

CALLING ATTENTION

Sub: Reply to Calling Attention moved by Shri Chandrakant (Babu) Kavlekar, Leader of Opposition, Goa Legislative Assembly.

Speaker Sir,

1. It is a co-shared concern of all the Members of Goa Legislative Assembly, that mining should immediately resume in the State in the interest of the people directly or indirectly related with mining and allied activities in the State of Goa.
2. The co-shared concerns of this August House after the Judgment and Order of Hon'ble Supreme Court of India dated 07/02/2018 in W.P. No.711/2015 thereby banning mining operations in State from 15/03/2018 culminated in cohesive and united efforts of both Ruling and Opposition party in passing unanimous resolution favoring resumption of mining in the State at the earliest. It was also resolved to approach the Central Government for necessary measures to be initiated in this behalf as Mines and Minerals Development is a subject directly under the domain of Union of India under the Constitution of India.
3. Indian Parliament, while enacting MMDR Amendment Act, 2015, introduced a transparent regime of grant of mineral leases by ensuring maximum returns to the State

Government. The Amendment resulted in shift in the legislative policy of grant of such leases by preferential treatment of first come first serve basis as was done earlier.

4. However, Parliament in its wisdom in order to have a smooth transition into new regime after MMDR Amendment Act, 2015 did not disturb the livelihood of persons employed by erstwhile leaseholders and protected the renewals granted till 12/01/2015. The MMDR Amendment Act, 2015 in case of pending renewal applications beyond 50 years as on 12/01/2015 gave a window period of 5 years till 31/03/2020 to such leaseholders, so that there was no immediate displacement of large number of people employed directly or indirectly related with mining activities.
5. Hon'ble Apex Court Judgment and Order dated 07/02/2018 in W.P No. 711/2015 has not only quashed and set aside 88 renewals granted by the State Government based upon interpretation of High Court of Bombay Order dated 13/08/2014, which Judgment was quashed by Hon'ble Apex Court by said Judgment dated 07/02/2018 but also restricted window period for winding up of mining operations by providing just one month and eight days upto 15/03/2018 and not even till 31/03/2020 which is minimal period as per MMDR Amendment Act, 2015. The Apex Court though has granted liberty to the State Government to grant leases under the MMDR Act.

6. Even before the Judgment dated 07/02/2018, immediately after MMDR Amendment Act, 2015, the State Government during First deliberation meeting in New Delhi held on 18/01/2015 by Ministry of Mines, Government of India, brought to the notice of Hon'ble Minister for Mines, Government of India that the deemed leases in Goa, as per Abolition Act 1987, needs special attention to bring them at par with the leases protected for 50 years in rest of the Country. The said demand is not negated so far by Central Government explicitly in any of the communication received by the State Government till date.
7. The State Government consistently is making all efforts for early resumption of mining activities in the State of Goa and has sought Legislative cure being fastest and amicable remedy on the issue. However in doing so, the State Government does not wish to leave any stone unturned, so that the final outcome or solution should withstand the test of judicial review and at the same time, such solution shall safeguard interest of mining effected people and help in early resumption of mining activities in the State of Goa.

Therefore, the State Government requests all the Members of House to stand with the State Government in its endeavor for early resumption of mining activities in State in the interest of people and economy of the State of Goa.

