Dear Chief Secretary,

I would like to draw your attention about the urgency for the grant of Mining Lease (ML) on the applications which have been saved under Section 10A(2)(c) of the Mines & Minerals (Development & Regulation) (MMDR) Act 2015. These ML applications, if not granted before 11.01.2017, would suo motu lapse.

2. The Ministry of Mines in its endeavor to expedite such cases of Mining Leases, has organised several rounds of discussions with the State Governments, concerned Central Government ministries & departments and also with the project proponents. The Ministry of Mines has coordinated with the Ministry of Environment, Forest & Climate Change (MoEF&CC), Ministry of Tribal Affairs (MoTA), Ministry of Law & Justice (MoL&J), Indian Bureau of Mines (IBM) and other concerned departments, to facilitate the State Governments to be able to grant the lease expeditiously in such pending cases, where mining plan was sanctioned but cases were pending because of EC, FC and settlement of forest rights.

3. Regarding the cases pending for forest clearance (FC), MoEF&CC Ministry of Environment Forest & Climate Change (MoEFCC), vide their guidelines no.11-35/2016-FC, dated 30th Nov, 2016, had agreed to grant the Forest Clearance (FC) under section 2(iii) of Forest Conservation Act (FCA) 1980 in the eligible cases so that project proponents can get the grant of lease without waiting for FC Stage- (I) and (II) as required under section 2(ii) of FCA, while mandating that the mining activity could commence only after obtaining FC under section 2(ii) of FCA for diversion of the forest land.

4. However, while issuing FC under section 2(iii) of FCA in these cases, MoEF&CC had put a condition of settlement of forest rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA). After consultation with Ministry of Tribal Affairs (MoTA), the orders have been issued (available on the website of Ministry of Mines) to incorporate certain conditions as vetted by MOTA in the lease deed so that the lease can be granted immediately and forest rights would need be settled prior to commencement of any mining activity.

5. Further, in respect of cases pending because of environmental clearance (EC), after taking legal opinion with concurrence of MoL&J & MoEF&CC, we have issued notification dated 4.1.2017 (available on the website of Ministry of Mines), under the...

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powers conferred by sub section 1 of section 24 of MMDR Amendment Act, 2015 in which the State Governments have been enabled to grant the lease without necessitating EC at this stage, provided that EC can be obtained prior to commencement of the mining activity. These leases so executed, would entail to be treated null and void if the EC is finally rejected.

6. In this way, such pending cases, where mining plan was sanctioned but cases were pending because of EC, FC and settlement of forest rights, the States have been facilitated by the Central Government to be able to grant the lease expeditiously. Now it is up to the States how promptly they grant the lease in respect of these saved cases.

7. Apart from these, there are certain cases pending for action / decision with the State Government mostly with Mining Dept. and some with Revenue Dept. These cases pending with the Directorate of Mining and Geology or Forest Department or State Pollution Control Board, and other departments of your State also need to be expedited before the prescribed time limit.

8. Considering the urgency of the matter, it is felt that the Mining Department, along with the other concerned departments / organizations where the cases are pending in the State, may be immediately directed to take required steps for grant of leases in these cases within the timeline, i.e. 11.01.2017.

I seek your personal attention on this matter of importance and urgency.

With warm wishes,

Yours sincerely,

(Balvinder Kumar)

Chief Secretaries
State Government of Odisha, Andhra Pradesh, Telangana, Chhattisgarh, Karnataka, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Rajasthan, Goa & Tamil Nadu.

CC: Principal Secretaries / Secretaries, In-charge Mining Department
State Government of Odisha, Andhra Pradesh, Telangana, Chhattisgarh, Karnataka, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Rajasthan, Goa & Tamil Nadu.