

Minutes of the meeting held on 20th Sep, 2016 for examining the possibilities of lease execution of the saved cases under section 10A(2)(c) chaired by Secretary (Mines)

A meeting with the officers of the MoEF&CC on the above-mentioned subject was held under the chairmanship of Secretary (Mines) in his chamber at 12.30. The following officials attended the meeting-

1. Shri Balvinder Kumar, Secretary (Mines)
2. Shri DK Sinha, IG Forest, MoEFCC
3. Shri Gyanesh Bharti, JS, MoEFCC
4. Shri Rokhum Lalremruata, Director, MoM
5. Shri Prithul Kumar, Director, MoM
6. Smt. V Jayanti, US, MoM

2. At the outset, Secretary (Mines) welcomed the participants and reviewed the status of the cases saved under section 10A(2)(c) inserted by way of MMDR Amendment Act 2015, which are pending for Environment Clearances (EC) and Forest Clearances (FC), with JS, MoEFCC & IG Forest, MoEFCC, respectively. Shri Gyanesh Bharti, JS, MoEFCC informed the progress on the disposal of pending ECs in these cases, which was appreciated by Secretary (Mines). JS, MoEFCC & IG Forest, MoEFCC asked for providing the updated list of EC & FC in these cases. Shri Prithul Kumar, Director, MoM stated that the same would be emailed, after incorporating the current status provided by MoEFCC.

[Action: JS-MoEFCC, IG Forest-MoEFCC & M-IV-MoM]

3. Secretary (Mines) discussed about the exploring the possibilities of lease execution of the saved cases under section 10A(2)(c) with the officials.

4. Shri Gyanesh Bharti, JS, MoEFCC stated that neither EPA 1986 nor EIA Notification 2006 mandates prior EC for the purpose of executing lease deed & further said that therefore, it is the State Government who has to take a call whether to execute lease with prior EC or without EC. It was discussed that EC has been made mandatory, as part of conditions laid down under the Letter of Intents (LoIs) issued by some of the States in the prior approval conveyed by Central Government. Shri Prithul Kumar, Director, MoM informed that the execution of the lease in applications saved under section 10A(2)(c) of the MMDR Act was subject to the fulfillment of all such conditions laid down in the LOI or prior approval of central Government.

[Action: M-IV-MoM]

5. It was deliberated that opinion may be sought from DLA, in regard to the legality of allowing the execution of lease by the State Governments in such cases where in, the EC was laid down as a condition for lease grant in the LOI or if the mining lease could be executed by the State Governments by imposing conditions that all legal requirements and conditions as per the EPA Act would have to be fully met by the leaseholder before the mining operations commence, failing which the lease deeds so executed would suo motu become

infructuous. This needs to be attempted in view of the fact that the deadline of 11.01.17 set in the MMDR Act 2015, is fast approaching and the pending cases saved in the Act, which are in the process of obtaining EC & FC since long, may be thwarted from lapsing, just for want of clearances.

[Action: M-IV-MoM]

6. Shri DK Sinha IG Forest, MoEFCC clarified that technically it is not possible to give general or conditional or provisional clearance for facilitating lease execution in such cases under the provisions of the Forest Conservation Act (FCA) and rules thereof. The complications arising from the possibility of mutation of the forest land by the lessee in his favour, would entail that the lessee is free to utilise the land which is falling under the Forest limitations for non-forest activities and the very purpose of need for Forest Clearance would stand defeated.

[Action: IG Forest-MoEFCC & M-IV-MoM]

7. Secretary (Mines) stressed the need of continued efforts for expediting the pending clearances by the respective divisions of MoEFCC and that the matter, in due course, may be taken up in PRAGATI for review by the Hon'ble PM. He further urged the officials for attending the forthcoming meeting to be held on 27.9.2016, wherein all State Governments would also be participating.

[Action: JS-MoEFCC, IG Forest-MoEFCC & M-IV-MoM]

8. The meeting ended with thanks to the Chair.