

Dr Veena Kumari Dermal

Date: 24.02.2021

Joint Secretary

Through Shri Mustaq Ahmad, Director

Government of India

Ministry of Mines

Room 313, D-Wing, Shastri Bhawan

New Delhi 110001

Sub: Comments & Suggestions on the series of proposed amendments to the Mineral laws.

Dear Dr. Dermal,

Greetings from Mineral Inheritors Rights Association (MIRA)!

We are writing to you to share our serious concerns regarding the series of proposed amendments in the mineral laws, rules and regulations. While we have time and again shared our comments and suggestions on the earlier amendments, we are disheartened to see the Ministry's complete disregard to it. In a democratic country, we expect our government to be citizen centric, all-inclusive and hear the voices of the affected communities.

First and foremost, we would like to reiterate on the **violation of the Pre-Legislative Consultation Policy (PLCP)** of the Government of India, especially point 2 of the decisions taken in the meeting of the Committee of Secretaries held on 10-January-2014¹. None of the notices on the four proposed amendments² seeking public comments provided the minimum thirty-day time period. This is not even enough time to seek information under the RTI Act to evaluate the proposals meaningfully.

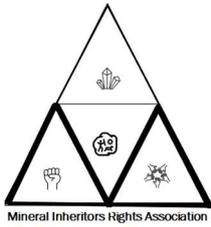
¹ <http://legislative.gov.in/documents/pre-legislative-consultation-policy>

² Proposed 4 amendments: 1. Draft Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession (Amendment) Rules, 2021

2. Draft amendment to rule 23, a new sub-rule 23A (Transfer of letter of intent for grant of mining lease or composite licence in certain cases) in the Minerals (Other than Atomic and Hydro Carbons Energy Mineral) Concession Rules, 2016

3. Draft Mineral (Auction) Amendment Rules, 2021

4. Draft additional amendment proposals to the MMDR Act 1957



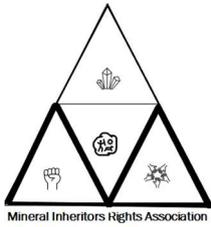
We take **a strong and serious objection to the basic premise of all the 4 proposed amendments** (detailed comments attached herewith)-

- a. Draft Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession (Amendment) Rules, 2021
- b. Draft amendment to rule 23, a new sub-rule 23A (Transfer of letter of intent for grant of mining lease or composite licence in certain cases) in the Minerals (Other than Atomic and Hydro Carbons Energy Mineral) Concession Rules, 2016
- c. Draft Mineral (Auction) Amendment Rules, 2021
- d. Draft additional amendment proposals to the MMDR Act 1957

The fundamental premise that apprehended delays in adhering to various legislations of the country having implications to people, environment, economy cannot be a reason for completely turning a blind-eye to all other aspects of the activity that compromise the laws of the land. These proposals are fundamentally flawed from a perspective of mineral conservation. In economic terms it is even not conducive for the best value capture and thus would be an injustice to our future generations. The National Mineral Policy 2019 declares *“Natural resources, including minerals, are a shared inheritance where the state is the trustee on behalf of the people to ensure that future generations receive the benefit of inheritance.”* It goes on to say that *“State Governments will endeavour to ensure that the full value of the extracted minerals is received by the State.”*

It is quite disappointing that while the inter-ministerial body has not yet been constituted as per the NMP 2019³, a High Level Committee (headed by Vice Chairman, NITI Aayog) was constituted to make recommendations on issues like royalty rates, and for the Ministry to accept and move forward in implementing such recommendations. This is not justified. It is therefore, crucial that this inter-

³ The NMP 2019 states: *“A unified authority in the form of an inter-ministerial body under Ministry of Mines, with members like Ministry of Coal, MoEarth Sciences, MoEFCC, Ministry of Tribal Affairs, Ministry of Rural Development, Ministry of Panchayati Raj, Ministry of Steel, including state governments, shall be constituted to institutionalise a mechanism for ensuring sustainable mining with adequate concerns for environment and socio-economic issues in the mining areas, and to advise the Government on rates of royalty, dead rent etc. This proposed mechanism shall also decide the limits on the extent of mining activities that should be permitted which would, inter alia, involve undertaking a detailed study for assessing what should be the state-wise/region-wise ceiling of annual excavation of minerals, considering the availability of mineral resources, the carrying capacity of the region, and the macro environmental impact on the region while also keeping in mind the principles of sustainable development and intergenerational equity and all other relevant factors.”*



ministerial body be set up and fulfil its many functions. Additionally, as mentioned in the policy, in-
volute and no-go areas must be identified.

One of the propositions to the amendment of the MMDR Act, 1957- 'the transfer of statutory clearances of expired mining leases' is highly objectionable as it radically alters the nature of the regulatory regime and makes a mockery of any concept of federalism, subsidiarity and separation of powers.

We also object to the amendment being made in the Mineral (Auction) Rules, 2015 seeking to give further economic concessions to the miners that will result in illegal expansion of mining, poorer compliances and huge impact on the communities and ecology.

We strongly urge you to consider our arguments and unless and until a thorough implementation of the various aspects of the NMP 2019 is carried out, (especially intergenerational equity, zero loss when alienating mineral wealth and the inter-ministerial mechanism), these proposed amendments should be immediately scrapped.

We sincerely hope our submission on these amendments will be taken into consideration despite our disappointment for not even being acknowledged on our earlier submissions. We, as civil society, are also committed to reforms, only if it is for the benefit of the rightful owners of the resources- the communities/people affected by resource extraction.

Yours sincerely,

Saswati Swetlena

Coordinator

(On behalf of Members of the Steering Committee, Mineral Inheritors Rights Association)

cc: Ministry of Coal and Mines Ministers of mineral bearing states

(Mineral Inheritors Rights Association is an association of several civil society groups and networks in India working to ensure democracy, social justice, equity, transparency, and accountability in governance)