To
Shri R.K. Verma
Principal Secretary (Mines)
Government of Goa
Secretariat, Porvorim,
Goa-403521

Sub: Environmental impact of mining of iron ore, including removal of dumps in Goa-reg.

Sir,

I am directed to refer to this Ministry’s letter of even number dated 27.3.2012 in response to your D.O. letter No.01/899/11-MINES/2781 dated 11.1.2012 on the above mentioned subject and state that in the context of the proposed policy being drafted by the State Government of Goa for iron ore dump handling, the Ministry is of the opinion that the following issues should also be invariably included in the draft policy:

(i) The directions of the Hon’ble High Court of Bombay at Goa in Writ Petition no. 77 of 2001 in the case of Shri Laxman Venkatesh Savoikar, that no new place for dumping overburden, waste, rejects, etc. will be commenced, worked or started without the permission and approval as required under Chapter III of the Mineral Conservation and Development Rules, 1988, even though applicable in the specific case, should need to be made applicable for all the dump removals in Goa considering the principles involved are in the interest of conservation and development of minerals, implying that dump removal on dumps outside the lease area should be allowed by the State Government under various statutory Act /Rules including the provisions of MCDR, 1988. All the dump related operations are to be invariably a part of Mining Plan/ Scheme of Mining. The details of operations for removal of such dumps need to be shared with IBM along with balance stock remaining in the dump.

(ii) Rule 64 C of the Mineral Concession Rules, 1960 provides that in case dumped tailings or rejects of minerals are used for sale or consumption on any later date after the date of such dumping, then such tailings or rejects should be charged royalty. Considering the fact that the iron ore mining industry in Goa, in the past, due to non-useable nature of low grade ore had resorted to dumping of low grade ore as dumps, and such grades is now marketable due to availability of technology for using low grade ore, there is an imminent need to ensure that appropriate systems are in place to ensure that there is no royalty leakages. In order to do
so there is a need for exact quantification of grade and quantity of ore and geo-referencing of the dumps in respect to the mine-owners of the dumps before any exercise is commenced to allow dump removal.

(iii) Notwithstanding the opinion of the Ld Advocate General of the State of Goa that dump removal does not require environmental clearance, the Ministry is of the opinion that since the dumps are a result of mining operations and that dump handling involves impact on environment, appropriate environmental clearance and other clearances, as part of the clearance of mining operations of the identified owner of the dumps, should be pre-requisite.

(iv) Rule 45 of the Mineral Conservation and Development Rules, 1988, provides for compulsory registration of all mining lease holders, traders, stockist, exporters and end-users and reporting on monthly and annual basis of all the mineral transaction to the Indian Bureau of Mines and the State Government. Considering this mandatory requirement, no dump removal should be permitted unless these activities are captured and are in compliance to Rule 45 of the MCDR, 1988.

2. I am further directed to state that in order to ensure that the above mentioned measures are properly structured in the draft dump removal policy of the State Government of Goa, it is requested that the draft Policy may be consulted with the Ministry of Mines, before any action is taken to notify the same. In case of clarifications on this issue the Ministry of Mines is agreeable for meeting at an early date.

Yours sincerely

(Anil Subramaniam)
Under Secretary to the Government of India
Tel: 23383946

Copy to:
1. Controller General, IBM, Nagpur.
2. PS to Hon’ble MoS(IC) of Mines/ PS to JS(MR)/ Dir (RL)