

MGMI

News Journal

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THE MINING, GEOLOGICAL
AND METALLURGICAL INSTITUTE
OF INDIA

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THEME

*Land Acquisition and Possession
Challenges in the Mineral Sector*



The Mining, Geological and Metallurgical Institute of India



A Quarterly Publication

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PRESIDENT'S MESSAGE

LAND ACQUISITION AND POSSESSION CHALLENGES IN THE MINERAL SECTOR



The abundance and affordability of coal makes it a preferred choice for power generation and steel production. As per IEA India Energy Outlook 2021, coal's share in India's primary energy basket will decline from 44% in 2019 to 34% in 2040. However, coal demand will still grow by 31% in the same period. Moreover, the transition to a net-zero economy will be metal - intensive. As the move toward cleaner technologies progresses, the metals and mining sector will be put to the test. It will need to provide vast quantities of raw materials required for the energy transition. Metals and mining companies will be expected to grow faster and more cleanly than ever before.

Quantum of land required for mining is huge as compared to other industry. Moreover, unlike other industries where land acquisition may be a one-time operation, the mining sector has to deal with this task almost for the entire life of a mine. Land is the most critical input for any metal and mining industry, and taking physical possession of land

is a very long-drawn process. This makes the operation of a mine most challenging and affects future planning of mine. Many projects are delayed due to shortage of land.

To meet the huge coal demand CIL has to achieve 1 BT production by FY 25. This target requires a CAGR of 17% from FY 22 production. The top 4 companies – SECL, MCL, CCL and NCL will contribute 82% of the total output in FY 25. The key resource requirement for achieving this is – about 14,000 Ha forest land and land possession of about 4,000 Ha.

Land acquisition is a challenging task and is being achieved with pro-active engagement with key stakeholders such as project affected persons, elected representatives, State Govt., Govt. of India and MOEF&CC. Delay in land authentication and issue of NOC for GM JJ land, non-availability of computerised land records, demand of project affected persons beyond the R&R policy of the company, reservation in grant of diversion of forest land for external OB dump, insufficient land for compensatory afforestation etc are the challenges coal companies face in physical possession of land. Advance planning, rigorous follow up of land proposals and winning over of project affected persons will be the key to get the wheels of mining and mineral industries moving.

CIL has a people friendly R&R policy. Compensation as provided in RFCTLARR Act, 2013 or even better benefits are being provided to the project affected persons. Apart from land compensation the company offers one job for 2 acres of land. Many subsidiaries have schemes for preferential treatment in award of contracts upto a certain value to project affected persons who did not get

jobs in the company. In FY 22, physical possession of total 3731 Ha of land (including forest land) had been taken in different subsidiaries of CIL and employment was given to 1545 land losers. We are fully conscious and sensitive of our role in reaching out to the marginalized sections of the society, to enhance their quality of life, through a well - structured Corporate Social Responsibility policy. Coal India is one of the largest CSR spending entities in the country. Our CSR spending of INR 583 crores during FY 22 was 29% higher than the statutory requirement of INR 452 crores.

Government of India has taken a number of steps for faster diversion of land. Forest Conservation Rules 2022 will expedite diversion of forest land.

Policy guidelines have been issued by Ministry of Coal for enabling CPSU to grant lease of land acquired under CBA (A&D) Act, 1957 to other CPSUs and private entities for development of coal infrastructure like washeries, conveyor system, CHP, R&R site for project affected persons etc. As a result of faster land possession Coal India recorded a growth of 4.4 % in FY22. The growth in coal production in H1 FY 23 was about 50 MT (20%) and the CIL is on the path to achieve 700 MT – the annual target for the year.



P. M. Prasad

President, MGMI



KNOW YOUR NEW PRESIDENT

Dr B. Veera Reddy has assumed the charge of Director (Technical), Coal India Limited w.e.f 1st February 2022. Prior to this, he was Director (Technical) Operations of Eastern Coalfields Limited from 01.01.2020 till 31.01.2022. He did his B. Tech. in Mining Engineering from Kothagudem School of Mines, Osmania University in the year 1986 and obtained First Class Managers Competency Certificate by DGMS in the year 1990. He has also completed Master of Technology in Mine Planning from Kothagudem School of Mines, Osmania University in the year 2000. Shri Reddy joined SCCL in the year 1987 and has more than 32 years of experience in coal mining, planning, procurement and operations. He worked in different capacities in the Mechanized Underground and Opencast mines and in Corporate Project Planning department of SCCL. Prior to his joining as Director (Technical) Operations of Eastern Coalfields Limited he worked as General Manager of Adriyala Longwall Project Area of the Singareni Collieries Company Limited. A PhD from IIT (ISM) Dhanbad, he has been unanimously chosen to lead MGMI as the President of the Institute.



Dr B Veera Reddy

FROM THE DESK OF EDITOR

INTRODUCTION TO THE SPECIAL ISSUE LAND ACQUISITION AND POSSESSION CHALLENGES IN THE MINERAL SECTOR



Exploration and extraction of precious minerals from the geosphere has indeed been very complex process. In order to implement various stages of mineral exploitation, problems of land acquisition and its possession, deforestation, migration of animals, displacement of communities and rehabilitation arise. Despite this, coal, lignite, uranium, oil and gas, many precious metals and non-metallic minerals have been exploited for centuries to meet the nation's demand. To strengthen the foundation of the country's economic prosperity and all-round human development, efficient extraction of energy and other minerals is necessary.

In this context, land acquisition and possession have been major challenges, which has particularly affected the mining projects. The awareness of the nearby residents towards their rights and social and political sensitivity are giving serious shape to the problem. To face such challenges, it is necessary to understand the importance of this subject so that appropriate steps can be taken by the mining and mineral industries.

Surface mining method has taken sweeping growth world over with time for mass production of deep-seated poor grade ores / minerals because of better recovery, improved working environment and great scope of production improvement. Being cost effective, this method is very popular. This is used all over the world and particularly in India. However, the surface mining industry is facing the challenges of acquisition of forest, farming, agricultural and residential land and displacement of the affected people of the mining area, their rehabilitation and preservation of culture causing often severe rift in the society and the industry, making land procurement a thorny issue. There has also been significant change in the expectations of stakeholders. Human factors such as rehabilitation and resettlement are today becoming the most influential factors in land acquisition and possession for mining projects. Most of the deposits located in the forestland faces restrictions under forest conservation Act, 1986. Towards the long-term preservation of forest wealth and enlarged needs of minerals, it is necessary that forest maps should be created for the whole country with urgency.

Often private land is interspersed between the land of a mining company and private houses are dotting the landscape. Acquisition of private land and rehabilitation of private houses have been very difficult tasks which frequently restrict the operation of mines. Production faces are sometimes meandered due to small patch of private land or a small private hutment.

With the above consideration, more and more thrust should be given to land acquisition and possession issues. The long delays in land acquisition are mostly due to the delays in gaining public acceptance. It is necessary for all parties to

keep in mind that the basic objective is to focus on acquisition of land for smooth running of the project and also to protect the stakes of local people. The rehabilitation and land compensation packages have to be decided on the basis of national policies and norms.

In order to expedite clearances, it has already been recommended that forests may be classified into the following three categories :

Category A :

Totally prohibited areas – These will be genuinely selected after due process and public notice of areas where there is valuable bio-diversity or having flora or fauna of great value which have to be protected.

Category B :

Forest areas which are having reasonable forest growth and needs to be preserved but which could be released for non-forest uses, if legitimate users could establish that the economic value added by such use would exceed the value received by retaining it as forest land. The release of land would be subject to the creation of a compensatory forest area and payment of prescribed compensation.

Category C : Areas where the forests have been depleted and are available for allocation of non-forest purposes on payment of compensation and can be allocated towards compensatory forest to be created by users who are given approval for conversion of forest land to non-forest uses.

An institutional mechanism under the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) exists in India to receive and manage funds for compensatory afforestation. Compensatory afforestation is one of the major ways in which afforestation takes place under the Forest Conservation Act (1980), wherein afforestation is done in lieu of the diversion of forest land for non-forest use.

It is often seen that many mines are not being developed due to land problems. The latest case is of Rajpura and Kapasara collieries in Mugma Area

of Eastern Coalfields Limited. The people living here are demanding compensation and quarters in lieu of the land. ECL management is helpless in meeting their demands. The present situation is that the coal production target from these collieries is not being achieved. The ECL management had made a lot of efforts to remove Kalimati Ghanda for the expansion of Rajpura Colliery. The management had built houses for the residents behind the Prabhat Stadium in Mugma, but the people refused to move as it did not meet their expectations. Media reports indicate that their demand is that the management should shift them to the company quarters and only then they will vacate the houses, but it is difficult for the ECL management to fulfill their demands. Because of this, Rajpura Colliery is not able to expand and its production has also been affected. If this problem continues for the next couple of years, these collieries may have to be closed. It is imperative, therefore, to consult the locals in advance to create public perception.

In this sequence, this issue's interview is with Shri B. R. Reddy, Former CMD, SECL, who has a distinguished career in the field of mining. He has provided his thoughts on land acquisition and possession challenges in the mineral sector.

The technical articles of this issue address the challenges of land acquisition in coal mining area and coalbed methane projects. We are sure that the readers will enjoy reading this issue of MGMI News Journal.

It is noteworthy that in the future, renewables and geologic CO₂ sequestration are critical to meeting decarbonization targets set forth by the Government of India (as outlined in the previous issue of this journal). Land acquisition and possession challenges could very well arise in those projects too. Thus, understanding these challenges in the sectors that have already developed could provide a smoother way forward to carbon management.

Ajay K. Singh
Honorary Editor, MGMI

HEADQUARTER ACTIVITIES

Minutes of 893rd Meeting of the Council

(Held through hybrid mode in Physical and Virtual Platform through Zoom)

Date & Time : Sunday, 29th May, 2022 at 12.30 pm

The 893rd Council Meeting (4th Meeting of the 116th Session) was held at MGMI Building, GN-38/4, Sector-V, Salt Lake, Kolkata on Sunday, 29th May, 2022 at 12.30 pm (duly approved in the 894th Council Meeting held on 2nd September 2022).

PRESENT : Shri P M Prasad (Virtually in the Chair). The meeting was attended by Prof Sakti Pada Banerjee (Present Virtually), Prof. B B Dhar (Present Virtually), Shri R P Ritolia (Present Virtually), Dr N K Nanda (Present Virtually), S/Shri R K Saha, J P Goenka (Present Virtually), Chandra Shekhar Singh, Prasanta Roy, Rajiw Lochan, Dr. Ajay Kumar Singh, T K Nag, Smarajit Chakrabarti, N N Gautam (Present Virtually), Prof Bhabesh Chandra Sarkar, Prof Netai Chandra Dey, Prof G P Karmakar (Present Virtually), Dr J P Barnwal (Present Virtually), V K Arora (Present Virtually), Wadhwa I P, Tafcon (Present Virtually) and Ranajit Talapatra.

ITEM No. 0 Opening of the Meeting

0.1 The meeting was called to order by the President. The President welcomed the members present physically and virtually. Thereafter, President requested the Hony. Secretary to take up the Agenda for deliberations.

0.1.1 Leave of absence was granted to those who could not attend the meeting.

893.1.0 **To confirm the Minutes of the 892nd meeting of the Council held on physical and virtual platform at MGMI Bldg. Kolkata-700 091 on 27th February, 2022 at 12.30 p.m.**

The Minutes were circulated to all the Council Members earlier. Since, no comments were received, the Council resolved that :

Resolution : The Minutes of the 892nd Meeting of the Council held on 27th February, 2022 at 12.00 noon on physical and virtual platforms, is confirmed.

893.1.1. **To consider matter arising out of the Minutes**

The Council considered the Action Taken Report in respect of the Minutes of 892nd Council Meeting held on 27th February 2022 in hybrid mode.

893.2.0 **9th Asian Mining Congress**

893.2.1 On being requested by the Hony Secretary, Shri Prasanta Roy, Convenor of Exhibition Committee of 9th IME invited Shri I P Wadhwa, Managing Partner, M/s TAFCON to apprise the Council about the 9th IME.

893.2.2 Shri Wadhwa briefed the Council about 9th IME and he further mentioned that he never expected such good participation in the 9th IME. The Stall booking was as good if not better as previous years and ultimately it was a grand success with the help of the President MGMI, Chairman 9th IME and Council

Members. It was informed that Rs.12 Lakhs have already been paid by TAFCON in 2 instalments of Rs 6 lakh each as per MOU. The Council thanked Mr Wadhwa & the Exhibition Committee for the achievement.

Shri Rajiw Lochan, immediate Past Secretary, appealed to the Council Members and Shri I.P. Wadhwa, Managing Partner, Tafcon to increase the guaranteed money from Rs. 35 lacs to Rs.55 lacs. He gave the reason that in the 8th AMC guaranteed amount was fixed at Rs.45 lacs. So, as per usual MOU the minimum guaranteed money should have been increased by 10% from the last AMC which comes to Rs.50 lacs. However, on repeated appeals by Sri Wadhwa to consider the downward sentiment of the industry due to the Pandemic, the Council agreed to reduce the guaranteed money from last AMC with the rider that in case the Exhibition was successful, the amount will be increased by TAFCON as per normative calculation of square feet or 10% whichever is more. But in Mr Wadhwa's own words, 9th IME has been unexpectedly successful, and in the words of Sri Prasanta Roy, Convener, Exhibition, best in a few years. Considering that business has been good for M/s. TAFCON in spite of COVID apprehensions, Shri Wadhwa was requested to increase the guaranteed money as requested. Shri Wadhwa assured that this proposal will be taken care of with mutual discussion with MGMI Management in person.

- 893.2.3 Sri Rajiw Lochan apprised the Council that 9th AMC again was an unexpected success with about 320 participants over the 2 days. He informed that CIL, NCL, BEML, SCCL & NTPC sponsorship amounts have been received. He took pleasure in intimating that going by conservative estimates of dues from

delegates and TAFCON (@ 35 lakhs), the total income is expected to cross Rs1.6 crores, whereas the expenditure (including the proposed printing and despatch of Proceedings volume) is expected to be 86-87 lakhs, resulting in a net saving of about Rs 73-74 lakhs, which will increase if realisation from Exhibition is improved.

The council unanimously agreed that it was wonderful organisation of 9th AMC with very good brand visibility & financial benefit for MGMI, and congratulated the Conference Committee for the accomplishment.

893.3.0 Holding of Foundation Day Lecture

The Hony Secretary informed that the Foundation Day Lecture will be delivered by Prof. S. P. Banerjee, Former Director (In-charge), ISM Dhanbad and Past President MGMI. Regarding the date of Foundation Day Lecture, the Council authorized the Hony. Secretary to discuss with Prof. Banerjee and decide about the date, preferably 25th or 26th of June 2022 as Prof Banerjee will be leaving for Australia on 27th June 2022.

893.4.0 1/2 day Seminar / Workshop and AGM in September 2022

The ½ day Seminar/Workshop, Holland Memorial Lecture and AGM was proposed to be held tentatively on 25th September, 2022.

893.5.0 Membership Drive

The Hony Secretary informed that six applications have been received for Life membership and one application for Student Associate Membership of MGMI. All the applications have been considered and approved by the Council and accordingly, they will be intimated of their enrolment with membership nos.

**Membership Position
(As on 29.05.2022)**

	27.02.2022	Add	Trans	Loss	29.05.2022
Member	41	-	-	-	41
Life Member	1921	06	-	00	1927
Associate	18	-	-	-	18
Student Associate	04	01	-	-	05
Life Subscriber	27	-	-	-	27
Subscriber	01	-	-	-	01
Life Donor	01	-	-	-	01
Donor	01	-	-	-	01
Patron	05	-	-	-	05
Corporate	08	-	-	-	08
Life Corporate	02	-	-	-	02
	2029	07			2036

Alongside, Hony. Secretary informed that he has already taken some initiative on membership drive and in this connection, he has talked with CMD, NCL and CMD, CCL for concerted drives in NCL & CCL respectively.

893.6.0 MGMI Journal and Proposals for Scopus Indexing

The Hony. Secretary requested the Hony. Editor to apprise the Council about the progress made in this regard.

The Hony Editor informed that a meeting of the Editorial Board was convened on 2nd May 2022. He spoke about the need for Scopus Indexing of the Transactions the placed the following information:

- a) Scopus is a leading indexer of scholarly research with impressive global readership & published journals are added to indexing databases for wider reach.
- b) There is no cost to being included in Scopus.
- c) There is a rigorous selection process overseen by its Content Selection and Advisory Board (CSAB), which is an in-

ternational group of scientists who are experts in their respective subject areas.

To qualify for consideration by the Content Selection and Advisory Board (CSAB), the journal must

- (i) Publish peer reviewed content and have publicly available peer review policies/processes listed on its website/webpage.
- (ii) Have a website/webpage.
- (iii) Include references in Roman Script.
- (iv) Have ISSN International Centre registration.
- (v) Have publicly available publication ethics.
- (vi) Journals have a 2+ Years history of publication.

The Hony. Editor summarized the necessary steps need to be taken immediately as under :

1. The Editorial Board to be extended by including Prof. Keka Ojha, Head, Department of Petroleum Engineering, IIT

(ISM) Dhanbad, Prof. Khanindra Pathak, Department of Mining Engineering, IIT Kharagpur and Prof. A. K. Verma, Department of Mining Engineering, IIT BHU, Varanasi, who are all Life members and have consented to be in the Editorial Board of MGMI.

2. The journal to have a webpage with publication template that will be single point for submission of manuscripts, with a dedicated webpage with a link/Button on the MGMI Homepage Dashboard.
3. Peer review policies/processes should be prepared after extending the Editorial Board and it will be uploaded on the webpage of the journal.
4. Publication ethics will also be formulated and made public by uploading on the journal's webpage.
5. The journal to have ISSN No.
6. Papers published in last 3-4 years to be uploaded on the webpage of the journal.

These steps were agreed to by the Council, and after detailed deliberation, it was decided to publish as many peer reviewed papers as possible in the journal and MGMI should go ahead to apply for the journal indexed in Scopus.

The discussions also included the need to retain the long-standing tradition of the Institute's Transactions facilitating wide circulation of mineral/ mining field oriented notes and papers from practicing engineers and professionals, including those presented at the local chapters of the Institute, so that the related industries can benefit from experiences and developments in different parts

of the country. It was agreed that such contributions from the industries concerned would continue to be encouraged and adequately covered.

893.7.0 Any other matter with the permission of the Chair

Hony Secretary asked the permission of the Chair to place a proposal received from Prof. B. C. Sarkar to increase the limit of travel expenses to attend the Council and other meetings of MGMI. He also mentioned about the repeated requests of the MGMI staff for an increase in remuneration.

It was informed that the ceiling for re-imbursment of travel was fixed long time ago and impractical as of today. It was also discovered that the last increase of remuneration scale of the staff was made in 2017, i.e., 5 years back.

It was proposed by Hony Secretary that a Finance committee may be constituted for this purpose and other matters with financial impact including manpower. The names of Shri V.K. Arora, Shri R.K. Saha, Dr. Amalendu Sinha and Shri Prasanta Roy was proposed for the committee with Hony Secretary as the ex-officio member. The proposal was accepted by the Council.

The Hony Secretary requested the President to formally close the meeting with a few words. The President thanked all present in the meeting once again for sparing their valuable time and taking part in the deliberations.

The meeting ended at 2 PM with Vote of Thanks to the Chair and others by the Hony Secretary Shri Ranajit Talapatra.

Minutes of 894th Council Meeting

(Held in Hybrid Physical and Virtual platform through Zoom)

Date & Time : Friday, 2nd September, 2022 at 7:00 PM

The report of the 894th Council meeting (5th meeting of the 116th Session) at Hyatt Regency Hotel, Salt Lake, Kolkata on Sunday, 2nd September, 2022 at 7:00 PM (Duly approved in the 895th Council Meeting held on 22nd October 2022).

PRESENT : Shri P M Prasad, President in the Chair. The meeting was attended by Prof Sakti-Pada Banerjee, Dr. N K Nanda, S/Shri R P Ritolia, N.C. Jha, R K Saha, Anil Kumar Jha, J P Goenka, Chandra Shekhar Singh, Prasanta Roy, Rajiw Lochan, Dr. Ajay Kumar Singh, T K Nag, Smarajit Chakrabarti, Dr. Amalendu Sinha, Dr. Kalyan Sen, Anup Biswas, Prof Bhabesh Chandra Sarkar, V K Arora, Dr. J P Barnwal, G.P. Karmakar, Anil Kumar Singh and Ranajit Talapatra.

At the outset, Honorary Secretary pointed out that this will be the last Council Meeting of Sri P M Prasad, as President, MGMI and profusely thanked him for his help, accessibility and pro-active contribution in passing through the Pandemic years, as well as the grand success of the 9th AMC and 9th IME. A Shrifal was presented to the President by the Secretary on behalf of all MGMI members as a token of gratitude.

President, MGMI acknowledged the help he got from the Council and the office bearers during his tenure and assured his help even after his relinquishing this high MGMI office.

Item No. 0

0.1 The meeting was then called to order by the President. The President welcomed the members present physically and virtually. Thereafter, President requested the Hony. Secretary to take up the Agenda for deliberations.

0.1.1 Leave of absence was granted to those who could not attend the meeting.

894.1.0 To confirm the Minutes of the 893rd meeting of the Council held on physical and virtual platform at MGMI Building Kolkata – 700 091 on 29th May, 2022 at 12:30PM

The Minutes were circulated to all the Council Members earlier. Since no comments were received, the Council resolved that :

Resolution : The minutes of the 893rd Meeting of the Council held on 29th May, 2022 at 12:30 PM on physical and virtual platforms, is confirmed.

894.1.1 To consider matters arising out of the Minutes.

Shri R.P.Ritolia, Past President wanted to know the advantages of Scopus Indexing of Transactions. The Hony. Editor replied that there are various types of indexing of which Scopus Indexing may be considered as the base level of indexing. This is required for better citation of the papers published for which most of the Authors are interested in. Without such indexing Authors may not be interested to contribute a technical paper for the Journal. Prof B. C. Sarkar opined that this should be the minimum requirement for publication of a scientific journal in present days. Prof. S.P. Banerjee, Past President was also of the opinion that Scopus Indexing is a must for existence of the Journal. Shri Smarajit Chakrabarti wanted to know if the papers contributed by the practicing Engineers and Geologists from the field would find a place in the Transactions after Scopus Indexing. The Hony. Editor apprised that

all papers, be it from the field or from the academia are welcome and would be published after peer review of the same. The authors will be requested to revise their paper as per the reviewers' comments. Therefore, the papers received from the field may also be published after accepting the reviewers' comments or rejecting the same with proper justification. Dr. Kalyan Sen also supported the idea of Scopus Indexing of Transactions. It was finally agreed that we should go for Scopus Indexing of Transactions and the Hony. Secretary agreed to provide all necessary help such as having a dedicated button for the Journal on MGMI Website and enabling Journal Management System in near future.

894.2.0 To inform the Council about roadmap and progress in respect of E-voting Process

The Hony. Secretary of MGMI informed the Council regarding progress in respect of E-Voting Process that MGMI published notification in two renowned all India based daily newspapers on 29th August, 2022 for intimation to the members of MGMI. MGMI also provided the entire members list to the CDSL for making necessary arrangements for e-voting process.

894.3.0 To discuss about the forthcoming events of the Institute

i) 116th Annual General Meeting & MGMI Awards

The Hony. Secretary informed that the 116th Annual General Meeting alongwith MGMI Awards Ceremony will be held on 25th September, 2022 (Sunday) at Oberoi Grand, Kolkata at 6:30 PM.

ii) 62nd Holland Memorial Lecture & Half day Seminar/Workshop

The Hony. Secretary informed that the 62nd Holland Memorial Lecture will be held sometimes in November, 2022 in the 2nd half following the Half day Seminar/Workshop as usual.

894.4.0 To inform about Income of 9th AMC & IME 2022

The Hony. Secretary informed to the Council that in the 9th AMC & IME, the surplus MGMI income comes to Rs.97 lacs and that TAFCON has paid its minimum Guarantee of Rs.35 lakhs and has agreed to pay Rs.10 lakhs more as their revenue has been very good. The Council appreciated the matter with thanks.

894.5.0 To constitute Judging Committee Members of MGMI Award of Excellence

The Council decided unanimously the Committee for the Following categories of MGMI Excellence Award

Outstanding contribution for Coal Mining

Prof. S.P. Banerjee, Chairman
Shri N.C. Jha, Member
Shri Smarajit Chakrabarti, Member
Shri T.K. Nag, Member

Outstanding contribution for Non-Coal Mining

Dr. Amalendu Sinha, Chairman
Shri N.K. Nanda, Member
Shri Ranjit Datta, Member
Shri Prasanta Roy, Member

Outstanding contribution for Earth Sciences/ Mineral Engineering

Dr. Kalyan Sen, Chairman
Dr. Anupendu Gupta, Member
Shri Rajiw Lochan, Member
Dr. Rajib Dey, Member

Best Technical Paper Published in MGMI Transactions for every Calendar Year

Shri R.P. Ritolia, Chairman
Shri R.K. Saha, Member
Prof. B.C. Sarkar, Member
Dr. Ajay Kumar Singh, Member

It was discussed that as there has been no Transactions Volume published for the year 2021-22, the Council decided that there will be no award for best paper this year. However, the Judging committee may meet and take the final decision and will work on the continuous process of papers received and published in the Journal.

894.6.0 To consider and approve the Audited Accounts for the financial year ended on 31st March, 2022

The Auditor's Report and Audited Accounts for the financial year ended on 31st March, 2022, were placed before the Council for consideration. The Council has gone through the Auditor's Report, Balance Sheet for 2021-22 and Income & Expenditure Accounts for 2021-22 approved unanimously by the Council.

894.7.0 To appoint the Institute's Auditor for the financial year 2021-22 with their remuneration

The Council approved the re-appointment of M/s. Jha & Jha, Chartered Accountants, Company as Auditors of MGMI for the FY 2022-23 at an increased remuneration of 15,000/- (excluding applicable taxes) instead of Rs. 12,000/- (as per their request letter to increase remuneration) for execution of all assignments of Audit, ROC, Annual Filing, IT Returns etc.

894.8.0 To elect the President of the Institute for the year 2022 - 23

The name of Dr. B.Veera Reddy – Director (Technical), Coal India Ltd was proposed for President, MGMI for 2022-23

by Sri J P Goenka and seconded by Sri Prasanta Roy. The Council was pleased to agree.

894.9.0 To consider and approve the recommendations of Finance Committee

Honorary Secretary read out the deliberations during the two Finance Committee meetings and the recommendations.

894.9.1 The last salary hike of the MGMI staff, both permanent as well as contractual, was done in April 2017, more than 5 years ago. Considering the rise in prices and overall cost of living, an increase in their salaries were recommended, based on the income-expenditure situation of the Institute. He mentioned that there were only 3 permanent employees requiring revision of scale and 4 persons on contractual terms. The increased remunerations of the Permanent staff recommended as follows :

1. Basic salary of both Smt Tumpa Sengupta & Sri Babul Chandra Bala - Rs 16250/- with 20% HRA and CCA Rs 500/- (Raised from Rs 300), i.e., $16250+3250+500 = \text{Rs } 20000/-$ with a yearly increment of Rs 500/-.
2. Basic Salary of Sri Raghunath Behera - Rs 10420/- with 20% HRA and CCA Rs 500/- (Raised from Rs 300), i.e., $10420 + 2084 + 500 = \text{Rs } 13,000/-$ with a yearly increment of Rs.500/-.
3. Contractual employees Smt Tanushri Dutta and Sri Suman Sinha, are recommended to continue at the same level with no increase in salary, till further decisions.
4. Sri P K Ghosh will retire after 30th September due to old age.

5. Sri G Ghatak is also suffering from ill health and will retire as soon as a replacement is appointed.
6. A newspaper ad was published for an Executive Secretary. The applications are being screened and the shortlisted candidates will soon be called for an interview to choose the best candidate.
7. A consolidated salary of Rs.30,000/- was recommended, which may be increased up to Rs.45,000/- for an exceptionally suitable candidate.
8. Medical Allowance to remain at the same level (one month's salary, paid quarterly in equal instalments over the year) to only the permanent employees, as is the practice now.
9. It was suggested that a Medical insurance (Group or individual) of a moderate coverage, may be explored for the Staff, including the

contractual employees and may be implemented.

894.9.2 Members who attend meetings from areas within city limits (Howrah city included) or 50 Kms from MGMI office, will be paid Rs. 700/-, without need of receipts. Presently it is Rs. 300/-.

Members who attend from areas beyond the above will be paid Rs. 5,000/- or actuals, whichever is less. Tickets, receipts, etc., will be needed in such cases. Presently it is Rs. 3,000/-.

894.10.0 To consider applications for membership and the membership position of the Institute

- a. The Hony. Secretary informed that 4 (four) Life Membership and 1 (one) Member applications have been received. The applications were approved by the Council for Life Membership and Member of MGMI.
- b. Membership position as on date (02.09.2022) is 2041.

**Membership Position
(As on 02.09.2022)**

	29.05.2022	Add	Trans	Loss	02.09.2022
Member	41	01	-	-	42
Life Member	1927	04	-	00	1931
Associate	18	-	-	-	18
Student Associate	05	-	-	-	05
Life Subscriber	27	-	-	-	27
Subscriber	01	-	-	-	01
Life Donor	01	-	-	-	01
Donor	01	-	-	-	01
Patron	05	-	-	-	05
Corporate	08	-	-	-	08
Life Corporate	02	-	-	-	02
	2036	05			2041

894.11.0 Any other matter with the permission of the Chair

Since there was none, the meeting was called to an end by the President thanking all the Council members for attending physically and through Zoom.

REPORT OF THE 116TH ANNUAL GENERAL MEETING

The 116th Annual General Meeting of MGMI was held on 25th September 2022 at 06.30 P.M. at Burdwan & Coochbehar Hall of Hotel Oberoi Grand, Kolkata - 700013. In the physical absence of the President, the meeting was chaired by Shri J.P. Goenka, Vice President, MGMI. The Office bearers and members, who joined the meeting in person are S/Shri Dr. B Veera Reddy, Ranajit Talapatra, C.S. Singh, B. Chakraborti, K. Mitra, Debdas Ray, B. Gangopadhyay, B. Chakraborti, B. Bandopadhyay, S.K. Ranu, Prof S. Dasgupta, D.K. Mitra, Prof Bhabesh Chandra Sarkar, Subrata Biswas, Asit Baran Bhol, Bijan Kr. Saha, Debajyoti Bhattacharjee, Rabi Narayan Patra, R.K. Saha, Arun Chandra Kundu, Prof N C Dey, V.K. Arora, R.P. Ritolia, J P Goenka, Anup Biswas, T.K. Nag, Somnath Mukherjee, Dr. Prabhat Kumar Mandal, Prasanta Roy, S.R. Panja, Biplab Mukherji, Sajalendu Roy, Anup Nandy, Sunil Ghosh, Arunava Mondal, K R Kapon, Jatin Mehta, T.K. Banerji, Ranjit Datta, A K Karmakar, S R Khanna, Subrata Ghosh, Ajit Kumar Das, Swapan Bandyopadhyay, Ramananda Adhikari, Gagan S, S.A. Sufiyan, A.K. Shukla, N.C. Jha, A.K. Das, K. Ghosh, Dr. Ismail Mondal & Ms. Nandini Chakraborty. The outgoing President, Sri P M Prasad joined through VC.

The quorum for the AGM was established and hence the meeting continued.

Shri Ranajit Talapatra, Hony Secretary, MGMI welcomed the members present and requested S/Shri J.P. Goenka, Bhaskar Chakrabarti, Hony Treasurer and Chandra Sekhar Singh, Hony Joint Secretary to come on dais.

Then he read out the names of the members who left us for their heavenly abode during the last one year and 2 minutes silence was observed for the departed souls. The names are as follows :

R Sudhakar, Jyotirmoy Bose, Monoranjan Das, Dr D K Ray, K K Sen, C S Jha, P N Chaudhuri, Dr A B Goswami, H Niogi, Sunil Kumar Biswas,

Nirmalendu Sar, T N Jaggi, M S Cheema, Dr K M K Sinha, M H R Rao, Himadri Banerjee, Prof K L Rai, K M Lal, Sunil Kumar Ghosh, Amar Kr Mazumdar, K P Kapai and Satyendra Trehan.

The Secretary proceeded with the agenda of the meeting as follows.

- He read the Notice convening the 116th Annual General Meeting, which he said was already circulated by email earlier, posted with the Annual Report and also uploaded in the website on 2nd September 2022 and was also circulated through hard copy in the hall.
- The minutes of the 115th AGM held in Kolkata on 25/09/2021 which was circulated with the Annual Report was passed by voice vote.
- The Council's report, Audited balance sheet and Statement of accounts for the year ending on 31/03/2022 were already circulated by email earlier, also posted and further uploaded in the website on 4th September 2022. These were also circulated through hard copy in the hall and were adopted by voice vote.
- M/s Jha & Jha Co. Chartered Accountants Co. was reappointed as the Institute's Auditor for the year 2022-23 with a remuneration of Rs.15,000/- per year.
- The Students' Awards for 2021-22 were announced and the awards were presented by S/Shri J.P. Goenka, C.S. Singh and Bhaskar Chakrabarti.
 - a. Pickering Medal for the Best Student in B.Tech Final of Mining Engineering to **Konanki Krupa Sai** of IIT (ISM), Dhanbad.
 - b. Hayden Medal for the Best Student in M.Sc / M.Tech. in Applied Geology to **Prayukta Mohanty** of IIT (ISM) Dhanbad.

- c. Yule Medal for the Best Student in B.Tech. Mining Machinery to **Shri Abhishek Kumar Singh** of IIT (ISM) Dhanbad.
- d. Mc Nally Bharat Medal for the Best Student in B.Tech. Mineral Engineering to **Shri Dhanit Guria** of IIT (ISM) Dhanbad.
- e. Dr. Hari Narain Medal for the Best Student in M.Sc (Tech.) Applied Geophysics to **Ms Shelly Dutta** of IIT (ISM) Dhanbad.
- f. Oil India Medal for the Best Student in B.Tech. Petroleum Engineering to **Shri Debosmit Banerjee** IIT (ISM) Dhanbad.
- g. Chandrakala Medal for Mining Engineering to **Shri Pragjyoti Das** of IIT, Kharagpur.
- h. S Lal Award for Mining Engineering to **Shri Arunava Mondal** of IEST, Shibpur.
- i. Indranil Award for B.Tech. in Metallurgy to **Shri Avinava Roy** of IEST, Shibpur.
- j. Indranil Award for Metallurgy to **Shri Pranav Krishnan** of IIT, Kharagpur.
- k. SCCL Gold Medal for the Best Student in Mining Engineering to **Shri I Shiva Kumar** of Kakatiya University.
- l. Nava Bharat Ferro Alloys Medal for Mining Machinery to **Shri P Pavanchand.**
- m. Robertson Medal for Mining Engineering to **Ms Bandi Gayatri** of IIT-BHU.
- n. Hadfield Medal for Metallurgical Engineering to **Namjoshi Aneesh Amrendra** of IIT-BHU.
- The recommendations of the Judging Committees for 3 consolidated MGMI awards of Excellence for 2021-22 were announced.
 - a. MGMI Award of Excellence for **Coal Mining** for outstanding contribution in Coal awarded to **Dr Gauri Shankar Prasad Singh, IIT, BHU.**
 - b. MGMI Award of Excellence for **Non-Coal Mining** for outstanding contribution in Non-Coal Mining Industry awarded to **Shri Arun Kumar Shukla, CMD, HCL.**
 - c. MGMI Award of Excellence for **Earth Science / Mineral Engineering** for outstanding contribution in Earth Science awarded to **Dr Debadutta Mohanty (CSIR, CIMFR).**
- **Shri P.M. Prasad**, President, MGMI, who could not be physically present due to pressing assignments, delivered his address virtually from Ranchi. Hard copies of the presidential address were circulated to the members present in the hall. While welcoming the participants, Shri Prasad said it had been an honour for him to be the President of a century old organization and he took this opportunity to thank each and every member of MGMI. He mentioned that after completing 75 years of independence, India had entered “Amrit Kaal” which will last till 2047. India has overtaken the ex-colonial masters to become the fifth largest economy of the world. According to him, energy use and access is closely related with economic development. Energy option of India is very limited. Domestic production of oil and natural gas has declined considerably during the last ten years. This is increasing onus on coal to meet the energy and resource security of the nation. Circular economy is a way to conserve resources. India’s material recycling rate stands at 30%. Metal sector needs to be at the forefront of the circular economy following 6R principles of Reduce, Recycle, Reuse, Recover, Redesign and Remanufacture. If India is to grow into a \$5 trillion economy, Geology, Mining, Metallurgy sectors have a big role to play and this is where MGMI comes in.

The President talked of the 9th Asian Mining Congress and International Mining Exhibition held in April 2022 which was an effort to be back to normalcy by being the first such physical event in Mining sector organized in India after the pandemic induced disruptions. This event was a grand success with participation by more than 250 professionals and 180 companies. Top government functionaries and Industry leaders spoke during the

conference and a number of enlightening papers were presented. He also mentioned about the 17th Foundation Day lecture delivered by Prof S P Banerjee. He praised the editorial board of MGMI led by Dr A K Singh for the quality, contents and timely publication of the MGMI News Journals.

He thanked S/Shri Ranajit Talapatra, Rajiw Lochan, Prasanta Roy and the Chairmen and members of various committees for their yeomen services in making the 9th AMC and IME a grand success. The President also thanked numerous organisations and individuals who had helped to make his tenure gratifying and successful. He wished a bright future for the organization.

- The Secretary announced that in the last Council Meeting, it was unanimously decided that Dr B Veera Reddy, Director (Technical), Coal India Limited, will be the next President of MGMI and that he has kindly accepted the post. The incoming President was requested to grace the dais and was felicitated by Shri R P Ritolia with a flower bouquet and the traditional president's collar was presented to him by Shri V K Arora.
- As per the agenda, the report of the Board of Scrutineers on the Election of the Council Members for the years 2022-25 was presented by Sri R K Saha, Chairman, Scrutineers Committee. He read out the names of 11 successful candidates, which are – Dr. Amalendu Sinha, Dr. Prabhat Kumar Mandal, Shri J.P. Goenka, Shri Peeyush Kumar, Shri Awadh Kishore Pandey, Prof. Ashis Bhattacharjee, Shri Tapas Kumar Nag, Shri V K Arora, Dr Jai Prakash Barnwal, Prof G P Karmakar and Shri J V Dattatreya. He

informed that 375 votes were cast in the online election and congratulated the winners. He and Shri J P Goenka also took special mention of the way the e-voting was organized at a short notice almost wholly by the Honorary Secretary and lauded his initiative and hard work to reach as many members as possible and following up.

- The General Body agreed to the Honorary Secretary's proposal of modifying the Articles of Association of MGMI to include e-voting as a default process, unless otherwise, with a 15 to 30 days' window for voting to ensure maximum voting.
- Shri J P Goenka invited the new President to say a few words. While thanking the members for choosing him as the President of the prestigious organization, he said that he feels it is a big responsibility and will need guidance of the experienced members. He congratulated the award winners and newly elected council members.
- S/Shri V K Arora, S P Banerjee and Prasanta Roy thanked the Past President, Council members for guidance in the activities of MGMI. Shri N C Jha, Past President welcomed Dr. Reddy and suggested to involve social media for publicity of MGMI. He felt basic purpose of MGMI is to disseminate knowledge and regular webinars may be arranged. Sri R P Ritolia desired that the Branches be revived.

The meeting concluded with Vote of Thanks by Shri C S Singh, Hony. Jt. Secretary. He thanked the Past President, Secretary, Council Members, all members who helped in MGMI activities and the staff members of the Institute.

PHOTO GALLERY OF 116TH ANNUAL GENERAL MEETING



Cont.....



RECIPIENTS OF MGMI AWARDS AND MEDALS FOR THE YEAR 2021 - 22



Dr Gauri Shankar Prasad Singh awarded **MGMI award of Excellence for Coal Mining** for his outstanding Contribution in Coal Mining Industry



Shri Arun Kumar Shukla awarded **MGMI award of Excellence for Non-Coal Mining** for his outstanding Contribution in Non - Coal Mining Industry



Dr Debadutta Mohanty awarded **MGMI award of Excellence for Earth Sciences / Mineral Engineering** for his outstanding Contribution in Earth Science



Hadfield Medal for Metallurgical Engg for the year 2020-21 to **Shri Namjoshi Aneesh Amrendra** of BHU



SCCL Gold Medal for the Best Student in Mining Engineering for the year 2020-21 to **Shri I Shiva Kumar** of Kakatiya University



Roberton Medal for Mining Engineering for the year 2020-21 to **Ms Bandi Gayatri** of BHU



Indranil Award for Metallurgy for the year 2020-21 to **Shri Pranav Krishnan** of IIT, Kharagpur



Pickering Medal for the best student in B. Tech Final of Mining Engineering for the year 2020-21 to **Shri Konanki Krupa Sai** of IIT(ISM)



Yule Medal for the Best Student in B. Tech Mining Machinery for the year 2020-21 **Shri Abhishek Kumar Singh** of IIT(ISM) Dhanbad



Nava Bharat Ferro Alloys Medal for Mining Machinery for the year 2020-21 to **Shri Pothuraju Pavan Chand** of Kakatiya University



S. Lal Medal for Mining Engineering for the year 2020-21 to **Shri Arunava Mondal** of IEST, Shibpur



Indranil Award for B. Tech. in Metallurgy for the year 2020-21 to **Shri Avinava Roy** of IEST , Shibpur



Chandrakala Medal for Mining Engineering-
for the year 2020-21 to **Shri Pragjyoti Das** of
IIT, Kharagpur



Hayden Medal for the Best Stu-
dent in M.Sc/ M.Tech in Applied
Geology for the year 2020-21 to **Prayukta
Mohanty** IIT (ISM) Dhanbad



Mc Nally Bharat Medal for the best stu-
dent in B. Tech Mineral Engineering to **Shri
Dhanit Guria** for the year 2020-21 of IIT (ISM)
Dhanbad



Dr. Hari Narain Medal for the Best
Student in M.Sc (Tech) in Applied Geophys-
ics for the year 2020-21 to **Shelly Dutta** of
IIT (ISM) Dhanbad



Oil India Medal for the Best Student in B. Tech Petroleum
Engineering for the year 2020-21 to **Shri Debosmit Banerjee**
IIT (ISM) Dhanbad

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Theme of the Next issue
**"Petroleum E&P Industry in India :
Challenges and Opportunities"**

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(As approved in Council Meetings on 02.09. 2022 and 22.10. 2022)

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INTERVIEW

LAND ACQUISITION AND POSSESSION CHALLENGES IN THE MINERAL SECTOR

A conversation with Shri B R Reddy



Shri B.R. Reddy served as the Chairman-cum-Managing Director, South Eastern Coalfields Limited. He graduated in Mining Engineering from Kothagudem School of Mines, Andhra Pradesh in the year 1981. He did his M.Tech. in Opencast Mining in the year 1992 from Indian School of Mines (ISM), Dhanbad, and is a Gold Medallist. Shri Reddy has obtained 1st Class Mine Manager's Certificate of Competency (Coal). He also holds a Diploma in Industrial Relations and Personnel Management (DIRPM) from Nagpur University. He is a distinguished and experienced mining engineer. He joined Coal India Limited on 05.09.1981 and worked in different capacities in various mines of Western Coalfields Limited (WCL) and Central Coalfields Limited (CCL). As General Manager of Dhori, Ar-

gada, N.K. Area of CCL, he has contributed a lot in opening New Open Cast Mines and in solving many IR problems. It was all due to his sincere efforts, the Purandih Greenfield OC of CCL could be reopened after a gap of nearly ten years. He was selected as Director (Tech) (Project & Planning) of Eastern Coalfields Limited (ECL) due to his proven managerial skills, sheer administrative capacity and took over the charge on 30.09.2014. Shri B.R. Reddy is recognised as a visionary strategist and tactician, and has consistent record of delivering extraordinary results in growth, revenue, operational performance and profitability in various capacities in Western Coalfields Limited, Central Coalfields Limited and Eastern Coalfields Limited. He motivates the work force as a mentor and leads talented professionals by directing across functional teams by providing interactive and motivational leadership that spurs people to willingly give best efforts and loyalty. For his contributions to the mining industry, he received 'CEO WITH HR ORIENTATION Award' in World HRD congress 2018 and "Life Time Achievement Award" in the annual award function of the Indian Mining and Engineering Journal.

1. We have seen numerous instances of mining projects getting delayed or even running mines facing stoppage of operations due to agitation by the local population over land acquisition issues. Why is it that even after almost 50 years since nationalization of the coal industry, we have not been able to streamline the process to the satisfaction of all the stakeholders?

Land acquisition is very a dynamic and tedious process. Though the laws are common, it is highly site specific. It involves two stages

- a) Land acquisition
- b) Taking the land into physical possession

Land acquisition process is almost streamlined. Various Acts like LARR Act 2013, CBA Act 1958 have made the process smooth.

But taking physical possession involves land compensation and rehabilitation of the tenants/ villagers. It involves number of social, economic and emotional issues. To certain extent it depends on the communicative skills of the management while dealing with the stakeholders.

2. Unlike other industries where land acquisition may be a one-time operation, the mineral sector has to deal with this task almost for the entire life of a mine. For public sector companies, we have the Land Acquisition Act (LA Act) of the State concerned and the Coal Bearing Areas Act (CBA Act) of the Central Government to help in the process and we have also framed favourable norms for giving compensation and jobs to the land losers, even then there are frequent disruptions created by aggrieved local people. In your opinion how best can we deal with this problem? What can we do as a mining company, whether in the public or private sector, for the local people so that a mine can run smoothly for its entire life of 25-30 years?

In mineral sector also especially in coal, land is normally acquired in one go. The amount of land requirement is huge quantity mostly in hundreds of hectares for projects having 25 years to 30 years of life. It is normally acquired as per **LARR Act 2013 or CBA Act 1958**.

In some projects private or tenancy land is acquired by direct purchase. Mostly there are three types of land.

- (i) Forest land (Notified forest and revenue forest or GMJJ)
- (ii) Government land (GMK, GMA etc.)
- (iii) Private or tenancy land

Mostly forest land and Govt. land are taken into physical possession in one go and the rates are almost fixed. Taking tenancy / private land into physical possession is a continuous process. Though there are favourable norms for giving compensation or job to the land losers, their expectations go higher and higher over years. It is practically difficult to deal with their expectations. The way forward to minimize the problems is :

- (i) Very detailed and exhaustive R&R plan
- (ii) It should be framed after having detailed discussions with tenants

- (iii) The concerns of all stakeholders should be very well taken care of
- (iv) The management should be empathetic to their issues
- (v) The plan should be flexible
- (vi) The proposed R & R colony should be as near as possible to the project from where they have been rehabilitated
- (vii) The amenities provided in the colony should implement in letter and spirit as promised
- (viii) The income level, economic status or earning capacity should be better than the earlier situation
- (ix) The active role and association of state official is very essential
- (x) As far as possible all the villagers / habitats may be relocated in early stages of the project

3. For some mines, where land parcels of small areas may be adequate for mining for a definite period of, say, 5, 10 or 15 years in order to extract 2-3 seams in a part of the property and this mined-out area can be adequately restored for its original use, perhaps we can try to take such parcels of land on lease from the land owners for such limited periods only and return the same after reclamation. Especially, where underground mining is to be done the surface may get damaged by cracks and pot-holes only, but these can be leveled up and the original water-table may get restored. We see such caved land being used for agriculture in the older coalfields, although the land once belonged to underground coal mines, which are now closed and abandoned. During the lease period the land owner may get suitable compensation for loss of income in addition to the lease rental. In your opinion, is it feasible to get land on lease for such limited periods? This approach may help those land owners who are reluctant to give up

their ancestral properties or deprive their children of hard-earned assets.

Taking the land on lease appears to be feasible option on paper but the villagers do not normally opt for this. Especially in opencast mines the landscape is changed totally. Though reclamation is being done and the land may be brought to agriculture use but not to the original form. Further the villagers are relocated from the project area to a different area which is far away and it may not be convenient for them to do agriculture on the reclaimed land. Further, legal provisions are required to be made to this effect. In underground mine it is possible to certain extent by taking lease or by giving crop compensation.

4. Recently the Government has come out with a policy to lease out mined out land, which were once acquired by coal companies. The land can be leased out to others for certain specific purposes. Do you think this will help in proper utilization of such land? Or should the Government introduce necessary changes in law to allow sale of such land by mining companies and its general use thereafter by the state or the public?

It is a good concept. Mined out land can be reclaimed and used in many ways but presently there is no provision in CBA Act for leasing of mined out land which was acquired for coal mining purpose. Necessary legal provisions are to be made in the Act.

5. In some coalfields mining companies have done exemplary work in converting mined out areas into green areas with tree plantation. No doubt it helps to restore the natural environment to a large extent. But some critics point out that mining companies need to do a lot more to ensure proper eco-restoration where different plant species, bird and other animal species can have a real habitable environment. What is your opinion on this issue?

It is true that mining companies have done exemplary work in converting mined out areas into green area with tree plantation and eco-restoration. But

it is in small portions only. It has to be developed as system and culture. Recently MOEFCC is thinking to introduce “**Green Credits**” to have better environmental restoration in mining area. This can develop as a business opportunity for mining companies. Various environmental restoration programmes beyond the limits specified in the laws / permissions can help the mining companies to earn green credit which can be traded in the market.

6. In some coalfields having large number of coal seams, where it has not been possible to do any land reclamation or restoration work due to the presence of deeper coal seams not yet mined due to various reasons, we find that there are ugly overburden heaps or open excavations here and there, which continue to remain eyesores for decades. Some excavations turn into sites for illegal extraction also by unscrupulous elements. What best can mining companies do with such areas?

For all the mines progressive mine closure plan and final mine closure along reclamation is prepared. Once the life of the ugly overburden heaps or open excavations are known medium term reclamation plans can to be prepared, like short term plantation, development of water bodies even plantation on benches with proper landscaping.

7. Even though coal-bearing land is only just about 2% out of the total land mass of our country, we find very often there is immense pressure on land over our coal resources due to other businesses, housing and commercial projects, even for development of infrastructure like roads, rails and an airport also in the recent past. Needless to say that all such development, although helpful for the society in general, result in blocking enormous quantities of precious natural resources of our country. In your opinion, what can we do about this problem?

Mining of minerals is site specific, whereas other projects like housing, commercial, airport etc can be planned and located on non-coal bearing

areas. When it is absolutely essential especially for railway line, alternate methods of mining like highwall mining may be explored. Ultimately a call has to be taken by appropriate Government which is more important either mineral for extraction or developmental projects.

8. Mining is essentially a process, where land degradation to some extent cannot be avoided. What do you suggest mining companies can do more so that adverse impact can be kept to the absolute minimum?

It is true; in the mining process land degradation to some extent happens. Normally detailed

mine plans, mine closure plans are prepared and approved also. With proper dumping plan the land can be restored to its near original form. Then if biological restoration development of proper water bodies is done degraded land can be developed with good landscapes. It requires lot of commitment from the mining companies and also develop the culture and not just to fulfil the legal requirements.

TECHNICAL NOTE

ACQUISITION OF LAND, REHABILITATION AND RESETTLEMENT IN COAL MINING AREA : A CASE STUDY

Shankar Kumar Jha¹

Introduction

Land is the most important resource for coal mining. The progress of the country largely depends on availability of affordable cost of coal for power generation. This requires expansion of projects and opening of new projects. For this, coal companies need coal bearing land, free from all encumbrances, at right price with good social harmony towards the land losers and its surrounding.

Acquisition of land for any organization has become most difficult and an uphill task for so many socio, political and cultural reasons and numerous projects are either time overrun of the schedule or have been abandoned due to cost overrun.

It is inherent right of sovereign to take land of individual for public purpose with payment of adequate compensation prescribed under the Act through which land is proposed to be acquired.

Land, as defined includes houses, trees, any benefit arising out of land or anything fastened to earth or anything attached permanently fastened to earth.

In Central Coalfields Limited, land is acquired meandering through either of the following six processes :

- (1) Coal Bearing Areas (Acquisition and Development) Act, 1957
- (2) Land Acquisition Act, 1894

- (3) Acquiring through Lease under Mines Mineral Regulation and Development Act 1957
- (4) Transfer of Forest Land from Forest Department
- (5) Transfer of Government Land from State Government
- (6) Direct Purchase from the tenants

(1) Coal Bearing Areas (Acquisition & Development) Act, 1957 (CBA Act, 1957)

On 8th June 1957 the said Act was enacted in Parliament in the economic interest of India to control over coal mining industry and its development by providing acquisition by state of un-worked land containing or likely to contain coal deposits or of rights in or over such land and for extinguishment of such right accruing by virtue of any agreement to anyone.

Thus, the said Act is applicable only for Government Company defined under section 617 of the company Act, 1957 and only for the land below which coal deposit is available or likely to be available. This Act enables to acquire underground right or surface right or both. Notification is issued for the entire proposed area whether belongs to forest land or Government land or Tenancy land.

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The important sections are enunciated as here under :

Section (4) : Whenever it appears to the Central Government that coal is likely to be obtained from land in any locality, it may, by notification in the Official Gazette give notice of its intention to prospect for coal therein.

This section authorizes the concerned department to enter upon the land and to conduct survey, to dig boreholes or any other necessary actions to explore and to prospect for coal therein.

Section (7) : If the Central Government is satisfied that coal is obtainable in the whole or any part of the land notified under sub-section (1) of section 4, it may, within a period of two years from the date of the said notification or within such further period not exceeding one year in the aggregate as the Central Government may specify in this behalf by notification in the official Gazette, give notice of its intention to acquire the whole or any part of the land or of any rights in or over such land as the case may be.

Section (8) : Objections under 30 days from date of notification of section (7) against acquisition is to be filed, to the coal controller who is the competent authority authorized by the Government under the Act.

Section (9) : The Central Government after being satisfied of the report if any made under section (8) will notify declaration that land or any right over such land will be acquired.

After declaration, perpetual right is vested in the government and there is no provisions for de-notification or returning of the land to the tenants.

Section (10) : On the publication in the official Gazette of the declaration under section 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government [free from all encumbrances]

Also, the land of which mining lease has been granted by State Government under MMRD Act, 1957 to any private owners if falls within the notified area also vest in Central Government and Central Government becomes the lessee to State Government in place of that private owners.

Section (11) : The Central Government, by an order, direct vesting of the land or any right so vested under section (10) to the Government Company with certain conditions as under :

1. The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages, and the like, as determined under the provisions of the said Act.
2. A tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the Tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in the said land, so vested, shall also be borne by the Government Company.
3. The Government Company shall indemnify the Central Government, its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the aforesaid rights in the said land so vested.
4. The Government Company shall have no power to transfer the aforesaid rights in the said land so vested, to any other person without the prior approval of the central government; and

5. The Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

(2) Land Acquisition Act, 1894 (LA Act, 1894)

Under this Act only surface right is acquired for the purpose development of infrastructures and notification explicitly depicts bar of underground right. Notification is only for tenancy land and Government land, Forest land are excluded from the notification. It is State Govt. who is empowered and authorized under the Act to acquire land for Government Company and Central Government.

Section (4) : The State Government notifies of it's intention to acquire land for public purpose in a particular locality. This notification is published in Official Gazette, two newspapers and publication in the locality.

Section (5) (A) : Tenants may file objection within 30 days from the date of notification to Addl. Collector or Collector.

Section (6) : The State Government makes declaration to acquire particular land of that locality for public purpose. This declaration is published in Official Gazette, two newspapers and publication in the locality.

Declaration is made within one year from date of notification u/s (4) failing which the proceeding would lapse and again section (4) would be required to be published.

Section (9) : Notices are issued to the occupier of the land for filing or submitting their claims which they feel to be reasonable compensation for their land.

Section (11) : The collector on the basis of records report of section (8) and claims made u/s (9) inquires and determines the adequate compensation and makes the award.

Award by the collector must be made and published within two years from the date of declaration failing which the proceeding

would lapse and against section (4) would be required to be published.

Section (12) : The collector makes and published the award either in presence of the tenants or notification to them.

Such award shall be filed in collector office and will be final and conclusive evidence between collector and persons interested and the collector shall give notice of his award to such persons.

The award of the collector is only a proposal on behalf of the State Government to the tenants and it is not binding and obligatory for them to accept the same.

The tenants on being dissatisfied ask the collector within 6 weeks to refer the award in Court of Sub-Judge for determination and decision of the compensation.

Section (17) : Emergency Acquisition is normally for change in channel of any navigable river, river diversion, transmission line, water supply, drainage, railway line, roads, for natural calamity etc and thus it is not applicable for routine requirements. Section (5) (A) requirement is omitted and notification and declaration are simultaneously published. 80% payment is immediately paid to the tenants and possession is taken.

(3) Mines Mineral Development and Regulation Act, 1957 (MMDR Act, 1957)

Under this act, lease is granted by the State Government to a person for mining of minor and major mineral. Coal, Hydrocarbons, atomic mineral and other metallic and non-metallic metals are major minerals for which the State Government has to take prior permission of the Central Government to grant lease. For minor mineral such as sand, gravel etc. the exclusive powers remain with State Government

After nationalization Act 1972-73, the leases granted by the State Government to private

owners were ceased and the Central Government and the Government Company became the lessee of the State Government. CCL has applied for renewal of those leases which expired on completion of 30 years period in 2003.

It is Central Government who determines the rate of royalty for payment to State Government against mining of coal for which provisions has also been made in section 18 (A) of CBA Act.

However, CCL has not taken any lease directly from State Government after 1973.

(4) Transfer of Forest Land from Forest Department

After enforcement of forest conservation Act, 1980 the land recorded in Government record or revenue record as forest land cannot be degraded except with the prior permission of the Ministry of Environment & Forest. The land which has been notified under CBA Act is applied to forest department i.e. to D.F.O. who recommends for approval to Ministry of Environment & Forest through the various Official ladders. Net Present Value, cost of deforestation and compensatory land are assessed during the first stage of approval. After compliance of those compensation, second stage i.e. the final approval is granted and land is transferred to the company for 30 years. This land has to be returned after reclamation.

Without permission of the Ministry of Environment & Forest degradation of the land is punishable under the Forest Conservation Act, 1980 (FCA, 1980).

(5) Transfer of Government Land from State Government

The land, in which there is no right or interest of any citizens falls within the criteria of Government land. Such lands notified in CBA

Act or excluded from notification of the LA Act are got transferred from the State Government on payment of the amount demanded by them.

(6) Direct purchase from tenants

Sometimes this process is also resorted to where land is directly purchased from the tenants. But this procedure is rarely adopted.

Constraints

The main constraints faced in land acquisition are mentioned below :

- 1) The villagers do not agree to part their land because of their love & affection attached to their ancestral property.
- 2) The assessment on the sale purchase figure sometimes is abnormally low and therefore, they do not accept the amount of compensation and the matter lands in court delaying possession of land. However, notified Circle Rate by the Government of Jharkhand is extremely high compared to the nature of land of adjacent villages.
- 3) Demands are made by other relatives or persons who claim also to be shareholders whose names are not recorded, or having got registered after notification.
- 4) All adult members demand for employment even for very small piece of land falling in their share contrary to the settled rules by the CIL.
- 5) Verification report in respect of land for assessment is delayed by the State officials.
- 6) Authentication report in respect of GMK land (Gair Majurwa Khaas land, which refers to nonagricultural land owned by the government that has been transferred to the villagers) generally possessed by tenants with some valid or invalid documents is delayed by the State officials.
- 7) Often, GMK land is found to have been settled by State officials after the issue of notification

and Company is unable to meet such illegal demand.

- 8) Due to multiple claim of tenants over the same piece of GMK land, the matters are referred to the Government of Jharkhand which ultimately leads to cases of 4(H) under BLR Act, 1952.
- 9) People do not turn up for receiving payment.
- 10) Assessed land not claimed by villagers are deposited in Tribunal Court constituted under CBA (A&D) Act, 1957. Later, it becomes difficult for villagers to take compensation from Tribunal Court which in turn disturbs the mining activities.
- 11) People demand rehabilitation site according to their own choice.
- 12) People lack consensus decision among themselves for rehabilitation site, quantum of land for employment and compensation.
- 13) **Land record and Authentication of GM Land** - Obtaining of updated land record is absolutely necessary for the project authorities of ECL, BCCL and CCL for identification of actual land owners and arrangement of payment of compensation for taking physical possession of land.

Providing of updated land record and authentication of GM land in time bound manner is helpful for the projects for providing land compensation as well as R&R benefits.

14) **Cases of 4H – Doubtful Ownership -**

People of the coal bearing area are possessing Government land since long with various Sada Hukumnama and their Jamabandi is running and name is entered in Reg-II (Tenancy Ledger) but it contradicts the Record of Rights.

15) **Issuance of Vanpatta** -- After the enactment of FRA 2006, it has been a major issue for the settlement of Forest land under the Act.

16) **Issuance of Vanshawali** -- There was confusion among the State officials for the issuance of Vanshawali and it creates ample problems

among the tenants of coal bearing area for claiming compensation and R&R Benefit.

17) **Payment of Government land acquired under CBA (A&D) Act 1957** - Land Compensation against Government Land acquired under CBA (A&D) Act 1957 by the Central Government for the subsidiaries of CIL is payable.

For making payment against the possession of encumbrance free Government land, subsidiaries require authenticated details of such land as per the format prescribed by the Ministry of Coal to avoid double payment for the same parcel of land as particularly within the command area of CCL. In many cases Government land which were acquired by CCL under CBA (A&D) Act, 1957, were either settled to the old raiyats (GM land) or not yet settled to any person who are having possession of the same or free of any encumbrances.

Efforts to overcome the Constraints

1. To mitigate the problems, regular persuasion and liaison is made at all levels i.e. Land owners and Revenue authorities of Jharkhand as well as Ministry of Coal.
2. Districts are holding regular Infrastructure development meetings in which points are to be raised for amicable solutions.
3. The Ministry of Coal, Government of India has issued direction for constitution of Grievance Redressal Mechanism (GRM) under the chairmanship of concerned Deputy Commissioner involving Gram/Panchayat Samiti members of the Area, Local MLA or his representatives/ Local MP or his representatives, SDM, the GM of the concerned Area as Convenor.
4. Constitution of Project / Area level R&R Committee.

A Case Study of Rajmahal Project

Acquisition of Land

With the beginning of activities of Rajmahal Project, in a remote and quiet area, aroused

curiosity and wonder initially. The tent of Geologists, Surveyors, Drillers, sound of the diesel generator set, office and rest room built with corrugated sheet in the open field, were all unusual events in 1975. But soon the villagers could realize that a huge coal mining project, which was to come up, would require large stretches of land. They were apprehensive and felt that their traditional life style, agricultural activities would face a major change as a result of which there was reluctance to provide the land where they were inhibited.

Among the villagers of the locality, many were educated and had contribution in various fields. The Mukhia and Pradhan had natural queries about the measures that the Project Authority would take for making up their losses in terms of physical, economic, cultural and traditional assets, in case of acquisition of land. The Project Authority needed land in large scale to start mining operations and hence they approached the State Authority to acquire land as per rule. At the initial stage it was not convincing and easy for the local villagers to part with their land. But after prolong dialogue and co-operation from the villagers and their representatives, it was possible to take physical possession of land through Coal Bearing Area (A&D) Act (CBA) and land Acquisition Act (LA). After negotiation with villagers, package was offered for employment to land losers and value of the land

was paid as per CIL's R&R Policy.

With above efforts, 694 hectare Tenancy land was taken into physical possession up to 1993-94 and the trend of tenancy land acquisition is presented below in Table 1:

Table 1: Stages of land acquisition

Duration	Quantum of land acquired
Upto 1993-94	694.74 hectare
Upto 1996-97	744.24 hectare
Upto 2001-02	831.64 hectare
Upto Jan. 2009	1027.46 hectare

The eagerness of offering the land to Rajmahal OCP is improving year on year with growing confidence in ECL Management among villagers where ECL has uplifted the life of villagers with modern infrastructure facility and at the same time keeping their traditional values and ethics intact.

Upto January 2009, tenancy land measuring 1768 hectare has been acquired / notified out of which 1027 hectare has been taken into physical possession and against the same 1375 numbers of employment has been given to land owners where majority of them are Tribal. Status of physical possession of land as on 1st February 2009 is shown in Table 2.

**Table 2 : Physical Possession of Land
(Status as on 1st February 2009)
(Fig. in Hectares)**

	Requirement for 17MTY	Notification as per PR	Physical Possession
Tenancy	1730.06	1768.78	1027.46
Government Land	140.55	142.52	109.74
Forest Land	107.39	117.60	107.42
Total	1978.00	2028.90	1244.62

Besides employment, the Project Authority started Community Development and Welfare work in the Area taking the villagers in confidence. While developing the Project office, Colony, Roads etc., due importance was given towards the construction of village link roads, wells, excavation of ponds in the nearby villages. Local people were engaged in contractual jobs within the company, supply and repair of materials and afforestation programs by the Project Authority etc.

Rehabilitation of Project Affected Villages

From the year 1985, the villages were being affected in one way or other, as the mining operation of Rajmahal Quarry started advancing. The major task was to shift the villages coming on the way to progress of the mine, for which a proper site was required for rehabilitation purpose. A committee was formed for selection of site for rehabilitation of villages. This however did not bring any fruitful results as due to reluctance of villagers.

The Rajmahal Project was surrounded with a number of villages like Bara Simra, Toya Tola, Dhobatand, Hijukita, Neema and Bara Bhorai. These villages were being affected due to mining operation of Rajmahal Project.

Shifting of villages was again taken up by the Project Authority taking help from Deputy Commissioner, Godda during December, 1985 to finalize the programme of shifting, which also could not take a final shape.

After failure of above two aspects, the project authority started regular and direct talk with the villagers regarding shifting of the villages. Initially there was strong resistance from villagers' side but with regular talk it was realized that more attention was needed in resolving their problems.

The process of rehabilitation of villages sometimes creates suspicion, resistance with hostile attitude and such matters needed patience to handle, tolerance and with all sincerity as such, a village committee was formed with representative from of the village and management of Rajmahal.

The committee used to meet regularly and discuss all issues related to rehabilitation. For proper and effective rehabilitation, restoration of the faith was essential. The best way for this was to implement the decision taken in the Rehabilitation Committee meeting truly and expeditiously.

By the time, it was felt by the villagers that the quality of life at the resettlement site would be much superior in comparison to the existing one keeping their traditional values intact. As per R&R Policy of CIL, providing services & facilities at the rehabilitation site such as Roads, Drain, Street Lights, Drinking Water arrangements such as hand pump, dug well, School, Children's Park, Dispensary, Shopping Centre, Community Center, Pond, Play field. Temple, Church, Johar Asthan, Majhi Asthan, Kali Asthan, God Tandi, Library, Plantation and Electrification is a must and this was also felt by the villagers as an essential part.

So the wind of faith and belief started blowing and after the site selection, leveling of land by dozer started. The villagers mostly staying in mud houses, such decision helped in developing brick field. Many villagers started manufacturing of bricks. This, not only encouraged for self-employment but also developed confidence for entrepreneurship amongst the Adivasi people. With the active participation and involvement of villagers in the construction jobs, atmosphere of trust and confidence developed between the Project Authority and villagers. All the construction work is being carried out by the villagers themselves.

In 1992 after survey, assessment was made for all the houses and compensation was paid in advance in presence of the Gram Pradhan and Mukhia. ECL Management granted loan to those, who were employees of ECL, with a provision to repay it back by easy installments. This has not only expedited the rehabilitation work but also provided source of earning to the villagers. A huge work-force has been engaged in the brick making process, construction of road and community building and developing green belt. Many villagers, preferred to shift in a temporary mud house near

the rehabilitation centre for close supervision of the new construction of their Pucca House.

Arrangement was also made for extension of loan from the Banks to those who were not employees but residents of the local villages required to be shifted. Two groups were formed with local youths for carrying out jobs like construction of road, drains, culverts, earth cutting etc. at the Rehabilitation site made through State Electricity Board. Allotment of plot was made in consultation with villagers. In 1993 some villagers shifted after constructing temporary hutment at the new site for carrying out close supervision of construction of their pucca house.

Ultimately shifting programme could be settled with support of the representative of the villagers. In the middle of 1993, the first village that had been shifted was Toyatolla. The inhabitants of Toyatolla observed all the customs and rituals before their shifting.

They worship their Gods and worship places constructed at a new site. The trust was the essence of the successful rehabilitation operation at Rajmahal.

Looking at the landscape, the habitants of the Lalmatia hills wonder as to how and when it changed. The distant coal township with dotted lights piercing the darkness, the corrugated top of the school glittering in the neon light, stands as rays of future hope and proved symbols of change. All these suggested powerful and steady economic impact of organized mining industry.

The picture of 20 years back in contrast with the year 2010 had completely transformed. How is it so that the project in the remote corner of Santhal Pargana could start functioning successfully? How is it so that the inhabitants of the locality extended co-operation?

The rehabilitated villagers are maintaining their old heritage and traditions of Adivashis. Even the younger ones who are well educated follows the traditions of their ancestors.

It is the story of success. ECL has worked for the people with an aim 'to grow with neighbours'. This success could only be achieved through the sincere approach of the management and personnel of Rajmahal with regards to human feelings.

Rajmahal Project is not only for massive coal production to meet the country's need but a firm step towards economic development of the country and social upliftment of its region with enthusiastic workforce.

Graveyard Shifting Experience

In the year 2009, the expansion of Rajmahal mine faced one burial place of Muslim community consisting of approximately 15 acres of land. Two 20 Cu.m. machines were approaching the graveyard for removal of OB for exposure of coal to meet the target of coal of 10.5MT for the year 2009-10. Various meetings were held with villagers of Bara Bhorai for finding a solution for way of mining. Here, some old people of the community were very reluctant, however, the younger generation were neutral.

We as RR committee members were seen as a ray of hope in the eyes of younger generation to convince the villagers. The younger generation were found motivated as their economic activities were attached with the project like some were employed in the project against land, some were employed under different contractors, whereas some were contractor in the project. I, personally as a student of sociology felt that if some economic motivation is there, solution of any cultural blockage can be found with better alternatives. It was the Friday, when RR committee decided to meet all villagers of the community after their Friday prayer for taking their confidence.

After prolonged discussion, it was decided to take advice of their spiritual leader. A joint delegation of officials and village representatives visited with facts and requested for his advice.

Amicable solution by the spiritual leader was advised that bodies buried in last 6 months shall be buried at alternate place in coffin, whereas, the soil upto 6 feet will also be kept sacred at alternate place.

Conclusion

This article can attribute to the acute need of awareness to professions facing the challenges of land acquisition and possession in the mineral sector. Land acquisition and possession ever remains a challenge as India is a land scarce nation. However, consolidated information regarding the local issues are extremely helpful. It may not be out of place to mention that enthusiasm is the mother of effort and without it nothing great could be achieved.

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TECHNICAL NOTE

LAND ACQUISITION AND POSSESSION CHALLENGES IN THE MINERAL SECTOR WITH REFERENCE TO COAL BED METHANE DEVELOPMENT

Ajay K. Singh¹

Abstract

Land acquisition for exploration and production of minerals is an essential aspect for any project. Catering to land acquisition and its possession is a continuous process irrespective of the quantum of land required by the project. Planning in order of priorities and requirement of operational areas in a phased manner for infrastructural facilities buildup and roads connecting the various units within the Lease hold area is a prerequisite for the project. If the land has been acquired on temporary basis, then lease rent are to be regularly paid to the land owners and if the land is purchased through outright Sale Deeds, then mutation and the Revenue rents are to be paid annually to the Revenue Circle offices. In addition, as per the existing laws the Statutory Rent payments such as Surface rents and Dead rents as applicable is to be regularly remitted to the appropriate government body. For principal minerals the statutory rent payments are payable to maintain the lease grant for mineral production. Any breach on such accounts may lead to penalty clauses.

For Coalbed Methane (CBM) projects, lands are usually acquired on temporary basis on lease during exploration phase and later can be maintained on short-term lease with intermittent lease renewal or lands can be acquired on permanent basis when proved to bear CBM commercially for production. The lease grant for mining Coalbed Methane is usually for vast areas extending hundreds of square kilometers in area contiguous in nature and the company has the subsurface rights over the entire lease hold areas. The surface foot prints of lands required for actual CBM drainage operations are discrete in nature and are selected at certain grid pattern over the surface depending on the subsurface geological controls. Therefore, the actual laying of the surface facilities can be easily designed as per the existing setup of the villages and minimal damage and displacements can be planned without any displacement, rehabilitation and resettlement of public.

The produced methane gas can be transported to suitable sale outlets for feeding to industries through cascade of tankers by road or through direct pipeline as per the requirement. Land acquisition through government is relatively easier for any company because the government body acts within the provisions of the Acts and every entitled land owner gets due compensation. In government acquisitions there is transparency and chances are very remote that any land owners remain dissatisfied with the compensation packages as the government bodies take all precautions and since Administration possesses Quasi-Judicial powers, the process becomes much more conducive. The compensation package towards land acquisition can be easily worked out as per the detailed provisions of the Schedules made therein in the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013" which is self-explanatory and has been discussed in great detail.

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Introduction

Land acquisition has been a major issue in Jharkhand due to the need for exploration and excavation of its vast and varied mineral resources. The quantum of land acquisition has presently increased due to the onset of many private and governmental projects and increase in mining industries, Infrastructural setup of Power Sector, expansion of Highways, Railways, urbanization of rural areas, growing importance of town planning and various development / improvement schemes of land use pattern for other public utilitarian schemes and projects. Further the intricacies involved in the process has added up the magnitude of issues involved in land acquisition between the players due to over lapping areas of lease hold and are also causing constraints and at times are hinderance for acquisition of land on approved government rules, terms, policies and guidelines.

The Oil and Natural Gas Corporation Limited (ONGC) is having grant of mining lease for development of Coal Bed Methane (CBM) in Jharkhand and the area spans over several districts of Jharkhand and therefore acquisition of land is being carried out in various districts, which are geographically located at far away distances.

Jharia CBM Block comprises of Chandankiari Block of Bokaro District and Baghmara Block of Dhanbad District.

Bokaro CBM Block comprises of Gomia Block of Bokaro District, and Mandu Block of Ramgarh District.

North Karanpura CBM Block comprises of Barkagaon Block of Hazaribagh District.

Modes of Land Acquisition

The Lease grant for mining of Coal Bed Methane is for a vast area which is contiguous in nature and the company has the subsurface rights over the entire mining lease grant area in the above mentioned three CBM Blocks and the peripheral boundaries are determined over maps in coordinates as the Lease hold areas are to the tune of several hundred square kms. The surface

footprints of lands required for actual operations are limited and are discrete in nature and exists at certain grid pattern over the surface and thus the actual laying of the surface facilities can be easily designed as per the existing setup of the villages and thus minimal damage to the livelihood of the villagers can be planned so that no displacements of public or their houses and livestock are effected and the methane gas produced is transported to suitable sale outlets for feeding to industries through compressed cascade of tankers by road or through direct pipeline as the case may be or as per the requirement.

Lands for CBM locations are usually acquired on temporary basis on lease for 3 years for exploration purpose and later are either maintained on temporary short-term lease with intermittent renewal of lease till the required time or the land is acquired on permanent basis when proved to bear CBM commercially for production. The various processes involved in land acquisition and their relative merits and demerits are summarized below for reference.

- A. Temporary Acquisition through State Government as per the provisions of Land Acquisition Act (LAAct, 1894)
 1. Submission of application in prescribed format to the Deputy Commissioner / DLAO for Raiyati land and separate application to the Deputy Commissioner / DCLR for Government Land transfer to the company.
 2. Issuance of public notice and survey by Government surveyor in presence of Company Surveyor.
 3. Hearing by District Administration and ownership verification by State Government officials of District Land Acquisition Office as per Revenue records.
 4. Rate of crop compensation is approved by District Administration / Deputy Commissioner office after general public hearing as per assessment of Block Agricultural Officer/Circle Officer/BDO of the concerned Block Office after signing of a tripartite agreement.

5. District Administration Indents for depositing money towards crop compensation (including establishment charges (5-20%) to the company and disbursement of crop compensation is done by District Land Acquisition Office on submission of Affidavit / Bond / NOC by individual land owners.
 6. Merits : No additional manpower is required by company for acquisition of land only except for pursuing with the District Authorities. There is no onus on the part of company if there is any dispute on the title of the land. In case of dispute or wrong payment District Authority can attach property for recovery of amount.
 7. Demerits : Relatively time involved is more as mobilization of government officials at times is limited due to shortage of manpower and also government officials being busy with other administrative works. Disputes if any are referred by District Land Acquisition officer and further by the Deputy Commissioner and hearing of the objections of land owners in appropriate courts is a time taking process. Net cost to company is slightly higher.
- B. Temporary Acquisition through Direct negotiation with the land owners by the company.
1. Direct negotiation and frequent counselling, meetings and persuasion with land owners are required for attaining general consent for giving land on lease.
 2. Survey carried out by local surveyor / Amin in presence of company surveyor. In case of dispute, government surveyor services are sought from District Authorities.
 3. Title/ ownership verification as per family tree or revenue records prepared by company officials and panel advocates.
 4. Rate of crop compensation is got approved by District Administration on assessment of Block Agricultural Officer / Circle Officer. Usually earlier it was considered 6% of the land cost as per the circle rate of land price listed by Registrar. In case of disagreement the compensation is negotiated by a designated in-house negotiation committee and in case of non-agreement a tripartite meeting with District Administration of concerned circle office is conducted and compensation is settled.
5. Disbursement of compensation is done by company directly to respective land owners on submission of Affidavit / Bond / NOC by individual shareholders.
 6. Merits : Relatively time involved is less. Mobilization of government officials is limited. Significant money saving and net cost to company is cheaper.
 7. Demerits : Government land cannot be acquired in this mode. A good number of manpower is required to be deployed by the company. All responsibility is on the part of company in case of dispute / litigation on the title of the land. In case of dispute or wrong payment, recovery of amount is a difficult task.
- C. Permanent Acquisition through State Government as per the provisions of Land Acquisition Act (LA Act, 1894).
1. Submission of application in prescribed format to the Deputy Commissioner / DLAO for Raiyati land and separate application to the Deputy Commissioner / DCLR for Government Land transfer in name of company.
 2. Issuance of public notice and hearing by District Administration.
 3. Survey carried out by the government surveyor in presence of company surveyor.
 4. Ownership verification as per family tree or title in revenue records prepared by District Authority for fixing title and respective shares.
 5. Base market value of land considered as per circle rate from concerned Registry Office and further compensation package is worked out as per the "Right to Fair compensation and Transparency in Land Acquisition act 2013" (RTFCTRR Act, 2013).

6. Earlier as per the erstwhile Land Acquisition Act (LA Act, 1894) State authority used to give Indent for depositing money [(Cost of Land + 12% Interest + 30% Solatium payable to Land Owners) + Establishment Charges 20%]. But now being governed as per the “Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013” (RTFCTRR Act, 2013).
 7. Disbursement of land cost done by District Land Acquisition Office on submission of Affidavit / Bond / NOC by individual owners.
 8. Merits : No additional manpower is required for acquisition of land by the company. There is no onus on the part of company if there is any dispute / litigation on the title of the land. In case of dispute or wrong payment District Authority has quasi-judicial powers for hearing and recovery of amount.
 9. Demerits : Relatively time involved is more. Mobilization of government officials is at times limited due to shortage of manpower and also government officials being busy with other administrative works. Disputes if any are referred by DLAO and further by the Deputy Commissioner and hearing of the objections of land owners in appropriate Courts leads to a longer time frame. Net cost to the company in this mode increases.
- D. Permanent Acquisition Through Direct negotiation by the Company with the landowners.
1. Direct Negotiation with Land Owners for attaining general consent for giving land on outright sale through Registered Sale Deeds followed by Newspaper publication Advertisement/ Notice to general public.
 2. Survey carried out by Local Amin in presence of company surveyor. In case of dispute, government survey or services are sought from District Authorities.
 3. Ownership verification as per family tree or title in revenue records prepared by panel Advocates and company officials.
4. Base market value or circle rate of land considered as per Registry Office and further compensation package worked out as per the Schedules mentioned in the “Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013” (RTFCTRR Act, 2013).
 5. Land registered on sale deeds and compensation paid by company on submission of Affidavit / Bond / NOC by individual owners,
 6. Merits : Relatively time involved is less. Mobilization of Government Officials is limited. Significant money saving and net cost to company is cheaper. Company can sell out the land at its own will when its operation is over.
 7. Demerits : A good number of manpower is required to be deployed. All responsibility is on the part of company if there is any dispute / litigation on the title of the land.

Compensation packages applicable as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCTRR Act 2013)

The government can acquire land for its own use hold and control, or for Public Sector Undertakings for public purpose, for strategic purposes relating to naval, military, air force, and armed forces, for infrastructure projects listed in the notification of the Government of India in the Department of Economic Affairs, for projects of agro-processing and supply of inputs to agriculture, warehousing, coldstorage facilities, marketing infrastructure for agriculture and allied activities of dairy, fisheries etc, set up or owned by the appropriate government or by a farmers' cooperative or by an institution set up under a statute; and projects for industrial corridors or mining activities etc.

When the appropriate government intends to acquire land for a public purpose, it shall consult the panchayat, at village level or ward level, in the affected area and carry out a social impact assessment study specified by the government by notification. The processes are (1) Social Impact

Assessment study, (2) Public hearing for Social Impact Assessment by the appropriate government to be held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the social impact assessment study report. (3) Publication of Social Impact Assessment study and report to be submitted to the Office of the Deputy Commissioner or the Sub-Divisional Magistrate and uploaded on the website of the appropriate government. The appropriate government shall ensure that the social impact assessment report is evaluated by an independent multi-disciplinary expert group as constituted by the government having two non-official social scientists, two representatives of panchayat, gram sabha, municipality, two experts on rehabilitation, a technical expert in the subject relating to the project.

The first schedule

Deals with the minimum compensation package to be given to land owners whose land is acquired and to tenants in a proportion to be decided by the appropriate government.

1. Market value of land determined by Collector as provided under section 26 of the Act such as (a) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated or (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or (c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher :
2. The market value calculated shall be multiplied by a factor in the case of rural areas 1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate government.
3. Factor by which the market value is to be multiplied in the case of urban areas 1 (One).

4. Value of assets attached to land such as valuation of buildings and other immovable property, value of trees and plants are to be determined by competent authority provided under section 29.
5. Solatium Equivalent to one hundred per cent of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2) of the Act.
6. Final award in rural areas Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2) of the Act.
7. Final award in urban areas - Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2) of the Act.
8. Another component, if any, to be included as applicable in the Act under different heads of compensation.

The second schedule

accounts for compensation for houses lost during acquisitions. This is usually not applicable in CBM Land Acquisitions due to selected Land acquisitions without displacing the Villagers and thus no Rehabilitation is involved.

The third schedule

accounts for compensation towards provision of Infrastructural Amenities for resettlement of villagers affected. A reasonably habitable and planned settlement has to be provided with facilities and resources, as appropriate to minimize the trauma involved in displacement. Not applicable in CBM Land Acquisition as no resettlement is affected.

Conclusion

On analyzing both the mechanisms for acquisition of land, it can be concluded that land acquisition either on temporary or permanent basis be resorted to through District Administration / Government and is probably the best option. In case of permanent acquisition of land, purchase through direct negotiation with the land owners can be a good choice in specific cases to save time. In both the modes of acquisition the compensation package is to be calculated and reimbursed to the landowners as per the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The RFCT-LARR Act 2013 is an Act of Indian Parliament that regulates land acquisition and lays down the procedure and rules for granting compensation, rehabilitation and resettlement to the affected persons in India. The Act has provisions to provide fair compensation to those whose land is taken away, brings transparency to the process of acquisition of land to set up factories or buildings, infrastructural projects and assures rehabilitation of those affected. The Act replaces the Land **Acquisition Act, 1894** enacted during British rule.

The Act is operational now and is mandatory to be followed by all private or government companies throughout India and the various provisions and the Schedules made therein are to be observed and followed and should be adhered by the Land acquiring companies in spirit and words. Any deviation and omission to the provisions therein can invite litigation and intervention of Administration and appropriate Hon'ble Courts for rulings therein. When land is being acquired through government and the government declares the acquisition as for public purpose then the government controls the land directly and therefore prior consent of the land owner shall not be required. However, when the government acquires the land for private or public sector companies, the consent of at least 80% of the project affected families shall be

obtained through a prior informed process before government uses its power under the Act to acquire the land for public good, and in case of a public-private project at least 70% land owners' consent is to be obtained prior to start of land acquisition process.

Social Impact Analysis studies are to be carried out by a certified third party prior to consideration of Acquisition of land by the government and the appraisal report is to be published and submitted to the government. The purpose is that there is no adverse effect on the population in the near vicinity of the project areas.

The Act has provisions and the government shall judge the project viability vis-a-vis the economic criterions of land use pattern and food securities and thus limitations are set to avoid land acquisition when such acquisition would include multi-crop irrigated area. In addition to the above condition, wherever multi-crop irrigated land is acquired an equivalent area of cultivable wasteland shall be developed by the state on the cost to be borne by the Company for agricultural purposes as decided by the appropriate government bodies. These limits shall not apply to linear projects which includes projects for railways, highways, major district roads, power lines, and irrigation canals but in Mining projects all relevant clauses are to be fulfilled by the company for which land is being acquired.

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LIST OF MGMI SPECIAL PUBLICATIONS

Name of the Publications	Year	US\$	Rs
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Dr. D.N. Wadia Commemorative Volume*	1965	15	100
Small Scale Mining in India and abroad *	1991	45	450
New Finds of Coal In India – Resource potential and Mining Possibilities	1993	30	300
Computer Applications in Mineral Industry	1993	40	400
Indian Mining Directory (4th Edition)*	1993	40	400
Asian Mining 1993	1993	85	850
Mine Productivity & Technology	1994	75	500
Maintenance Management for Mining Machinery*	1995	60	600
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Disaster Prevention Management for Coal Mines, Vol II	1996	50	500
Business and Investment opportunities in Mining Industries (BIMI '96) *	1996	40	400
Indian Mining Directory (5th Edition)	1996	50	500
Information Technology in Mineral Industry(MGMIT'97)*	1997	50	500
Technological Advances in Opencast Mining(Opencast'98)*	1998	80	800
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Mining & Marketing of Minerals (MMM 2000)	2000	80	800
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Mineral Industry : Issues on Economics, Environment and Technology (MEET 2002)	2002	80	800
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