

MINERALS CONSERVATION AND DEVELOPMENT RULES, 1958

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MINERALS CONSERVATION AND DEVELOPMENT RULES,1958

MINERALS CONSERVATION AND DEVELOPMENT RULES,1958

CHAPTER 1

Preliminary

1. Short title. :-

These rules may be called the Minerals Conservation and Development Rules, 1958.

2. Application :-

These rules shall not apply to-

- (i) petroleum and natural gas;
- (ii) coal;
- (iii) minor minerals, and
- (iv) any minerals declared as prescribed substances for the purposes of the Atomic Energy Act, 1962 (XXXIII of 1962).

3. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Mines and Minerals (Regulations 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) "boring" or "drilling" means the penetration of alluvial material, rocks or formations by holes of relatively small diameter for studying the structure of mineral bearing formation and for drawing samples there- from;
- ¹[(cc) "Controller" means the Controller, Indian Bureau of Mines;]
- (d) "development" means the driving of an opening to, or in an ore-body or seam or removing overburden of unproductive or waste materials as preparatory to mining, or sloping;

² [(e) ***]

(f) "form" means a form set forth in the Schedule to these rules;

(g) "manager", when used in relation to a mine, means any person appointed by the owner or agent for the purposes of controlling, managing and directing the operations of the mine or of any part thereof, and includes the owner or the agent if he appoints himself to be such manager under Section 17 of the Mines Act, 1952 (XXXV of 1952);

(h) "shaft" means a vertical or inclined opening giving access to and serving various levels below ground of a mine; and

(i) "stop" means any underground excavation, other than development working made for the purpose of winning ores or minerals.

1. Ins. by G.S.R. 1179, dated 22nd July, 1966.

2. Omitted by M.

CHAPTER 2

Notices and Returns

4. Notice of prospecting operations :-

Every holder of a prospecting licence shall send to the director-

(a) a notice in triplicate in Form A-1, of his intention to start prospecting operations at least thirty days before the commencement of such operations: and

(b) an intimation in triplicate in Form A-2 of the commencement of prospecting operations within seven days of such commencement.

5. Certain returns to be furnished by holders of prospecting licences :-

(1) Every holder of a prospecting licence shall submit to the Director a return in triplicate in Form B as to reach him within thirty days after the expiration of one year from the commencement of the prospecting licence, or the expiry of the prospecting licence whichever is earlier : Provided that where prospecting operations are abandoned, such return shall be submitted to the ¹[Controller] in the Form aforesaid within a period of thirty days from the date of such abandonment.

² [(2) The return shall be accompanied by detailed plans and sections showing the locations of bore-holes : pits, trenches, shafts, underground exploratory workings, outcrops, orezones, faults, folds

and other geological features and sections of all boreholes and trenches and all analytical data. The return shall also be accompanied by a report discussing the interpretation and the inference drawn as a result of the study of geology of the area and the interpretation of the boreholes cores, pits, trenches, assay data, reserves of ore, and containing the results of a complete analysis of at least two representative samples of ore and the ore blocks proposed for any mining operations. The plans, sections and report referred to above shall be signed and dated by the geologist or mining engineer employed in accordance with sub-rule (1) of Rule 21.

1. Subs. by G.S.R. 1179. dated 22nd July, 1966.

2. Subs. by Notification No. M 11- 185(6) 59. dated 17th January, 1962.

6. Notice of mining operations :-

Every owner, agent or manager of a mine shall send to the ¹ [Controller]-

(a) a notice in triplicate in Form C-1 of his intention to commence mining operations at least thirty days before the commencement of such operations: and

(b) an intimation in triplicate in Form C-2 of the opening of the mine within fourteen days of such opening.

1. Subs. by G.S.R. 1179. dated 22nd July, 1966.

7. Change in name of mine to be notified :-

Every owner, agent or manager of a mine shall send a notice to the ¹ [Controller] of any change in the name of the mine within thirty days of such change.

1. Subs. by G.S.R. 1179. dated 22nd July, 1966.

8. 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 mining lease, prohibiting or restricting prospecting licence or a mining lease who transfers or assigns his licence or a 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 triplicate, in Form D, to the ¹ [Controller].

1. Subs. by G.S.R. 1 179, dated 22nd July. 1966.

9. Notice of intention of abandonment of mine :-

Every owner, agent or a manager of mine, who intends to abandon the mine shall send to the ¹[controller], a notice in triplicate so as to reach him at least thirty days before the intended date of such abandonment: Provided that when such abandonment takes place as a result of the occurrence of natural calamity beyond the control of such owner, agent or manager, the notice required under this rule shall be submitted to the ¹ [Controller] within a period of fifteen days of such occurrence.

1. Subs. by G.S.R. 1 179, dated 22nd July. 1966.

10. Notice of abandonment to temporary discontinuance of work in mines :-

Every owner, agent or manager of a mine when the mine is abandoned permanently or work thereon is discontinued temporarily for more than sixty days shall send to the ¹ [Controller] notice In triplicate In Form E-1 for abandonment or E-2 for temporary discontinuance, as the case may be, so as to reach him within fifteen days from the date of such abandonment or seventy-five days from the date of such temporary discontinuance.

1. Subs. by G.S.R. 1 179, dated 22nd July. 1966.

11. Copies of plans and sections to be furnished on abandonment or temporary discontinuance of work in mines :-

When any mine or part of a mine Is abandoned, or work thereon Is discontinued for a period exceeding one year. the owner, agent or manager of the mine shall, within three months of the date of such abandonment or within fifteen months of the date of such discontinuance of mining operations, send to the ¹[Controller] one copy each of the plans and sections ²[on a scale not less than 1 cm=10 metres] setting forth as accurately as possible the work done on the mine up to the time of such abandonment or discontinuance, as the case may be : Provided that if a change of ownership takes place any time before the expiry of three months after the date of such abandonment or before the expiry of fifteen months after the date of such discontinuance, one copy each of the said plans and sections shall be submitted to the ¹[Controller] by the owner, agent or manager showing as accurately as possible the work done on the mine at the time of the abandonment or discontinuance as the case may be, within thirty days of (he date of

such change of ownership: Provided further that the ¹ [Controller] 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.

1. Subs. by G.S.R. 1 179, dated 22nd July. 1966.
2. Subs. by G.S.R. 1531, dated 20th December, 1961.

12. Notice of reopening a mine :-

¹[1] Every owner, agent or manager of a mine shall send to the ²[Controller] -

³[(a) a notice in triplicate in Form I of his intention to recommence mining operations before a mine is reopened after abandonment or discontinuance at least thirty days before the date of re-opening.)

(b) an intimation in triplicate in Form 2 within fourteen days of re-opening of the mine.

⁴ [(2) A copy of each of the aforesaid returns shall also be sent simultaneously to the State Government concerned or to an officer appointed by the State

1. Renumbered by G.S.R. 1458, dated 10th December, 1960.
2. Subs. by G.S.R. 1 179, dated 22nd July. 1966.
3. Subs. by G.S.R. 387. dated 19th March, 1959.
4. Ins. by G.S.R. 14.58, dated 10th December, 1960.

13. Notice of stoping of vein. etc :-

(1) Every owner, agent or manager of a mine ¹[shall send to the ²[Controller] under registered cover a notice In triplicate] in Form-G intimating his intention to commence the stoping of any vein, lode, reef or mineral deposit, so as to reach the ²[Controller] at least forty-five days before the date of commencement of such operations. Such notice shall be accompanied by plans and ⁴ [on a scale not less than 1 cm = 10 metres] showing the details of the block proposed, to be stoped, the manner of stoping and the mineralised and barren zones.

(2) The [Controller] or an officer duly authorised by him In this behalf may by 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. Subs. by G.S.R. 695, dated 10th August. 1959.
2. Subs. by G.S.R. 1 179. dated 22nd July, 1966.
4. Subs. by G.S.R. 1531, dated 20th December. 1961.

14. Annual, quarterly, and monthly returns by owners, etc. of mines :-

(1) Every owner, agent or manager of a mine shall submit to the ¹[Controller] returns in respect of each individual mine in triplicate in the forms and within the time specified in respect of every such return in the following clauses, namely:

(a) an annual return:

(i) in Form H-1 in respect of iron-ore :

(ii) In Form H-2 in respect of manganese ore;

(iii) In Form H-3 in respect of lead, zine, copper and pyrites:

(iv) In Form H-4 in respect of metallic minerals other than iron ore, manganese ore, lead. zine copper, and pyrites:

(v) In Form H-5 in respect of mica ;

(vi) In Form H-6 in respect of precious and semi-precious stones:
and

(vii) In Form H-7 in respect of non-metallic minerals [other than mica. precious and semi-precious stones and pyrites.]

(b) a monthly returns-

(i) In Form I in respect of iron-ore :

(ii) In Form J in respect of manganese ore:

(iii) In Form K In respect of mica : and

(iv) In Form L in respect of all minerals except iron ore, manganese ore and mica.

²[(c) and quarterly returns in Form '0' in respect of explosives.]

³ [(2) A copy each of the aforesaid returns shall also be sent simultaneously to the State Government concerned or to an officer appointed by the State Government in that behalf.]

1. Subs. by G.S.R. 1 179. dated 22nd July, 1966.
2. Ins. by Notifi No. MII-185 (2) 60, dated 1st December, 1960.
3. Ins. by Notifi. No. MII-185 (5) 62, dated 27th February, 1963.

15. Notice of certain appointments :-

Every owner of a mine or the holder of a prospecting licence shall, when any appointment is made of an agent or manager or mining engineer or geologist in charge, or when any change occurs in the address of such agent, manager or mining engineer or geologist in charge, send an intimation of such appointment or change of address and the date thereof, to the ¹ [Controller] within thirty days of (he date of such appointment or change of address.

1. Subs. by G.S.R. 1 179. dated 22nd July, 1966.

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

Ever owner, agent or manager of a mine or the holder or prospecting licence shall maintains copies of all notices and returns submitted to the ¹ [Controller] under these rules, at an office established in the area where mining or [Controller] prospecting operations are carried on.

1. Subs. by G.S.R. 1 179. dated 22nd July, 1966.

CHAPTER 3

Sinking Shafts and New Bore Holes

17. Notice of certain mining operation :-

Every owner, agent or manager of a mine or the holder of a prospecting licence shall send Intimation In triplicate In Form M to the director, within fifteen days after the commencement of any of the following operations, that is to say:

(a) the sinking of a trial shaft or bore-hole to depth ¹[exceeding 20 metres]from the surface: or

(b) the extension of an existing shaft or bore-holes to a depth ¹ [exceeding 20 metres]: or

(c) the sinking of a new shaft or bore-hole commencing from underground working.

1. Subs. by G.S.R. 1531, dated 20th December, 1961.

18. Record of shafts and borc-holes :-

Every owner, agent or manager of a mine or the holder of a prospecting licence shall keep a record In Form N of all shots or bore-holes exceeding 50ft. In depth and shall retain all records and samples of the strata passed through for a period of not less than six months after the completion of the work or abandonment thereof.

19. Preservation of cores, etc :-

Every owner, agent or manager of a mine or the holder of a prospecting licence shall preserve intact all cores and specimens of different types of rocks and mineral obtained during drilling or sinking operations and arrange for them to be laid out in serial order with Identification marks, showing the progressive depths at which they were obtained. Such specimens shall not be broken except for the purpose of analysis In which case, representative samples of the specimens so broken will be preserved. Such cores and specimens shall be preserved for a period of not less than six months from the date of the completion of drilling or sinking operations. The director may, by order in writing require the cores or specimens of specific bore-holes or shafts to be preserved for any specified period or relax the provisions of the rule to such extent as he may deem fit.

20. Transfer of records to transferees :-

When the ownership of a prospecting licence or a mining lease is transferred at any time during the period when the operation of sinking a shaft or bore-hole is in progress or within six months after the completion of sinking, drilling or boring operations, all records, specimens, cores and fragments of rocks, obtained during sinking, shall be transferred by the transferee, his agent or manager to comply with all the requirements of rules, 17. rule 18 and rule 19.

21. Employment of geologist and mining engineer :-

(1) For the purpose of carrying out prospecting and mining, operations In accordance with the approved practice-

(i) Every holder of a prospecting licence shall employ a part time or whole-time geologist or mining engineer and :

(ii) Every holder of a mining lease shall employ:-

(a) In the case of a mine, where the average employment exceeds 150 In working below-ground or 400 In all in the mine, whole-time mining engineer:

(b) in the case of mine where the average employment,

(i) exceeds 75 but does not exceed 150 in working below-ground;
or-

(ii) exceeds 150 but does not exceed 400 in all in the mine, a part time mining engineer;

(c) in the case of any other mine, a part-time mining engineer. Explanation,-The expression 'average employment' means the average per day of the total employment of the mine or mines during the preceding quarter (obtained by dividing the number of mandays worked by the number of working days excluding rest-days and other non-working days.)

(2)

(i) a mining engineer shall not be employed in two or more mines unless all such mines are located within a contiguous area of not exceeding 500 square kilometres.

(ii) A mining engineer shall not be employed in more than three mines of the category referred to in C1. (b) of sub-rule (1) (ii) or more than six mines of the category referred to in Cl. (c) of sub-rule (1) (ii)

(iii) The ¹ [Controller] may, if he considers necessary on geological considerations require the holder of a mining lease to employ a part-time or whole-time geologist also for one or more mines.

(3) If the holder of prospecting licence or mining lease or his agent is a geologist or mining engineer the requirement of sub-rule (1) shall subject to the provisions of sub-rule (2) be deemed to have been complied with in respect of the mine for which a prospecting licence or mining lease, as the case may be is granted.

(4) A mining engineer or geologist employed by the holder of a prospecting licence or mining lease should possess the qualifications specified below: Geologist.-A diploma in Geology from the Indian School of Mines and Applied Geology, Dhanbad, or a M.Sc., or B.Sc. (Hons.)(3 years degree) In Geology; from any recognised University. Mining Engineer.-A diploma in mining engineering from the Indian School of Mines and Applied Geology, Dhanbad, or degree in mining engineering from any recognised University: Provided that the persons whose qualifications, training and experience are regarded by the Central Government or the [Controller].Indian Bureau of Mine as affording reasonable guarantee of adequate knowledge and competence may also be employed as a whole-time or a part-time geologist or mining engineer in any specified mine or mines or prospects,

1. Subs.by G.S.R. 1179,dated 22nd July. 1966.

22. 22 :-

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CHAPTER 4

Examination of Mineral and Issuing of Directions

23. Power of 1[Controller] to issue directives :-

1

(1) Every owner, agent or manager of a mine shall comply with such directions, being directions for purposes of providing for the conservation and systematic development of minerals as the ²[Controller] may. issue from time to time. A notice indicating the nature of the specific directions proposed to be Issued to any particular mine will be served by the ²[Controller] on the owner, agent or manager of the mine concerned, and to the State Government concerned and any comments received from the owner, agent 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 ² [Controller] 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 of affecting a class of persons, be notified in the 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

(ii) 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 the neighbourhood.)

1. Subs. by G.S.R. 651. dated 27th April. 1961.

2. Subs.by G.S.R. 1179,dated 22nd July. 1966.

24. Copy of scheme of development of mines to be furnished :-

Every owner, agent or manager of mine shall, on a requisition made In this behalf by the ¹ [Controller], or any other officer authorised by him In this behalf furnish to him within such time as

may be specified In the requisition, a statement showing the broad features of the scheme of development of the mine, together with the requisite plan and section.

1. Subs. by G.S.R. 1179. dated 22nd July. 1966.

25. Examination of mineral deposits and taking of samples

:-

The ¹ [Controller] or any officer duly authorised by the Government to enter and inspect a mine, may 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.

1. Subs. by G.S.R. 1179. dated 22nd July. 1966.

CHAPTER 5

Revision

26. Revision :-

Any person aggrieved by any order made or direction issued by the ¹[Controller] under these rules, may, within thirty days of the communication of such order or direction, apply to the Central Government 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 satisfied the Central Government that he had sufficient cause for not making the application within time.

(2) On receipt of any such application under sub-rule (1), the Central Government shall refer It, for report, to a Board consisting of the following persons nominated by the Central Government, namely:

(a) a Chairman;

(b) not more than two officials and an equal number of persons representing the owner or agents.

(3) On receipt of the report of the Board, the Central Government may confirm, modify or set aside the order or direction made or Issued by the ¹ [Controller] or may pass such orders in relation to the application as It may deem fit.

1. Subs. by G.S.R. 1179. dated 22nd July. 1966.

27. Penalty :-

(1) If the holder of a prospecting licence or the owner, agent or

manager of a mine refuses or without lawful excuse neglects-

(a) to give or furnish within the specified time any notice. Intimation or return required by these rules or In giving such notice or Intimation or furnishing such return, makes ¹[any statement which he knows to be false or does not believe It to be true In any material particular], or

(b) to send to the² [Controller] one copy of each of the plans and sections as required by rule 11, or

(c) to maintain records and preserve cores and samples as required by rule 18, rule 19 or rule 20 or to employ whole-time or a part-time geologist or a mining engineer as required by rule 21, or

(d) to allow the director or any authorised person to examine any mineral deposits or to take sample therefrom as provided in rule 25. he shall be punishable with Imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both and In the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) If any owner, agent or manager of a mine refuses or without lawful excuse neglects to comply with any direction issued by the [Controller] under rule 23 or any requisition made under rule 24, he shall be punishable with Imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such' contravention continues after conviction for the first such contravention.

1. Subs. by G.S.R. 387. dated 19th March, 1959.

2. Subs. by G.S.R. 1179. dated 22nd July. 1966.

SCHEDULE 1

SCHEDULE