

GOVERNMENT OF ODISHA  
DEPARTMENT OF STEEL & MINES

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No. 3732 / SM, Bhubaneswar, the 17-06-2010  
**IV(AB)SM-10/2010**

From

Shri M.R.Patnaik  
Additional Secretary to Government

To

The Director of Mines, Odisha,  
Bhubaneswar

Sub:

**Expeditious and timely disposal of pending RML applications-Guidelines and Time schedule for processing of RML applications in the District offices and Directorate of Mines, Odisha.**

- Ref: (i) Steel & Mines Department letter No.424 dated 10.01.1995.  
(ii) Steel & Mines Department letter No. 11439 dated 22.09.2000  
(iii) Steel & Mines Department Memo No. 14371 dated 18.11.2000  
(iv) Steel & Mines Department Memo No. 3960 dated 30.04.2002  
(v) Steel & Mines Department letter No. 6346/SS&M dated 01.10.2009  
(vi) Steel & Mines Department letter No.6397 dated 06.10.2009.

Sir,

Instructions have been issued by Government from time to time, for timely processing the ML/PL/RML applications at the District Level and to endorse the same to the Director, within a defined time frame, for onward transmission to the Government in Steel & Mines Department, for disposal as per the provisions of the Act and Rules. Despite instructions/guidelines issued in the matter, it is seen that a number of RML applications are still lying / pending either at the District level or at the level of the Directorate.

2. While furnishing an interim report to the Hon'ble Supreme Court of India, in IA No.2746-2748 in W.P.(C) No. 202 of 1995, the Central Empowered Committee (CEC) has observed that "a large number of mines are operating in

Odisha (and in other parts of the country) after expiry of the mining lease period. This is being done under the provisions of the 'deemed extension' of mining leases provided under Rule 24A(6) of the M.C.Rules, 1960 and is happening because the applications filed for the renewal of the mining leases remain undecided for a considerable period of time after the expiry of the mining lease period". The CEC also has observed that "the deemed extension clause is primarily meant to deal with contingency situation and to ensuring that the mining operation do not come to a abrupt end because of administrative delays in deciding on the renewal applications". The Committee further observed that "it will therefore be appropriate and desirable that the applications filed for the renewal of the mining leases are decided by the State of Orissa in time bound manner. For this to be possible the concerned lessee should be required to provide to the State Government, within a reasonable period copies of the approvals under the F.C. Act, Environment Clearances, No objection of the State Pollution Control Board under Air and Water Acts and the Mining Plan duly approved by the Indian Bureau of Mines/Other competent Authority".

3. It has already been clarified in this Department letter No. 6346/SS&M dated 01.10.2009 that "the renewal of Mining lease is equivalent to a grant of fresh mining lease and therefore, all procedures are identical in both the cases. It is, therefore, incumbent upon the Renewal of Mining Lease (RML) applicants to obtain all statutory clearances and adhere to all other procedures required before operating the mines. It has also been clarified that "the deemed extension provisions does not confer on the lessee any exemption from these procedure and statutory requirements".

4. In order to ensure timely disposal of the RML applications/RML applications pending at the District and Directorate Level, the following guidelines may be



scrupulously followed, while adhering to the instructions and time frame already communicated for processing of RML applications at various levels.

(i) The RML applications filed under 24A(1) of M.C. Rules, 1960, and still pending at the District Office Level, may be expeditiously processed for onward transmission to the Directorate of Mines adhering to the provisions of Act and Rules.

While forwarding the proposal, the District Office may furnish specific report on the following:

- Whether the application has been filed one year prior to expiry of the lease and the status of clearances under various Acts and Rules.
- Whether proposal for Forest Diversion, (in case the lease area has Forest Component) filed the status there of.
- Whether renewal of the Environment Clearance obtained.
- Whether revised Scheme of Mining obtained.
- Whether Orissa State Pollution Control Board clearance of Pollution aspects obtained.
- Whether MDCC obtained.
- Whether any violation of the provisions of Act and Rules or lease deed has been committed by the lessee during the lease period or deemed extension period.
- Whether boundary pillars are intact in the field and have been maintained properly.
- Past performance of the lessee in operation of the lease.
- Court case pending, if any.
- Government dues outstanding, if any.
- Due observance of all statutory clearances.

- Whether any violation under rule 37(1) of M.C. Rules, 1960 has been noticed.
- Approved year wise quantity of production during the lease period as per approved mining plan vis-à-vis actual production made.
- Proposal for value addition, If any.

The Collector of the District may be asked to review all pending RML applications in the district and ascertain the reasons for pendency of these applications. A committee at the District Level under the Chairmanship of Collector, with D.F.O. and the concerned D.D.M. /M.O. as members may review all pending RML applications and take steps to obtain report on each application from Forest & Revenue point of view quickly, so that all the RML applications pending at the District Level can be transmitted to the Director of Mines within 4 months from the date of receipt of the RML applications. The Mining Circle offices may be instructed to immediately process and transmit the applications for RML pending at their level without any further delay.

- (ii) As soon as the RML applications are received from the District offices, the same may be quickly scrutinised with reference to the provisions of M&M(D&R) Act, 1957 and Mineral Concession Rules, 1960. In case any deficiencies or defects noticed, steps may be taken to rectify the same within a period of 3 months. The Director of Mines will ensure transmission of the proposals for sanction of RML received from the field offices, to the Government in Steel & Mines Department within a period of 3 months from the date of receipt of the same after making good of deficiencies and recording his views on the same.



- (iii) A number of RML applications already received from the District offices are pending at the level of Directorate for onward transmission to the Government. The Director of Mines should review all such pending applications immediately, in case of deficiencies of material particulars or required documents, may ask the RML applicant to make good of the same, before transmitting the same to the Government. If the RML applicant will not make good the deficient documents, within a reasonable time despite intimation, the Director of Mines should transmit the same alongwith his specific views in the matter of grant of renewal.

All applications pending at the Directorate Level, may be expeditiously processed keeping the above in view and transmitted to the Government within the next 3 months without fail.

- (iv) After receipt of the RML applications from the Director of Mines, the same will be scrutinised at the level of the Department for rectification of defects / deficiencies, if any, by giving reasonable opportunity to the RML applicant for disposal within a reasonable period from the date receipt of the same in the Department.

The RML proposals already received in the Department will be scrutinised and processed immediately, by giving reasonable opportunity as provided under rule 26(3) of M.C. Rules, 1960 to the RML applicant to make good of the defects/deficiencies, if any. In case the RML applicant fails to make good of the defects / deficiencies, in that case appropriate decision will be taken following due procedure, strictly adhering to the provisions of Act and Rules.

5. To review & expedite the process of obtaining various clearances, a Committee is being constituted by the Government consisting of (1) Principal Secretary, Forest & Environment Department (2) Commissioner-cum-Secretary, Steel & Mines Department (3) Principal Chief Conservator of Forest, Odisha (4) Principal Chief Conservator of Forest (WL) Odisha (5) Director, Environment-cum-Special Secretary, Forest & Env. Department (6) Member Secretary, State Pollution Control Board (7) Director of Mines, Odisha. The committee will examine the availability or otherwise of all the statutory approvals relating to various mining leases, which are operational under the provisions of "*deemed extension*".

6. It has come to the notice of the Government that in some cases, the lessee has not filed any application for renewal of mining lease and in the meantime the mining lease period has already expired. Such cases are to be considered as "expired mining leases"-not as "pending RML cases". The concerned D.D.M./Mining Officer should immediately take over the charge of the such expired mines after making proper inventory and submit proposal for issue of notification on availability area for re-grant under rule 59 of M.C. Rules, 1960, and to take steps to recover arrear mining dues if any from such leaseholders. Appropriate action also needs to be taken, if the lessee has not implemented mine closure plan as per the approved mining plan.

7. The pendency and disposal of RML cases shall be monitored on a regular basis, both at the Directorate and the Departmental level. The Director of Mines should devise a suitable format for submission of information on a monthly basis by the DDMs/MOs to the Directorate and by the Directorate to the Department.

Yours faithfully

*Manoj K*  
17.6.10

Additional Secretary to Government