

mm&P
mines, minerals & PEOPLE

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This written representation is in relation to the draft rules "The Mineral Conservation and Development Rules, 2016" prepared by The Ministry of Mines, Government of India. We are submitting this brief written memorandum of comments and suggestions on the draft rules.

About mm&P

mm&P (mines, minerals & PEOPLE) is a growing alliance of individuals, institutions and communities who are concerned and affected by mining. The isolated struggles of different groups have led us to form broad national alliance for combating the destructive nature of mining. mm&P network is present in 16 states across the country. Our comments / suggestions are enlisted below -

- **Rule 11 (Mining Operation under Mining Lease)** - the emphasis is laid on mining operation as per mining plan but CIC's decision that a mining plan is a public document should be honoured and provided in the rules (CIC order dated 7 June 2010). The order specifically advised MoM that the disclosable parts of mining plan be put on websites of public authorities under it. The only information available as of now is the status of mining plan and not any disclosable documents as mentioned in the order of CIC. If anything serious has to be attempted, firstly information has to come in public domain which itself will work as some level of deterrent to comply with mining plan and assist in compliance issues which require rigorous field visits and resources. (<http://ibm.gov.in/writereaddata/files/06302014154056cicorderminingplan.pdf>)

- **Rule 13 (Open cast working)** – This rule basically presses on management in a mine but it leaves much to the desire of miner. In many cases, it is found that overburden is even dumped outside the lease area which defies the logic of mining plan in OC workings. At mining scheme level itself, this has to be ensured, geological surprises are common and hence the plan should follow

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the principal of precaution. The core and buffer area use has to be strategically marked in order to avoid damages to any other land outside leasehold area.

- **Rule 14 (Separate stacking of non-salable minerals)** - Most often the overburden dumps are at the lease periphery (and encroach land apart from lease area) whereby surrounding lands belonging to state or communities is at risk of undergoing damages. Rule 14(4) maintains focus on minerals alone but leaves such aspects untouched. In this case too, CIC order of superimposing lease area over cadastral map is available but hardly implemented; this should be brought into the rules.

<http://ibm.gov.in/writereaddata/files/06302014153232cadastralmap.pdf>

- **Rule 15 (Underground mining operations)** – This rule more or less mention about scientific approach to underground mining but leaves out recurring problems in such mines. Due consideration shall also be given to the sub surface hydro-geology as the already available underground water resources being used by communities become redundant on site to site basis. While mineral is mined, it results in disintegration of surface and sub surface resources integral to a given environment, like top soil, water etc. How well a strategic working help in avoiding wastage / damage to water which is not valued at par with minerals. Such natural resource accounting has to be embedded so that minerals in such impact pockets are left or conserved for better want of technology.
- **Rule 20&21 (Notice for Opening of Mine & Abandonment of Mines)** - The lease holder under rule 20 is required to send FORM C to the state and IBM as an intimation of opening of mine. Here the importance is many-folds, i.e. the

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state mining department, state labour department and mines inspector will be able to play their roles once this intention is known. But most often such notices are not served and each authority / official thus don't play their roles. for example, it is of extreme importance for labour to get employability certificate / card and if any action is required by Ministry of Labour or any state labor department in compensating the workers later - But if there is no intimation, such disputes keep continuing and such a ill practice make workers suffer. Since workers are integral part of mining industry, how this provision can be strengthened will be a necessity rather than swinging such an issue in the inter-departmental functional domain.

Further, abandonment in case of no notice for opening of mine is given at mine opening stage will render rule 21 impractical with state or IBM having no formal information. Abandonment will have economic repercussions on the labour, the state / lessee shall have mechanisms to provide interim relief in terms of minimum wages during the period of abandonment.

- **Rule 22 - 27 deal with mine closure:** the mining plan so developed should be available in the public domain as ordered by CIC order of 2010. This mining plan should provide enough hint and act as a tool for IBM or state government to estimate the financial assurance (bank guarantee) based on actual cost of reclamation and restoration of mining post closure and costs towards aspects covered by 2003 mine closure guidelines. A complete chapter on mine closure shall be inserted in the MCDR 2016 rules to make it clear and specific for compulsory closure and new league of financial assurance as stated in suggestion on rule 20 and 21.

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- **Rule 32 - describes of various plans and sections** of the leasehold area and adjoining areas, a key plan and an environment plan is also to be prepared with sufficient details mentioned in this specific rule. This should lay foundation of a digital and web based GIS system. This has relevance to surface features, land ownership in the periphery outside the lease area, worked out mine areas, overburden and the list is exclusive. This will not only provide for monitoring but also guidance as to how mineral conservation be attempted vis-à-vis protection of environment and safeguards for communities in the vicinity.

- The actions to be undertaken in **rule 37** can be taken up by State and IBM to provide technical guidance (since plans and sections are to be submitted every year by the lease holder) in siting and locating the disposal facilities.

- **Rule 35 (Sustainable Mining)** - The Government had invested a lot in bringing out SDF but the rules are silent on this, the SDF apart from its suggested principles, had laid emphasis on engagement of communities during the life cycle of mining, this has been missed. Now star rating of mines is proposed which relies on self-assessment of miner which may not reflect the true picture and moreover it does not entirely rely on qualitative information. Sustainability in its limited sense will be visible if an all-round thinking is invested in workers, mine closure, environmental sustainability, engagement with communities and rightful benefit sharing.

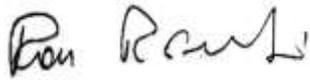
- **Rule 38 (Precaution against ground vibration)** - This issue is noticed across mines and similar projects like road widening where heavy earth machinery is used but the problems remain quite similar and intensity varies. E:g a mine

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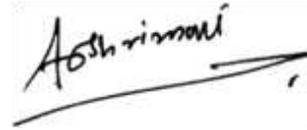
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will have recurring instances of blasting over its lifetime depending on the ore seams will require such an externality dealt with sensitivity and protect the housing stock. There are ample examples where people have reported damage to property, especially weakening of super structures by way of development of cracks due to ground vibration. the DGMS should evolve a mechanism so that safe limits can be practiced and fix mechanisms of fixing responsibility.

These are some of the comments and suggestions from mm&P. We would also request a meeting with the stakeholders for better framing of the rules.



Rebbapragada Ravi
mm&P Chairperson



Ashok Shrimali
mm&P Secretary General