

MINERAL CONSERVATION AND DEVELOPMENT RULES, 1988

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MINERAL CONSERVATION AND DEVELOPMENT RULES, 1988

In exercise of the powers conferred by section 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules for conservation and development of minerals, namely:-

CHAPTER 1 PRELIMINARY

1. Short title and commencement :-

- (1) These rules may be called the Mineral Conservation and Development Rules, 1988.
- (2) They shall come into force from the date of their publication in Official Gazette.

2. Application :-

These rules shall apply to all minerals except-

- (i) petroleum and natural gas;
- ¹ [(ii) coal, lignite and sand for stowing;]
- (iii) any mineral declared as prescribed substances for the purpose of the Atomic Energy Act, 1962 (33 of 1962); and
- (iv) minor minerals.

1. Substituted by GSR 227(E),dt. 22-4-1991.

3. Definitions :-

In these rules, unless the context otherwise requires,- **1**

'(a) "abandonment of mine" means final closure of a mine either whole or part thereof when the mineral deposits within mine or part thereof, have been fully extracted or when the mining operations have become uneconomic;';

(aa) "Act" means the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957);

(b) "agent", when used in relation to a mine, means any person whether appointed as such or not, who acts as the representative of the owner in respect of the management of the mine or any part thereof;

(c) "authorised officer" means any officer of the Indian Bureau of Mines duly authorised in writing by the Controller General, Indian Bureau of Mines to perform the functions under these rules;

(d) "benefication" means processing of minerals or ores for the purpose of-

(i) regulating the size of a desired produce;

(ii) removing unwanted constituents; and

(iii) improving quality, purity or assay grade of desired product;

(e) "boring" or "drilling" means the penetration of alluvial material, rocks or formations by holes for obtaining geological information, and for drawing samples therefrom;

(f) "Chief Controller of Mines" means the Chief Controller of Mines of the Indian Bureau of Mines;

(g) "Controller General" means the Controller General of the Indian Bureau of Mines;

(h) "Controller of Mines" means the Controller of Mines of the Indian Bureau of Mines;

(i) "development" means the driving of an opening to, or in an ore-body or seam or removing overburden or unproductive or waste materials as preparatory to mining or stoping;

(j) "environment" and "environmental pollution", shall have the

same meanings, assigned respectively to these terms in Environment (Protection) Act, 1986 (29 of 1986);

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'(jj) "final mine closure plan" means a plan for the purpose of decommissioning, reclamation and rehabilitation in the mine or part thereof after cessation of mining and mineral processing operations that has been prepared in the manner specified in the standard format and guidelines issued by the Indian Bureau of Mines;

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(jjj) "financial assurance" means the sureties furnished by the leaseholder to the competent authority so as to indemnify the authorities against the reclamation and rehabilitation cost;';

(k) "Form" means a Form set forth in Schedule to these rules;

(l) "geologist" means a person appointed in writing by the owner or agent to perform the duties of a geologist under these rules;

(m) "manager" when used in relation to a mine, means any person appointed by the owner or agent and includes the owner or the agent if he appoints himself to be such manager, under S.17 of the Mines Act, 1952 (35 of 1952);

2

(mm) "mine closure" means steps taken for reclamation, rehabilitation measures taken in respect of a mine or part thereof commencing from cessation of mining or processing operations in a mine or part thereof;';

(n) "mining engineer" means a person appointed in writing by the owner or agent to perform the duties of a mining engineer under these rules;

(o) "mining plan" means a mining plan prepared under section 5 of the Act and the rules made thereunder;

2

'(oo) "progressive mine closure plan" means a progressive plan, for the purpose of providing protective, reclamation and rehabilitation measures in a mine or part thereof that has been prepared in the manner specified in the standard format and guidelines issued by Indian Bureau of Mines;';

(p) "prospect" means an area where prospecting operations for minerals are being carried out and includes any area held under prospecting licence;

(q) "recognised person" means a person granted recognition by the competent authority to prepare mining plan;

(r) "Regional Controller" means the Regional Controller of Mines of the Indian Bureau of Mines;

(s) "shaft" means a vertical or inclined way or opening leading from the surface to workings below ground or from one part of the workings below ground to another, and includes an incline;

(t) "stopping" means making any underground excavation other than development working made for the purpose of winning ores or minerals and includes extraction or splitting or reduction of pillars or blocks of minerals;

2

'(tt) "temporary discontinuance" means the planned or unplanned suspension of mining operations in a mine or part thereof and where the operations are likely to be resumed after certain time;'

(u) "year" means the twelve months period beginning from the first day of April and ending on the thirty-first day of March of the following year;

(v) all other words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

1. Inserted by The Mineral Conservation and Development (Amendment) Rules, 2003

2. Inserted by Mineral Conservation and Development (Amendment) Rules, 2003

CHAPTER 1A

RECONNAISSANCE OPERATIONS

3A. Scheme of reconnaissance :-

Every holder of a reconnaissance permit shall submit to the Controller General and the Regional Controller or the authorised officer within a period of sixty days from the date of execution of the reconnaissance permit, a scheme of reconnaissance operations indicating the manner in which he proposes to carry out reconnaissance operations in the area covered by the permit and in

particular-

- (a) particulars of the area such as aerial extent, boundaries;
- (b) the scale of the plan and the area of geological mapping; and
- (c) the particulars of the machines and instruments to be used.

3B. Modification of scheme of reconnaissance :-

(1) A reconnaissance scheme prepared and submitted under rule 3A may be modified at any time on geological considerations by the holder of a reconnaissance permit during continuance of the reconnaissance permit.

(2) Any modification carried out under sub-rule (1) shall be intimated to the Controller General and the Regional Controller or the authorised officer by the holder of reconnaissance permit within a period of fifteen days.

3C. Reconnaissance operations to be carried out in accordance with the scheme of reconnaissance :-

Every holder of the reconnaissance permit shall carry out the reconnaissance operations in accordance with the scheme of reconnaissance submitted under rule 3A or with such modifications, if any, as intimated under rule 3B, or as directed by the Controller General or Regional Controller or the authorised officer.

3D. Intimation about reconnaissance operations :-

Every holder of a reconnaissance permit shall send to the Controller General, Controller of Mines and the Regional Controller, an intimation in Form AA of the commencement of reconnaissance operations so as to reach them within a period of fifteen days of such commencement.

3E. Submission of reports about reconnaissance operations :-

Every holder of reconnaissance permit shall send to the Controller General, Controller of Mines and the Regional Controller any yearly report in Form BB along with all the aerial, photo-geological, geophysical, geochemical and such other data collected by him as per the conditions stipulated in the reconnaissance permit so as to reach them within thirty days after expiry of every year from the date of execution of the reconnaissance permit or the expiry of the reconnaissance permit or the abandonment of the reconnaissance permit or termination of reconnaissance permit, whichever is

earlier.]

CHAPTER 2

PROSPECTING OPERATIONS

4. Scheme of prospecting :-

(1) Every holder of a prospecting licence shall submit to ¹[the Controller General and the Regional Controller or the authorised officer] within a period of 60 days from

(a) particulars of the area;

(b) the scale of the plan and the area of geological mapping;

(c) the number of pits, trenches, and bore holes which he proposes to put in the area;

(d) the particulars of the machines to be used;

(e) the details of exploratory mining ²[if any, proposed] to be undertaken;

(f) the number of samples proposed to be drawn and analysed;

(g) the beneficiation studies proposed to be undertaken; and

(h) any other matter relevant for the preparation of a scheme of prospecting, as directed by the Controller General or the authorised officer from time to time by a general or specific order.

(2) Notwithstanding anything contained in sub-rule (1) a scheme of prospecting shall include-

(a) baseline information of prevailing environmental conditions before the beginning of the prospecting operations;

(b) ³ [steps proposed to be taken for protection of environment which will include] prevention and control of air and water pollution, progressive reclamation and rehabilitation of the land disturbed by the prospecting operations, a scheme for the plantation of trees, and such other measures, as may be directed from time to time by the Controller General or the authorized officer for minimising the adverse effect of prospecting operations on the environment.

(3) The prospecting scheme under sub-rule (1) shall be prepared by a recognised person or a geologist or a mining engineer employed under clause (a) of sub-rule (1) of rule 42.

1. Substituted by GSR 227(E), dt. 22-4-1991.
2. Inserted by GSR 55(E), dt. 17-1-2000.
3. Substituted by GSR 55(E), dt. 17-1-2000.

5. Modification of scheme of prospecting :-

(1) A prospecting scheme prepared and submitted under rule 4 may be modified at any time on geological considerations by the holder of a prospecting licence during continuance of the prospecting licence.

(2) Any modification carried out under sub-rule (1) shall be intimated to ¹ [the Controller General and the Regional Controller or the authorised officer] by the holder of a prospecting licence within a period of fifteen days.

1. Substituted by GSR 227(E), dt. 22-4-1991.

6. Prospecting operation to be carried out in accordance with scheme of prospecting :-

Every holder of a prospecting licence shall carry out the prospecting operations in accordance with the scheme of prospecting submitted under rule 4 or with such modifications, if any, as intimated under rule 5 or as directed by the Controller General or the authorised officer.

7. Intimation about prospecting operations :-

Every holder of a prospecting licence shall send to the Controller General, Controller of Mines and the Regional Controller, an intimation in Form A of the commencement of prospecting operations so as to reach them within a period of fifteen days of such commencement.

8. Report of prospecting operations :-

(1) Every holder of a prospecting licence shall submit to the Controller General, Controller of Mines and the Regional Controller-

¹[***]

(b) an yearly report in ²[Form B] so as to reach them within thirty days after the expiry of one year from the date of execution of the prospecting licence or the expiry of the prospecting licence whichever is earlier;

PROVIDED that in case the prospecting operations are abandoned, the report in ²[Form B] shall be submitted within a period of thirty

days from the date of such abandonment:

PROVIDED FURTHER that in case the prospecting operations are continued for a period exceeding one year, the report in ²[Form B] shall be submitted once every year and a final report in ²[Form B] within a period of three months after the completion of the prospecting operations or the expiry of the prospecting licence, whichever is earlier.

(2) Where prospecting operations are carried out by the authorities specified in the second proviso to sub-section (1) of section 4 of the Act without a prospecting licence, such authority shall submit the annual report in ² [Form B] to the Controller General in respect of each area where prospecting operations have been undertaken by them:

PROVIDED that this sub-rule shall not apply in a case where field operation consists of only geological mapping or geo-physical or geo-chemical investigations.

1. Omitted by GSR 580(E), dt. 4-8-1995.
2. Substituted by GSR 580(E). dt.4-8-1995.

CHAPTER 3

MINING OPERATIONS

9. Mining Plan :-

(1) No person shall commence mining operations in any area except in accordance with a mining plan approved under clause (b) of sub-section (2) of section 5 of the Act.

(2) The Controller General or the authorised officer ¹ [or the officer authorised in this behalf by the State Government, as the case may be,] may require the holder of a mining lease to make such modification in the mining plan referred to in sub-rule (1) or impose such conditions as he may consider necessary by an order in writing if such modifications or imposition of conditions are considered necessary-

(a) in the light of the experience of operation of mining plan;

(b) in view of the change in the technological development.

1. Inserted by GSR 55(E), dt. 17-1-2000.

10. Modification of mining plan :-

(1) A holder of a mining lease desirous of seeking modifications in the approved mining plan as are considered expedient, in the interest of safe and scientific mining, conservation of minerals, or for the protection of environment, shall apply to the Controller General, ¹[or the officer authorised in this behalf by the State Government,

(2) The Controller General or the authorised officer ² [or the officer authorised in this behalf by the State Government, as the case may be,] may approve the modifications under sub-rule (1) or approve with such alterations as he may consider expedient.

1. Inserted by GSR 55(E), dt. 17-1-2000.

2. Inserted by GSR 55(E), dt. 17-1-2000.

11. Mining plan to be submitted by the existing lessee :-

(1) Where mining operations have been undertaken before the commencement of these rules without an approved mining plan, the holder of such mining lease, shall submit a mining plan within a period of one year from the date of commencement of these rules, ¹[to the Regional Controller or the authorised officer or the officer authorised in this behalf by the State Government as the case may be, for approval].

(2) If a holder of a mining lease has not been able to submit the mining plan within the specified time for reasons beyond his control, he may apply for extension of time giving reasons to the following authorities:-

(a) to the Regional Controller for extension of time up to six months;

(b) to the Controller of Mines for extension of time exceeding six months but not exceeding one year;

(c) to the Chief Controller of Mines for extension of time beyond one year;

²[(d) to the officer authorised in this behalf by the State Government in respect of mining plan approved by the State Government.]

¹[(3) The Regional Controller, Controller of Mines, the Chief Controller of Mines or the authorised officer or the officer authorised in this behalf by the State Government, as the case may be, on

receiving an application made under sub-rule (2) may, on being satisfied, extend the period for submission of the mining plan for the period mentioned in clause (a), (b), (c) or (d) of the said sub-rule.]

(4) The Regional Controller ²[or the officer authorised in this behalf by the State Government, as the case may be,] may approve the plan as submitted by the lessee under sub-rule (1) or may require modifications to be carried out in the plan and the lessee shall carry out such modifications and re-submit the modified plan for ⁵[***] approval.

¹ [(5) The Regional Controller or the officer authorised in this behalf by the State Government, as the case may be, shall, within a period of 90 days from the date of receipt of the mining plan or the modified mining plan, convey, approval for disapproval to the applicant and in case of disapproval shall also convey the reasons for disapproving the said mining plan or the modified mining plan.]

(6) If no decision is conveyed within the period stipulated under sub-rule (5), the mining plan or the modified mining plan, as the case may be, shall be deemed to have been provisional approved and such approval shall be subject to the final decision whenever communicated.

(7) The mining plan submitted under sub-rule (1) shall be prepared by a recognised person.

1. Substituted by GSR 55(E) dt. 17-1-2000.

2. Inserted by GSR 55(E), dt. 17-1-2000.

5. Omitted by GSR 55(E), dt. 17-1-2000.

12. Review of mining plan :-

¹[***]

(2) The owner, agent, mining engineer or manager of every mine shall review the mining plan as prescribed under rule (1) and submit a scheme of mining for the next five years of the lease to the Regional Controller ²[or the officer authorised in this behalf by the State Government, as the case may be,] for approval.

(3) The scheme of mining shall be submitted to the Regional Controller ²[or the officer authorised in this behalf by the State Government, as the case may be,] at least one hundred twenty days before the expiry of the five years' period, for which it was

approved on the last occasion.

(4) The Regional Controller or the authorised officer ² [or the officer authorised in this behalf by the State Government, as the case may be,] shall convey his approval or refusal to the scheme of mining within ninety days of the date of its receipt.

(5) If approval or refusal of the scheme of mining is not conveyed to the holder of the mining lease within the stipulated period the scheme of mining shall be deemed to have been provisionally approved that such approval shall be subject to final decision whenever communicated.

(6) The provisions of rule 9, rule 10 and rule 13 shall apply to the scheme of mining in the same way as they are applicable to the mining plan.

(7) Every scheme of mining submitted under sub-rule (2) shall be prepared by a recognised person or a person employed under clause (b) of sub-rule (1) of rule 42.

1. Omitted by GSR 55(E), dt. 17-1-2000.

2. Inserted by GSR 55(E), dt. 17-1-2000.

13. Mining operations to be in accordance with mining plans :-

(1) Every holder of a mining lease shall carry out mining operations in accordance with the approved mining plan with such conditions as may have been prescribed under sub-rule (2) of rule 9 or with such modifications, if any, as permitted under rule 10 or the mining plan or scheme approved under rule 11 or rule 12, as the case may be.

(2) If the mining operations are not carried out in accordance with the mining plan as referred to under sub-rule (1), the Regional Controller or the authorised officer may order suspension of all or any of the mining operations and permit continuance of only such operations as may be necessary to restore the conditions in the mine as envisaged under the said mining plan.

14. Prospecting and mining operations :-

The prospecting and mining operations shall be carried out in such a manner so as to ensure systematic development of mineral deposits, conservation of minerals and protection of environment.

15. Opencast working :-

(1) In opencast workings the benches formed shall be so arranged that the benches in ore/mineral and overburden are separate so as to avoid mixing of waste with the ore/minerals.

(2) The benches in overburden shall be kept sufficiently in advance so that their workings do not interfere with the working of ore/minerals.

(3) Orientation of the workings and sequence of mining operations shall be such that different grades of ore/minerals can be obtained simultaneously for blending with a view to achieve optimum recovery of ore/minerals from the deposit.

16. Separate stacking of non-salable minerals :-

(1) The overburden and waste material obtained during mining operations shall not be allowed to be mixed with non-salable or sub-grade minerals/ores. They shall be dumped and stacked separately on the ground earmarked for the purpose.

(2) The ground selected for dumping of overburden, waste material, the sub-grade or non-salable ores/minerals shall be away from working pit. It shall be proved for absence or presence of underlying mineral deposits before it is brought into use for dumping.

(3) Before starting mining operations, the ultimate size of the pit shall be determined and the dumping ground shall be so selected that the dumping is not carried out within the limits of the ultimate size of the pit except in cases where concurrent back filling is proposed.

17. Underground mining operations :-

(1) Mining operations in underground shall be carried out in such a way so as to achieve optimum ore/mineral recovery.

(2) The method of underground development of the deposit shall be planned in accordance with the method of stoping which shall be selected with due consideration of the geology of the deposit and geomechanical properties of the ore and the adjoining rocks.

(3) The size of development openings, size of blocks and pillars shall be such that the workings remain stable during the development and stoping stages and between such stages.

(4) The stoping practices shall be such as to case minimum

disturbance to the surface.

(5) In case of a doubt as to the optimum ore/mineral recovery under sub-rule (1), or the method of underground development under sub-rule (2), or size of openings, blocks or pillars under sub-rule (3) or the stoping practices under sub-rule (4), it shall be referred to the Chief Controller of Mines for decision.

(6) The Chief Controller of Mines may order such investigations and tests to be carried out as are considered necessary before arriving at a decision on any matter referred to him under sub-rule (5).

18. Sub-grade minerals to be brought to surface :-

(1) All the sub-grade ore/minerals wherever obtained in underground workings shall be brought to the surface instead of leaving or packing them in underground.

(2) As far as practicable the complete width of the ore/mineral body shall be worked:

PROVIDED that the Chief Controller of Mines may permit in writing leaving of certain portions underground if it is necessary for the support or protection to the mine workings.

19. Prohibition of reduction of blocks :-

All the blocks formed in underground workings shall be regular in size and shape. Once a block is formed it shall not be splitted or reduced in size until the stage of commencement of stoping: PROVIDED that the Chief Controller of Mines may permit reduction in the size of blocks on an application in writing made by the owner, agent, mining engineer or manager giving reasons for doing the same.

20. Beneficiation studies to be carried out :-

(1) If the Controller General or the authorised officer, having due regard to the nature of mining operations and grade of ore/mineral is of the view that the sub-grade ore/mineral contains certain recoverable product, he may direct the owner, agent, mining engineer or manager of the mine to get the beneficiation investigations carried out.

(2) The report of the beneficiation investigation so carried out shall be submitted to the Controller General or the authorised officer as the case may be immediately after the investigation is over.

(3) In a mine having a beneficiation plant, feed products and tailings shall be regularly sampled and analysed at suitable intervals and records of the same maintained in bound paged book:

PROVIDED that the Controller General or the authorised officer may require the sampling and analysis to be done at any other interval than in practice.

21. Machinery and plant :-

(1) Where heavy earth moving is used in mines, the owner, agent, mining engineer or manager of the mine shall maintain Log Books in respect of each machine showing date-wise account of hours worked, hours not worked, reasons for non-working, consumption of fuel/energy and lubricants and output of the machine during the corresponding working hours. The summary of operation each machine shall be recorded in the Log Book at the end of each month bringing out the percentage availability and percentage utilisation of the machine, average hourly performance and average fuel/energy consumption per hour.

(2) Each page of the Log Book shall be numbered and the summary shall be signed and dated by the mining engineer.

(3) The Log Book shall be made available to the authorised officer on demand.

22. Notice for opening of a mine :-

(1) The owner, agent, mining engineer or manager of every mine shall send to the Controller General, Controller of Mines and the Regional Controller an intimation in ¹[Form C] of the opening of a mine so as to reach them within fifteen days of such opening.

(2) The intimation in ¹[Form C] sent to the Regional Controller under sub-rule (1) shall be accompanied with a copy of mining plan approved under clause (b) of sub-section

(2) of section 5 of the Act ³ [only when the mine is being opened after a lapse of 5 years' period from the date of approval of mining plan].

1. Substituted by GSR 580(E), dt.4-8-1995.

3. Inserted by GSR 227(E), dt. 22-4-1991.

23. Abandonment of mines :-

(1) The owner, agent, mining engineer, or manager of every mine shall not abandon a mine or a part of mine during the subsistence of the lease except with prior permission in writing of the Controller General or the authorised officer.

(2) The owner, agent, mining engineer, or manager of every mine shall send to the Controller General, Controller of Mines and the Regional Controller under register cover, a notice in ¹[Form D] of his intention to abandon a mine or a part of a mine so as to reach them at least ninety days before the intended date of such abandonment.

(3) Such a notice shall be accompanied by plans and sections on a scale of not less than 1 cm- 10 metres setting forth accurately the work done in the mine upto the time of submission of the notice including the measures envisaged for the protection of the abandoned mine or part thereof, the approaches thereto, and the environment: PROVIDED that the Controller General may require the plans and sections to be prepared on any other suitable scale.

(4) The Controller General or the authorised officer may an order in writing made before the proposed date of abandonment, prohibit abandonment or allow it to be done with such conditions as he may specify in the order.

² ["(5) The leaseholder shall not abandon a mine or part thereof unless a final mine closure plan duly approved by the Regional Controller of Mines or the officer authorized by the State Government in this behalf, as the case may be, is implemented. For this purpose, the lessee shall be required to obtain a certificate from the Regional Controller of Mines or the officer authorized by the State Government in this behalf to the effect that protective, reclamation and rehabilitation work in accordance with the final mine closure plan or with such modifications as approved by the competent authority, have been carried out before abandonment of mine."].

1. Substituted by GSR 580(E), dt. 4-8-1995.

2. Substituted by The Mineral Conservation and Development (Amendment) Rules, 2003.

23A. Mine Closure Plan :-

¹ Every mine shall have Mine Closure Plan, which shall be of two types :

(i) a progressive mine closure plan; and

(ii) a final mine closure plan.

1. Inserted by The Mineral Conservation and Development (Amendment) Rules, 2003

23B. Submission of Progressive Mine Closure Plan :-

1

(1) The owner, agent, manager or mining engineer shall, in case of fresh grant or renewal of mining lease, submit a progressive mine closure plan as a component of mining plan to the Regional Controller of Mines or officer authorized by the State Government in this behalf as the case may be.

(2) The owner, agent, manager or mining engineer shall, in case of existing mining lease submit a progressive mine closure plan to the Regional Controller of Mines or the officer authorized by the State Government in this behalf, as the case may be, for approval on ² [or before the 31st December, 2004.] .

(3) The owner, agent, manager or mining engineer shall review the progressive mine closure plan every five years from the date of its approval in case of existing mine or from the date of opening of the mine in Case of fresh grant or from the date of renewal of mining lease, as the case may be, and shall submit to the Regional Controller of Mines or officer authorised by the State Government in this behalf, as the case may be, for its approval.

(4) The Regional Controller of Mines or the officer authorised by the State Government in this behalf, as the case may be, shall convey his approval or refusal of the progressive mine closure plan within ninety days of the date of its receipt.

(5) If approval or refusal of the progressive mine closure plan is not conveyed to the owner, agent, manager or mining engineer of the mining lease within the period as specified in sub-rule (4), the progressive mine closure plan shall be deemed to have been provisionally approved, and such approval shall be subject to final decision whenever communicated.

1. Inserted by The Mineral Conservation and Development (Amendment) Rules, 2003

2. Substituted "within a period of one hundred and eighty days from the date of commencement of this rule" for the words Mineral Conservation and Development (Fourth Amendment) Rules, 2003

23C. Submission of final mine closure plan :-

1

(1) The owner, agent, manager or mining engineer shall submit a final mine closure plan to. Regional Controller of Mines or the officer authorised by the State Government in this behalf, as the case may be, for approval one year prior to the proposed closure of the mine.

(2) The Regional Controller of Mines or the officer authorised by the State Government in this behalf, as the case may be, shall convey his approval or refusal of the final mine closure plan within ninety days of the date of its receipt to the owner, agent, manager or mining engineer.

(3) If approval or refusal of the final mine closure plan is not conveyed to the owner, agent, manager or mining engineer of the mining lease within the period as specified in sub-rule (2), the final mine closure plan shall be deemed to have been provisionally approved, and such approval shall be subject to final decision whenever communicated.

1. Inserted by The Mineral Conservation and Development (Amendment) Rules, 2003

23D. The modification of mine closure plan :-

1

(1) The holder of a mining lease desirous of seeking modifications, in the approved mine closure plan, shall submit to the Controller General or the officer authorised by the State Government in this behalf, as the case may be, for approval setting forth the intended modifications and explaining the reasons for such modifications.

(2) The Controller General or the officer authorised by the State Government in this behalf, as the case may be, may approve the modifications as submitted u/Cl. (1) or approve with such alterations as he may consider expedient.

1. Inserted by The Mineral Conservation and Development (Amendment) Rules, 2003

23E. Responsibility of the holder of mining lease :-

1

(1) The owner, agent, manager or mining engineer shall have the responsibility to ensure that the protective measures contained in the mine closure plan referred to in this rule including reclamation

and rehabilitation works have been carried out in accordance with the approved mine closure plan or with such modifications as approved by the Regional Controller or the officer authorised by the State Government in this behalf under this rule.

(2) The owner, agent, manager or mining engineer shall submit to the Regional Controller of Mines or the officer authorised by the State Government in this behalf, as the case may be, a yearly report before 1st July of every year setting forth the extent of protective and rehabilitative works carried out as envisaged in the approved mine closure plan, and if there is any deviation, reasons thereof.

1. Inserted by The Mineral Conservation and Development (Amendment) Rules, 2003

23F. Financial assurance :-

1

(1) Financial assurance, has to be furnished by every leaseholder. The amount of financial assurance shall be rupees twenty five thousand for A category mines and rupees fifteen thousand for B category mines, per hectare of the mining lease area put to use for mining and allied activities. However, the minimum amount of financial assurance to be furnished in any of the forms referred to in clause (2) shall be rupees two lakh for A category mines and rupees one lakh for B category mines : Provided that a leaseholder shall be required to enhance the amount of financial assurance with the increase in the. area of mining and allied activities : Provided further that where a leaseholder undertakes reclamation and rehabilitation measures as part of the progressive closure of mine, the amount so spent shall be reckoned as sum of the financial assurance already spent by the leaseholder and the total amount of financial assurance, to be furnished by the lessee, shall be reduced to that extent;

(2) The financial assurance shall be submitted in one of the following forms to Regional Controller of Mines or the officer authorised by the State Government in this behalf, as the case may be, or any amendment to it:

(a) Letter of Credit from any Scheduled Bank;

(b) Performance or surety bond;

(c) Trust fund build up through annual contributions from the

revenue generated by mine and based on expected amount sum required for abandonment of mine; or

(d) Any other form of security or any other guarantees acceptable to the authority;

(3) The lessee shall submit the financial assurance to the Regional Controller of Mines or the officer authorised by the State Government in this behalf, as the case may be, before executing the mining lease deeds. In case of an existing mining lease, the lessee shall submit the financial assurance along with the progressive mine closure plan.

(4) Release of financial assurance shall be effective upon the notice given by the lessee for the satisfactory compliance of the provisions contained in the mine closure plan and certified by the Regional Controller of Mines or the officer authorised by the State Government in this behalf, as the case may be.

(5) If the Regional Controller of Mines or the officer authorised by the State Government in this behalf, has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the approved mine closure plan in respect of which financial assurance was given has not been or will not be carried out in accordance with the mine closure plan, either fully or partially, the Regional Controller of mines or the officer authorised by the State Government in this behalf, shall give the lessee a written notice of his intention to issue the orders for forfeiting the sum assured atleast thirty days prior to the date of the order to be issued.

(6) Within thirty days of the receipt of notice referred to in sub-rule (5), if no satisfactory reply has been received in writing from the lessee, the Regional Controller of Mines or the officer authorised by the State Government in this behalf as the case may be, shall pass an order for forfeiting the surety amount and a copy of such order shall be endorsed to the concerned State Government.

(7) Upon the issuance of order by the Regional Controller of Mines or the officer authorised by the State Government in this behalf, as the case may be, the concerned State Government may realise any letter of credit or bond or any other surety, guarantee provided or obtained as financial assurance for the purpose of performance of protective, reclamation, rehabilitation measures and shall carry out those measures, or appoint an agent to do so."

1. Inserted by The Mineral Conservation and Development (Amendment) Rules, 2003

24. Notice of temporary discontinuance of work in mines and obligations of the lease holders :-

1

(1) The owner, agent, mining engineer or manager of every mine shall send to Controller General, Controller of Mines and the Regional Controller of Mines a notice in Form D-1 when the mining or mineral processing operations in the mine or part thereof are discontinued for a period exceeding ninety days so as to reach them within one hundred and five days from the date of such temporary discontinuance.

(2) Where the discontinuance takes place as a result of the occurrence of natural calamity beyond the control of the owner, agent, mining engineer or manager of a mine, or in compliance with any order or directions issued by any statutory authority established under any law in force or any tribunal or a Court, a telegraphic intimation shall be sent to the Controller General and the Regional Controller within a period of twenty four hours of such discontinuance, and a notice of discontinuance, under this sub rule shall be submitted to the Controller General, Controller of Mines and the Regional Controller within a period of fifteen days of such discontinuance in Form D-1.

(3) During the temporary discontinuation of mine or part thereof, it shall be the responsibility of the owner, agent, manager or mining engineer to comply with the reasonable prohibitive measures to restrict access for unauthorised entry, provide protective measures to potentially danger sources of electrical and mechanical installations, the mine openings or workings and all other structures. It shall be ensured that all contaminated effluents are controlled and all physical, chemical, biological monitoring programmes have been continued. It shall also be ensured that all rock piles, over burden piles and stock piles and tailings and other water impoundment structure have been maintained in stable and safe conditions."

1. Sunbstituted by The Mineral Conservation and Development (Amendment) Rules, 2003

25. Intimation of reopening of a mine :-

The owner, agent, mining engineer or manager of every mine shall

send to the Controller General, Controller or Mines and the Regional Controller an intimation in ¹ [Form C] of reopening of a mine after temporary discontinuance, so as to reach them within fifteen days from the date of such reopening.

1. Substituted by GSR 580(E), dt. 4-8-1995.

26. Stoping of vein, etc :-

(1) No stoping shall be commenced, conducted or carried out except with prior permission in writing of the Controller General, or the authorised officer.

(2) The owner, agent, mining engineer or manager of every mine shall send to the Controller General, Controller of Mines and the Regional Controller under registered cover a notice in ¹ [Form E] intimating his intention to commence the stoping of any vein, lode, reef or mineral deposit, so as to reach them at least sixty days before the date of commencement of such operations.

(3) Such notice shall be accompanied by plans and sections on a scale of not less than 1 cm=10 metres showing the details of the block proposed to be stoped, the manner of stoping, the mineralised and barren zones indicating estimated percentage recovery from stopes:

PROVIDED that the Controller General ¹[or the Chief Controller of Mines, as the case may be,] may, by an order in writing and subject to such conditions as he may specify therein, permit or require the plans and sections to be prepared on any other suitable scale.

(4) The Controller General or the authorised officer may by an order in writing made before the proposed date of commencement of stoping operations prohibit the stoping or allow it to be done under such conditions as may be specified in the order.

1. Substituted by GSR 580(E), dt. 4-8-1995.

CHAPTER 4 **PLANS AND SECTIONS**

27. General requirements about plans and sections :-

(1) Every plan or section prepared or submitted in accordance with the provisions of these rules shall-

(a) show the name of the mine and of the owner and the purpose

for which the plan or section is prepared;

(b) show the true north or the magnetic meridian and the date of the latter;

(c) show a scale of the plan at least twenty-five centimetres long and suitably sub-divided;

(d) unless otherwise provided, be on a scale having a representative factor of-

(i) 200 : 1 in case of mica mines and other mines having small-scale workings below ground;

(ii) 2000 : 1 in case of mines having large open cast working and also in case of surface plans of large leasehold areas; and

(iii) 1000 :1 in other cases:

PROVIDED that the Chief Controller of Mines may, by an order in writing and subject to such conditions as he may specify therein, permit or require the plans to be prepared on any other suitable scale;

(e) be properly inked in on a durable paper or on tracing cloth or other suitable material and be kept in good condition.

(2) The conventions prescribed under the Metalliferous Mines Regulations, 1961, shall be used in preparing all plans and sections required under these rules.

(3) The plans and sections shall be accurate within such limits of error as the Controller General may specify by a general or special order.

(4) The plans and sections required under these rules shall be maintained upto-date within three months.

28. Types of plans and sections :-

(1) The owner, agent, mining engineer or manager of every mine shall keep the following plans and sections:-

(a) a surface plan showing every surface feature within the mining lease boundaries such as building, telephone, telegraph or power transmission line, watermain, tramline, railway, road, river, water-course, reservoir, tank, borehole, shaft and incline opening, opencast working, dumps and dumping ground, the waste land,

forest, sanctuaries, agricultural land and grazing land and subsidence on the surface;

(b) a surface geological plan of the area of leasehold, on a scale specified or approved by the Controller General by a General or special order in writing showing-

(i) all the lithological units exposed in the area, in the pits, trenches and in any other openings made for prospecting and mining operations showing contact between lithological units;

(ii) structural details like strike, dip, fold, fault, plunge of ore body;

(iii) location of prospecting pits, trenches, boreholes and any other openings made for prospecting and/or mining operations;

(iv) existing mine workings, dumps;

(c) a transverse section or sections of the workings through the shaft or shafts and main adits indicating clearly the strike and dip of the vein, lode, reef, or mineral bed or deposit at different points, and such sections of the strata sunk or driven through in the mine or proved by boring, as maybe available;

(d) a longitudinal mine section or sections showing a vertical projection of the mine working including outlines of all stoped out areas, where a reef, vein, lode or mineral bed/deposit or part thereof has dip exceeding thirty degrees from the horizontal plane:

PROVIDED that, with the permission in writing of the Controller General ¹[or the Chief Controller of Mines, as the case may be,] and subject to such conditions as he may specify therein, such sections may be prepared in relation to any other suitable plan;

(e) an underground plan showing-

(i) the position of the workings of the mine below ground;

(ii) every boreholes and shaft (with depth), drive, cross-cut, winze, raise, excavation (stoped ground) and every tunnel and air passage connected therewith;

(iii) every pillar or block of mineral left for the support of any structure on the surface; and underground magazines, if any;

(iv) the general strike of the veins, lodes, reefs and mineral beds or deposits;

(v) the position of every dyke, fault and other geological disturbance with the amount and direction of throw.

(2) Whenever the underground plan referred to in clause (e) of sub-rule (1) is brought up-to-date, the then position of the workings shall be shown by a dotted line drawn through the ends of the workings, and such dotted line shall be marked with the date of the last survey:

PROVIDED that the Controller General¹[or the Chief Controller of Mines, as the case may be,] may, by an order in writing and subject to such conditions as he may specify therein approve any other method of showing the up-to-date position of the working of the mine.

(3) Where different reefs, lodes, veins or mineral beds or deposits overlie or run parallel to one another, the workings of each reef, lode, vein or mineral bed or deposit shall be shown on separate plan and/or longitudinal section or sections; however if two reefs, lodes, veins, or mineral beds or deposits are so situated in relation to each

(4) The plans kept under clauses (a) and (e) of sub-rule (1) shall also show the settled boundary of the mining lease, or where the boundary is in dispute, the boundaries claimed by the owner of the mine and by the owners of the mines adjacent to the disputed boundary:

PROVIDED that where it is not possible to show the complete boundary of leasehold on the same plan an additional key plan or any other suitable scale showing such boundaries and the outline of the workings shall also be maintained.

(5) The owner, agent, mining engineer or manager of every mine shall keep the following:-

(a) A key plan on a scale of 1:63,000 or 1:50,000 incorporating the following:-

³[(i) an administrative surface map showing the boundary of the mining lease, and the adjoining area lying preferably within five kilometres thereof;]

(ii) contours at not more than fifteen metres intervals;

(iii) natural drainage system such as rivers, streams, nalahs, water

reservoirs, ponds, lakes, irrigation dams and canals;

(iv) roadways and railways;

(v) places of historical and archaeological importance, monuments, places of worship, pilgrimage and of tourist interest;

(vi) forests with tree density, sanctuaries, wastelands, agricultural lands, grazing lands;

(vii) boundaries of all villages and towns with their population;

(viii) predominant wind direction;

(ix) any other relevant features:

⁴[PROVIDED that where topographical map is classified as restricted, the particulars referred to in items (i) to (ix) shall be incorporated in the key plan to the extent available in the administrative ⁵[surface] maps.]

(b) An environment plan of the area of mining lease inclusive of the adjoining area within five hundred metres of the boundary of a lease area on 1:5000 scale incorporating the following:-

(i) ²[an administrative surface map showing the boundary of the mining lease];

(ii) contour lines at five metres intervals;

(iii) all features indicated in sub-clauses (iii) to (ix) of clause (a) above;

(iv) area occupied by mine workings, area deforested, area covered by dump with the height of the dump, processing plant, surface building, workshop, mining township;

(v) area reclaimed and area afforested, location of protective barriers, check dams erected to contain solid and liquid effluents generated by

(vi) all pumping stations and the courses of discharge of mine water:

⁷ [PROVIDED that the particulars with regard to items (ii), (iv) and (v) shall be applicable only upto sixty metres beyond the boundary of lease area.]

(6)

(a) The Controller General may, by an order in writing, require such additional details to be shown on the plans and sections required to be kept under these rules or the preparation and maintenance of such plans and sections showing such details and on such scale and within such time as he may specify in the order.

(b) The Controller General or the authorised officer may, by an order in writing, require the owner, agent, mining engineer or manager of a mine to submit to him within such time, such plans and sections, or tracings thereof, as he may specify in the order.

1. Inserted by GSR 55(E), dt. 17-1-2000.
3. Substituted by GSR 55(E), dt. 17-1-2000.
4. Inserted by GSR 227(E), dt. 22-4-1991.
5. Inserted by GSR 55(E), dt. 17-1-2000.
7. Inserted by GSR 227(E), dt. 22-4-1991.

29. Copies of plans and sections to be submitted :-

The owner, agent, mining engineer or manager of every mine shall, on or before the 31st day of March every year submit to the Controller General, Controller of Mines and the Regional Controller a copy of the plans and sections maintained under rule 28.

30. Preparation of plans :-

(1) All plans, sections and tracings or copies thereof kept at the mine shall be serially numbered or suitably indexed.

(2) Every plan, section or part thereof prepared under these rules shall carry thereon a certificate for its correctness and shall be signed by the mining engineer with date:

PROVIDED that the geological plans and sections shall be certified and signed by the geologist employed under rule 42.

(3) Every copy of a plan and section or part thereof submitted or maintained under these rules shall bear a reference to the original plan or section from which it was copied and shall be certified thereon by the owner, agent, mining engineer or manager to be a true copy of the original plan or section.

CHAPTER 5
ENVIRONMENT

31. Protection of environment :-

Every holder of a prospecting licence or a mining lease shall take all possible precautions for the protection of environment and control of pollution while conducting prospecting, mining, beneficiation or

metallurgical operations in the area.

32. Removal and utilisation of top soil :-

1 [

(1) Every holder of a prospecting licence or a mining lease shall, wherever top soil exists and is to be excavated for prospecting or mining operations, remove it separately.

(2) The top soil so removed shall be utilised for restoration or rehabilitation of the land which is no longer required for prospecting or mining operations or for stabilising or landscaping the external dumps.

(3) Whenever the top soil cannot be utilised concurrently, it shall be stored separately for future use.]

1. Substituted by GSR 227(E), dt. 22-4-1991.

33. Storage of overburden, waste rock, etc :-

(1) Every holder of prospecting licence or a mining lease shall take steps so that the overburden, waste rock, rejects and fines generated during prospecting and mining operations or tailings, slimes and fines produced during sizing, sorting and beneficiation or metallurgical operations shall be stored in separate dumps.

(2) The dumps shall be properly secured to prevent escape of material therefrom in harmful quantities which may cause degradation of environment and to prevent causation of floods.

(3) The site for dumps, tailings or slimes shall be selected as far as possible on impervious ground to ensure minimum leaching effects due to precipitations.

(4) Wherever possible, the waste rock, overburden, etc. shall be back-filled into the mine excavations with a view to restoring the land to its original use as far as possible.

(5) Wherever back-filling of waste rock in the area excavated during mining operations is not feasible, the waste dumps shall be suitably terraced and stabilised through vegetation or otherwise.

(6) The fines, rejects or tailings from mine, beneficiation or metallurgical plants shall be deposited and disposed in a specially prepared tailings disposal area such that they are not allowed to flow away and cause land degradation or damage to agricultural

field, pollution of surface water bodies and ground water or cause floods.

34. Reclamation and rehabilitation of lands :-

Every holder of prospecting licence or mining lease shall under take the phased restoration, reclamation and rehabilitation of lands affected by prospecting or mining operations and shall complete this work before the conclusion of such operations and the abandonment of prospect or mine.

35. Precaution against ground vibrations :-

Whenever any damage to public buildings or monuments is apprehended due to their proximity to the mining lease area, scientific investigations shall be carried out by the holder of mining lease so as to keep the ground vibrations caused by blasting operations within safe limit.

36. Control of surface subsidence :-

Stoping in underground mines shall be so carried out as to keep surface subsidence under control.

37. Precaution against air pollution :-

Air pollution due to fines, dust, smoke or gaseous emissions during prospecting, mining, beneficiation or metallurgical operations and related activities shall be controlled and kept within 'permissible limits' specified under various environmental laws of the country including Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the Environment (Protection) Act, 1986 (29 of 1986) by the holder of prospecting licence or a mining lease.

38. Discharge of toxic liquid :-

Every holder of prospecting licence or a mining lease shall take all possible precautions to prevent or reduce the discharge of toxic and objectionable liquid effluents from mine, workshop, beneficiation or metallurgical plants, tailing ponds, into surface water bodies, ground water aquifer and usable lands, to a minimum. These effluents shall be suitably treated, if required, to conform to the standards laid down in this regard.

39. Precaution against noise :-

Noise arising out of prospecting, mining beneficiation or metallurgical operations shall be abated or controlled by the holder of prospecting licence or a mining lease at the source so as to keep it within the permissible limit.

40. Permissible limits and standards :-

The standards and permissible limits of all pollutants, toxins and noise referred to in rule 37, rule 38 and rule 39 shall be those notified by the concerned authorities under the provisions of the relevant statutes from time to time.

41. Restoration of flora :-

(1) Every holder of prospecting licence or a mining lease shall carry out prospecting or mining operations, as the case may be, in such a manner so as to cause least damage to the flora of the area held under prospecting licence or mining lease and the hereby areas.

(2) Every holder of prospecting licence or a mining lease shall-

(a) take immediate measures for planting in the same area or any other area selected by the Controller General or the authorised officer not less than twice the number of trees destroyed by reason of any prospecting or mining operations.

(b) look after them during the subsistence of the licence/lease after which these trees shall be handed over to the State Forest Department or any other authority may be nominated by the Controller General or the authorised officer; and

(c) restore, to the extent possible, other flora destroyed by prospecting or mining operations.

CHAPTER 6

EMPLOYMENT OF QUALIFIED PERSONS

42. Employment of geologist and mining engineer :-

(1) For the purpose of carrying out prospecting and mining operations in accordance with these rules-

(a) every holder of a prospecting licence shall employ a part-time or whole-time geologist or mining engineer; and

(b) every holder of a mining lease shall employ-

¹[(i) in case of the following category 'A' mines, a whole-time mining engineer, namely:

¹[(a) fully mechanised category 'A' mines which shall be such mines where the work is being carried out by deployment of heavy mining machinery for deep hole drilling, excavation, loading and transport, and

(b) other than fully mechanised category 'A' mines which shall be such mines where the number of average employment exceeds one hundred and fifty in all or seventy-five in workings below ground, or a mine where any of the mining operations like deep hole drilling, excavation, loading and transport is carried out with the help of heavy machinery]:

PROVIDED that if any doubt arises as to whether any mine is a category 'A' mine, it shall be referred to the Controller General for decisions;

(ii) in the case of any other mine, referred to as category 'B' mine, either a part-time mining engineer or a full time person permitted to be employed in terms of the provisions of sub-rule (6).

Explanation: The expression 'average employment' means the average per day of the total employment of the mine during the preceding quarter (obtained by dividing the number of man days worked by the number of working days).

(2) The part-time geologist or mining engineer may be employed upto a maximum of six prospects or mines, provided that all such prospects or mines are located within a radius of 50 kilometres.

(3) The Controller General may, if he considers necessary on geological considerations, require the holder of a mining lease to also employ a part time or whole-time geologist.

(4) If the holder of a prospecting licence or mining lease is a geologist or mining engineer, he may appoint himself as the geologist or mining engineer for the purpose of sub-rule (1).

(5) A mining engineer or geologist employed by the holder of a prospecting licence or mining lease shall possess the qualifications specified below:

Geologist: A post-graduate degree in Geology granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognised by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 or any equivalent qualification.

Mining Engineer: A degree in Mining Engineering granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognised by

the University Grants Commission established under S.4 of the University Grants Commission Act, 1956 or any equivalent qualification.

3[***]

4 [(d) Persons possessing the qualification and experience corresponding to the category of mines as laid down in the Table below shall be eligible to be employed in respect of the category of mines specified:

TABLE Qualifications \Experience \Category of the mines (1) \ (2) \ (3)

(i) Diploma in Mining or Post-graduate degree in Geology with First Class Metalliferrous Mine Manager's Certificate \Nil \All Category "B" Mines

(ii) Holder of first class Metalliferrous Mine Manager's Certificate \Two years experience after obtaining the Certificate \All Category "B" Mines

(iii) Diploma in Mining or Post-graduate degree in Geology or equivalent \3 years experience in supervisory capacity in mine \All Category "B" Mines

(iv) Graduate in Geology or holder of second class Metalliferrous Mine Manager's Certificate \5 years experience after graduation or one year's experience after obtaining the certificate \All Category "B" Mines

(v) Secondary School Leaving Certificate with Mines Foreman's Certificate. \5 years experience as a Mines Foreman/Mate \All open cast mines of Category "B"]

(e) The person permitted to be employed in lieu of mining engineer shall be bound by these rules in the same way as the mining engineer.

(7) Where, due to reduction in average employment in the mine, a category 'A' mine qualifies to become a category 'B' mine, the employment of a mining engineer as required for category 'B' mine may be done only with previous permission in writing of the Controller General or the authorised officer and subject to such conditions as he may specify.

1. Substituted by GSR 744(E), dt. 25-9-2000.

3. Clauses (a) and (b) omitted by GSR 55(E), dt. 17-1-2000.
4. Substituted by GSR 55(E), dt. 17-1 -2000.

43. Duties of geologist :-

(1) It shall be the duty of the geologist to conduct prospecting operations in accordance with the provisions of these rules.

(2) He shall-

(a) prepare the necessary geological plans and sections which are required to delineate the ore body;

(b) calculate ores reserves and its grade;

(c) be responsible for providing all the necessary information required for controlling the quality of the minerals produced;

(d) maintain proper records of the prospecting operations and records of sinking of shafts and boreholes as provided under these rules;

(e) work out the appropriate method of sampling and ensure preparation of samples accordingly;

(f) maintain an assay plan in cases of underground workings;

(g) maintain all technical data for determining the shape and size of each stope block;

(h) update the reserve figures, grade-wise and category-wise at the end of every year in case of a working mine;

(i) identify the associated rocks and minerals and maintain proper records of the stocks of non-salable/sub-grade ores and minerals produced;

(j) carry out all such orders and directions as may be given in writing under these rules by the Controller General or the authorised officer ¹ [and shall forward a copy of all such orders or directions to the holder of the prospecting licence or, as the case may be, the mining lease].

1. added by GSR 227(E), dt. 22-4-1991.

44. Duties of mining engineer :-

(1) It shall be the duty of the mining engineer to take all necessary steps to plan and conduct mining operations, so as to ensure

conservation of minerals, systematic development of the mineral deposits and protection of environment in and around the mining lease are in accordance with these rules.

(2) He shall be responsible for the preparation and maintenance of the plans, sections, reports and schemes in accordance with these rules.

(3) He shall be responsible for carrying out the study of the associated rocks and minerals, identifying them and stacking the various minerals produced separately.

(4) He shall carry out all such orders and directions as may be given in writing under these rules by the Controller General or the authorised officer 1[and shall forward a copy of such orders or directions to the holder of prospecting licence or, as the case may be, the mining lease].

(5) Wherever the mining engineer is appointed to supervise the prospecting operations under rule 42, he shall also carry out the duties of the geologist.

(6)

(a) The mining engineer shall ensure that there is sufficient provision of proper materials, appliances and facilities at all times at the mine for the purpose of carrying out the provisions of these rules and orders issued thereunder and where he is not the owner or agent of the mine, he shall make requisition in writing to the owner or agent for anything required for the aforesaid purpose. A copy of every such requisition shall be recorded in a bound paged book kept for the purpose.

(b) On receipt of a requisition under clause (a), the owner or agent shall provide as soon as possible the materials and facilities requisitioned by the mining engineer.

CHAPTER 7

NOTICES AND RETURNS

45. Monthly, quarterly and annual returns :-

(1) The owner, agent, mining engineer or manager of every mine shall submit to the Controller General, Controller of Mines and the Regional Controller, returns in respect of each mine as per category 'A' or 'B' specified in clause (b) of sub-rule (1) of rule 42, in the relevant form and within the time specified in respect of such

returns, namely:-

¹ [(a) a monthly return which shall be submitted before the 15th of every month in respect of preceding month in the Form as indicated below: In respect of category 'A' mines

(i) for iron ore in Form F1;

(ii) for manganese ore in Form F2;

(iii) for bauxite and laterite in Form F3;

(iv) for chromite in Form F4;

(v) for copper, lead, zinc, pyrites, gold and tungsten in Form F5;

(vi) for mica in Form F6;

(vii) for precious and semi-precious stones in Form F7;

(viii) for all other minerals in Form F8; and In respect of category 'B' mines

(ix) for all minerals in Form F9;

(b) an annual return in Form G which shall be submitted before 1st July each year for the preceding year in respect of mines using explosives.

(c) an annual return which shall be submitted before the 1st July each year for the preceding year in the Form as indicated below:

(i) for iron ore in Form H1;

(ii) for manganese ore in Form H2;

(iii) for bauxite and laterite in Form H3;

(iv) for chromite in Form H4;

(v) for copper, lead, zinc, pyrite, gold, and tungsten in Form H5;

(vi) for mica in Form H6;

(vii) for precious and semi-precious stones in Form H7;

(viii) for all other minerals in Form H8; and In respect of category 'B' mines

(ix) for all minerals in Form H9:

PROVIDED that in case of abandonment of amine, the annual

return of that mine shall be submitted within ninety days of abandonment.]

(2) Where under the provisions of clauses (a) and (c) of sub-rule (1), the monthly and the annual returns have been sent in the form prescribed for category 'A' mine, they shall not, except with the previous permission in writing of the Controller General, be sent in the form prescribed for category 'B' mines, notwithstanding any reduction in the average employment of the mine during the succeeding periods.

1. Substituted by GSR 580(E), dt. 4-8-1995.

46. Notice of certain appointments :-

When any new appointment is made of an agent, mining engineer, geologist, manager or any person under sub-rule (6) of rule 42 or when the employment of any such person is terminated or any such person leaves, the said employment or when any change occurs in the address of any such person, the owner of the mine or the holder of the prospecting licence shall, within fifteen days from the date of such appointment, termination, leaving or change in address give a notice in ¹ [Form I] to the Controller General, Controller of Mines and the Regional Controller.

1. Substituted by GSR 580(E), dt. 4-8-1995.

47. Notice of shaft sinking and boreholes :-

The owner, agent, mining engineer, geologist or manager of every mine or the holder of a prospecting licence shall send intimation in ¹ [Form J] to the Controller General, Controller Mines and the Regional Controller within fifteen days after the commencement of any of the following operations:

(a) the sinking of trial shaft or borehole to a depth exceeding ten metres from the surface, or

(b) the extension of an existing shaft or borehole to a depth exceeding ten metres, or

(c) the sinking of a new shaft or boreholes commencing from underground workings:

PROVIDED that the Controller General or the authorised officer may permit such intimation to be given collectively within such extended period as may be specified by him.

1. Substituted by GSR 580(E), dt. 4-8-1995.

48. Records of shafts and boreholes :-

The owner, agent, mining engineer, geologist or manager of every mine or the holder of a prospecting licence shall keep a record in ¹ [Form K] of all shafts or boreholes exceeding ten metres in depth and shall retain all records and sample of the strata passed through for a period of not less than twelve months after the completion of the work or abandonment thereof:

PROVIDED that the records of boreholes and shafts exceeding one hundred metres length shall not be destroyed except with the prior approval of the Controller General or the Regional Controller.

1. Substituted by GSR 580(E), dt. 4-8-1995.

49. Change in the name of mine to be notified :-

The owner, agent, mining engineer or manager of every mine shall send a notice in ¹ [Form C] to the Controller General, the Controller of Mines and the Regional Controller, of any change in the name of the mine within thirty days of such change.

1. Substituted by GSR 580(E), dt. 4-8-1995.

50. Notice of transfer of prospecting licence or mining lease :-

Without prejudice to the provisions of the Act or any rules made thereunder or the terms and conditions of a prospecting licence or a mining lease, prohibiting or restricting the transfer of a prospecting licence or a mining lease, every holder of a prospecting licence or a mining lease who transfers or assigns his licence or lease or any right, title or interest thereunder to any other person, shall, within thirty days of the date of such transfer or assignment send an intimation thereof in ¹ [Form L] to the Controller General, the Controller of Mines and the Regional Controller.

1. Substituted by GSR 580(E), dt. 4-8-1995.

51. Transfer of records to transferees :-

When the ownership of a prospecting licence or a mining lease is transferred, the previous owner or his agent shall make over to the new owner or his agent within a period of seven days of the transfer of the ownership, borehole cores preserved, if any, all plans, sections, reports, registers and other records maintained in pursuance of the Act, Rules or Orders made thereunder, and all correspondence relevant thereto relating to the prospecting licence or mining lease; and when the requirements of these rules have

been duly complied with, both previous and the new owners or their respective agents shall forthwith send to the Controller General, Controller of Mines and the Regional Controller a detailed list of borehole cores, plans, sections, reports, registers and other records that have been transferred.

52. Copies of notices/returns to be submitted to the State Government :-

The owner, agent, mining engineer or manager of every mine or a holder of a prospecting licence shall simultaneously submit a copy each of the notice/return/intimation required to be submitted under these rules to the State Government concerned in whose territory the mine or the prospecting area is situated or to such authority as that Government may specify in this behalf.

53. Copies of notices and returns to be maintained :-

The owner, agent, mining engineer or manager of every mine or a holder of a prospecting licence shall maintain the labour attendance register, production and despatch register, explosives consumption register, mineral analysis reports and details of mining machinery and copies of all notices and returns, plans, sections and schemes submitted to the Controller General under these rules, at an office established in the area where mining or prospecting operations are carried on, and these shall be made available at all reasonable times to the officer of the Indian Bureau of Mines for inspection.

CHAPTER 8

EXAMINATION OF MINERALS AND ISSUE OF DIRECTIVES

54. Power to issue directions :-

(1) The owner, agent, mining engineer, geologist or manager of every mine shall comply with such directions being directions for purposes of providing for systematic development of mineral deposits, conservation of minerals and for the protection of the environment by preventing or controlling pollution which may be caused by prospecting, mining, beneficiation or metallurgical operations, as the Controller General may issue from time to time. A copy of the proposed directions to be issued to any particular mine will be sent by the Controller General to the owner, agent, mining engineer, geologist or manager of the mine concerned, and to the State Government, and any comments received from the owner, agent, mining engineer, geologist or manager of the mine and the State Government within thirty days of the date of service of the notice, shall be duly considered by him before issuing any

such directions. General directions applicable to a class of mines shall be issued by the Controller General with the previous approval of the Central Government in consultation with the State Government concerned.

(2) An order made under sub-rule (1) shall-

(a) in the case of an order of a general nature or affecting a class of persons, be notified in Official Gazette; and

(b) In the case of an order directed to a specified individual, be served on such individual, (i) by delivering or tendering it to that individual, or if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in neighbourhood.

55. Examination of mineral deposits and taking of samples

:-

The Controller General or any officer duly authorised by the Government to enter and inspect a mine, and examine any mineral deposit in any area under prospecting licence or mining lease and take samples therefrom at any time for the purpose of these rules.

56. Prohibition of deployment in certain cases :-

If any mine or part thereof, which in the opinion of the Controller General, Chief Controller of Mines or the Controller of Mines poses a grave and immediate threat to the conservation of minerals or to environment, he may, by an order in writing to the owner, agent, mining engineer or manager, require him to take such measures as may be specified in the order and may prohibit, until the requirements as specified in the order are complied with to his satisfaction, the deployment of any person other than those required for compliance with the requirement of the order.

CHAPTER 9

REVISION AND PENALTY

57. Revision :-

(1) Any person aggrieved by any order made or direction issued under these rules by any officer subordinate to the Controller General, ¹[or an officer of the State Government, as the case may be,] may within thirty days of the communication of such order or direction, apply to the Controller General for a revision of the order or direction, provided that any such application may be entertained

after the said period of thirty days if the applicant satisfies the Controller General that he had sufficient cause for not making the application within time:

¹[PROVIDED that if any order made or direction issued as aforesaid by an officer subordinate to the Chief Controller of Mines, the application shall be made to the Chief Controller of Mines who shall deal with the application in the manner prescribed hereunder.]

(2) Every order against which a revision application is preferred under sub-rule (1) shall be complied with pending receipt of the decision of the appellate officer:

³[PROVIDED that the Controller General or Chief Controller of Mines, as the case may be, may suspend operation of the order appealed against, pending disposal of the revision application.]

(3) On receipt of an application for revision under sub-rule (1), the Controller General ¹[or the Chief Controller of Mines, as the case may be,] after giving a reasonable opportunity of being heard to the aggrieved person, may confirm, modify or set aside the order passed by an officer subordinate to him.

²[(4) Any person aggrieved by any order made or direction issued by the Chief Controller of Mines may within thirty days of the communication of such order or direction, apply to the Controller General for a revision of the order or direction, provided that any such application may be entertained after the said period of thirty days, if the applicant satisfies Controller General that he had sufficient cause for not making the application within time.]

¹[(5) On receipt of any such application under sub-rule (4), the Controller General may confirm, modify or set aside the order or direction made or issued by the Chief Controller of Mines or may pass such orders in relation to the applicant, as it may deem fit and such decision shall be final.]

(6) Every order against which a revision application is preferred under sub-rule (4), shall be complied with pending receipt of the decision of the ¹[Controller General]: PROVIDED that the ¹[Controller General] may, on an application made by the applicant, suspend operation of the order appealed against pending disposal of the revision application.

(7) Every application submitted under the provisions of this rule

shall be accompanied by Treasury Receipt showing that a fee of Rs. 1000/- has been paid into a Government Treasury or any branch of the State Bank of India doing Treasury Business to the credit of the Central Government under Major Head-0853-Non-Ferrous Mining and Metallurgical Industries, 800-Other receipts' or by a Bank Draft on a

1. Inserted by GSR 55(E), dt. 17-1-2000.
3. Substituted by GSR 55(E), 17-1-2000.

58. Penalty :-

Whoever contravenes any of the provisions of these rules shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees or with both and in the case of continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

CHAPTER 10
MISCELLANEOUS

59. Preservation of cores, etc :-

The owner, agent, mining engineer, geologist or manager of every mine or the holder of a prospecting licence shall preserve intact all cores and specimens of different types of rocks and minerals obtained during drilling or sinking operations and arrange for them to be laid out in a serial order with identification marks, showing the progressive depth at which they are obtained. Such specimens shall not be broken except for the purpose of analysis and testing in which case, representative samples of the specimens so broken will be preserved for a period of not less than six months from the date of completion of drilling or sinking operations. The Controller General, by an order in writing, may require the cores or specimens of rocks and minerals obtained from specific boreholes or shafts to be preserved for any specific period or relax the provisions of this rule to such an extent as he may deem fit.

60. Facilities for undertaking research or training :-

Every holder of a prospecting licence or a mining lease shall afford all reasonable facilities to persons authorised by the Controller General for the purpose of undertakings research or training in matters relating to mining or geology.

61. Submission of records/reports regarding research in

geology or mining :-

(1) Any person, institution or agency carrying on prospecting or mining operations related to any research in geology or mining, shall inform the Controller General and the Regional Controller, within a period of thirty days of commencement of such research related operations, indicating briefly the aspects proposed to be covered under such research together with the name and address of the person, institution, or agency carrying out such research work and the expected duration of the research related operations.

(2)(a) On completion of the said research work, a report describing the observations, analysis and conclusions reached as a result of the said research work shall be submitted to the Controller General within thirty days of its completion.

(b) The information so received will be kept confidential, if required. The Government will, however, be free to utilise the information for general studies, planning or policy making purpose.

(3) The provisions of sub-rules (1) and (2) shall also apply mutatis mutandis to any agency of the Central Government or State Government carrying out the research work.

62. Territorial jurisdiction of Controller of Mines/Regional Controller :-

The Controller general may by a notification in the Official Gazette prescribe the limits of the territorial jurisdiction of the Controller of Mines and the Regional Controller for purposes of these rules.

63. Obligation to supply other information :-

The owner, agent, mining engineer, geologist or manager of every mine shall furnish such information regarding their mine or any matter connected therewith as the Controller General or the authorised officer may require, by an order in writing, and the information shall be furnished within such time as may be specified in the aforesaid order.

64. Provisions of these rules to be applicable to Government :-

The Government or its agencies carrying out mining operations without a mining lease shall be bound by all the provisions of these rules in the same manner as they are applicable to holders of mining leases.

65. Chief Controller of Mines, etc. to exercise powers of the Regional Controller of Mines :-

Any power granted under these rules to the Regional Controller of Mines may be exercised by the Controller of Mines or the Chief Controller of Mines.

66. Repeal and saving :-

The Mineral Conservation and Development Rules, 1958 are hereby repealed. Notwithstanding such repeal, anything done or any action taken, including any order made, direction given or notice issued under the Mineral Conservation and Development Rules, 1958 shall insofar as it is not inconsistent with the provisions of these rules, be deemed to have been done, taken, made, given or issued, as the case may be, within the corresponding provisions of these rules.