

**GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT**

OFFICE MEMORANDUM

No. MG.60/2014/Pt-I/334

Dated Shillong the 6th April, 2020

Subject: - Procedure for obtaining Prospecting License or Mining Lease for Coal mining under the provisions of Chapter V of the Mineral Concession Rules, 1960 in respect of lands in which the minerals vest in a person other than the Government.

The following procedure has been laid down for obtaining Prospecting License or Mining Lease for coal mining in respect of lands in which the minerals vest in a person other than the Government in accordance with the provisions of Chapter V of Mineral Concession Rules, 1960.

This memorandum is for general information and is not exhaustive. The applicants and interested persons have to independently ensure compliance of all statutory requirements in this regard for the time being in force.

1. Prior approval of the Central Government: -

- a) The land owner/grantor/lessor shall submit an application in triplicate in **Form A** for obtaining prior approval from the Central Government (Ministry of Coal, Government of India) through the State Government for composite license i.e Prospecting licence-cum-Mining lease in accordance with Rule 42(2) and Rule 63 of the Mineral Concession Rules, 1960.
- b) The following documents shall be enclosed along with the application, namely: -
 - i. Land documents to prove ownership of land and mineral rights over the land proposed for prospecting license-cum-mining lease. The land documents shall include a certificate of registration of the land under the Indian Registration Act, 1908 or Sale Deed or Gift deed or Declaration deed or Lease deed or Land Holding Certificate or Patta duly authenticated by the concerned authority or Lease agreement.
 - ii. The area applied should be marked on sketch plan drawn to scale showing on this plan all important surface and natural features, the dimensions of the lines forming the boundary of the area and the GPS coordinates and distance of all corner points from any important, prominent and fixed point or points.
 - iii. Toposheet of Survey of India depicting the proposed land;
 - iv. Approval from the Ministry of Environment, Forest & Climate Change (MOEF&CC) under the provisions of the Forest Conservation Act, 1980, if

applicable or a non-forest land certificate to be issued by PCCF & HoFF or any other officer authorized in this behalf (Application shall be submitted to the respective Divisional Forest Officer (Territorial Division) enclosing land documents, Toposheet and map with coordinates depicting the proposed area for obtaining non-forest land certificate);

- v. Detailed plan;
 - vi. Details of the licensee/applicant to whom prospecting license-cum-mining lease is proposed to be granted by the landowner. This has to be in line with Section 5 of the MMDR Act 1957 and documents required under Rule 42 (1) MCR 1960.
 - vii. Affidavit that Up to date income tax returns have been filed and tax due including tax on account of self-assessment has been paid in respect of both landowner and applicant, if applicable.
 - viii. Agreement between landowner and applicant.
 - ix. Power of Attorney, if application signed by an authorised agent
 - x. Clearance from Revenue and Disaster Management Department whenever applicable under the Meghalaya Transfer of Land (Regulation) Act, 1971.
- c) The applicant shall ensure delineation of coal blocks with well-defined boundaries for planning the scientific mining.
 - d) The size of the coal mine block should be considerably large enough to undertake economically viable, environmental friendly, safe coal mining operations.
 - e) The Mining and Geology Department shall forward one copy of application to the Directorate of Mineral Resources for inspection of the proposed area, and verification of boundaries of proposed area and countersign on the maps.
 - f) The Mining and Geology Department shall forward the application along with related enclosures to the Ministry of Coal, Government of India, New Delhi for obtaining prior approval of the Central Government for granting composite license i.e. Prospecting license-cum-Mining lease as required under sub-section (1) of Section 5 of the MMDR Act, 1957.
 - g) The State Government shall convey the prior approval from the Ministry of Coal, Government of India to landowner/grantor.

2. Authorization for Grant of Prospecting License: -

- a) The land owner/grantor will then apply to the State Government for authorization to grant the Prospecting License in favour of licensee in accordance with Chapter V of the Mineral Concession Rules, 1960.
- b) The State Government shall convey its decision on said application within 90 days of submission of application complete in all respects.

3. Execution of Prospecting License Deed: -

- a) The landowner and licensee/applicant shall execute the Prospecting License deed and submit a certified copy of the license in duplicate to the State Government as required under Rule 47 of MCR 1960 within 3 months of conveying approval.
- b) The Prospecting license shall contain such conditions as may be agreed upon between the parties not being inconsistent with the provisions of the Act or Rules.
- c) A Model Form of Prospecting License is enclosed (**Form B**).

4. Coal Exploration and preparation of Geological Report: -

- a) The licensee shall submit the detailed exploration programme with time schedule to Central Mine Planning and Design Institute (CMPDI) Ranchi, through State Government.
- b) The coal resources available within the coal block are to be estimated through exploration and Geological Reports shall be prepared.
- c) Exploration of coal reserve is carried out in two stages. In the first stage, Geological Survey of India (GSI) and Mineral Exploration Corporation Limited (MECL), Nagpur undertakes Regional exploration for locating potential coal bearing areas on a continuous basis. In the second stage, detailed exploration is carried out by Government organizations viz. the Central Mine Planning and Design Institute (CMPDI), Ranchi and Mineral Exploration Corporation (MECL), Nagpur or State Government or private agencies approved by competent authority.
- d) The Geological Report containing coal reserves estimated seam wise, quality wise and depth wise is required for preparation of mining plan.
- e) The licensee shall submit the Geological Report to the Mining and Geology Department and obtain prior approval of the State Government for preparation of the Mining plan.

5. Preparation of the Mining plan and approval of Mining plan: -

- a) Mining operation shall be undertaken in accordance with the duly approved mining plan.
- b) The Mining plan shall be prepared by the recognized qualified persons (RQP) notified by the Ministry of Coal under Rule 22 of Mineral Concession Rules, 1960. List of RQP notified by Ministry of Coal enclosed.
- c) The Mine closure plan and Final Mine closure plan shall be integral part of Mining plan.

- d) Mining plan shall be prepared in accordance with Guidelines issued by the Ministry of Coal on 16th December 2019.
- e) The Licensee shall submit Mining plan to the State Government for obtaining approval of the Central Government.
- f) The State Government shall examine Mining plan and forward to Ministry of Coal, Government of India with recommendation.
- g) Mining plan including mine closure plan is required to be approved by the Ministry of Coal, Government of India under clause (b) of sub-section (2) of Section 5 of the Mines and Minerals (Development & Regulation) Act, 1957.
- h) Method of mining technologies to be adopted, schedule of extraction, etc shall be considered while approving mining plan.

6. Authorization for Grant of Mining Lease: -

- a) The land owner/grantor shall submit an application in triplicate in **Form C** for authorization to grant the Mining Lease from the State Government as per Chapter V of the Mineral Concession Rules, 1960.
- b) The Lessee shall enclose following documents along with the application, namely: -
 - i. The area applied should be marked on sketch plan drawn to scale showing on this plan all important surface and natural features, the dimensions of the lines forming the boundary of the area and the GPS coordinates and distance of all corner points from any important, prominent and fixed point or points.
 - ii. Toposheet of Survey of India depicting the proposed mining lease area;
 - iii. Approval under the provisions of the Forest Conservation Act, 1980 from the Ministry of Environment, Forest & Climate Change(MOEF&CC) in case the proposed land is a Forest;
 - iv. In case of non-forest land, a non-forest land certificate to be issued by PCCF & HoFF or any other officer authorized in this behalf
 - v. Environmental clearance under the Environment Protection Act, 1986 and Environment Impact Assessment/Environmental Management Plan (the Environmental clearance for coal mining up to 150 hectares is granted by State Environmental Impact Assessment authority (SEIAA), Meghalaya Shillong. The MoEF& CC will grant the Environmental clearance for an area of more than 150 ha);
 - vi. Consent to establish under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 from the State Pollution Control Board;
 - vii. Approved mining plan;

- viii. Labour plan and self-declaration Form for due adhere to labour laws and labour safety standards.
- ix. Clearance from Revenue and Disaster Management Department whenever applicable under the Meghalaya Transfer of Land (Regulation) Act, 1971.
- x. Affidavit that Update to date income tax returns have been filed and tax due including tax on account of self-assessment has been paid in respect of both land owner and applicant, if applicable.
- xi. A report giving details of prospecting carried out in the area together with assessment of the ores reserves, geological plan results of chemical analysis of representative samples and boreholes and logs.
- c) The Mining and Geology Department shall forward one copy of application to the Directorate of Mineral Resources for inspection of the proposed area, and verification of boundaries of proposed mining lease and countersign on the maps.
- d) The State Government shall convey its decision on said application within 90 days of submission of application complete in all respects.

7. Execution of Mining Lease Deed: -

- a) After obtaining the authorisation from the State Government, the Mining lease deed shall be executed between grantor (landowner)/lessor and lessee and lease shall be registered in sub-register office on payment of applicable stamp duty by the licensee.
- b) Certified copy of lease in duplicate shall be submitted to State Government within 3 months of conveying prior approval from the State Government as required under Rule 47 of MCR 1960.
- c) A Mining lease shall contain such conditions as may be agreed upon between the parties not being inconsistent with the provisions of the Act or Rules.
- d) A Model Form of Mining Lease is enclosed (**Form D**).

8. Mine opening permission, opening of Escrow Account and notice of mining operation: -

- a) The lessee shall open the Escrow Account with Coal Controller's Organization, Kolkatta to undertake various mine closure activities and shall obtain permission for opening of coal mine from the Coal Controller's Organization under Rule 9 of the Colliery Control Rules, 2004.
- b) The lessee shall deposit annual mine closure cost for each year throughout the mine life towards the Escrow Account.

- c) The lessee shall obtain approval to equipment, appliances, machinery apparatus and other materials used in mines from the Directorate General Mines Safety, Dhanbad in accordance with Rules and Regulations framed under the Mines Act, 1952.
- d) The lessee shall give notice of mining operations to the Chief Inspector, the controller of Indian Bureau of Mines and the District Magistrate under Section 16 of the Mines Act 1952.

9. Compliance and monitoring mechanism: -

- a) The Lessee shall pay dead rent, cess and royalty or service fee to State Government at such rate, as may be prescribed by the State Government or Central Government from time to time.
- b) The Lessee shall in addition to royalty, pay to District Mineral Foundation and National Mineral Exploration Trust at such rate, as may be prescribed by the Central government.
- c) The lessee shall be liable to pay any other statutory dues, charges, cess etc. as may be prescribed by the Central Government from time to time.
- d) The Lessee shall furnish statutory statements to the Director of Mineral Resources and the Coal Controller, Government of India, Kolkata.
- e) The Mining operations shall be undertaken in accordance with approved mining plan.
- f) The Lessee shall implement the approved Mine Closure Plan and submit yearly report to the Coal Controllers Organization, Kolkatta on extent of protective and rehabilitative works carried out.
- g) The Lessee shall comply with conditions imposed by the MOEF&CC/SEIAA, State Forest and Environment Department, Central and State Pollution Control Board, Director General of Mines Safety (DGMS) or any organization. The concerned authority shall monitor compliances of environmental clearances, forestry clearance and consent to operate conditions by regular inspections.
- h) Transportation of Minerals has to be in accordance with Meghalaya Minerals (Prevention of Illegal Mining Transportation and Storage) Rules.
- i) Safety of mine worker shall be ensured in compliance of the Mines Act, 1952, the Mines Rescue Rules, 1985 and Coal Mines Regulations, 2017.

Sd/-
(Dr Manjunatha C, IFS)
Secretary to the Govt. of Meghalaya
Mining and Geology Department

Copy forwarded to:-

1. The P.S to the Chief Minister of Meghalaya for kind information of Hon'ble Chief Minister.
2. The Secretary, Ministry of Environment, Forests and Climate Change, Government of India, Indira Paryavaran Bhavan, Jorbagh Road, New Delhi-110003.
3. The Principal Chief Conservator of Forest & HoFF, Meghalaya, Shillong.
4. The Joint Secretary (VT) Ministry of Coal, Government of India, Shastri Bhavan, New Delhi- 110001.
5. The Director General, Directorate General of Mines Safety, Dhanbad, Jharkhand.
6. The Director of Mineral Resources, Meghalaya Shillong
7. All the Deputy Commissioners, Meghalaya.
8. The Chairman, Meghalaya State Pollution Control Board Shillong.
9. Regional Director, Central Pollution Control Board, Shillong, Meghalaya.
10. The Chairman, State Environmental impact assessment Authority (SEIAA), Meghalaya Shillong.
11. Chairman-cum-Managing Director, Central Mine Planning and Design Institute (CMPDI), Ranchi, Jharkhand.
12. Chairman-cum-Managing Director Mineral Exploration Corporation (MECL), Nagpur, Maharashtra.
13. Coal Controller, Coal Controller's Organization, Kolkata.
- ✓ 14. State Informatics Officer/Senior System Analyst, NIC, Meghalaya Shillong for uploading in the Meghalaya Website.

By order etc.,

(Arun Kumar Kembhavi, IAS)
Joint Secretary to the Govt. of Meghalaya
Mining and Geology Department
