

INDIA ADR WEEK DAY 3: MUMBAI

**Dispute Resolution in the Indian Mining Sector: Balancing Environmental
Concerns and Contractual Obligations**

12:30 PM To 01:30 PM IST

MODERATOR

Mr. Samit Shukla - Partner, Trilegal

SPEAKERS

Mr. Bhalchandra Patil – Vice President, Enviro Analyst & Engineers Pvt. Ltd.

Ms. Gayatri Singh – Senior Advocate, Bombay High Court

**Mr. Sat Prakash – General Counsel and Head of Corporate Affairs, Lloyds
Metals & Energy Ltd.**

Mr. Tarpit Patni – Head Legal, Mumbai Zone, Godrej Properties

Mr. Sidharth Reddy Indukuri – Managing Director, Indukuri Group

1 **HOST:** May I request everyone to please settle down? We will be starting with the next session
 2 now. The session is being hosted by Trilegal. The topic of the session is, "Dispute Resolution
 3 in the Indian Mining Sector: Balancing Environmental Concerns and Contractual
 4 Obligations." The Moderator of the session is Mr. Samit Shukla. The speakers of the session
 5 are Bhalchandra Patil, Ms. Gayatri Singh, Mr. Sat Prakash, Mr. Sidharth Indukuri and Mr.
 6 Tarpit Patni. May I request all the panellists to please come on stage? Thank you.

7 **SAMIT SHUKLA:** Hi. Good afternoon, everyone. It's my privilege to moderate today's panel
 8 which brings together distinguished representatives across the mining sector, including
 9 industry stakeholders, ex-regulators, legal experts and professionals from allied sectors. We
 10 are honoured to be joined by Mr. Sat Prakash, General Counsel and Head of Corporate Affairs
 11 Lloyds Metals & Energy Ltd. Mr. Sidharth Reddy Indukuri, Managing Director at Indukuri
 12 Group. Mr. Bhalchandra Patil, current Vice President, of Enviro Analyst & Engineering Private
 13 Limited, Former Municipal Commissioner and Member of State Environment Assessment
 14 Authority. Miss Gayatri Singh, Senior Advocate at Bombay High Court. Mr. Tarpit Patni, Head
 15 of Legal-Mumbai, Godrej Properties. As introduced, this session will delve upon complex
 16 interplay between environmental regulations and mining contracts with a particular focus on
 17 ESG compliance and the enforceability of sustainability clauses in a mining protest. As all of
 18 us know in a lighter note, mining has always been used as a taboo for environmental law, but
 19 it's not exactly what it is and what we expect from our panellists, too. So, we look forward to
 20 the thought provoking discussion and valuable insights that will benefit all the stakeholders in
 21 this sector. Without further ado let's begin. If I request Mr. Sat Prakash, what are the current
 22 challenges faced by the Indian mining sector?

23 **SAT PRAKASH:** Good morning, everyone. Thank you for giving me this opportunity to start
 24 with the challenges that are being faced by the mining sector. To start with, since this session
 25 is to be aligned around the ESG being at the focal centre. ESG is Environmental, Social and
 26 Governance, and the sustainability of the mining has also to be seen. So, I'll start with telling
 27 that sustainable development is a very important concept in the mining industry and all
 28 industries. And the best definition till date I have found is, it is a marriage between economy
 29 and ecology. So, there has to be a marriage between both. You have to have economy running,
 30 you have to also control the ecology, and you have to maintain it for the future generation. This
 31 is the hallmark of everything. With that at the background, I'd like to term down few challenges
 32 which are being faced in the mining industry. Today, we can decide which venue can a hotel
 33 be for this conference, where we want to stay, where we want to fly, where are manufacturing
 34 unit can be, where our shop can be, where your house can be. But you cannot decide where the

TERES

1 mine has to be. The mine will be where it is. You have to go to the mine, face the challenges
 2 there, understand what are the pros and cons related to that. And you have to excavate. That
 3 is the thing. Second is the most important thing is the branding along the mining sector. People
 4 speak less on the branding of the mining sector. Today, the branding sector of the mining
 5 sector is that, oh! it is a mafia. Bad people are involved into that. Lot of things. There are illegal
 6 mining. *Ped katate hain*. A lot of things are being talked about mining sector. There has to be
 7 a good mining branding. Because today you can't imagine anything without a mining. Today
 8 we are sitting in this hotel. Can you imagine this hotel coming up without mining? Cement,
 9 steel, even your specs, all those who are wearing, it cannot come without mining. It's, mining
 10 is so important. Third is, we have to also get into the under explored potential of the mining
 11 industry. Today, till now in the country, we have huge potential of resources made the major,
 12 minor all types of minerals. But what are we doing? We have only done around 10% of the
 13 potentials that is available in the country. 90 is still to be done. Huge work with all of us at
 14 hands.

15 Having said that, the challenges are also around the mining. What are the mining today? We
 16 have deeper mines. We have older mines in the country where we are doing. The cost of mining
 17 is increasing. We have been told to improve, ramp up the production, decrease the cost. But
 18 the mines going deeper, the older mines. It is becoming a costly affair, which leads that, we
 19 need to together work on opening new mines in the country. So, that is another challenge. The
 20 dynamics of the mining industries keep changing, where if you are talking about coal, you are
 21 talking about iron ore. Iron ore is generally on the hills where you will be having forest. You
 22 will be having to deal with the Forest Department, government for the clearances. If you are
 23 going for a coal mining, you will be seeing lot of inhabited areas over the mining area, you will
 24 have to deal with the public to remove the houses before you do the mining. Similarly, land
 25 acquisition, R&R, Land acquisition. The new Act has come in 2013, the very Act. The name is
 26 so long. You will see that the entire legislative intent is there, built in. Okay, then, apart from
 27 that there are other challenges that we have to do, take care is that the compliances are
 28 required. In the mining sector, you have to go for the mining plan approval, EC clearance, FC
 29 clearance, CTO, CTE and therefore, which makes the gestation period for the mind to start so
 30 long that you start with an intent. Four years, five years and are down the line, you will be
 31 actually able to start with the mining. So, there are lot of challenges. Other speakers will also
 32 take the forum, and we will all keep adding to whatever we said. Thank you for the opportunity.

33 **SAMIT SHUKLA:** Thank you Mr. Sat Prakash. Sidharth, coming to you. According to you,
 34 what are the challenges that you face while undertaking business in the mining sector? What
 35 are your views as a stakeholder? That we would like to know.

TERES

1 **SIDHARTH REDDY INDUKURI:** Hi, I'm Sidharth. I'm the Managing Director of Indukuri
 2 Group. We specialize in underground coal mining and we're mostly in Jharkhand. We do a bit
 3 of opencast as well, but that's what we do. So, I think from a challenge perspective, we were
 4 just having this conversation earlier. I think the biggest challenge is everyone's put it is the
 5 perception around mining. We're almost considered the black sheep of the family where we're
 6 only meant to do not the good things and good things. So, basically I think in terms of
 7 challenges though, I think Sat Prakash Sir has already spoken elaborately, and he's explained
 8 that the timeline is one of the main things and some of the other things that he's discussed.
 9 But from a policy point of view, I think most of these minerals now are auctioned, which are
 10 auctioned by Central Government agencies or the Ministry itself. But then all your approvals
 11 later on, you have to go to the State Government, and there's no dialogue in the Contract at
 12 least, but the State Government is involved. So, the vesting rights are given to you first, but
 13 then everything else you have to go to the State Government, to your local pollution body, the
 14 public administration. Everything is done by the state. And they're not Party to the Contract;
 15 so, I think some amount of state buy-in into these projects ahead of time would really help in
 16 terms of the actual setting up of the projects and operating them. And even especially from an
 17 ESG point of view when it comes to the social part, I think right now, most of these mines
 18 again, they're allotted to you and then you go to the State Government. You have to get all your
 19 approvals and you go to the public, and you have to get all of your rehabilitation, resettlement
 20 through them, but it is an unbalanced sort of bargaining power in their favour. I think it's been
 21 set up in a way so that they're not exploited. But I think it's very unbalanced today to an extent
 22 where there's no involvement of the government, but it's all the private parties that have to do
 23 it. So, I think these are two main themes that, at least stood out to me when I was trying to
 24 think about how to balance the two and what can be done to make it better. And I think the
 25 litigation and the other parts of the legal side, the other experts will speak. Thanks.

26 **SAMIT SHUKLA:** Thank you Sidharth for this. Mr. Patil, coming to you. You being a
 27 Regulator yourself, we would really like to know your perception as far as the mining sector is
 28 concerned.

29 **BHALCHANDRA PATIL:** Sure. As it was said by my other panellists, really, the mining is
 30 a really challenge for all of us. We can't survive without extracting the mines from the earth.
 31 Everything, you must have seen, everything, as said by Sat Prakash sir, Cement, Steel, Ores,
 32 all these things, vertical metals, everything, not only in solid forms, even in liquid forms, in
 33 gaseous forms. So, whatever we think, we take it from the, extract from the ground, and
 34 ultimately that is going to have the impact on the economy. And to compensate, it is very
 35 essential to take care of that. But at the same time, what happens is that you have seen that in
 36 lot, in few years, lot of changes, climate changes are there and these are so impacted mining

TERES

1 operations to large extent. You must have seen, there are a lot of floodings are happening in
 2 the mining places, causing the disruption in the mining processes. Some of the areas like you
 3 will find some mining, huge amount of this thing, the ores and minerals in the areas of eco-
 4 sensitive zones or going to be converted into eco-sensitive zones, then forest areas. And lot of
 5 problems are there. Whenever you go to the, as it is said by the earlier panellists, it takes almost
 6 two to three years or more than that to get the clearances. And process is so tedious that it has
 7 to go to what you call the one person from the local person called as RFO. Then DFO, then the
 8 Deputy, another person, Director, then ultimately it then goes to some state level authority,
 9 then goes to uppermost and it takes huge amount of time. We have to convince them. Apart
 10 from the what is the compensation or what is royalty and other things are okay. That's okay.
 11 Huge amount of increases also there. That also you must be aware of this thing. But once we
 12 said we all, as a business, we have to bear with the cost. But we can't bear with the time. That's
 13 very important. And that time, how to bridge the time and how to reduce that, it's important
 14 for us. As said by the earlier Panellist again, the impact of local or the interference of the
 15 residents, habitats and so called mafia or other people, because when it has come as a business,
 16 the people are more attracted to do the such type of business. So, they are, before start-up
 17 process, even during the operation, they say operation, they stop the process and whole
 18 economy or whole cash-flow of the system gets disturbed. So, there has to be a certain
 19 regulation. There are of course, certain reforms has been made by the MoEF and government
 20 to streamline the things together, but at the same time, it is not getting so much synchronized.
 21 And people are just saying all the business months getting suffered. Besides that, one
 22 important thing is that once the mining operation is done again, the things are there, as we
 23 said as an environmental monitoring and another thing, post mining operations when closure
 24 comes. The closure is not done for so many reasons, not only because people don't want to
 25 date. There are a lot of problems, other issues are there. People don't allow. They says *ki quarry*
 26 *aise hi rahne do. Ye quarry aise hi rahne do, iske andar kuchh aur kuchh karna hai, kuchh*
 27 *bhi karna hai. Wahaan bhi fill up karne ka hai to material kahaan se laaney ka hai?* That is
 28 also important. *Udhar bhi water store karna hai.* These are, of course, the mitigations are
 29 there but *uske liye*, everything has to be fought, that particular owner of the thing has to fight
 30 for all those things. He cannot simply procure the resources. So, these are all challenges are
 31 there from an environmental point of view. There are certain few other changes have been
 32 made as far as the cluster mining system is there, that in case someone wants to do this mining
 33 in verbal site at some other few distance of 1 km or so. If they have another cluster, they can
 34 bring the environmental system like air monitoring, water monitoring other things together.
 35 That is a good reform that has been made. But it has to be again, that has to be consensus.
 36 There should be consensus in this. Many of the people or people who are doing this business

TERES

1 in the cluster development, has to come together and to find out the solutions. All challenges
2 has to be made simultaneously and coming together to resolve the issues.

3 **SAMIT SHUKLA:** Thank you. So much, Mr. Patil, having discussed the problems with the
4 sector as a stakeholder, Sidharth, we would like to ask you, what are the steps do you take to
5 ensure sustainable mining?

6 **SIDHARTH REDDY INDUKURI:** I think it's two parts to at least, in terms of what we can
7 do, as what is the industry, I would say is, I think the implementation part, I think the rules
8 are all reasonably framed. The environmental clearances are, there's all sorts of safeguards
9 that are taken from a soil, water, air, all of that. I think it's the implementation of the oversight
10 which I think there is enough systems in place, but I think that can improve and that can be
11 even to an extent, automated or through video intelligence and things like that can be brought
12 in where sensors and video intelligence where you can actually monitor it and implement it
13 better. And if you look at an overall perspective, in my view, at least four resources such a coal
14 where there's abundant resources in underground and essentially, when you do an
15 underground mine, technically you do an open cast mine or a surface mine, you remove the
16 entire earth. And then you take the ore out, and then you fill it back in, in some form, and
17 there's rules and regulations around that, but when you do underground mining, you just
18 make two tunnels or a shaft and you go down, you can go up to... In India, currently working
19 at coal itself at 700 meters, I think gold goes much lower. So, you can go all the way down and
20 you can mine. Then you don't have to really rehabilitate and resettle people completely. There
21 is a little bit of subsidence that happens. But at least you're not damaging mother earth, to an
22 extent where underground mining is possible. So, I think a push towards that, I think it's
23 happening. I think the Prime Minister's Office is focusing on that, but I think a greater push
24 towards that would really help in minimizing our impact. And I think from a general point of
25 view, I think following an implementation of the rules is more than enough in terms of what
26 needs to be done, rather than coming up with new things. But again, I'll say subject matter
27 experts can add more. But that's what I understand, and I can see.

28 **SAMIT SHUKLA:** Thank you so much, Sidharth. Mr. Sat Prakash, we would also like to have
29 your views on this, please.

30 **SAT PRAKASH:** Yeah. For sustainable mining and to overcome all the difficulties, we should
31 start where the law stops. Okay. The law stops at all the compliances. It says that you have to
32 take mining plan. Okay, done. EC clearances. There are a lot of processes for EC clearances.
33 You have to run through the public hearing where the public has to participate and raise their
34 concerns. You go for forest clearances. There are two stages with lot of approvals around it.

TERES

1 You have to go for wildlife clearances where you ensure that your mining is not falling in a
2 tiger corridor or any wildlife sanctuary or forest. Then you have to go for CT, CTO all that.
3 Where everything stops, a new chapter starts, and if the miners are ready to take that
4 responsibility, nothing can stop proper mining to happen, and that is called as social licensing.

5 Today, we need to take the society along wherever we work. We need to ensure that they accept
6 us, they trust us, we follow the ethics, we follow all the rules and regulations, and we should
7 show that we are there for you. Maybe you are not giving them benefits in terms of cash, but
8 in terms of kind, the benefit has to go. Your CSR funds has to be properly utilized. We have to
9 ensure that they get good education there. We have to ensure that they not only get jobs, there
10 are lot of job demands when you are doing mining. And the biggest constraint is that you have
11 limited jobs to give. Because even the mining laws does not allow our job beyond a particular
12 number because safety will come into the picture. So, you have to create job. The companies
13 doing mining, they should bring apparel industries, shoemaking industries, lot of industries
14 where the women of that area can be part of it. Bring education. Today we are sending people
15 from Gadchiroli to Curtin University in Australia with a view not only to educate them, with a
16 view that once they come back, they can rise to the highest level in the organization. This is
17 how the social licensing can be adopted and given. Once the society gives you the license to
18 work, nothing can stop you from proceeding further. This is how we tend to mitigate the issues
19 which are coming in the process.

20 **SAMIT SHUKLA:** Thank you so much, Sidharth and Sat Prakash. It heartens us how you all
21 have encouraged sustainable mining. Now, moving forward, having spoken about the laws,
22 right, we have a Legal Expert. Ms. Singh, we would like your views as to what the amendments
23 in the mining laws and especially the 2023 and 2025 mining laws. And what are the impact in
24 view of the private sector participation?

25 **GAYATRI SINGH:** So, the topic is very big but I will concentrate only just on a few
26 amendments. I would just like to say that I'm the minority voice, actually here, because I would
27 not agree with what is being said that there is a total imbalance of power, in terms of the
28 government, in terms of the mine operators, and in terms of the workers and the people, local
29 people who reside there. So, there's a total imbalance. As far as the regulatory mechanism is
30 concerned, it does not function. I'm amazed at the way in which things are operating and we
31 tend to put the blame on someone else; this is happening because there's a mafia there, or
32 whatever it is. I'll just give two, three examples, as far as the amendments are concerned, to
33 see how actually, it is the private operators who are benefiting, with the government
34 benefiting, a small amount in terms of royalty, etc., but what are the violations that are taking
35 place on a massive scale. It's not just one or two districts where it's happening, it's happening

TERES

1 in all the old mining districts, particularly Chhattisgarh, *apna* Jharkhand, MP, Odisha, West
 2 Bengal, you will find that wherever open cast or underground mines that have taken place,
 3 people have not been rehabilitated. People have been suffering in terms of various health
 4 illnesses, etc. I don't want to go into too much of details. We are aware of these facts but let us
 5 just look at the three amendments that have taken place. If we look, you can stop me if I go
 6 take a little bit longer. From 2014 till 2025, let us just look at the amendments that took place.
 7 Those amendments were basically what the government said was, that these amendments are
 8 taking place because we want to bring in transparency, we want to open it up for private
 9 operators, we want delay to be sorted out. And we want a fair price. The government wants a
 10 fair price in terms of royalty. These are the four conditions on which amendments have taken
 11 place. So, let us look at the 2015 amendment, which was basically 8(b) or 8(a) of the Mines
 12 and Minerals Development and Regulation Act of 1955, which basically said, the amendment
 13 was that the period of, the validity period of the mining license could be extended from 30 to
 14 50 years. 30 to 50 years, it would be extended. Now, what was the benefit that people got?
 15 They basically are Mining Lease which was extended for 30 years previously, could now be
 16 extended for 50 years. And what were the conditions under which we will see another two
 17 amendments that took place in 2021. What were those amendments? One was a very serious
 18 amendment. That was 8(b), which basically said that any clearances, licenses, etc., which are
 19 granted to the Lease Operator will remain valid even if the Lease Agreement has, Lease License
 20 has been terminated. Isn't this shocking that you will continue to have the clearances, you will
 21 continue to operate under the earlier permissions even if your Lease License has been
 22 terminated or it's expired? So, this is a major amendment that has been introduced in 2021,
 23 the speakers, I think should just say how it works so it doesn't work and the Third Amendment,
 24 which was also in 2021, was the definition of mine. I will just read that definition because that
 25 is also very important. It basically said that "a mine continues to be a mine till exhaustion of
 26 its minable mineral reserve." So, till the exhaustion of your minerals in that particular mine,
 27 it will continue. So, the question that arose, and this came up before the Supreme Court and
 28 the Kerala High Court was, will term Leaseholder. if the lease is to be extended for 50 years,
 29 from 30 to 50 years, book of clearances that were earlier given under the EC, under the EIA
 30 notification, would that EC, which was earlier given, would it continue after 20 years? And the
 31 Leaseholders went up to the High Court because the government said, no, it will not continue.
 32 The Leaseholders went to the Supreme Court and said, that lease, extension of a lease or
 33 renewal of a lease is not the same as asking for a fresh Lease License. So, which basically meant
 34 that an EIA, which is supposed to be read along with the Mines Act, the EIA notification, we
 35 are supposed to give more importance to the Environment Clearances. Now, ultimately, what
 36 the Leaseholder said was that till the minerals are exhausted, our mine lease will continue till
 37 it's exhausted. So the Project Life was seen as the same as a mine life. Now, this is really

TERES

1 problematic because your Project Life might be for a particular period, your Lease Agreement
 2 might be for a particular period. But it continues even though your, this agreement has expired
 3 because there is still mineral to be mined inside the mine. So, that is one problem. And the
 4 second problem is and I will stop at that is that when we are talking of an EC, earlier under the
 5 EIA notification of 2006, there was three categories which were set out under the EIA. One
 6 was major industrial units, mines, dams, all that will come under Category A, and therefore
 7 MoEF or the Central Government would be the body which will look into these clearances. The
 8 Expert Appraisal Committee is supposed to look at the environment issues and grants the EC.
 9 Now, while granting the EC, they are supposed to do a screening. They're supposed to do a
 10 scoping test. They are supposed to allow for public consultations. With this amendment,
 11 basically what the Leaseholders are saying we are not required to have a fresh EC done.
 12 Whatever was granted 30 years back will continue, even if it is extended for 50 years. And the
 13 second problem is that the Leaseholders are saying that the environment, EIA is not
 14 important. It's not really so relevant. It is the MMDR Act, that is the Mines and Minerals Act,
 15 which will prevail over the EPA. So the Environment Protection Act is given a subsidiary role,
 16 and the MMDRA will prevail over that. What that implies is that the EC will not be given by
 17 an expert body, but by a body which is authorized under the MMDR Act, which is basically, I
 18 would presume is the body which plans the mining plan. So, the mining plan that is prepared
 19 by a Geologist or by Engineer would be the authority to decide whether clearance is to be given
 20 or not. So, this is my major objection to the..., and these are just three minor amendments,
 21 three, not minor really, but major amendments that have been carried out, which really show
 22 that the preference is through health and aid, the private Leaseholders and not for the benefits
 23 of the public, which is absolutely essential when we are talking of environment degradation
 24 whereas the people being displaced, not being rehabilitated. There are umpteen number of
 25 examples which we can give. And finally, I will just say on the ESG, that ESG, people talk a lot
 26 about ESG, this great thing about ESG, and then the government will ensure that the ESG
 27 norms are compliance with or not. But this is not a regulatory mechanism. It is more voluntary
 28 provision which the Leaseholders are supposed to put it in a format which is given by SEBI.
 29 SEBI has given a long, drawn out format as to the questions and answers that should be given.
 30 So some of the questions are, how many workers do you have? Where do they work? Are they
 31 covenant, temporary? Nothing about environment protection, nothing about the
 32 rehabilitation, nothing about various other Acts, and we already have various Acts which
 33 provide for protections. Fr example, the EPA. You have the Mines Act. You have various other
 34 Acts which provide for protection of the local people. So the emphasis should be on a
 35 regulatory mechanism which will ensure that these provisions are implemented.

TERES

1 **SAMIT SHUKLA:** Thank you so much, ma'am. It's always an honour to listen to your views,
2 though the stakeholders are not very comfortable with that. And I saw Sidharth's face when
3 you said Jharkhand. Just moving on to the...

4 **BHALCHANDRA PATIL:** The next point in this, see what happens, as rightly said by
5 Madam, EIA is one of the important document. But once the operations start, it is not being
6 followed scrupulously. See, post monitoring compliances. You must have seen, not, there are
7 not less than 60 to 70 post-monitoring compliances are there, but those are being ignored.
8 That's the main thing in which everything is there. But those are being, it is stated as a
9 secondary, and the regulatory body we supposed to look after this, is not so much bothered to
10 implement or execute it, executed from the people. And that's the more important thing,
11 because what happens, see before the commission of the plant or before the commission of
12 operation, there is no damage. Damage or also environmental damage, I can say, and damage
13 starts also, erosion start from thereafter. So, compliance is most important thing, and that has
14 to be taken care of. So, environmental management plan is not, EIA is not only, an
15 environmental management plan is important, post monitoring compliances are very
16 important, this thing. Then only, as madam said, the things can be become sustainable. It can
17 become a very streak implementation will be there.

18 **SAMIT SHUKLA:** Thank you so much, sir. Mr. Patni, if you could also share your views on
19 the amendments from the lease mining sector.

20 **TARPIT PATNI:** That's okay. I hope it's okay. Yeah. Thank you so much for having me here
21 while ma'am has already spoken about the amendments. Two things I really find which could
22 help and aid in the ESG mechanisms or actually protection. So, 2015, when the amendment
23 came, regulatory or a restoration fund was to be set up at the state level. Now, in the 2025
24 Amendment, the Government has mandated a national fund needs to be set up for restoration,
25 rehabilitation of the mining areas. Of course, new 500 mines could be explored, which has
26 come as the agenda. So that's fund. But the fundamental question picking up from Mr. Where
27 Mr. Patil said is the utilization. A fund can be set up. But until and unless the same is utilized,
28 I don't think it will make a difference. Again, taking a cue from what ma'am has said and what
29 Mr. Patil has said, now when the lease is granted. Now, what has happened in the industry,
30 I'm purely saying from an outside purview, the regulatory authority has actually becoming the
31 Licensee authority and the Leasing authority. So, any issue which is coming up actually is
32 coming before the Leasing authority, which they cannot go back against their own orders.
33 Environmental Protection Act, or EIA, is only granting at the stage when the industry has been
34 set up, a mine is being set up, but there is no regulatory oversight or any different authority
35 which are actually looking at post setting up for that period of 30 years, 50 years. Every issue,

TERES

1 which I'm again saying from a very layman perspective, actually, is going and picked up by the
 2 NGT or the Supreme Court. Environment Clearance was required from 1994, again in 2006,
 3 but Justice Lokur had to write a 240 page judgment in 2017 to say the Environmental
 4 Clearance is necessary for the purpose of setting up a mine, which to my mind, with due respect
 5 to my co-panellists, was not required. So, I generally feel there is a requirement or a debate.
 6 With every three years, there is an amendment which is coming into the mines, different kinds
 7 of, there is a policy coming in, there is an amendment in the Act coming in, but I don't really
 8 see how it is being implemented. So, if there is a body or maybe since we are speaking here,
 9 there is an Alternated Dispute Resolution body which is set up, not saying we go to arbitration
 10 or mediation, but a regulatory body or an oversight body, which can actually look into these
 11 kinds of issues wherein people who are actually affected can go put their grievance and get this
 12 result which has to be independent. That's a moot idea, I think, which I have in my mind,
 13 which we can of course, pick it up. But those have not been covered by the amendments but
 14 there's a setup of a fund, so I hope money would be there to set up these kinds of oversight
 15 body and which can look at.

16 **SAMIT SHUKLA:** Thank you, Mr. Patni. But also please make sure that we lawyers don't
 17 lose work. So these amendments are better for us. Moving on to the next question to Mr. Sat
 18 Prakash. According to what are the requisites for obtaining government tenders as far as for
 19 mining Contracts?

20 **SAT PRAKASH:** I'll take the liberty to speak one line, prior to that.

21 **SAMIT SHUKLA:** All yours, sir.

22 **SAT PRAKASH:** We need to understand that mining is not a standalone activity. Mine *kiya*
 23 *nikal liya*. The coal that you have taken out or anything that you have taken out from the
 24 Mother Earth has been taken out for a particular purpose. End user. There are labours on one
 25 side, there are end users on the other side. So, it's a chain activity that we need to understand.
 26 Why did the legislative intent behind increasing the mining lease to 50 years with a view of a
 27 purpose that we need to increase our Ore production in the country. We were heavily
 28 dependent on ex-imports. It is also increasing the cost of everything that you are purchasing.
 29 So, that was the purpose. When it comes to Environmental Clearances. Yes, I totally agree with
 30 ma'am, with my other panellists that when EC is a mandatory thing, whenever there is a
 31 production, EC has a capacity attached to it to make an application for 3 million tonne, you
 32 make an application for 5 million tonne, 10 million tonnes. And that continues till when you
 33 decide that your EC, your production has to increase the moment you decide that your
 34 production has to increase, you will have to run through another entire process of increasing

TERES

1 your EC to that capacity. So regulations are very good in the country. We need to together
 2 ensure that we follow the regulations. If we follow the regulations, believe me, the ESG
 3 concepts will be well followed. I do not say that what I am telling is being followed. What I
 4 pointed out is that what are the major difficulties with the country is facing. What ma'am said,
 5 I totally agree with that. That we need to work out a framework where we together make this
 6 industry a doable industry, make this industry, a more compliant industry. And above all, our
 7 social licensing is very important. Where we work, the people should know that we are for
 8 them.

9 Now, coming to your question, is that basically, what are the requirements for participating in
 10 a government tenders? Yes, it's only 5, 6, 7, 10 requirements. You should be a registered
 11 company or a consortium, one. Your tax clearance certificates for the last two, three years will
 12 be checked while you are making the bid. This financial audited statements will be required
 13 for five to, three to five years. That is very important aspect, that you should not have been
 14 blacklisted by any other government agency in the past. Otherwise you will be debarred from
 15 participating in that, you should be having a past experience of having operated in having good
 16 mining operations. And very important thing, you should be in a position to give a good hefty
 17 bank guarantee or a performance bank bond. So show that you are able to take large scale
 18 mining operations. That is the requirement for participating in the tender.

19 **SAMIT SHUKLA:** Basically, sir, we wanted to know how are you making money.

20 **SAT PRAKASH:** You take people along, you will make money.

21 **SAMIT SHUKLA:** Moving on. This is for you, Sidharth. How can local communities be
 22 empowered within the mining Contracts and dispute resolution frameworks, according to
 23 you?

24 **SIDHARTH REDDY INDUKURI:** So, I think.. can you repeat the question again? Sorry.

25 **SAMIT SHUKLA:** So, the question to you is how can local communities be empowered
 26 within the mining Contracts and dispute resolution framework?

27 **SIDHARTH REDDY INDUKURI:** So, from a dispute resolution framework, I will go back
 28 to what I said earlier when I started off with how the current auctions or the way the mines are
 29 being currently auctioned. It is that you're thrown in the dark, immediately after you get the
 30 mine, you're thrown into the area and you have to figure out everything yourself. You have to
 31 deal with the local villages and the people as well as the state government. I think if there is
 32 some sort of a buy-in first to start with from the communities before these bids are put out

TERES

1 because the government is best placed to actually be able to say that if you decide that this area
 2 is supposed to be where there is a mineral that is there that is to be taken out for the good of
 3 the country or for the requirement of whatever industry in the country. I think if there's a buy-
 4 in from the local community of some sort ahead of time, it makes things easier to start with.
 5 And there itself, there could be a committee or some sort of a buy-in from the Gram Panchayat
 6 or the Gram Sabha, something on those lines if it's there, where, if there are any issues, then
 7 we can go to that same body which earlier agreed to this. I think it'll make the whole process
 8 better, because today it's the Contractor, the Auctioneer, the person who has been allotted the
 9 mine is going there, and it's almost a fight on a daily basis where it's a negotiation and a fight
 10 and a bargaining, and there's not a good relationship at all. So if there's some sort of a buy-in,
 11 that can happen before. And a set-up of whether it's the Gram Sabha or the Panchayat that are
 12 empowered to actually discuss on certain issues, if that's decided ahead of time, and that's part
 13 of the Contract and the state government become part of the Contract in some form. I think
 14 that's something that I can think of which will ease in this process a little bit, but I think from
 15 a legal point of view, again, what to set up, I think it'll come from others.

16 **SAMIT SHUKLA:** Thank you so much, Sidharth. Moving on to next, Mr. Patil, this question
 17 is for you. How do current mining practices impact local ecosystems and communities?

18 **BHALCHANDRA PATIL:** See, when we start with the mining operation in any of the areas,
 19 it not only affects the land, but also affect the air and the total atmosphere you have there.
 20 When we extract anything, any, from the Mother Earth, there are going to be cavities inside it,
 21 number one. Number two, during the mining operation, there will be lot of amount of dust
 22 emission will be there, noise, but there will be noise generation will be there, soil erosion will
 23 be there. There will be a possibility of that run-off may get diverted if suppose the stream is
 24 passing, water steam is passing because what are the mining operation that has been executed
 25 at many places doesn't will be on a plain surface. It may be a sloping surface. It may be hilly
 26 portion or whatsoever is there. So lot of things, a lot of environmental changes are happening
 27 in such places. And in doing so, in doing so, we will have to take care of all those things in
 28 terms of, we have to divert the if at all, if it is going to have the storm water distinguishing, we
 29 have to divert the storm water system properly. Number one, if it is the thing. During the
 30 process, you must be knowing that once the vegetation is there and if the mining operation is
 31 going to be take over there, you have to do the lot of things. It's not only reduction in the
 32 number of things but also result into the land erosion, and particularly at top soil, which is
 33 very enriched in its fertility point of view also, get this thing washed away. So all these things
 34 has to be taken care of. Whenever you do this thing, ensure that the top soil that has been what
 35 normally you call, as per the manuals, we say that about 15 cm of soil has to be treated as a
 36 stop or just in good soil for the purpose of tree plantation. Again, this is to be preserved. So

TERES

1 that is, number two is that, as I said noise is, suppose habitants. There may be possibility that
 2 fewer meters will be very close to this thing. And then a village because of the heavy population,
 3 you must have seen that all of these things, mining, wherever the mining are there. The regions
 4 are really closer goes to that, mining operations. So, there is possibility that the water, the
 5 water that has been may also get contaminated, as I said, air also get contaminated. So, we
 6 have to see from that perspective that how the water doesn't get contaminated, because what
 7 will happen, there are two aspects are there. There will be a sort of what you call the process
 8 may involve the use of the chemicals during the course of mining operation. That may get
 9 percolated in this thing, Earth. And if those got mixed up with the water, the thing will get
 10 disturbed in the near proximity, wherever that contaminated soils are. Number three, again,
 11 it gets the duplication in the groundwater level. That's another point is there. Then another
 12 thing, as I said, is that a lot of trees getting disturbed, the ecosystem gets imbalanced. We have
 13 to ensure that. Immediately, we start with the tree plantation, other things are there. Then as
 14 a green cover also guess. As I said, green cover also gets reduced to larger extent beside that.
 15 There will be a sort of a water scarcity because mining operation, if it is employing a lot of
 16 things during the course of this thing, there will be use of water for the cleaning of the mining
 17 products or whatever is there, used by the people and other things. So extraction will be there,
 18 so that will deprecate the water level again. So all these things have to be cared now, are taken
 19 care of. Then as of air pollution. Then there will be a sort of health problems will be there. It
 20 can be occupation hazards are there for the employees. It can be respiratory problems or any
 21 other type of problems are there for the nearby residents and all these things are contributing
 22 to the environmental damage. But it has to be taken care as I said in your environmental
 23 mitigations or the post monitoring compliance or whatsoever is there.

24 **SAMIT SHUKLA:** Thank you so much, Mr. Patil. Moving on. And before we do, apologies
 25 Mr. Sat Prakash and Sidharth for asking this question to ma'am. Ma'am, if you had to draft a
 26 contract to balance the environmental concerns coupled with labour protection or dispute
 27 resolution, what according to you is an ideal Contract which balances all stakeholders?

28 **GAYATRI SINGH:** Again, ...devil advocate.

29 **SAMIT SHUKLA:** That's what we want from you, Ma'am.

30 **GAYATRI SINGH:** A question to all my panellists here that, would they consent to the local
 31 people or local representatives from that area to sit on the table to negotiate with them in terms
 32 of what that Contract should be? That is my first question. Because if you are not allowed, if
 33 you are not given the same consultation or the discussion that should be at a mutual level
 34 because you are a weaker Party, you are not, you do not have that power. You don't have that

TERES

1 connection. So, you may not be able to say what you actually want and therefore, what comes
 2 in the Contract will depend on what the Leaseholders want. And then, as a measure of some
 3 sort of a concession, they might add-on to some benefits. And I'll give just one example. We
 4 have already, I think we agree there is a Model Contract Agreement which is supposed to be
 5 signed between the government and the Leaseholders. That Model Contract Agreement is
 6 supposed to have all these issues. It's supposed to have how are you going to protect the
 7 workers? What sort of safety measures are going to be taken? How are you going to protect the
 8 environment? What sort of resettlement will take place, etc., etc. All this needs to come in the
 9 Contract and if you look at the Contract, if you look at the Model Contract, what does it have?
 10 It says, as far as workers are concerned, it says, 'must follow industry goods practices'. What
 11 is meant by good practices? What does it mean? For example, we have the Mines Act; it's a
 12 fantastic Act, I'm not saying it's great and all that, but it is a good Act. And it contains basically
 13 provisions with regard to safety, with regard to welfare, with regard to minimum wages, with
 14 regard to working hours, etc., etc. Medical check-up. There must be regular medical check-ups
 15 done of the workers and if they are sick or ill, then they should be given leave with full wages,
 16 etc., etc. I don't need to go into detail. So, why can't you just say that the provisions with regard
 17 to the existing law should be followed? As simple as that. What do we mean by good practices?
 18 So, everywhere you have, industry must follow, the company must follow good industry
 19 practices. Then we come to, question of land acquisition. What are you going to say to people
 20 who are going to be displaced? Large number of people are being displaced. And what are they
 21 getting out of it? Nothing. Zero. You might be minting money, you might be profiting, you
 22 might be complaining about how the government is interfering, etc., etc. But what sort of relief
 23 are you giving to the people who are going to be displaced? And that is also very important
 24 because the Land Acquisition Act, as far as my knowledge goes, does not apply to coal bearing
 25 areas. For that, there is a specific Act called The Coal Bearing Areas (Acquisition and
 26 Development) Act of 1957. And it's horrendous. What does it say? That any land can be
 27 acquired without giving you a hearing, without giving any notice, without giving any
 28 compensation. Why? Because of the entire principle of "eminent domain". I think everyone
 29 knows what "eminent domain" means. It means that where the state feels it is absolutely
 30 essential for acquiring land in public interest, then that land can be acquired. So, what are you
 31 going to do as far as this land acquisition is concerned? Because workers are, the people are
 32 not getting any benefit out of it. Then you come to the issue of the existing laws. You have, and
 33 I'll finish in two seconds. You have the Mineral Conservation and Development Rules. And if
 34 you look at those Rules, those rules actually set out what your mining plan is. So, what is the
 35 mining plan? Whatever is set out in the mining plan should include all these issues of
 36 displacement, rehabilitation, workers being affected, local people being affected, social welfare
 37 benefits, for example where you are setting up a huge mining operations are going to be

TERES

1 conducted in a particular area. You must provide for educational schools, you must provide
 2 for hospital, you must provide for basic, basic needs. The water pollution, etc. That's a major
 3 problem. Groundwater pollution is a major problem for those people living in these areas. So,
 4 what sort of benefits are you going to provide? That is already there in the Rules. Why can't
 5 you expand on it? Why can't you elaborate in terms of what should be contained in the mining
 6 plan? Secondly, you have in the Rule, you have a chapter, and it's very shocking. You have a
 7 chapter on environment, and it says "take all possible measures for protection of environment,
 8 control of pollution". That's all. Take all measures. What measures? What sort of seriousness
 9 is there? That's fine. Secondly, where you come to a chapter talking about reclamation and
 10 rehabilitation of land. What does it say? Your precautions must be taken, then you have a
 11 section on precautions against vibrations, precautions against pollution, discharge of toxic
 12 liquid, precaution against noise, etc., etc. So everything in general is precaution. So here you
 13 have a rule. You can implement it effectively, which is not being done. And lastly, I'll just say.
 14 Can I just say, add one more..?

15 **SAMIT SHUKLA:** Please, please.

16 **GAYATRI SINGH:** I would say that when you are talking, you have a law which you are not
 17 implementing, then you have another law on the EPA, you have the EC, etc. Now, EC, as I said
 18 earlier, has a major component of it is consultation, public consultation. Even that right is
 19 being taken away and the various notifications which are being issued by MoEF. And I will just
 20 give one example of one notification which has been issued. There is a notification which was
 21 issued in 2025, and that was the amendment to the MMDR Act which basically introduced
 22 certain atomic minerals, were introduced which were not there earlier. You could not, a private
 23 Party could not find those particular minerals. Those were added to a schedule of the MMDR,
 24 which said, basically, that these are the additional minerals, which are strategic minerals,
 25 which are atomic minerals, which will be added to the Schedule. And for that private Party can
 26 now, who mining those minerals and we know particular private Owners who have
 27 approached the government for operating these. So, in order to help and aid these operators,
 28 the MoEF issued a notification which basically says that "these minerals are critical and
 29 necessary so that out of turn permissions can be given". Can you imagine an MoEF notification
 30 saying out of turn permission should be given because these are strategic minerals. These are
 31 minerals which the country requires. It's in national interest is therefore, and the second MoEF
 32 for notification says that "no consultation will take place because this is in national interest".
 33 There will be no public consultation taking place. Thanks.

TERES

1 **SAMIT SHUKLA:** Thank you so much, ma'am. I think you've lost a brief from Sidharth and
 2 Mr. Sat Prakash on this. After having heard ma'am on this, we would like to have stakeholders
 3 views on it. Mr. Sat Prakash, according to you, what should be an ideal mining Contract?

4 **SAT PRAKASH:** Ideal mining?

5 **SAMIT SHUKLA:** Mining Contract. Or basically, what would be your expectation as far as
 6 contracting for mining sector?

7 **SAT PRAKASH:** So, ma'am's second point was land. Land is the most important thing.
 8 Without a land, no one can even open a shop. So, basically, you cannot have a house, you
 9 cannot have anything. So, land is certainly very important. And what questions we put to the
 10 mining industry, the same questions are also applicable to other industries as well. Because as
 11 I said earlier, nothing is standalone. Everything is a chain activity that is happening. I myself
 12 was involved in driving land acquisition. When we were talking about government contracts,
 13 we had taken a contract in Jharkhand to do a Pakri Barwadih Mine for NTPC. That was in fact,
 14 there was an Australian company which had come, could not function, go, and huge resources
 15 of coal was there. It's an NTPC mine. I myself went and drove. And I was instrumental in
 16 getting 3000 houses demolished, another 1000 houses pending. To be demolished. Believe
 17 me, not a single person is there whom a proper rehabilitation and resettlement has not been
 18 done. We have paid for every house. We have paid for every land that has come. We have given
 19 jobs to 4000, 5000 people in that locality. Today we have got the social licensing from the
 20 people to come. They accept us like themselves and we have reached the coal production of 17
 21 million tonnes last year. This time we are doing it for 90 million and everything is nation
 22 building. We must tell that everything is nation building, what we are doing. Today, we are
 23 having power and everything. This power is coming through burning of coal somewhere. And
 24 in today's 70% to 80% of the energy is dependent on the coal itself, though we are talking about
 25 renewable source of energy and everyone should try for bringing more renewable source of
 26 energy, solar, may be wind. In fact, the manufacturing units can bring in co-generation
 27 electricity. In fact, we are also propagating that the rejects, the waste, the G-11, G-12, G-13
 28 category of coal, which is kept as waste at the mine, that we can open small, mini thermal
 29 power plants and utilize that to generate electricity and use it in that area. So, this land is very
 30 important. But yes, as ma'am said, we should make all endeavours to ensure that the person
 31 remains happy. Where jobs can be given, they should be accommodated for jobs. Their proper
 32 compensation should be done. Even the coal bearing acquisition, the Coal Bearing Act says, it
 33 has a linkage with the Land Acquisition Act of 2013, which is fair right to fair compensation,
 34 transparency in land acquisition, resettlement, rehabilitates, a big name, big name. So itself
 35 denotes the intention of the Legislature that everything has to be kept in mind while doing it.

TERES

1 Keep the people happy, give what is to be given to them. But at the same time, mining is also
 2 very important. So, this is the thing. Now coming to the Contract side. Certainly in arbitration
 3 or Contracts. I'll take the attention towards a different Act. Maybe not related to that. Motor
 4 Vehicle Act. If there is an accident, there are two types of Contracts which come out of a motor.
 5 That is when you get your vehicle ensured, there is a comprehensive policy. One is your own
 6 damage, theft and other things. The second part is your third-party. Now third-party, when
 7 there is a bone damage, you can immediately with a reinsurance company. That is your
 8 contractual obligation with the insurance company. When there is an accident and there is a
 9 third-party incident happening, you are covered to a policy, but the third-party doesn't have a
 10 Contract with neither with the insurance company nor the insurer. How is he protected? There
 11 is a contractual, so as a contractual obligation, he's protected. There's an Act which pays for a
 12 third-party compensation. And that is how he's protected. We have to work together to ensure
 13 what ma'am is telling, that how to bring it within the Contract, anything for the people there.
 14 We should be there for the people. Whatever is required in the Contract. You want to bring
 15 green into the Contract. Bring green initiative into the Contract, your vehicle should be
 16 electrified. It should run on electricity rather than diesel. Today in one mine, I'll tell by Pakri
 17 Barwadih, we are purchasing around two lakh litres of diesel every day, so that is huge. How
 18 can we reduce the carbon footprint that is there, dumps, where 90 metres dumps, that are
 19 created through the waste which is coming out of the mine; we can use it for solar
 20 empanelment. There are ponds within the mining areas. We can bring floating solar panels
 21 there. It will reduce the evaporation of the water by 5%. So many steps can be taken together.
 22 Jobs should be a condition in the Contract. When ma'am was talking about the Contracts, she
 23 was probably talking about Form K, which is in the MMDR Act and the rules which a lessee
 24 enters with the state government to get a mine. We also enter into larger Contracts when we
 25 are taking ESE mines. There, the concept of green has to be coming to the picture. We ensure
 26 and they also ensure that we give jobs to the local people. What I'm trying to say is that when
 27 it is arbitration, alternate Dispute Resolution Forum, they may certainly, ma'am also pointed
 28 that they may not be at par with a company or the government to raise their money. The laws
 29 are there. In fact, there was a Trade Union. There is a Trade Union Act of 1926, and after that,
 30 so many legislations have come into the picture. Wages Act, Bonus Act, Minimum Wages Act.
 31 Minimum Wages Act gets changed every six months, with a new rate coming into picture, what
 32 is the requirement of a Trade Union Act? The basic purpose of Trade Union Act was to
 33 negotiate with the company to give the best results for the workers. When the law is there to
 34 give the best result to the people, we should all ensure that there is a robust form of compliance
 35 with whatever available law is there, and that itself will break and take away all the concerns
 36 of many people. So we should be compliant in all aspects in the company. That is what I want
 37 to say.

TERES

1 **SAMIT SHUKLA:** Thank you, Mr. Sat Prakash to reluctantly answer this. I am sure Sidharth
2 wants to skip this, so we'll allow him to pass. Last question to Mr. Patni, according to you, does
3 the NGT, which is a subsidiary...

4 **SIDHARTH REDDY INDUKURI:** Can I say one thing, though?

5 **SAMIT SHUKLA:** Please, please.

6 **SIDHARTH REDDY INDUKURI:** Sorry. So I think just going to ma'am's point of, will you
7 sit on the table with them? I would say, yes. I would say we, as a private contractor or a lesser,
8 all we are given to court is a percentage of Royalty that we can bet on and everything else is in
9 the dark when we go in. What I'm saying is bring it beforehand, not even before when you
10 come to the table. Do it ahead of time. Tell us what the cost is. We will figure out whether we
11 can be more efficient or somebody else can be more efficient. And at what cost we can do our
12 mining? And you set the rules and the framework clearly in the LARR or whichever rule you
13 want us to follow. And we're okay to follow that. But if you're asked to quote one number and
14 then we go into the Contract after. And then we have to sit on a table, we have an unbalanced
15 bargaining power is my point, which I was making earlier, so I'll rest my case here.

16 **SAMIT SHUKLA:** Thank you Sidharth, for being kind. Last question is to Mr. Patni. Do you
17 think that a specialized environmental courts like NGT are adequate to settle environmental
18 disputes, mining disputes, or there is a need for any dedicated mining Tribunal? If at all that
19 Tribunal is constituted, will it lead to delay or confusion? What are your views on it?

20 **TARPIT PATNI:** Thank you. I think interesting, I tried to moot this idea. See, when we are
21 looking at NGT or any other Tribunal, those are adjudicatory bodies. Wherein, of course, you
22 and other colleagues of mine can appear. But the problem which I genuinely feel is the people
23 who are affected are not really benefiting. I'll tell you my example. I'm born and brought up in
24 Jaipur. Until I think, 1998, '99, the stone-crushing for every other place on the Aravalli's was
25 very, very prevalent while growing up I had seen until stopped by the Supreme Court. I had a
26 problem, of course NGT was not there, it was not efficient enough or my parents did not have
27 the money to move to the court, so no one wanted to do it. So if there are some micro
28 authorities, Tribunals or some ADR mechanism which can bring in. Maybe I'll take you from
29 real estate or real estate regulatory authority came, it's easier for the flag purchasers to go
30 online, file their cases, get the adjudication done, for a smaller issue. Similarly, maybe I'll go
31 for a larger issue, pods. So tariff authority for major pods schemes. Whatever disputes about
32 the Royalty and lease premium were there could be resolved there. Similarly, in power sector,
33 a lot of sectors, but somehow I think those are missing, at least in mining. So if, like, a

TERES

1 specialized, independent body comes up in between the Tribunal and court. That could help.
 2 Of course, I'm not really sure there will always be a critique to it. It might delay, it might not
 3 solve it purpose, but it has to start. Once it starts, then only we will know whether it will resolve
 4 or not. But on a personal point, I think it might help, it might be easier to resolve because
 5 everything going to the High Court or Supreme Court generally delays is what we feel.

6 **SAMIT SHUKLA:** Thank you so much. Thank you, everyone, for bearing us for an hour. I
 7 hope we were tolerable. Thank you, Panellists. Please, please.

8 **AUDIENCE:** Actually this is a doubt I have. I'm asking Madam Gayatri Singh. This is with
 9 respect to the MMDR Act 1957, Mines and Minerals Development and Regulation Act 1957, in
 10 which, as per Section 8, as you are saying, that the two things which I can understand is. One
 11 is expiry, the other is cancellation. So, these two are, as you know, definitely these two are
 12 different. If let us say that it is cancelled even if there is an extension for 50 years because it's
 13 cancelled on a reason, where there is some violation or they have done something which is
 14 against the rules and regulations. That is when there is an extended period, up to 50 years,
 15 those people are not given, they cannot take it for granted to extend it. But whereas when it
 16 gets expired, though it is expired, but they have further, by default that is what the variation
 17 in which they say that how they can, in spite of getting it expired, how they can go for 50 years?
 18 That is the thing. And when it comes to the mining and all, though in spite of having so many
 19 things, still there's a lot of gap between the lip and the cup. Very much. Still, there's a lot of
 20 ambiguity, lot of things. That is why mining had become an area where people can make lot of
 21 money, people can do lot of violation of rules. All that, though. I'm sorry, I'm not meaning for
 22 those who are sitting here but then I'm only telling about the mining industry as such is a big,
 23 I mean, I shouldn't say, but there's a lot of room for doing mischief in there. Thank you very
 24 much, madam.

25 **AUDIENCE:** I think it will be relevant because we ended in that...

26 **SAMIT SHUKLA:** We can take two questions, one from that gentleman there.

27 **AUDIENCE:** While you are here, Sat Prakash ji are here, Sidharth are here, Tarpit are here,
 28 Mr. Patil, all of you are focusing a lot on ethical mining, and you are taking care of the ESG
 29 and all of that. One, this is not a standard norm, so there are violations which are happening
 30 and rampantly that too. But what is more important in taking the cue from what Tarpit had
 31 mentioned, do you think a Regulator would be a relevant authority, or it would be a Tribunal,
 32 which will really serve the purpose, or maybe both? That I think is a question that is to be
 33 deliberated because you don't have an NGT, as you rightly mentioned, does not have sufficient

TERES

1 ability to be able to take into consideration the challenges which are happening in the different
2 corners of the country. That one I'm seeking and I think for Mr. Patil, because your role
3 becomes very important. Are you ensuring that all of the requirements that is provided for in
4 the EIA are being complied with in a proper manner and for all the stakeholders who are
5 working along with?

6 **SAMIT SHUKLA:** Thank you.

7 **AUDIENCE:** Thank you very much. So, in Africa, we've seen DAABs. They are avoided
8 elements of DAABs Disputed Adjudication and Avoidance Boards integrated in the mining
9 sector. I'd be very curious whether there have been those developments in India and whether
10 they have been used as a form of engaging communities, public participations? Thank you.

11 **TARPIT PATNI:** Maybe I'll go first. So, ma'am, you're right. Whether it has to be a regulator
12 or a Tribunal, because regulator is already there, which according to me, has becoming a
13 leasing authority. Now, from an experience which we are looking at National Green Tribunal,
14 when it was formed person to the Kyoto Declaration later on, the idea was biased, but it has
15 really become to a delayed and everything is going to the court for some micro issues, which
16 can be distinguished, specialized authority, as I said where RERA, TAMP or any similar kind
17 of authority, I'm not saying a Tribunal wherein a court has to preside, give a detailed judgment.
18 If authority comes in, it might solve micro problems, as sir has said, every industry has some
19 biased intentions when they are going into. If they are giving money to the 3000 people for
20 resettlement. Still, people are unhappy. If they are unhappy because of one or two smaller
21 issues. One thing is self-regulation, that people can go to that company, get that resolved,
22 which I don't think is happening. That's why the whole UN cry. Why not go to a smaller
23 authority wherein there is a smaller problem which can be resolved? Maybe it could be
24 problem. What problem? About contamination problem or bad air. Those can be resolved by
25 that authority. If it's not happening, of course, National Green Tribunal are there, their courts
26 are there, which will always be there. So I think it's like a stop-gap arrangement. How it will
27 go through, I'm not really sure, but some authorities, I genuinely feel, have always been a
28 matter of critique but could help. Second question, which I generally, which I think Sidharth
29 had said, which is really, really important is not followed in the country is like Bombay Bar has
30 been a pioneer on the real estate industry of getting consent specifically, when you are a home
31 buyer, you have to take consent if you are making any changes. Somehow it has not reached
32 the ministry of mines and minerals. Once a place has been identified because that place has
33 the iron ore or any other mineral, prior consent should be taken from the local aboriginal
34 tribes, local people, and thereafter, the bidding process starts. So, there is no dispute. And

TERES

1 thereafter, of course, it can be left to the Concessionaire, the local authorities to take it ahead.
2 I think that is something which is, I generally feel is missing the whole setup.

3 **SAMIT SHUKLA:** Thank you. Mr. Patil, you want to respond?

4 **BHALCHANDRA PATIL:** As rightly asked by you, the role of the issue or the EIA
5 coordinator is very important. I will give my example. I work in a Municipal corporation and
6 I have worked at least out of 36 years, I worked 18 years in a solid waste management
7 department. I had done a lot of work as per the landfill sites, collection, everything. When I
8 went into the field of this thing and applied for the EIA coordinator, my EIA coordinator
9 application was rejected. I fought for it. After eight years, I got the EIA coordinator. The people
10 who have been qualifications of certain are getting after five years of the thing they get. They
11 become the team members, then I don't know whether you know the process. Then they
12 become the functional area, associated area experts and they become the EIA coordinator. It
13 takes almost five, six years for them. Purely pan interview. I got experience. I was having
14 practice, but then also I fought. The quality of the EIA coordinator and the quality of the SEO
15 is very important. They should have the integrity in preparing the EIA report, number one.
16 Number 2, you must have seen whether we go to ESE or in ENSIA, you have got definite time
17 of appraisal of your offices, irrespective of the size of the project. Your proposal is going to get
18 apprised within one, maximum one and a half hour, respective. *Utne me mujhe karna hai*
19 *mujhe 16 item aaj karne hai to karne hai. Khatam ho gaye aisa nahi hai ki...* I have seen only
20 one committee. They used to take the chapter-by-chapter on the day to day basis, next time
21 you come with this chapter. So this type of quality is more important, number one, this thing.
22 Preparing the EIA report that is a part of it. Number two is what you call, as I said,
23 implementation. It is the responsibility of the actually project proponent to have the
24 environmental management cell. *Hamare idhar kya hota hai madam, loopholes bahut se*
25 *hain. Koi check nahi karta hai na, kyon karne ka? Agar koi check nahi karta toh main kyon*
26 *karein? Yeh attitude hamara hai. Main train ke andar travel karoon aur TC nahi aanewala*
27 *hai, ticket nahi karnewala, main hi kyon ticket nikaloon? Aisi hamari attitude ho gayi hai.*
28 Only because of the deterioration is only because of that. Plans are, everything is there. *Hum*
29 *log kya, plan banate samay, usko kaise expand karneka hai? Ek sentence ko, kaisa 10*
30 *sentence main usko aage kaisa uska yeh karni hai, implementation ke liye kya karna hai?*
31 Microplanning has to be there. This is not done. Very frankly, I myself is not satisfied the way
32 in which sometimes the Environmental Impact Assessment reports are prepared and it
33 depends upon the, normally it is seen that *ki baba unko kya chahiye? AIC team hai. Inke pass*
34 *inki requirement kya hai, utna hi chapter dalo, khatam kar do.* This is very bad.

TERES

1 **SAMIT SHUKLA:** Thank you so much. I think we ran out of time. Whose ever questions are
2 not answered, the panellists are here for lunch, on one-on-one, your questions can be
3 answered. Thank you, everyone.

4 **BHALCHANDRA PATIL:** Thank you.

5 **HOST:** Thank you for this interesting and insightful session. We will now be breaking for
6 lunch. The same is being served at the adjacent hall, and our next session will start at 02:30
7 p.m. Thank you.

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11 ~~~END OF SESSION 3~~~

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