



**Ministry of Mines**

**Government of India**

## **AGENDA NOTES**

**FOR**

**MEETING OF MINOR MINERAL PRODUCING 8 STATES & 7 UTS**

**16<sup>th</sup> June, 2017**

**New Delhi**

1. Minor Mineral Rules.
2. Status of project implementation under Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY).
3. Sand Mining Issues.
4. Mining Tenement System (MTS) implementation.
5. Mining Surveillance System (MSS).
6. Star Rating of Mines.

MEETING OF MINOR MINERAL PRODUCING 8 STATES & 7 UTS ON 16<sup>TH</sup> JUNE, 2017

Attention is invited to the D.O letter No. 31/2/2016-M-III (Part-II) dated 18.5.2017 (Annexure A / page-7) written by Secretary (Mines), flagging the key issues of the mining sector. The items emerging from the DO letters as well as other agenda items are discussed below:

**1. Minor Mineral Rules**

1.1 Pursuant to the Supreme Court judgment dated 27/02/2012 in Deepak Kumar's Case (OA No. 12-13 of 2011 in Special Leave Petition (C) No. 19628-19629 of 2009), a clearance under the Environment Protection Act, 1986, was made mandatory in respect of all minor minerals irrespective of the area of the mining lease.

1.2 The action had to be taken by the States in response to the directive issued by the Ministry under 20A to implement transparent systems for giving minor mineral concessions, especially in the light of Minister of Mines DO letter no 16/119/2015-M.VI/220 dt. 24.11.2015 to the Chief Minister of the States. DO letter no. 16/119/2015-M.VI dated 17.8.2015 at the **Annexure I of the DO letter (Annexure A / page-9-10)**.

**2. Status of project implementation under Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) in Minor Minerals:**

2.1 The District Mineral Foundation (DMF) has been created by the amendment of the MMDR Act, with effect from 12<sup>th</sup>Jan, 2015, to address the long-time grievance of the people affected by mining. The contributions of 30 % of additional royalty by existing miners and 10% by miners granted mines after the MMDR Amendment w.e.f. 12.1.2015 in the major minerals.

2.2 The Central Government has formulated Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY). It is to be implemented by the District Mineral Foundation (DMF)'s of the respective districts. It has been issued as a directive under Section 20A of the Act by the Central government on 16.09.2016 (**Annexure 2 & 3 of the DO letter / page-16-17**). The projects implemented under PMKKKY will help create a congenial mining environment, ameliorate the condition of the affected persons and create a win-win situation for the stakeholders. All funds collected under DMF may implement schemes under the PMKKKY.

2.3 The PMKKKY has mandated **60% of the funds to be utilized in a for High Priority Areas**, such as Drinking water / Environment preservation and pollution control / Health care / Education / Skill development / Welfare of women, children, aged and disabled people / Sanitation and **40% of the funds to be utilized for Infrastructure** - Roads & physical infrastructure / Irrigation / Watershed development.

2.4 Section 9 (B) of the amended MMDR Act, 1957 pertains to establishment of DMF for major minerals while Sec.15(A) of the Act devolves on the States the responsibility to operationalise the DMF for minor minerals as well. 2 circulars issued in this behalf on 16.9.2015 along with the scheme of Pradhan Mantri Khanij Kshetra

Kalyan Yojana (PMKKKY) to operationalise this. In this regard, States has been requested to furnish a return on a monthly basis as per (Annexure 4 of the DO letter / page-24).

2.5 The Ministry is in the process of developing a portal for monitoring of PMKKKY implementation. The States are requested to appoint Nodal Officers for uploading the data on proposed portal for real time. Some of the states, who have already developed or are in the process of developing their IT platform for PMKKKY, need to integrate their system with the national portal being developed.

2.6 The State Governments also have been empowered to constitute DMF for Minor Minerals under the newly inserted section 15A in the MMDR Act. The States are requested to take appropriate action for setting up of DMF for minor minerals and update the ministry during the conference.

### **3. Sand Mining Issues**

3.1 The MMDR Act, 1957, was amended through the MMDR Amendment Act, 2015 which is deemed to have come into force with effect from 12.1.2015. The most important provision of the Amendment Act is the introduction of auction through competitive bidding for grant of mineral concessions for major minerals. With auction having been introduced as the method for allocation of mineral concessions for major minerals. It was felt that States should also revisit their rules for minor minerals to adopt a transparent and non-discriminatory method for dispensation of concessions for minor minerals. The Ministry of Mines has taken up this issue with the States to revisit their method of grant of mineral concessions. Some of the States have revised the rules in this regard and have introduced e-auction as the method for grant of concessions for minor minerals including sand.

3.2 It was the general refrain of the states that the rise in the cases of illegal mining of minor minerals especially sand, is due to the difficulty in obtaining EC. However, despite the simplification of the process for obtaining EC for minor minerals as per the 'Sustainable Sand Mining Management Guidelines' issued by MOEFCC delegating this authority to a district level body headed by DC / DM, the instances of illegal mining of minor minerals including sand mining continue.

3.3 The first issue is the regulatory aspect of grant of mineral concessions. In this regard it is submitted that Chhattisgarh grants mineral concessions for sand after getting EC to Gram Panchayats. Gujarat follows a system of auction. Telangana follows an allocation method wherein extraction of sand is done by Telangana State Mineral Development Corporation and sand is made available at controlled rates. It has also been ascertained that Madhya Pradesh, Rajasthan and Bihar have also adopted e-auction for grant of concessions for sand mining. Andhra Pradesh follows what is known as 'free sand policy' wherein the users are free to excavate sand and use it free without payment of royalty etc.

3.4 It is seen that there are basically three methods adopted for sand mining. The first being e-auction. The second being extraction by a state PSU and sale at controlled

rates. The third one is the 'free sand policy' as followed by Andhra Pradesh. There are several issues which need to be considered for ensuring a sustainable sand policy one which conforms to legal, regulatory and environmental norms. There has to be a designated site from where sand is to be excavated; the depth of excavation is required to be monitored; norms need to be put in place to prevent over excavation of sand. In some places in South India sand forms a natural barrier between fresh water and salinated water. In such places over excavation of sand would lead to contamination of fresh water leading to its salination. In this regard, the Ministry of Environment, Forests & Climate Change (MOEFCC) has issued two notifications issued - S.O. 141 (E) dated 15.1.2016 & S.O. 190 (E) dated 20.1.2016 and the Sustainable Sand Mining Management Guidelines 2016.

3.5 Recently the Government has held the State Mining Minister's Conference on 4.5.2017 under the aegis of the Hon'ble Union Minister of State with Independent Charge for Power, Coal, New and Renewable Energy and Mines. In pursuance of the deliberations held in the Conference, it has been decided to constitute a committee chaired by the Secretary, Ministry of Mines along with officials drawn from State Governments, to study the existing system of sand mining in various states and prepare a sand mining guideline which addresses concerns in this sector. The committee has been constituted vide order No- 16/23/2017-M.VI dated 12.05.2017, the committee will suggest sand mining guidelines with a view towards ensuring transparency, sustainability, and availability of adequate supply of sand at reasonable rates.

3.6 The Ministry of Mines is seized of the issue for ensuring sustainable mining of sand. Sustainability in terms of compliance with the legal requirements and one that conforms to the environmental regulations and at the same time ensures supply of sand at reasonable rates.

3.7 For further study of the issues at hand the States/UTs may make available information on: (i) whether the State/UT has assessed the demand/supply situation and efforts made to meet deficit from other States/UTs, or by use of manufactured sand, and if there is a surplus whether there is a policy to allow availability of sand to other States; (ii) The historical evolution of the State policy regarding sand in the last 6 years and a copy of the present policy including administrative systems in place today; (iii) whether all districts have made DSRs, if so a copy of DSR of one district to be submitted to the Committee; and (iv) any suggestions in this regard. He summed up the deliberations by stating that the first meeting was introductory in nature which has set the course for the Committee, to frame guidelines for the benefit of the States for ensuring environmentally sustainable mining of sand and one which addresses the concerns of adequate supply of sand at reasonable prices.

#### **4. Mining Tenement System (MTS) implementation**

4.1 To further improve the administration of major minerals, a Mining Tenement System is being put in place which would inter alia contain forest, cadastral, GIS maps,

mining plan approval, concession management, integration of Ore Accounting, MSS, DMF, NMET and Star Rating systems. It is expected that the first phase would become operational by November, 2017 and the second phase by April, 2018. To construct this portal, Indian Bureau of Mines has engaged M/s WIPRO and we would expect the States to collaborate in the creation of this portal. The portal will also have Ore Accounting system which could become the feeder to the data required under DMF. Going forward the minor mineral may also be considered to be included on this portal. States are required to nominate a nodal officer in this regard for coordination.

## **5. Mining Surveillance System (MSS)**

5.1 A 'Mining Surveillance System' (MSS) for major minerals has been developed by the Ministry of Mines through Indian Bureau of Mines (IBM), with the help of Bhaskaracharya Institute of Space Applications & Geo-Informatics (BISAG), Gujarat under MeITY for monitoring of mining activities to curb the incidences of illegal mining with the use of space technology. The Mining Surveillance System (MSS) is a satellite-based monitoring system which can provide trigger for any mining like activity in the vicinity of the existing mining areas. The system aims to establish a regime of responsive mineral administration by curbing instances of illegal mining activity through automatic remote sensing detection technology. This brings in an impartial and cost effective methodology of monitoring mine. States need to give their consent to the adoption of MSS as it would help them in control of illegal mining including sand.

5.2 States are requested to utilize MSS for curbing illegal mining in minor minerals, where it is all the more rampant. The implementation of MSS for 'minor minerals' has been taken up by the State Governments with the support of State Remote Sensing Application Centres expeditiously for which a time-bound action plan is required. IBM has organised Training Workshops at Udaipur, Bangalore and Kolkata on MSS & Star Rating for handholding the State Governments for implementing them for minor minerals.

## **6. Star Rating of Mines**

6.1 The Ministry has started a system of Star Rating of Mines for major minerals to implement sustainable development framework in the mining sector and facilitate sustainable and responsible mining. The Star rating system evaluates performance of mines on technical, socio-economic, environmental parameters, final and progressive mine closure and adoption of international standards with the objective to bring standardisation in mining operations and for minimising impacts of mining. The evaluation template for Star Rating was notified vide notification dated 23.05.2016. A web enabled online system for evaluation of measures has been developed and launched on 18<sup>th</sup> August, as a vital step for ensuring compliance of environmental protection and social responsibility by the mining sector.

6.2 The MCDR 2017 have been framed by the Ministry, and gazetted on 27.02.2017, which have a provision for mandatory implementation of the Star Rating System within two years from the date of notification or from the date of start of mines.

6.3 Star Rating System needs to be extended to cover minor minerals also for adoption of measures for efficient and responsible mining practices. The States may in consultation with IBM develop and adopt a suitable template for implementation of Star Rating for minor minerals. States may give their consent for adoption of the system for minor minerals as well.

6.4 A draft of evaluation template of Star Rating of mines of minor minerals is also being formulated by the Executive Committee on the Star Rating. Initial draft prepared by IBM is being circulated for seeking suggestions on the same at Annexure B / page . The suggestions may be emailed on [prasenjit.dey49@nic.in](mailto:prasenjit.dey49@nic.in) & [ro.hyderabad@ibm.gov.in](mailto:ro.hyderabad@ibm.gov.in) with subject stating "Suggestions on Star Rating template of minor minerals".

**D.O. No.31/2/2016-M-III (Part-II)**

Dated the 18<sup>th</sup> May, 2017.

You would be aware that the statute for major minerals underwent a paradigm shift due to MMDR Amendment Act, 2015. We have been writing from time to time on some issues where States/UTs need to take measures in line with the changed paradigm. States/UTs also need to appoint nodal officers for each of the activities outlined below.

2. On "minor minerals" we need to bring in a more transparent method of implementation. We had written to the States in this regard vide our letter dt.17/8/2015 at Annexure-I. The action taken thereof may be shared. A copy of your current Minor mineral allocation and administration rules may be sent. Though your State does not have geologically proven "major mineral" reserves, you would be happy to know that for "major minerals", that auctions conducted so far will fetch Rs.85,250/- crores to States of which the additional contribution due to auction is Rs.67,501/- crores over the licence period.

3. You would be aware that the MMDR Amendment Act, 2015 brought into existence District Mineral Fund for which the States need to constitute a body at the District level. Section 9 (B) pertains to major minerals while Sec.15(A) of the Act devolves on the States the responsibility to operationalise the DMF for minor minerals as well. 2 circulars issued in this behalf on 16.9.2015 along with the scheme of Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) to operationalise the DMF is enclosed for ready reference at Annexure-2 & 3 respectively. In this regard, States may furnish a return on a monthly basis as per Annexure-4. We are also in the process of establishing a portal for PMKKKY which will enable automated monitoring, after some time.

4. To further improve the administration of major minerals, a Mining Tenement System is being put in place which would inter alia contain forest, cadastral, GIS maps, mining plan approval, concession management, integration of Ore Accounting, MSS, DMF, NMET and Star Rating systems. It is expected that the first phase would become operational by November, 2017 and the second phase by April, 2018. To construct this portal, Indian Bureau of Mines has engaged M/s WIPRO and we would expect the States to collaborate in the creation of this portal. The portal will also have Ore Accounting system which could become the feeder to the data required under DMF. Going forward the States may put their minor mineral modules also on this portal. States may nominate a nodal officer in this regard for coordination.

..2/-

5. The Mining Surveillance System (MSS) and the Star Rating of Mines for major minerals has already been launched. The MSS as you would know use satellite data to monitor the mining activities and generates automated triggers for inspections of mines, where an irregularity is suspected. Till now, 189 triggers have been verified by States of which 35 cases of illegal cases have been detected. This brings in an impartial and cost effective methodology of monitoring mine. States need to give their consent to the adoption of MSS as it would help them in control of illegal mining including sand.

6. The Star Rating system notifies templates for the miners to fill online with regard rehabilitative measure taken, pollution control, mine closures, etc. The system then generates a Star Rating which can be verified by ground truthing. You may be aware that under MCDR Rules, 2017, major mineral mines are expected to attain 4/5 star rating within a period of 2 years. For the case of minor minerals simpler templates shall be designed. States may give their consent for adoption of the system for minor minerals as well.

7. For the above purpose, we have from time to time been asking States to nominate nodal officers. Some States have already done so while some others have still not completed this activity. We would request the States to nominate their nodal officers for each of these activities in the proforma as at Annexure-5. Monthly reports being asked for as above may be sent to us by the 10<sup>th</sup> of the following month.

Having joined recently in the Ministry of Mines, I look forward to increased interaction and cooperation going forward.

Yours sincerely,  
Sd/-  
(Arun Kumar)

Encl : As above

To

All Principal Secretary (Mines) /Secretary (Mines) and Director (Mines & Geology) of 21 Major Mineral States and 13 Minor Mineral States including UTs.



बलविन्दर कुमार, आईएएस

सचिव

BALVINDER KUMAR, IAS

Secretary



सत्यमेव जयते

भारत सरकार  
खान मंत्रालय  
शास्त्री भवन  
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F.No.16/119/2015-M.VI

17<sup>th</sup> August, 2015

Dear Shri Krishna Rao,

As you are aware, the Central Government has amended the Mines and Minerals (Development & Regulation) Act, 2015, with effect from 12.02.2015.

2. The most important change that has been introduced by the Amendment Act is that mineral concessions henceforth can only be granted through auction. This step has been taken in order to ensure that the process of grant of mineral concessions conforms to the principles laid down in several judgments of the Supreme Court, notably the following:

1. Judgment dated 02/02/2012 in WP(Civil) 423/2010 and WP (Civil) 10/2011 (commonly known as 2G Judgment)
2. Supreme Court's opinion dated 27/09/2012 on President of India reference dated 12/04/2012.
3. Judgment dated 25/08/2014 in a WP(Crl.) No. 120/2012 in the matter of Manohar Lal Sharma Vs. The Principal Secretary &Ors. (Allocation of coal blocks Judgment).

3. Relevant extracts of the judgment in these cases are enclosed. The principles laid down in these judgments are that all the processes must be fair, reasonable, non-discriminatory, transparent, non-capricious and non-biased. It should not be tainted by either favoritism or nepotism and should promote healthy competition and equal treatment amongst applicants.

4. Section 15 of the MMDR Act empowers the State Governments to make rules for the grant of mineral concessions for minor minerals. The principles laid down by the Supreme Court by the Judgments cited above would apply equally to mineral concessions in respect of minor minerals.

...2/-

5. This issue was discussed in the meeting of Central Coordination-cum-Empowered Committee (CCEC) of the Ministry of Mines held on 04.08.2015. It was noted that many States have already taken steps in the direction of instituting transparent and non-discriminatory process for grant of mineral concession. Further, some of the States observed that they had achieved encouraging results after introducing auction mode for granting mining leases. States were also of the view that mining plans are now to be compulsorily prepared for all minor minerals since an approved mining plan is a pre-requisite for grant of environmental clearance which has again been made compulsory for all leases irrespective of size. Under the circumstances, it is felt necessary that the States must discontinue arbitrary and discriminatory process of granting mineral leases, wherever applicable and adopt procedures keeping in mind the directions given by the Supreme Court.

6. The Central Government, in view of the above, in exercise of its power under Section 20A of the-MMDR Act, 1957 directs that the State Government should take necessary steps to ensure that the complete process relating to grant of mineral concessions of minor minerals, is made fair, transparent and non-discriminatory. It is, therefore, requested that your government should review/revisit the mechanism/procedure relating to grant of concessions/leases of minor minerals expeditiously and take steps to ensure compliance of the principles laid down by the Supreme Court.

*with warm regards* Yours sincerely,

  
(Balvinder Kumar)

**Shri I.Y.R. Krishna Rao, IAS**  
**Chief Secretary, Government of Andhra Pradesh**  
**L-Block, 7th Floor. AP Secretariat**  
**Hyderabad - 500 022**

**Encl: The gist if felt desirable of 3 Supreme Court's judgments as above**

**GIST OF RECENT SUPREME COURT JUDGMENTS RELATING TO  
TRANSPARENCY IN ALLOCATION OF MINERAL RESOURCES**

Some important judgments / opinion have been pronounced by the Supreme Court on allocation of natural resources, which have a direct relevance to grant of mineral concessions. These are:

**1.1 Judgment dated 02/02/2012 in WP (Civil) 423/2010 and WP (Civil) 10/2011 [commonly known as 2G Judgment]**

The Hon'ble Supreme Court in its order dated 2.2.2012, in W.P. No. 423/2010 and W.P. No. 10/2011 (2-G spectrum case) had questioned the 'first-cum-first-served' policy for alienation of natural resources/ public property, and observed that auction was the best method for allocation of natural resources. The Court in its order, inter-alia, framed following questions:

*"1. The important questions which arise for consideration in these petitions.....*

.....

*(iii) Whether the exercise undertaken by the DoT from September 2007 to March 2008 for grant of UAS Licences to the private respondents in terms of the recommendations made by TRAI is vitiated due to arbitrariness and malafides and is contrary to public interest?*

*(iv) Whether the policy of first-come-first-served followed by the DoT for grant of licences is ultra vires the provisions of Article 14 of the Constitution and whether the said policy was arbitrarily changed by the Minister of Communications and Information Technology (hereinafter referred to as 'the Minister of C&IT'), without consulting TRAI, with a view to favour some of the applicants?"*

Regarding question Nos. (iii) and (iv), the Supreme Court held that:

*76. There is a fundamental flaw in the first-come-first-served policy inasmuch as it involves an element of pure chance or accident. In matters involving award of contracts or grant of licence or permission to use public property, the invocation of first-come-first-served policy has inherently dangerous implications. Any person who has access to the power corridor at the highest or the lowest level may be able to obtain information from the Government files or the files of the agency/instrumentality of the State that a particular public property or asset is likely to be disposed of or a contract is likely to be awarded or a licence or permission is likely to be given, he would immediately make an application and would become entitled to stand first in the queue at the cost of all others who may have a better claim. This Court has repeatedly held that wherever a contract is to be awarded or a licence is to be given, the public authority must adopt a transparent and fair method for making selections so that all eligible persons get*

a fair opportunity of competition. To put it differently, the State and its agencies/instrumentalities must always adopt a rational method for disposal of public property and no attempt should be made to scuttle the claim of worthy 86 applicants. When it comes to alienation of scarce natural resources like spectrum etc., it is the burden of the State to ensure that a non-discriminatory method is adopted for distribution and alienation, which would necessarily result in protection of national/public interest. In our view, a duly publicized auction conducted fairly and impartially is perhaps the best method for discharging this burden and the methods like first-come-first-served when used for alienation of natural resources/public property are likely to be misused by unscrupulous people who are only interested in garnering maximum financial benefit and have no respect for the constitutional ethos and values. In other words, while transferring or alienating the natural resources, the State is duty bound to adopt the method of auction by giving wide publicity so that all eligible persons can participate in the process."

## **1.2 Supreme Court's opinion dated 27/09/2012 on President of India reference dated 12/04/2012**

1.2.1 On the issues arising out of the Supreme Court in its 2G judgment dated 02.02.2012, in exercise of powers under Article 143 (1) of the Constitution of India, the President of India made a reference to the Supreme Court of India on 12<sup>th</sup> April, 2012 for consideration and report on, *inter alia*, (i) whether the only permissible method for disposal of all natural resources across all sectors and in all circumstances is by the conduct of auctions?; (ii) whether a broad proposition of law that only the route of auctions can be resorted to for disposal of natural resources does not run contrary to several judgments of the Supreme Court including those of Larger Benches?; (iii) whether the enunciation of a broad principle, even though expressed as a matter of constitutional law, does not really amount to formulation of a policy and has the effect of unsettling policy decisions formulated and approaches taken by various successive governments over the years for valid considerations, including lack of public resources and the need to resort to innovative and different approaches for the development of various sectors of the economy?

1.2.2 The Supreme Court in its opinion on the Presidential Reference, *inter alia*, observed that:

*"the action of the State, whether it relates to distribution of largesse, grant of contracts, or allotment of land, is to be tested on the touchstone of Article 14 of the Constitution". (para 105)*

1.2.3 The scope of testing of executive action against Article 14 has been explained as follows:

*"The action has to be fair, reasonable, non-discriminatory, transparent, non-capricious, unbiased, without favouritism or nepotism, in pursuit of promotion of healthy competition and equitable treatment. It should conform to the norms which are rational, informed with reasons and guided by public interest, etc. All these principles are inherent in the fundamental conception of Article 14. This is the mandate of Article 14 of the Constitution of India". (para 105)*

1.2.4 The Supreme Court has quoted an earlier decision in Sachidanand Pandey after noticing Kasturi Lal's case:

*"123. ...*

*State owned or public-owned property is not to be dealt with at the absolute discretion of the executive. Certain precepts and principles have to be observed. Public interest is the paramount consideration. One of the methods of securing the public interest, when it is considered necessary to dispose of a property, is to sell the property by public auction or by inviting tenders. Though that is the ordinary rule, it is not an invariable rule. There may be situations where there are compelling reasons necessitating departure from the rule but then the reasons for the departure must be rational and should not be suggestive of discrimination. Appearance of public justice is as important as doing justice. Nothing should be done which gives an appearance of bias, jobbery or nepotism."*

1.2.5 The Supreme Court has quoted several earlier instances where open invitations to tender or participate in a project etc., have not been made, but have nevertheless been upheld when challenged. In all such cases, the Court has opined that:

*"the ultimate test is only that of fairness of the decision making process and compliance with Article 14 of the Constitution". (para 126)*

1.2.6 The Supreme Court has observed that:

*"149. Regard being had to the aforesaid precepts, we have opined that auction as a mode cannot be conferred the status of a constitutional principle. Alienation of natural resources is a policy decision, and the means adopted for the same are thus, executive prerogatives. However, when such a policy decision is not backed by a social or welfare purpose, and precious and scarce natural resources are alienated for commercial pursuits of profit maximizing private entrepreneurs, adoption of means other than those that are competitive and maximize revenue may be arbitrary and face the wrath of Article 14 of the Constitution. Hence, rather than prescribing or proscribing a method, we believe, a judicial scrutiny of methods of disposal of natural resources should depend on the facts and circumstances of each case, in consonance with the principles which we have culled out above. Failing which, the Court, in exercise of power of judicial review, shall term the executive action as arbitrary, unfair,*

*unreasonable and capricious due to its antimony with Article 14 of the Constitution."*

1.3 Judgment dated 25/08/2014 in a W.P. (Crl.) No. 120/2012 in the matter of Manohar Lal Sharma Vs. The Principal Secretary & Ors. [Allocation of coal blocks Judgment]

The Supreme Court in its judgment dated 25.08.2014 observed that:

*"71. ...Obviously, therefore, such allocation has to meet the twin constitutional tests, one, the distribution of natural resources that vest in the State is to sub-serve the common good and, two, the allocation is not violative of Article 14." (emphasis added)*

2. These pronouncements require the State action to be unbiased, without favoritism or nepotism, and to be in pursuit of promotion of healthy competition and equitable treatment; and that it should conform to the norms which are rational, informed with reasons and guided by public interest. It has also been held by the Apex Court that if a policy or law is patently unfair to the extent that it falls foul of the fairness requirement of Article 14 of the Constitution, the Court would not hesitate in striking it down. Therefore, the Government action is to be fair, reasonable, non-discriminatory, transparent, non-capricious, unbiased, without favouritism or nepotism, in pursuit of promotion of healthy competition and equitable treatment. If these objectives are not met, then such action by the Government (State or Central) can be called in question as being violative of the letter and intent of the Article 14 of the Constitution.

3. In terms of Article 141 of the Constitution, the Supreme Court is enjoined to declare law. The law declared by the Supreme Court is the law of the land. It is a precedent for itself and for all the Courts/Tribunals and authorities in India. A statute is binding; but it is the statute, as interpreted by the Supreme Court that is binding on all.

4. Transparency in work is both a continuing and a common endeavour between the State Governments and the Government of India. Therefore, to infuse greater transparency and instill credibility, the Ministry had taken a decision that, in all cases for grant of prior approval of the Central Government in cases of non-notified areas, to advice State Governments to notify such areas. On a transparency scale, notified cases rank much higher than the non-notified cases.

5. In view of the above, the Central Government issued Guidelines dated 30.10.2014 in supersession of all guidelines issued earlier as mentioned in Para 2 above to streamline the mineral concession procedure with the principals laid down by the Supreme Court in its judgments in various cases mentioned in the preceding paragraphs. Accordingly, all the State Governments were advised to examine the case and consider notifying it in accordance with the Ministry's Guidelines dated 30.10.2014. In case the State Government in its wisdom considers that such a notification is not warranted, then specific and compelling reasons for not doing so may be adduced. The Ministry has also

decided to keep such proposals of the State Government alive for a period of six months hoping to receive response from the State Government.

6. Further the efforts for ensuring the principles laid down by the Supreme Court through its various judgments stated above, that the ultimate test is only that of fairness of the decision making process and compliance with Article 14 of the Constitution, the Central Government promulgated an Ordinance on Monday, the 12<sup>th</sup> January, 2015 (MMDR Amendment Ordinance, 2015). The MMDR Amendment Act, 2015 has been passed by the parliament and subsequently notified on 27.03.2015. This amends certain provisions of MMDR Act, 1957, has brought in a paradigm shift in the process of the grant of mineral concessions of major minerals to be done through auctions by the State Governments. The amendment removes discretion in the grant of mineral concessions and, therefore, all mineral concessions of major minerals will now be granted by the respective State Governments only through auctions, which will bring greater transparency and remove discretion in allocation of mineral resources. This should also mean that the Government will get an increased share from the mining sector.

No.16/7/2015-M.VI (Part)  
Government of India  
Ministry of Mines

New Delhi, Shastri Bhawan  
Dated the 16<sup>th</sup> September, 2015

**ORDER**

WHEREAS in terms of the provisions of sub-section (1) of section 9B of the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957 (67 of 1957), the State Governments shall, by notification, establish a District Mineral Foundation in every district in the country affected by mining related operations.

AND WHEREAS the said provision is deemed to have come into force on the 12<sup>th</sup> day of January, 2015.

NOW THEREFORE, the Central Government in exercise of the powers conferred under section 20A of the MMDR Act, 1957, in the national interest hereby directs the concerned State Governments that the notification establishing the District Mineral Foundations shall state that such District Mineral Foundations shall be deemed to have come into existence with effect from the 12<sup>th</sup> day of January, 2015.

  
(R Sridharan)

Additional Secretary to the Government of India

1. Chief Secretaries of all States
2. Administrators of Union Territories

Copy for information to:

PS to Minister for Steel and Mines; PS to Minister of State for Steel and Mines; PPS to Secretary (Mines)



No.16/7/2015-M.VI (Part)  
Government of India  
Ministry of Mines

New Delhi, Shastri Bhawan  
Dated the, 16<sup>th</sup> September, 2015

**ORDER**

WHEREAS in terms of the provisions of sub-section (1) of section 9B of the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957 (67 of 1957), the State Governments shall, by notification, establish a District Mineral Foundation in every district in the country affected by mining related operations.

AND WHEREAS mining related operations largely affect less developed and very remote areas of the country, and vulnerable sections of the population, especially Scheduled Tribes, therefore, it is especially necessary that special care and attention is devoted, in an organized and structured manner so as to ensure that these areas and affected persons are benefitted by the mineral wealth in their regions and are empowered to improve their standard of living.

AND WHEREAS in terms of sub-section (3) of section 9B, the rules for the functioning of the District Mineral Foundations are to be prescribed by the State Governments.

AND WHEREAS the Central Government, on a careful consideration of the matter, is of the opinion that the national interest requires that all District Mineral Foundations should implement a development programme for the mining affected areas that includes a certain minimum provision for the social and infrastructure needs of the population and area, and the Central Government has, accordingly, framed the Pradhan Mantri Khanij Kshetra Kalyan Yojana to be implemented by the District Mineral Foundations from the funds accruing to them in terms of the MMDR Act, 1957.

NOW THEREFORE the Central Government in exercise of the powers conferred under section 20A of the MMDR Act, 1957, in the national interest hereby directs the concerned State Governments to incorporate the 'Pradhan Mantri Khanij Kshetra Kalyan Yojana' (the details of which are annexed herewith) into the rules framed by them for the District Mineral Foundations and to implement the said Scheme.

  
(R. Sridharan)

Additional Secretary to the Government of India

Enclosure: Details of the Pradhan Mantri Khanij Kshetra Kalyan Yojana (6 pages)

1. Chief Secretaries of all States
2. Administrators of Union Territories

Copy for information to:

PS to Minister for Steel and Mines; PS to Minister of State for Steel and Mines; PPS to Secretary (Mines)

### Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY)

The Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) will be implemented by the District Mineral Foundations (DMFs) of the respective districts using the funds accruing to the DMF. The overall objective of PMKKKY scheme will be (a) to implement various developmental and welfare projects/programs in mining affected areas, and these projects/programs will be complementing the existing ongoing schemes/projects of State and Central Government; (b) to minimize/mitigate the adverse impacts, during and after mining, on the environment, health and socio-economics of people in mining districts; and (c) to ensure long-term sustainable livelihoods for the affected people in mining areas.

#### 1. Identification of affected areas and people to be covered under the PMKKKY

##### 1) Affected areas

- a. **Directly affected areas** – where direct mining-related operations such as excavation, mining, blasting, beneficiation and waste disposal (overburdened dumps, tailing ponds, transport corridors etc.), etc. are located.
  - a) Villages and gram panchayats within which the mines are situated and are operational. Such mining areas may extend to neighboring village, block or district on even state.
  - b) An area within such radius from a mine or cluster of mines as may be specified by the State Government, irrespective of whether this falls within the district concerned or adjacent district.
  - c) Villages in which families displaced by mines have resettled/rehabilitated by the project authorities.
  - d) Villages that significantly depend on the mining areas for meeting their economic needs and have usufruct and traditional rights over the project areas, for instance, for grazing, collection of minor forest produce etc. should be considered as directly affected areas.
- b. **Indirectly affected areas** – Those areas where local population is adversely affected on account of economic, social and environmental consequences due to mining-related operations. The major negative impacts of mining could be by way of deterioration of water, soil and air quality, reduction in stream flows and depletion of ground water, congestion and pollution due to mining operations, transportation of minerals, increased burden on existing infrastructure and resources.
- c. The DMF shall prepare and maintain an updated list of such directly and indirectly affected areas by mining related operations.

## 2) Affected people

- a. The following should include as directly affected persons:
  - a) 'Affected family' as defined under Section 3 (c) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
  - b) 'Displaced family' as defined under Section 3 (k) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
  - c) Any other as appropriately identified by the concerned gram sabha.
- b. Persons affected by mining should include people who have legal and occupational rights over the land being mined, and also those with usufruct and traditional rights
- c. Affected families should be identified, as far as possible, in consultation with local/elected representatives of gram sabha.
- d. The DMF shall prepare and maintain an updated list of such affected persons/local communities.

## 2. Utilisation of Funds

### 1) Scope of PMKKKY

The PMKKKY may cover the activities listed below:

#### **High priority areas – at least 60% of PMKKKY funds to be utilized under these heads:**

- a. **Drinking water supply** –centralized purification systems, water treatment plants, permanent/temporary water distribution network including standalone facilities for drinking water, laying of piped water supply system.
- b. **Environment preservation and pollution control measures**- effluent treatment plants, prevention of pollution of streams, lakes, ponds, ground water, other water sources in the region, measure for controlling air and dust pollution caused by mining operations and dumps, mine drainage system, mine pollution prevention technologies, and measures for working or abandoned mines and other air, water & surface pollution control mechanisms required for environment-friendly and sustainable mine development.
- c. **Health care** –the focus must be on creation of primary / secondary health care facilities in the affected areas. The emphasis should not be only on the creation of the health care infrastructure, but also on provision of necessary staffing, equipment and supplies required for making such facilities effective.

To that extent, the effort should be to supplement and work in convergence with the existing health care infrastructure of the local bodies, state and Central government. The expertise available with the National Institute of Miners' Health may also be drawn upon to design special infrastructure needed to take care of mining related illnesses and diseases. Group Insurance Scheme for health care may be implemented for mining affected persons.

- d. **Education** – construction of school buildings, Additional class rooms, Laboratories, Libraries, Art and crafts room, Toilet blocks, Drinking water provisions Residential Hostels for students/teachers in remote areas,, sports infrastructure, engagement of teachers/other supporting staff, e-learning setup, other arrangement of transport facilities (bus/van/cycles/rickshaws/etc.) and nutrition related programs.
- e. **Welfare of Women and Children-** Special programmes for addressing problems of maternal and child health, malnutrition, infectious diseases, etc. can be taken up under the PMKKKY.
- f. **Welfare of aged and disabled people** – Special program for welfare of aged and disabled people.
- g. **Skill development**–skill development for livelihood support, income generation and economic activities for local eligible persons. The projects / schemes may include training, development of skill development center, self-employment schemes, support to Self Help Groups and provision of forward and backward linkages for such self-employment economic activities.
- h. **Sanitation**– collection, transportation & disposal of waste, cleaning of public places, provision of proper drainage & Sewage Treatment Plant, provision for disposal of fecal sludge, provision of toilets and other related activities.

**Other priority Areas – Up to 40% of the PMKKKY to be utilized under these heads**

- a. **Physical infrastructure** - providing required physical infrastructure - road, bridges, railways and waterways projects.
- b. **Irrigation** - developing alternate sources of irrigation, adoption of suitable and advanced irrigation techniques.
- c. **Energy and Watershed Development** - Development of alternate source of energy (including micro-hydel) and rainwater harvesting system. Development of orchards, integrated farming and economic forestry and restoration of catchments.
- d. **Any other measures for enhancing environmental quality in mining district.**

## 2) General guidelines

- a. The developmental and welfare activities to be taken up under the PMKKKY should be, as far as possible, in the nature of complementing the ongoing schemes/projects being funded by the State as well Central Government. Activities meant to be taken up under the 'polluter pays principle' should not be taken up under the PMKKKY. However, without prejudice to the powers of the Foundation, efforts shall be made to achieve convergence with the State and the District Plans so that the activities taken up by the Foundation supplement the development and welfare activities and are treated as extra-budgetary resources for the State Plan.
- b. An amount not exceeding 5% of the annual receipts of the Foundation subject to an upper limit fixed by state government may be utilised for administrative, supervisory and overhead costs of the Foundation. As far as possible, no temporary/permanent posts should be created under PMKKKY. Any creation of temporary/permanent posts and purchase of vehicle by the foundation shall require prior approval of the State Government. However, minimum required staff can be engaged on contractual basis.
- c. If the affected area of a mine in one district also falls in the jurisdiction of another district, such percentage of amount collected from the mine by the Foundation, as may be decided by the Government, shall be transferred to the Foundation of the other district concerned for taking up the activities in such areas. A project that is for benefit of the affected area/ people, but stretches beyond the geographical boundary of the district should be taken up under the PMKKKY after obtaining prior approval of the State Government. Projects for development of common infrastructure like construction of roads, bridges etc. in excess of the limits specified in regard to the priority for fund utilization, on a case to case basis, may also be taken up for projects of importance to the District. The prior approval of the State Government need to be taken, with intimation to the Central Government, before taking up such works in excess of the limits of fund utilization.
- d. A reasonable sura of the annual receipts should be kept as endowment fund for providing sustainable livelihood.

## 3. Special provisions for scheduled areas

The process to be adopted for utilization of PMKKKY funds in the scheduled areas shall be guided by the provisions contained in Article 244 read with Schedule V and Schedule VI to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

In respect of villages affected by mining situated within the scheduled areas:

- (i) Approval of the Gram Sabha shall be required
  - a) for all plans, programs and projects to be taken up under PMKKKY.
  - b) identification of beneficiaries under the existing guidelines of the Government.
- (ii) Report on the works undertaken under PMKKKY in the respective village shall be furnished to the Gram Sabha after completion of every financial year.

*[Gram Sabha will have same meaning as assigned to it for the purpose of implementation of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (Act 40 of 1996)]*

#### **4. Implementation of Works / Contracts**

- (i) Works /goods may be procured by the DMF after following the due procedure prescribed by the respective state governments for such procurements.
- (ii) Transfer of fund to all agencies and beneficiaries shall be into their bank account.

#### **5. Compliance of Transparency**

- (1) Each Foundation will prepare and maintain a website on which, inter-alia, following information will be hosted and kept updated:-
  - (i) Details of composition of the DMF/bodies of DMF (if any).
  - (ii) List of areas and people affected by mining.
  - (iii) Quarterly details of all contributions received from lessees and others.
  - (iv) All meeting agenda, minutes and action taken reports (ATRs) of the DMF.
  - (v) Annual Plans and budget, work orders, Annual Report.
  - (vi) Online status of ongoing works – implementation status/progress of all the projects/programs being undertaken under PMKKKY should be made available on the website, including description of work, details of beneficiaries, estimated cost, name of implementing agencies, expected date of commencement and completion of work, financial and physical progress upto last quarter etc.
  - (vii) List of beneficiaries under various welfare programs.
  - (viii) Voluntary disclosures under RTI Act.

**6. Audit**

The accounts of the DMF shall be audited every year by the Chartered Accountant appointed by the DMF, or in such other manner as the Government may specify, and the report thereof shall be placed in the public domain alongwith the Annual Report.

**7. Annual Report**

- a. Every year, within three months from the date of closure of the financial year, the DMF shall cause to prepare an Annual Report on its activities for the respective financial year and place it before the DMF.
- b. The Annual Report will be submitted to the Government within one month from the date of its approval by the DMF and will also be hosted on the website of the Foundation.
- c. The Annual Report of each Foundation shall be laid before the State Legislative Assembly.

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P 2000004

STATUS OF DISTRICT MINERAL FOUNDATION FOR STATE OF \_\_\_\_\_ FOR MONTH OF \_\_\_\_\_ 2017

1. Establishment of DMFs & Fund collection (for all minerals- Coal & Lignite, Major & Minor Minerals) Rs. in Crores

Nodal officer		Name & Designation:		e-mail id:		Mobile No/Phone No:	
				Major Minerals:		Minor Minerals:	
Date of Notification of setting up of DMF:							
1	2	3	4	5		6	7
Districts in which DMFs established	Whether provisions of PMKKKY incorporated in rules framed for DMF ?	Have contributions to DMFs from concession holders of minor minerals started ?	Amount received for Coal/Lignite	Amount received for minerals other than Coal & Lignite Minerals		Amount due after date of set up of DMF	Amount due w.e.f. 12.01.2015
				Major Minerals other than Coal & Lignite	Minor Minerals	Coal/Lignite	
				Major Minerals other than Coal & Lignite	Minor Minerals	Coal/Lignite	Major Minerals other than Coal & Lignite
							Minor Minerals



**PMKKKY Implementation (for all minerals- Coal, Major & Minor Minerals)**

(Rs. Crores)

8	9	10	11
Number of schemes/ projects	Details of Schemes / Projects under implementation	Amount Allocated	Amount spent on date

DATE: \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
 NAME & DESIGNATION \_\_\_\_\_

Name of State/UT \_\_\_\_\_

**List of Nodal officers of State Governments for MSS, Star Rating, TAMRA, MTS & PMKKKY:**

Nodal Officer Contact Details						
Systems	Name	Designation	Email	Mobile	Office No.	Fax No.
MSS						
Star Rating						
TAMRA						
MTS						
PMKKKY						

**DRAFT**  
**SELF-ASSESSMENT TEMPLATE FOR STAR RATING OF QUARRY/MINING**  
**LEASES**  
**FOR MINOR MINERALS**

REPORTING YEAR(RY): \_\_\_\_\_

## PART- I: GENERAL INFORMATION:

## I. LEASE AREA DETAILS

S.N.	Particulars	Validation rule
1	Unique Mine or quarry Id/Registration Number	
2	Name of the Quarry/ Mine	
3	District	
4	State	
5	Name of the Quarry/Lessee	
6	Address	
7	Mobile Number	
8	Email address	
9	Mineral(s)	Space for five minerals
10	Total Quarry/Lease Area (ha) (i) Forest Land (ha) (ii) Private Land (ha) (iii) Revenue land (ha) (iv) Others, if any( Specify)	
11	Quarry/Lease period (valid up to)	DD/MM/YYYY
12	Reserves (As per UNFC 111,121 & 122) at the end of the reporting year and Total Resources	Space for minerals Space for Reserves/Resources
13	Production of Minerals	Type of unit will be specified in software(Million tonnes/Tonnes/Kilogrammes/Carats)
14	Method of Mining(Opencast/ Underground, Opencast & Underground)	Drop down menu with all three options
15	Name and contact details of the Person responsible to ensure Sustainable Mining and filing for Star Rating.	
19	Prominent surface feature of like monuments, place of worship, rivers, etc. if any within 2 Km radius of the mine.	
16	Date of Approval of Mining Plan/ Modified Mining Plan /Review of Mining Plan with validity, if applicable.	Furnish details like Letter No., Date, Validity(up to dad/mm/yyyy), Quantity approved for the reporting year.
17	No. of days Mine was operational (during Reporting Year)	
18	Status of the lease-Under suspension/working/Temporary Discontinuance/Non-working	Drop down menu to have lexicons as mentioned.

## II. LEASE AREA UTILISATION

S. No.	Type of land use (in ha)	Area put to use at the end of approved plan period	Area put to use at the at the beginning of RY	Area put to use during the RY	Cumulative area put to use at the end of RY
1	Area under Mining				

2	Mineral storage				
3	Roads				
4	Infrastructure (Workshop, administrative building etc.)				
5	OB/waste dump				
6	Top soil stacked				
7	Others				
8	Total area put to use				

### III. ROYALTY & OTHER CONTRIBUTIONS(Mining Lease)

S. No.	Details	Amount paid in RY in Lakh Rs.
1	Royalty/Dead rent paid	
2	Contribution to DMF	
3	Contribution to NMET	
4	Amount Paid towards despatch sharing in Auction cases, if applicable	
5	Total of other cess or taxes paid to Government, in addition to above.	

### IV. STATUTORY COMPLIANCES

1.	Environment Clearance, Order No. and validity (i) Quantity approved (ii) Validity	Furnish details like Letter No., Date, Validity, Quantity approved Not applicable option to be provided
2.	SPCB Approvals (i) Consent to Establish (ii) Consent to Operate	Furnish details like Letter No., Date, Validity, Quantity approved
3.	Forest Clearance, Letter No. and details If applicable	Furnish details like Letter Nos., Date, Validity, Area in hectares. <u>Provision for more than one entry to be made.</u> Not applicable option to be provided

### MODULES FOR AWARD OF MARKS

#### 1. Exploration

Particulars	Details (To be filled up by Lessee)		Rating Points	Applicable Max Points	Points scored
a) Status of exploration in the beginning of the RY(ha)  Area explored Area not explored Non mineralised area(ha)			100%, 10 POINTS, >= 80%, 6 POINTS >= 60%, 4 POINTS >= 50%, 2 POINTS LESS THAN 50% NO POINTS		
b) Exploration carried out (as per approved Document, (if any) for the Reporting Year) In the software provision for No. Of pits, trenches and Boreholes to be provided.	Proposal	Achieved	>90-100% achievement or if mines has already been explored 100% (10) points) >70-90% (5) points) >50-70% (3) points) <=50% (0 points)	10/NA	

c) Average depth of exploration			If full 6 points , 80% and above 4 points, 60% and above 2 points, 50% and above 1 point, below no point	NA	
d) Total excavation (Cu. Meters) (Run of Mine+Overburden+Interburden)	Proposal	Actual	>80 (5 points) >60-80% (4 points) >40-60% (3 points) >20-40% (2 points) <=20% (0 points)	5	
f) Production of Run of mine(ROM)	Proposal	Actual	90-100 % Proposed- 5 80-90 % Proposed -4 50-80% proposed -2 <50% proposed Or >100% Proposed - 0	5	
g) Pit Parameters(Bench Height/Bench Width/Overall Pit slope)	Proposal	Actual	As per proposal( 3 points) Else (0 points)	3	

## 2. Underground Mine

a) Mode of Entry(Shaft/Adit/Incline /Decline)			Free box		
b) Stopping Method(cut and fill/room and pillar/sublevel/caving/etc)			Free box		
c) Mineral wise production	Proposal	Actual	90-100 % Proposed- 5 80-90 % Proposed -4 50-80% proposed -2 <50% proposed Or >100% Proposed - 0 If less than proposal (5 points) Else (0 points)	5	
d) Development in meters					
i) Horizontal Development in meters(Incline/Adit/Drive/Crosscut/Decli ne/others)	Proposal	Actual	As per proposal (1 point for each type of development wherever applicable) Else ( 0 points)	5/NA	
ii) Vertical Development in meters(Shaft/Winze/Raise/others)	Proposal	Actual	As per proposal (1 point for each type of development) Else ( 0 points)	3/NA	

### 2-A-Safety & ventilation

a) Incidence of subsidence/collapse reported to DGMS	Details to be provided	Yes ( 2 points) No ( 0 points)	2	
b) Compliance of Ventilation Standards as	Details to be provided	Yes ( 2 points)	2	

per MMR 1961		No ( 0 points)		
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## 2-B-Waste Generation & Utilisation

a)Waste Generated and dumped(location)	Details to be provided	As per proposal(2 points) Else 0 points	2 / NA	
b) Stabilisation of Dumps by various techniques such as Geo-textiles/coir matting/etc.	Details to be provided	Yes ( 2 points) No ( 0 points)	2 / NA	
c) Alternative use/disposal of waste generated(excluding topsoil).	Details to be provided	Yes ( 2 points) No ( 0 points)	2 / NA	

## 2-C-Measures for Mineral Conservation

a)Stacking of Sub-grade/Mineral rejects in earmarked area and their utilisation.		Yes ( 2 points) No ( 0 points)	2 / NA	
b)Utilisation of mineral rejects / sub-grade material	Total Mineral reject/Sub grade available at mines	Qty of mineral reject/sub grade used/blended	>= 50 % (5 points) 30 - 49 % (4 points) 20-29% (3 points) 10 – 19% (1 point) <10% (0 points)	5 / NA
C) whether suitable blending of different grades is practiced		Yes 4 points no 0 points	NA	

## 2-D-Protection of Environment

a)Top soil stacking only	Details of quantity stacked	As per proposals (2 points) Else (0 points) N.A.	2 / NA	
b)Topsoil utilisation only	Details of quantity Utilised	As per proposals (3 points) Else (0 points) N.A.	2/NA	
c) Topsoil utilisation concurrently without stacking(This field to be disabled if any of the above fields i.e. a & b are filled in).	Details of quantity Stacked	As per proposals (5 points) Else (0 points) N.A.	5/NA	

## 3) Landscape Restoration & Rehabilitation of Ecology

Particulars	Details	Rating Points	Max Applicable Points	Points Scored	Particulars	Details
1) Backfilling as per approved Document	Proposal	Actual	% (This is to be calculated by system)	100% (5 points) >50 < 100% (2 points) <=50%(0 point)	5 / NA	
(1a)Plantation over backfilled area				100% (3 points) >50 < 100% (1 points)	3/NA	

				<=50%(0 point)		
(1b) Plantation over dump area				100% (3 points) >50 < 100% (2 points) <=50%(0 point)	3/NA	
(1c) Plantation over virgin area (Green belt development)				100% (3 points) >50 < 100% (1 points) <=50%(0 point)	3/NA	

Type of Land Use	Area utilised for the purpose during the Reporting year (ha)	Cumulative Area Utilised for the purpose at the end of reporting year (ha)
Area Afforested		
Mined out area reclaimed		
Waste Dump area reclaimed		

#### 4) Compliance Status

a) Violations pointed out by State Government	Total no. of violations pointed out	Violations complied with	100% compliance (4 points) 75-99% compliance (3 points) 51-74% compliance (2 points) 25-50% compliance (1 point) <25% compliance (0 points)	4	
b) Violations pointed out by DGMS, MoEFCC & CPCB/SCP.B.	Total no. of violations pointed out  (as informed by lessee)	Violations complied with	100% compliance (4 points) 75-99% compliance (3 points) 50-74% compliance (2 points) 25-49% compliance (1 point) <25% compliance (0 points)	4	

NOTE: Proposal and achievement columns are with respect to the reporting year.

#### 5) Welfare measures and Community Engagement

Particulars	Details (To be filled up by Lessee)		Applicable Max Points	Points scored	
	Expenditure during the previous year	Expenditure during the Reporting year			
a) Contribution to any association and body to undertake welfare activities for the nearby society in the field of 1. Sanitation, Housing & Drinking Water provision, Education, Medical & Health, Development of Infrastructure, Livelihood Support and Environmental protection etc.			>= 100% (5 points) >85 < 100% (3 points) >60-85% (2 points) >50-60% (1 points) <=50% (0 points)	5	
<b>Data comparing with the expenditure</b>					

figures of previous years with that of reporting year.					
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Contribution towards Swachhatha Abhiyan/Cleanliness drive			
1	General Cleanliness of mines area (Mine working faces, dump areas, roads etc.)	Excellent/Moderate/Poor	Excellent (3)/Moderate (2)/Poor(0)
2	Provision of sanitation facility	Yes/No	Yes – 2/ No -0
3	Providing drinking water for mining workers	Yes/No	Yes – 2 / No - 0
4	Awareness program among Mine workers for Swatchata	Yes/No	Yes – 1 / No - 0

Summary of Points obtained	Applicable Maximum Marks	Marks Scored

### OVERALL PERFORMANCE & STAR RATING

	Sum of Applicable Maximum Points in all Modules (a)	Sum of Points Scored in all Modules (b)	Percentage (b/a)*100
Module			
% Obtained			
Star Rating			

#### Criteria for Star Rating:

Percentage obtained	Criteria
=>90 to 100 %	5 Star
=>80 to <90 %	4 Star
=>60 to <80 %	3 Star
=>50 to <60 %	2 Star
=>25 to <50 %	1 Star
<=25 %	No rating

#### CERTIFICATE

I ....., S/o..... Designation..... am authorized to fill and submit this document on behalf of lessee. it is further certified that all the above furnished information is true to the best of my knowledge and based on records.

Date:

Place:

(Name)  
Lessee /Authorized person by lessee