

Maharashtra Minor Mineral Extraction (Development And Regulation) Rules, 2013

CONTENTS

CHAPTER 1 :- GENERAL

1. Short title and commencement
2. Definitions-In these rules, unless the context requires otherwise

CHAPTER 2 :- PROCEDURE FOR GRANT OF QUARRY LEASE

3. Prospecting to precede mining operation
4. Period for which prospecting license may be granted or renewed
5. Scheme of prospecting
6. Modification of scheme of prospecting
7. Prospecting operations to be carried out in accordance with scheme of prospecting
8. Report of prospecting operations
9. Mode of granting quarry lease
10. Restriction on grant of quarry lease
11. Application of quarry lease
12. Incomplete application
13. Acknowledgement of application
14. Grant of quarry lease, execution and registration thereof
15. Disposal of application for quarry lease
16. Refund of application fee
17. Intimation of refusal etc. to be given
18. Period for which lease may be granted or renewed
19. Minimum and maximum area for grant of a quarry lease
20. Mining plan as a pre-requisite to the grant of quarry lease
21. Mining plan to be prepared by a recognised qualified person
22. Grant of recognition by Government
23. Approval and submission of Mining Plan
24. Mining Plan as a pre-requisite to the commencement of mining operations
25. Mine Closure Plan
26. Submission of Progressive Mine Closure Plan
27. Submission of Final Mine Closure Plan
28. Modification of Mine Closure Plan
29. Responsibility of holder of quarry lease
30. Financial assurance
31. Mining Plan to be submitted by existing lessee
32. Review of Mining Plan
33. Mining operations to be in accordance with Mining Plan

34. Notice for opening of a mine and intimation of existence of a mine
35. Abandonment or surrender of quarry
36. Notice of temporary discontinuance of work in quarry
37. Intimation of reopening of a quarry
38. Prospecting and mining operations
39. Register of application
40. Demarcation of area lease
41. Register of quarry lease granted
42. Registers to be kept open for inspection
43. Boundaries below surface
44. Payment of royalty, dead rent etc.
45. Transfer of quarry lease

CHAPTER 3 :- TERMS AND CONDITIONS OF QUARRY LEASE

46. Every quarry lease shall be subjected to conditions
47. Rights of lessee
48. Right to determine lease
49. Protection of environment
50. Removal and utilization of top soil
51. Storage of overburden, waste rock etc.
52. Reclamation and Rehabilitation of lands
53. Precaution against air pollution
54. Discharge of effluents
55. Precaution against noise
56. Permissible limits and standards
57. Restoration of flora

CHAPTER 4 :- Grant of Quarry Permits for Minor Minerals

58. District Committee
59. Grant of short term permits for minor minerals
60. Grant of Quarry permits by Revenue officers over lands in charge of Water Resources Department, Public Works Department
61. Application for quarry permits.
62. Application or Processing fee
63. Acknowledgement of application
64. Register of quarry permits
65. Disposal of application for quarry permit
66. Conditions on which quarry permit shall be granted
67. General Conditions

CHAPTER 5 :- Grant of Concession by Way of Public Auction

68. Disposal of minor minerals by way of public auction
69. River bed mining
70. Disposal of sand from nalah, river bed and creeks by way of public auction

CHAPTER 6 :- STOCKING AND SELLING OF MINOR MINERAL

71. License for a dealer
72. Grant or refusal of License
73. Display of License
74. Maintenance of records of production and sale for inspection
75. Furnishing of statement of accounts by a dealer
76. Cancellation of license
77. Period of license
78. Transit pass for transporting of minor mineral

CHAPTER 7 :- OFFENCES, PENALTIES AND PROSECUTION

79. Unauthorised Operation
80. Power of entry and inspection
81. Recovery of certain sums as arrears of land revenue³

CHAPTER 8 :- Chapter 8

82. Appeal
83. Form of appeal and fees

CHAPTER 9 :- REVISION AND REVIEW

84. Power of Government to call for and examine records and proceedings

CHAPTER 10 :- MISCELLANEOUS

85. Power of Government
86. Application of these rules to renewal
87. Invalidity of minor mineral concession in certain cases
88. Powers of State Government to give directions
89. Repeal and Saving

Maharashtra Minor Mineral Extraction (Development And Regulation) Rules, 2013

CHAPTER 1 GENERAL

1. Short title and commencement :-

- (1) These rules may be called the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013.
- (2) These rules shall come into effect from the date as may be specified by the Government in the Official Gazette.

2. Definitions-In these rules, unless the context requires otherwise :-

- (a) Act means the Mines and Minerals (Regulations and Development) Act, 1957 (67 of 1957);

- (b) "Appellate Authority" means the Government or any authority vested with such powers under these rules or any other authority empowered by the Government to perform such functions;
- (c) "Assessee" means a person or a lessee holding a mining lease or a short term permit and includes any other person who has excavated, removed or used or is excavating, removing, processing or using minor mineral or minerals;
- (d) "Assessing Authority" means Collector or Additional Collector or Sub Divisional Officer or Tahsildar or District Mining Officer or Executive Engineer;
- (e) "Assessment Year" means the period beginning from the first day of April and ending on the thirty first day of March of the following year;
- (f) "Brick earth" means earth used for making bricks, Kavelus and earthen pots and shall include all types of earth used for construction of dams, buildings, canals, roads, rail embankments and other identical purposes;
- (g) "Building stone" means any rock or mineral which is used as building or construction material and includes such Minerals as specified in the Schedule appended to the Act;
- (h) "Competent Authority" means,-
- (i) for the purpose of Chapter IV of these rules,-
- (a) in the case of quarries situated on the lands owned by the Public Works Department and Water Resources Department of Government, the Executive Engineer of the concerned Division in case of the permits upto a maximum of 25,000 brass for the use of Departmental work only;
- (b) the Tahsildar, where minor minerals are to be extracted and removed from any land within the limits of their respective jurisdiction in quantities not exceeding 500 brass;
- (c) Sub-Divisional Officer of Revenue Department, where minor minerals are to be extracted and removed from any land within the limits of their respective jurisdiction in quantities not exceeding 2000 brass;
- (d) the Collector or Additional Collector of the District where minor minerals are to be extracted and removed from any land within that district, in quantities not exceeding 25000 Brass;
- (ii) For the purpose of auction of minor mineral, Competent Officer means the Collector or Additional Collector; and
- (iii) any other officer appointed by the Government by notification in the Official Gazette;
- (i) "Directorate" means the Directorate of Geology and Mining, in

the State of Maharashtra.

(j) "dead rent" means the minimum guaranteed amount of royalty per year payable as per rules of agreement under a mining lease;

(k) "Excavation" means digging and or collecting of minor minerals from any land or nala or rive or creek;

(l) "Forms" means forms appended to these rules;

(m) "Government" means the Government of Maharashtra;

(n) "Minor Minerals" means the minor minerals declared from time to time by the Central Government by notification in the Official Gazette under the Act;

(o) "Royalty" means the charge payable to the Government in respect of the ore or mineral excavated, removed or utilised from any land;

(p) "section" means a section of the Act;

(q) "specified minor mineral" means limestone, limeshell, bentonite, fullers earth or such other mineral as may be specified by the Central Government in the Official Gazette, from time to time, and the threshold value of the minor mineral specified by notification issued by Indian Bureau of Mines;

(r) "quarry lease" means a lease to mine, quarry, bore, dig, search for, win, work and transport or carry away any minor mineral specified therein;

(s) "quarry license or lease" means a license granted under these rules wherein a licensee is required to pay fixed annual license fee exclusive or inclusive of royalty, as the case may be;

(t) "quarry permit" means a permit granted under Chapter-IV of these rules to extract and remove any minor mineral in specified quantities and specified time;

(u) the words and expressions used in these rules but not defined hereinabove shall have the same meanings as respectively assigned to them under the Act.

CHAPTER 2 PROCEDURE FOR GRANT OF QUARRY LEASE

3. Prospecting to precede mining operation :-

(a) No lease shall be granted by the State Government unless it is satisfied that there is evidence to show that the area for which the lease is applied for has been prospected earlier for minor minerals or the existence of minor minerals therein has been established otherwise.

(b) No mining lease shall be granted unless the District Mining Officer confirms the existence of minor mineral in the applied area.

Mining lease shall be granted directly if the District Mining Officer reports that there is no need for prospecting for minor mineral in the area in question.

4. Period for which prospecting license may be granted or renewed :-

The period for which a prospecting license may be granted shall not exceed two years.

5. Scheme of prospecting :-

(1) Every holder of a prospecting license for minor mineral shall submit to the State Government or any person authorised in this behalf by the Government within a period of sixty days from the date of execution of the prospecting license a scheme of prospecting indicating the manner in which he proposes to carry out the prospecting operation in the area covered by the license and the scheme shall incorporate the following, namely:-

- (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 and the locations thereof;
- (d) The particulars of the machinery to be used;
- (e) The details of exploratory mining to be undertaken;
- (f) The number of samples proposed to be drawn and tested;
- (g) Baseline information of prevailing environmental conditions before the beginning of the prospecting operations;
- (h) Any other matter relevant for the preparation of a scheme of prospecting, as directed by the State Government or any person so authorised, from time to time by a general or special order.

(2) The prospecting scheme under sub-rule (1) shall be prepared by a recognised person or a geologist or a mining engineer employed under the rule.

6. Modification of scheme of prospecting :-

(1) A prospecting scheme prepared and submitted under rule 5 may be modified at any time on geological considerations by the holder of a prospecting license during continuance of the prospecting license.

(2) Any modification carried out under sub-rule (1) shall be intimated to the Government or any person authorised in this

behalf by the Government, by the holder of a prospecting license within a period of fifteen days.

7. Prospecting operations to be carried out in accordance with scheme of prospecting :-

Every holder of a prospecting license for minor mineral shall carry out the prospecting operations in accordance with the scheme of prospecting submitted under rule 5 or with such modifications, if any, as intimated under rule 6 or as directed by the Government or any Officer authorised by the Government in this behalf.

8. Report of prospecting operations :-

(1) Every holder of a prospecting license for minor mineral specified or ornamental stones or non-specified mineral shall submit to the Government or any Officer authorized in this behalf by the Government an annual report for the previous year in Form- A so as to reach them by the 30th April every year:

Provided that, a report in Form-A shall be submitted within a period of three months after the completion or abandonment of the prospecting operations or the expiry of the prospecting license, whichever is earlier.

(2) The Officer authorised in this behalf by the Government shall forward a copy of the Annual Report in Form-A, received under sub-rule (1) to the Director of Geology and Mining within a period of thirty days from the date of such receipt.

9. Mode of granting quarry lease :-

(1) Subject to the provisions of these rules, mineral concessions for quarry lease may be granted by the Competent Authority either on receipt of application or by way of public auction.

(2) A quarry lease may be granted for quarry operation on the conditions of payment of lease money including royalty, dead rent, surface rent, water rates payable to Government and the lessee shall have the right of quarry and disposing the extracted minor minerals.

10. Restriction on grant of quarry lease :-

(1) Except with the prior approval of the Government, no quarry lease shall be granted to any person other than an Indian national as defined in the Explanation to sub-section (1) of section 5 of the

Act.

(2) Except with the prior approval of the Directorate, no quarry lease shall be granted in respect of any specified minor mineral.

(3) Except with the prior approval of the Government no quarry lease shall be granted in respect of land notified by the Government as reserved for public utility or for any other special purposes like areas of historical, geological and archeological interest.

(4) No quarry lease shall be granted in the areas under the jurisdiction of the local bodies such as Gram Sabha, municipality or corporation or any metropolitan authority as the case may be without prior approval of such local bodies. However, if the approval is not received within the period of forty five days, the approval shall be deemed to have been granted for the purpose of grant of lease. However, if the concerned Gram Sabha does not give permission for quarry operations then the Sub-Divisional Officer of the area shall arrange the Gram Sabha and after hearing the Gram Sabha the Sub-Divisional Officer can take the decision on merit.

(5) No quarry lease shall be granted in the areas where it is necessary in the interest of the regulation of mines and minerals development, preservation of natural environment, control of floods, prevention of pollution or to avoid danger to public health or communication or ensure safety of building, monument or other structures or for such other purposes. If necessary, the opinion of the concerned authority may be sought for by the Competent Authority.

(6) No quarry lease shall be granted in the areas if Competent Authority is of the opinion that it is necessary or expedient so to do for securing or maintain proper sanitation or public health or the orderly development of any area or for any like purposes.

(7) No commercial quarry lease shall be granted in eco-sensitive zone of notified under the Environment (Protection) Act, 1986 (29 of 1986) within notified area around wildlife Sanctuaries and National Parks.

11. Application of quarry lease :-

(1) Every application for quarry lease in respect of any land shall be made to the Competent Officer in Form-B. Every such application shall be affixed with a court-fee stamp of rupees twenty.

(2) Every such application shall be accompanied by a challan of

rupees five hundred as the application fee and also by a Solvency Certificate of the applicant issued from a revenue officer not below the rank of Tahsildar.

(3) Every application for renewal of quarry lease shall be made to the Competent Officer in Form-C at least sixty days prior to expiry of the original period of quarry lease. Such application shall be accompanied with a challan of rupees five hundred as an application fee and Solvency Certificate of the applicant issued from a revenue officer not below the rank of Tahsildar.

(4) The area for which quarry lease is applied shall be a contiguous one.

(5) Every application for grant or renewal of quarry lease shall be in addition to the documents mentioned above shall be accompanied with,

(a) Mining dues clearances certificate.

(b) Record of rights of the area applied for.

(c) A map showing the location of the area.

(d) Approved Mining plan and progressive mine closure plan for the area in case of renewal.

(e) Solvency Certificate of the applicant issued from a revenue officer not below the rank of Tahsildar.

(f) Environment Clearance Certificate issued from the appropriate authority in case of renewal, if environment clearance period expires for the period requested for extraction.

12. Incomplete application :-

The application without the required documents as mentioned in rule 11, shall be treated as incomplete and shall not be considered for granting lease. The applicant shall be informed to complete the application within a period of six months from the date of letter of intent for a grant of quarry lease. In case of non-compliance on the part of applicant in the stipulated period, the application will be treated as refused and the fees shall be forfeited. In such case, the date of receipt of complete application shall be treated as the date of receipt of application for deciding the application.

13. Acknowledgement of application :-

(1) Where an application for grant or renewal of quarry lease is submitted personally, its receipt shall be acknowledged by the Competent Officer.

(2) Where such application is received by registered post, its

receipt shall be acknowledged on the same day.

(3) In any other case the receipt of such application shall be acknowledged within a period of three days of the receipt.

(4) The receipt of every such application shall be acknowledged in Form-D.

14. Grant of quarry lease, execution and registration thereof :-

(1) On receipt of an application under rule 11, the Competent Officer on making such inquiries as he deems fit, may, by order, sanction the quarry lease or renew of quarry lease wholly or partially or refuse to sanction it.

(2) If two or more applications are received for the same area, the applicant whose application was received earlier shall have the preferential right for grant of the quarry lease over an applicant whose application is received later :

Provided that, while deciding any such application, the Competent Officer may take into consideration the matters specified below and grant the quarry lease to any such person whom he may deem fit,-

(a) whether he has undertaken prospecting operations or has certificate of District Mining Officer regarding existence of minor mineral presence in the area,

(b) whether he has any special knowledge or experience in mining operation or in Geology,

(c) the financial resources of the applicant,

(d) the nature and quality of technical staff employed or to be employed by the applicant,

(e) such other matter as may be specified by the Government by an order from time to time.

(3) Where a quarry lease is granted under sub-rule(1), a lease Deed shall be executed in Form-E within sixty days from the date of the order of granting the lease, and if no such lease Deed is executed within the aforesaid period, the Competent Officer may revoke the order of such grant of lease:

Provided that, where the Competent Officer is satisfied that the applicant is not responsible for the delay in the execution of the lease Deed, he may permit the execution of lease Deed after the expiry of the aforesaid period of sixty days.

(4) The lease Deed shall be registered with the concerned Registrar of Stamp Duties.

15. Disposal of application for quarry lease :-

(1) The application for quarry lease shall be disposed of within a period of ninety days from the date of receipt of complete application for grant of lease.

(2) The application for renewal of quarry lease shall be disposed of within a period of sixty days from the date of receipt of complete application for renewal of lease.

(3) If an application for renewal of quarry lease has been made within the prescribed period but is not disposed of before the date of expiry of the period, the lease shall be deemed to have been extended by a further period of three months or till such date on which the applicant is informed about the refusal to grant the renewal of the lease, whichever is earlier.

16. Refund of application fee :-

If the Competent Officer refuses to grant the quarry lease applied for or if the applicant refuses to accept the lease on account of any special condition imposed therein under rule 46, the fee shall be treated as processing fee and will not be refunded: Provided that, if the applicant refuses to accept the lease for reasons other than those referred to above, withdraws the application or fails to furnish the requisite information or to execute a lease deed in accordance with the provision of sub-rule (3) of rule 14, the application fee shall not be refunded.

17. Intimation of refusal etc. to be given :-

When an application for a quarry lease is refused by the Competent Officer or is granted for less area than for which it was applied for, he shall communicate the reasons therefor in writing to the applicant for such refusal or reduction of area.

18. Period for which lease may be granted or renewed :-

(1) The period for which a quarry lease may be granted shall be of five years without approval of the Government and ten years with the prior approval of the Government: Provided that, the maximum period for which any such lease may be granted shall not be more than twenty years.

(2) A lease may be renewed at the option of the lessee for a period not exceeding the duration of the original lease.

(3) Notwithstanding anything contained in sub-rule (2), if the

Government is of the opinion that in the interest of development of minor minerals, it is necessary to do so, it may, for reasons to be recorded in writing, authorise the renewal of a lease for a further period or periods not exceeding five years in each case.

19. Minimum and maximum area for grant of a quarry lease

:-

The minimum area that may be granted under a quarry lease shall not be less than,-

(a) one hectare, in respect of small deposits (not fragmented portions of larger ones), shallow in nature, isolated and not exceeding more than 200 meters in strike length. These deposits are small by virtue of either origin or mode of emplacement or dislocation due to geological disturbances. Small deposits shall also include float deposits (transported) formed due to mechanical weathering and deposition, alluvial or alluvial buried or otherwise, which generally have peculiar configuration;

(b) two hectares in respect of beach sands or placers (Beach sands or placers are mono or multi mineral concentrations) including the dunes occurring on and off the coastal shore line. These deposits are the products of ebb and flow of tides, waves and inshore current, and at places semi-consolidated to consolidate in nature:

Provided that, in case of renewal of mining lease, the restrictions of minimum area for grant of mining lease shall not be applicable:

Provided further that, the Government, if satisfied on the basis of proposed production level, geological or topographical conditions, may, for reasons to be recorded in writing, grant quarry lease not exceeding fifty hectare:

Provided also that, the Government may, after recording reasons in writing, grant quarry lease of the area less than minimum area mentioned above in case of artisan and traditional workers.

20. Mining plan as a pre-requisite to the grant of quarry lease :-

No lease shall be granted or renewed by the Government unless there is a mining plan duly approved by the Government or any person authorised in this behalf by it for the development of the minor minerals deposit in the area concerned.

21. Mining plan to be prepared by a recognised qualified person :-

No mining plan shall be approved unless it is prepared by a qualified person recognised in this behalf by the Government or any person authorised by the Government or by a recognised person under rule 22B of the Mineral Concession Rules, 1960.

22. Grant of recognition by Government :-

(1) Any person possessing the qualifications and experience required under sub-rule (2) of rule 22B of Mineral Concession Rules 1960, may apply for such recognition to the Competent Officer designated by the Government for this purpose.

(2) The Competent Officer after making such enquiry as it deems fit, may grant or refuse to grant recognition. Where recognition is refused the Competent Officer shall record the reasons in writing and communicate the same to the applicant.

(3) A recognition shall be granted for an initial period of five years and may be renewed for further periods not exceeding five years at a time: Provided that, the Competent Officer may refuse to renew recognition for reasons to be recorded in writing after giving an opportunity of being heard to the person concerned.

23. Approval and submission of Mining Plan :-

On receipt of the application for grant of mining lease for undertaking mining operations for minor minerals, the Government shall take decision to grant precise area for the said purpose and communicate such decision to the applicant and on receipt of the communication from the Government of the precise area to be granted, the applicant shall submit a mining plan within a period of three months from the date on which such communication is received or such further period as may be allowed by the Government for the approval. The said mining plan shall incorporate,- (i) (a) the map of the precise area showing the nature and extent of the minor minerals body ;

(b) spot or spots where the excavation to be done in the first five years plan period and its extent ;

(c) a detailed cross-section and detailed plan of spots of excavation based on prospecting data gathered by the applicant ;

(d) a tentative scheme of mining for the second five years plan period of the lease;

(ii) details of the geology and lithology of the precise area including minor mineral reserves in the area;

- (iii) the extent of manual mining or mining by use of machinery and mechanical devices on the precise area;
- (iv) the map of the precise area showing natural water courses, limits of reserved and other forest areas and density of trees, if any, assessment of impact of mining activity on forest land surface and environment including air and water pollution; details of scheme for restoration of the area by a forestations, land reclamation, use of pollution control devices and of such other measures under Mine Closure Plan - Progressive and Final Mine Closure Plan;
- (v) annual program and plan for excavation on the precise area from (year to year) for five years;
- (vi) as per provisions of Notification of Ministry of Environment and Forest dated the 14th September 2006 prior Environment Clearance will be required depending upon the mining lease area.
- (vii) any other matter which the Government may require the applicant to provide in the mining plan.

MINING OPERATIONS

24. Mining Plan as a pre-requisite to the commencement of mining operations :-

- (1) No person shall commence mining operations for minor minerals in any area except in accordance with a mining plan approved under these rules.
- (2) The Government or any person authorised in this behalf by the Government, may require the holder of a lease to make such modifications in the mining plan referred to in sub-rule (1) or impose such conditions as it considers necessary by an order in writing if such modifications or imposition of conditions are considered necessary in the light of the experience of operation of mining plan or in view of the change in the technological development.
- (3) A holder of a lease, desirous of seeking modifications in the approved mining plan as are considered expedient, in the interest of safe and scientific mining, conservation of minor minerals and for the protection of environment, shall apply to the Government or any person authorised in this behalf by the Government setting forth the intended modifications and explaining the reasons for the same.

(4) The Government or any person authorised in this behalf by the Government may approve the modifications under sub-rule (3) or approve with such alterations as it may consider expedient.

25. Mine Closure Plan :-

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

- (i) Progressive Mine Closure Plan; and
- (ii) Final Mine Closure Plan.

26. Submission of Progressive Mine Closure Plan :-

(1) The lessee, 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 officer authorised by the Government in this behalf.

(2) The lessee, agent, manager or mining engineer shall, in case of existing mining lease submit a Progressive Mine Closure Plan to the officer authorised by the Government in this behalf, for approval within a period of one year from the date of commencement of these rules.

(3) The lessee, 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 officer authorised by the Government in this behalf, for its approval.

(4) The officer authorized by the Government in this behalf, shall convey his approval or refusal of the Progressive Mine Closure Plan within a period of 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 subrule

(4), the Progressive Mine Closure Plan shall be deemed to have been provisionally approved, and such approval shall be subject to the final decision whenever communicated.

27. Submission of Final Mine Closure Plan :-

(1) The lessee, agent, manager or mining engineer shall submit a final mine closure plan to the officer authorised by the Government in this behalf, for the approval one year prior to the proposed

closure of the mine.

(2) The officer authorised by the Government in this behalf, shall convey his approval or refusal of the final Mine Closure Plan within a period of 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.

28. Modification of Mine Closure Plan :-

(1) The holder of a mining lease desirous of seeking modifications in the approved Mine Closure Plan, shall submit to the officer authorised by the Government in this behalf, for approval setting forth the intended modifications and explaining the reasons for such modifications.

(2) The officer authorised by the Government in this behalf, may approve the modifications as submitted under sub-rule (1) or approve with such alterations as he may consider expedient.

29. Responsibility of holder of quarry lease :-

(1) The lessee, 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 work have been carried out in accordance with the approved Mine Closure Plan or with such modifications as approved by the officer authorised by the Government in this behalf under this rule.

(2) The lessee, agent, manager or mining engineer shall submit to the officer authorised by the Government in this behalf, a yearly report before the 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.

30. Financial assurance :-

(1) Financial assurance has to be furnished by every leaseholder. The amount of financial assurance shall be rupees fifty thousand

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 sub-rule (2) shall be rupees one lakh: 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 the officer authorised by the Government in this behalf, 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 officer.

(3) The lessee shall submit the financial assurance to the officer authorised by the Government in this behalf, 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 officer authorised by the Government in this behalf.

(5) If the officer authorised by the 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 officer authorised by the Government in this behalf, shall give the lessee a written notice of his intention to issue the orders for forfeiting the sum assured at least 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 officer authorised by the Government in this behalf, shall pass an order for forfeiting the surety amount and a copy of such order shall be endorsed to the Government.

(7) Upon the issuance of order by the officer authorised by the Government in this behalf, the Government may realize 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.

31. Mining Plan to be submitted by existing lessee :-

(1) Where mining operations for minor minerals have been undertaken before the commencement of these rules without an approved Mining Plan, the holder of such lease shall submit a mining plan within a period of one year from the date of commencement of these rules, to the Government or any person authorised in this behalf by the Government for its approval.

(2) If a holder of a 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 Government or any person authorised in this behalf by the Government.

(3) The Government or any person authorised in this behalf by the Government on receiving an application made under sub-rule (2) above, may, on being satisfied, extend the period for submission of the Mining Plan for a period which may not exceed two years.

(4) The Government or any person authorised in this behalf by the Government may approve the Mining Plan submitted by the lessee under sub-rule (1) or any required modifications to be carried out in the Mining Plan and the lessee shall carry out such modifications and resubmit the modified mining plan for approval of the Government or the person so authorized, as the case may be.

(5) The Government or any person authorised in this behalf by the Government shall, within a period of ninety days from the date of receipt of the Mining Plan or the modified plan convey its or his approval or disapproval to the applicant and in case of disapproval it or he 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 provisionally 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 qualified person.

32. Review of Mining Plan :-

(1) Every Mining Plan duly approved under these rules shall be valid for the entire duration of the lease.

(2) The lessee, agent, mining engineer or manager of every mine or quarry shall review the Mining Plan as prescribed under sub-rule (1) and submit a scheme of mining for the next five years of the lease to the Government or any person authorised in this behalf by the Government for approval.

(3) The scheme of mining shall be submitted to the Government or any person authorised in this behalf by the Government 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 Government or any person authorised in this behalf by the Government shall convey its or 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 lease within the stipulated period, the scheme of mining shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

(6) The provisions of rule 31 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 recognized qualified person or a person under rule 21.

33. Mining operations to be in accordance with Mining Plan :-

(1) Every holder of a lease shall carry out mining operations for minor minerals in accordance with the Mining Plan with such conditions as may have been specified under sub-rule (2) of rule 24 or with such modifications, if any, as permitted under sub-rule (3) of rule 24 or the mining plan or the scheme approved under rule 23 or 31 or 32, 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 Government or any person authorised in this behalf by the Government 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 quarry as envisaged under the said Mining Plan.

34. Notice for opening of a mine and intimation of existence of a mine :-

The owner, agent, mining engineer or manager of every minor mineral quarry shall send to the Government or any person authorised in this behalf by the Government an intimation in Form-F of the opening of a mine so as to reach them within fifteen days of such opening or of the existence of a mine at the time of the commencement of these rules within ninety days from such commencement, as the case may be.

35. Abandonment or surrender of quarry :-

(1) The lessee, agent, mining engineer or manager of every minor mineral quarry shall not abandon or surrender a minor mineral quarry or a part of such quarry during the subsistence of the lease except with prior permission in writing of the Government or any person authorised in this behalf by the Government.

(2) Notice for abandonment or surrender of a minor mineral quarry or a part thereof shall be given in Form-G and shall be accompanied by plans and sections on a scale of not less than 1 cm=10 meters showing accurately the work done in such quarry upto the date of submission of the notice.

(3) The Government or any person authorised in this behalf by the Government may by an order in writing prohibit abandonment or refuse surrender or allow the abandonment or surrender of a minor mineral quarry or a part thereof with such conditions as he may specify in the order.

(4) Where an abandonment of a minor mineral quarry or part thereof takes place as a result of the occurrence of a natural calamity beyond the control of the owner, agent, mining engineer or manager of a such quarry, or the lease is terminated in compliance of any order or directions issued by any statutory authority established under any law for the time being in force or any tribunal or a court, an intimation shall be sent to the Government or any person authorised in this behalf by the Government within a period of twenty-four hours of such abandonment or termination and the notice of abandonment as

provided in sub-rule (2) shall be submitted to the Government or any person authorised in this behalf by the Government within a period of fifteen days of such abandonment or termination.

36. Notice of temporary discontinuance of work in quarry :-

The lessee, agent, mining engineer or manager of every minor mineral quarry shall send to the Government or any person authorised in this behalf by the Government a notice in Form-H when the work in such quarry is discontinued for a period exceeding sixty days so as to reach them within seventy-five days from the date of such temporary discontinuance.

37. Intimation of reopening of a quarry :-

The lessee, agent, mining engineer or manager of every minor mineral quarry shall send to the Government or any person authorised in this behalf by the Government an intimation in Form-I of reopening of such quarry after temporary discontinuance so as to reach them within fifteen days from the date of such reopening.

38. Prospecting and mining operations :-

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

39. Register of application :-

A register of application for quarry lease shall be maintained by the Competent Officer in Form-J.

40. Demarcation of area lease :-

Where a quarry lease is granted by a Competent Authority arrangement shall be made by the Competent Officer at the expense of the lessee for the demarcation of the area granted under the lease, before executing the lease Deed.

41. Register of quarry lease granted :-

A register of quarry lease granted shall be maintained by the Competent Officer in Form-K.

42. Registers to be kept open for inspection :-

The registers maintained by the Competent Officer under rules 39 and 41 shall be open to inspection by any person on payment of a fee of rupees twenty-five for the first hour and rupees ten for every subsequent hour or part thereof.

43. Boundaries below surface :-

The boundaries of the area covered by a quarry lease shall run vertically downwards below the surface towards the center of the Earth.

44. Payment of royalty, dead rent etc. :-

When the quarry lease is renewed, royalty, dead rent, surface rent and other dues with lessee thereon shall be charged at the rates in force, from time to time.

45. Transfer of quarry lease :-

(1) Except with previous consent in writing of the Competent Officer, the lessee shall not,-

(a) assign, sub-let, mortgage or in any other manner, transfer, the quarry lease or any right, title or interest therein, or

(b) enter into, or make any arrangement, contract or understanding whereby the lessee may be financed to a substantial extent or may be substantially controlled by, any person or body of persons other than the lessee.

(2) The lessee may, with the previous consent in writing of the Competent Officer, transfer his lease or any right title or interest therein, to any person on payment of a fee of rupees ten thousand to the Government:

Provided that, if the lease was granted with the approval of the Director (as in the case of specific mineral) it shall not be transferred unless approval of the Director is obtained. Provided further that, no lease or permit granted to a co-operative labour society, in pursuance of a direction made under rule shall be transferred except to another such society.

(3) Where the lease is transferred, the transferor shall furnish to the transferee with the original or certified copies of all plans or abandoned working in the areas covered by the lease and also the original lease deed.

(4) The Competent Officer shall not give his written consent for

transfer of any quarry lease unless the lessee has furnished a properly sworn in affidavit along-with his application for transfer of quarry lease specifying therein the amount that he has already taken or propose to take as consideration from the transferee:

Provided that, the amount of consideration taken or proposed to be taken shall include only such sum spent by the lessee (Transferor) in obtaining the quarry lease and for conducting all quarry operations over the lease area.

(5) The Competent Officer may by order in writing determine any transferred lease at any time, if the lessee has, in the opinion of the Competent Officer, committed a breach of any of the provision of these rules:

Provided that, no such order shall be made without giving the lessee a reasonable opportunity of showing cause against making such an order.

(6) The Competent Officer may, in the interest of mineral development and with reasons to be recorded in writing , permit amalgamation of two or more adjoining leases held by a lessee: Provided that, the period of amalgamated leases shall be co-terminus with the lease whose period will expire first.

CHAPTER 3 TERMS AND CONDITIONS OF QUARRY EASE

46. Every quarry lease shall be subjected to conditions :-

(i) The lessee shall pay royalty on minor minerals removed from the leased area at the rates specified by the Government, from time to time, on the date of the grant of the lease: Provided that, such rates may be revised only once in every three years.

(ii) The royalty shall be paid by the lessee quarterly for the quarters ending March, June, September and December and shall be payable within fifteen days after completion of every quarter.

(iii) For the purpose of computation of royalty dues, the lessee shall compute the said dues on the basis of self assessment and make the payment in the treasury accordingly. It shall also be binding on the lessee to make payment of the difference of royalty after final assessment demand from the Competent Officer:

Provided that, the Competent Officer, without prejudice to the provision contained in rules, shall charge simple interest at the rate of fifteen percent per annum, on the delayed payment of royalty and other mining dues from the sixtieth day of the expiry of the date fixed by the Government for payment of such royalty and other mining dues until payment of such royalty and other mining

dues is made.

(iv) The lessee shall submit to the Competent Officer and the Director, a quarterly return in Form-L for the periods ending on the 30th June, 30th September, 31st December and 31st March in respect of payment of royalty.

(v) The lessee shall also pay for every calendar year of the lease such yearly dead rent as specified by the Government, from time to time, and if the lessees permitted the working of more than one minerals in the same area, shall pay such separate dead rent in respect of each mineral as may be fixed by the Government, from time to time:

Provided that, the dead rent may be revised once in every three years: Provided further that, the lessee shall be liable to pay the dead rent or royalty whichever is more, but not both, in respect of each minor mineral:

Provided also that, the dead rent shall not be payable for the first three month following the execution of lease.

(vi) The lessee shall also pay for every calendar year, surface rent and cess equal to nonagricultural assessment for the area for which working permission has been granted to him. Period to be calculated prospectively from the date of execution of lease as well as for the lease area for which no working permission has been granted.

(vii) Unless the Competent Officer for sufficient cause permits otherwise, the lessee shall commence quarry operations within three months from the date of execution of the lease and shall transfer, carry them in a proper, skillful and workman like manner so as to ensure the safety of labourers, conservation of minerals etc.:

Provided that, if the Government is of the opinion that it is expedient so to do in the interest of regulation of mines and minerals development, preservation of pollution or to avoid danger to public health or communication or ensure safety of building , monuments or other structure or for such other purpose, as the Government may deem fit, to terminate permanently any quarry lease, after issuing due notice of thirty days to the lessee, terminate or determine such quarry lease in respect of any land:

Provided further that, the Government may after the premature termination of quarry lease, grant quarry lease in favour of another eligible person or such Government company or corporation owned or controlled by Government as it may think fit.

(viii) Before lessee commences quarry operation, the lessee shall, in

consultation with the Competent Officer and at his own expense, demarcate the leased area through the Deputy Superintendent of Land Records and erect and maintain in good condition prominent boundary marks and pillars, necessary to indicate the area leased to him and shall at all time maintain and keep such boundary marks and pillars in good conditions. The lessee shall also keep proper maintenance of any road, power transmission line, tramway, railway, Ariel ropeway, pipeline etc. passing through his lease hold area. He shall also make proper passage for water used for quarry purposes. He shall keep such maintenance in case of any type of land (either Government land or private land) under his lease hold area.

(ix) The lessee shall take adequate steps to ensure that,-

(a) height and width of benches in opencast quarries are properly maintained to facilitate easy removal of mineral and the muck.

In case of quarry in alluvium or soil or murum or gravel clay or debris or any such loose or soft formation the faces of the quarry shall be sloped at an angle of safety not exceeding forty-five degree (45o) from the horizontal so also the faces of the quarry shall be worked by the lessee in such a way so as to form benches and the height of every such bench shall not exceed one and half meters (1.5 meters with the breadth thereof not less than the height).

In case of hard-rock formations the faces of quarry shall be sloped at an angle of not more than sixty degrees (60o) from the horizontal and the quarry face shall be in bench pattern. The height of any bench shall not exceed six meters and the breadth thereof shall not be less than the height;

(b) The working faces are always kept clean; and

(c) The minor minerals won are stacked in suitable dimension and each stack is numbered.

(x) If any minor mineral not specified in the lease is at any time discovered in the lease area, the lessee shall without delay report the discovery to the Competent Officer and also to the Director and shall not undertake any quarry operation in respect of such minor mineral or dispose of such minor mineral without obtaining a separate lease therefor. If the lessee fails to apply for such lease within three months from the date of the discovery of mineral, the Competent Officer may grant a lease in respect of such minor mineral to any other person.

(xi) The lessee shall arrange for a proper sanitation of the area leased to him.

(xii) The lessee shall abide by all such reasonable instructions or direction as may from time to time be issued by the Government or the Director, regarding the conservation and development of minor minerals.

(xiii) The lessee shall abide by the provision of any law in force relating to the working of mines and matters affecting safety, health and convenience of his employees, of the public visiting the site and shall respect all existing rights of way, water and other easements vesting in any other person.

(xiv) The lessee shall not carry on or allow to be carried on any quarry operations at any point within a distance of fifty meters, if no blasting is involved, and two hundred meters, if blasting is involved,-

(a) from the boundary of any railway line, unless a written permission of the railway authority concerned is obtained in that behalf;

(b) from the boundary of any reservoir, canal, road, river, nallah, irrigation works or public works or buildings, unless a written permission of concerned authority of the Government is obtained in that behalf.

In granting any such permission, the Government may impose such conditions on advice of railway authority or any concerned authority and the lessee shall abide by such conditions.

(xv) The lessee shall keep correct and true accounts of expenses incurred by him on quarry operations and also the accounts showing the quantity and other particulars of all minor minerals obtained, the names of the purchasers, the receipts for money received, and the number of employees present in the quarry and complete plans of the quarry and shall furnish to the Competent Officer, and the Director such information, reports and returns as any of them may require, from time to time, together with representative samples of minerals obtained during the operations and shall submit by the 10th day of every month to those officers, a return in Form-M giving the total quantity of material raised in the preceding calendar month and its value.

The lessee shall also furnish to the Competent Officer and the Director, annual return giving the total quantity of material raised in the preceding year and its value in Form-N by the 15th of January every year:

Provided that, if the period of the lease expires before the close of a year, the lessee shall also furnish returns for such shorter period.

(xvi) The lessee shall allow any officer authorised by the

Government in this behalf or the Competent Officer or any officer authorised competent officer to enter upon any building, excavation or land covered by his lease for the purpose of inspecting the same or for inspecting the accounts plans and record which may be required to produce before such officer. Any such officer may issue such reasonable directions as he may deems fit to prevent wasteful extraction of minerals, and it shall be the duty of the lessee , his agent or manager to carry out such directions with such period as the officer may specify.

(xvii) Where the strengthening or supporting of any part of quarry is necessary for the safety of any railway, reservoir, canal, road or any other public work or structure, the lessee shall cause it to be done to the satisfaction of the concerned railway authority where the safety of the railway is involved and to the satisfaction of any officer, authorised by Competent Officer for this purpose.

(xviii) If the lessee fails to undertake quarry operations within a period of one hundred eighty days after the date of execution of the lease, or, having commenced quarry operations, has discontinued the same for a continuous period of one hundred eighty days, the lease shall be treated as lapsed on the expiry of the period of one hundred eighty days from the date of execution of the lease or as the case may be, discontinuous of the quarry operation: Provided that, the Competent Officer may, on an application made by the holder of such lease before its expiry under this sub-rule and on being satisfied that it will not be possible for the holder of the lease, to undertake mining operation or to continue such operations for reasons beyond his control, make an order, subject to such conditions as may be specified in the order, to the effect that such lease shall not lapse:

Provided further that, the Government may on an application submitted by the lessee, within a period of six months from the date of its lapse and on being satisfied that such non-commencement or discontinuance was due to reasons beyond the control of the holder of the lease, revive the lease from such prospective or retrospective date as it thinks fit but not earlier than the date of lapse of the lease:

Provided also that, no quarry lease shall be revived under the aforesaid provisos for not more than twice during the entire period of the lease.

(xix) The lessee shall report all accidents immediately to the District Magistrate, the Superintendent of Police and the Competent Officer, or in case the severity of accident so warrants, the

concerned Director of Mines of Safety of Government of India.

(xx) The Government shall be immune from the lessees claims for the damages on account of any land having been included in this lease which may subsequently be discovered not to have been available for the lease.

(xxi) The lessee or his transferee or assignee shall not erect any building in contravention of the provisions of any law, order or instructions in force relating to the erection of the buildings or in contraventions of any orders issued by any officers or authority competent to issue such orders under any such laws, orders or instructions within whose jurisdiction the leased area is situated.

(xxii) The Government shall at all times have the right of preemption of the minor minerals won from the land in respect of which the lease has been granted:

Provided that, the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minor minerals.

(xxiii) Right of the State or Central Government or any local authority to construct any road, railway, canal, reservoir or public work or the right of any authority to carry any electric or telephone lines or poles in or over the lands demised under the lease is reserved: Provided that, before such right is exercised a notice of not less than thirty days shall be given to the lessee and the area utilised for any of the aforesaid purpose shall be excluded from the area under the lease.

(xxiv) The lessee shall immediately submit a report to the Collector, the District Magistrate, the Chief Inspector of Mines, Dhanbad, the Controller General, Indian Bureau of Mines, the Director and Senior Geologist or Geologist, Junior Geologist posted in the area as soon as-

(a) the depth of any opencast excavation measured from its height to the lowest point reaches six meters, or

(b) the explosives are used, and at such time thereafter as the District Magistrate or the Chief Inspector of Mines may direct.

(xxv) The lessee shall allow any Government Department to remove by way of departmental work without any payment of royalty from any non worked portion of the leased area, any minor mineral required for bonafied Government work, on receiving written instructions from the Competent Officers. The Competent Officer shall issue such instruction to lessee on receiving written and specific request from that officer of any particular departments who is competent to certify the benefited Government work, in question as regards the extent of such work and quantity of minor

mineral or minerals specifically required for it: Provided that, the Government Department shall give the amount of compensation due to the land owner or the lessee, as the case may be, if the lease has been granted of private land.

(xxvi) The lessee shall issue along with every dispatch of mineral outside the lease hold area for any mode of transport a Transit pass in Form-O.

(xxvii) The lessee shall pay to the occupier of the surface of the land, such compensation as may primarily be decided, mutually, amongst the lessee and the individual land holders, prior to any disturbance to the land that would be caused by the quarry operations. The lessee shall for this purpose, submit an affidavit at the time of execution of the quarry lease deed, to the effect that he has entered into such mutual agreements with all the concerned land holders and with those land holder with whom such an agreement could not be entered into, the lessee has obtained provisional written order from the concerned Sub-Divisional Officer to enter into such land with the intention of commencing quarry operations: Provides that, the concerned Sub-Divisional Officer shall have such case registered in his court under the provisions of section 48 of the Maharashtra Land Revenue Code, 1966: Provided further that, the concerned Sub-Divisional Officer shall settle such cases of surface compensation regarding quarry lease on priority basis and considering the merits of the cases.

(xxviii) In case of quarry lease granted over any Government land, lessee shall pay to the Government the compensation or occupancy price as determined and fixed by Revenue authorities.

(xxix) The lessee shall comply strictly all the relevant provisions of the following Acts and Rules and corresponding procedures framed by the Central or State Governments under these Acts and rules, namely:-

(a) the Mines Act 1952.

(b) the Mineral Conservation and Development Rules-1988.

(c) Any other Act or rules which the Central or State Government may make applicable, from time to time, as regards minor minerals.

(xxx)(i) The lands on which quarry lease is granted shall be reclaimed by the lessee.

(ii) The lessee shall restore ecological balance before mining operations.

(iii) The lessee shall plant the trees around the leased area and maintain the same. He shall ensure that the greenery in the area is maintained.

(xxxi) (1) Any other special conditions which the Competent Officer may specify, subject to the approval of the Government.

(2) In case of breach or breaches by the lessee or his transferee or assignee, of any of the conditions specified under rule (46) (1) (i) to (xxxi) above, the Competent Officer shall give notice in writing, to the lessee or his transferee assignee asking him to remedy breach or breaches in full, within thirty days from the date of the notice and if the breach or breaches is or are not remedied fully within such period, the Competent Officer on expiry of this notice period and by an order in writing impose penalty not exceeding an amount equal to twice the rate of dead rent applicable to be paid within a period of eight days from the date of issue of such order. In case of non-payment of the penalty so imposed within this specified time, an additional fine of an amount equal to rate of dead rent per day shall be imposed upto such period during which contravention continues. Furthermore, if such contravention still continues even after imposing such penalty, for this continued contravention, the Competent Officer shall serve a final notice to the lessee or his transferee or assigns to remedy the breach or breaches within a period of fifteen days from the date of such notice and in case even on the expiry of this notice period, if the breach or breaches are not remedied fully, the Competent Officer shall determine the quarry lease forthwith and recover the amount of penalty and fines as arrears of land revenue.

47. Rights of lessee :-

Subject to the conditions mentioned in rule 46, the lessee shall have the right, for the purpose of his quarry operations, to :-

- (1) work quarries;
- (2) sink pits and shafts and construct building and roads;
- (3) erect plant and machinery;
- (4) surrender of part of the area leased out to him during continuance of the lease, provided the lessee again demarcates the area so retained at his cost and give at least six months notice to the Competent Officer about his intention to surrender part of the area;
- (5) quarry and obtain building and road materials and make bricks on payment of royalty;
- (6) use water;
- (7) use land for stacking purposes;
- (8) do any other thing specified in the lease.

48. Right to determine lease :-

(1) The State Government may determine the lease, as per the provisions of rule 46.

(2) The lessee may determine the lease, at any time by giving not less than sixty days notice, in writing, to the Competent Officer, stating specific reasons in the notice: Provided that, such determination shall have the effect only if the Competent Officer is satisfied as regards the reasons given by the lessee and gives his written consent for such determination by the lessee, prior to the expiry of the said notice period of sixty days.

SYSTEMATIC AND SCIENTIFIC MINING

49. Protection of environment :-

Every holder of a prospecting license or a quarry lease shall take all possible precautions for the protection of environment wildlife habitat, flora and fauna of that area and control of pollution while conducting prospecting, mining or processing of minor mineral in the area for which such license or lease is granted.

50. Removal and utilization of top soil :-

(1) Where top soil exists and is to be excavated for prospecting or mining operations for minor mineral, it should be removed separately.

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

(3) Where top soil cannot be used concurrently, it shall be stored separately for future use, keeping in view that the bacterial organism should not die and should be spread nearby area.

(4) The top soil so removed shall not be dumped, stocked or kept on the adjoining forest land, if any.

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

(1) The overburden, waste rock and non-saleable minor mineral generated during prospecting or mining operations for minor mineral shall be stored separately in properly formed dumps on grounds earmarked and shall not be dumped, stocked in the adjoining forest land, if any.

(2) Such dumps shall be properly secured to prevent the escape of material in harmful quantities which may cause degradation of the surrounding land or silting of water courses.

(3) Wherever possible, such waste rock or overburden or other rejects, shall be backfilled into the worked out minor mineral quarry, where minor mineral has been recovered upto the optimum depth, with a view to restore the land to its original use or desired alternate use, as far as possible and where the backfilling is not feasible, the waste dumps shall be suitably terraced and stabilized by planting vegetation or otherwise.

52. Reclamation and Rehabilitation of lands :-

(1) Every holder of prospecting licence or mining lease shall undertake the phased restoration, reclamation and rehabilitation of land affected by prospecting or mining operation and shall complete this work before the completion of such operations and abandonment of prospecting or mine.

(2) Where large number of small mines are situated and worked out in clusters, at such places the provisions of quarry of minor minerals shall be done in a systematic and scientific manner. The programme of restoration and reclamation of the mined out area and rehabilitation must be made jointly in phased manner in the abandoned areas in the entire cluster of the minor minerals. Environmental clearance may be obtained by lessee or group thereof as per the concept of Regional Environmental Assessment (REA) and Regional Environmental Management Plan (REMP).

53. Precaution against air pollution :-

Air pollution due to dust, exhaust emissions or fumes during prospecting, mining or processing operations for minor minerals and related activities shall be controlled and kept within permissible limits specified under any environmental laws for the time being in force.

54. Discharge of effluents :-

Every holder of a prospecting license or a lease shall take all possible precautions to prevent or reduce to a minimum discharge of toxic and objectionable liquid effluents from minor mineral quarry, workshop or processing plant into surface of ground water bodies and usable lands. These effluents shall conform to the

standards laid down in this regard, and they shall not be allowed to be flown discharged in the adjoining forest land, if any.

55. Precaution against noise :-

Noise arising out of prospecting, mining and processing operations for minor mineral shall be abated or controlled by the holder of prospecting licensee or a lessee at the source so as to keep it within the permissible limits.

56. Permissible limits and standards :-

The standards and permissible limits of all pollutants, toxins and noise referred to in rules 53, 54 and 55 above shall be those notified by the concerned authorities under the provisions of the relevant statutes, from time to time.

57. Restoration of flora :-

(1) Every holder of prospecting license or a mining lease shall,-

(i) 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 license or mining lease in the nearby area.

(ii) take immediate measures for planting in the same area or any other area selected by concerned authority or Regional Office of Ministry of Environment or Forest or the authorised officer not less than twice the number of trees destroyed by reason of any prospecting or mining operation.

(iii) Look after them during the subsistence of the license or lease after which these trees shall be handed over to the Forests Department or any other authority as may be nominated by the State Government.

(iv) Restore, to the extent possible, other flora destroyed by prospecting or mining operation.

CHAPTER 4 Grant of Quarry Permits for Minor Minerals

58. District Committee :-

There shall be a committee in every district under the Chairmanship of District Collector to prepare the District Mining Plan and ensure that the short term quarry permits are granted in accordance with the District Mining Plan. The District Level Committee shall consist

of the following:- (i) District Collector ...Chairman; (ii) District level Officer of the ...Member; Maharashtra Pollution Control Board (iii) Deputy Conservator of Forest ...Member; (iv) District level Officer of the Ground ...Member; Water Survey and Development Agency (v) District Mining Officer ...Member-secretary.

59. Grant of short term permits for minor minerals :-

(1) Notwithstanding anything contained in the foregoing rules, the Competent Officer, on an application made to him may grant a quarry permit to any person to extract or remove from any specified land within the limits of his jurisdiction any minor mineral not exceeding in quantity as mentioned under any one permit on payment of advance royalties calculated at the rate specified by the Government, from time to time, and on such rents and fees assessable for such extraction: Provided that, no permits shall be granted in case of any specified minor mineral without prior approval of the Director.

(2) The Competent Officer shall grant permit for specific time and specific volume.

(3) The Competent Officer may refuse to grant such permit for reasons to be recorded in writing.

60. Grant of Quarry permits by Revenue officers over lands in charge of Water Resources Department, Public Works Department :-

In case of lands in charge of Departments other than Revenue Department that is, Water Resources Department, Public Works Department, quarry permits over such lands shall be granted by the Competent Officer only after obtaining No- Objection Certificate (N.O.C.) from concerned Executive Engineer in case of Water Resources Department and Public Works Departments and Divisional Forest Officer of the Forests Department.

61. Application for quarry permits. :-

(1) An application for quarry permits shall be made in Form P to the Competent Officer and shall contain the following particulars,-

(a) Name, address, profession, nationality of the applicant.

(b) Name and quantity of the minor mineral for which the permit is required.

(c) Description of land, such as location, survey number from which the minor mineral is to be extracted.

(2) Every application for quarry permit shall be accompanied by the certified true copies of relevant extracts of the record of rights in respect of lands from where the applicant proposes to extract the mineral.

(3) The application shall be accompanied with the consent letter from the occupant of land in case land is belonging to individual.

(4) Every such application shall be affixed with court-fee stamp of rupees ten.

62. Application or Processing fee :-

The application shall

be accompanied with the processing fee as follows:-

(i) for permit for quantity 500 brass and below ... five hundred rupees;

(ii) for permit for quantity 501 brass to 2000 brass ... two thousand rupees;

(iii) for permit for quantity 2001 brass to 25000 brass rupees five thousand.

In case of refusal of grant of permit applied for, the fee shall not be refunded.

63. Acknowledgement of application :-

The receipt of an application for a quarry permit shall be acknowledged in Form-Q within three days on the receipt of application and the entry of such application shall be made in the register in Form-R.

64. Register of quarry permits :-

A register of quarry permit shall be maintained by the Competent Officer and separate register shall be maintained for each type of minor mineral.

65. Disposal of application for quarry permit :-

(i) On receipt of application the Competent Officer after verification of necessary documents grant or refuse the permit as he may deem fit, within within a period of thirty days from the date of such application. In no case the applicant shall start work unless he remits full amount of royalty and other assessable rents, taxes for

such permit in advance and also unless he is issued the requisite permit by the Competent Officer.

(ii) If the application for quarry permit is for the same area in which case document in earlier case have been verified in the recent past, the Competent Officer is at liberty to consider the application without conducting any fresh enquiries and grant or refuse the application after considering the other factors in this matter.

66. Conditions on which quarry permit shall be granted :-

(1) Every quarry permit granted under rule 59 and 60 shall contain a condition that at no time the depth of the pit below the surface exceeds six meters.

(2) Any quarry permit granted under rule 59 and 60 may contain such other conditions as the Competent Officer granting permit may deem necessary in regard of following matters:-

(a) The limit, mode and place of payment of rent and royalties.

(b) Compensation for damage to the land covered by the permit.

(c) Felling of trees.

(d) Restriction of surface operation in any area specified by any authority

(e) Entering and working in any reserved area.

(f) Reporting of accident

(g) Indemnity to Government against claims of third parties.

(h) Period within which the minor mineral shall be extracted and removed.

(i) Forfeiture of property left after cancellation or expiry of permit.

(3) No other mineral except that for which the permit is granted shall be extracted and removed without proper sanction being obtained from the Competent Officer.

(4) If any minor mineral or major mineral other than for which permit has been issued is found during quarry it shall be reported to Competent Officer within a weeks time after such recovery.

(5) The permit holder shall maintain complete and correct accounts of the mineral excavated, quantity removed from the permit area, sale vouchers, register of labour employed and wages paid etc. and royalty and other charges leviable for this purpose.

(6) The permit holder shall immediately report all accidents to the Competent Officer and the District Magistrate and District Superintendent of Police of the District in which the area is situated.

(7) The permit holder shall have no right over the quarry material

and other property lying in the permit area after the expiry of the permit.

(8) The permit holder shall not cut or damage any trees without prior sanction or without payment of compensation as may be fixed by the Divisional Forest Officer or such officer authorised by him in this behalf.

(9) The permit holder shall not carry quarry operation within a distance of fifty meters of any public roads, public buildings or temples, rivers, nallahs, reservoirs, burial grounds and railway tracks etc. and cause any damage to any public or private properties.

(10) The permit holder shall allow any officer authorised by the Director of Geology and Mining and local revenue or forest authority in whose jurisdiction the land is situated to enter into and inspect any time the quarry operations and check the accounts and verify the details of dispatches, sales etc. from the account books maintained by the permit holder as per conditions (5) above at or near the area under permit.

(11) If any excess quantity over permitted limit is found to be removed the material shall be confiscated and permit holder shall be liable for punishment under the provisions of the Maharashtra Land Revenue Code, 1966 and the Mines and Minerals (Development and Regulation) Act, 1957.

(12) If any breach of these conditions is detected, the permit shall be cancelled and material lying at site shall be confiscated.

(13) As soon as removal of the material granted under the permit is over, the permit holder shall surrender the permit to the Competent Officer and furnish to him complete statement showing the quantity removed, details of transport and parties to whom this material has been sold and prices obtained therefor and shall produce any details, books etc. for the scrutiny by the Competent Officer as may be called for by him.

(14) The permit holder shall issue along-with every dispatch of mineral outside the area granted under permit (for any mode of transport) Transit Pass in Form-O which shall be in accordance with the provisions prescribed under these rules.

(15) The permit holder shall submit within 10th day of the following months to the concerned Revenue authority or Mining Officer, a monthly statement of the quantity removed from the site, name of the permit holder and sale price at the site etc, in Form-M.

67. General Conditions :-

- (1) All necessary statutory clearances shall be obtained before start of mining operations.
- (2) Mining shall be limited to day time only
- (3) No mining shall be carried out in the safety zone of any bridge and/or embankment.
- (4) No mining shall be carried out in the vicinity of natural or manmade archeological sites.
- (5) The lease holder shall obtain necessary prior permission of the competent authorities for drawal of requisite quantity of water (surface water and groundwater), if required for the project.
- (6) Waste water, if any, shall be properly collected and treated so as to conform to the standards prescribed by Ministry of Environment and Forest or CPCB.
- (7) No wildlife will be infringed.
- (8) Transportation of materials shall be done by covering the trucks or tractors with tarpaulin or other suitable mechanism so that no spillage of mineral or dust takes place.
- (9) Measures shall be taken for control of noise level to the limits prescribed by CPCB.

CHAPTER 5 Grant of Concession by Way of Public Auction

68. Disposal of minor minerals by way of public auction :-

- (1) Notwithstanding anything contained in the forgoing provisions, it shall be lawful for Competent Officer to dispose of or sale the demarcated blocks of river, nallah or creeks and stacks, heaps of minor mineral incidentals to constructional work by public auction for any period not exceeding one year subject to such condition as specified in rule 65.
- (2) The Competent Officer may with prior approval of the Government add to or amend the conditions of auction as provided in sub-rule (1) above.

69. River bed mining :-

- (a) In the case of mining leases for riverbed sand mining, specific river stretches should be identified and mining permits or lease should be granted stretch-wise, so that the requisite safeguard measures are duly implemented and are effectively monitored by the respective regulatory authorities.
- (b) The depth of mining may be restricted to three meter water

level, whichever is less.

(c) For carrying out mining in any proximity to any bridge and or embankment, appropriate safety zone should be worked out on case to case basis, taking into account the structural parameters, locational aspects, flow rate etc. and no mining should be carried out in the safety zone so worked out.

70. Disposal of sand from nalah, river bed and creeks by way of public auction :-

Auction, disposal, terms and condition with auctioneer etc. procedures shall be specified by way of executive instructions, from time to time, by the the Government.

CHAPTER 6 STOCKING AND SELLING OF MINOR MINERAL

71. License for a dealer :-

(1) No person other than a quarry permit or quarry lease holder, shall stock, sell or offer for sale any minor mineral mentioned in Schedule I in any place in State except under a dealers license issued under the seal and signature of the Competent Officer.

(2) Form and manner of application for a Dealers license and its renewal:-

(a) Every application for dealers license or renewal shall be made to the Competent Officer in Form -S.

(b) Every such application shall be accompanied by

(i) a State Government Treasury Challan for amount of rupees one thousand remitted in Departments Receipt Head of Account.

(ii) a location map showing the exact location of sales depot and/or office.

(c) Every application for renewal of dealer license shall be made at least thirty days before the expiry of the license. Such application shall be accompanied by the application fee of rupees one thousand.

(3) Form and particulars of license :- (1) On receipt of application for the grant of dealers license or for its renewal the Competent Officer after, making enquiry as he deems fit, may grant or renew a licensee in Form-T or refuse to grant or renew a license.

(2) Every license issued under sub-rule (1) shall be subject to such condition and restriction as may be specified under the provisions of Act and these rules.

(3) Every license issued under sub-rule (1) shall show therein the

name of minor mineral and its varieties authorised to be sold or to be offered for sale by the dealer, and the particulars of premises where the minor mineral are stocked for sale.

(4) The excavated material whether for use or waste, must not be, stocked, dumped or stored in the adjoining, reserved, protected or identified forest land, if any. 71.

72. Grant or refusal of License :-

In granting or refusing a dealers license under rule 71(3) (1) the Competent Officer shall take into consideration the following matters:-

(a) The sale depot for minor mineral owned by any co-operative society.

(b) The number of licensed dealers selling minor minerals in the area.

(c) Availability of minor minerals of the kind required for sale.

(d) General demand for minor mineral.

73. Display of License :-

Every dealer shall display the license granted to him under rule 71 in prominent place in a part of premises open to the public.

74. Maintenance of records of production and sale for inspection :-

A dealer shall maintain in Form-U a record of all purchases and sale effected by him of each minor mineral showing the particulars of the source and quantity of purchase and of persons to whom, sold and a stock register in Form-V and other records, if any, as the Competent Officer may specify and such records shall be open to inspection by Competent Officer, District Mining Officer or any other officer authorised in this behalf by the Competent Authority. A dealer shall purchase the material only from the lease holder or permit holder and shall take from them transit pass for supply of material and shall preserve the same and produce the same when demanded by the Competent Officer. He shall also maintain a register of such transaction.

75. Furnishing of statement of accounts by a dealer :-

Every dealer shall within seven days from the close of each month submit to the Competent Officer a statements of Accounts in Form-

W of the total purchase and sale effected by him during the month.

76. Cancellation of license :-

If a dealer fails to comply with any of the conditions of license or any of the provisions of the Act, rules or orders in this regard, the Competent Officer may by an order in writing cancel the license issued under these rules.

77. Period of license :-

The period of dealer license shall be valid for a calendar year and shall expire on the 31st December of every year.

78. Transit pass for transporting of minor mineral :-

Every producer and dealer shall keep with vehicle transporting the material, the transit Bar-coded pass in Form-X, duly certified by the Competent Officer. The transit pass shall be in duplicate. Duplicate copy shall be retained by the producer or dealer. The original copy of the transit pass shall be handed over to the purchaser after unloading the minor mineral. In absence of the transit pass, the minor mineral carried through the vehicle will be treated as illicit and authorised. The truck along with material shall be confiscated by the Competent Officer, Police or any person authorised for this purpose by the Competent Officer. The vehicle so seized shall only be released on payment of cost of material, royalty and taxes and fine imposed thereon. The fine so imposed may not exceed three times the market value of the mineral so seized and also may not be less than the market value of the material so seized.

CHAPTER 7 OFFENCES, PENALTIES AND PROSECUTION

79. Unauthorised Operation :-

(1) No person shall undertake any quarry operation or collection of any mineral in any area without the lawful authorization or permission granted by the Competent Officer under the provisions of these rules.

(2) No lessee or permit holder shall undertake any quarry operation in any area except under and in accordance with the terms and conditions of quarry lease or quarry permit under these rules.

(3) If the Competent Officer finds that the lessee or permit holder has contravened subrule(2), he may order cancellation of lease or

permit without compensation after giving due opportunity of being heard.

(4) Whoever contravenes the provisions of these rules shall also be punishable in accordance with the Act:

Provided that, nothing in this rule shall affect the provisions of the Maharashtra Land Revenue Code, 1966 and rules framed thereunder.

80. Power of entry and inspection :-

(1) For the purpose of ascertaining the position of the working, actual or prospective of any mine or abandoned mine or for any other purpose connected with these rules the State Level Vigilance Squad, the Competent Officer, Controlling Authority, Mining Officer and any other officer authorised by the Competent and Controlling authority or the State Government in this behalf by general or special order, may,-

(a) enter and inspect any mine;

(b) survey and take measurements in such mine;

(c) weigh, measure or take measurements of the stocks of mineral laying at the mine;

(d) examine any document, book, register or record in the possession or power of any person having the control of or connected with any mine and place, marks of identification thereon and take extracts from or make copies of such document, book, register or record;

(e) order the production of any such document, book register as is referred in clause (a); and

(f) examine any person having the control of or connected with any mine;

(2) Notwithstanding anything contained hereinabove, Forest Officer not below the rank of Deputy Conservator of Forest may enter, inspect without prior notice the mining area for the purpose of protecting and conservation of forest and preservation or violation of Forest (Conservation) Act, 1980 Wild Life (Prevention) Act, 1972 etc. to examine that the Forest Acts, Rules, Guidelines of Government of India and Courts orders are not violated.

81. Recovery of certain sums as arrears of land revenue³ :-

Any rent, royalty, tax, fee or any other sum due to the Government under these rules and under the terms and conditions of quarry lease, permit or auction on a Certificate from Competent Officer or

as may be specified by him be recovered in the same manner as an arrears of land revenue.

CHAPTER 8 Chapter 8

82. Appeal :-

- (1) Any person aggrieved by an order of the Competent Officer -
- (1) refusing to grant a quarry lease,
 - (2) cancellation or determination of lease,
 - (3) refusing quarry permit,
 - (4) sand block auction or
 - (5) dealers license, may appeal within a period of sixty days of the date of such order to the;
- (i) Collector or Additional Collector in case of order passed by Sub-Divisional Officer,
 - (ii) to the Divisional Commissioner in case of order, passed by the Collector,
- (2) In case of any order passed by the Divisional Commissioner, the appellate authority will be the Government or any Officer appointed by Government in this behalf.
- (3) The orders passed by the Government under appeal shall be final.

83. Form of appeal and fees :-

- (1) An appeal under rule 82 shall be made in Form-Y in duplicate along with the grounds of appeal.
- (2) The appeal shall be accompanied by court fee of rupees one thousand.

CHAPTER 9 REVISION AND REVIEW

84. Power of Government to call for and examine records and proceedings :-

The Government may call for and examine the records of any enquiry or the proceedings of any Competent Officer or any other concerned officer for the purpose of satisfying itself, as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer: Provided that, the Government shall not revise or reverse any order affecting any question of right between private person without giving to the party or parties an opportunity of being heard. (1) The Government

or the Competent Officer may, either Suo-moto or on the application of any party interested, review any order passed by itself or himself or any of its or his predecessors in-office and such orders in reference thereto as it or he thinks fit: Provided that,

(i) no order shall be revised or reversed without giving opportunity to the parties of being heard.

(ii) no order, from which an appeal has been preferred shall, so long as such appeal is pending, be reviewed.

(2) no order shall be reviewed except on the following grounds, namely:--

(i) discovery of new and important matter or evidence;

(ii) any mistake or error apparent on the face of the record; or

(iii) any other sufficient reason.

(3) an order which has been dealt within appeal shall in no case be reviewed by the Competent Officer or any concerned officer.

(4) Orders passed in review shall on no account be reviewed.

CHAPTER 10 MISCELLANEOUS

85. Power of Government :-

In case of any dispute or any question or any other matter regarding any term or condition of quarry lease or anything connected with the quarries or minor minerals specified in the lease, the decision of the Government shall be final and binding on the lessee: Provided that, the Government shall not exercise this power without giving proper opportunity to the lessee or being: Provided further that a condition to this effect shall be provided in the lease-deed.

86. Application of these rules to renewal :-

Where a quarry lease or any other concession for quarry of a minor mineral or minerals, granted before the commencement of these rules is renewed after such commencement, these rules shall apply in relation to such renewal of quarry lease granted after such commencement.

87. Invalidity of minor mineral concession in certain cases :-

In case, a quarry permit is granted by one Competent Officer over a n area wherein a quarry lease is already granted may not be executed and quarry operations may not have been commenced by

another Competent Officer or even by the same Competent Officer the permit shall become invalid and shall not be allowed to be worked, and in such case, the quarry permit fee shall be refunded to the applicant by the Competent Officer, who has granted the same. Similar provision shall apply in case any quarry permit is granted over an area wherein any quarry- permit is granted, earlier:

It shall be binding on every Competent Officer within a District or any other concerned officer to provide up-to-date and self-contained data of any minerals concession granted by him to all the other Competent Officer within the same District and to the Director. It shall also be binding upon all such Competent Officers to maintain such up-to-date correct data and to have its reference prior to any mineral concessions within their respective jurisdiction.

88. Powers of State Government to give directions :-

Notwithstanding anything contained in the foregoing provisions of these rule, if the State Government is of the opinion that it is necessary so to do in the interest of labourers who work in mines, the State Government may by an order direct that in the matter of grant of quarry lease or quarry permits under these rules preference may be given to Co-operative Labour Societies consisting of such labourers or reserve any area in which such leases or permits may be granted to such Societies only.

89. Repeal and Saving :-

(1) The following rules hereby repealed namely:-

(1) The Rules Regulating the Working of Minor Minerals, 1954

(2) The Bombay Minor Mineral Extraction Rules, 1955.

(3) The Maharashtra Minor Mineral Extraction (Vidarbha Region) Rules, 1966.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under any of the rules repealed by sub-rule (1) shall in so far as it is not inconsistent with the provisions of these rules be deemed to have been done or taken under the corresponding Provisions of these rules.