

Sarvajeet Kumar Sinha
R. Srikanth



STAKEHOLDER CONSULTATION WORKSHOP ON A DRAFT SUSTAINABLE COAL MINING BILL

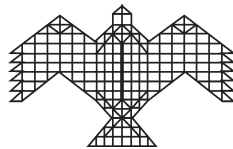
Workshop Report of SERB – NIAS Virtual Workshop, September 5, 2020



NATIONAL INSTITUTE OF ADVANCED STUDIES
Bengaluru, India

Stakeholder Consultation Workshop on a Draft Sustainable Coal Mining Bill

Workshop Report of SERB – NIAS Virtual Workshop
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Cover photo: (Front cover) Bird's eye view of an opencast coal mine
(Back cover) Aerial view of a modern, environment-friendly coal mining project

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Executive Summary

The Energy and Environment Program, NIAS organized a half-day virtual workshop to discuss the “Sustainable Coal Mining Bill” from 10.30 am to 1.30 pm on September 5, 2020. This virtual workshop was organized to bring together researchers, industry personnel, policymakers, and civil society to discuss the draft Sustainable Coal Mining (“SCM”) Bill and the draft Environment, Forest, and Mineral Laws (Amendment) Bill which require Cabinet and Parliamentary approval to be enacted into Law. Together, these two Bills if enacted into Law are expected to improve the environmental governance in the coal sector which is critical before commercial coal mining by the private sector takes off on the ground.

The workshop was divided into inaugural, presentation, and discussion sessions. The inaugural session started with a welcome address by Dr. Shailesh Nayak, Director, NIAS, who emphasized the criticality of coal for India’s energy security and therefore the need to control the adverse impacts of coal mining and coal utilization on the environment. He also welcomed Dr. Shilpi Paul from SERB who is monitoring the inter-disciplinary project awarded by SERB to NIAS which includes a component on Energy Sustainability. Thereafter, Dr. Nayak invited the invited participants who are all experts in their fields to give their comments and suggestions to Prof Srikanth and Sarvajeet to improve the draft SCM Bill further.

Sri D N Prasad, former advisor to the Ministry of Coal (MoC) explained the genesis of the

SCM Bill by recalling the recommendations of an inter-disciplinary Task Force constituted by the MoC on November 17, 2016, inter alia to develop an integrated approach to Energy and Environment in Surface Coal Mines. The Terms of Reference (ToR) of this Task Force included a mandate for the Task Force to:

- Assess the effectiveness of compliance of current policy framework relating to mine closure;
- Review the regulatory regimes governing surface coal mines along with post-mine closure activities in India and other major coal-producing countries;
- Review world-wide technologies and best practices regarding surface coal mine reclamation and restoration;
- Recommend an appropriate regulatory mechanism for surface coal mining considering mining operations, pre and post-mining land usage, social and environmental impacts of coal mining, etc.;
- Any other measure with the overarching objective of ensuring the sustainable development of the coal-bearing areas and the coal sector.

While the Task Force submitted its recommendations to MoC in May 2017, Sri D N Prasad stated that the opening up of the coal sector for commercial coal mining has given a further impetus for regulatory reform in the coal sector. Therefore, the policy-focused research carried out by NIAS which covers the above areas has become even more relevant now.

While endorsing Sri Prasad's opening remarks, Dr. Manoranjan Hota, former advisor to the Ministry of Environment, Forest, and Climate Change (MoEF&CC) pointed out the economic benefits of coal mining in the form of direct and indirect employment as well as other benefits for the local community. He highlighted the need for NIAS to develop policy briefs for policymakers to explain the reforms required in the coal sector. He also advised NIAS to craft a Bill which ensures the approval of the mining plan, forest clearance, and environmental clearance in one go.

In his opening remarks, Professor M K Ramesh from National Law School of India University, Bengaluru, highlighted the need to explicitly incorporate the "polluter pays principle" and the "precautionary principle" to ensure environmental protection in the coalfields of India. He stressed the need to incorporate means to enhance community engagement in the proposed regulatory approach as well as explicit provisions for punishing the polluters.

Professor Sharachchandra Lele, Distinguished Fellow from the Ashoka Trust for Research in Ecology and the Environment (ATREE), highlighted the lacunae in the current Environmental clearance and compliance process implemented for coal mines in India. He emphasized on the need of environment regulation which is not only independent from bureaucratic clutches, but also addresses the ground realities, ensures transparency, meets global standards, and protects public health as well as the environment in an efficient manner.

Thereafter, Sarvajeet Kumar Sinha, Ph.D. Scholar from NIAS, presented the key points from the draft Sustainable Coal Mining Bill, which was circulated to all workshop participants along with the invitation to participate in this workshop. He highlighted the key recommendations of the Hon'ble Supreme Court of India and various Government committees regarding the constitution of an independent Environment Regulator as shown in the following table:

Key reports/judgments recommending the constitution of an Environment Regulator

Sl. No.	Date	Author	Title
1	March 2007	Planning Commission	Steering Committee on Environment & Forest for 11th Five Year Plan (2007-12)
2	September 2009	MOEF	Towards Effective Environmental Governance: Proposal for a National Environment Protection Authority (NEPA)
3	July 2011	Chief Justice S.H. Kapadia	Supreme Court Judgment in Lafarge Umiam Mining Private Limited v. Union of India and others,(2011)
4	March 2011	Kanika T. Bahl and Ravi Shankar	Report by IIT, Delhi (Study commissioned by MOEF) on Scope, Processes of National Environment Assessment & Monitoring Authority (NEAMA).
5	January 2014	Justice A.K. Patnaik	Supreme Court Order in T. N. Godavarman Thirumulpad v. Union of India and others (2014).
6	April 2014	Justice A.K. Patnaik	Supreme Court Judgment in Goa Foundation v. Union of India and others (2014).
7	Nov 2014	Sri T.S.R. Subramanian & Others	High-Level Committee (HLC) Report on various Acts administered by the MOEF.

Further, Sarvajeet explained the rationale for the draft Sustainable Coal Mining Bill. He pointed out that the draft Bill is crucial for the coal mining sector not only to eliminate the overlap of jurisdictions between multiple authorities but also to ensure resource conservation, forest conservation, environmental protection, public health during operations, as well as post-closure reclamation and rehabilitation for the benefit of the local communities.

The proposed Bill is limited to coal mining only since the Central Government controls the production of more than 91% of the coal mined in India because coal and lignite are the only minerals included in Part A of the First Schedule in the Mines and Minerals (Development and Regulation) Act, 1957. Lastly, the annual production of coal in India is higher than the combined annual production of all other metallic and non-metallic minerals of the country.

Additionally, Sarvajeet highlighted that the scope of the draft SCM Bill is limited to the application of the following statutory provisions related to coal mines:

- Mining plan under the Mines and Minerals (Development and Regulation) Act, 1957;
- Mine opening and mine closure permissions under Coal Mines (Conservation and Development) Act, 1974 and the rules;
- Environment Clearance (EC) under the Environment (Protection) Act, 1986;
- Forest Clearance (FC) under the Forest (Conservation) Act, 1980.

Further, Sarvajeet also explained that the proposed SCM Bill does not include the following Laws in its jurisdiction since they are connected with the country's federal structure, land rights, social justice, and broad ecological impacts which require further multidisciplinary

studies. Therefore, the following Acts have been kept out of the scope of the draft Bill:

- Wildlife (Protection) Act, 1972;
- Recognition and vesting of forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- Air Act, 1981 and Water Act, 1974
- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the Coal Bearing Areas (Acquisition and Development) Act, 1957;
- Mines Act, 1952;
- Explosives Act, 1884.

Sarvajeet went on to explain that the goals and principles of sustainable coal mining have been explicitly detailed in the draft SCM Bill as follows:

- (1) Goals of sustainable development:
 - (a) community wellbeing and welfare should be enhanced by following a path of economic development that also safeguards the welfare of local communities;
 - (b) biological diversity should be protected and ecological integrity maintained;
 - (c) intra-generational equity and inter-generational sustainability are ensured with due consideration to the democratic principles enshrined in the Constitution.
- (2) Principles of sustainable development:
 - (a) environmental and social impact assessments are conducted transparently before considering the potential health, safety, and environmental risks related to coal mines;
 - (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be

used as a reason for postponing measures to prevent environmental degradation and decision-making should be guided by:

- i. a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and
 - ii. an assessment of the risk-weighted consequences of various options;
- (c) if the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity;
- (d) development should make a positive contribution to regional development and respect the aspirations of the local communities by involving the local community in issues that affect them;
- (e) measures to be adopted should be cost-effective and flexible, not disproportionate to the issues being addressed;
- (f) decisions and actions must be based on local facts and global knowledge.

Sarvajeet then gave a brief outline of the two important authorities proposed to be constituted under the draft Bill, viz., Coal Mines Environment Authority (CMEA), and the Director-General of Coal Mining Environment.

The CMEA must perform the following key functions in relation to coal mines with the overall objective of achieving the goals and principles explicitly set out in the draft Bill:

- Declare land unfit for coal mining;
- Appraise and grant/reject applications for mining plans;
- Appraise and grant/reject applications for

Environmental Clearance;

- Assess and grant/reject applications for the diversion of forest land for coal mines;
- Evaluate and grant/reject mine opening and mine closure permissions;
- Monitor compliance during operations and ensure sustainable mine closure;
- Prescribe standards for post-mining reclamation/rehabilitation/revegetation of mining-affected areas;
- Conduct independent environment studies in coalfields every two years;
- Conduct public health studies in coalfields every year;
- Assess violations and penalize the violators as per Law to ensure accountability.

The Director-General of Coal Mining Environment must fulfill the following responsibilities under the draft SCM Bill:

- Act as the executive arm of the CMEA through his ex-officio status as the Secretary of the CMEA;
- Assure compliance with provisions of various statutory clearances granted under the proposed SCM Act;
- Monitor mine closure activities as per statute and control the Escrow Account to be opened by the mine owner to ensure mine closure as per Law;
- Arrange to install, operate, and maintain an adequate number of measuring instruments to monitor the ambient air, water, and soil quality at regular intervals;
- Operate the escrow account for funding the mine closure activities;
- Submit periodic reports to the CMEA as may be required under this Act;

The aforesaid key functions proposed for CMEA and Director-General of Coal Mining Environment will require enabling amendments

in some of the existing Environmental, Forest, and Mineral Laws administered by the Central Government. Specifically, the following Laws (including the related guidelines/procedures/notifications/orders) have to be amended suitably to avoid duplication of jurisdictions between the existing and proposed authorities:

- The Environment (Protection) Act, 1986;
- The EIA Notification, 2006;
- The Forest (Conservation) Act, 1980;
- The Forest (Conservation) Rules, 2003;
- The National Green Tribunal (NGT) Act, 2010;
- The Mines and Minerals (Development and Regulation) Act, 1957;
- The Colliery Control Rules, 2004;
- The Coal Mines (Conservation and Development) Act, 1974;
- The Coal Mines (Conservation and Development) Rules, 1975.

After the presentation, various participants gave their feedback to improve the draft Sustainable Coal Mining Bill including the following suggestions that have been incorporated in the revised draft of the proposed SCM Bill that will be submitted to the Government for consideration:

- “Coal” should be explicitly defined in the draft SCM Bill.
- The minimum post-qualification experience must be enhanced to 20 years for the Director-General of Coal Mining Environment and 15 years for the Director.
- The authentication of geo-referenced maps of each coalfield, coal mine, coal block, and coal mining project requires the cooperation of offices/undertakings of the Central and State Governments. This cooperation has been explicitly mandated in the revised draft Bill.

- Suitable provisions must be made to ensure a smooth transition path from the current system to the CMEA. Accordingly, an explicit provision has been inserted for the Central Government to direct inter-agency cooperation under the draft Bill.
- The word “ambient” was inadvertently missed out in subsection 15 (3) of the draft Bill. This oversight has now been rectified in the revised draft.
- Experts in environmental law and public health should be included as a part of the multidisciplinary team constituting the Environment Department of each coal mining company. This provision has been duly incorporated.
- The frequency of submission of environmental compliance reports by the Chief of the Environment Department to the owner, agent, and manager has been increased from three to six months as recommended.
- The frequency of submission of the updated environmental risk assessment and mitigation plan for each coal mine by the Chief of the Environment Department has been increased from 12 months to 24 months.
- Once the owner submits a draft mining plan which incorporates the EIA and forest diversion proposal (as applicable), the Director-General must organize a Public Hearing (PH) and Public Consultation (PC) to ascertain the views of the project-affected-persons as well as other stakeholders. Once the Mining plan is revised after the PH and PC, and incorporates the final EIA and final Forest diversion proposal after addressing public concerns, a consolidated approval process can be put in place. This suggestion from several stakeholders has now been suitably incorporated in the revised draft SCM Bill enclosed.

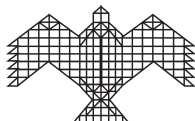
The discussion session was followed by concluding remarks delivered by Dr. Shilpi Paul from the Science & Engineering Research Board, Government of India. She complimented NIAS for the inter-disciplinary and policy-focussed research involved in the preparation of the draft Sustainable Coal Mining Bill as a part of a pathbreaking SERB Project. The workshop ended with a vote of thanks to all dignitaries by Professor R Srikanth, Head of the Energy and Environment Programme at NIAS, who acknowledged the inputs provided by Sri D N Prasad, Sri Koushik Chakraborty, Sri Surya Prakash Kansal, Sri Bhaskar Rao, Sri R Prabhakar, Sri Pankaj Satija, Dr. Manoranjan Hota, Dr. Hippu S K Nathan, Ms Roopa Madhav, Profs M K Ramesh, Sairam Bhat, Sharachchandra Lele, Sudha Mahalingam, researchers from CEERA-NLSIU, and countless officials of Singareni Collieries Company Ltd. for their inputs, support, and encouragement. Last but not the least, Prof

Srikanth also thanked Dr. Shailesh Nayak for his personal interest and support during this research Project.

Acknowledgements

This workshop was conducted with the financial assistance received from the Science and Engineering Research Board (SERB) in the Department of Science and Technology of the Government of India, through a SERB-funded project titled “**Interdisciplinary forays into human-environment interactions: an integrative research initiative in energy, ecology and nonlinear modelling**”. The success of the workshop is also due to the wholehearted participation of domain experts, academicians, policy experts, civil society and industry participants.

Annexure-I



Energy and Environment Program
NATIONAL INSTITUTE OF ADVANCED STUDIES, BENGALURU

NIAS-SERB VIRTUAL WORKSHOP AGENDA SUSTAINABLE COAL MINING BILL

September 5, 2020

Objective: Regulatory framework to improve the environmental governance in the coal sector

Time	Agenda Details
10.15 – 10.30 hrs	Log in by all participants
10.30 – 11.15 hrs	Inauguration <ul style="list-style-type: none">Welcome by Director/NIASRemarks by Sri D N Prasad, Former Advisor MoCRemarks by Dr Manoranjan Hota, Former Advisor MoEF&CCRemarks by Prof Sharachchandra Lele, Distinguished Fellow, ATREERemarks by Prof M K Ramesh, Centre for Environmental Law Education, Research and Advocacy , NLSIU, Bengaluru
11.15 – 11.30 hrs	Presentation on Sustainable Coal Mining Bill by Sarvajeet Kumar Sinha, PhD Scholar, NIAS
Session Chairman Prof R Srikanth, NIAS, Bengaluru	
11.30 – 1.20 hrs	Discussions related to Sustainable Coal Mining Bill and way forward by participants. Participants are requested to use the “Microsoft Teams” software to raise their hand and wait till they are invited to speak. This will facilitate the smooth conduct of the discussion for the benefit of all participants.
1.20 – 1.25 hrs	Closing Remarks by Dr Shilpi Paul, Science & Engineering Research Board, Government of India
1.25 – 1.30 hrs	Concluding Remarks & Vote of thanks by Dr R. Srikanth, Professor and Head, Energy and Environment Programme, and Dean, School of Natural Sciences and Engineering, NIAS

Annexure - II

LIST OF PARTICIPANTS IN THE VIRTUAL WORKSHOP HELD ON SEPTEMBER 5, 2020

Sl No.	Name	Affiliation
1	Dr. Shailesh Nayak	Director, NIAS
2	Sri D N Prasad	Former Advisor MoC
3	Dr. Manoranjan Hota	Former Advisor MoEF&CC
4	Prof M K Ramesh	Professor of Law, NLSIU
5	Prof. Sharachchandra Lele	Distinguished Fellow, ATREE
6	Dr Shilpi Paul	Scientist, Science & Engineering Research Board, Government of India
7	Sri J V L Ganapathi	GM (Environment), SCCL
8	Sri Ravi Kiran	Dy. GM (Environment), SCCL
9	Sri Sd M Subhani	GM (Estate), SCCL
10	Sri G. Suresh	Dy. GM (Estate), SCCL
11	Sri P. Sathaiah	GM (Planning), SCCL
12	Sri Saibabu Kamalakara	Area SO to GM, SCCL
13	Sri Kaushik Chakraborty	GM (Environment), WCL
14	Sri R Prabhakar	Vice-President, Adani Mining
15	Sri Pankaj kumar Satija	Chief Regulatory Affairs, Tata Steel
16	Sri S P Kansal	Consultant, SBI Caps
17	Prof. T Jayaraman	Senior Fellow, Climate Change, MSSRF, Chennai
18	Ms Roopa Madhav	Former Chairperson, Centre for Water Policy, Regulation and Governance, TISS, Mumbai
19	Dr. Sachin Warghade	Assistant Professor, Centre for Water Policy, Regulation and Governance, TISS, Mumbai
20	Dr. Rahul Tongia	Senior Fellow: Foreign Policy, Energy Security and Climate Initiative, Brookings India
21	Dr. Rohit Chandra	Assistant Professor of Public Policy, IIT Delhi
22	Ms Raagya Zadu	PhD Scholar : Energy and Environmental Law, NLSIU
23	Ms Madhubanti Sadhya	Teaching Associate, NLSIU
24	Dr. Hippu Salk Kristle Nathan	Associate Professor, Indian Rural Management, Anand
25	Prof Sudha Mahalingam	Dr. Raja Ramanna Chair Professor, NIAS
26	Dr. Tejal Kanitkar	Associate Professor, NIAS

Annexure - III

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DRAFT SUSTAINABLE COAL MINING BILL, 2020

A Bill to consolidate and amend laws related to environmental governance of coal mines with the overarching objective of promoting sustainable coal mining which makes the best use of the country's natural resources in a way that is compatible with the goals and principles of sustainable development.

WHEREAS India needs more effective, efficient, participatory, transparent, and accountable regulatory governance to enforce better compliance with extant Laws related to resource conservation, forest conservation, environmental protection, public health and post-closure reclamation and rehabilitation in coal mines.

AND WHEREAS, an independent, multi-disciplinary “Coal Mines Environment Authority” with in-house professional expertise in the fields of environmental protection, forestry, geology, hydrology, mine planning, public health, reclamation, as well as social aspects of coal mining is required to consider all these facets in an integrated manner before granting certain approvals or clearances or

permissions for coal mines.

AND WHEREAS, the approvals or clearances or permissions to be considered exclusively by the Coal Mines Environment Authority include, the mine opening and mine closure permissions under the Coal Mines (Conservation and Development) Act, 1974, environment clearance under the Environment (Protection) Act, 1986, forest clearance under the Forest Conservation Act, 1980, and the mining plan under the Mines and Minerals (Development and Regulation) Act, 1957.

AND WHEREAS, the Coal Mines Environment Authority must be exclusively empowered to ensure holistic and effective compliance with the approvals, clearances, and permissions granted to coal mines under the Coal Mines (Conservation and Development) Act, the Environment (Protection) Act, the Forest Conservation Act, and the Mines and Minerals (Development and Regulation) Act irrespective of the Authority which has granted these approvals, clearances, and permissions before the date notified by the Central Government.

CHAPTER I

PRELIMINARY

Section 1.

Short title, extent, and commencement

- (1) This Act may be called the Sustainable Coal Mining Act, 2020.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- (4) “Coal Controller” means the person appointed as such by the Central Government under the provisions of the Coal Controller’s Organisation (Group ‘A’ Posts) Recruitment Rules, 1986;
- (5) “Coal mine” means a mine in which there exist one or more seams of coal or lignite;
- (6) “Coal mining operations” means any operation undertaken for mining coal or lignite;

Section 2.

Definitions

In this Act, unless the context otherwise requires,--

- (1) “Agent” shall have the same meaning as assigned to it in the Mines Act, 1952 (Act 35 of 1952);
- (2) “Authority” means the Coal Mines Environment Authority constituted under Section 3 of this Act;
- (3) “Coal” means a readily combustible rock containing more than 50% by weight and more than 70% by volume of carbonaceous material, including inherent moisture; formed from compaction and induration of variously altered plant remains similar to those in peat. Differences in the kinds of plant materials (type), in degree of metamorphism (rank), and in the range of impurity (grade) are characteristic of coal and are used in classification;
- (7) “Coal mining company” means a company which owns or operates one or more coal mine;
- (8) “Coal mining project” means a proposed greenfield coal mine or an increase in the mining lease area and/or annual production capacity (previously approved under the Environment Protection Act, 1986) of an existing coal mine;
- (9) “Company” means a company incorporated under the Companies Act, 2013 (Act 18 of 2013) or under any previous company law;
- (10) “Director-General” and “Director” of Coal Mining Environment means a person appointed by the Central Government as per Section 10 of this Act;
- (11) “District Collector” means an officer appointed by the State Government or the Union Territory administration, as the case may be, under the designation of District Collector or Deputy Commissioner or any such similar designation, to hold charge of

- the administration of the revenue district having jurisdiction over the forest land for which the approval of the Central Government under the Act is required.
- (12) “Environment” shall have the same meaning as assigned to it in the Environment (Protection) Act, 1986 (Act 29 of 1986);
- (13) “Environmental clearance” shall have the same meaning as assigned to it in the Notification issued by the Central Government under Rule (5) of the Environment Protection Rules on September 14, 2006;
- (14) “Environmental compliance” means compliance of all the provisions of this Act;
- (15) “Environmental compliance report” means a consolidated report of all compliances with the provisions of this Act submitted by the owner, agent, and manager to the Authority in the manner, form, and frequency prescribed by the Authority;
- (16) “Environment department” means the department constituted as per Section 20 of this Act.
- (17) “Environmental disaster” means a specific event caused by any coal mining activity that results in an adverse impact on the environment resulting in large scale disease or death of living beings including, fishes, animals, and human beings;
- (18) “Environment Impact Assessment (hereinafter referred to as ‘EIA’)” is the process of examining the anticipated environmental effects of a coal mine or coal mining project;
- (19) “EIA report” is the document prepared by the owner for a coal mine or a coal mining project which includes a risk assessment and management plan based *inter alia* on the Terms of Reference prescribed by the Authority and an EMP:
- a. “Draft EIA Report” is the EIA Report prepared by the owner for the purpose of public consultation or public hearing that includes the mitigation measures to address the anticipated risk and environmental effects of a coal mine or coal mining project along with the time bound action plans and financial commitments made by the owner to implement these mitigation measures to comply with law;
 - b. “Final EIA Report” is the EIA Report prepared by the owner after the public consultation and public hearing conducted by the Authority which includes the details of the concerns raised by the public as well as the time bound action plans and financial commitments made by the owner to implement the mitigation measures required to address these concerns in addition to comply with law.
- (20) “Environmental incident” means non-compliance of any provisions under this Act causing harm or potential harm to the environment or any event which is a violation of any conditions laid down by the Authority or by any other authority having jurisdiction over coal mines;
- (21) “Environmental pollutant” shall have the same meaning as assigned to it in the Environment (Protection) Act, 1986 (Act 29 of 1986);

- (22) “Environmental pollution” shall have the same meaning as assigned to it in the Environment (Protection) Act, 1986 (Act 29 of 1986);
- (23) “Environment officer” means any officer appointed as per Section 22 of this Act;
- (24) “Environmental management plan (hereinafter referred to as ‘EMP’)” in relation to a coal mine means a report documenting how the owner, agent, and manager of a coal mine will implement appropriate control and mitigation measures to minimize the residual risks for each component of the environment affected by the coal mine or coal mining project.
- (25) “Escrow Account” means the bank account opened by the owner before commencing any coal mining operations under the Coal Mines (Conservation and Development) Act, 1974 (Act 28 of 1974) to provide financial assurance related to coal mine closure activities;
- (26) “Forest clearance” means a lease of any reserved forest or any portion thereof, or any forest or any portion thereof, for coal mining as per Section 27 of this Act;
- (27) “Host state” in relation to a coal mine means the State or Union Territory of the Indian Union in which the said coal mine is located;
- (28) “Manager” shall have the same meaning as assigned to it in the Mines Act, 1952 (Act 35 of 1952);
- (29) “Member” means a member of the Authority, as the case may be, and includes the Chairperson thereof;
- (30) “Mine” shall have the same meaning as assigned to it in the Mines Act, 1952 (Act 35 of 1952);
- (31) “Mining lease” shall have the same meaning as assigned to it in the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);
- (32) “Mining plan” is a composite document which integrates all information about a coal mine including, biodiversity, flora and fauna, forest diversion, geology, hydrogeology, mining and processing, resources, reserves, mineral conservation, surface and underground water, health and safety, land schedule, topography, wildlife, progressive and final mine closure plans, and the EIA report.
- (33) “Mine opening permission” means the approval from the Authority to open a coal mine, seam or section of a seam after all other statutory approvals and grant of licenses required under relevant laws are obtained by the Owner from the respective authorities including, approval of mining plan, environmental clearance, forest clearance, wildlife clearance, approval for land acquisition, the grant of mining lease, mining permissions from the Director-General of Mines Safety, groundwater clearance, license for explosives, water drawl permit, the opening of an escrow account, consent to operate, and other relevant approvals required as per laws of the host state;
- (34) “Notification” means a notification published in the Official Gazette;
- (35) “Opencast working” shall have the same meaning as assigned to it in the Mines Act, 1952 (Act 35 of 1952);

- (36) “Owner” shall have the same meaning as assigned to it in the Mines Act, 1952 (Act 35 of 1952);
- (37) “Prescribed” means prescribed by rules, regulation or byelaws, as the case may;
- (38) “Public Consultation” means the process by which the concerns of the project-affected-persons and others who have a plausible stake in the environmental risks related to the project or activity are ascertained through written responses to consider all the material concerns in the project or activity design as appropriate;
- (39) “Public Hearing” means the meeting organized at the mine site (or in its close proximity within the district) to be carried out as per procedure established by law for ascertaining the concerns of project-affected persons;
- (40) “Regulations”, “rules”, and “byelaws” means respectively regulations, rules, and byelaws made under this Act;
- (41) “Revised mining plan” is the updated and amended version of the mining plan which shall be deemed to be the Mining plan as soon as it is duly approved by the Authority under the Mines and Minerals (Development and Regulation) Act, 1957.
- (42) Risk assessment is a process in which information is analyzed to determine if an environmental hazard might cause harm to exposed persons and ecosystems.
- (43) the expressions, General Exploration (G2), Detailed Exploration (G1), Geological Study (F3), Pre-Feasibility Study (F2), and

Feasibility Study (F1) used in this Act shall have the meanings assigned to them in Part-I of the Schedule to the Minerals (Evidence of Mineral Contents) Rules, 2015 under the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957).

Other words and expressions used herein and not defined but defined in the other Acts, including any rules or regulations made thereunder shall have the meanings, respectively, assigned to them in those Acts.

Section 3.

Goals and Principles of Sustainable Development

- (1) It is the intention of Parliament that in the administration of this Act regard should be given to the overarching goals and principles of sustainable development.
- (2) For the purposes of this Act, the goals of sustainable development are:
 - (a) community wellbeing and welfare should be enhanced by following a path of economic development that also safeguards the welfare of local communities;
 - (b) biological diversity should be protected and ecological integrity maintained;
 - (c) intra-generational equity and inter-generational sustainability are ensured with due consideration to the democratic principles enshrined in the Constitution.
- (3) For the purposes of this Act, the principles of sustainable development are—
 - (a) environmental and social impact assessments are conducted in a transparent manner before considering

the potential health, safety, and environmental risks related to coal mines;

- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation and decision-making should be guided by:
 - i. a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and
 - ii. an assessment of the risk-weighted consequences of various options;
- (c) if the activity carried on is hazardous

or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity;

- (d) development should make a positive contribution to regional development and respect the aspirations of the local communities by involving the local community in issues that affect them;
- (e) measures to be adopted should be cost-effective and flexible, not disproportionate to the issues being addressed;
- (f) decisions and actions must be based on local facts and global knowledge.

CHAPTER II

ESTABLISHMENT OF THE COAL MINES ENVIRONMENT AUTHORITY FOR SUSTAINABLE COAL MINING

Section 4. Constitution of the Authority

The Central Government shall, with effect from such date as it may, by notification in the Official Gazette, constitute an Authority to be called as “Coal Mines Environment Authority” to exercise the powers conferred on and perform the functions assigned to as it may.

Section 5. Composition of the Authority

The Authority shall consist of the following members, namely:

- (1) Chairperson: The Central Government shall appoint a full-time Chairperson. A person shall not be qualified for appointment as the Chairperson unless he is or has been a Judge of a High Court or has served in a position not below the rank of a Secretary to Government of India.
- (2) Other Members: The Central Government shall appoint six Members of which, one member shall be an expert in environmental science or engineering, one member shall be a forestry expert, one member shall be an expert in hydrology, one member shall be a mining expert, one person shall be an expert in public health, and one member shall be an environmental law expert. The Central Government shall prescribe the qualifications, experience, and other criteria for the selection of these Members.

- (3) The Central Government shall nominate the Chairperson of the Central Pollution Control Board, the Coal Controller, and the Director-General of Forests in the Ministry of Environment, Forest and Climate Change as ex-officio members of the Authority who shall be duly invited to participate in every meeting of the Authority in person or through their authorized representative when they are unable to attend in person.

- (4) The Director-General shall be the Member-Secretary of the Authority.

- (5) The Chairperson may, if considered necessary, may invite any one or more persons having specialized knowledge and experience in a particular case before the Authority to assist the Authority in that case.

- (6) The Chairperson and other members of the Authority shall be persons of ability, integrity and standing who have shown capacity in dealing with problems relating to their fields of expertise which, in the opinion of the Central Government, shall be useful to the Authority.

Section 6. Term of office and other conditions of service of the Chairperson and Members

- (1) The term of office and other conditions of service of the Chairperson and the members referred to in section 5 (2) shall be five years

from the date on which they assume office. Neither the Chairperson nor the members shall be eligible for reappointment.

Provided that neither the Chairperson nor any other Member shall hold office after attaining the age of 65 years.

- (2) Notwithstanding anything contained in subsection (1), the Central Government shall have the right to terminate the services of the Chairperson or any Member appointed under section 5 (2), at any time before the expiry of the period prescribed under subsection (1), by giving a notice of not less than three months in writing or three months' salary and allowances in lieu thereof, solely for the reasons given in Section 7 below. The Chairperson or a Member shall also have the right to relinquish his office, at any time before the expiry of the period prescribed under subsection (1), by giving to the Central Government notice of not less than three months in writing.

Section 7.

Resignation, removal, and suspension of Chairperson and Members

The Central Government shall remove the Chairperson or a Member from office if he:

- (1) is, or at any time has been, adjudicated as insolvent;
- (2) is of unsound mind and stands so declared by a competent court;
- (3) has been convicted of an offense which, in

the opinion of the Central Government, involves moral turpitude;

- (4) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no Member shall be removed under this clause unless he has been given a reasonable opportunity of being heard in the matter.

Section 8.

Meetings of the Authority

- (1) The Chairperson and other Members shall meet at such times and places and shall observe such rules of procedure regarding the transaction of business at its meetings as may be provided by appropriate regulations adopted by the Authority. The quorum required for a meeting shall be a minimum of seven (out of 11 members) which shall include at least four of the six Members appointed by the Central Government under Section 5(2).
- (2) The Chairperson shall preside at each meeting of the Authority. If for any reason, the Chairperson is unable to attend a meeting, any other member chosen by the members present from amongst themselves at the meeting shall preside at the meeting.
- (3) The Chief Secretary of the host state or his nominee shall be invited for consultations with the Members of the Authority regarding any coal mine falling within the host state whenever the said coal mine is

included in the agenda for a meeting of the Authority.

- (4) While the Chief Secretary of the host state or his nominee shall have the right to speak in, and otherwise to take part in the proceedings of the Authority related to the coal mine(s) located in the said state, he shall not be entitled to vote during the proceedings.
- (5) All questions which come up before any meeting of the Authority shall be decided by a majority votes of the members present (including the ex-officio members) and voting. In the event of an equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or casting vote.
- (6) The Chairperson shall hold a special meeting of the Authority to deliberate on the annual reports submitted by the Director General under Section 15 of the Act.
- (7) The minutes of each meeting of the Authority shall be published on the website of the Authority within seven days of the date of the meeting.
- (8) No act or proceeding of the Authority shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.
- (9) The general superintendence, direction and management of the affairs of the Authority shall vest in an empowered committee including the Chairperson and the Director-General, which may exercise all powers and do all acts and things which may be exercised or done by the Authority subject to rules drawn in this respect.

Section 9.

Establishment of Offices of the Authority in coal-bearing states

The Central Government shall establish subordinate offices of the Authority in all coal-bearing states to monitor and enforce compliance of the provisions of this Act. These offices shall function under the general control, supervision, and direction of the Director-General.

Section 10.

Appointment of Director-General and Director of Coal Mining Environment

- (1) The Central Government shall, by notification, appoint the Director-General, Directors, and other officers to monitor and enforce compliance of the provisions of this Act and for assisting the Authority in performing such functions as may be provided by or under this Act.
- (2) The Director-General and Directors shall exercise their powers and discharge their functions, subject to the general control, supervision, and direction of the Authority.
- (3) The salary, allowances, and other terms and conditions of service of the Director-General and Directors shall be prescribed by the Central Government.
- (4) The Director-General shall hold at least a Masters' degree in mining engineering or environment or forestry or pollution control or in any other relevant field of expertise approved by the Central Government, and shall have at least 20 years of post-Masters experience in mining engineering or environmental protection or forestry or pollution control or in any other relevant

- field of expertise approved by the Central Government.
- (5) A Director shall hold at least a Masters' degree in a relevant discipline from an educational institution approved by the Central Government, and shall have at least 15 years of post-Masters experience in mining or environmental/forest protection or pollution control or law or in any other relevant field of expertise approved by the Central Government.
- (6) No person shall be appointed to be Director-General or Director or having been appointed shall continue to hold such office, if he becomes directly or indirectly interested in any mine or mining rights in India.
- (7) Subject to rules laid down in this regard, the Authority may appoint experts in environmental science/engineering, forestry, geology, geographic information systems, hydrology, hydrogeology, mining engineering, pollution control, public health, reclamation, remote sensing and rural development to assist the Director General of Coal Mining Environment in the efficient discharge of his functions under this Act.
- (8) Subject to rules laid down in this regard, the Coal Mines Environment Authority may appoint such other officers and employees as it considers necessary to ensure effective implementation of this Act.
- (9) The term and other conditions of service of the experts, officers and employees appointed by the Authority under this section shall be such as may be determined by rules laid down in this regard.
- (10) After three years of commencement of this Act, the Central Government shall select for appointment to the Authority, officers from the Indian Environmental Service to be selected through an examination(s) conducted by the Union Public Service Commission.

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

Section 11. Functions of the Authority

- (1) Subject to the provisions of this Act, the main function of the Authority shall be to assure the effective implementation of the principles of sustainable development in coal mines as explained in Section 3 of this Act.
- (2) After a period of six months from coming into being of the Authority, this Authority shall have the exclusive responsibility for the grant and enforcement of the permissions, approvals, and clearances indicated in subsection (4) granted to a coal mine prior to the date notified by the Central Government.
- (3) Once the Authority takes over the responsibilities as described in subsection (4), the officials of the Ministry of Coal, Coal Controller, and Ministry of Environment, Forest and Climate Change shall cease to have jurisdiction over these functions with respect to coal mines with effect from the date notified by the Central Government.
- (4) In particular and without prejudice to the generality of the foregoing function, the Authority shall perform the following functions with respect to coal mines, namely:
 - (a) Approval of mining plans and revised mining plans under the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);
 - (b) Grant of environmental clearance under the Environment (Protection) Act, 1986 (Act 29 of 1986);
 - (c) Grant of approval for use of forest land for non-forest use under the Forest (Conservation) Act, 1980 (Act 69 of 1980);
 - (d) Grant permission to open a coal mine under the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);
 - (e) Approval of the final mine closure plan and monitoring the mine closure activities, under the Coal Mines (Conservation and Development) Act, 1974;
 - (f) Lay down the standards and guidelines for the preparation and submission of the documents or reports to be submitted to the Authority including but not limited to mining plan, risk assessment, EIA report, mine opening permission, final mine closure plan, and mine closure permission;
 - (g) Establish the rules, standards, procedures, and guidelines to be followed by the Authority, the Director-General and Director for dealing with the applications, complaints, reports, and other submissions made to them.
 - (h) Define the environmental performance standards applicable to all coal mines;
 - (i) Declaration of land unfit for coal mining due to environmental, technological, historical or other reasons as per rules prescribed in this regard;
 - (j) Prescription of standards for post-mining reclamation, rehabilitation, and revegetation of mining-affected areas and the protective works to be carried out by coal mines;

- (k) Implement a public consultation process as per the procedure established by law before issuing any rules, regulation, standards, procedures, or guidelines applicable to coal mines;
 - (l) Publish annual reports documenting the findings of public health surveys conducted by the Authority in and around each coalfield to assess the impact of coal mining on the health parameters of the local communities as per rules prescribed in this regard;
 - (m) Prepare updated geo-referenced maps of each coalfield, coal mine, coal block, and coal mining project to assess the impact of coal mining on the environment, forest, water bodies, and land use in consultation with the offices/undertakings of the Central and State Governments as per rules prescribed in this regard.
 - (n) Issue of rules, regulations, and orders under this Act;
 - (o) Impose penalties for non-compliance of any provisions under this Act; and
 - (p) Ensure that rules, regulations, guidelines, approvals, certificates, clearances, directions, orders, permissions, maps, reports, and surveys issued by the Director General and the Authority are published on the official website of the Authority within twenty-four hours of their issue.
- (5) Notwithstanding anything said in this Act, the Ministry of Coal, the Coal Controller, and the Ministry of Environment, Forest and Climate Change shall continue to have jurisdiction over coal mines for matters not related to the approvals or clearances or permission listed in subsection (4) of this section.

Section 12. Powers of the Authority

- (1) The Authority constituted under section 4 may exercise such of the powers under this Act as it thinks necessary or expedient to exercise to discharge its functions under this Act.
- (2) The Authority shall determine the amount to be deposited by the owner of a coal mine into the escrow account with the Director-General as the exclusive beneficiary as well as the manner of its utilization and terms for its release post-completion of the final mine closure activities prescribed by the Authority.
- (3) The Authority shall, for the purposes of discharging its functions have the same powers as are vested in a court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:
 - (a) discovery and inspections;
 - (b) enforcing the attendance of any person and examining him on oath;
 - (c) compelling the production of documents; and
 - (d) such other matters as may be prescribed.

Section 13. Interagency cooperation

All departments, boards, commissioners, and authorities of the Central Government and State Government shall cooperate with the Authority by providing technical expertise, personnel, equipment, materials, and supplies to implement and administer the provisions of this Act.

In particular and without prejudice to the generality of this section, the Department of Science and Technology, the Ministry of Coal, the Ministry of Environment, Forest and Climate Change, and the Ministry of Mines in the Central Government, and all State Governments in India shall issue appropriate directions to all public sector undertakings and offices under their control to cooperate fully with the Authority *inter alia* by expeditiously providing the relevant documents, information, and expertise that may be required by the Authority to discharge its functions under this Act.

Section 14. Power of entry and inspection

All Members of the Authority, the Director-General and Director(s) are authorized to physically enter all coal mines for inspection and/or for collecting samples and records at such intervals along with such officials or assistants as they may deem fit to ensure compliance of this Act.

Section 15. Functions of the Director-General and Director(s) of Coal Mining Environment

(1) The overarching function of the Director-General and Director(s) of Coal Mining Environment is to implement the provisions of this Act and assure compliance with the provisions of this Act and the regulations, rules, clearances, approvals, permissions, and bye-laws, and orders made thereunder so that coal mines are operated in a manner that protects all citizens and the environment and forest during mining.

- (2) The Director-General and Director(s) shall monitor, inspect, and assure that all coal mines are in compliance with the applicable mining plan, environment clearance, forest clearance, and other provisions of the Act at all times.
- (3) The Director General shall arrange to install, operate, and maintain an adequate number of monitoring instruments to record the ambient levels of soil, air and water pollutants in each coalfield. The readings shown by these instruments shall be uploaded on the website of the Authority every 24 hours along with daily, weekly, and monthly trends.
- (4) The Director-General and Director(s) shall monitor mine closure activities as per the final mine closure plan, and other clearances, permissions, and approvals granted by the Authority to assure that the land is restored to the beneficial use of the local communities following mining before issuing the Mine closure certificate.
- (5) The Director-General shall operate the escrow account for funding the mine closure activities under the Coal Mines (Conservation and Development) Act, 1974 in the manner prescribed by the Authority;
- (6) The Director-General shall submit an annual report to the Authority regarding the status of compliance of this Act in all coal mines.
- (7) The Director-General shall submit an annual report to the Authority on the state of the environment in each coalfield of India which will include *inter alia* an assessment of the cumulative impact of coal mines on the

environment, forest quality and tree cover, land use, surface and underground water bodies, and the local communities.

- (8) The Director-General, may, with the approval of the Authority and subject to such restrictions or conditions as he may think fit to impose, by order in writing, authorize any Director named or any class or Directors specified in the order to exercise such of the powers of the Director-General under this Act as he may specify.
- (9) Subject to the other provisions contained in this section, the Director-General shall declare the local area or areas within which or the group or class of coal mines concerning which the Directors shall exercise their respective powers.

Section 16. Powers of the Director-General and Directors of Coal Mining Environment

The Director-General and any Director may:

- (1) make such examination and inquiry as he thinks fit to ascertain whether the provisions of this Act and the regulations, rules, clearances, approvals, permissions, and bye-laws and of any orders made thereunder are observed in the case of any coal mine;
- (2) with such assistants, if any, as he thinks fit, enter, inspect, and examine any coal mine or any part thereof at any time by day or night:

Provided that the power conferred by this clause shall not be exercised in such a manner as unreasonably to impede or obstruct the working of the coal mine;

- (3) examine into, and make an inquiry concerning the state and condition of environmental compliance in any coal mine or any part thereof and take whether on the precincts of the coal mine or elsewhere, statements of any person which he may consider necessary for carrying out the purposes of this Act;
- (4) exercise such other powers as may be prescribed by regulations made by the Central Government in this behalf.

Provided that no person shall be compelled under this subsection to answer any question or make any statement to incriminate himself.

- (5) The Director-General and any Director may, if he has reason to believe, as a result of any inspection, examination or inquiry under this section, that an offense under this Act has been or is being committed, search any place and take possession of any material or any plan, section, register or other records appertaining to the coal mine in any form whatsoever, and the provisions of the Code of Criminal Procedure, 1973 (Act 2 of 1974) shall, so far as may be applicable apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the Code of Criminal Procedure.

Section 17. Powers of the Director-General and Director when environmental hazards not expressly provided against exist

- (1) If in respect of any matter for which no express provision is made by or under this Act, it appears to the Director-General or a Director that any coal mine or part

thereof or any matter, thing or practice in or connected with the coal mine, or with the control, supervision, management or direction thereof, is dangerous to the environment, he shall give notice in writing thereof to the owner, agent or manager of the coal mine and shall state in the notice the particulars in respect of which he considers the coal mine or part thereof or the matter, thing or practice to be dangerous to the environment, and require the same to be remedied within such time and in such manner as he may specify in the notice.

- (2) Where the owner, agent or manager of a coal mine fails to comply with the terms of a notice given under subsection (1) within the period specified therein, the Director-General or the Director as the case may be, shall, by order in writing, prohibit the employment in or about the coal mine or any part thereof of any person whose employment is not in his opinion reasonably necessary for securing compliance with the terms of the notice.
- (3) If the Director-General or a Director authorized in this behalf by general or special order in writing by the Director-

General, believes that there is an urgent and immediate danger to the environment, he shall, by order in writing containing a statement of the grounds of his opinion, prohibit until he is satisfied that the danger is removed, any activities in the concerned coal mine other than those required to be performed to remove the danger.

- (4) Every person whose employment is prohibited under subsection (2) or subsection (3) shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition in employment and the owner, agent or manager of a coal mine shall be liable for payment of such full wages of that person:

Provided that the owner, agent or manager of a coal mine may instead of paying such full wages provide such person with alternative employment at the same wages which such person was receiving in the employment which was prohibited.

- (5) Nothing in this section shall affect the powers of a magistrate under Section 144 of the Code of Criminal Procedure, 1973.

Chapter IV

Duties and Responsibilities of the owner, agent, and manager of a coal mine

Section 18. Duties and responsibilities of owners, agents, and managers

- (1) The owner and agent of a coal mine shall each be responsible for making financial and other provisions and for taking such other steps as may be necessary for compliance with the provisions of this Act and the regulations, rules, bye-laws, and orders made thereunder.
- (2) If the carrying out of any instructions given otherwise than through the manager, results in the contravention of the provisions of this Act or of the regulations, rules, bye-laws, and orders made thereunder, every person giving such instructions shall also be liable for the contravention of the provisions concerned.
- (3) The owner, agent, and manager of a coal mine shall each be responsible to see that all operations carried on in connection with the coal mine are conducted in accordance with the provisions of this Act and of the regulations, rules, bye-laws, and orders made thereunder.
- (4) Every application to be made or information to be submitted by the owner, agent or manager of coal mine to the Authority or the Director-General or any Director for any purposes whatsoever shall be accompanied by a certificate stating that the facts stated are true and that no information that would be relevant to any permission or approval or clearance has been concealed or suppressed.
- (5) Concealment or falsification of relevant information by the owner, agent or manager of a coal mine for any approval or clearance or permission may result in revocation of such approval or clearance or permission along with the imposition of penalties as per the procedure established by law.
- (6) The owner, agent or manager of a coal mine shall give notice of any environmental incident in the prescribed form and within such time as may be prescribed to the Director-General and any Director authorized in this behalf.
- (7) The owner of every coal mine shall pay to the Authority, a sum equivalent to two per cent. of the royalty paid in terms of the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957), in such manner as may be prescribed by the Central Government.
- (8) In the event of any contravention by any person whosoever of any of the provisions of this Act or the regulations, rules, bye-laws, and orders made thereunder except those which specifically require any person to do any act or thing or prohibit any person from doing an act or thing, besides the person who contravenes, each of the following persons shall also be deemed to be guilty of such contravention unless he proves that he had used due diligence to secure compliance with the provisions and had taken reasonable means to prevent such contravention:

- (a) the official or officials appointed to perform duties of supervision in respect of the provisions contravened;
- (b) the manager of the coal mine;
- (c) the owner and agent of the coal mine.

Section 19.

Formulation of environment policy

The owner of every coal mine shall submit to the Authority, the environment policy approved by him or (in the case of a coal mine owned by a Company) by the Board of Directors of the Company.

Section 20.

Setting up an Environment department in a coal mining company

- (1) Every owner of a coal mine shall set up an environment department for the coal mine(s) under his control or operation.
- (2) The chief of the environment department shall be a senior officer of the coal mining company serving in the level just below the owner.
- (3) The chief of the environment department shall hold a degree in mining engineering and a post-graduate degree in environmental science or engineering from an educational institution approved by the Central Government and shall have at least five years of post-qualification experience in the operations or environmental management of coal mines.
- (4) The environment department shall be made independent of the production line at all levels.
- (5) The environment department shall be a multidisciplinary team consisting of experts in environmental law, forestry sciences, mining, pollution control, public health, and reclamation, with a field set-up which shall be above the coal mine level.
- (6) The chief of the environment department of a coal mine (or a group of coal mines owned or operated by a Company) shall prepare and submit to the owner, agent, and manager, a report related to the status of environmental compliance in each coal mine owned or operated by the owner, agent, or manager at intervals not exceeding six months.
- (7) The status reports of environmental compliance in each coal mine owned or operated by the coal mining company shall be reviewed and approved with such modifications as may be necessary during a special meeting of the board of directors of the coal mining company held at intervals not exceeding twelve months.
- (8) The chief of the environment department shall prepare and submit to the owner, agent, and manager, an updated risk assessment and management plan for each coal mine owned or operated by the coal mining company at intervals not exceeding twenty-four months.
- (9) The updated risk assessment and management plans prepared in accordance with subsection (7) shall be reviewed and approved with such modifications as may be necessary during a special meeting of the board of directors of the coal mining company held at intervals not exceeding twelve months.

- (10) The guidelines to be followed by the owner, agent, or manager for the preparation of the risk assessment and management plan mentioned in subsections 8 and 9 shall be prescribed by the Authority as per rules made in this regard.

Section 21.

Functions of the Environment department of a coal mining company

- (1) All applications for statutory approval submitted by the owner, agent, and manager of a coal mine to the Authority shall be reviewed by the chief of the environment department before submission.
- (2) The owner shall enable and empower the environment department to develop and maintain a suitable organization to review all applications submitted for approval by the Authority, to train the requisite personnel required to ensure compliance with this Act, to carry out inspections of the coal mine(s) under his control for monitoring and reporting the status of compliance with the approved mining plan, environmental clearance, and forest clearance related to each coal mine at intervals not exceeding six months.
- (3) The manager of the coal mine shall submit a digitally signed electronic copy of a comprehensive environmental compliance report in the prescribed form to disclose the status of compliance with the mining plan, environmental clearance, and forest clearance in the coal mine to the Authority, to the Director-General, and any Director authorized in this behalf, on 1 June and 1 December of each calendar year.
- (4) The environment department of every coal mining company shall make an in-depth mine-wise, cause-wise analysis of all environmental incidents, and the owner, agent or manager shall submit digitally signed electronic copies of such reports to the Authority, to the Director-General, and any Director of Coal Mining Environment authorized in this behalf, every three months or within seven days of the occurrence of any environmental incident in the coal mining company.
- (5) The reports submitted by the coal mine under subsections (3) and (4) shall be published on the website of the Authority and that of the coal mining company within seven days of their submission to the Authority.
- (6) The formats for the reports mentioned in subsections 3 and 4 shall be prescribed by the Authority as per rules made in this regard.

Section 22.

Appointment of an environment officer for a coal mine

- (1) The owner or agent of a coal mine having opencast workings shall appoint a full-time environment officer. In the case of a coal mine area consists of more than two hundred hectares, the owner or agent shall appoint additional environmental officers for every three hundred hectares increase in the coal mine area.
- (2) The environment officer shall hold a degree in mining engineering and a post-graduate degree in environmental science or engineering from an educational institution approved by the Central Government

and shall have at least two years of post-qualification experience in mining or environment.

- (3) The manager of a coal mine shall arrange for his subordinates to report immediately, every environmental incident to the environment officer orally at first followed by a written report within 24 hours of the incident.
- (4) The environment officer shall submit a written report to the owner, agent, and manager of a coal mine and (in the case of a group of coal mines owned by a Company) to the chief of the environment department immediately but not later than 48 hours after he comes to know of any environmental incident.

Section 23.

Facilities to be afforded to Members of Authority, the Director-General, and Director(s) of Coal Mining Environment

The owner or agent of a coal mine shall provide such facilities to the Members and Chairperson of

the Authority, Director-General, and Director(s) which they deem necessary to inspect the coal mine(s) under their jurisdiction.

Section 24.

Obligations of persons employed in a coal mine

No person employed in a coal mine shall:

- (1) wilfully interfere with or misuse any appliance, convenience or other thing provided in a coal mine to measure or record or controlling environmental pollutants;
- (2) wilfully and without reasonable cause do anything likely to endanger the environment;
- (3) wilfully neglect to make use of any appliances or other things provided to protect the environment;
- (4) obstruct the inspection and procedure being carried out by the Authority, Director-General, and Director, or any other persons authorized by the Authority.

Chapter V

Procedure for various approvals from the Authority

Section 25. Coal Mines to operate in accordance with approved Mining plan, Environment Clearance, and Forest Clearance

- (1) No mining lease for coal shall be granted or renewed without a Mining plan duly approved by the Authority under the Mines and Minerals (Development and Regulation) Act, 1957.
- (2) Every coal mining project shall seek prior environmental clearance from the Authority before any construction work, or site preparation (except for securing the land) as per the procedure established by law under the Environment (Protection) Act, 1986.
- (3) Except with the prior written approval of the Authority, no State Government or other authority shall issue any order with respect to a coal mine, directing that:
 - (a) any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
 - (b) any forest land or any portion thereof may be used for any non-forest purposes;
 - (c) any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government;
 - (d) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or

portion, for the purpose of using it for re-afforestation.

- (4) Notwithstanding anything said in this section, the approved mining plan, environmental clearance, and forest clearance granted to any coal mine or coal mining project before the commencement of this Act shall continue to remain valid for their remaining period as per the terms and conditions of these approvals and clearances unless they are either amended or suspended or revoked as per procedure established by law.

Section 26. Procedure for approval of Mining plan, Environment Clearance, and Forest Clearance

- (1) In the case of a coal mining project or coal mine (or any expansion thereof), the owner shall prepare a draft mining plan that incorporates a preliminary assessment of the environmental impacts of the proposed coal mining project or coal mine as well as a forest diversion proposal if forest clearance is required under this Act or the Forest (Conservation) Act, 1980. The owner shall prepare the draft mining plan as per the standards, guidelines, and procedures prescribed by the Authority.
- (2) The owner of a coal mine or a coal mining project shall submit to the Authority, the draft mining plan along with his application for Terms of Reference to conduct an environmental impact assessment for

the purpose of obtaining environmental clearance under the Environment (Protection) Act, 1986. This application shall be accompanied with the requisite fee, and shall also include a forest diversion proposal in the prescribed form if forest clearance is also required under this Act or the Forest (Conservation) Act, 1980.

- (3) The owner of a coal mine or a coal mining project shall conduct the environmental impact assessment as per the terms of reference issued by the Authority and prepare a draft EIA report as per the standards, guidelines, and procedures prescribed by the Authority.
- (4) The owner of a coal mine or a coal mining project shall prepare a mining plan as per the standards, guidelines, and procedures prescribed by the Authority. The mining plan shall also incorporate the draft EIA report prepared under subsection (3) as well as a forest diversion proposal in the prescribed form if forest clearance is required under the Forest (Conservation) Act, 1980.
- (5) The owner of a coal mine or a coal mining project shall apply to the Director General for the conduct of the public consultation and public hearing enclosing the mining plan prepared under subsection (4) and the requisite fees along with his application for the conduct of public consultation and public hearing. The mining plan shall be published on the website of the Authority as well as the website of the coal mining company within seven days of their issue.
- (6) The Director-General or the Director duly authorised by him shall conduct a public consultation and public hearing for

the coal mine or a coal mining project in coordination with the District Magistrate or any other officer not below the rank of Additional District Magistrate who shall preside over the public hearing. The dissemination of information regarding the public consultation and public hearing and the rules for the conduct of the public consultation and public hearing shall be as per the procedure established by law.

- (7) The Director-General or the Director who has conducted the public consultation and public hearing under subsection (6) shall publish the minutes of the public consultation and the public hearing on the website of the Authority within thirty days of the completion of the public hearing.
- (8) The owner of a coal mine or coal mining project shall revise the mining plan submitted by him under subsection (5) after incorporating the final EIA report,, and the revised forest diversion proposal (as applicable) giving due consideration to the approved minutes of the public consultation and the public hearing as well as any clarifications sought by the Authority as per the procedure established by law.
- (9) Based on the revised mining plan submitted by the owner under subsection (8), the proceedings of the public consultation and public hearing processes, and the clarifications received from the owner, the Authority shall either reject the revised mining plan for reasons to be recorded in writing or grant approval for the Mining plan under the Mines and Minerals (Development and Regulation) Act, 1957 with such conditions as may be necessary.

(10) Once the Mining plan is approved under subsection (9), the Authority shall also grant environmental clearance to the coal mine or coal mining project under the Environment Protection Act, 1986 with such conditions as may be necessary.

(11) If the Mining plan approved under subsection (9) also includes a forest diversion proposal, the Authority shall also grant in-principle approval for forest clearance under the Forest (Conservation) Act, 1980, as per the procedure established by law.

Provided however that the Authority shall not grant in-principle approval for the forest diversion proposal unless it has satisfied itself that the District Collector has completed the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal, and has obtained the consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required.

(12) The Authority shall issue one complete set of the approved and duly authenticated Mining plan incorporating the final EIA report along with the approved forest diversion proposal (as applicable) to the owner of the coal mine or coal mining project. The aforesaid set of documents shall be published on the website of the Authority as well as the website of the coal

mining company within seven days of their issue.

(13) Once the owner of a coal mine or coal mining project receives in-principle approval for a forest diversion proposal under subsection (11), he shall comply with the terms and conditions specified therein within a period of six months and submit a compliance report to the Authority duly certified by the Director General along with an application to accord final approval for forest clearance.

(14) On receiving an application for final approval of forest clearance under subsection (13), the Authority shall either reject the application for final approval of forest clearance for reasons to be recorded in writing or approve the forest clearance under the Forest (Conservation) Act, 1980 with such terms and conditions as may be necessary.

(15) The Authority shall consult the State Government before granting in-principle approval for forest clearance under subsection (11) and before according final approval under subsection (14).

(16) Based on the final approval of the forest clearance by the Authority under subsection 14, the State Government shall issue the final order under the Forest (Conservation) Act, 1980 leasing the said forest land to the owner of the coal mine or coal mining project for non-forest purpose as per the terms and conditions approved by the Authority.

(17) The owner, agent, and manager of a coal mine or coal mining project shall strictly comply with the Mining plan,

Environmental Clearance, and Forest Clearance (as applicable) along with other terms and conditions imposed by the Authority under subsections (10), (12), (14), and (16) till the time the final mine closure plan for the coal mine is duly approved by the Authority under Section 28. Any amendment in the terms and conditions of the Mining plan, the environmental clearance and the forest clearance shall be granted only by the Authority as per the procedure established by law.

Section 27. Mine opening permission

- (1) The owner of a coal mine shall apply for the mine opening permission in the prescribed form to the Authority along with the requisite fees for grant of mine opening permission under the Coal Mines (Conservation and Development) Act, 1974 (Act 28 of 1974).
- (2) The Authority shall grant the mine opening permission for a coal mine after satisfying itself that all statutory approvals required for opening the coal mine have been granted by the respective Authorities and the owner has deposited sufficient funds in the escrow account as per the escrow agreement related to the coal mine.
- (3) The owner, agent, and manager of a coal mine shall operate the mine in accordance with the mine opening permission granted to the coal mine.
- (4) If the owner fails to deposit the required amount in the escrow account as per the escrow agreement, the Authority may withdraw the mine opening permission

and other approvals and clearances granted to the coal mine as per the procedure established by law.

Section 28 Final mine closure plan and Mine closure certificate

- (1) It is the sole responsibility of the owner to ensure that the reclamation, rehabilitation, revegetation, pollution control, protective works and other measures indicated in the Mining plan, Environmental clearance, Forest clearance, and in the regulations, rules, bye-laws, and orders issued under this Act are carried out promptly so that the area affected by the coal mine is reclaimed, rehabilitated, and revegetated for the optimal benefit of the local communities.
- (2) If any coal mine is abandoned or closed before the completion of mine closure activities as per the Mining plan, Environmental clearance, and Forest clearance or any other approval granted to the coal mine, the Authority shall take suitable steps to carry out the prescribed mine closure activities and recover the cost thereof from the escrow account for the coal mine:

Provided that if the escrow amount is inadequate to complete the mine closure activities, the Authority shall recover the differential amount along with a penalty from the owner of the coal mine as per the procedure established by law.

- (3) The owner of a coal mine shall submit a draft final mine closure plan along with the updated details and cost estimates of mine closure activities and the requisite fee to

the Authority at least five years before the intended final closure of a coal mine.

- (4) On receipt of the draft final mine closure plan, the Director-General or a Director authorized by him in this behalf shall carry out a detailed inspection of the coal mine and the mining-affected area within thirty days of receiving the draft final mine closure plan. The Director-General or the aforesaid Director may be accompanied by such officials of the Authority whose assistance may be useful to assess the details and costs of the activities required to ensure that the area affected by the coal mine is reclaimed and rehabilitated for the benefit of the local communities.
- (5) Within a period of 30 days after the inspection carried out as per subsection (4), the Director-General or the aforesaid Director shall return the draft final mine closure plan to the owner along with directions containing any revisions that may be required to comply with rules prescribed in this behalf.
- (6) Within a period of 60 days from the receipt of the aforesaid directions, the owner shall submit a revised draft of the final mine closure plan that is compliant with these directions.
- (7) The owner and the Authority shall publish the draft final mine closure plan submitted in compliance with subsection (6) on their respective websites for inviting public comments.
- (8) Within a period of 60 days after publishing draft final mine closure plan under subsection (7), the Director-General or the Director authorized by him shall conduct

a public consultation as per the procedure established by law. The Director-General or the Director who has conducted the public consultation on his behalf shall publish the minutes of the public consultation on the website of the Authority within thirty days of the completion of the public consultation.

- (9) In case the Director General finds that the funds in the escrow account are inadequate to implement the final mine closure activities with due consideration to the minutes of the public consultation published under subsection (8), the owner shall top up the escrow account to bridge the deficit within thirty days of receiving a notice from the Authority failing which the owner shall be liable to pay the deficit amount along with a penalty as per the procedure established by law.
- (10) Once the escrow account is topped up by the owner following subsection (6), the Authority shall approve the Final mine closure plan with such additional conditions that may be required to ensure that the area affected by the coal mine is reclaimed, rehabilitated, and revegetated for the optimal benefit of the local communities.
- (11) The owner, agent, and manager shall implement the final mine closure activities as per the Final mine closure plan duly approved as per subsection (10), and submit a detailed report to the Authority in the prescribed format on 1 June and 1 December of each calendar year, giving the details and costs of the final mine closure activities carried out by them.
- (12) Each report submitted to the Authority under subsection (11) shall be published on the website of the Authority and the coal

mining company within seven days of its submission.

- (13) The owner of a coal mine shall apply for mine closure permission in the prescribed format to the Authority not less than six months before the projected date of final mine closure along with the requisite fee.
- (14) On receiving the application for mine closure permission, the Director-General or a Director authorized by him in this behalf shall inspect the coal mine not less than one hundred and fifty days before the projected date of final mine closure to verify whether that the owner, agent, and manager have implemented the mine closure activities as per the Final mine closure plan and issue appropriate directions containing any revisions that may be required to comply with rules prescribed in this behalf.
- (15) The Director-General shall issue the mine closure certificate and return up to fifty percent of the escrow amount to the owner only after satisfying himself that the owner has carried out the reclamation, rehabilitation, and revegetation of the mining-affected areas for the benefit of the local communities as per the final mine closure plan, and has also completed the protective works required to ensure that drainage controls in the area affected by the coal mine are sufficient to control any pollution of water bodies within the limits permitted by law:

Provided that the Director-General shall not issue the mine closure certificate unless he is satisfied that the owner has complied with this Act and the regulations, rules, bye-laws, and orders made thereunder, and shall not return the balance escrow amount

before the expiry of three years from the date of completion of the prescribed final mine closure activities.

Section 29.

Continued validity of approvals, clearances, and permission granted before the commencement of this Act

- (1) All approvals, clearances, and permissions granted before the commencement of this Act shall remain valid till the time the Authority modifies or amend any of these approvals, clearances, and permission as per the procedure established by law.
- (2) Notwithstanding anything contained in this Act or any other law for the time being in force, in case of change of ownership of a coal mine, the new owner and lessee shall be deemed to have acquired all valid rights, approvals, clearances, licenses and the like vested with the previous lessee for two years:

Provided that subject to such conditions as may be prescribed, such new owner or lessee shall apply and obtain all necessary rights, approvals, clearances, licenses and the like within two years from the date of taking control as the owner of the mine.

- (3) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new owner or lessee to continue mining operations on the land, in which mining operations were being carried out by the previous owner or lessee, for two years from the date of commencement of the new lease or from the date of taking over as the owner.

Chapter VI

Offences and penalties under this Act

Section 30. Obstruction

- (1) Whoever obstructs the Director-General and Director under section 14 in the discharge of his duties under this Act or refuses or wilfully neglects to provide the Director-General and Director any reasonable facility for making any entry, inspection, examination or inquiry authorized by or under this Act in relation to any coal mine shall be punishable with imprisonment of a term which may extend to three months, or with a penalty which may extend to five lakh rupees, or both.
- (2) Whoever refuses to produce on the demand of the Director-General and Director of any registers or records (in any form) maintained in pursuance of this Act or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent any person from appearing before or being examined by a Director-General and Director acting in pursuance of his duties under this Act, shall be punishable with a penalty which may extend to twenty thousand rupees per day.

Section 31. Falsification of records

Whoever:

- (1) counterfeits or knowingly makes a false entry or statement in any report related to the provision of this Act or;
- (2) counterfeits or knowingly uses as true any such counterfeit copy of a statutory permission or approval or clearance or;
- (3) makes or produces or uses any false declaration, statement or evidence knowing the same to be false for obtaining for himself or any other person any approval, or the renewal of any approval under this Act or;
- (4) falsifies any plan, section, register or record, the maintenance of which is required by or under this Act or produces before Authority such false plan, section, register or record, knowing the same to be false or;
- (5) makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true;

shall be punishable with imprisonment for a term which may extend to three years or with a penalty which may extend to five lakh rupees or with both.

Section 32. Omission to furnish plans etc.

Any person who, without reasonable excuse, the burden of providing which shall lie upon him, omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan, notice, register, record or report required by or under this Act to be made or furnished

shall be punishable with a penalty which may extend to twenty thousand rupees per day.

Section 33.

Failure to set up the Environment department and appoint an Environment officer

Whoever, in contravention of the provisions of sections 20 and 22, fails to appoint or constitute the environment department and appoint an environment officer shall be punishable with a penalty which may extend to twenty thousand rupees per day.

Section 34.

Environmental incident

- (1) The manager of a coal mine who fails to give notice of an environmental incident to the Director-General and any Director as prescribed in subsection (6) of section 18 shall be punishable with imprisonment for a term which may extend to three months, or with a penalty which may extend to five lakh rupees or with both.
- (2) The Director-General and any Director after receiving the notice of an environment incident as per section 18 (6) or after coming to know about the environmental incident through any other means may impose a penalty which may extend to five lakh rupees for the manager and up to one crore rupees for the owner of the coal mine:

Provided that the owner of the coal mine shall be absolutely liable for the environmental incident and shall pay for ecological restoration based on the polluter pays principle.

Section 35.

Special provision for contravention of orders under section 17

Whoever continues any work in a coal mine in contravention of any order issued under subsection (2) or subsection (3) of section 17, the agent and the manager of the coal mine shall be punishable with imprisonment for a term which may extend to five years, and shall also be liable to a penalty which may extend to five lakh rupees.

Section 36.

Special provision for contravention of law with dangerous results

Whoever contravenes any provision of this Act or any regulation, rule or bye-law or any order made thereunder other than an order made under subsection (2) of section 18 shall be punishable:

- (1) if such contravention results in an environmental disaster, with imprisonment which may extend to seven years, or with a penalty which may extend to twenty-five crore rupees for the owner and five lakh rupees for the manager or the person liable for the said disaster by giving instructions otherwise than through the manager, or with both:

Provided that the owner shall be absolutely liable for the environmental disaster and shall pay for the ecological restoration based on the polluter pays principle.

- (2) Where a person having been convicted under this section is again convicted thereunder, he shall be punishable with double the punishment provided by subsection (1).

- (3) Any court imposing or confirming in appeal, revision or otherwise a sentence of penalty passed under this section may, when passing judgment, order the whole or any part of the penalty recovered to be paid as compensation to the person(s) affected by the environmental disaster, or in the case of his death, to his legal representative.

Section 37. Enhanced penalty after a previous conviction

If any person who has been convicted for an offence punishable under any of the foregoing provisions is again convicted for an offence committed within two years of the previous conviction and involving a contravention of the same provision, he shall be punishable for each subsequent conviction with double the punishment to which he would have been liable for the first contravention of such provision.

Section 38. Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government or any member or any officer or other employee of the Authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made thereunder.

Section 39. Prosecution of the owner, agent or manager

No prosecution shall be instituted against any owner, agent or manager of a coal mine for any

offence under this Act except at the instance of the Director-General or the District Magistrate or a Director authorized in this behalf by general or special order in writing by the Director-General:

Provided that the Director-General or the District Magistrate or the Director as so authorized shall, before instituting such prosecution, satisfy himself that the owner, agent or manager of a coal mine had failed to exercise all due diligence to prevent the commission of such offence.

Provided further that in respect of an offence committed in the course of the technical direction and management of a coal mine, the District Magistrate shall not institute any prosecution against an owner, agent or manager of a coal mine without the approval of the Director-General.

Section 40. Limitation of prosecutions

No court shall take cognizance of any offence under this Act unless complaint thereof has been made:

- (1) within one year of the date on which the offence is alleged to have been committed, or
- (2) within six months of the date on which the alleged commission of the offence came to the knowledge of the Director-General or Director, or
- (3) In any case in which the accused is or was a public servant and previous sanction of the Central Government or the State Government or any other authority is necessary for taking cognizance of the

offence under any law for the time being in force, within three months of the date on which such sanction is received by the Director-General; or

Explanation - For the purposes of this section –

- (a) In the case of a continuing offence, the period of limitation shall be computed with reference to every point of time during which the offence continues,
- (b) Where for the performance of any act time has been extended under this Act, the period of limitation shall

be computed from the expiry of the extended period.

Section 41. Cognizance of offences

No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a coal mine or any offence which is by this Act made punishable with imprisonment.

Chapter VII

Complaints to the Authority and appeals against the orders, decisions or directions of the Authority

Section 42. Exclusion of jurisdiction of civil courts

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Section 43. Complaints to the Authority

- (1) Any person aggrieved by the non-compliance of the provisions of this Act by a coal mining company or one of its employees, may within a period of one year from the date of such non-compliance file a written complaint to the Authority.
- (2) On receiving the said complaint, the Authority shall have the matter investigated by the Director-General and shall dispose of the complaint within six months as per procedure laid down by law.
- (3) Any person aggrieved by the decisions or orders or actions of the Director-General or by the decisions or orders or actions of

a Director, may within six months from the date of such non-compliance file a written complaint to the Authority.

- (4) On receiving the said complaint, the Chairperson of the Authority shall have the matter investigated by the Member who is an expert in environmental law. This Member shall dispose of the complaint within six months as per procedure laid down by law.

Section 44. National Green Tribunal to have appellate jurisdiction against an order or decision or direction by Authority

Any person aggrieved by an order or decision or direction of the Authority, may within sixty days from the date of such order or decision or direction is communicated to him, prefer an appeal to an appropriate bench of National Green Tribunal:

Provided no complaint shall be filed with the National Green Tribunal without giving thirty days' notice to the Authority to decide upon the grievance against which the aggrieved person wants to file an appeal with the National Green Tribunal.

Chapter VIII

Funds, Accounts, and Audit

Section 45. Grants by the Central Government

The Central Government may, after due appropriation made by Parliament by law in this behalf, grant such amounts of money to the Authority as may be required for achieving the purposes of this Act.

Section 46. Constitution of Fund

- (1) There shall be constituted a fund to be called the “Coal Mines Environment Authority Fund,” and there shall be credited thereto:
 - (a) all Government grants received by the Authority;
 - (b) the fees, fines, and penalties received under this Act;
 - (c) all sums collected from the owner of every coal mine under Section 18 of this Act;
 - (d) the interest accrued on the amounts referred to in clauses (a), (b) and (c).
- (2) The Fund shall be applied for meeting:
 - (a) the salaries and allowances payable to the Chairperson and other Members and the administrative expenses including the salaries, allowances, and pension payable to the Director-General, Director(s), officers, and other employees of the Authority;
 - (b) any other expenses of the Authority and the Director General in connection with the discharge of their functions

and for the purposes of this Act.

- (c) The Fund shall be administered by the Chairperson of the Authority as may be determined by the rules laid down by the Central Government.

Section 47. Accounts and audit

- (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

Explanation— For the removal of doubts, it is hereby declared that the orders of the Authority, being matters appealable to the National Green Tribunal or the Supreme Court, shall not be subject to audit under this Section.

- (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights, privileges and authority in connection with

such audit as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, and other documents and papers and to inspect any of the offices of the Authority.

- (4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government, and that Government shall cause the same to be laid before each House of Parliament.

Chapter IX

Miscellaneous

Section 48.

Powers of the Central Government to issue directions

- (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in the exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this subsection.

- (2) The decision of the Central Government whether a question is one of policy or not shall be final.

Section 49.

Powers of the Central Government to make rules and regulations

The Central Government may, by notification in the Official Gazette, make rules and regulations consistent with this Act for all or any of the following purposes, namely:

- (1) for the appointment of Members and Chairperson of the Authority and the Director-General and Directors;
- (2) for prescribing the qualifications required

for appointment as Director-General or Director;

- (3) for prescribing and regulating the powers of the Chairperson and Members of the Authority;
- (4) for prescribing the duties and responsibilities of owners, agents, and managers of coal mines as well as persons acting under them, to ensure compliance with this Act;
- (5) to prescribe the standards and guidelines to be followed for carrying out General Exploration (G2) and Detailed Exploration (G1) related to a future or existing coal mine.
- (6) for laying down the requisite standards and guidelines for the preparation of a Geological Study (F3), Pre-feasibility Study (F2), and the Feasibility Study (F1) for a coal mine or a coal mining project.
- (7) for requiring facilities to be provided by the owner of a coal mine for enabling the manager of a coal mine and other persons acting under him to efficiently discharge their duties to ensure compliance with this Act;
- (8) for prescribing the qualifications of competent persons to carry out General Exploration (G2), Detailed Exploration (G1), and Geological Study (F3) for a coal mining project;
- (9) to prescribe the qualifications of competent

persons to prepare a Pre-feasibility Study (F2), Feasibility Study (F1), and a Mining plan for a coal mining project or a coal mine;

- (10) for prescribing the formats for maintenance and submission of returns or reports or applications or any other document required to demonstrate compliance with this Act;
- (11) for fixing the fees, if any, to be paid in respect of approvals, clearances, and permissions under this Act and the manner and the purposes for which the amounts credited to the Coal Mining Environment Fund shall be utilized;
- (12) to prescribe the financial and administrative powers to be exercised by the Chairperson of the Authority and the Director General;
- (13) to frame the rules for declaring any land unfit for coal mining due to environmental, technological, historical or other reasons.
- (14) any such matter in respect of which the Authority shall have the powers of a civil court under subsection (3) of section 12;
- (15) for the constitution of an expert committee to render advice to the Authority and the terms of engagement of non-official members in such expert committees;
- (16) such other matters as may be necessary for implementing this Act.

Section 50. Act to have overriding effect

- (1) The provisions of this Act shall have effect

notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

- (2) If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:
- (3) Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.
- (4) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Section 51. Restriction on employment of Chairperson and Members of the Authority, the Director-General, and Directors in certain cases

The Chairperson, Members of the Authority, the Director-General, and Directors shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of any coal mining company which has been a party to a proceeding before the Authority without the prior written permission of the Central Government.

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority established by or under any Central, State or Provincial Act.

Annexure - IV

THE ENVIRONMENT, FOREST, AND MINERAL LAWS (AMENDMENT) BILL, 2020

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21	Amendment to Section 16	50



Biological reclamation of an overburden dump in a coal mine

Coal plays a vital role in India's economic development as a significant input for electricity generation as well as for several core industries. Coal mining has major environmental impacts on the land, water, environment, and the communities. The Central Government has not only made explicit statutory provisions for protecting the environment in the country's mining laws but has also enacted specific environmental laws to control pollution and protect the forest and environment. The Government has also constituted different authorities to enforce these laws in coal mines as well as in other areas. The Government is of the opinion that a consolidated framework

for more efficient and effective forest and environmental governance of coal mines is required in India, which will include inter alia, the role, responsibility, organization, and functioning of a unified authority, namely the Coal Mining Authority under a separate Act, i.e., the Sustainable Coal Mining Act, 2020.

A Bill further to amend the Environment (Protection) Act, 1986, and Forest (Conservation) Act, 1980, the Mines and Minerals (Development and Regulation) Act, 1957, and the Coal Mines (Conservation and Development) Act, 1974.

Be it enacted by Parliament in the Seventy-first Year of the Republic of India as follows: -



Pit lake in the final void of an opencast coal mine

Chapter I

PRELIMINARY

1. This Act may be called the Environment, Forest, and Mineral Laws (Amendment) Act, 2020.
2. It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Chapter II

AMENDMENTS TO THE ENVIRONMENT (PROTECTION) ACT, 1986

3. In the Environment (Protection) Act, 1986, the following section shall be inserted after section 3, namely: -
“3A: Powers and functions of the Central Government to be delegated to the Coal Mines Environment Authority: In relation to coal mines, the Central Government shall delegate its powers under section 3 other than those sections included in 3(2)(iii) and 3(2)(iv) to the Coal Mines Environment Authority constituted under the Sustainable Coal Mining Act, 2020”.

Chapter III

AMENDMENTS TO THE EIA NOTIFICATION, 2006

4. In the EIA Notification, 2006, a new clause shall be inserted after clause 4, namely: -

“4.1. Notwithstanding anything contained in EIA Notification, 2006, the Coal Mines Environment Authority shall regulate the grant of Environment Clearance for coal mines under the Sustainable Coal Mining Act, 2020”.

Chapter IV

AMENDMENTS TO THE FOREST (CONSERVATION) ACT, 1980

5. In the Forest (Conservation) Act, 1980, a new section shall be inserted after section 2, namely: -

“2A. Notwithstanding anything contained in section 2, the Coal Mines Environment Authority shall be authorized to approve the diversion of forest land for the purpose of a coal mine under the Sustainable Coal Mining Act, 2020”.

Chapter V

AMENDMENTS TO THE FOREST (CONSERVATION) RULES, 2003

6. In the Forest (Conservation) Rules, 2003, a new rule shall be inserted after rule 5 (b), namely: -

“5C. Notwithstanding anything contained in these rules, the Coal Mines Environment Authority shall be empowered to approve the diversion of forest land for the purpose of a coal mine under the Sustainable Coal Mining Act, 2020”.

Chapter VI
AMENDMENTS TO THE MINES AND
MINERALS (DEVELOPMENT AND
REGULATION) ACT, 1957

7. In the Mines and Minerals (Development and Regulation) Act, 1957 (hereafter in this Chapter referred to as the principal Act), after subsection 5(2)(b), the following subsection shall be inserted, namely: -

“5(3). Notwithstanding anything contained in subsection 5(2), the State Government may grant a mining lease for a coal mine only after the approval of the mining plan by the Coal Mines Environment Authority under the Sustainable Coal Mining Act, 2020”.

8. In Section 13 of the principal Act, the following proviso shall be inserted for the subsection 13(1), namely: -

“Provided that the Central Government shall by notification in the Official Gazette, delegate such powers to the Coal Mines Environment Authority as may be required for the implementation of the Sustainable Coal Mining Act, 2020”.

9. In Section 13 of the principal Act, the following proviso shall be inserted for the subsection 13(2), namely: -

“Provided that the Central Government shall by notification in the Official Gazette, delegate such powers to the Coal Mines Environment Authority as may be required for the implementation of the Sustainable Coal Mining Act, 2020”.

10. In Section 18 of the principal Act, the following proviso shall be inserted after

subsection 18 (1), namely: -

“Provided that the Central Government shall delegate to the Coal Mines Environment Authority the powers required to take necessary steps for protection of the environment by preventing or controlling any pollution which may be caused by prospecting or mining operations in a coal mine”.

11. In Section 18 of the principal Act, the following proviso shall be inserted after subsection 18 (2), namely: -

“Provided that the Central Government shall delegate to the Coal Mines Environment Authority the powers required to take necessary steps for protection of the environment by preventing or controlling any pollution which may be caused by prospecting or mining operations in a coal mine”.

12. In Section 20A of the principal Act, after subsection 20A (1), the following proviso shall be inserted, namely: -

“Provided that, the Central Government shall authorize the Coal Mines Environment Authority to issue such directions in relation to coal mines”.

13. In Section 20A (2) of the principal Act, after subsection 20A (2), the following proviso shall be inserted, namely: -

“Provided that, the Central Government shall authorize the Coal Mines Environment Authority to issue directions in relation to coal mines, except in matters related to mineral concessions”.

Chapter VII
AMENDMENTS TO THE COLLIERY
CONTROL RULES, 2004

14. In the Colliery Control Rules, 2004 (hereafter referred to in this Chapter as the principal Rules), in rule 15, for the words and figures “rules 6, 9 and 11”, the word and figure “rule 6”, shall be substituted.
15. In rule 15 of the principal Rules, the following rule shall be inserted after rule 15, namely:-

Rule 15 (A) Delegation of power to the Coal Mines Environment Authority: The power of the Central Government specified under rules 9, 10, and 11 shall be delegated by notification in the Official Gazette to the Coal Mines Environment Authority created under the Sustainable Coal Mining Act, 2020.

Chapter VIII
AMENDMENTS TO THE COAL
MINES (CONSERVATION and
DEVELOPMENT) ACT, 1974

16. In the Coal Mines (Conservation and Development) Act, 1974, after section 2, the following proviso shall be inserted, namely: -

“Provided that the Central Government shall by notification in the Official Gazette, delegate such powers to the Coal Mines Environment Authority as may be required for the implementation of the Sustainable Coal Mining Act, 2020”.

Chapter IX
AMENDMENTS TO THE COAL
MINES (CONSERVATION AND
DEVELOPMENT) RULES, 1975

17. In the Coal Mines (Conservation and Development) Rules, 1975 (hereafter referred to in this Chapter as the principal Rules), in rule 18G, the words “Central Government” shall be substituted with the words “Coal Mines Environment Authority”.
18. In rule 18I of the principal Rules, the words “Central Government” wherever they occur shall be replaced with the words “Coal Mines Environment Authority”.
19. In rule 18K of the principal Rules, the words “ Coal Controller” wherever they occur shall be replaced with the words “ Director-General of Coal Mining Environment “.
20. In rule 18L of the principal Rules, for the words and figures “rules 18D, 18E, 18G, 18I, 18K”, the words and figures “rules 18D and 18E”, shall be substituted.

Chapter X
AMENDMENTS TO THE NATIONAL
GREEN TRIBUNAL ACT

21. In the National Green Tribunal Act, after subsection 16(j), the following subsection shall be inserted, namely:-
- “Any person aggrieved by an order or decision or direction of the Coal Mines Environment Authority, may within sixty days from the date of such order or decision or direction is communicated to him under the Sustainable Coal Mines Act, 2020”.

DOCUMENT CONTROL SHEET

- 1 **Document No and Year** : NIAS/NSE/EEP/U/WR/19/2020
- 2 **Title** : Stakeholder Consultation Workshop on a draft Sustainable Coal Mining Bill
- 3 **Type of Document** : Workshop Report
- 4 **No. of Pages and Figures** : 50 + iv pages and 2 figures
- 5 **No. of References** : Nil
- 6 **Authors** : Sarvajeet Kumar Sinha and R. Srikanth
- 7 **Originating School** : Natural Sciences and Engineering
- 8 **Programme** : Energy and Environment
- 9 **Collaboration** : NA
- 10 **Sponsoring Agency** : Science and Engineering Research Board (SERB), Government of India

11 **Abstract:**

Coal is one of the most significant growth drivers for the Indian economy. India is endowed with 13 percent of the World's total proven coal reserves which can be extracted profitably with currently available technology under the prevailing market conditions. However, coal mining is associated with significant environmental challenges, viz, disturbance of land surface, air pollution, noise pollution, water pollution, reduction in the water table, deforestation, and loss in agricultural productivity. While one of the major challenges in increasing the production of coal in India is the delay in grant of approvals from various Authorities, there is a need for a new regulatory framework to improve the environmental governance of the coal sector, particularly before commercial coal mining takes off on the ground.

The Energy & Environment Program at NIAS is developing a new regulatory framework for coal mining as part of ongoing PhD research supported by the Science and Engineering Research Board. The core component of this regulatory framework consists of a "Sustainable Coal Mining Bill" to constitute a unified authority named the "Coal Mines Environment Authority" staffed with multi-disciplinary expertise to minimize the adverse environmental impacts of coal mining projects with an integrated, multi-disciplinary approach.

The proposed bill is based on the Federal structure of India and does not infringe on the land rights of local communities or the existing provisions for wildlife conservation, biodiversity protection, and occupational health & safety, under extant Laws. The draft "Sustainable Coal Mining Bill" and the "Environment, Forest, and Mineral Laws (Amendment) Bill" crafted by NIAS were discussed during a virtual stakeholder consultation workshop on September 5, 2020. This report includes the key recommendations received during the Workshop as well as the updated and improved drafts of the two bills in the form of a consultation paper.

12 **Keywords:**

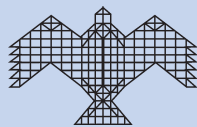
Environmental protection, Forest clearance, Mine closure, Mining plan, Pollution control

- 13 **Security Classification** : Unrestricted



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