanagar
No. 7/111/2009-M.IV
Government of India
Ministry of Mines

New Delhi, the 17th May, 2010

To

The Secretary
(In charge of Mines and Mineral Development)
All State Governments
(As per list attached)

Subject: Taking up all pending cases in the State level Coordination-cum-Empowered Committee for expeditious disposal.

Sir,

The undersigned is directed to refer to this Ministry’s letters of even number dated 15th December, 2009 and reminder dated 29th January, 2010 regarding quarterly reports on the status of (i) concession applications pending with the State Governments; (ii) lease/licence execution; and (iii) renewal applications. There has been no response from your State Government on the subject so far.

2. As you are aware, the Ministry of Mines has been stressing the urgency for constitution of the State Level Coordination-cum-Empowered Committee by all State Governments. This was the main decision taken by the Central Coordination-cum-Empowered Committee (CEC) in its first meeting held on 24.7.2009. It was reiterated in the second meeting of the CEC held on 22.12.2009 and also in the various meetings held in the Ministry with the State Governments from time to time. As per our information, some State Governments have already constituted their State level Committees, and many other States are in the process of constituting them.

3. In a meeting taken by Secretary (Mines) with the Ministry of Environment and Forests on 30.4.2010 regarding delays in obtaining forest clearances for mining projects, it was decided that the State Governments would place all their pending cases in their State level Coordination-cum-Empowered Committee.

4. Accordingly, all State Governments are requested to put up all mineral concession cases pending with them, as mentioned in para 1 above, before their Coordination-cum-Empowered committee, to facilitate their review and expeditious disposal. A report on the subject may be furnished to this Ministry by 31st May, 2010.

Yours faithfully,

(G. Srinivas)
Director
Dear Mr. Padman,

Please refer to my D.O. letters of dated 3.11.2009 and 16.11.2009 regarding the need for setting up the State level Coordination and Empowerment Committee and preparation of a concerted action plan to tackle the increasing incidents of illegal mining. The Hon'ble Minister of Mines & DENGER has since written to Chief Minister of all State Governments in this regard vide his D.O. letter dated 1.12.2009 following a review of the current situation in a meeting with the State Secretaries of Mining and Geology on 27.11.2009.

2. Each State has been advised to draw up an ACTION PLAN to tackle illegal mining and also to put in place measures for preventing repeated large scale occurrences of such clandestine activity. The specific points that need to be addressed in the Plan were identified and are in the Annexure to this letter. This is to request you to urgently review the Plan and add to or modify the Plan as best suited for the State's needs. I shall be grateful if such a Plan is drawn up and sent to us. The State's agents for monitoring the Mines Sector for enhancing the collection of Royalty Revenues, may also kindly be given wide publicity.

3. I look forward to hearing from you very quickly, as you will agree, that this is now a very sensitive subject and needs attention at the highest level.

Yours sincerely,

(Signature)

Shri Vineeta Parbhuan,
Chief Secretary,
Government of Mizoram,
Aizawl.

"Encl: As above"
Dear S. Vijay Kumar,

Sub: Implementation of effective measures to tackle illegal mining in the State.


I fully share the concerns of Government of India regarding illegal mining and I have on previous occasions provided details of actions initiated by the State Government to tackle the menace of illegal mining. I would like to draw your attention to the fact that the State Government has taken due note of the guidelines issued by the Government of India, and has put in place the following systems/measures in the State.

1. The State Government had framed the rules under 23(c) of MMDR Act. The State Government could not implement the rules as the Hon’ble High Court of Karnataka had issued a stay order. The State Government has now succeeded in addressing all the issues raised in the petition(s) and has convinced the Hon’ble Court to vacate the stay orders. The rules would be further amended keeping in view the new challenges and circumstances to tackle illegal mining and transportation effectively.

2. The State Government has already informed Government of India about the setting up Task Forces, Coordination-cum-Empowered Committee, formulation of State Mineral Policy etc. and the action plan has been put in place to control illegal mining.

Contd.... 2
3. The State Government has set up a Special Cell headed by the Director, Mines & Geology represented by the Senior Officers of the Departments of Transport, Forest, Home, Indian Bureau of Mines, Customs and Ports etc., to ensure that various measures incorporated in the action plan to control illegal mining are fully implemented. This Cell has already held its first meeting and several measures have been initiated as per the action plan.

4. The State Government has set up 13 Composite Check Posts in strategic locations to monitor and control illegal transport of mineral. These check posts are manned by Departments of Mines, Transport, Forest officials, and have started functioning 24 x 7. In one of the most sensitive areas, bordering State of Karnataka and Andhra Pradesh, the check post has been equipped with cameras also.

5. The State took initiative ahead of all other States to take up a study of mining leases using high-resolution satellite imagery to identify encroachments. The Karnataka State Remote Sensing Application Centre has submitted its first report in respect of 47 leases situated in Bellary District. The State Government is initiating further action based on the findings of this report.

6. The State Government has set up 3 survey teams comprising Officers of the Forest, Revenue and Mines to carry out general survey of leases/Report mentioned in Lokayuktha having exceeded the area granted. These teams would also conduct surveys of leased areas pending for renewal. I have asked the Director, Mines and Geology to utilise the services of IBM also in this task.

7. The State Government has decided to bring in a system of issuing mineral despatch permits – one permit per one vehicle – at the ‘mine head’ itself. Required well trained personnel are already in

Contd.... 3
place and the MDPs would be electronically generated with bar codes and surveillance of entire transport of mineral would be possible.

8. The State Government has issued guidelines stipulating that the virgin areas should also be notified calling for applications as provided under section 11(2) of the MMDR Act, so that complete transparency is brought in.

9. The State Government has also taken steps to streamline the system of establishment of stock yards and has cancelled a number of stock yards established in violation of the guidelines. Necessary rules for establishment of stock yards would also be incorporated in the rules, issued under section 23(c) of MMDR Act.

I have already conducted a meeting of the Empowered-cum-Coordination Committee and a detailed review of all the issues has been taken up. I would be holding meetings of the Committee periodically so that follow up action is taken up regarding all the measures listed above.

I assure you that the State Government will continue to evince keen interest to effectively enforce all the measures envisaged in the action plan to control illegal mining and transportation in the State.

with kind regards.

Yours sincerely,

[S. V. Ranganath]

Shri S. Vijay Kumar,
Secretary to Government of India
Ministry of Mines
Shastri Bhawan
New Delhi – 110 115.
Dear Shri Prasad,

As you are aware, the mineral sector is contributing significantly to the national economy, and of late, mineral development activities have come to play a much greater role in the socio-economic growth of the country. It is in this context that the need for having an efficient and transparent mineral concession system i.e. grant of Reconnaissance Permit (RP), Prospecting Licence (PL) and Mining Lease (ML) assumes great importance. Conscious of this responsibility, the Ministry of Mines has taken several steps in this direction viz. adoption of the new National Mineral Policy, circulation of Model State Mineral Policy to all State Governments, constitution of the Central Coordination-cum-Empowered Committee to facilitate efficient on processing mineral concession proposals, issuance of guidelines on various aspects of mineral concessions, use of internet services for giving status of mineral concession cases etc. Details of these initiatives are available on the Ministry's website (www.mines.nic.in).

2. In order to have an idea of the level and pace of activity of the mineral sector in the various States, we had requested for quarterly reports from the State Governments on the status of (i) concession applications pending with the State Governments; (ii) lease/licence execution; and (iii) renewal applications. The Ministry had, vide letter No. 7/11/2009-M.IV dated 15.12.2009 addressed to all State Governments, circulated a proforma for this purpose, (copy enclosed) which is also available on the website of the Ministry. The State Governments were requested to furnish quarterly reports by the 15th day of January, April, July and October in respect of the preceding quarter. The Ministry has also written subsequent letters dated 29.1.10, 17.5.10 and 23.8.2010 to the State Governments in this regard. The matter was also discussed at length in the meeting of the Central Empowered Committee held on 18.6.2010 wherein the State representatives were asked to expedite submission of the quarterly reports.

3. While many of the other State Governments have responded, I regret to say that despite all efforts, we have been unable to elicit any quarterly report from your State Government so far. Considering the importance and urgency of the matter, I would request you to please ensure that the quarterly reports on the subject for the period ended on 31.12.09, 31.3.10 and 30.6.10 are sent to this Ministry, without any further delay. I would also request you to kindly issue instructions so as to ensure that the reports reach us within the stipulated time in future.

Yours sincerely,

(S. Vijay Kumar)

Shri S.V. Prasad,
Chief Secretary,
Government of Andhra Pradesh,
Hyderabad.

- Encl: As above
Position regarding receipt of quarterly reports from the State Governments on status of (i) disposal of applications for mineral concessions (ii) lease/licence execution status and (iii) renewal of concessions.

(Position as on 30.11.2010)

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To

The Secretary
(In charge of Mines and Mineral Development)
All State Governments
(As per list attached).

Subject: Timely submission of quarterly reports on status of (i) concession applications pending with the State Governments; (ii) lease/licence execution; and (iii) renewal applications.

Sir/Madam,

I am directed to refer to this Ministry’s letter of even number dated 15.12.2009 to all State Governments, seeking quarterly reports from the State Governments on the status of (i) concession applications pending with the State Governments; (ii) lease/licence execution; and (iii) renewal applications. The State Governments were requested to furnish quarterly reports by the 15th day of January, April, July and October in respect of the preceding quarter. The said letter along with the proforma prescribed for the purpose is also available on the Ministry’s website (mines.nic.in). The Ministry has also written subsequent letters dated 29.1.10, 17.5.10 and 23.8.2010 to the State Governments in this regard. Secretary (Mines) has also written to the Chief Secretaries of all the States vide letter dated 9.9.2010.

2. It is regretted that some of the major States viz. **Andhra Pradesh, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa and Rajasthan** have not furnished even a single report so far. Besides, no State has furnished the quarterly report for the period ended September, 2010. The status of receipt of quarterly reports as on
30.11.2010, which is available on the Ministry’s website, may please be referred to in this regard.

3. Besides, it is seen from the reports received from Goa, Karnataka and Tamil Nadu, that the opening balance of a quarter does not tally with the closing balance of the previous quarter, which shows that either records are not being maintained properly or not being matched correctly, resulting in the figures not coming out accurately. Further, the reports for the period up to June 2010, received from the Governments of Goa, Gujarat, Karnataka, Maharashtra and Tamil Nadu, show that there were huge pendency of concession applications and renewal applications. A large number of cases were pending for over 2 years. It is also noticed that the pace of disposal of cases during the quarters up to June, 2010 has been extremely slow.

4. No State Government has informed whether they are holding the State Empowered Committee meetings and putting up the status of concession cases before it, as requested by us vide letter of even number dated 17.5.2010.

5. In view of the above, the State Governments are again requested to engage themselves with the matter with due earnestness, furnish their quarterly reports in time, and also address the areas of concern as brought out above, on a time-bound basis. The State-wise position in this regard will be reviewed in the meeting of the Central Empowered Committee to be held in New Delhi on 22.12.2010.

Yours faithfully,

(Bhupal Nanda)
Director
Tel: 23073233
Government of India  
Ministry of Mines

No. 7/13/2010-M.IV  
New Delhi, Dt:- 3.12.2010

To
All the Secretaries of the State Governments  
(As per the list enclosed)

Subject:  
Issue of Letter of Intent (LOIs)

Sir,

I am directed to enclose a list of cases in which prior approval of the Central Government has been given, but there has been no intimation regarding issue of LOIs by the State Governments.

2. All State Governments are requested to check their records with reference to the enclosed list and bring any discrepancy in this respect to the notice of this Ministry. Needless to say, in cases where LOIs have not been issued, the same may be attended to expeditiously.

3. This matter will be discussed in the 4th Coordination-cum-Empowered Committee to be held in New Delhi on 22.12.2010.

Yours faithfully,

(Bhupal Nanda)  
Director  
Telefax: 23073233

Encl.: As above
To

The Secretary
(In charge of Mining and Geology),
All State Governments/UT Administrations

Subject: Guidelines regarding speedy processing of mineral concessions and return of mineral concession proposals where information/clarification from the State Governments is not received timely.

Sir,

The Ministry of Mines has been emphasizing the need for expeditious processing and disposal of mineral concession proposals sent by the State Governments seeking prior approval of the Central Government under the MMDR Act, 1957.

2. It is, however, seen that in a large number of cases, the information/documents submitted along with the proposals are insufficient, which makes it difficult for the Ministry to process such proposals in accordance with the provisions of the Act and the rules and guidelines framed thereunder. In all such cases, necessary information/clarifications/documents are sought from the State Governments. Copy is endorsed to the applicant (in case there is no adverse interest) to enable faster processing and obtaining of information. The status is also given in a web-based application on the Ministry's website, to enable easy monitoring. The Ministry has been, from time to time, sending list of cases pending with the State Governments with the request to expedite their comments/reply. This matter is also regularly reviewed in the various meetings held in the Ministry with the State Secretaries including the meetings of the Central Empowered Committee. While in several cases, responses are received and cases finalized on that basis, it is also noticed that in many cases despite lapse of many months no response is received, and the matter remains pending with no conclusion in sight.
All aspects of the matter have been considered by the Ministry, and it has been decided that the mineral concession proposals in which clarifications/information/documents have been sought by the Ministry from the State Governments, and where there has been no response from the State Governments within a period of six months, will be returned to the State Governments, and will be treated as closed in the Ministry. If the State Governments later resubmit such proposals along with the requisite information/documents (and complying with the provisions of the Act/Rules/Guidelines applicable at the time), they will be treated as fresh cases.

4. All State Governments are requested to please note the above decision for information and guidance. To ensure effective response, it is suggested that:

(i) State Governments ensure that all proposals conform to the provisions not only of the Act and Rules, but also of the guidelines thereunder (in particular guidelines dated 24.6.09, 25.9.09, 9.2.2010 and 3.6.2010);

(ii) A monitoring mechanism is instituted under the chairmanship of the Secretary in charge of the Department of Mines in the State to review each month list of cases pending for clarification based on the information system developed in the State and supported by the data made available on the Ministry’s website and list of pending cases sent by the Ministry; and

(iii) Where response within six months’ time has been difficult due to coordination problems within departments of the State Government, the matter should be taken to the State Level Coordination Committee for a resolution of the issue and devising appropriate State level procedures.

5. Please inform us of the action being taken with regard to the suggestions at para 4 above. The matter will also be discussed in the next meeting of the Central Empowered-cum-Coordination Committee.

Yours faithfully,

(G. Srinivas)
Director
No. 7/21/2008-M.IV (Pt)  

2nd November, 2010

Dear Mr. Khan,

Please refer to this Ministry's circular No.7/59/2010-M.IV dated 29th July, 2010 to the State Governments regarding guidelines on speedy processing of proposals referred to the State Governments seeking information/clarification/comments. As per these guidelines, the cases where there has been no response from the State Governments within a period of six months, will be returned to the State Governments.

2. I am sending herewith a list of cases pending with your State Government as on date. I shall be grateful if you could arrange to send the requisite information/clarification/comments to this Ministry by 5.12.2010. If no reply is received by that date, I am afraid the Ministry would be constrained to return the cases pending with your State Government for over six months as on 31.10.2010. Hence, it is requested that you may personally review all these cases and ensure submission of responses especially of such cases which are pending for more than six months as on 31.10.2010.

With best wishes,

Yours sincerely,

(S.K Srivastava)

Shri A.M. Khan,  
Principal Secretary,  
Industry, Energy and Labour Department,  
Government of Maharashtra,  
Room No. 114,  
1st Floor, Mantralaya Annexe Building,  
Mumbai.