



International Environmental
Law Research Centre

Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012

This document is available at ielrc.org/content/e1235.pdf

Note: This document is put online by the International Environmental Law Research Centre (IELRC) for information purposes. This document is not an official version of the text and as such is only provided as a source of information for interested readers. IELRC makes no claim as to the accuracy of the text reproduced which should under no circumstances be deemed to constitute the official version of the document.

HARYANA GOVERNMENT
MINES AND GEOLOGY DEPARTMENT
NOTIFICATION

The 20th June, 2012

No. G.S.R.No. /C.A.67/57/S.15/2012.— In exercise of the powers conferred by sub-section (1) of section 15 and section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Governor of Haryana hereby makes the following rules for regulating the grant of various forms of mineral concessions, storage and transportation of minerals, and prevention of illegal mining, namely:-

Part - I (General)

Chapter - 1
Preliminary

1. Short title and applicability:

(1) These rules may be called the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012.

(2) These rules shall be applicable throughout the state of Haryana and shall come into force from the date of their publication in the Official Gazette, except **Chapters 13, 14 and 15 of Part-IV**, which shall come into force after six months of the publication of this notification.

2. Definitions: -

(1) In these rules, unless the context otherwise requires,—

- (i) ‘**Act**’ means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);
- (ii) ‘**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;
- (iii) ‘**authorised officer**’ means a person or officer authorised by the State Government by notification in the Official Gazette to exercise such powers and to perform such functions under these rules;

- (iv) **'boundary pillar'** means cemented pillar of size sixty centimetre x sixty centimetre with one metre height and fifty centimetre foundation with the yellow paint and marked lease/contract number and pillar number along with Global Positioning System (in short, GPS) readings in black paint;
- (v) **'carrier'** means any mode of transport or facility by which mineral or its products are transported either in raw or processed form from the place of raising or from one place to another and includes any mechanized device, person, animal or cart;
- (vi) **'cess'** means a duty imposed and collected on any minor mineral in accordance with the provisions of the Act;
- (vii) **'competitive bid'** means an amount offered by the participant in the open auction or tender process under these rules;
- (viii) **'competent authority'** means the authority for exercise of such powers and carrying out of such functions as specified in these rules;
- (ix) **'contractor'** means a person holding a mining contract under these rules;
- (x) **'contract money'** means the amount to be paid by the contractor(s) for raising the mineral(s) from the area granted on contract;
- (xi) **'dead rent'** means the minimum amount payable in a year by the person granted a mining lease under these rules irrespective of the fact as to whether or not he operates/ could operate the area fully or partly;
- (xii) **'dealer'** means any person stocking and/ or carrying on the business of trading of minerals in raw or processed form;
- (xiii) **'department'** means the Mines and Geology Department;
- (xiv) **'Director'** means the Director of Mines and Geology, Haryana;
- (xv) **'District Monitoring Committee'** means a committee constituted by the State Government for each district in the State to monitor the working of mines and minerals, its transportation, storage, stocking and other operations in accordance with the applicable rules and laws;
- (xvi) **'form'** means a form appended to these rules;
- (xvii) **'fund'** means the Mines and Mineral Development, Restoration and Rehabilitation Fund created and established under these rules;
- (xviii) **'Government'** means the Government for the State of Haryana acting through its Administrative Secretary;

- (xix) **'lessee'** means a person holding a valid grant of lease for raising the minerals from the area granted on lease and would include the plural thereof;
- (xx) **'letter of intent'** (LoI) means a 'Letter of Intent' issued to the successful bidder on acceptance of the bid for grant of a mining lease or contract or permit or a mineral concession granted in any other form under these rules;
- (xxi) **'licensing Authority'** means the Director, Mines & Geology, Haryana;
- (xxii) **'licensee'** means holder of a Mineral Dealer License granted under these rules for the purpose of storing, stocking, trading and dispatch of mineral/mineral products either in raw or processed form;
- (xxiii) **'mineral concession'** means a mining lease or a mining contract or permit in respect of minor mineral and includes quarrying permits and any other mineral concession, permitting the mining of minor mineral in accordance with the provisions of these rules.
- (xxiv) **'mining contract'** means a mining contract given on behalf of the Government to carry, win, work and carry away any minor mineral(s) specified therein through a competitive bidding process as notified by the Director.
- (xxv) **'mineral dealer license'** means the license granted under these rules;
- (xxvi) **'mining dues'** means and includes any of the dues on account of royalty, dead rent, contract money, amount payable towards the Mines and Mineral Development, Restoration and Rehabilitation Fund, interest on delayed payments or any fee or any other sum in respect of a mineral concession granted under these rules;
- (xxvii) **'mining lease'** means a lease granted under these rules to mine, search, undertake excavation for winning of mineral and to carry away any minor mineral(s) specified therein;
- (xxviii) **'mining operations'** means any operation carried out for the purpose of winning any mineral except mineral oils;
- (xxix) **'mining plan'** means a plan prepared by a recognised qualified person (RQP) on behalf of mineral concession holder of minor mineral and includes progressive and final mine closure plans;
- (xxx) **'mineral products'** means minerals in any raw or processed form, bricks, dressed stone, rock aggregates, chips, ballast, stone dust, sand, and/or

any product to be prepared from minerals without involving any chemical changes;

- (xxxix) '**mineral transit pass**' means a document issued by the mining officer-in-charge to the lessee/ contractor/ permit holder/ mineral dealer for lawful dispatch and transportation of any mineral(s) raised;
- (xxxix) '**mineral transport permit**' means a permit issued by the Director or an officer authorized by him to the carrier owner to use such carrier for lawful transportation of mineral(s) raised in accordance with the provisions of the Act;
- (xxxix) '**officer-in-charge**' means an officer of the Department holding charge of one or more districts and by whatever designation known such as the Assistant Mining Engineer or an Assistant Geologist or a Mining Officer;
- (xxxix) '**permit**' means a mineral concession, other than a lease or a contract, granted for a period of up to two years in specified cases;
- (xxxix) '**presiding officer**' means the Director or any other officer authorised by him to preside over the process of inviting competitive bids;
- (xxxix) '**processing**' means all physical processes such as pulverising and/ or grinding and/ or powdering or washing of minerals in such a way that no chemical change takes place by that process and includes cutting and polishing process of slate, granite blocks or marble blocks or blocks of any other types of rocks;
- (xxxix) '**producer**' means any person carrying on the business of extracting/ producing/ collecting minerals or mineral aggregates in raw or processed form including the licensee of a registered metal mineral unit, as the case may be, in accordance with the provisions of the Act or rules made there under;
- (xxxix) '**rules**' means the rules made under the Mines and Minerals (Development & Regulation) Act, 1957 (67 of 1957);
- (xxxix) '**Schedule**' means a Schedule appended to these rules;
- (xl) '**scheme of mining**' means a scheme prepared by a recognised qualified person (RQP) on behalf of mineral concession holder for systematic and scientific mining of minor mineral;
- (xli) '**scientific mining**' means and refers to mining operations consistent with the approved mining plan/scheme of mining, clearances/permissions granted by the competent authority;

- (xlii) **‘scientific test’** means any test conducted for geological or chemical analysis of minerals and rocks exclusively for academic and research purposes without any commercial motive;
 - (xliii) **‘stock-yard’ or ‘sale-depot’** means any place where a mineral or its products are stored and stocked in any raw or processed form for commercial purposes;
 - (xliv) **‘un-authorised mining’** means any mining operation undertaken without any valid mineral concession granted under the Act;
 - (xlv) **‘unscientific mining’** means and refers to the manner of undertaking mining operations not consistent with the mining plan/scheme of mining approved, clearances/ permissions granted by the competent authority;
- (2) **All other words and expressions** used in these rules, but not defined herein, shall have the same meaning respectively as assigned to them in the Mines and Mineral (Development and Regulation) Act, 1957 (67 of 1957).

3. Relaxations in certain cases:

- (1) No royalty or permit-fee shall be charged or transit permit required for,—
- (i) extraction of ordinary clay or ordinary sand by hereditary potter(s)/ kumhar(s), for use in manufacturing of earthen pots/ artefacts on a cottage industry basis, and whose turnover during a year does not exceed one lakh rupees;
 - (ii) excavation of the limestone or kankar from the areas which do not form part of any lease or contract or permit area, by the members of scheduled castes, scheduled tribes and backward classes, agriculturists, whose monthly income does not exceed Rs. 7500/- or as specified by the Government from time to time;
 - (iii) mining, transportation or storage of clay or sand by hereditary Kumhars or a co-operative society of Kumhars or such other people for making tiles, pots or bricks by traditional means but not by the process of manufacture in kilns or by way of any mechanical device;
 - (iv) levelling of any agricultural fields by a landowner within his own land where no disposal of ordinary earth outside the area is involved;
- (2) No royalty shall be charged for removal of any ordinary earth by a person from his own land for meeting personal land-fill requirements either in another agricultural field or for meeting his personal bona-fide requirements for which he shall obtain a permit from the competent authority;

(3) The rates of royalty or permit fee in the case of a person maintaining his residence in the adjoining rural areas for excavation of masonry stone and/or ordinary clay, and required for bona-fide personal use for the construction of a house, hutment, *dharamshala*, *piao* or other building for charitable or philanthropic purposes in such rural area shall be charged at the rates specified in Schedule-III:

Provided that the quantity of mineral excavation shall be permissible only to the extent of bona-fide personal use under a permit issued by the Director or an officer authorised by him in this behalf, on payment of Rs. 200/-. Such permit shall be valid for a period not exceeding three months at any one time;

Provided further that no permit shall be issued for excavation of mineral(s) in any area for which mining lease or contract or permit or any other mineral concession has already been granted.

(4) The relaxations granted under this rule shall not be available for excavation of mineral in any area where use of explosives is inevitable.

4. Quarrying of minor minerals by government departments/ organisations:

(1) An application for the grant of permit for quarrying of any minor mineral by any government department or any of its agencies from the land belonging to the government for the construction of any work by it, shall be made by an officer authorised by the concerned department to the Director or any other officer authorised by him in this behalf.

(2) The Department or the organisation granted a permit under sub-rule (1) above, shall be liable to pay royalty or dead rent or fee etc. and shall abide by the terms and conditions of such grant and other laws as applicable to the lessee or any other concession holder(s) unless specifically relaxed.

Chapter - 2

General Restrictions

5. Mining operations under a mineral concession.

(1) No person shall undertake any reconnaissance, prospecting or mining operation activity in respect of any mineral(s) in any part of the state, except under and in accordance with the terms and conditions of a reconnaissance permit or a prospecting licence or a mining lease or a mining contract or a permit, or a concession in any other form, as the case may be, granted:

Provided that nothing in this sub-rule shall apply to any prospecting operations undertaken by the Geological Survey of India, the Indian Bureau of Mines, the Director

Atomic Minerals, Directorate for Exploration and Research of the Central Government, the Department or a Government Company within the meaning of section 617 of the Companies Act, 1956.

(2) The government shall decide the mode and **nature** of grant of mineral concession under these rules **in different areas** i.e. lease, contract, permit etc from time to time.

6. Exemptions in certain cases.

(1) In the case of Irrigation Department of the Government:

- (i) channelisation of any river system for containing any incidence of inundation or flooding, provided the mineral extracted in the process is used along side at the same place for creation of safety embankments and is not disposed off outside such area;
- (ii) regular operation and maintenance of the non-scheduled canal distribution network and drainage system as notified by the Irrigation Department where any mineral extracted in the process is used along side at the same place for strengthening of embankments and is not disposed off outside such area;
- (iii) regular operation and maintenance of the scheduled canals and drainage system as notified by the Irrigation Department:

Provided that the Irrigation Department shall obtain a permit from the Director or an officer authorised by him for undertaking any works covered under sub-clauses (ii) and (iii) above, indicating the estimated quantity of silt proposed to be removed from the system and the usage thereof giving sectional plans and estimates:

Provided further that while no royalty shall be payable in respect of the mineral extracted from its canal & drainage system and used by the Irrigation Department for its own requirements, it shall pay the royalty in respect of the mineral extracted and disposed off outside the area as prescribed under rule 33.

(2) In other cases:

- (i) Construction of any building by the public or private sector, or road or any other development project under the authority of any government department or its agencies involving any digging or excavation for a purpose other than winning a mineral:

Provided that where any minor mineral comprising construction sand and stone is excavated and extracted in the process of execution of such projects, the same shall be disposed off or consumed only after

obtaining a permit from the Mines and Geology Department and payment of the applicable royalty and other fees as prescribed under rule 32.

- (ii) breaking of land for laying the foundations or basements of individual houses and other establishments over plots up to five hundred square yards involving excavation of the ordinary earth only.
- (iii) breaking of land only for laying the foundations of individual houses or small establishments over plots up to five hundred square yards.

7. Restrictions on grant of mining lease/ contract/ permit:

(1) No mining lease/ contract/ permit shall be granted in respect of any land within a distance of:-

- (i) fifty meters from the outer periphery of the defined limits of any village abadi, National Highway, State Highway, Major District Roads (MDR) and Other District Roads (ODRs) where such excavation does not require use of explosives;
- (ii) two hundred fifty meters from the outer periphery of the defined limits of any village abadi, National Highway, State Highway, Major District Roads (MDR) and Other District Roads (ODRs) where use of explosives is required;
- (iii) ten meters from any other public roads:

Provided that the Government may relax the above distance parameters, wherever required in the interest of workings, mineral conservation or for any unforeseen reasons subject to such conditions as may be imposed under the said relaxation.

(2) No mining lease/ contract/ permit or other mineral concession shall be granted in respect of any such minor mineral or in respect of any specific or general area which the government may notify.

(3) No fresh concession shall be granted in an area, which has been declared/ notified as urban area under the Haryana Development and Regulation of Urban Areas Act, 1975 except with prior consultation and approval of the Town and Country Planning Department, and the renewal of any concession granted earlier in such area shall be considered only in consultation with the Town and Country Planning Department:

Provided further that no such restriction shall be applicable or consultation required if the concession area falls within the notified Agricultural zone.

(4) Wherever any area situated outside the urban area notified under the Haryana Development and Regulation of Urban Areas Act, 1975, has either been used for mining

in the past or which may be used for grant of any mining lease or contract in future, such area will not be allowed to be used by any authority for any other purpose (except the purpose for which it is being used traditionally) without prior consultation with the Department.

(5) Where any controlled area, situated outside the urban area, is under any mineral concession in the past and it has been proposed to allow the said area to be used for a development project other than mining, the Town and Country Planning Department shall consult the Director before granting change of land use for any such project.

(6) Where any area is declared as a controlled area under the Punjab Scheduled Roads (Restriction of Unregulated Development) Act, 1963 (Act No. 41 of 1963), the Town and Country Planning Department shall consult the Department to the extent any part thereof comprises of any mineral bearing area, at the time of preparation of Development Plan in respect of such area.

(7) Wherever a mineral concession is granted in respect of a large area (e.g. the district or block as a unit) for mining of stone, boulder, gravel and sand etc., such concession holder shall have no rights qua the mining permits granted for excavation of brick earth, ordinary earth, silt from the canal system and drains, and mineral excavated in the process of construction of any buildings/ development projects etc.

8. Stocking and transportation of minerals.

(1) No person shall stock, sell or offer for sale any mineral or mineral products, either in raw or processed form, for commercial purposes or trade in the State without holding a valid Mineral Dealer License under these rules;

(2) Subject to the conditions prescribed in chapter 13 of these rules, a mineral concession holder shall not be required to obtain a Mineral Dealer License for sale of the excavated mineral stock **from the concession area.**

(3) Subject to the conditions prescribed in chapter 13 of these rules, a licensee of a Stone Crusher, granted under the provisions of Haryana Regulation and Control of Stone Crusher Act, 1991 and rules framed thereunder, is exempted from obtaining a Mineral Dealer Licence for selling crushed aggregate/ stone-dust from the premises of the licensed stone crusher.

(4) The Government may, from time to time, notify or specify, to use or restrict, the roads through which the mineral, whether imported from other states or generated within the state in raw or processed form, be transported from the source of raising the mineral to the stone crushers, or the screening plants or the premises of a mineral dealer.

(5) No person shall transport or cause to be transported any mineral and/or mineral products by any carrier from one place to another without having a valid mineral transit pass and mineral transport permit as prescribed under chapter 15 of these rules.

Part - II

Grant of Mineral Concessions

Chapter - 3

Grant of a Mining Lease

9. Grant of a Mining Lease through competitive bidding.

(1) Any minor mineral deposits, where the government decides such areas to be operated under a lease, may be granted on mining lease for a period not less than 10 years but not exceeding 20 years following a competitive bid process as provided under chapter 7 of these rules:

Provided that the Government may, wherever it deems necessary, pre-qualify the bidders, with the pre-qualification criteria determined upfront, by inviting expressions of interest through a public notice, and limit the bidding process among such pre-qualified bidders.

(2) In case the Government accept the bid, the payment of earnest money, initial bid security, security and advance instalment shall be made in accordance with the provisions contained in Chapter 7 of these rules.

(3) The highest bid received shall become the 'annual dead rent' amount payable by the lessee. The rate of annual dead rent initially determined on the basis of competitive bids/ auctions shall be increased @ 25% on completion of each block of three years.

Explanation: If the initially determined amount of annual dead rent is Rs. 100/-, it shall be increased to Rs. 125/- with the commencement of the fourth year and to Rs. 156.25 with the commencement of the 7th year and so on and so forth for the next each block of three years.

(4) A lease deed shall be executed by the successful bidder with the Director or an officer authorized in this behalf in the prescribed Form ML-1, appended hereto, within the period as prescribed under rule 21 of these rules.

(5) The lessee shall pay royalty in respect of each of the minor minerals extracted or removed or consumed by him or by his agent, manager, employee etc. The royalty shall be payable at the rates prescribed in the First Schedule appended to these rules.

10. Grant of Mining Lease on application in certain cases.

(1) Where a mining lease has been granted for major mineral under the Act, and the Mineral Concession Rules, 1960, and where it is considered expedient by the Government to grant mining lease of the minor mineral available in the same area to the lessee of major mineral in the interest of harmonious and systematic mining of minerals, it may grant such lease on application submitted by such major mineral lessee.

(2) The major mineral lessee shall submit an application for grant of mining lease for the associated minor mineral(s) in Form ML-2.

(3) Any minor mineral concession, granted on an application under sub-rule (1) above, shall entail payment of royalty/ dead rent for such minor mineral at the rates specified in the 1st Schedule and the 2nd Schedule respectively.

(4) Each application under sub-rule (2) above shall be accompanied with a non-refundable fee of Rs. 1,000/- per hectare of lease area or part thereof, subject to a minimum of Rs. 1,00,000/- and shall be accompanied with the following documents namely:

- (i) a valid certificate of clearance of mining dues in respect of such major mineral lease or any other mineral concession held by the applicant, and the firm or company in which such applicant may be a partner or director, in the state from the Director or any other Officer authorised by him in this behalf;
- (ii) in case of a firm or a company or association of persons, a valid clearance certificate shall have to be submitted in respect of the firm, or association of persons or company as well as other firms in which partners in the applicant firm are partners or directors:

Provided that the grant of a clearance certificate shall not discharge the holder(s) of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by such applicant under the Act or rules made thereunder.

- (iii) where any injunction has been issued by a court of law or any other competent authority staying the recovery of any such outstanding mining dues or income tax, non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said mining lease;
- (iv) an affidavit stating that the applicant has filed up-to-date income-tax returns, paid the income-tax assessed or on self-assessment as provided in the Income Tax Act, 1961.

(5) The Director, or an officer authorised by him, shall issue notice within thirty days from the date of submission of application, to remove the deficiencies, if any, in the application or for furnishing any additional information as may be required by the Director or the officer authorised by him, requiring the applicant(s) to supply the requisite information within a period of thirty days from the date of issue of such notice. In case the said information is not submitted within specified period, the application shall be decided on the basis of information already submitted along with application.

(6) The period of mining lease granted for the associated minor mineral(s) shall be co-terminus with the period of lease of major mineral(s) but shall not exceed a period of 10 years. If the mining lease for major mineral(s) still subsists at the time of expiry of period of the associated minor mineral lease, the government may consider the renewal of mining lease of associated minor mineral(s) from time to time, so that it co-terminates with the lease of major mineral(s).

(7) In case the mining lease of major mineral(s) is renewed by the government, it may also consider the renewal of mining lease of associated minor mineral(s) on submission of application by the major mineral lessee. However, the period of renewal of lease of the associated minor mineral shall not exceed ten years.

(8) Where a major mineral lease is still subsisting and an application for renewal of the minor mineral lease made one year before the expiry of such lease is not disposed of by the state government before the date of the expiry of the lease for associated minor mineral, the period of lease shall be deemed to have been extended by a further period till the state government passes orders thereon.

(9) Where a lessee has applied for extension of his major mineral lease, along with the lease for associated minor mineral(s), and is able to operate the major mineral lease under the 'deemed extension' provisions under Rule 24-A (6) of Mineral Concession Rules, 1960, the mining lease for the associated minor mineral(s) shall also be deemed to have been extended by a further period, till such time a decision on the renewal application is taken by the Government.

(10) On grant or renewal of the minor mineral lease under this rule, a separate lease deed shall be executed in the prescribed Form ML-1 within the period as provided under rule 21 of these rules:

Provided that for execution of lease deed, the security amount, as prescribed under rule 11 of these rules, shall be deposited.

11. Security Deposit.

(1) Pursuant to the grant of mining lease for associated minor mineral(s) on an application under rule 10, the applicant shall deposit the following amount as security for due observance of the terms and conditions of the lease:

Serial Number	Area	Amount of Security (INR)
i)	For mining lease up to 50 hectares	50.00 Lakh
ii)	For mining lease exceeding 50 hectares but not exceeding 75 hectares	75.00 Lakh
iii)	For mining lease exceeding 75 hectare	100.00 Lakh

(2) The lessee may, furnish the above security by depositing the amount in the appropriate head of the department or in the form of a Bank Guarantee or Fixed Deposit Receipt in favour of the Director or any officer authorised in this behalf. The Bank Guarantee/ Fixed Deposit Receipt shall be valid for a period of six months beyond the period of lease.

(3) No interest, whatsoever, shall be payable on the security deposited in cash in the accounting head of the Department or furnished by way of a Bank Guarantee.

12. Register of applications and Mining Lease.

(1) A register of applications for grant or renewal of mining leases shall be maintained in the office of the Director in Form ML-3.

(2) A register of mining leases granted under these rules shall be maintained in the office of the Director and the Officer-in-charge of the district concerned in Form 'ML-4'.

13. Inspection of Register.

The register of applications for grant of mining leases and the register of grant of mining leases shall be open to inspection by any person on payment of a fee of Rs. 100/- on any working day.

14. Maximum Area of Mining Lease.

No person by himself or with any other person(s) joint in interest with him, shall ordinarily hold more than 1,000 hectares of area in aggregate in case of mining lease(s) granted under rule 9 in the state of Haryana. However, the area granted under a lease under rule 10 shall not be taken into account for this purpose:

Provided that this limit may be suitably relaxed in case of concession areas linear in nature, such as river-bed mining:

Provided further that the lessee shall be entitled to surrender any part of the area originally granted at the time of renewal of any lease, subject to the conditions prescribed in these rules.

15. Compact area and minimum area of lease in case of isolated deposits.

The area for any mining lease should be compact and contiguous as far as possible. However, no mining lease shall be granted for an area of less than one hectare in case of isolated and small deposits.

16. Transfer of a mining lease or contract.

(1) The lessee or contractor shall not assign, sublet, mortgage, or in any other manner transfer the lease or contract or any right, title or interest therein, to any person without prior approval of the government;

(2) When a lease is granted following the system of pre-qualification of lessees, the government may specify a lock-in period within which no transfer of such lease shall be permissible. A lessee may, however, in such cases be permitted to induct other partners/ share holders to the extent of forty nine percent of the total shareholding of the original grantee;

(3) Any application for transfer of a mining lease or contract shall be accompanied with a non-refundable fee of Rs. 10,000/- per hectare, subject to a minimum of Rs. 2,00,000/-. The said application shall be signed by the lessee himself in the case of an individual, each of the partners in case of a partnership firm and by the person authorised by a special resolution of the Board of Directors, in the case of a company;

(4) No consent to the transfer of mining lease or contract shall be accorded unless the applicant has paid all the outstanding mining dues in respect of the lease or contract and the transferee has accepted all the terms and conditions and the liabilities enjoined upon the transferor in respect of such mining lease or contract;

(5) The transferor shall make the original or certified copies of all plans of abandoned workings in the area available to the transferee;

(6) The transferor-lessee or contractor shall not charge or accept from the transferee any premium in addition to the sum spent by him in obtaining the lease or contractor and for conducting all or any of the operations in or over the lease granted to him;

(7) The transferee shall be required to furnish an undertaking that he has filed up-to-date income tax returns, paid income tax assessed on him or on the basis of self-assessment as provided in the Income Tax Act, 1961.

(8) Subject to submission of the transfer application, complete in all respects, the government may allow the transfer of such lease or contract and prescribe such additional conditions, as it may deem appropriate;

(9) The government may refuse to allow such transfer, wherever deemed appropriate, for reasons to be recorded in writing after giving an opportunity of representation to the applicant;

(10) Where the government gives its consent for transfer of such lease or contract on an application for transfer of mining lease under sub-rule (2), a transfer lease deed shall be executed within ninety days of the date of the consent in Form ML-5 failing which, the consent of the government shall be deemed to have lapsed, unless the period is extended on the request of the lessee made prior to the expiry of such period of ninety days;

(11) Where it comes to the notice of the government that any lessee or contractor has violated the conditions prescribed in sub-rule (1) above, it may terminate such lease by an order in writing at any time. However, no such order shall be passed without giving a reasonable opportunity of show cause to the lessee or the contractor for stating his case.

17. Renewal of lease.

(1) A mining lease, originally granted under rule 9, may be renewed only once over and above the original lease period, for such period as considered appropriate but not exceeding ten years on expiry of the original lease period, subject to strict compliance of the terms and conditions of the grant, lease agreement and other approvals or permission for mining granted by Central or State agencies;

(2) The lessee shall submit application for renewal of mining lease twenty four months before the date of expiry of lease period in the prescribed Form ML 6 to the Director giving complete details of the mineral excavated, royalty paid, mineral reserves available, details of explorations undertaken, if any, along with the details of the areas reclaimed or restored, the sites of overburden, restoration works undertaken etc. The details regarding compliance of other statutory requirements such as environmental clearance, safety provisions as per Mines Act, 1952 and the rules and regulations framed thereunder etc. shall also be provided;

(3) No application for renewal of a mining lease shall be considered in a case where the lessee has been found to be indulging in any violation of the conditions of original lease grant or has been penalised or held accountable for such violations;

(4) Every application for renewal of a mining lease shall be accompanied with a non-refundable fee of Rs. 1,000/- per hectare or part thereof, subject to a minimum of Rs.

1,00,000/-. Besides, the application shall be accompanied with the following supporting documents:-

- (i) a valid clearance certificate for payment of mining dues on all accounts (such as royalty or dead rent or contract money or the Fund, and the surface rent payable to the landowners under the Act or the rules made thereunder, in respect of the original mining lease or any other mineral concession held by him in the state, **from the Director or an authorised officer;**
- (ii) in case of a firm or a company or association of persons, a valid clearance certificate shall have to be submitted in respect of the firm, company or association of persons as well as the other firms in which partners in the applicant firm are partners or directors:

Provided that the grant of a clearance certificate shall not discharge the holder(s) of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by such applicant under the Act or rules made thereunder.

- (iii) where any injunction has been granted by a court of law or any other competent authority, staying the recovery of any such outstanding mining dues or income tax, non-payment thereof shall not be treated as a disqualification for the purpose of renewing the said mining lease;
- (iv) a declaration stating that the applicant has filed up-to-date income-tax returns, paid the income-tax assessed on him, or on the basis of self-assessment, as provided in the Income Tax Act, 1961 on the project.

(5) The Director or an officer authorised by him, shall issue notice within thirty days from the date of receipt of application to make up the deficiencies in the application, if any, or for furnishing any additional information as may be required by the Director or the officer authorised by him, requiring the applicant(s) to supply the requisite information within a period of thirty days from the date of issue of such notice. In case the said information is not furnished within such specified period, the application shall be decided on the basis of information already submitted along with application;

(6) The renewal of a lease shall be considered only in cases where the lease has been granted after the commencement of these rules.

18. Acknowledgement of application.

An application for grant of a mining lease under rule 10 or an application of renewal **of** a mining lease under rule 17, **is** delivered personally, **its receipt** shall be

acknowledged forthwith in Form ML-7 and if the application is received by post, the same shall be acknowledged with in seven days of the receipt thereof.

19. Decision on the application for renewal of mining lease.

(1) An application for renewal of a mining lease shall be decided by the government within a period of six months of the receipt of complete application in all respects keeping in view the following parameters:-

- (i) the lessee has complied with all the terms and conditions of the original lease grant and other permissions for undertaking mining operations;
- (ii) the mining operations under the original lease grant have been carried out in a scientific manner;
- (iii) **the mined out area has been restored/ reclaimed/ rehabilitated** as per the progressive mine closure plan;
- (iv) the lessee has not defaulted in submission of all details with regard to the production, payment of mining dues in time and has not been found wanting in taking adequate measures for the labour safety;
- (v) the lessee has not been penalised for non-compliance of the environmental safeguards, or for any other reason, including suspension of the mining operations, for whatsoever reasons, during the original lease period;
- (vi) substantial investment has been made by the lessee in the development of mine, plant and machinery with a long term perspective and optimal benefit of the same could not have been derived during the original lease period; and
- (vii) such other matters as may be considered necessary by the government.

(2) The government may reduce the area of mining lease at the time of renewal for reasons to be recorded in writing:

Provided that the reduction in the area of the mining lease shall not result in any prorated reduction in the dead rent.

(3) Where the government accords its approval to the renewal of a mining lease, the annual dead rent shall be increased by an amount of twenty five percent over the amount of dead rent payable in the last year of the original lease grant. Further, future increase in such dead rent, on the expiry of each block of three years, shall be regulated on the same terms and conditions as applicable in the case of any mining lease granted on the first occasion;

Provided that in case the lessee makes an application for surrender of part area of the lease, it shall not result in any prorated reduction of the dead rent and the rate of dead rent payable and applicable for the entire area at the time of such application shall remain intact.

20. Surrender of a mining lease.

(1) The Government may accept the request of a lease holder for surrender of a lease or part thereof in cases where it is established that it has not been found feasible to operate the mining lease grant, for whatsoever reasons, subject to the condition that the lessee,

- (i) has been regular in furnishing the production returns as required in terms of the lease agreement;
- (ii) has been taking the requisite steps for the progressive mine closure plan as per the conditions of the lease grant;
- (iii) is not in default of payment of any mining dues on account of any mineral concession as on the date of making such application and undertakes to pay all such dues till the date of expiry of the notice period either in advance or by way of adjustment of the security or both:

(2) In case the lessee makes an application for surrender of part area of the lease, it shall not result in any prorated reduction of the dead rent and the rate of dead rent payable and applicable for the entire area at the time of such application shall remain intact.

21. Execution of mining lease Agreement.

(1) Where a mining lease is granted or renewed, the lease deed shall be executed and registered in Form ML-1 within a period of ninety days of the date of order of grant or renewal of the mining lease and duly registered with the Registrar;

(2) If the lease deed is not executed within the aforesaid period, the order sanctioning the mining lease shall be deemed to have been revoked and the 'advance dead rent' and 'security amount' deposited at the time of auction shall stand forfeited:

Provided that where the Director is satisfied that the Lol holder/ lessee is not responsible for the delay in the execution of the lease deed, the Director may, for reasons to be recorded in writing, permit the execution of the lease deed beyond a period of ninety days but not exceeding one hundred twenty days of the expiry of the aforesaid period.

(3) The Lol holder/ lessee shall also furnish a solvent surety for a sum equal to the annual bid amount for execution of the agreement. In case the surety offered by the lessee during the subsistence of the mining lease is not found solvent, the lessee shall offer another solvent surety and a supplementary deed to this effect shall be executed.

Chapter - 4

Grant of Mining Contracts

22. Grant of mining contracts by competitive bidding.

(1) The minor mineral deposits, where the government decides to grant the mineral concession in respect of such area in the form of a contract, may be granted on mining contract for a period not less than seven years but not exceeding ten years following a competitive bidding process as prescribed under chapter 7 of these rules.

(2) No bid shall be regarded as successful unless accepted by the government. The amount of the successful bid shall become the annual contract money payable by the contractor. The annual contract money determined at the time of initial grant shall be increased at the rate of twenty five percent on completion of each block of three years.

(3) The mining contract deed shall be executed by the successful bidder with the Director or an officer authorized in this behalf in the prescribed Form MC-1.

(4) Other terms and conditions of the contract shall be in accordance with provisions as contained in chapter 8.

23. Renewal of a mining contract.

(1) The contractor shall submit an application to the Director for renewal of the mining contract eighteen months prior to the date of expiry of contract period in the prescribed Form MC-2, containing complete details of the mineral excavated, royalty paid, mineral reserves available, details of explorations undertaken, if any, along with the details of the areas reclaimed/ restored, the sites of overburden, restoration works undertaken etc. The details regarding compliance of other statutory requirements such as Environmental Clearance, Safety provisions as per Mines Act, 1952 and the rules and regulations framed thereunder etc. shall also be provided;

(2) No application for renewal of a mining contract shall be considered in a case where the contractor has been found to be indulging in any violation of the conditions of original contract grant or the conditions accompanying the environmental clearances, and penalised or held accountable for any such violations;

(3) Every application for renewal of a mining contract shall be accompanied with a non-refundable fee of Rs. 1,000/- per hectare or part thereof, subject to a minimum of Rs. 1,00,000/- along with the following supporting documents:

- (i) a valid clearance certificate from the Director or any officer authorized by him in this behalf regarding payment of mining dues on all accounts (such as royalty or dead rent or contract money or Fund and surface rent payable to the landowners under the Act or the rules made thereunder) in respect of the original contract or any other mineral concession held by him in the state;
- (ii) in case of a firm or a company or association of persons, a valid clearance certificate shall have to be submitted in respect of the firm, company or association of persons as well as the other firm in which the partners in the applicant firm are partners or directors:

Provided that the grant of a clearance certificate shall not discharge the holder(s) of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by such applicant under the Act or rules made thereunder.

- (iii) where any injunction has been granted by a court of law or any other competent authority, staying the recovery of any such outstanding dues, non-payment thereof shall not be treated as a disqualification for the purpose of renewal the said mining contract;
- (iv) a self-declaration stating that the applicant has filed up-to-date income-tax returns, paid the income-tax assessed on him or on self-assessment as provided in the Income Tax Act, 1961 on the project.

(4) The Director, or an officer authorised by him, shall communicate the discrepancies in the application, if any, or requirement of any additional information within thirty days from the date of receipt of application, requiring the applicant(s) to make up the deficiencies and/or provide such additional information within a period of thirty days from the date of issue of such notice. In case the required information is not submitted within such specified period, the application shall be decided on the basis of information already submitted.

(5) No renewal shall be granted for the mining contracts exempted under section 3 of the Mines Act, 1952.

(6) The renewal of a contract shall be considered only in cases where the contract has been granted after the commencement of these rules.

(7) A contract for minor minerals granted under rule 22 may be renewed only once by the government for a period not exceeding five years, after having satisfied itself that the contractor has undertaken mining operations strictly in accordance with the terms and conditions of grant, contract agreement and other approvals/ permissions for mining granted by Central/ State agencies.

24. Decision on the application for renewal of Mining Contract.

(1) The application for renewal of a mining contract shall be decided on satisfaction of the competent authority with regard to the following:

- (i) The contractor has complied with all the terms and conditions of the contract agreement and other permissions for undertaking mining operations;
- (ii) The mining operations under the original contract grant have been carried out in a scientific manner;
- (iii) The mined out area has been restored/ reclaimed/ rehabilitated as per the progressive mine closure plan;
- (iv) The contractor has not been in default of submission of any returns with regard to the production, payment of contract money in time and has not been found wanting in taking adequate measures for the labour safety;
- (v) The contractor has not been penalised in any manner, including suspension of the mining contract, for whatsoever reasons, during the original contract period;
- (vi) Substantial investment has been made by the contractor in the development of mine and plant & machinery with a long term perspective and optimal benefit of the same could not have been derived during the original contract period; and
- (vii) Such other matters as may be considered by the Government.

(2) The government may reduce the area of contract at the time of renewal for reasons to be recorded in writing.

(3) Where the Government accords its approval to the renewal of a contract, the annual contract amount shall be increased by an amount of 25% over the amount of contract money payable in the last year of the original contract grant. Further, future increase in such contract amount, on the expiry of each block of three years, shall be regulated on the same terms and conditions as applicable in the case of any contract granted on the first occasion.

25. Surrender of a mining contract.

The Government may accept the contractor's request for surrender of a contract or part thereof in cases where it is established that it has not been found feasible to operate the contract grant for whatsoever reasons subject to the condition that the contractor:

- (i) has been regular in furnishing the production returns as required in terms of the contract agreement;
- (ii) has been taking the requisite steps for the progressive mine closure plan as per the conditions of the contract grant;
- (iii) is not in default of payment of any dues of the Government as on the date of making such application and undertakes to pay all such dues till the date of expiry of the notice period either in cash in advance or by way of adjustment of the security or both.

Provided that in case the contractor makes an application for surrender of part of the contract area, it shall not result in any prorated reduction of the contract money and the rate of contract amount payable and applicable for the entire area at the time of making such application shall remain intact.

26. Execution of Contract Agreement within ninety days.

- (1) Where a mining contract is granted or renewed, the agreement deed shall be executed in Form 'MC-1' within a period of 90 days of the date of order of grant/ renewal of the contract and shall be duly registered;
- (2) If the contract agreement is not executed within the aforesaid period, the order sanctioning the contract shall be deemed to have been revoked and the 'advance contract money' and the 'security amount' deposited at the time of auction shall be forfeited to the Government:

Provided that where the Director is satisfied that the Lol holder/ contractor is not responsible for the delay in the execution of the contract agreement, the Director may, for the reasons to be recorded in writing, permit the execution of the contract agreement deed beyond a period of 90 days but not exceeding 120 days of the expiry of the aforesaid period.

- (3) The Lol holder/contractor shall also furnish a solvent surety for a sum equal to the amount of the annual bid for execution of the agreement. In case the surety offered by the contractor(s) during the subsistence of the contract is not found solvent, the

contractor(s) shall offer another solvent surety and a supplementary deed to this effect shall be executed.

Chapter - 5

Grant of Mining or Quarrying Mineral disposal Permits

27. Grant of Mining/ quarrying and mineral disposal permits.

(1) Mining or quarrying or mineral disposal permits may be granted by the Director or an officer authorised by him, in respect of any area not covered under any mineral concession already granted under these rules in the following cases:

- (i) mining in respect of areas less than five hectares;
- (ii) removal of salt-peter;
- (iii) excavation of Brick Earth by the Brick Kiln Owners;
- (iv) extraction of ordinary clay/ earth;
- (v) disposal of mineral encountered in the process of construction of buildings/ structures/ other developmental projects;
- (vi) disposal of mineral extracted in the process of operation and maintenance of the Canal and Drainage system by the Irrigation Department;
- (vii) permits for specific government works under emergency conditions.

(2) All mining/ quarrying permits in respect of sub clauses (i) and (ii) mentioned under sub-rule (1) shall be granted following a competitive bid process, unless specifically decided otherwise by the government in any specific case.

(3) The mining/quarrying permits in respect of (iii) to (vii) above shall be granted on the basis of application submitted under rules 30 to 34 respectively.

(4) A mining permit under these rules may be granted for a period as considered appropriate by the competent authority, but not exceeding two years, on such terms and conditions as may be stipulated therein.

(5) The Director, or any officer authorised in this behalf, may refuse the application to grant permits in respect of sub-clauses (iii) to (vii) mentioned under sub-rule (1) of this rule for reasons to be recorded in writing.

28. Grant of permits for mining over area less than five hectares.

(1) Subject to sub-rule (2) of rule 27, permits for mining of minor minerals may be granted by the Director or an officer authorised by him for extraction of minor minerals in respect of area less than five hectares;

(2) Permits under this rule shall be granted only in cases where the government decides such areas to be operated for short periods under special circumstances and with adequate environmental safeguards, precautions and applicable clearances;

(3) In case more than one individual/ agency shows interest in taking the permit, it shall be granted in favour of the individual/ agency offering the highest bid;

(4) In case of permit granted under this rule, the permit holder shall execute an agreement in Form MPS1 with the director or the officer authorised in this behalf within a period of ninety days from the date of grant and shall be dully registered;

(5) The permit holder shall submit monthly production returns in Form MMP1.

29. Grant of permits for removal of saltpetre.

(1) Subject to sub-rule (2) of rule 27, the permit for excavation of saltpetre, a minor mineral, may be granted along with suitable restrictions regarding the depth of excavation which shall generally not exceed 12 inches;

(2) In case more than one individual/ agency shows interest in taking the permit, it shall be granted in favour of the individual/ agency offering the highest bid;

(3) In case of permit granted under this rule, the permit holder shall execute an agreement in Form MPS2 with the Director or officer authorised in this behalf within a period of ninety days from the date such grant and shall be dully registered;

(4) The permit holder shall submit monthly production returns in Form MMP1.

30. Permits for excavation of Brick Earth by the Brick Kiln Owners.

(1) A permit for excavation of brick earth may be granted by the Director or an officer authorised by him in favour of the Brick Kiln Owner only for the purposes of manufacturing of bricks;

(2) The initial permit shall be granted for a period that co-terminates with the close of the next financial year so that the further renewal thereof is allowed on bi-annual basis;

(3) The excavation of brick earth under this permit shall not be permissible beyond a depth of nine feet measured from the natural ground level of the area;

(4) The application for lifting of brick earth shall be made to the Director or an officer authorised by him in this behalf in form PIM1 along with the following supporting documents:

- (i) The particulars/details of the land, i.e. revenue estate, rectangle number, field numbers etc. from where he proposes to extract/ remove the brick earth;
 - (ii) Lay out Plan of the area from where brick earth is to be removed;
 - (iii) Written consent of the land owner(s) along with certified copy of the agreement signed between the landowner and the applicant after mutual settlement of compensation between the parties;
 - (iv) A copy of the partnership deed or Articles of Memorandum in case the applicant is a partnership firm or a company, as the case may be.
- (5) The existing brick kiln owner shall apply ninety days before the expiry of permit already held by him for fresh grant in cases where the extraction of brick earth has reached the maximum permissible level in respect of area of the permit already held;
- In case the excavation of the brick earth is to be carried out in the same area earlier held on permit, the brick kiln owner shall apply for renewal of the permit ninety days before the expiry of permit already held;
- (6) The royalty on account of excavation of brick earth shall be charged as per rates prescribed in the First Schedule appended to these rules. The payment in these cases shall be made in advance for the complete financial year or part thereof;
- (7) An application for renewal of permit/ fresh grant under this rule shall be submitted within the period prescribed above along with the payment towards applicable royalty for the ensuing year and a surety for the remaining period of the permit;
- (8) A permit for excavation of brick earth will be granted in form PIM-2.

31. Permits for extraction of ordinary clay/ earth.

- (1) Save in the cases covered under sub-rule (2) of rule 30, the Director or an officer authorised by him in this behalf may grant permit for lifting of ordinary earth from an area not already granted on any mineral concession to the landowner or the person having consent of the landowner on submission of an application;
- (2) The permit for extraction of ordinary earth shall be granted only up to a maximum depth of nine feet measured from the natural ground level of said area;
- (3) The permit for extraction of ordinary earth/ clay in respect of any land of which the ownership or management vests in a Gram Panchayat shall be granted only if a resolution is passed to that effect by the Gram Panchayat and approval of the concerned Deputy Commissioner is obtained by the applicant or the Gram Panchayat;

(4) The royalty shall be charged on lump-sum basis on the basis of quantity/ volume of the earth for which the permit is applied/ granted as per rates prescribed in the First Schedule. The payment of royalty in these cases shall be made in advance for the complete financial year or part thereof;

(5) The permits for extraction of ordinary earth under this rule shall not be granted for excavation beyond a depth of three feet for areas where 'sand deposits' are available below the ordinary clay/earth;

(6) An application for grant of permit shall be submitted in model form **PIM-3**. The application shall be submitted along with following documents:

- (i) The particulars/details of the land, i.e. revenue estate, rectangle number, field numbers etc. from where he proposes to extract/ remove the brick earth;
- (ii) Lay out Plan of the area from where earth is to be removed;
- (iii) Written consent of the land owner(s) or a certified copy of the agreement signed between the landowner and the applicant after mutual settlement of compensation between the parties;
- (iv) A copy of the partnership deed or Articles of Memorandum in case the applicant is a partnership firm or a company, as the case may be.

(7) A permit for excavation of ordinary earth shall be granted on model form PIM-4.

32. Grant of permits for disposal of mineral encountered in the process of construction of buildings/ structures/ development projects.

(1) Where any mineral is encountered in the process of construction of any building or a development project and has to be extracted in the process of execution of such project, such person may be granted a permit to either use such mineral for self-consumption or for its disposal outside the project area on payment of the applicable royalty and other charges to the government for the quantity so excavated and consumed or disposed off;

(2) An application for grant of permit under this rule shall be submitted in Form PIM-5. The authorised officer may either himself visit the site or get the same visited by any official subordinate to him, carry out an assessment of the quantity of mineral likely to be excavated from the site vis-à-vis the quantity stated in the application and grant the permit in Form PIM-6 within a period of 7 days of the receipt of application, complete in all respects.

(3) In case no permit is granted or refused (for reasons to be recorded in writing) within a period of 15 days of the receipt of complete application, the permit would be

deemed to have been granted and the applicant may deposit the applicable royalty amount as per his assessment.

33. Permits for disposal of minor mineral excavated in the process of maintenance of canal and drainage system by the Irrigation Department.

(1) Where any silt or sand or ordinary earth or any other minor mineral is extracted in the process of maintenance and upkeep of the canal and drainage system in the state in the process of de-silting of canals or clearance of drains, the Executive Engineer-in-Charge of the Irrigation Department shall obtain a permit from the Director or the officer authorised by him for the District concerned for disposal of the said mineral;

(2) An application for grant of permit under this rule shall be submitted containing complete details regarding the site, the location, along with the site plan, and the estimated quantities of removal of the minor mineral. The officer authorised by the Director may visit the site, carry out an assessment of the quantity of mineral likely to be excavated from the canal/ drain vis-à-vis the quantity stated in the application and grant the permit in Form PIM-7 within a period of 10 days of the receipt of application, complete in all respects.

(3) While no security shall be required to be deposited in this case, the Irrigation Department shall deposit the amount of applicable Royalty in respect of the mineral disposed off. The manner and mode of deposit of the applicable royalty shall be decided mutually by the Mines & Geology Department and the Irrigation Department in consultation with the Finance Department of the State Government through an executive order:

Provided that all consolidated accounts in this behalf shall be settled by the Irrigation Department by the close of the financial year, failing which no fresh permits may be granted by the Director during the ensuing financial year till full and final settlement of all payments for the preceding financial year are made and settled.

34. Permits for specific emergency situations.

The Director or an officer authorised by him may, on a requisition from the Deputy Commissioner of the District concerned, grant permit for extraction of minor minerals from such area which has not been granted on mineral concession to such government department or any other government agency requiring mineral for execution of works relating to emergent flood protection works or any other natural calamity or other pressing circumstances for safety of human and cattle life under emergency conditions.

Provided that the Government may decide the terms and conditions of grant of such permits under emergency situations in advance or post-facto.

35. Application fee for permits.

The permits, other than those given through competitive bidding process, may be granted on application made to the Director or any other officer authorised by him in this behalf on Forms submitted along with non-refundable application fee of Rs. 500/-:

Provided that a government department/ agency seeking a permit under rule 33 and 34 shall be exempted from payment of the application fee.

36. Conditions on which the Permit for mining/ quarrying shall be granted.

(1) Any mining operations in the case of mining of brick earth or ordinary clay or alluvial deposits below a depth of 1.5 meters shall necessarily require formation of benches for safe mining. The benches would be formed in a manner that the width of the bench is not lesser than the height of the bench or as permitted by the Director, Mines Safety.

(2) Any quarrying permit granted under these rules shall contain information with regard to the following:-

- (i) manner, mode and place of payment of rent, royalties, permit money, Rehabilitation & Restoration Fund amount and interest on delayed payments or any other dues as admissible under these rules;
- (ii) particulars of the receipt heads of the Government to which the payments are to be credited;
- (iii) rent, water charges, compensation of damage to the landowners for the land covered by the permit;
- (iv) felling of trees, pumping of ground water;
- (v) restriction of surface operations in any area prohibited by any authority;
- (vi) entering and working in any reserved or protected forest;
- (vii) reporting all accidents, use of explosives;
- (viii) indemnity to the government against claim of third parties;
- (ix) mineral to be stacked, weighed and dispatched;
- (x) applicability of the provisions of all other statutes/ rules framed by the central and state governments;
- (xi) reclamation or restoration of the mining areas and security thereof;
- (xii) development and conservation of minerals and environment and ecology of the area;

- (xiii) extent of the area or land (khasra numbers and other relevant details) from where the minor mineral(s) shall be extracted;
- (xiv) period within which the minor mineral shall be extracted and removed and delivery of possession of land on the expiry of such period or on removal of the quantity of the minor mineral(s) for which the permit is valid/ granted;
- (xv) release of security by the authority issuing permit after having satisfied that the permit holder has fulfilled all the conditions of the permit satisfactorily;
- (xvi) any other condition, as may be found expedient by the Director or an officer authorized by him to grant the permit, may be imposed in the interest of scientific mining, mineral conservation and mineral development.

(4) In case the permit holder is not able to remove the whole or any part of the mineral for which he obtained the permit within the permissible time for any reasons, whatsoever, he shall not be entitled to claim the refund of permit amount/ royalty or any part thereof.

(5) The permit holders for the brick kilns shall furnish a solvent surety within fifteen days of the issue of the permit by submitting an undertaking of such surety that he would be responsible for deposit of all dues in case the permit holder fails to deposit the same.

37. Forfeiture of property left after cancellation of the permit.

In case of breach of any of the conditions of the grant of permit, the Director or an officer authorised by him may cancel the permit by passing orders after giving thirty days notice to the permit holder **and** for reasons to be recorded in writing. On cancellation of the permit, unless specifically ordered otherwise, the quarried mineral lying on the land from which the same was extracted shall be allowed to be removed by the permit holder within a period of seven days after which any residual mineral will become the absolute property of the government.

Chapter - 6

Grant of minor mineral concessions in Land over which mineral rights vest in a person other than the **Government**

38. Applicability of this chapter.

The provisions of this chapter shall apply only for the grant of mining lease(s) in respect of land in which the minor mineral rights vest exclusively in a person other than the government.

39. Restrictions on the grant of mining lease.

- (1) No mining lease shall be granted to any person unless he:
 - (i) produces an income-tax clearance certificate from the Income Tax Officer, concerned;
 - (ii) produces a certificate of no dues from the Director or an officer authorized by him in this behalf.
- (2) No mining lease(s) shall be granted to any person who is not an Indian National, except with the previous approval of the government.

40. Renewal of a mining lease.

A mining lease may be renewed by the lessor for one or two periods each not exceeding the period for which the mining lease was originally granted.

41. Conditions of mining lease.

Every mining lease shall be subject to the following conditions:

- (i) The provisions of rule 14, 15 and chapter 8 shall apply to all such cases with the modification that the word “government” occurring in said rules shall be substituted by the word “lessor”;
- (ii) The lease may contain such other conditions, not being inconsistent with the provisions of these rules, as may be agreed upon between the parties;
- (iii) The period for which a mining lease may be granted shall be ten years in the first instance;
- (iv) If the lessee makes any default in payment of royalty as required under rule 57(1) or commits a default or breach of any of the conditions of the lease, the lessor shall give notice to the lessee requiring him to pay the royalty or remedy the default or breach, as the case may be, within 30 days from the date of receipt of the notice and if the royalty is not paid or the default or breach is not remedied within such period, the lessor may, without prejudice to any proceedings that may be taken against the lessee, terminate the lease;

- (v) The lessee may surrender the lease at any time by giving not less than three calendar months notice in writing to the lessor after paying all outstanding dues to the lessor;
- (vi) The lessee shall furnish a bank guarantee of Rs. ten thousand per hectare to the lessor for due observance of the terms and conditions of the lease, before the execution of the lease deed.

42. Transfer or assignment.

No mining lease or any right, title or interest in such lease shall be transferred to another person unless he produces an income tax clearance certificate from the Income Tax Officer concerned.

43. Communication of Transfer or Assignment.

Every transferee or assignee of a mining lease or any right, title or interest therein, shall, within thirty days of such transfer or assignment, inform the government of the transfer or assignment and of the terms and conditions of such transfer or assignment. He shall also furnish to the government a certified copy of the Transfer Deed in duplicate.

44. Submission of copy of mining lease.

Every person, obtaining a mining lease, shall within ninety days of the grant of such lease, furnish a certified copy of the mining lease in duplicate to the government.

45. Prohibition of premium.

No person granting or transferring a mining lease or any right, title or interest therein, shall charge or pay any premium in addition to the expenditure incurred by him in lieu of surface rent, dead rent or royalty payable under these rules or such proportionate part of such rent or royalty as is payable in respect of such right, title or interest.

46. Prohibition of working of Mines.

If the government has reason to believe that the grant or transfer of a mining lease or any right, title or interest in such lease is in contravention of any of the provisions of this chapter, the government may, after giving the parties an opportunity to present their case, direct the parties concerned not to undertake mining operations in the area to which the lease relates.

47. Returns and statements.

The lessee shall furnish to the government such returns and statements, as may be specified, within a period of thirty days.

48. Grant of short term permit.

The provisions of chapter-5 shall also apply in this case with the modification that the words 'Director' and 'government' occurring in these rules shall be substituted by the word 'lessor.'

49. Penalty and punishment.

(1) If the lease holder of a mining lease or his transferee or assignee fails, without sufficient cause, to furnish the documents, information and returns, called for by the government, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or both;

(2) If any person grants or transfers or obtains a mining lease or any right, title or interest therein in contravention of any of the provisions of this chapter, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or both.

Chapter - 7

Procedure for inviting competitive bids/ auctions and payments

50. Mode of Grant of mining lease or contract or permit.

(1) Save in the cases specifically mentioned under these rules and where such mineral concessions may be granted on application, all mining leases/ contracts/ permits shall be granted through a transparent process of inviting competitive bids/ open auction, as may be decided by the government.

(2) The government may, in the interest of mineral conservation and scientific mining, pre-qualify the potential bidders, based on an objective assessment criteria determined upfront, by inviting Expressions of Interest through general public notice and restrict the bids among the pre-qualified bidders.

51. Determination of reserve price for inviting bids/ auction.

(1) The Director shall upfront determine the reserve price in each case with the approval of the government where the mineral concessions are granted through competitive bidding/ open auction, as the case may be;

(2) State's priorities with regard to the observance of principles of sustainable development, inter-generational equities and conservation of minerals, scientific mining, availability of construction material at economic rates for developmental works and the state revenues shall remain the over-arching principles in fixing the reserve prices;

(3) The reserve price may be fixed keeping in view the past trends, availability of mineral reserves in the area, the potential, access and proximity to the markets. However, any aberrations in the auctions held earlier and the bids received of exceptionally lower or higher amount, due to whatsoever reasons, may be ignored.

(4) In case of no bid/ offer is received against a reserve price fixed for an area on two successive occasions, the Government may revise the reserve price downwards at appropriate level.

52. Public notice for inviting expressions of Interest/ bids/ open auctions.

(1) A public notice of 21 days shall be published in the official Gazette for inviting bids or conduct of open auctions for the grant of mineral leases/ contracts/ permits, as the case may be:

Provided that the government may, in exceptional circumstances and for reasons to be recorded in writing, reduce such notice period from twenty one days which shall not less than ten days.

(2) In addition to the publication of notice inviting competitive bids/ open auction in the Government Gazette under sub-rule (1) above, the gist of such notice, along with the Schedule for inviting bids/ holding open auctions, shall also be published;

- (i) on the notice board of the office of Director, Mines & Geology and the concerned field offices of the Mines & Geology Department;
- (ii) in two daily newspapers, of which one should be in vernacular language, having good circulation in the area; and
- (iii) on the website of the Department and/ or any other common website address as may be decided by the government.

(3) A copy each of the said public notice shall also be sent to the Deputy Commissioner and the Public Relations Officer of the concerned districts for giving wide publicity in the area.

53. Earnest money.

(1) The intending bidder shall deposit the earnest money, equal to ten percent of the reserve price and rounded by an amount of Rs. 10,000/-, in each case before commencement of open auction or deposited with the bid, as the case may be;

(2) In case of competitive bids invited through sealed tenders, the earnest money shall accompany the bid offers in the form of a Demand Draft drawn in favour of the Director;

(3) In the case of open auctions, the earnest money deposited by all bidders, save in the cases where the earnest money has been ordered to be forfeited by the Presiding Officer on grounds of any misconduct during the auction proceedings, shall be refunded immediately upon completion of the auction proceedings;

(4) In case the highest bidder fails to deposit 10% of the annual bid amount towards the 'Initial bid security', his earnest money shall be forfeited and such bidder shall not be eligible to participate in any such auctions/ competitive bids in respect of the same area or any other area in the state for a period of five years;

(5) No person, who is a defaulter of any mining dues in respect of any mineral concession granted in the past or any other current mineral concession and/or his family members, shall be eligible to participate in the auction or bid process. In case he is found to be in such arrears at any stage, his bid shall be revoked with forfeiture of the amount deposited by him. In case any of the partners of a Partnership Firm or a Director of a company participating in the bid/ auction process or any of their family members are found to be defaulters, the bidder firm/ company would be held ineligible and attract similar action:

Provided that where any injunction has been granted by a court of law or any other competent authority staying the recovery of any such amount, the non-payment thereof shall not be treated as a disqualification for the purpose of participation in the auction;

(6) The terms and conditions and other details of the auction shall also be read out by the auction committee headed by the Deputy Commissioner, or in his absence by the Additional Deputy Commissioner, of the district concerned in case of open auctions before commencement of the auction proceedings.

54. Powers of the Presiding Officer.

(1) The presiding officer shall conduct the auction in a peaceful manner and may direct any bidder to leave the auction premises in the event of a disorderly conduct by or on behalf of any bidder. In cases of extreme misconduct or misbehaviour, the presiding officer may order the forfeiture of earnest money deposited by such bidder and recommend his debarring from participation in any future auctions.

(2) The presiding officer may provisionally accept or reject the highest bid offered/ received during the auction proceedings and send his recommendations to the Director, who shall obtain the orders of the government thereon.

55. Payments of the bid amount.

- (1) No bid shall be regarded as 'successful' unless accepted by the Government;
- (2) The highest bidder shall be required to deposit an amount equal to 25% of the annual dead rent/ contract money as the 'Security' along with an additional amount equal to one month's dead rent/ contract money in advance;
- (3) The process for completion of the various stages of payment as specified under sub-rule (2) above shall be as follows:
 - (i) On completion of the bid process i.e. the fall of the hammer or the opening of the sealed bids, as the case may be, the highest bidder shall deposit an amount equal to 10% of the annual bid amount as 'Initial Bid Security'.
 - (ii) The amount deposited towards the 'initial bid security' would be adjusted as part of the Bid Security on acceptance of the bid by the government and the Department will issue a Letter of Intent (LoI) in favour of the successful bidder;
 - (iii) The letter of intent holder shall deposit the balance amount of Bid Security i.e. equal to 15% of the annual bid amount before commencement of mining operations or before expiry of the period allowed, which shall not be more than twelve months, whichever is earlier, along with an additional amount equal to one month's dead rent/ contract money;
 - (iv) The amount of security already deposited towards the initial bid security shall be duly adjusted to make up the twenty five percent of the bid amount towards the bid Security;
 - (v) Wherever a LoI holder fails to deposit the balance fifteen percent amount towards security as prescribed under sub-rule (3)(iii) above, and/or fails to execute the agreement after the issue of letter of intent, the same shall be deemed to have been revoked and the ten percent amount deposited by him towards 'initial bid security' shall stand forfeited. In addition, the letter of intent holder/ defaulter shall be liable to deposit the unpaid balance of fifteen percent to make up twenty five percent of the bid amount as bid security;
 - (vi) Where the LoI holder fails to deposit the unpaid fifteen percent amount on demand, such amount shall be recoverable as arrears of land revenue and such bidder shall be debarred from participation in any subsequent bids for a period of five years;

- (vii) No interest, whatsoever, shall be payable on the security amount deposited under proper security head of the government;
- (viii) On enhancement of the dead rent/ contract money with expiry of every three years period, the lessee/ contractor shall deposit the balance amount of security so as to upscale the security amount equal to 25% of the revised annual dead rent/ contract money as applicable for one year with respect to the next block of three years.

Chapter - 8

General conditions for grant of any mineral concession

56. Conditions of the mining lease/contract.

(1) The lessee/ contractor shall deposit the annual dead rent (in case of lease) or contract money, as the case may be, in respect of the minor minerals as per following table:

Serial Number	Value of Annual dead rent/ Contract money	Periodicity of payment
(i)	Up to Rs. 10.00 Lakh	Entire annual amount in advance after adjustment of the amount deposited along with the Security
(ii)	Above Rs.10.00 lakh and up to Rs. 50.00 lakh	In four quarterly instalments in advance on the 1st of April, 1st of June, 1st of September and 1st of December of the year
(iii)	Above Rs. 50.00 lakh	In monthly instalments in advance

(2) The advance amount paid on account of one instalment along with the fifteen percent amount of the bid security shall be required to be deposited/ adjusted in a manner that the subsequent instalments are payable for a full calendar month/ quarter/ year, as the case may be;

(3) In case of a mining lease, where the amount of royalty payable in respect of a month exceeds the amount of dead rent deposited in advance, the lessee shall deposit such amount of royalty on the mineral extracted and dispatched or consumed by the 7th day of the following month after adjusting the amount of advance dead rent already deposited;

(4) In cases where the lessee has paid the amount of royalty or dead rent during a part of the year, which is equal to or more than the annual dead rent payable for the year, he shall not be required to deposit the advance dead rent for the remaining period

of the said year and the royalty for the balance part of the year shall be deposited by the 7th day of the following month;

(5) Where the lessee/ contractor is operating the area, he shall also deposit/ pay an additional amount equal to ten percent of the due dead rent /royalty/ contract money along with instalments towards the 'Mines and Minerals Development, Restoration and Rehabilitation Fund';

(6) In case of any default in payment of the instalments of dead rent/ contract money/ contribution to the 'Mines and Minerals Development, Restoration and Rehabilitation Fund' on the due date(s), the amount would be payable along with interest at the following rates:

Serial Number	Period of delay	Rate of Interest applicable
(i)	If paid within a period of 7 days from the due date:	A grace period of up to 7 days is allowed without any interest;
(ii)	If paid after 7 days but up to 30 days of the due date:	15% on the amount of default for the period of default including the grace period;
(iii)	If paid after 30 days but within 60 days of the due date:	18% on the amount of default for the period of default including the grace period;
(iv)	Delay beyond 60 days of the due date	Termination of the lease/ contract and the entire outstanding amount would be recoverable along with interest calculated at the rate of twenty one percent for the entire period of default.

(7) Any default in payment of the due instalments of dead rent, royalty, contract money, contribution to the Fund beyond a period of seven days from the due date would entail:

- (i) issue of a notice by the mining officer-in-charge requiring the mineral concession holder to clear the default immediately and stating that in case the due amount is not paid within a period of thirty days of the due date, his mining operations would be suspended;
- (ii) If the concession holder fails to deposit the due amount within a period of thirty days of the due date along with interest applicable thereon, the mining officer-in-charge shall direct the concession holder to suspend his

mining operations and stop any despatch of mineral from the concession area till such time the default is cleared;

- (iii) The order of suspension issued under (ii) above shall, inter alia, include a show cause notice for termination of the lease or contract or permit along with forfeiture of security in the event of continuation of default for a period of thirty days from the date of order of suspension. The concession holder shall also be liable to pay the dues for such suspension period;
- (iv) The Director may revoke the suspension of mining operations in case the concession holder deposits at least fifty percent of the due amount with an undertaking to pay the balance amount within a period of three months along with interest, concurrent with the instalments payable during this period;
- (v) If the concession holder fails to deposit the amount of default within a period of sixty days from the due date, the mining officer-in-charge shall recommend the matter to the Director for termination of the lease/ contract/ permit. The order of suspension of mining operations and the ban on despatch of mineral from the area would remain in force throughout such default period;
- (vi) The Director may terminate the mineral concession, with or without forfeiture of the whole of the security deposit or part thereof, as deemed appropriate, in such cases without any further opportunity.

(8) The mineral concession holder shall erect boundary pillars around the mining area at his own expense as per his plan of mining, duly approved by the authorized officer, and shall at all times maintain and keep the same in good condition. Each of the boundary pillars shall also be numbered along with the GPS readings duly marked thereon. The plan annexed to the concession agreement shall clearly indicate the location of pillars along with their GPS readings.

(9) The mineral concession holder shall, at all times, carry out the mining operations subject to the following restrictions:

- (i) maintain a distance of fifty meters from the outer periphery of the defined limits of any village abadi, National Highway, State Highway, Major District Roads (MDR) and Other District Roads (ODRs) where such excavation does not require use of explosives, unless specifically relaxed and permitted by the competent authority;

- (ii) maintain a distance of two hundred fifty meters from the outer periphery of the defined limits of any village abadi, National Highway, State Highway, Major District Roads (MDR) and Other District Roads (ODRs) where use of explosives is required, unless specifically relaxed and permitted by the competent authority or any specific dispensation is obtained from the Director, Mines Safety;
- (iii) maintain a distance of at least 10 meters from any other public roads;
- (iv) mining operations in the river-beds shall be undertaken in accordance with the conditions prescribed under rule 58.

(10) The lessee/contractor shall at all times keep and maintain correct and true accounts of:

- (i) the quantity and other particulars of all minerals obtained from the mines;
- (ii) the number of persons employed in his mining operations;
- (iii) an up-to-date complete plan and sections of the mine;

and shall allow any officer authorised by the Central or the State government in that behalf to examine at any time any accounts and records maintained by him, and shall furnish to the Central or the State Government with such information and returns, as it may require.

(11) Where the continuance of mining operations in any area, in the opinion of the state government, is likely to endanger the safety of any national or state highway, road, bridge, drainage, reservoir, tank, canal or other public works, or public or private building, or any other public interest or in the interest of environment/ecology of the area, the government may suspend the operations in the entire concession area or part thereof with immediate effect by communicating the reasons thereof in writing. The government may, wherever so warranted, terminate such mining lease/ contract over entire area or part thereof after giving sixty days notice to the concession holder in this behalf and the grant of such mineral concession shall stand terminated from the date specified in the said notice.

(12) A mineral concession holder shall not stock any mineral outside the concession area granted on mining lease/ contract/ permit, without obtaining a valid license as per provisions contained in Chapter 14 of these rules. The total mineral excavated and stacked by the concession holder within the area granted on mining lease/ contract/ permit shall not exceed two times of the average monthly production as per approved mining plan at any point in time.

(13) In cases where access to and from any other mineral concession area granted under these rules is required to be provided through the land/ area of the lessee/ contractor, he shall allow the existing and future lessee/ contractor/ or any other mineral concession holder a reasonable access to pass through such land/ area which is comprised in or adjoins or is reached through the land held by such mineral concession holder.

(14) The mineral concession holder shall ensure unhindered access to any officer, authorised by the State or Central Government, to enter upon any building, excavation or land comprised in the concession area for the purpose of inspecting the mines. If the mineral concession holder creates any hindrance in peaceful inspection of the mines, the Director may take recourse to extreme measure of cancellation of the mineral concession and forfeit the security deposit in whole or part thereof.

(15) A mineral concession holder shall:

- (i) submit by the 7th day of every month, a return in Form “MMP-1” containing the total quantity of minor mineral raised and dispatched from the area and other details prescribed in the said form during the preceding calendar month and its value, to the Director and also other officer(s) specified in the lease/contract deed; and
- (ii) also furnish by the 30th April of every year, a statement containing information in Form ‘MMP-2’ regarding the quantity and value of minor mineral extracted, dispatched, stacked during the previous financial year, average number of regular labourers employed (men and women separately), number of accidents (if any), compensation paid and number of days worked and such other details as prescribed in the form to the Director and the other Officer specified in the agreement.

(16) The mineral concession holder shall at all times maintain and, if required, strengthen any railway line, bridge, national highway, reservoir, tank, canals, road any other public works or buildings in proper condition to the satisfaction of the Railway Administration or the Director or any officer authorised by him and shall ensure that no risk is caused to any such structure as a result of his mining operations.

(17) The mineral concession holder shall report the discovery of any such minor mineral which is not specified in the concession to the Director or an officer authorised by him without any delay and shall not win or dispose off the same without obtaining a separate mineral concession from the Director;

(18) If the concession holder fails to apply for such lease/ contract/ permission within three months from the discovery of said newly discovered minor mineral, the

government may grant the mining lease/ contract in respect of such mineral to any other person;

(19) Where the newly discovered minor mineral is not available in sufficient quantity and the grant of a separate mining lease/ contract is not found justified, the Director may allow the lessee/ contractor to excavate and dispose of such newly discovered mineral by issuing a separate permit in Form 'PIM-8' on payment of advance royalty at the rates prescribed in the First Schedule. The royalty payable for the newly discovered minor mineral and prorated contribution to the R & R Fund shall be in addition to the dead rent/ contract money/ contribution to the R & R Fund for the mineral already granted on mining lease/ contract/ permit. The mineral concession holder shall also be liable to pay all other sums as prescribed for disposal of the mineral as if the same had been allowed under a regular mineral concession;

(20) In case the mineral concession holder incidentally extracts any major mineral, in the process of extracting minor minerals granted through the mineral concession, which is not forming part of the concession, the same shall be the property of the Government and the mineral concession holder shall stack and store the same separately and maintain its proper record in accordance with the directions given by the Director or an officer authorised by him. The Director shall lay down a procedure for the disposal of the major mineral so detected, excavated and stacked;

(21) In case it is detected that the mineral concession holder has disposed of the incidentally extracted major mineral in whole or part thereof or failed to maintain the record of the stored mineral in terms of sub-rule (20) above, he shall be liable to penalties as specified in sub section (1), (4) and (5) of section 21 of Act, and also termination of mining lease/contract.

(22) In case the mineral concession holder does not commence mining operations within a period of one hundred and eighty days counted from the date of commencement of the mineral concession, notwithstanding the payment of dead rent/ contract money by him, the mineral concession shall be liable to be terminated unless specifically permitted by the government on application for reasons to be recorded in writing.

Explanation- For the purpose of this sub-rule, mining operations shall include the erection of machinery, laying of tramway or construction of a road in connection with the working of mine and the steps taken to obtain requisite clearances.

(23) The mineral concession holder shall immediately inform in writing in Form 'MSE-1: (a) the working in the mines extend below the superjacent ground, or (b) the depth of any open cast excavation reaches six meters (measured from its highest to the lowest

point); or (c) the number of persons employed on any day is more than 50, or (d) any explosives are used, to the following:-

- (i) The Chief Inspector of Mines, Government of India, Dhanbad;
- (ii) The Director, Mines Safety, Government of India, Gaziabad;
- (iii) The Director, Mines & Geology, Haryana;
- (iv) The District Magistrate of the District concerned; and
- (v) The mining officer-in-charge of the District concerned.

(24) The Director or an officer authorised by him will make arrangements for the survey and demarcation of the area granted under the concession at the expense of the mineral concession holder. The mineral concession holder shall have to bear actual expenses of the staff deputed for the work, which shall include prorated salary of the staff, travelling allowance and daily allowance of the staff deployed and instrument usage charges which shall be equal to ten percent of the staff charges.

(25) A safety margin of two meters shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained from the competent authority in this behalf.

(26) A mineral concession may contain and provide for such additional conditions as the government may deem necessary with regard to the following:-

- (i) payment of dead rent, royalty, contract money, Mines and Mineral Development, Rehabilitation and Restoration Fund, and the interest payable on delayed payments or any other dues;
- (ii) particulars of the receipt heads of the Government to which the payments are to be credited;
- (iii) payment of rent for use of the surface area and compensation for damage to the landowner in respect of land covered under the lease/contact;
- (iv) felling of trees, pumping of ground-water, if any;
- (v) payment of water charges;
- (vi) restriction of surface operations in any area prohibited by any authority;
- (vii) notice by the mineral concession holder for surface occupation;
- (viii) facilities to be given by the mineral concession holder to another mineral concession holder for working of other minor mineral(s) in the area or the adjacent area;
- (ix) entering and working in any reserved or protected forest area;

- (x) reclamation/ restoration and securing of the pits, shaft and other areas affected by mining, pumping of the ground water;
 - (xi) reporting of accidents and use of explosives;
 - (xii) indemnity to the government against any third party claims;
 - (xiii) mineral to be stacked, weighed and dispatched;
 - (xiv) applicability of the provisions of all other statutes/ rules framed by the Central and the State governments;
 - (xv) maintenance of sanitary conditions in the mining area;
 - (xvi) development & conservation of the minerals, and environment & ecology of the area;
 - (xvii) forfeiture of property left after termination/ expiry of the mineral concession;
 - (xviii) delivery of possession of lands and mines on surrender, expiration or premature termination of the mineral concession;
 - (xix) powers to take possession of plant, machinery, premises and mines in the event of war or emergency; and
 - (xx) termination of a mineral concession for non-compliance of terms and conditions of the grant and agreement;
 - (xxi) any other special conditions may be imposed in the interest of scientific mining, mineral conservation and mineral development, as may be found expedient by the Director or an officer authorised by him.
- (27) Boundaries of the area covered by a mining lease/ contract/permit shall run vertically downwards below the surface towards the centre of the earth.

57. Special conditions for river-bed mining.

Following conditions shall be applicable for excavation of minor mineral(s) from river beds in order to ensure safety of river-beds, structures and the adjoining areas:

- (i) No mining would be permissible in a river-bed up to a distance of five times of the span of a bridge on up-stream side and ten times the span of such bridge on down-stream side, subject to a minimum of 250 metres on the up-stream side and 500 metres on the down-stream side;
- (ii) There shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such

distance as may be directed by the Director or any officer authorised by him;

- (iii) The maximum depth of mining in the river-bed shall not exceed three metres measured from the un-mined bed level at any point in time with proper bench formation;
- (iv) Mining shall be restricted within the central 3/4th width of the river/ rivulet;
- (v) No mining shall be permissible in an area up to a width of 500 meters from the active edges of embankments in case of river Yamuna, 250 metres in case of Tangri, Markanda and Ghaggar and 100 meters on either side of all other rivers/ rivulets;
- (vi) Any other condition(s), as may be required by the Irrigation Department of the state from time to time for river-bed mining in consultation with the Mines & Geology Department, may be made applicable to the mining operations in river-beds.

58. Powers to issue directions.

(1) The Director may, in the interest of systematic development of mineral deposits, conservation of minerals, scientific mining, sustainable development and protection of the environment, issue directions to the owner, agent, mining engineer, geologist or manager of a mine;

(2) Every direction issued under sub-rule (1) shall be complied within such period as may be specified, not being a period of less than one week:

Provided that where there is difficulty in giving effect to any such direction, the owner, agent, mining engineer, geologist or manager of the mine, as the case may be, may apply for modification or rescinding of such direction and the Director may either modify or rescind the direction or confirm the same.

(3) Any person aggrieved by a direction or order under this rule may apply to the State Government or any other authority prescribed under the Act for the purpose.

59. Consequences of any non-compliance/ or violation of the terms and conditions of the grant of a mineral concession.

(1) In case the mineral concession holder fails to (a) undertake mining in a scientific and systematic manner, or (b) undertakes mining in violation of environmental safeguards, or (c) fails to deposit the due amount of dead rent, royalty, contract money or any other amount due to the Government under these rules, or (d) fails to comply with any of the terms and conditions of grant of the mineral concession agreement or

other conditions imposed by any other State/ Central agency at the time of granting permission/ approval for undertaking mining activity, or (e) fails to comply with any other directions issued during the subsistence of the mineral concession, the Director or an officer authorised by him shall have the right to suspend the mining operations or prematurely terminate the lease/ contract along with forfeiture of part or full amount of security after following the prescribed procedure;

(2) As a measure of recovery of any outstanding amount towards mining dues from a defaulting mineral concession holder, the Director or an officer authorized by him shall be competent to enter upon the said premises and detain all or any of the mineral or moveable property therein till the concession holder makes the payment of outstanding amount. If the concession holder fails to make the payment within a period of ten days, such officer may order disposal and sale of the detained material and such property to the extent it covers the recovery of the outstanding dues and all costs and expenses incurred on this account.

(3) Where a mineral concession is prematurely terminated for breach of any of the conditions subject to which the mineral concession is granted, the Director or an officer authorised by him may also order forfeiture of the quarried material lying in the concession area and on passing of such an order, such mineral shall become the absolute property of the state.

60. Rights of the lessee/ contractor.

Subject to the conditions mentioned under rules 57 & 58, the mineral concession holder shall have the right to use the land in respect of which the mineral concession has been granted for following activities,

- (i) working of the mines;
- (ii) sink pits and shafts and construct building and roads;
- (iii) erect plant and machinery;
- (iv) quarry and obtain building and road materials and make bricks for self consumption;
- (v) use water;
- (vi) use land for stacking purpose;
- (vii) install fuel-pumps or stations or diesel or petrol for self-use with the permission of the competent authority;
- (viii) construct magazine for explosives and storage sheds for explosive related substances with permission from the licensing authority;

- (ix) store over-burden/ waste material in areas identified for the purpose;
and
- (x) request for diversion of public roads, overhead electric lines passing through the concession area from the concerned authorities at his expense to ensure scientific mining.

61. Special rights of the Government.

- (1) The government shall have the right of pre-emption of the minor mineral and all products thereof lying over the area granted on a mineral concession or elsewhere under the control of the mineral concession holder at all times during the term of any mineral concession. Upon issue of an order by the Government in writing to this effect, the mineral concession holder shall deliver all minor mineral or products thereof to the Government at rates worked out on the basis of average billing of mineral for the last one month at the pit head in such quantities and in such manner as may be specified in the order exercising the said right;
- (2) The Government may terminate/ cancel the mineral concession in the state of a National Emergency or War without giving any notice for such termination;
- (3) The Government may terminate or cancel the mineral concession, by giving three calendar months prior notice in writing, in the event the minor mineral under the concession is required for establishing an industry beneficial to the general public.

Chapter - 9

Payment of rent and compensation to the landowners and determination thereof

62. Mining over land in the ownership of third parties.

- (1) Where a mineral concession is granted under these rules over any land in respect of which minor mineral rights vest in the state government, the rights of the landowner shall be subordinate to that of the State Government for extraction of the mineral, access to the quarry/mine, stacking of minerals and other subsidiary purposes. The landowner is entitled to a fair rent and compensation for such use of the land and any damage or injury caused to such land.
- (2) A mineral concession holder, who is granted the mineral concession under these rules, is entitled to use the land/ area for extraction of mineral in respect of which the said concession is granted. The mineral concession holder shall be liable to pay (a) the annual rent in respect of the land area blocked under the concession but not being

operated, and (b) the rent plus compensation in respect of the area used for actual mining operations.

(3) In case the landowner is allowed to use part of the area granted under the mineral concession for his normal operations for which it was being used prior to the grant of mineral concession, concurrent with the concession grant, no rent shall be payable in respect of such portion of land which is not being used for actual mining operations for such period as it remains available to the landowner for his normal use. In cases where the mineral concession holder blocks the entire concession area as a result of which the landowner is not able to use such land or part thereof for his normal operations, the rent shall be payable in respect of the entire blocked area.

63. Mutual settlement of rent and compensation for the land used for mining.

The amount of annual rent and the compensation shall be settled mutually between the landowner and the mineral concession holder.

64. Determination of fair market rent, if not mutually settled between the parties.

(1) Where no agreement is reached by way of mutual settlement between the landowner and the mineral concession holder regarding the rate of rent, the mineral concession holder shall offer to pay rent equal to the amount of Annuity, as applicable from time to time, as payable under the R & R Policy of the government in cases of land acquisition.

(2) Where the land owner is not agreeable for a mutual settlement under rule 63 and is also not satisfied with the rent offered to be paid under sub-rule (1) above, the landowner or the concession holder may apply to the officer-in-charge of the concerned district to make a reference to the District Collector for determination of the fair rent payable in respect of such land.

(3) Where either of the parties prefer a reference to the District Collector under sub-rule (2) above, the officer-in-charge of the concerned district shall forward the reference to the District Collector for determination of the fair market rent in respect of such land. The mining officer-in-charge of the district shall also require the mineral concession holder to deposit the rent for one year as prescribed under sub-rule (1) above as a tentative compensation with the Collector. Upon so doing, the mineral concession holder shall be entitled to commence mining operations over the said land area.

(4) Upon a reference from the mining officer-in-charge of the district concerned, the District Collector may call upon the parties to furnish the details of their claims and counter claims, inter alia, containing information on the parameters prescribed under sub-rule (5) of this rule and afford an opportunity of hearing to the parties.

(5) (I) Pursuant to the hearing granted to the parties to the reference, the District Collector shall determine the fair market rent of the land keeping in view the following:

- (i) nature/ character of the land i.e. arable (single crop or multiple crop) or barani or banjar;
- (ii) use to which such land was being put immediately before the grant of mineral concession;
- (iii) annual net income that the landowner was able to derive/ earn from such land use;
- (iv) normal increase in the income level that would have taken place in such net income during the intervening period;
- (v) amount so worked out shall be added an amount equal to thirty percent in lieu of compulsory use of the land;

(II) While determining the fair market rent, the collector shall also decide the rate at which such rent would be increased on year-to-year basis during the currency of the mineral concession.

(6) Notwithstanding the parameters prescribed for determining the fair market rent under sub-rule (5) above, Collector shall not determine the rent at a rate lesser than the amount of annuity payable under the R&R Policy.

(7) The District Collector shall order parties and the mineral concession holder to pay such rent to the landowner from time to time, as determined by him.

(8) Any appeal against the order of the District Collector shall lie with the Government.

65. Determination of Compensation.

(1) In addition to the rent settled between the parties under rule 63 or determined and payable under rule 64, the landowner would also be entitled to payment of a fair and reasonable compensation for any damage caused to such land in respect of the area under actual mining operations.

(2) In cases where the amount of compensation is not mutually settled between the parties under rule 63, the tentative amount of compensation shall be equal to 10% of the annual contract money, dead rent/ royalty actually paid by the mineral concession holder to the government, less the amount of rent settled or determined.

(3) Where the landowner or the mineral concession holder is not agreeable to accept the amount of compensation prescribed under sub-rule (2) above, either of them may seek a reference through mining officer-in-charge to the District Collector for

determination of fair and reasonable compensation with reference to the damage or injury caused to such land. Pending a decision by the District Collector on such reference by either of the parties, the mineral concession holder shall deposit the tentative compensation amount for one year with the District Collector in accordance with sub-rule (2) above, where after the concession holder shall be entitled to operate the area.

(4) Upon a reference from the officer-in-charge, of the district concerned, the District Collector shall proceed to determine the fair compensation amount on account of any damage likely to be caused to such land on account of the mining operations. The Collector shall invite claims and counter claims and afford an opportunity of hearing to the parties before determining the compensation amount.

(5) (I) The Collector shall determine the fair compensation for the damage or injury caused to such land keeping in view the following:

- (i) nature or character of the land i.e. arable (single crop or multiple crop) or barani or banjar;
- (ii) economic activity for which such land was being used immediately before the grant of mineral concession;
- (iii) nature and extent of damage caused and as to whether such land is fully or partially reclaimable after closure of the mining operations or the damage is irreversible;
- (iv) economic activity for which such land can be used after mine closure, with or without any investment, and the kind of returns it is capable of yielding after such restoration.
- (v) extent of efforts and expenditure proposed to be made by the mineral concession holder for restoration or reclamation or rehabilitation of the land as per the mine closure plan for its eventual use by the landowner;

(II) While determining the compensation amount, the Collector shall keep in view the total rent and the estimated compensation amount payable to the landowner throughout the concession period. In case the sum total of the rent and the compensation amount assessed is more than the prevailing market value of land, the mineral concession holder may be given an option to buy the land at such rates subject to the landowner agreeing to the same. Alternatively, the Collector may determine the compensation amount keeping in view that the landowner would continue to retain the ownership of land after the closure of mining operations.

(III) In case the mineral concession holder and the landowner(s) are able to settle the compensation mutually in respect of a portion of the land required for actual mining operations, compensation for such portion of the land shall not be a subject for

settlement. However, the amount of compensation already settled in respect of part of the operating area shall be kept in view while settling the compensation for the disputed area.

(6) Notwithstanding the determination of compensation on the considerations stated under sub-rule (5) above, the annual rent and the compensation amount put together shall not be less than 10% of the amount of contract money/ dead rent/ royalty actually paid by the mineral concession holder to the government with reference to such portion of land in accordance with sub-rule (2) above.

(7) The compensation amount determined by the District Collector shall be final and binding on the parties and the mineral concession holder shall be liable to pay such compensation amount to the landowner annually during the currency of the mineral concession.

(8) An appeal against the order of the Collector shall lie with the Government.

Part-III

Scientific & Systematic Mining and Environmental Safeguards

Chapter - 10

Mining operations to be undertaken as per the Mining Plan

66. Mining Plan:

Any mining operations under a mineral concession granted under these rules shall be undertaken by the mineral concession holder in accordance with a duly approved 'Mining Plan':

Provided that the State Government may exempt certain specified nature of mining activities from the requirements of preparation of a mining plan.

67. Registration of a 'Recognised Qualified Person' (RQP).

(1) No person shall be registered as a 'Recognised Qualified Person' for the purposes of rule 68 (1) by the Director, unless he possesses:

- (i) a degree in mining engineering or a post-graduate degree in Geology granted by a university established or incorporated by or under an Act of Parliament or any institution recognised by the University Grants Commission established under section 4 of the University Grants

commission Act, 1956 (3 of 1956) or any qualification equivalent thereto;
and

- (ii) professional experience of five years of working in a supervisory capacity in the field of mining or mineral administration after obtaining a degree or qualification required under clause (1) (i) above.

(2) Any person possessing the qualifications and experience as prescribed under sub-rule (1) above, may apply to the Director, or an officer authorised by him, for registration as a RQP along with a fee of Rs. 1,000/- (Rs. one thousand only). The Director may, after making such enquiry as deemed appropriate, grant or refuse to grant recognition and where recognition is refused, the Director shall record the reasons therefor in writing and communicate the same to the applicant.

(3) The applicant recognised under sub-rule (2) above shall be so registered for a period of ten years and his registration may be further renewed on application and deposit of the fee as applicable at such time for a further period not exceeding ten years at any one time.

(4) The registration of a person as 'Recognised Qualified Person' may be revoked at any time in the case of any misconduct on the part of such person after giving him a notice and opportunity of hearing. Similarly, the Director may refuse to renew recognition for reasons to be recorded in writing after giving him an opportunity of hearing.

68. Preparation of a Mining Plan by a Recognised Qualified Person.

(1) A mining plan shall be prepared by a Recognised Qualified Person (RQP), recognised in this behalf by the Director or an officer authorised by him, or by a person recognized by the Central Government or an officer authorized by the Central Government in this behalf under the provisions of rule 22 B of the Mineral Concession Rules, 1960.

(2) The Director shall specify all such persons who are so recognised by him under sub-rule (1) above and keep such a list of persons published and updated on the website of the department.

69. Officer authorised for approval/ modification of the Mining Plan/ Scheme of mining.

The Director may authorise any of his officers to approve or modify the Mining plan/ Scheme of mining for mining of Minor Mineral in the State subject to such officer fulfilling the following qualifications:

- (i) a degree in mining engineering or post-graduate degree in geology from a university established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognized by the University Grant Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956), or any equivalent qualification granted by any university or institution outside in India; and
- (ii) possesses professional experience of 8 years in case of a Mining Engineer in the field of mining and 12 years in case of a Geologist in the field of mining/ geological survey, after obtaining the basic academic qualification.

70. Requirements of a Mining Plan.

(1) Every mineral concession holder shall prepare a Mining Plan along with the Mine Closure Plan (Progressive & Final) and shall not commence mining operations in any area except in accordance with such Mining Plan duly approved by an officer authorized by the Director in this behalf. The plan shall also contain the conceptual plan of the mining area and take into consideration the following aspects:

- (i) Level of Production;
- (ii) Level of Mechanisation;
- (iii) Type of Machinery used;
- (iv) Quantity of diesel/ energy fuel consumption;
- (v) Number of trees uprooted due to proposed mining operations.

(2) Where the mining operations have already been undertaken under an existing mineral concession before the commencement of these rules, the holder of such mineral concession shall also submit a Mining Plan along with Mine Closure Plan within a period of ninety days from the commencement of these rules for approval by the authorized officer.

(3) Every mining plan or scheme of mining submitted for approval under these rules shall be accompanied with a non-refundable fee of Rs. 5,000 for every square kilometre or part thereof in respect of the mining area covered under the mining plan.

(4) Every mining plan shall contain all plans, sections serially numbered or suitably indexed. The tracings or copies of such plans and sections duly certified for its correctness by the owner, agent, mining engineer or manager or geologist, by the mining engineer/ geologist appointed by the concession holder, shall be kept at the site office of the minor mineral mine/ concession area.

(5) A mining plan shall incorporate the following as a minimum:

- (i) the plan of the area under concession delineated on a map with boundaries duly marked along with the positions of boundary pillars with GPS readings;
- (ii) the plan of the area under concession showing the nature and extent of the mineral body/ spot or spots where the mining operations are proposed to be undertaken;
- (iii) the plan of the area showing natural water courses, limits of reserves 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 i.e. the environment management plan;
- (iv) details of the geology and lithology of the area including the estimated mineral reserves of the area;
- (v) extent of manual mining or mining with the use of machinery and mechanical devices;
- (vi) tentative scheme of mining and annual programme and plan for excavation/ production from year-to-year for a period of five years as part of the Mining Plan;
- (vii) proposed method of mining/ development of mines, use of explosives and blasting operations, if any, stacking and disposal of minerals, mine-drainage pattern, handling of the overburden, location of electronic weigh bridges, and mineral processing, if any;
- (viii) progressive and final mine closure plan;
- (ix) details of scheme of restoration/ rehabilitation of the area through afforestation, land reclamation, use of pollution control devices and such other measures as may be directed by the State Government from time to time.

(6) In addition to the requirements stipulated under sub-rule (4) above, every mining plan shall delineate the approach in respect of environmental safeguards and restoration and rehabilitation measures of the area with regard to the following, among others:

- (i) precautions for the protection of environment and control of pollution while undertaking mining operations in the area granted on contract lease/ contract;
- (ii) control of air pollution due to dust, exhaust emissions or fumes during mining or processing operations for minor mineral and related activities

and containing the same within permissible limits specified under any environmental laws for the time being in force;

- (iii) precautions to prevent or reduce the discharge of toxic and objectionable liquid effluents from minor mineral quarry, workshop or processing plant within the permissible limits. No such toxic affluent shall be discharged in any water body or in the sub-soil through a bore-hole;
- (iv) abatement of and control over the noise arising out of mining and processing operations for minor minerals so as to keep the same within the permissible limits;
- (v) prevention and containment of any damage to the flora of the area held under concession and the nearby area, scheme of undertaking plantation to compensate for any unavoidable damage and maintenance of the same during the subsistence of the concession period;
- (vi) removal and stacking of any top soil or over-burden or waste rock and non-saleable minor mineral excavated/ generated during the mining operations and utilisation of the same for restoration and rehabilitation of the area;
- (vii) plan for phased restoration, reclamation and rehabilitation of land affected by mining operations.

(7) The mining plan, once approved, shall be valid for the mineral concession period, unless revised and modified and got approved during the concession period.

(8) The owner, agent, mining engineer or manager of every mine shall review the mining plan after every five years and shall submit scheme of mining for the next five years of the concession period, as the case may be, to the authorized officer for his approval.

71. Modification in the mining Plan or Scheme and other conditions.

(1) Where any modification of the approved mining plan is required during the subsistence of the mineral concession, the concession holder shall get any such modification approved from the officer authorized in this behalf;

(2) The authorised officer may, wherever needed, require the mineral concession holder to make such modifications in the mining plan referred to above or impose such conditions, as he may consider necessary by an order in writing if such modification or imposition of condition are considered necessary:

- (a) in the light of the experience of operation of mines;

- (b) in view of the change in the technological development, and
 - (c) in the light of any change in legal provisions or orders of any Court.
- (3) A mineral concession holder, desirous of seeking modifications in the approved mining plan as are considered expedient in the interest of safe and scientific mining, conservation of minerals, or for the protection of environment, shall apply to the authorized officer in this behalf, setting forth the intended modifications and also explaining the reasons for the same;
- (4) The officer authorised in this behalf shall approve the mining plan or such modified mining plan or scheme of mining with or without any modification, as deemed appropriate, within a period of forty-five days from the date of receipt or submission of such application for approval of mining plan or modified mining plan or scheme of mining, as the case may be.
- (5) Where no decision is conveyed within the aforesaid period of forty-five days, the mining plan or modified mining plan or scheme of mining, as the case may be, shall be deemed to have been provisionally approved, till such time a final decision in the matter is communicated;
- (6) The mineral concession holder shall furnish financial assurance amounting to Rs.15,000/- per hectare of the area granted under the mineral concession and put to use for mining and allied activities subject to a minimum of one lakh rupees in the form and manner as defined.

Chapter - 11

Regulation and control of mining operations

72. Mining to be undertaken in a scientific and systematic manner.

- (1) The mining operations shall be undertaken in a scientific and systematic manner i.e. mining operations consistent with the approved Mining Plan/ scheme of mining, clearances/ permissions granted by the competent authority.
- (2) Any un-scientific operation or contravention of the terms of grant or permission (excepting the conditions relating to payment of government dues) to operate by the mineral concession holder shall amount to violation or breach of the grant.

73. Non-compliance with or violation of the terms and conditions of the mineral concessions.

- (1) A mineral concession holder shall be held to be in 'default' of compliance of the conditions of grant of mineral concession in cases where the non-compliance is

rectifiable suo motu or upon a notice within the period indicated in such notice. Some of the instances of major violations on the part of the mineral concession holder may be in the following areas:

- (i) Undertaking mining operations in an unsafe and unscientific manner i.e. without bench formation, non-erection or maintenance of boundary pillars, lack of labour safety measures, and the regulations pertaining to the use of explosives;
 - (ii) Non-installation of the electronic weigh bridges or, the weigh bridges, if installed, are found to be not calibrated properly to ensure correct weighing;
 - (iii) Non-adherence to the rules with regard to the limits prescribed for stocking of minerals and failure to furnish the prescribed returns in this behalf;
 - (iv) Dispatch of mineral from the concession area without a valid mineral transit pass and through a vehicle not possessing a valid mineral transport permit;
 - (v) Non-submission of the prescribed reports and returns as per the time frame prescribed;
- (2) Wherever non-compliance of terms and conditions of the mineral concession or violation thereof is observed, it shall cause a notice to be served upon the mineral concession holder to rectify the default and take corrective measures within such period as may be specified in such notice.

74. Breach of terms and conditions and the Consequences.

- (1) Any failure on the part of the mineral concession holder to rectify any default or take corrective measures under rule 73 above within the period specified, or such violation being irreversible and non-rectifiable, or recurrence of defaults takes place, the same shall amount to a 'breach' of the terms and conditions of grant of the mineral concession;
- (2) Wherever a mineral concession holder is observed to be in 'breach' of the conditions of grant, the Director shall be competent to take any or all of the following actions:
- (i) suspension of the mining operations and dispatch of mineral from the concession area. He would be holding the inventory of stocks, duly assessed at the time of suspension of operation, till such time the suspension order is revoked. The period of suspension may continue up to

a period of three months or till such time the breach condition is rectified, whichever is earlier;

- (ii) temporary seizure of the stocks of the mineral excavated in raw or processed form till such time the stocks are reconciled with the records and established to have been accepted from legal sources;
- (iii) termination of the concession with forfeiture of the security in whole or in part and also forfeiture of the mineral lying in the area and its disposal by the competent authority; and
- (iv) de-barring the individuals/ firms/ companies for grant of a fresh mineral concession in the state for a period of up to 5 years.

75. Procedure for dealing with 'Breach' conditions and the penalties.

(1) A breach of any of the conditions of grant of a mineral concession or violation of any of the conditions relating to permission or clearance to undertake mining by any authority shall be dealt as under:-

- (i) the Director shall, upon inspection by himself or any officer of the department or on reporting of any violation amounting to breach by any other competent authority, issue a notice to the mineral concession holder to show cause within the period specified therein as to why the mineral concession be not prematurely terminated along with forfeiture of the amount of security, in full or part thereof, and forfeiture of the mineral already excavated while undertaking said operations;
- (ii) on receipt and examination of the reply of the mineral concession holder, the Director may, on his satisfaction that the breach was either not entirely due to fault on the part of the concession holder or was beyond his control or the same had actually not been committed, settle the notice with such caution as deemed appropriate with or without any further directions;
- (iii) where the mineral concession holder admits to the breach having been committed on his part and promises to remedy the breach conditions in his reply and requests for grant of time, and the Director is satisfied with such promise, he may grant time as deemed proper for implementation of the remedial measures with or without a surety;
- (iv) in case the Director prima facie forms an opinion on examination of the reply of the mineral concession holder that the breach is of a recurring or continuing nature, he may order suspension of the mining operations with

immediate effect along with a ban on dispatch of the mineral from the site or any other related activity in the mine;

- (v) In case the Director is not satisfied with the reply submitted by the mineral concession holder, the Director may terminate the mineral concession with or without forfeiture of the security amount in whole or part thereof along with forfeiture of the mineral already excavated while undertaking said operations. However, no such order shall be passed without affording an opportunity of show cause and representation to the mineral concession holder.

(2) Wherever an order is passed under clause (v) of sub-rule (1) above against a mineral concession holder, he or the partnership firm in which he may be a partner, or the company in which he may be a Director, may be de-barred for the grant of a fresh mineral concession for a period of five years from the date of passing such order.

Chapter - 12

Mines and Mineral Development, Restoration and Rehabilitation Fund

76. Establishment of the Mines and Mineral Development, Restoration and Rehabilitation Fund.

A fund known as the 'Mines & Mineral Development, Restoration & Rehabilitation Fund' shall be established under 'Public Account' in the state of Haryana under the administrative control of the Department to which rehabilitation charges payable under clause (i) of sub rule (1A) of section 15 of the Act shall be credited in order to meet the following objectives:

- (i) funding of the restoration or reclamation or rehabilitation works in the sites affected by mining operations;
- (ii) provision of common facilities for the benefit of community in and around areas where mining activities are undertaken;
- (iii) development of infrastructure facilities for orderly growth of the mining operations and allied activities e.g. roads, stone crusher estates, water supply etc.;
- (iv) funding of the studies commissioned or activities related to the mining sector e.g. survey, exploration and prospecting of minerals, procurement of equipment and machinery required to support such activities;

- (v) education, awareness and training of the mineral concession holders and the staff of the Department through field visits and exposure to the best mining practices;
- (vi) funding of expenditure incurred on implementation of any scheme of incentives that the state government may frame for recognition and awards for scientific mining undertaken with highest regard to mineral conservation, rehabilitation measures along with environmental safeguards and other measures;
- (vii) Any other objects which the Government may consider expedient to support in the overall interest of the mining sector.

77. Contributions to the Fund.

- (1) An amount equal to ten percent of the dead rent or royalty or contract money paid to the state shall be charged from the mineral concession holder in the nature of 'other charges' for restoration and rehabilitation works and credited to the Fund in addition to the amount payable to the Government on account of such dead rent or royalty or contract money;
- (2) The said contribution shall be remitted by the mineral concession holder in instalments along with the instalments of dead rent or royalty or contract money, as the case may be. Such amount shall be reconciled at the close of the financial year and any differential of the amount due shall be adjusted or paid on reconciliation;
- (3) The government shall also set apart and contribute five percent of the amount received by it on account of the dead rent or royalty or contract money in a financial year to the Fund in the manner decided in consultation with the Finance Department of the State;
- (4) The Department shall maintain complete account of receipts to the Fund and the expenditure there from and shall invest the progressive accumulated corpus in a manner so as to earn secure returns therefrom.

78. Expenditure out of the Fund.

The amount available in the Fund shall be utilised strictly for fulfilment of the objectives for which the Fund is being set up and on the terms and conditions as may be stipulated by the Committee constituted under rule 80.

79. Restoration and Rehabilitation works to remain the first charge on the Fund.

- (1) The expenditure on restoration and rehabilitation of the mining sites shall remain the first charge on the fund;

(2) Every mineral concession holder, before undertaking the restoration and rehabilitation works as part of his progressive mine closure plan, shall get his estimates of expenditure on such works duly approved from the Director or an officer authorised by him and submit the utilisation certificate duly certified by a registered Chartered Accountant. The mineral concession holder shall be entitled to get the expended amount re-imbursed out of the Fund to the extent of actual expenditure subject to such re-imburement being limited to the amount contributed by him. Any expenditure incurred over and above this limit shall have to be borne by the mineral concession holder from his own account.

Explanatory Note: Notwithstanding the expenditure incurred by a mineral concession holder on the measures taken for the progressive mine closure plan, the occasion for undertaking the complete restoration and rehabilitation works in respect of any mining area arises only when a mine reaches the closure stage or so declared by the department. It is likely that the mining operations would have been undertaken by multiple concession holders before reaching the stage of closure of a mine. As such, it becomes imperative that the comprehensive measures for restoration and rehabilitation of a mining site are taken up only upon closure of such mine. The responsibility for execution of such plan shall rest with the mineral concession holder operating such area at the time of its closure. Since the contribution to the fund is also made by each of the lessees/ contractors who have operated the area during the intervening period, the financial burden of restoration and rehabilitation measures shall not be borne by the last contractor/ lessee alone.

(3) A mineral concession holder operating the mine at the time of its final closure shall be responsible for execution of the restoration and rehabilitation works as per the final mine closure plan. He shall prepare and submit the estimates for implementation of the final restoration and rehabilitation plan to the Director, for approval of the estimates;

(4) The Director, shall approve such estimates, with or without any modifications, and re-imburse the expenditure actually incurred on the site by the implementation agency in a phased manner out of the Fund. The amount so re-imbursed shall not exceed the total amount received from the mineral concession holders in respect of that site less the expenditure already incurred earlier.

(5) The Director may require the mineral concession holder to engage an independent agency for implementation of the restoration and rehabilitation works and evolve a system of monitoring the deliverables through an independent agency.

80. Sanction of expenditure from the Fund.

(1) Any or all proposals for expenditure from out of the Fund shall be approved by a committee of officers headed by the Principal Secretary of the department and

consisting of representatives from the departments of mines and geology, finance, environment, forests, health, education, Panchayat & Development.

(2) The mode and method of collection, remittance, and utilisation of these 'other charges' shall be notified separately by the department.

Part IV - Stocking and Transportation of Minerals

Chapter - 13

Stocking and trading of minerals

81. Prohibition and restrictions on stocking and trading of minerals.

(1) No person, other than a mineral concession holder or a stone crushing unit operator, shall stock, sell or offer for sale any minor mineral or mineral products, in raw or processed form, for commercial purposes or trade in the state without holding a license. However, retail sale of construction material from a premises of up to 200 square meters area, situated within the Municipal limits of towns or the Lal Dora of a village, shall be exempt from the requirements of obtaining a mineral dealer license;

(2) The mineral concession holder shall not stock, sell or offer for sale any mineral or mineral products, in raw or processed form, for commercial purposes for trade in the state outside the concession area without holding a license;

(3) The mineral concession holder shall not, at any given point of time, stock mineral more than two times the average monthly production of the mineral(s) within the area granted on mineral concession. The average monthly production shall be determined on the basis of average of the production figures submitted or reported by such person for a period of three previous months or as given by him in his mining plan, whichever is lower. Further, the mineral shall be stacked only at the sites(s) specified in the approved mining plan;

(4) The licensee of a stone crusher unit, granted under the Haryana Regulation and Control of Stone Crusher Act, 1991 and the rules framed thereunder, engaged in the business of crushing of stone aggregate (road metal and masonry stone) is exempted from obtaining a license for selling the crushed stone aggregate processed from the premises of such stone crusher unit. However, such licensee shall not stock, within the said premises at any given point of time, the raw mineral and processed aggregate put together which is equal to more than thirty days installed crushing capacity of the unit;

(5) No person, who has installed a sand washing plant or a screening plant, shall stock any mineral for sale or trading at any given point of time without obtaining a license.

Chapter - 14

Grant and Renewal of Mineral Dealer Licence

82. Eligibility conditions for grant of a license.

- (1) No license shall be granted within a distance of,
 - (i) one kilometre from the site of source of such mineral for which licence is sought;
 - (ii) fifty metres of the outer edge of the berm of any National Highway or a State Highway or a Major District Road; and
 - (iii) ten metres from the outer edge of the berm of all other roads in the state.
- (2) For establishing the stock-yard, minimum one acre of land preferably situated outside the municipal limits of any town situated at a reasonable distance from any urbanised area is required.

83. Limit on the number of licenses.

No person, partnership firm or a company shall be granted license for more than two stockyards throughout the state at any given point of time. However, the government may relax this condition based on requirements from time to time.

Explanation: A person holding a license either in his individual capacity or as a partner in a partnership firm or as a director in a company shall be construed to be a licensee for the purpose of the limit prescribed herein.

84. Application for grant or renewal of a Licence.

- (1) An application for the grant or renewal of a licence for storage and sale of mineral(s) in any form, outside a mineral concession area and a stone crushing unit premises, shall be made to the Director through the officer-in-charge of the district concerned in Form - MD-1.
- (2) Every application shall be accompanied by.
 - (i) a Demand Draft or treasury receipted challan for Rs. 1000/- (Rupees five hundred only) towards application fee remitted to the credit of the Department under relevant receipt head of account of the department;

- (ii) location map or survey sketch showing the exact location of the stockyard (survey number and other details of the area proposed to be used as stockyard where the applicant intends to store and conduct the sale of the mineral(s) or its products shall be delineated on the map);
 - (iii) proof of ownership or lease agreement and possession of the property or land proposed to be used as stockyard by the applicant.
- (3) The application, duly completed in all respects, shall be submitted in the office of the officer-in-charge of the district concerned. In case the application is submitted in person, it shall be checked for its completeness and accepted, or returned for completion if found to be deficient, along with the list of documents required;
- (4) An acknowledgment of the receipt of application for grant or renewal of licence shall be issued in Form MD-2 on the same day where application is delivered in person and its receipt shall be acknowledged within a period of seven days where such application is received by the registered post;
- (5) Where it is found on examination that the application is not complete in all respects or is not accompanied by the documents referred in sub rule (2) above, the Licensing Authority may require the applicant by notice to make good the deficiencies without any delay, and in any case not later than thirty days from the date of issue of such notice;
- (6) The receipt of application for grant or renewal of a licence shall be entered in a register in Form MD-3 by the officer-in-charge of the district concerned;
- (7) Application for renewal of licence shall be submitted in the office of the officer-in-charge of the district concerned at least ninety days before the date on which the licence granted earlier is due to expire.

Provided that the Licensing Authority may condone the delay in submission of an application for renewal of licence for a maximum period of up to 30 days, if the applicant is able to explain such delay to the satisfaction of the Licensing Authority.

85. Disposal of application for grant or renewal of a licence.

- (1) The officer-in-charge of the district concerned shall forward the application to the Director, after verifying the contents of the application and inspection of the site proposed for the stockyard alongwith his comments or recommendations for grant or renewal of the license or refusal of the same within a period of fifteen days of the receipt of application;

(2) The application for grant or renewal of a licence shall be disposed of by the Licensing Authority within ninety days from the date of receipt of the application, complete in all respects;

(3) In granting or refusing a licence or its renewal under these rules, the Licensing Authority shall take into consideration the following matters, namely:-

- (i) the location of the stock yard;
- (ii) the number of licensed dealers already operating in the vicinity of the area;
- (iii) availability of the mineral to be stacked and sold;
- (iv) general demand or market for the mineral;
- (v) any other matters as may be considered necessary from time to time.

(4) The Director may, after making such enquiries as he may deem necessary or appropriate, issue the Letter of Intent (LoI) for grant of licence or renewal thereof or refuse to grant or renew the license:

Provided that the Licensing Authority shall not refuse to grant or renew a licence for the whole or part of the area applied for without giving an opportunity of representation to the applicant. He shall record the reasons for such refusal and communicate the same to the applicant.

(5) Upon issue of the LoI for grant or renewal of a license, the applicant would be called upon to deposit the license fee prescribed under these rules within a period of thirty days. The officer authorised in this behalf would provide a treasury voucher, duly filled-in, to the applicant for this purpose. On deposit of the prescribed fees, the Licensing Authority shall issue or renew the said license in Form -MD-4;

(6) Non-submission of the requisite details in the application or non-compliance with the directions to make good the deficiencies within the prescribed time would be good enough a reason for the competent authority to treat the application as non-responsive and rejection of the same;

(7) The Licensing Authority may, at its own discretion, refuse to grant or renew a licence to such person(s), who is/ are convicted of any offence under the Act or the rules made thereunder;

(8) The license, wherever granted or renewed, shall contain all details specifying the maximum limit on the quantity of mineral which can be stacked or stored at any given point of time considering the area of stockyard and the market for the mineral. The stockyard has to be bounded by a boundary wall or a temporary structure of no less than six feet height.

86. Period of Mineral Dealer Licence.

A license granted under these rules shall be valid for a period of up to five years and shall lapse on completion of the said period unless further renewed on an application submitted by the licensee or applicant.

87. Fees for Mineral Dealer Licence.

(1) The fee for grant or renewal of a mineral dealer license shall be as under:

Sr. No.	Period	Amount
(i)	for a period of up to 2 years:	Rs. 1.00 lakh
(ii)	for a period exceeding two years but up to five years:	Rs. 2.00 lakh

(2) The fee shall be deposited by the applicant in the treasury under the appropriate head.

88. Register of Mineral Dealer Licence.

The office of Director shall maintain a district-wise register containing the details of all licenses granted or renewed in the state in Form-MD-5. Similarly, the officer-in-charge of the district concerned shall maintain an identical register containing the details of all licenses granted or renewed within the district concerned.

89. Display of Mineral Dealer Licence.

Every dealer shall display the particulars of the licence granted to him at a prominent place at the stockyard or office attached with it in the form and manner, as directed by the licensing authority.

90. Maintenance of records and its inspection.

A licensee shall maintain;

- (i) complete record, updated on a real-time basis, of all purchases and sales effected by him of each mineral containing the particulars of the source and quantity of mineral purchased or procured, and of the person to whom sold in Form- MD-6;
- (ii) a stock register in Form -MD-7 , and
- (iii) such other records, if any, as the licensing authority or the officer authorised by him may specify.

These records shall be open to inspection by the licensing authority or the officer authorised by him in this behalf as and when required.

91. Returns to be filed with the Department.

The mineral dealer shall file a return for each month in Form -MD-8 by the 10th day of the following month to the officer-in-charge of the district concerned and the Director in the said form giving details and record of all the total purchases, and sale of the mineral(s) and processed mineral(s) effected by him during the previous month.

92. Checking of unauthorised dealings in mineral.

Every person, who possesses any mineral in any form as stock-in-trade or sold any mineral, shall, if so required, produce sufficient proof to the Director or to any other officer authorised by him in this behalf, to the effect that the mineral had been purchased from a legal source or authorised producer. In case the dealer fails to produce sufficient proof to the satisfaction of the Director or the officer authorised by him, the Director, or such authorised officer may take action under these rules.

93. Inspection and verification of stocks.

The Director or the officer(s) authorised by him in this behalf shall have the right to enter upon any premises, with or without any notice, where minerals are mined and stocked or processed and stocked and to inspect, check and verify the stocks and records.

Provided that wherever any such authorised officer carries out any such inspection, he shall make an entry of his visit or inspection in the register maintained by the mineral concession holder or the stone crusher licensee or the dealer, as the case may be, and submit a report to that effect to the Director within a period of seven days. The Director shall cause a copy of such inspection report to be sent to the concerned concession holder or stone crusher licensee or the dealer, as the case may be.

94. Checking of accounts.

Every dealer granted a license under these rules shall extend full co-operation to the Director or an officer authorised by him or the Government in this behalf for checking of accounts and verification of the stock of minerals in raw or processed form, as the case may be, and shall furnish fully and correctly any or all information in his possession, as may be required for the purpose of the checking under the provisions of the Act and rules framed there under.

95. Non-compliance or violation of the terms and conditions of the license.

A mineral dealer shall be held to be committing a default or breach of the conditions of license in the following events,

(1) Default.

- (i) failure to display the details of license on a sign board as stipulated under rule 89;
- (ii) failure to file the monthly return of stocks as prescribed under rule 90;
- (iii) failure to maintain the up-to-date registers prescribed under rule 90;

(2) Breach.

- (i) accepting minerals, in raw or processed form, from unauthorised and unexplained sources;
- (ii) storing and stacking minerals that do not tally with the entries in opening and closing balance stock register;
- (iii) permitting the sale of mineral, in raw or processed form, without issuing a valid mineral transit pass;
- (iv) loading of mineral in a carrier without issue of a mineral transport permit;
- (v) operating the Stock-yard without a valid license;
- (vi) repeatedly found committing the defaults.

96. Consequences of conditions of default and breach.

(1) Default

- (i) Where a licensee is found to be committing a default, he shall be directed to remedy or rectify such default within a period of fifteen days in the first instance;
- (ii) in case of a second default, he shall be suitably directed to rectify the default and shall also be liable to a fine, which may extend up to Rs. 10,000/-;
- (iii) A third time default or the continuation of the first or second default, in spite of opportunities given to rectify the same, would amount to a 'breach' and dealt with accordingly.

(2) Breach

Where a licensee is observed to be in breach of the conditions of license, the licensing authority may take any or all of the following actions:

- (i) suspension of the license with stoppage of receipt or purchase or sale of any mineral in raw or processed form in or from the stockyard. The dealer shall be holding the inventory of stocks, duly assessed at the time of suspension of license, till such time the suspension order is revoked. The period of suspension may continue up to a period of three months or till such time the breach condition is rectified, whichever is earlier;
- (ii) temporary seizure of the stocks till such time the stocks are reconciled with the records and established to have been accepted from legal sources;
- (iii) forfeiture of the stocks and their disposal by the competent authority and termination of the dealer license;
- (iv) cancellation of license with provision for a ban for 5 years to grant any fresh license to the individual/ firm/ company.

97. Procedure for dealing with Default and Breach conditions and the competent authority.

- (1) An officer authorised by the Licensing Authority shall be competent to take action in matters amounting to 'default' conditions.
- (2) Where the officer-in-charge of the district concerned is of the view that a licensee has committed 'breach' of the license conditions, he shall immediately report the matter to the Director along with such supporting material, as may be required.
- (3) The Director, either on his own motion or on the report of a subordinate officer or on the complaint of any public person, shall be competent to take action in the breach cases. In cases where the Director is satisfied that immediate interim action is required to stop any eventuality of the continuity of any breach condition, he may pass such interim orders as considered appropriate. A show cause notice would be issued to the licensee in order to enable him to present his defence and an opportunity of personal hearing granted, if so requested, before passing a final order.
- (4) Whenever any person is found storing any mineral or its products in contravention of the provisions of these rules, the authority under these rules may seize the mineral or its products together with any carrier used in committing such offence and shall be liable for punishment under **rule 104** of these rules.
- (5) Any authority seizing illegally extracted, transported or stored mineral or its products, tools, equipments and carrier under these rules shall give a receipt of the same to the person from whose possession such things are so seized and shall have the authority to prefer complaints in courts having jurisdiction to try such offence.

(6) All properties seized under these rules shall be liable to be confiscated by an order of the court trying the offence, if the amount of fine and other sum imposed are not paid within a period of one month from the date of order.

Chapter - 15

Transportation of Minerals

98. Requirement of a Mineral Transit Pass.

(1) No person shall transport or cause to be transported any mineral, in whatever form, from one place to another by any carrier without having a valid mineral transit pass.

(2) The mineral concession holder or a stone crusher licensee or a mineral dealer licensee shall apply for and shall be issued the booklets containing such duly numbered mineral transit passes by the mining officer-in-charge of the district concerned. The mineral concession holder or the stone crusher operator or the mineral dealer, as the case may be, shall maintain a register of all receipts and despatches along with the particulars of the mineral transit passes issued by him and furnish such details in the monthly production and despatch reports and shall maintain a complete account of the booklets of mineral transit passes utilised by him.

(3) A mineral concession holder or a stone crusher licensee or a mineral dealer licensee shall give the mineral transit pass issued to him to every purchaser of the mineral for lawful dispatch and disposal of the mineral, in whatever form, following a proper seriatum, from the concession area/ stone crushing unit premises/ dealer's premises.

(4) The Officer-in-charge of the district concerned shall not issue any further booklets to the mineral concession holder or the stone crusher operator or the mineral dealer, as the case may be, till such time the concession holder submits a complete account of the booklets of passes issued to him on the previous occasion and used by him, save keeping a margin of no more than such number of passes as may be required for a period of seven days for the intervening period.

(5) All relevant details such as the source of despatch, the registration number of the carrier, the weight (in MT) or quantity (in cubic feet) of mineral dispatched from the source, the name of the transporter and the destination of consignment shall necessarily be filled-up in a legible manner in the mineral transit pass, which shall be liable to be presented on demand by an authorised officer.

(6) Any transport carrier found to be carrying or transporting mineral, in whatever form, without a valid mineral transit pass shall be construed to be carrying/ transporting the mineral illegally obtained and shall be subject to such consequences as specified under these rules.

(7) Any transport carrier carrying or transporting mineral, in whatever form, from another state into the state shall travel only through the designated metalled roads and shall be required to carry and produce a valid mineral transit pass issued by the competent authority at the place of origin, failing which, it shall be construed to be carrying or transporting the mineral illegally obtained and shall be subject to such punitive action as prescribed under these rules.

(8) The process of issue of mineral transit passes in physical form may be replaced by electronically generated forms on implementation of e-Governance application in this behalf.

99. Registration of a carrier used for transportation of mineral in any form and the requirement of a mineral transport permit.

(1) Any mode of carrier transport, mechanically driven or otherwise, and used for transportation of any mineral, in whatever form, shall be required to be registered with the Director or such officer as authorised by him for the said purpose and for such period as required for any part or parts of the state.

(2) A carrier used for transportation of any mineral, in raw or processed form, shall be registered for the purposes of these rules by an officer authorised by the Director for periods of **seven days or** one year on payment of fee as prescribed in the Fourth Schedule.

(3) No mineral concession holder or a licensee of a stone crushing unit or a licensee shall permit loading of any mineral, in whatever form, from its concession area or licensed premises in a carrier of whatever description, which is not registered as such in accordance with these rules or without issuing a mineral transport permit under sub-rule (5) of this rule.

(4) The officer authorised for the purpose shall issue the mineral transport permit in the form of a sticker to be pasted on the front wind-screen of the vehicle so registered which shall be displayed by the owner of the vehicle at all times during its validity.

(5) Wherever any carrier is not deployed for transportation of mineral on a regular basis and is used only occasionally for transportation of any mineral, in raw or processed form, it may be issued a temporary transport permit by the concerned mineral concession holder or licensee of a stone crushing unit or the licensee from whose area or premises the mineral is dispatched for a **one time** use. The Department will issue

booklets of such permits to such mineral concession holder or the licensee of a stone crushing unit or the licensee in the same manner, as in the case of a mineral transit pass.

(6) Carriers deployed for transportation of mineral(s) from any other state into or through the state shall also obtain such Mineral Transport Permits for such periods as required from the authorised officer of the Mines & Geology Department in case of a carrier/ vehicle used for such purpose.

(7) Carriers which are not deployed for carriage or transport of minerals on a regular basis and which are occasionally used for transportation of mineral(s) from any other state into or through the state may obtain such mineral transport permits from the nearest check-post established by the Department in the state.

(8) A mineral concession holder/ stone crusher operator/ mineral dealer shall maintain and furnish a complete account of the mineral transport permits issued to him by the Department and by him to the carriers on a monthly basis, alongwith the remittance of fee collected by him on this account.

(9) The Government may cancel the registration of any carrier if it is found to be indulging in violation of these rules on three occasions and debar its registration as such for future.

(10) The system of issue of mineral transport permits in physical form may be replaced by electronically generated permits on implementation of e-Governance application in this behalf.

100. Procedure for submission of application and grant of a mineral transport permit.

(1) The owner of any carrier, holding a valid registration certificate from the Transport Department, and intending to use such carrier for transportation of mineral, in whatever form, shall submit his application in form TP-1 to the officer authorised by the Director alongwith the fee prescribed under the Fourth Schedule.

(2) After checking the particulars of the applicant and verifying the validity of documents issued by the Transport Department, the authorised officer shall issue a mineral transport permit in **Form TP-2** for such period as applied for, along with issue of receipt for the fee paid. The mineral transport permits shall be in the nature of a sticker, duly authenticated in permanent ink by the issuing officer and contain such particulars as specified, which shall be displayed at all times on the front wind screen of the vehicle.

(3) The temporary transport permit issued by any mineral concession holder or stone crusher licensee or dealer shall also carry identical particulars.

101. Inspection of minerals and its transportation at check-posts or during transit.

(1) The Director or the State Mining Engineer or the Collector of the district concerned may direct the Officer-in-charge of the district concerned to set-up or establish permanent or temporary check-posts or erection of barrier or both, at inter-state entry or exit points and any other places by an order in writing with a view to checking of the transportation of minerals raised without lawful authority;

(2) Any authorised officer or official(s) may check any carrier carrying minerals, at any place and the person in-charge of such carrier shall present a valid mineral transit pass **issued** and a mineral transport permit for such vehicle as may be demanded by said officer or official(s).

(3) At every check-post or barrier set up under sub-rule (1) or at any other place when so required by the officer-in-charge of the check-post or the barrier or any other authorised officer, the person in-charge of the carrier shall stop the same for examination of the mineral or its products in transit and co-operate for inspection of all records and documents relating to minerals or its products in possession of such person.

(4) The person in-charge of the carrier shall, if so required by officer-in-charge of the check-post or the barrier or any other authorised officer, disclose his name and address as also that of the owner of the carrier, the name and address of both the consigner and the consignee, and the particulars of the place from where the mineral was extracted and dispatched and any other relevant details. After checking the minerals or its products and carrier, if the authorised officer or the officer/ official(s) in-charge of the check-post is satisfied that the mineral or its product is being transported under a valid mineral transit pass and a transport permit, the authorised officer or official(s) in-charge of the check-post shall put his seal and signature on the transit pass and let such carrier proceed without any hassles.

(5) If the authorised officer/ official in-charge of the check-post or any other authorised officer has reasons to believe that the mineral or its products are being transported under a mineral transit pass which is suspected to be tampered or transportation is found without any valid transport permit, the authorised officer/ official(s) in-charge of the check post, shall take action as provided under rule 104 of these rules.

(6) If the person in-charge of the carrier refuses to pay the penal amount under sub-rule (5), the officer in-charge of the check-post or the barrier or the authorised inspecting officer shall -

- (i) have the power to seize the mineral alongwith such carrier in transit;

- (ii) give a receipt of such mineral and carrier seized by him to the person from whose possession or control it is seized;
- (iii) direct the person in-charge of the carrier to carry the mineral and also the carrier to the nearest police station or check-post or barrier of the concerned department;
- (iv) seize the carrier and take the same in his possession if the person in charge of the carrier refuses to carry the mineral and the carrier to the nearest police station or check-post or barrier of the department;
- (v) give an option to the owner or in-charge of the carrier to either compound the offence by paying the penalty amount or face criminal legal action of registration of an FIR and further proceedings where a carrier together with the mineral is seized by an authorised officer.

(7) Where the officer-in-charge of the check-post or any other authorised officer has reasons to believe that the weight recorded in the mineral transit pass is not correct, he may direct the person in charge of the carrier to take such carrier to the nearest electronic weigh bridge and take recourse to action prescribed for under-weighment under these rules.

(8) Where any person is found transporting any mineral and/or mineral products in contravention of the provision of these rules, any authorised inspecting officer may seize the mineral or its products alongwith any tool, equipment, carrier or any other things used in committing such offence and the driver and/ or the owner of the carrier shall be liable for punishment under rule 105 of these rules, irrespective of the place from where the minerals have been raised.

(9) Any authority seizing illegally extracted, transported or stored mineral or its products, tools, equipments and carrier under these rules shall give a receipt of the same to the person from whose possession such things are seized.

(10) All properties seized shall be liable to be confiscated by an order of the court trying the offence, if the amount of fine and other sum imposed are not paid within a period of one month from the date of order.

102. Consequences of violation.

Wherever a carrier is found to be transporting any mineral, in whatever form, without a valid mineral transit pass as required under rule 98, and/ or a valid mineral transport permit as required under rule 99, he would be dealt with as under,

- (i) Where a carrier is found to be indulging in violation of the rules for the first time, the said mineral would be liable to be forfeited along with the

impounding of the vehicle, which may be released only upon realisation of the payment of price of the mineral and the applicable royalty for the mineral being transported and, in addition, a fine which shall not be less than Ten Thousand rupees;

- (ii) Wherever a carrier is found to be indulging in such violation for the second time, the said mineral would be liable to be forfeited along with the impounding of the vehicle for a minimum period of three days and released only upon realisation of the payment of price of the mineral and the applicable royalty for the mineral being transported and, in addition, a fine which shall not be less than fifteen thousand rupees;
- (iii) Wherever a carrier is found to be indulging in such violation for the third time, the said mineral would be liable to be forfeited along with the impounding of the vehicle for a period of minimum ten days, and **for release shall** entail payment of price of the mineral and the applicable royalty for the mineral being transported and, in addition, a fine which shall be twenty five thousand rupees;
- (iv) Wherever a carrier is found to be indulging in such violation for the fourth time or more, the officer concerned shall register an FIR and handover the carrier along with the mineral to the police. The penalty, fine and punishment for the offence shall be as provided under Section 21 of the Mines & Minerals (Development & Regulation) Act, 1957.

Chapter - 16

Illegal or un-authorised Mining and consequences

103. Illegal or unauthorised Mining.

Any person undertaking any mining operations without a valid mineral concession granted under the Act and the rules framed thereunder in any area shall be deemed to be indulging in illegal or unauthorised mining and shall be dealt in accordance with the provisions contained in this chapter.

104. Consequences of illegal or unauthorised mining.

Any act of illegal or unauthorised mining shall be liable to the following:

- (i) for a first time violation, the said mineral shall be liable to be seized along with the impounding of all such tools, equipment, vehicles or any other **things** used for such unauthorised operation, which may be released

only upon realisation of the payment of price of the mineral and the applicable royalty for the mineral extracted and, in addition, a fine which shall not be less than Ten Thousand rupees;

- (ii) for a second time violation, the said mineral shall be liable to be seized along with the impounding of all such tools, equipment, vehicles or any other **things** used for such unauthorised operation for a minimum period of seven days, which may released only upon realisation of the payment of price of the mineral and the applicable royalty for the mineral extracted and, in addition, a fine which shall not be less than fifteen thousand rupees;
- (iii) wherever a person is found to be indulging in such offence for the third time or more, the officer concerned shall register an FIR and handover all such tools, equipment, vehicles or any other **things** used for such unauthorised operation to the Police. Any such offence shall entail (a) confiscation of all such tools, equipment, vehicles or any other thing used for such unauthorised operation for a period of minimum thirty days or more, and (b) pecuniary penalty and punishment for the offence as provided under Section 21 of the Mines & Minerals (Development & Regulation) Act, 1957.

105. Offences by companies.

(1) If the person committing an offence under these rules is a company registered under the Companies Act, every person, who at the time when the offence was committed, was in-charge and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-rule shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Where an offence under these rules has been committed with the consent or connivance of any director, manager, secretary or other authorised representative of the company, such director, manager, secretary or other authorised representative shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

106. Offences cognizable only on written complaint.

No court shall take cognizance of any offence punishable under these rules except upon a complaint in writing made by the Director or any other officer authorised by him to the Police in this behalf within three months of the date on which said offence is alleged to have been committed.

Chapter - 17

Delegation, Review and Appeals

107. Delegation:

The government may delegate any of its powers under these rules, **save in the cases of appeals, and** subject to such restrictions as it may deem appropriate to the Director, by an executive order. Similarly, the Director, may delegate any of his powers under these rules, **save in the case of appeals, and** subject to such restrictions as he may deem appropriate, to any of his subordinate officer(s) by an executive order.

108. Review.

The Director may, either on an application from an aggrieved party or on his own motion, review the orders passed by him under these rules in any matter with the prior permission of the Administrative Secretary of the Department.

109. Appeals.

- (1) **Unless otherwise provided,** an appeal against an order passed by the Officer-in-Charge shall lie with the Director;
- (2) An appeal against the order passed by the Director shall lie before the Administrative Secretary of the Department;
- (3) No order under these rules shall be passed by the competent authority against any person unless he has been issued a show cause and given a reasonable opportunity to make a representation.

110. Time allowed for appeals or review.

- (1) Any application for review under rule 108 and an appeal under rule 109 (1) can be preferred within a period of sixty days of the passing of the impugned order. A delay up to thirty days beyond the permissible appeal period may be condoned by the competent authority, if found justified;
- (2) A second appeal against the orders of Director, under rule 109 (2) can be filed within a period of 45 days of the passing of the impugned order. A delay for up to thirty

days beyond the permissible period may be condoned by the competent authority, if found justified.

111. Fee for review or appeal.

(1) Every application for review or appeal shall be accompanied with the fee as prescribed in the Fifth Schedule appended to these rules.

(2) No application for review or appeal will be entertained in matters where the applicant is in default of any government dues, on whatsoever account, unless he deposits at least twenty five percent of such dues before filing such application and the proof for such payment is enclosed with the application or memorandum of appeal.

Chapter - 18

Miscellaneous

112. Power to rectify inadvertent mistakes.

(1) The Government may at any time, within six months, from the date of the order passed by it under these rules, on its own motion rectify any mistake or error apparent on the face of the record, and may within the like period rectify any such mistake or error which has been brought to its notice by an applicant for the grant of the minor mineral(s) concession.

(2) No such rectification under sub-rule (1) above, as has or purports to have a prejudicial effect on another applicant for the grant of the mining lease, shall be made unless the Government have given such applicant(s) notice of its intention so to do, and have allowed him/ them a reasonable opportunity to make a representation thereon.

113. Recovery of government dues as arrears of land revenue.

Any rent, royalty, fee, contract money or other sum due to the government or penalty imposed under these rules or under the terms and conditions of the mining lease or contract or permit and remaining unpaid, shall constitute a first charge on the assets of a mineral concession the holder or the surety furnished under these rules and shall be recoverable as arrears of Land Revenue.

114. Unauthorized Working.

(1) No person shall undertake any mining operations in any area, except under and in accordance with the terms and conditions of a mineral concession granted under these rules;

(2) Notwithstanding any other punitive measures for any violations provided under the rules, any contravention of sub rule (1) shall be subject to the provisions contained in Section 21 of the Act.

115. Offences cognizable only on written complaint.

No court shall take cognizance of any offence punishable under these rules except upon a complaint in writing made by the Director or any other officer authorised by him in this behalf within three months of the date on which said offence is alleged to have been committed.

116. Provision for electronic weigh bridges.

In addition to the weigh bridges required to be installed by the mineral concession holders, the Director may authorise and register electronic weigh bridges established throughout the state by third parties for weighment of mineral, in raw and processed form, on such conditions as may be specified.

117. Introduction of e-governance processes.

The department may, as soon as possible, develop and introduce partial or end-to-end e-governance application for effective and efficient regulation and enforcement of these rules. All mineral concession holders, mineral dealer licensees and the stone crushing units shall be bound to comply with and implement such e-governance applications as may be specified.

118. Relaxation in special cases.

The Government may, for reasons to be recorded in writing, relax any provision of these rules in cases where any mineral concession is granted to any government department or to a statutory authority set up by the state government, or a company or a corporation wholly owned or controlled by the State or Central Government.

119. Commencement of the grant of a mineral concession.

A mineral concession granted under these rules, in whatever form, shall commence from the date of execution of the agreement or from such date as specified therein.

120. Registration of Lease Deeds/ Contract Agreements.

All lease deeds or contract agreements effective for a period of 11 months or more shall be duly registered with the Registrar. All expenditure on registration of the lease deed or contract agreement shall be borne by the concession holder. The Officer

authorised by the Director may present the papers duly signed by the Director on his behalf for the said purpose.

121. Applicability of other Statutes.

Grant of any mineral concession or other permissions under these rules shall not absolve the holder from the applicability of other statutes.

122. Repeal and savings.

(1) The Punjab Minor Mineral Concession Rules, 1964 as amended from time to time, in their application to the State of Haryana and the Haryana State Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2006 are hereby repealed with the publication of notification of 'Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012' in the official gazette.

(2) Notwithstanding the repeal, anything done or any action taken or proceedings commenced under the 'Punjab Minor Mineral Concession Rules, 1964', and the 'Haryana State Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2006', shall be deemed to have been done, taken or commenced under these rules;

Provided that wherever the terms and conditions of any mineral concession, granted before the commencement of these rules, are inconsistent with or repugnant to these rules, the same shall be deemed to have been modified in accordance with these rules from the date of notification thereof.

Schedules

First Schedule		
Rates of Royalty {see rule 9(5),10(3), 30(6) and 31(4)}		
Serial Number	Name of Minor Mineral	Rate of Royalty per Metric Tonne (in INR)
1.	Stone:	
(i)	Districts of Faridabad and Gurgaon	60.00
(ii)	District Mewat and Tehsil Tosham of District Bhiwani	50.00
(iii)	District Rewari, Mahendergarh and Tehsil Dadri of District Bhiwani	45.00
(iv)	Boulder & Gravel found in River Beds in the State	50.00
2.	Lime stone and lime Kankar	120.00
3.	Marble:	
(i)	used for lime burning	37.00
(ii)	Dressed carved rough and marble slabs	355.00
(iii)	Marble chips (fine) powder, Khandas and ballast	43.00
(iv)	Coarse powder of not more than plus 20 mesh	24.00
(v)	Kumari marble	180.00
4.	Bajri	27.00
5.	Jhajra stones road metal and ballast	40.00
6.	Brick earth	7.00
7.	Fuller's earth	330.00
8.	Bentonite	330.00
9.	Ordinary Clay	3.50
10.	Ordinary sand used for non industrial purposes-	
(i)	Ordinary sand associated with silica sand	100.00
(ii)	Ordinary sand deposited due to alluvial action	40.00
11.	Slab stone when used for building material	7.00
12.	Slate when used for building material	265.00
13.	Granite Block	330.00
14.	Saltpetre:	
(i)	Bearing earth	330.00
(ii)	Crude (Semi refined)	3300.00
15.	All other minor minerals not hereinafter specified	20 percent of the sale value at pit mouth subject to the minimum of

First Schedule			
Rates of Royalty {see rule 9(5),10(3), 30(6) and 31(4)}			
Serial Number	Name of Minor Mineral		Rate of Royalty per Metric Tonne (in INR)
			Rs. 18.00 per tonne.
16.	Type of Brick Kiln	Category	Lump sum rate of royalty per annum.
(i)	Brick kiln of capacity of 28 ghoris or more of kachi bricks.	A	Rs. 30,000/-
(ii)	Brick kiln of capacity of 22 to 27 ghoris or more of kachi bricks.	B	Rs. 25,000/-
(iii)	Brick kiln of capacity below 22 ghoris or more of kachi bricks	C	Rs. 15,000/-
(iv)	Brick kiln not fired during the year in which stock in and outside the kiln as on that 1 st day of April and the available stock of bricks of all types is no more than five lakh bricks.	D*	Rs. 5,000/-
17.	In case of mining lease granted under rule 10 on application for associated minor mineral to the lease holders of major mineral, the rate of royalty for said minor mineral shall be :	25% over & above the rates applicable for the mineral as specified in the columns above.	
18.	In case of mining permits granted under rules 6, 32 and 33, the rate of royalty for the said minor mineral shall be:	25% over & above the rates applicable for the mineral as specified in the columns above.	

*** Note:** In case of closure of a brick kiln, the brick kiln owner shall inform the Mining Officer, Department of the Mines and Geology of the district concerned in writing within a period of thirty days of the closure of the brick kiln.

Explanation: A “Ghori” is a vertical column of bricks of width equalling the length of a brick separated from the next similar vertical column by a distance of about 4 to 5 feet and “number of ghoris” is the number of vertical columns of bricks capable of being accommodated between the inner and outer wall of the vessel of a brick kiln along its width.

Second Schedule		
Rates of dead rent {see rule 10(3)}		
Sr. No.	Name of Minor Mineral(s)	Per Hectare
1	All minor minerals	Rs. 1,00,000.00

Third schedule		
Rates of royalty (chargeable by the contractor from the local cultivators {see rule 3(3)})		
Sr. No.	Name of Minor Mineral(s)	Rate of Royalty per Metric Tonne
1.	Building Stone	
	(a) Ashlar and sized dimensional stone	Rs. 20.00
	(b) Masonry stone including khandas, boulder, shingle	Rs. 19.00
2.	Lime stone and lime kankar	Rs. 50.00
3.	Bajri	Rs. 15.00
4.	Slab when used for building material	Rs. 4.00

Fourth Schedule		
Fee for Mineral Transport Permit {see rule 100(2)}		
Sr. No.	Duration of permit	Fee (in Rs.)
1.	Up to seven days	100/-
2.	For one year	1,000/-

Fifth Schedule		
Fee for review and appeal {see rule 111(1)}		
An appeal before Director against the orders of officer-in-charge		Rs. 2,000/-
An application before Director for review of orders passed by him		Rs. 2,000/-
An appeal before Administrative Secretary against the orders of Director		Rs. 3,000/-

Forms and Agreements

Form ML-1

{see rule 9(4), 10(10), and 21(1)}

Model form for execution of Mining Lease Deed

This indenture made on this _____ day of _____ 20____ between the Governor of Haryana acting through _____ (hereinafter referred to as the "State Government") which expression shall where the context so admits, include the successors and assigns) of the one part; and

When the lessee is an individual:-

_____ (Name and address of the person)(hereinafter referred to as the "Lessee" which expression shall where the context so admits, includes his heirs, executors, administrator, representatives and permitted assigns)

Where the lessee is more than one individual:-

_____ (Name and address of persons)(hereinafter referred to as the 'Lessee' which expression shall where the context so admits include their respective heirs, executors, administrators, representatives and permitted assigns)

Where the lessee is registered firm:-

_____ (Name and address of all the partners or members, where the lessee is a firm or society) all carrying on business in partnership under the firm name and style of _____(name of the firm and address) registered under Indian Partnership Act 1932 and having their registered office at (hereinafter referred to as the Lessee which expression shall where the context so admits include all partner of the said firm, their representatives, heirs, executors, Administrators and permitted assigns).

Where the lessee is a registered company:-

_____ (Name of the company) a company registered under _____ (Act under which company incorporated) and having its registered office at _____ (address) (hereinafter referred to as the 'Lessee' which expression shall where the context so admits, include its successors and permitted assigns) of the other part.

(Where lease is granted or renewed on application under rule 10)

Whereas the lessee has applied to government in accordance with the Rule 10 of the Haryana Minor Mineral Concession , Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (hereinafter referred to as the 'the said Rules') for a mining lease for _____ (Name of the minor mineral(s) in respect of the lands hereinafter described in **clause 2** and has deposited a sum of Rs. _____ (in words Rs. _____) with the government as security and has offered solvent surety of Shri _____ S/o Shri _____ resident of _____ District _____ (hereinafter referred to as the surety which expression shall where context so admits, include his heirs, executors, administrators, representatives) for the amount equal to Rs., and whereas the lessee is in possession of an Income Tax Clearance certificate.

OR

(Where lease is granted through competitive bid process under rule 10 or renewed under rule 17)

Whereas the lessee has offered the highest bid of Rs. _____ ((in words Rs. _____) in the bid/auction held on _____ for obtaining a mining lease for _____ (name of minor minerals) in respect of the lands hereinafter described in clause 2 and such bid had been accepted by the Government or any officer authorized by it in this behalf and the lessee/ has deposited with the Government, a sum of Rs. _____ (Rs. _____) as initial bid security **(10% of the annual bid amount)**. and Shri _____ S/o Shri _____ resident of _____ District _____ (referred to as the 'surety' which expression shall where the context so admits, include his heirs, executors, administrators, representatives) has been offered as solvent surety for the aforesaid amount, and whereas the lessee is in possession of a Income Tax Clearance Certificate.

(Where lease is granted through competitive bid process under rule 10 is renewed under rule 17)

Whereas the lessee has applied to government for renewal of lease in accordance with the Rule 17 of the Haryana Minor Mineral Concession , Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (hereinafter referred to as the 'the said Rules') for a mining lease for _____ (Name of the minor mineral(s) in

respect of the lands hereinafter described in **clause 2** and has deposited a sum of Rs. _____ (in words Rs _____) with the government as “security” and has offered solvent surety of Shri _____ S/o Shri _____ resident of _____ District _____ (hereinafter referred to as the surety which expression shall where context so admits, include his heirs, executors, administrators, representatives) for the amount equal to Rs....., and whereas the lessee is in possession of an Income Tax Clearance certificate.

Now, therefore, this deed witnesses and the parties hereby agree as follows:-

Liberties and privileges to be exercised and enjoyed by the Lessee(s).

The following liberties, powers and privileges may be exercised and enjoyed by the lessee subject to the other provisions.

1 In consideration of the rents and royalties, covenants and agreements hereinafter contained and on the part of the Lessee to be paid, observed and performed, the Government hereby grants and demises unto the lessee all those mines/beds/veins/seams of _____ (hereinafter referred to as the said minor minerals,) situated, lying and being in or under the lands which are referred to in clause (2) together with the liberties, powers and privileges to be executed or enjoyed in connection herewith which are hereinafter mentioned in Part-I subject to the restrictions and conditions as to exercise and enjoyment of such liberties, powers and privileges which are hereinafter mentioned in Part-II and subject to other provisions of this lease.

(2) The area of the said lands is as follows:

All the tract of land situated at village _____ in Tehsil _____ District _____ bearing Khasra Nos. _____ containing an area of _____ or thereabouts delineated on the plan hereto annexed and bounded as follows:

On the North by _____;

On the South by _____;

On the East by _____;

On the West by _____;

and (hereinafter referred to as the ‘said lands’ or the ‘leased area’)

(3) The lessee shall hold the premises hereby granted from the _____ day _____ for the term of _____ years thence next ensuing.

Part-I

Liberties and privileges to be exercised and enjoyed by the Lessee(s)

The following liberties and privileges may be exercised and enjoyed by the lessee subject to the other provisions.

1. To enter upon land and search for win, work, etc. :

Liberty at all times during the term hereby demised to enter upon the said lands and to search for mineral, bore, dig, drill for win, work, dress, process, convert, carry away and dispose of the said minor mineral(s).

2. To sink, drive and make pit, shafts and inclines, etc.:

Liberty for or in connection with any of the purposes mentioned in this clause to sink, drive, make, maintain and use in the said land and pits, shafts, inclines, drifts, levels, waterways, airways and other works and to use, maintain, deepen or extend any existing works of the like nature in the said lands.

3. To bring and use machinery, equipment:

Liberty for or in connection with any of the purposes mentioned in this clause to erect, construct, maintain and use on or under the said lands any engine, machinery, plan, dressing floors, furnaces, coke ovens, brick kilns, workshop, store houses, bungalows, godowns, shed and other buildings and other works and conveniences of the like nature on or under the said lands.

4. To use water from streams, etc :

Liberty for or in connection with any of the purposes mentioned in this clause but subject to the rights of any existing or future lessees and with the written permission of the Collector concerned to appropriate and use water from any streams, water course, springs or other source in or upon the said lands and to divert, step up or dam any such stream or water-course and collect or impound any such water and to make, construct and maintain any water course, cultivated land, village buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any streams or springs : provided that the lessee shall not interfere with navigation in any navigable stream nor shall divert such stream with out the previous written permission of the Government.

5. To fell undergrowth and utilise timber and trees etc.:

Liberty for or in connection with any of the purposes mentioned in this lease deed, to clear undergrowth and brush wood. Lessee shall not fell any trees or timber standing or found on the said lands without obtaining prior permission in writing from the collector of the District or the Chief Conservator of Forests in case of Forest areas as the case may be. In case such permission is granted, he shall pay in advance, the price of the trees/timber to be felled to the said Officer at the rates, fixed by him.

6. To get building and roads material, etc. :

Liberty for or in connection with any of the purposes, mentioned in this lease deed, to quarry and get stones, gravel and other building and road materials and ordinary clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks, tiles but not to sell any such material, bricks, tiles.

7. To use land for stacking purpose :

Liberty to enter upon and use a sufficient part of the surface of the said lands for the purpose of stocking, storing or depositing therein any produce of the mines including over burden or waste material and works carried on and tools, equipment and other materials needed for mining operations.

8. To install fuel pumps or stations for diesel or petrol for self use:

Liberty to use a sufficient part of the land for installing fuel pumps or stations for diesel or petrol for self use or consumption required for mining operations in the lease area, subject to permission of the competent authority.

9. To construct magazine for explosive and storage sheds:

Liberty to construct magazine for storage of explosive and storage sheds for explosive related substances with permission from licensing authority.

10. Liberty to seek permission for diversion of public roads, overhead electric lines:

Liberty and power to request to the competent authority for diversion of public road over head electric lines passing through the concession area at the expenses of lessee to ensure scientific and systematic mining.

Part-II

Restrictions as to the exercise of the liberties by the lessee

The liberties and privileges granted under Part- I are subject to the following restrictions and subject to other provisions of this lease :

1. No mining operations within the limit of public works, etc :

The lessee shall not carry on, or allow to be carried on any mining operations:-

- i) within a distance of **fifty** meters from the outer periphery of the defined limits of any village *abadi*, National Highway, State Highway, **M**ajor District Roads (MDR) and other District Roads (ODRs) where such excavation does not require use of explosives, unless specifically relaxed and permitted by the competent authority; or
- (ii) within a distance of 250 meters from the outer periphery of the defined limits of any village *abadi*, National Highway, State Highway, Major District Roads (MDR) and Other District Roads (ODRs) where use of explosives is required, unless specifically relaxed and permitted by the competent authority or any specific dispensation is obtained from the Director, Mines Safety; or
- (i) within a distance of at least 10 meters from any other public roads; or
- (v) within a distance of 75 meters from any railway line or bridge except under and in accordance with the written permission of the railway administration concerned. The Railway Administration or the government may in granting such permission, impose such conditions as it may deem fit.

Explanation :- For the purpose of this clause the expression Railway Administration shall have the same meanings as it is defined by sub section (4) of section 3 of the Indian Railway Act, 1890.

Provided that where the continuance of any mining operations in any area, in the opinion of the Government is likely to endanger the safety of any National or State Highway, road, bridge, drainage, reservoir, tank, canal or other public works, or public or private buildings or in the public interest or in the interest of environment/ecology of the area, the Government may determine the lease after giving 60 days notice to the lessee in this behalf and the lease shall stand terminated on the date mentioned in the notice.

2. Working in Sand Zones:

That the lessee in respect of sand zones, shall restrict the quarrying operations to maximum four villages of the zone at any point of time during the subsistence of the lease. The lessee shall have a right to change the site at any time during the subsistence of the lease on settlement of compensation with the land owners of new site of the zone from where he intends to extract sand but ceiling of maximum four villages shall be adhered to strictly and such change of site shall be intimated to the Director or any officer authorised by him in this behalf.

3. Special conditions for river bed mining:

in case of river bed mining/ excavation of minor mineral(s), in order to ensure safety of river-beds, structures and the adjoining areas, the following special conditions shall be abide by the lessee:-

- a) No mining would be permissible in a river-bed up to a distance of five times of the span of a bridge on up-stream side and ten times the span of such bridge on down-stream side, subject to a minimum of 250 metres on the up-stream side and 500 metres on the down-stream side;
- b) There shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be directed by the Director or any officer authorised by him.
- c) The maximum depth of mining in the river-bed shall not exceed three metres measured from the un-mined bed level at any point in time with proper bench formation.
- d) Mining shall be restricted within the central $3/4^{\text{th}}$ width of the river/rivulet.
- e) No mining shall be permissible in an area up to a width of 500 meters from the active edges of embankments in case of rivers Yamuna, 250 metres in case of Tangri, Markanda and Ghaggar and 100 meters on either side of all other rivers/ rivulets;
- f) Any other condition(s), as may be required by the Irrigation Department of the state from time to time for river-bed mining in consultation with the Mines & Geology Department, may be made applicable to the mining operations in river-beds.

4. Notice for surface operation in land not already in use :

Before using for surface operations any land which has not already been used for such operation, the lessee shall give notice in advance to the Collector of the district, the Director and the Officer-in-Charge_____ in writing along with copy of permission to undertake mining specifying the situation and the extend of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used, if objection is issued by the Collector.

5. Not to use the land for other purposes:

The lessee shall not cultivate or use the land for any other purpose other than those specified in the lease-deed

6. Disposal of mineral(s) only on issuance of Mineral Transit Pass to the vehicles having Mineral Transit Permit:

The holder of mining lease shall not sell/dispensed off any mineral or mineral products from the concession area without a Mineral Transit Pass and shall sell/dispensed of the mineral to such vehicle which holds Mineral transit Permit issued under the provision of the Haryana Minor Mineral Concession, Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 .

7. Stacking of mineral(s) inside lease hold area:

The lessee shall not stock the mineral(s) excavated inside the lease hold area at the designated site more than twice the quantity of the average monthly production as per approved mining plan/scheme.

8. Stacking of mineral(s) outside lease hold area:

The lessee shall not stock any minor mineral(s) granted under the lease, out side the lease hold area without obtaining Mineral Dealer licence as per provisions of the Haryana Minor Mineral Concession, Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.

9. Stacking and storage of incidentally extracted major minerals:

In case lessee, while extracting minor mineral(s) given on lease, incidentally extracts any major mineral not given on lease, the same shall be the property of the

Government and lessee shall be under an obligation to stack and store it and maintain its proper record in accordance with the direction of the Director or any officer authorised by him who shall also be competent to prescribe the procedure for its disposal.

10. Penalties in case of non-compliance of clause (9) :

In case it is detected that lessee has disposed off incidentally extracted major mineral referred to in sub rule (20) of rule 56 in whole or part there of or failed to maintain the record of stored mineral he shall be liable to penalties as specified in sub section (1), (4) and (5) of section 21 of Mines & Minerals (Development and Regulation) Act 1957 and also premature determination of mining lease in terms of sub-rule (1) of rule 60 of the said rules.

11. Restrictions of mining operations above Ground Water Table :

A safety margin of two meters shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained from the competent authority in this behalf.

12. Restrictions of surface operations:

No mining operations shall be undertaken in any area prohibited by any authority or by the orders of any Court.

13. No mining operations without requisite clearance:

The lessee shall not undertake any mining operations in the area granted on mining lease without obtaining requisite clearance from the competent authority as required for undertaking mining operations.

Part - III

Covenants of the Lessee

The lessee/ lessees hereby covenant(s) with the Government as follows:-

1. Rate of Royalty :-

The lessee shall pay royalty on the quantity of the said minor mineral dispatched from the leased area at the rates as per First Schedule of the Haryana Minor Mineral

Concession, Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 and as may be revised by the State Government from time to time.

2. Surface rent:

The lessee shall pay for the surface area occupied by him **as per rule 62.**

3. Dead rent:

The lessee shall pay for every year dead rent at the **rate of Rs. -----**
per annum:

a) Where the lease has been granted on application under rule 10:- at the rate prescribed in the Second Schedule of the Haryana Minor Mineral Concession, Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 and as may be revised by the State Government from time to time.

b) Where the mining lease is granted by competitive bid/auction under rule 9:- The highest bid received in the open bid/auction at the rate of ` per annum shall become the 'annual dead rent' amount payable by the lessee. The rate of annual dead rent initially determined on the basis of competitive bids/ auctions shall be increased @ 25% on completion of each block of three years.

Explanation: If the initially determined amount of annual dead rent is ` 100/, it shall be increased to ` 125/- with the commencement of the fourth year and to ` 156.25 with the commencement of the 7th year and so on and so forth for the next each block of three years.

Provided further that if the lease permits the working of more than one minor mineral in the same area, the Government may charge separate dead rent in respect of each minor mineral:

Provided that the mining of one minor mineral does not involve the working of another minor mineral.

Provided further that the lessee/lessees shall be liable to pay the dead rent or royalty in respect of each mineral, whichever be higher but not both.

Provided further that lessee/ lessees shall deposit the dead rent at the rates as revised and notified from time to time by the State Government.

4. Security deposit:

- a) **In case of mining leases granted through competitive bid/auction under rule 9.**

25% of the annual bid amount/ rate of dead rent. The security amount to be deposited as per following:-

- i) 10% as initial bid security at the time of auction
- ii) 15% of the annual bid amount before commencement of mining operations or before the expiry of period allowed, which shall not be more than 12 months, whichever is earlier.

Provided on enhancement of the dead rent after expiry of every three year period of lease the lessee shall deposit the balance amount of security so as to up-scale the security amount equal to 25% of the revised annual dead rent as applicable for one year with respect to next block of three years

- b) **In case of mining leases granted on application under Rule 10** the security amount shall be deposited in accordance with the Rule 11 of the Haryana Minor Mineral Concession , Stocking and Transportation and Prevention of Illegal Mining Rules-2012.

5. Mode of payment of dead rent/ royalty and surface rent

a) In case of mining lease granted **under rule 9**, the lessee shall deposit one advance instalment of dead rent before commencement of mining operations or before the expiry of period allowed, which shall not be more than 12 months, whichever is earlier, along with 15% of the balance security amount as per clause 4(a) above.

b) The lessee during the subsistence of the lease, pay in advance to the Government the instalments of the dead rent in respect of the said land given to him/ them on mining lease as per following schedule:-

Sr. No.	Value of Annual dead rent	Periodicity of payment
1.	2	3

Sr. No.	Value of Annual dead rent	Periodicity of payment
i)	Up to Rupees 10.00 lakhs.	Lump-sum in advance after adjustment of the amount deposited along with the security amount.
ii)	Above Rupees 10.00 lakhs and upto Rupees 50.00 lakhs.	In four quarterly instalments in advance on the 1 st of April, 1 st of June, 1 st of September and 1 st of December of the year.
iii)	Above Rupees 50.00 lakhs.	In monthly instalments in advance.

Note: The amount of one advance instalment deposited at the time of commencement of the mining operations or within time allowed for the same shall be adjusted in a manner that the subsequent instalments are payable for a full calendar month/quarter/year, as the case may be.

(c) The lessee shall be liable to pay the amount of royalty on the mineral excavated and dispatched at the rate specified in the first schedule or dead rent, whichever is more and not both.

(d) where the amount of royalty payable in respect of a month exceeds the amount of dead rent deposited in advance, the lessee shall deposit such amount of royalty on the mineral extracted and dispatched or consumed by the 7th day of the following month after adjusting the amount of advance dead rent already deposited.

(e) In cases where the lessee has paid the amount of royalty or dead rent during a part of the year, which is equal to or more than the annual dead rent payable for the year, he shall not be required to deposit the advance dead rent for the remaining period of the said year and the royalty for the balance part of the year shall be deposited by the 7th day of the following month.

6. Amount to be deposited on account of Mines and Minerals Development Restoration and Rehabilitation Fund

Where the lessee is operating the area, he shall also deposit/ pay an additional amount, equal to 10% of the due dead rent or royalty, whichever is more along with amount of instalments on account of dead rent or royalty, towards the 'Mines & Minerals Development Restoration and Rehabilitation Fund' separately established under these rules.

7. Interest on delayed payments.

In case of any default in payment of the instalments of dead rent/contract money/ contribution to the Mines & Minerals Development (Restoration and Rehabilitation) Fund on the due date(s), the amount would be payable along with interest at the following rates:

Sr. No.	Period of delay	Rate of Interest applicable
(i)	If paid within a period of 7 days from the due date	A grace period of up to 7 days is allowed without any interest
(ii)	If paid after 7 days but up to 30 days of the due date	15% on the amount of default for the period of default including the grace period;
(iii)	If paid after 30 days but within 60 days of the due date	18% on the amount of default for the period of default including the grace period;
(iv)	Delay beyond 60 days of the due date	It would amount to a 'breach', invite action for termination of the lease/ contract and the entire outstanding amount would be recoverable along with interest calculated @ 21% for the entire period of default.

8. Working of newly discovered minerals:

If any minor mineral, not specified in the lease, is discovered in the leased area, the lessee shall report the discovery without delay to the Government and shall not win or dispose of such minor mineral without obtaining a lease therefor. If he fails to apply for such a lease within six months from the discovery of the minor mineral, the Government or the authorised officer may give the lease in respect of such mineral, to any other person.

Provided that the Director or an officer authorized in this behalf, on being satisfied that the availability of such minor mineral(s) is not of sufficient quantity and quality and no separate lease is required for the newly discovered minor minerals(s), may allow the contractor(s) by issuing separate permit in Form 'PIM2' for the disposal of specific quantity of such newly discovered minor mineral(s) on payment of advance royalty at the rates prescribed in the First Schedule and other amounts as specified under sub rule (19) of Rule 56 of the said rules, for the period not exceeding thirty days

at one time. The royalty payable on the newly discovered minor mineral(s) shall be in addition to the royalty for the mineral already granted on lease.

Provided further that in case lessee further applies for disposal of such mineral(s), and the Director or any other officer authorized by him is satisfied that such minor mineral(s) is still available in the area, he may further grant subsequent permission(s):

Provided further that the grant of such permit may be refused for reasons to be recorded in writing:

9. To commence mining operations within 180 days and carry them on properly:

Unless the Government for sufficient cause otherwise, the lessee shall commence mining operations 180 days from the date of execution of the lease and shall thereafter conduct such operations in a proper, skilful and workman like manner.

Explanation :- For the purpose of this clause, mining operations shall include the erection of machinery laying of a tramway or construction of a road in connection with the working of the mine.

10. To erect and maintain boundary pillars etc. :

The lessee shall at his own expenses, erect and at all times maintain and keep in good repairs boundary marks and pillars according to the plan annexed to the lease. Each of the pillars should be numbered and every pillar shall have GPS reading.

11. Accounts :

The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein and a complete plan of the mine and shall allow any officer authorised by the Haryana Government or the Central Government in that behalf to examine at any time any accounts and records maintained by him, and shall furnish to the Haryana Government or the Central Government with such information and returns as it may require.

12. To allow facilities to other lessees etc.:

The lessee shall allow existing and future licensees or lease holders/contractors of any land which is comprised in or adjoins or is reached by the land, held by the lessee, reasonable facilities for access thereto.

13. To allow entry to officers :

The lessee shall allow any officer authorised by the Haryana Government and the Central Government to enter upon any building, excavation or land comprised in the lease for the purpose of inspecting the mines.

14. Returns :

The lessee shall :-

(a) submit a return in form 'MMP1' by the 7th of every month to the Director and also to other officer (s) specified in that form giving the total quantity of minor mineral(s) raised and dispatched from the leased area in the preceding calendar month and its value ;

(b) also furnish a statement giving information in Form 'MMP2' by the 15th April every year to the Director and to other Officer(s), specified in that form regarding quantity and value of minor mineral(s) obtained during last financial year, average number of regular labourers employed (men and women separately) number of accidents, compensation paid and number of days worked separately.

15. To strengthen and support the mines:

The lessee shall strengthen and support to the satisfaction of the Railway Administration or the State Government, as the case may be any part of the mine which in its opinion requires such, strengthening or support for the safety of any railway, bridge, national highway, reservoirs, canal, road or any other public work or building.

16. Notice for use of explosives, etc. :

The lessee shall immediately give notice in writing in Form 'IMSE1' to the following:

1. The Controller General, Indian Bureau of mines, Government of India, Nagpur;
2. The Chief Inspector to Mines, Govt. of India, Dhanbad;
3. The Director, Mines Safety, Govt. of India, Gaziabad;
4. The Regional Controller of Mines, Indian Bureau of mines, Dehradun;
5. The Director Mines & Geology, Haryana;
6. The District Magistrate of the District concerned; and

7. The Assistant Mining Engineer/Mining Officer of the District concerned

as soon as:

- (a) The working in the mines extend below superjacent ground; or
- (b) The depth of any open cast excavation measured from its highest to the lowest point reaches six meters; or
- (c) The number of persons employed on any day is more than 50;
or
- (d) Any explosives are used.

17. Maintenance of Sanitary conditions:

The Lessee shall maintain sanitary conditions in the area held by him under the lease.

18. To pay compensation for damage and indemnify the Government:

The lessee shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the lease and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.

19. Application of all Acts, Rules and Regulations to this lease :

The lessee shall abide by the provisions of Mines Act, 1952, Inter-state Migrant Workmen (Regulation and Employment and conditions of service) Act, 1979 and the rules and regulations framed there under and also the provisions of other labour laws both Central and State as are applicable to the workmen engaged in the mines and quarries relating to the provisions of drinking water, rest shelters, dwelling houses, latrines and first-aid and medical facilities in particular and other safety and welfare provisions in general, to the satisfaction of the competent authorities under the aforesaid Acts, Rules and Regulations and also to the satisfaction of the District Magistrate concerned. In case of non compliance of any of the provisions of the enactments as aforesaid, **Director** may terminate the mining lease by giving one month's notice with forfeiture of security deposited.

Provided that the lessee shall carry out mining operations in accordance with all other provisions as applicable for undertaking mining including the provisions of Forest

(Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made thereunder.

20. To report accident :

The lessee shall without delay report to the Deputy Commissioner of the district concerned and the Director or any other officer authorised by him, any accident which may occur at or in the leased area.

21. Delivery of possession of land and mines on the surrender or sooner determination of the lease:

At the end or sooner determination or surrender of the lease the Lessee shall deliver up the said lands and all mines (if any dug there) in a proper and workable state, save in respect of any working as to which the Government might have sanctioned abandonment.

22. To provide electronic weighing machine :

The lessee shall provide and at all times keep at or near the pit-head at which the said mineral shall be brought to bank a properly constructed and efficient electronic weighing machine and shall weigh or caused to be weighed thereon all the said minor minerals from time to time brought to bank, sold, exported and converted products, and shall at the close of each day cause the total weights, ascertained by such means of the said minor minerals, ores, products, raised, sold, exported and converted during the previous twenty four hours to be entered in the aforesaid books of accounts. The lessee shall permit the Government at all times during the said term to employ any persons to be present at the weighing of the said minor minerals, as aforesaid and to keep accounts thereof and to check the accounts kept by the lessee. The lessee shall give 15 days previous notice in writing to the Officer-in-Charge _____ of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

23. To secure pits shafts not fill them up :

The lessee shall well and properly secure pits and shafts and will not without permission in writing, wilfully close, fill up or close any mine or shaft.

24. Not to enter upon or to commence operations in the reserved or protected Forest:

The lessee shall not enter upon or commence any mining operations in any reserved or protected forest comprised in the leased area except after previously obtaining permission in writing of the Chief Conservator of Forest, Haryana.

25. To respect water rights and not injure adjoining property:

The lessee shall not injure or cause to deteriorate any source of water, power or water-supply and shall not in any other way render any spring or stream or water unfit to be used or to do anything to injure adjoining land, villages or houses.

26. Stocks lying at the end of the lease:

a) The lessee on expiry of the lease period (successful completion of the lease) shall remove already extracted all of the mineral from the premises of the quarry within a period of seven days. In case any quantity of the already extracted mineral, in the said land is left undisposed off and is not removed within seven days from the date of expiry of the period of lease the same shall be deemed to be the property of the Government who may dispose it off in any manner it may like without pay anything thereof to the lessee.

b) The lessee on the termination or sooner determination of the lease shall not remove extracted mineral from the premises of the leased areas. All extracted minerals in the said lands left over un-disposed after the termination or determination of lease shall be deemed to be property of the Government who may dispose it off in any manner it may like without pay anything thereof to the lessee.

27. Payment of taxes:

The lessee shall duly and regularly pay to the appropriate authority all taxes, cesses and local dues in respect of the leased area, said minor minerals or the working of the mines.

28. Payment of additional amount for reclamation/ restoration:

The lessee shall also deposit/pay additional amount equal to 10% of the amount of royalty/dead rent along with the payment of royalty or dead rent, whichever is more, by the 7th of every month, in a joint account to be operated with the Assistant Mining Engineer/Mining Officer concerned to ensure the compliance of the Reclamation & Restoration works. This additional amount shall be refunded after satisfactory

Reclamation/ Restoration of the area after mining in accordance with the Mine Closure Plan.

Provided that in case the lessee fails to reclaim/ restore the area as per mining plan to the satisfactions of the State Government, the amount deposited in the joint account shall be forfeited and used for the restoration of the area by the department.

Provided further that in case no rehabilitation position of the mine comes during the tenure of the mining lease, the amount so deposited shall be kept by the State Government in the mining area development fund for future use as and when the mine reaches to a stage requiring restoration and rehabilitation.

29. Assign sublet or transfer of the lease:

The lessee shall not assign, sublet or transfer the lease to any person without obtaining prior permission in writing from the Government.

30. Fencing of working place:

If a working place is found to be unsafe all persons shall be withdrawn by the lessee immediately from the dangerous area and all access to such working place except for the purpose of removing the danger or saving life shall be prevented by securely fencing the full width of all entrances to the place, at his own cost.

31. Fencing of excavation after termination or sooner determination of the lease :

The lessee on termination or sooner determination of the lease, shall at his own cost, suitably fence the excavations for safety as instructed by the Director of Mines & Geology, Haryana, or the Assistant Mining Engineer/ Assistant Geologist/ Mining Office concerned.

32. Felling of trees:

The lessee shall not fell or cut any tree, standing on the land wherein the quarry is located without obtaining prior permission in writing from the Collector of the District concerned or Chief Conservator of Forests, Haryana, in respect of Forest areas, as the case may be and paying its price fixed by him.

33. Security deposit shall carry no interest:

The security deposited by the lessee shall not carry any interest.

34. State Government not responsible for loss to lessee:

The Government shall not be responsible for any kind of loss to the lessee.

Part-IV

Rights of the State Government

1. Suspension or termination of the lease:

The Director or an officer authorised in this behalf shall have the right to suspend or prematurely terminate the lease.

a) If the dead rent or royalty or surface rent or any other amount due to the Government **are not paid**,

b) if any of the terms and conditions of the lease deed or conditions of grant or permission to undertake mining by any other statutory authority or competent authority is violated;

c) if any of the provisions of these rules and other laws both Central and State as are applicable to mines and minerals, are not complied with:

Provided that no orders of suspension or termination of the lease shall be passed by the Director or an officer authorised by him without giving reasonable opportunity to show cause and following the procedure prescribed in the Haryana Minor Mineral Concession, stocking and Transportation of Mineral and Prevention of Illegal Mining Rules 2012.

Provided further that the authorised officer may also at any time after issuance of the notice for default on account of non payment of dues, enter upon the said premises and detain all or any of the mineral(s) or movable property therein and may carry away, detain or order the sale of the property so detained, or so much of it as will suffice for the satisfaction of the rent or royalty or both dues and all costs and expenses occasioned by the non-payment thereof and shall give proper receipt of the articles carried away.

2. Determination of lease in public interest:

The Government may by giving 'six months' prior notice in writing determine the lease if the Government consider that the minor mineral under the lease is required for establishing an Industry beneficial to the public:

Provided that in the State of National Emergency or war, the lease may be determined without giving such notice.

3. Right of pre-emption :

The government shall from time to time and at all times during the terms of lease have the right (to be exercised by notice in writing to the lessee) of pre-emption of the said mineral(s) and all products thereof lying in or upon the said lands hereby demised or elsewhere under the control of the lessee and the lessee shall deliver all minerals or products thereof to the Govt. at current market rates in such quantities and in the manner at the place specified in the notice exercising the said right.

4. Penalty for not allowing entry to officers:

If the lessee or his transferee or assignee does not allow any entry or inspection under clause (9) of part-III, the Director may cancel the lease and forfeit in whole or in part the security deposit paid by the lessee under sub rule (iii) of rule 8 or rule 15, as the case may be of the Haryana Minor Mineral Concession, Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.

5. Settlement of Rent and Compensation payable to third parties thereof :

In case the occupier(s) or owner(s) of the said land refuses his/ their consent to the exercise of the rights and powers reserved to the Government and demised to the lessee under these presents, the lessee shall report the matter to the Assistant Mining Engineer/ Assistant Geologist/ Mining Officer who shall request the Collector of the district concerned to direct the occupier(s) or owner(s) to allow the lessee to enter the said lands and to carry out such operations as may be necessary for working the mine, on payment in advance of such **rent or** compensation to the occupier or owner by the lessee, as may be fixed by the Collector as per the provisions of rules 64 & 65 of the rules.

6. Suspension of mining operations:

The Director may order to suspend the mining operations after serving a notice to the lessee, in case, the following violations are noticed:-

- (a) unsafe and unscientific mining;
- (b) non operations of weighbridge;
- (c) non providing of safety appliances to the workers;
- (d) non payment of compensation to the surface owners;
- (e) non submissions of monthly returns;

In case of violations of the aforesaid conditions and also any other terms and conditions of the agreement deed and the provisions of the rules, the Director may give a notice to the lessee to remedy the violations within a period of 15 days from the date of issue of the notice. In case, the violations pointed out through notice, are not remedied within the stipulated period of 15 days, the Director may after affording an opportunity of being heard to the lessee, order the suspension of the mining operations till such time, the defaults/ defected are removed by the lessee within the time frame (within a maximum period of six months) granted by the Director. During the period of suspension of mining operations, the lessee will be allowed only to undertake rectification work for removal of the defects and shall not dispose off the mineral. During the suspension period, the lessee shall be under the obligation to deposit the amount of the dead rent on the due dates.

On satisfactory removal of the defects, the Director may revoke the suspension orders with or without any modification. Non removal of the defects/ defaults during the suspension period and within the time allowed by the Director, shall lead to premature termination of lease.

Part-V

General

1. Cancellation:

The lease shall be liable to be cancelled by the Director if the lessee cease to work the mine for a continued period of six months without obtaining written sanction of the Government.

2. Notices :

Every notice by these presents required to be given to the lessee shall be given in writing to such person resident on the said lands as the lessee may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee by registered post addressed to the lessee

at the address recorded in this lease or at such other address in India as the lessee may from time to time in writing to the Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the lessee and shall not be questioned or challenged by him.

3. Recovery of government dues as arrears of land revenue:

Without prejudice to any other mode of recovery authorised by any provision of this lease or by any law, all amounts, falling due hereunder against the lessee may be recovered as arrears of land revenue under the law in force for such recovery.

4. Forfeiture of property left more than three months after expiry or determination of lease :

The lessee should remove his property lying on the said lands within three months after the expiry or sooner determination of the lease or after the date from which any surrender by the lessee of the said lands under rule 27 of the Haryana Minor Mineral Concession, Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 becomes effective, as the case may be, the property left after the aforesaid period of three months shall become the property of the government and may be sold or disposed of in such manner as the Government shall deem fit without liability to pay any compensation therefore, to the lessee.

5. Security and forfeiture thereof :

(a) the Government may forfeit the whole or any part of the amount deposited as 'Security' under this lease, in case the lessee commits a breach(s) of any covenants to be performed by the lessee under this lease.

(b) Whenever the said security deposit or any part thereof or any further sum hereafter deposited with the Government in replenishment thereof is forfeited under sub clause (a) or applied by the Government under this lease (which the Government is hereby authorised to do) the lessee shall immediately deposit with the inappropriate part thereof to bring the amount in deposit with the Government up to the requisite amount of security at that point of time of lease.

(c) The rights conferred to the Government by clause (a) shall be without prejudice to the rights conferred on the State Government by any other provision of this lease or by any law.

(d) On such date as the Government may elect within twelve calendar months after the determination of this lease or any renewal thereof, the amount of security deposit paid in respect of this lease and then remaining in deposit with the Government and not required to be applied to any of the purposes mentioned in this lease shall be refunded to the lessee. No interest shall run on the security deposit.

6. Survey and demarcation of the area:

When a mining lease is granted by the Government arrangement shall be made, if necessary, at the expense of the lessee, for the survey and demarcation of the area granted under the lease. The lessee shall have to bear actual expenses of the staff deputed for the work. Actual expenses will include travelling allowances, daily allowances and salary of staff plus 10 percent as instrument charges.

7. Surrender of a mining lease by the lessee:

The Government may accept the request of a lease holder for surrender of a lease or part thereof in cases where it is established that it has not been found feasible to operate the lease grant for whatsoever reasons subject to the condition that the lessee:

- (i) has been regular in furnishing the production returns as required in terms of the lease agreement;
- (ii) has been taking the requisite steps for the progressive mine closure plan as per the conditions of the lease grant;
- (iii) is not in default of payment of any dues of the Government as on the date of making such application and undertakes to pay all such dues till the date of expiry of the notice period either in cash in advance or by way of adjustment of the security or both.

Provided that in case the lessee makes an application for surrender of part area of the lease, it shall not result in any prorated reduction of the dead rent and the rate of dead rent payable and applicable for the entire area at the time of such application shall remain intact.

8. Penalty for repeated breaches :

In case of repeated breaches of covenants and agreements by the lessee for which notice has been given by the State Government in accordance with Sub-rule (1) of Rule 73 and/or sub rule(1) of rule 74 of the Haryana Minor Mineral Concession, Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 on earlier occasions,

the State Government without giving any further notice, may impose such penalty not exceeding twice the amount of annual dead rent specified in clause 3 of part-III of this form.

9. Obtaining sale tax number:

The lessee shall get himself registered with the commercial Taxes Department of Haryana State and shall obtain the Sales Tax number.

10. Overriding effect:

Unless otherwise specifically provided, it is agreed that this deed shall be governed by the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and the rules made thereunder. The provisions of the Act and the rules shall prevail over the terms and conditions of the agreement.

IN WITNESS WHEREOF: - These presents have been executed in the manner hereunder appearing the day and year first above written.

Signature of the Lessee

For and on behalf of the Government of Haryana

Witness :-

1. _____

1. _____

2. _____

2. _____

Signature of surety

Witness

1. _____

2. _____

Form ML-2

Application for grant of Mining lease

{see rule 10(2)}

Received at _____ (Place) at _____ (Hours) on the
_____ day of _____.

From

To

The _____

(Through the Director, Mines and Geology, Haryana)

Dated the _____ 20

(I) I/ we hereby apply for grant of a mining lease for
_____ (name of minor mineral(s) for a term of
_____ years over _____ hectares of land in the area specified in
the Schedule of the application.

(II) A sum of Rs (Rs.) on account of application fee
payable under rule 10 of the Haryana Minor Mineral Concession, Stocking &
Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, deposited in the
Government Treasury and the receipted Challan thereof /Demand Bank Draft No. -----
dated ----- drawn in favour of Accounts Officer, office of the Director
is enclosed.

(III) The required particulars are given below:-

PARTICULARS

(1)	Name of applicant individual/firm/Company or Society.	
-----	---	--

(2)	Nationality of the individual or place of registration or incorporation of firm, company or society.	
(3)	Profession or nature of business of individual or firm or company and place of business.	
(4)	Address of the individual/ firm/company or society.	
(5)	Name of the associated Minor Mineral which mining lease is applied	
(6)	Reason/justification for grant of mining lease of minor mineral	
(7)	Period for which the lease is Required.	
(8)	a) Proposed date of commencement of operations b) proposed rate of mineral production during first five year (year wise) c) Anticipated life of mine. d) Proposed method of mining	
(9)	Manner in which the Minor Mineral(s) raised is to be utilized: a) For manufacture b) for sale c) any other purpose In case of manufacture, the industries in connection with which it is required should be specified.	
(10)	A description illustrated by a map or plan (in triplicate) showing as accurate as possible the situation, boundaries and area of land in respect of which the lease is required and where the area is un-surveyed the location of the area should be shown by some permanent physical features i.e. road, tanks.	
(11)	A statement showing all the areas within jurisdiction of the Government :- (i) already held by me/us in my/our name/names (and jointly with others) under quarrying leases specifying the names of minor minerals. ii) already applied for but not yet granted, and	

	iii) applied for simultaneously or being applied for in the State. Note: No application will be held to be complete for the purpose of priority unless it furnishes the particular required by paragraphs i), ii) & iii) and is properly signed and stamped.	
(12)	Mineral reserves available.	
(13)	Details of explorations undertaken.	
(14)	Any other particulars which the applicant wishes to furnish.	
(15)	Schedule Description of the area applied for	
a.	Name of village/tehsil/district	
b.	In the case of land is government forest, the name of the forest range or sub range	
c.	Details of area in respect of which mining lease is required.	
	District	Tehsil
	Village	Khasra No.
	Area	
d.	Map of the area showing the details of all important surface & natural features	
(16)	Application form should be accompanied with silent features of Scheme of Mining/Project at glance giving mining feasibility report including feature relating to protection of environment.	

I/we, do hereby declare that particulars furnished above are correct and am/are ready to furnish any other details including accurate plans or any other documents, as may be required.

(Signature of applicant)

Place _____

Date _____

N.B. If the application is signed by an authorised agent of the applicant, power of attorney should be attached.

This is not necessary if whole village or a well defined portion thereof is applied for or if the area lies in Government Forest. If all the numbers cannot be entered in this form they should be continued on a separate sheet attached to it and signed. Where a portion of a Kharsa number only is required the approximate area of such portion will suffice.

Form ML-3
{see rule 12(1)}

(Register of application for grant/ renewal of Mining Lease)

1	Serial Number	
2	Date of application for grant or renewal of mining lease.	
3	Date on which application was received by the Receiving Officer	
4	Name of applicant with full address.	
5	Situation of the land applied for viz village and district with khasra numbers.	
6	Estimated area of the land.	
7	Particulars of minerals which the applicant intends to mine.	
8	Amount of application fee paid.	
9	Final disposal of application together with number and date of the order.	
10	Remarks	
11	Signatures of the Officer	

Form ML-4
{see rule 12(2)}
(Mining Lease Register)

1	Serial number	
2	a) Date of application b) Date of receipt of the application	
3	Name and address of the applicant	
4	Situation and boundaries of the land	
5	The mineral granted under mining lease.	
6	The total area.	
7	Number and date of grant of the lease.	
8	Period for which granted.	
9	Date of execution of the lease deed.	
10	Number, date and period of renewal.	
11	Amount of security deposited.	
12	Particulars of disposal or refund of security deposit.	
13	Date of assignment or transfer of the lease, if any and fee paid thereof and the names of the parties thereto.	
14	Date of expiry or relinquishment or cancellation.	
15	Date from which the area is available for re-grant.	
16	Signature of the Officer-In-charge	

Form ML-5
{see rule 16(10)}
(Model Form for transfer of Mining Lease/Mining Contract)

The indenture made this day of 20 between (Name of the person with address and occupation) (hereinafter referred to as the 'transferor' which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns). or

Where the transferors are more than one individuals (Name of the persons with address and occupations) and (Name of the persons with address and occupations) (hereinafter referred to as the 'transferor' which expression shall where the context so admits be deemed to include their heirs, executors, administrators, representatives and their permitted assigns). or

Where the transferor is a registered firm (Name of the persons with address of all the partners) all carrying on business in partnership under the firm name and style of (Name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at (Address) (hereinafter referred to as the 'transferor' which expression shall where the context so admits shall be deemed to include all the said partners, their respective heirs, executors, legal representatives and their permitted assigns). or

Where the transferor is a registered company (Name of company) a company registered under the Companies Act 1956 and having its registered office at (Address) (hereinafter referred to as the 'transferor' which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the first part.

Where the transferee is an individual (Name of the person with address and occupation) (hereinafter referred to as the 'transferee' which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns). or

Where the transferees are more than one individuals (Name of the persons with address and occupations) and (Name of the persons with address and occupations) (hereinafter referred to as the 'transferee' which

expression shall where the context so admits be deemed to include their heirs, executors, administrators, representatives and their permitted assigns). or

Where the transferee is a registered firm (Name of the persons with address of all the partners) all carrying on business in partnership under the firm name and style of (Name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at (Address) (hereinafter referred to as the 'transferee' which expression shall where the context so admits shall be deemed to include all the said partners, their respective heirs, executors, legal representatives and their permitted assigns).

Where the transferee is a registered company (Name of company) a company registered under the Companies Act 1956 and having its registered office at (Address) (hereinafter referred to as the 'transferee' which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the second part.

Where the Governor of Haryana (hereinafter referred to as the 'Government' which expression shall where the context so admits be deemed to include successors and assigns) of the third part.

Whereas by virtue of an indenture of lease dated the (dated) (hereinafter referred to as lease) the original whereof is attached hereto and marked 'A' entered into between the Government (therein called the lessor) and the transferor (therein called the lessee/contractor) is entitled to search for, win and work the mines and minerals in respect of (Name of minerals) in the land described in Schedule thereto and also in Schedule annexed thereto for the term and subject to the payment of rents and royalties and observance and performance of the lessee's/contractor's covenant and conditions in the said deed of lease/contract reserved and contained including a covenant not to assign the lease/contract or any interest there under without the previous sanction of the Government.

Whereas the transferor is now desirous of transferring and assigning the lease/contract to the transferee and the Government has, at the request of the transferor, granted permission to the transferor vide order no. dated to such a transfer and assignment of the lease/contract upon the conditions of the transferees entering into an agreement is and containing the terms and conditions hereinafter set forth.

Now this Deed Witnesseth as follows:

2. The transferee hereby covenants with the Government that from and after the transfer and assignment of the lease/contract, the transferee shall be bound by, and be liable to perform, observe and conform and be subject to all the provisions of all the covenants, stipulations and conditions contained in said hereinbefore recited lease in the same manner in all respects as if the lease/contract had been granted to the transferee as the lessee/contractor there under and he had originally executed it such.

3. It is further hereby agreed and declared by the transferor of the one part and transferee of the other part that:-

- (i) the transferor and transferee declare that they have ensured that the mineral rights over the area for which the mining lease/contract is being transferred, vest in the Government;
- (ii) the transferor hereby declares that he has not assigned subject, mortgaged or any other manner, transferred the mining lease/contract now being transferred and that no other person has any right, title or interest where under in the present mining lease/contract being transferred;
- (iii) the transferor further declares that he has not entered into or made any agreement, contract or understanding whereby he has been or is being directly or indirectly financed to a substantial extent by or under which the transferor's operation or understandings were or are being substantially controlled by any person or body of persons other than the transferor;
- (iv) the transferee hereby declares that he has accepted all the conditions and liabilities which the transferor was having in respect of such mining lease/contract;
- (v) the transferee further declares that he is financially capable of and will directly undertake mining operations;
- (vi) the transferee further declares that he has filed an affidavit stating that he has filed up to date income tax returns, paid the income tax assessed as provided in the Income Tax Act, 1961 (43 of 1961);
- (vii) the transferor has supplied to the transferee the original or certified copies of all the plans of abandoned workings in the area and in a belt 65 meters width surrounding it;
- (viii) the transferee hereby further declares that as a consequence of this transfer, the total area held by him under mineral concession are not in contravention of the provisions of the Rules;

- (ix) the transferor has paid all the rents, royalties, and other dues towards Government till the date, in respect of this lease.

In witness whereof the parties hereto have signed on the date and year first above written.

Signature of the transferor

Witness:-

1. _____

2. _____

For and on behalf of the Governor
of Haryana

1. _____

2. _____

Signature of Transferee

Witness:-

1. _____

2. _____

Form ML-6
{see rule 17(2)}
(Application for renewal of Mining lease)

Received at _____ (Place) at _____ (Hours) on the
_____ day of _____.

From

To

The _____

(Through the Director)

Dated the _____ 20

I. I/ we hereby apply for renewal of a mining lease for
_____ (name of minor mineral(s) for a term of
_____ years over _____ hectares of land in the area specified in
the Schedule.

II. A sum of Rs. on account of application fee payable under rule 10
of the Haryana Minor Mineral Concession, Stocking & Transportation of Minerals and
Prevention of Illegal Mining Rules, 2012, deposited in the Government Treasury and the
receipted Challan thereof /Demand Bank Draft No. ----- dated -----
drawn in favour of Accounts Officer, office of the Director is enclosed.

III. The required particulars are given below:-

PARTICULARS

1.	Name of applicant individual/firm/Company or Society.	
2.	Nationality of the individual or place of registration or incorporation of firm, company or society.	
3.	Profession or nature of business of individual or firm or company and place of business.	

4.	Address of the individual/ firm/company or society.	
5.	Name of Minor Mineral which the applicant intends to mine.	
6.	Period for which the original lease was granted.	
7.	<p>Manner in which the Minor Mineral(s) raised is utilized:</p> <p>a) For manufacture b) for sale c) any other purpose</p> <p>In case of manufacture, the industries in connection with which it is required should be specified.</p>	
8.	A description illustrated by a map or plan (in triplicate) showing as accurate as possible the situation, boundaries and area of land in respect of which the lease is required and where the area is un-surveyed the location of the area should be shown by some permanent physical features i.e. road, tanks etc.	
9.	<p>A statement showing all the areas within jurisdiction of the Government :-</p> <p>(i) already held by me/us in my/our name/names (and jointly with others) under quarrying leases specifying the names of minor minerals.</p> <p>ii) already applied for but not yet granted, and</p> <p>iii) applied for simultaneously or being applied for in the State.</p> <p>Note: No application will be held to be complete for the purpose of priority unless it furnishes the particular required by paragraphs i), ii) & iii) and is properly signed and stamped.</p>	
10.	Period for which renewal of mining lease is required.	
11.	Whether renewal is applied for the whole or part of the lease held.	

12.	In case the renewal applied for is only for part of the lease held :- a) The area applied for renewal b) Description of the area applied for renewal. c) Map (in triplicate) of the lease held with area applied for renewal clearly marked on it (copy of map attach)	
13.	Means by which the minor mineral is to be raised i.e. by hand, labour or mechanical or electric power.	
14.	Year-wise quantity of the mineral(s) excavated along with royalty paid in each year since grant of lease. (attached no due certificate of concerned Officer-In-charge.	
15.	Mineral reserves available.	
16.	Details of explorations undertaken.	
17.	Details of the mined out areas restored/ reclaimed/ rehabilitated as per progressive mine closure plan.	
18.	Details of the sites of overburden restored.	
19.	Details of the compliance of:- (i) Environmental Clearance; (ii) Mining plan/ scheme of mining; (iii) Safety provisions as per the Mines Act, 1952 and the rules & regulations framed thereunder; and (iv) other relevant laws and terms & conditions applicable on Mines and Minerals	
20.	Details of defaults, if any, in submission of production returns, payment of royalty/dead rent and found wanting in taking adequate measures for labour safety.	
21.	Details of investment made in development of mine, plant and machinery with a long term perspective and optimal benefit of the same could not have derived during the original period of lease.	

22.	Any other particulars which the applicant wishes to furnish.	
Schedule giving description of the area applied for		
1.	Name of village, Tehsi and District	
2.	In the case of Government forest, the name of the range or sub range	
3.	Khasra Number and area of each field or part thereof	
3.1	Khasra no. a) b)	Area a) b)
3.2	Full description of the area applied for with regard to its natural features :-	
3.3	Tehsil and number, felling series and working circle, if any	
3.4	District	

(Signature of applicant)

Place _____

Date _____

N.B. If the application is signed by an authorised agent of the applicant, power of attorney should be attached.

This is not necessary if whole village or a well defined portion thereof is applied for or if the area lies in Government Forest. If all the numbers cannot be entered in this form they should be continued on a separate sheet attached to it and signed. Where a portion of a Kharsa number only is required the approximate area of such portion will suffice.

ML-7
(see rule 18)
(Acknowledgement of Application for renewal of Mining Lease)

Government of Haryana
Mines and Geology Department

Sr. No.

Dated

Received the application with the following enclosures for a mining lease in respect of minor mineral of Shri/M/s-----
at ----- AM/PM on ----- for about -----hectares of land village -----
tehsil-----district----- for mining of ----- (Name of the minor mineral):

Signature and Designation of

The receiving Officer.

Place:

Dated:

Enclosures:

Form MC-1

{see rule 22 (3) and 26(1)}

(Model Form for execution of mining contract)

This indenture made on this _____ day of _____ 20____ between the Governor of Haryana acting through _____ (hereinafter referred to as the “State Government”) which expression shall where the context so admits, include the successors and assigns) of the one part; and

Where the Contractor is an individual:- _____ (Name and address of the person)(hereinafter referred to as the “Contractor” which expression shall where the context so admits, includes his heirs, executors, administrator, representatives and permitted assigns)

Where the Contractor is more than one individual:- _____ (Name and address of persons)(hereinafter referred to as the “Contractor” which expression shall where the context so admits include their respective heirs, executors, administrators, representatives and permitted assigns)

Where the Contractor is registered firm:- _____ (Name and address of all the partners or members, where the “Contractor” are a firm or society) all carrying on business in partnership under the firm name and style of _____(name of the firm and address) registered under Indian partnership Act 1932 and having their registered office at (hereinafter referred to as the “Contractor” which expression shall where the context so admits include all partner of the said firm, their representatives, heirs, executors/Administrators and permitted assigns).

When the Contractor is a registered company:- _____ (Name of the company) a company registered under _____ (Act under which company incorporated) and having its registered office at _____ (address) (hereinafter referred to as the “Contractor” which expression shall where the context so admits, include its successors and permitted assigns) of the other part.

Whereas the “Contractor” has offered the highest bid of Rs _____ (in words Rs _____) in the bid/auction held on _____ for obtaining a mining contract for _____ (name of minor minerals) in respect of the lands hereinafter described in clause 2 and such bid had been accepted by the State Government or any officer authorized by it in this behalf and the **contractor** has deposited with the Government, a sum of `

_____ (Rs _____) as initial bid security (10% of the annual bid amount) and Shri _____ S/o Shri _____ resident of _____ District _____ (referred to as the 'surety' which expression shall where the context so admits, include his heirs, executors, administrators, representatives) has been offered as solvent surety for the aforesaid amount, and whereas the **contractor** is in possession of a Income Tax Clearance Certificate.

OR

(Where contract granted through competitive bid process under rule 10 is renewed under rule 23)

Whereas the mining contractor has applied to government for renewal of mining contract in accordance with the Rule 23 of the Haryana Minor Mineral Concession , Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (hereinafter referred to as the 'the said Rules') for a mining contract for _____ (Name of the minor mineral(s) in respect of the lands hereinafter described in **clause 2** and has deposited a sum of ` _____ (in words ` _____) with the government as "security" and has offered solvent surety of Shri _____ S/o Shri _____ resident of _____ District _____ (hereinafter referred to as the surety which expression shall where context so admits, include his heirs, executors, administrators, representatives) and whereas the **contractor** is in possession of an Income Tax Clearance certificate

Now therefore, this deed witnesses and the parties hereby agree as follows:-

Liberties and privileges to be exercised and enjoyed by the Contractor.

The following liberties, powers and privileges may be exercised and enjoyed by the contractor subject to the other provisions of contract:-

(1) In consideration of the contract money, covenants and agreements hereinafter contained and on the part of the Contractor to be paid, observed and performed the Government hereby grants and demises unto the contractor all those mines/beds/veins/seams of _____ (hereinafter referred to as the said minor minerals,) situated, lying and being in or under the lands which are referred to in clause (b) together with the liberties, powers and privileges to be executed or enjoyed in connection herewith which are hereinafter mentioned in Part-I subject to the restrictions and conditions as to exercise and enjoyment of such liberties, **and** privileges which are hereinafter mentioned in Part-II and subject to other provisions of this **contract**.

(2) All the tract of land situated at village _____ in Tehsil _____ District _____ bearing Khasra Nos. _____ containing an area of _____ or thereabouts delineated on the plan hereto annexed and bounded as follows:

On the North by _____;

On the South by _____;

On the East by _____;

On the West by _____;

and (hereinafter referred to as the 'said lands' or the 'Contracted area')

(3) The contractor shall hold the premises hereby granted and demised from the _____ day _____ for the term of _____ years thence next ensuing.

Part-I

Liberties and privileges to be exercised and enjoyed by the Contractor

The following liberties and privileges may be exercised and enjoyed by the contractor subject to the other provision of contract: -

1. To enter upon land and search for win, work :-

Liberty at all times during the term hereby demised to enter upon the said lands and to search for mineral, bore, dig, drill for win, work, dress, process, convert, carry away and dispose of the said minor mineral(s).

2. To sink, drive and make pit, shafts and inclines :

Liberty to sink, drive, make, maintain and use in the said land and pits, shafts, inclines, drifts, levels, waterways, airways and other works and to use, maintain, deepen or extend any existing works of the like nature in the said lands.

3. To bring and use machinery, equipment:

Liberty to erect, construct, maintain and use on or under the said lands any engine, machinery, plan, dressing floors, furnaces, coke ovens, brick kilns, workshop, store houses, bungalows, godowns, shed and other buildings and other works and conveniences of the like nature on or under the said lands.

4. To use water from streams :

Liberty but subject to the rights of any existing or future contractor and with the written permission of the Collector concerned to appropriate and use water from any streams, water course, springs or other source in or upon the said lands and to divert, step up or dam any such stream or water-course and collect or impound any such water and to make, construct and maintain any water course, cultivated land, village buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any streams or springs : provided that the contractor/contractors shall not interfere with navigation in any navigable stream nor shall divert such stream with out the previous written permission of the Government.

5. To fell undergrowth and utilise timber and trees :

Liberty to clear undergrowth and brush wood. Contractor shall not fell any trees or timber standing or found on the said lands without obtaining prior permission in writing from the collector of the District or the Chief Conservator of Forests in case of Forest areas as the case may be. In case such permission is granted, he shall pay in advance, the price of the trees/timber to be felled to the said Officer at the rates, fixed by him.

6. To get building and roads material :

Liberty to quarry and get stones, gravel and other building and road materials and ordinary clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks, tiles but not to sell any such material, bricks, tiles.

7. To use land for stacking purpose :

Liberty to use a sufficient part of the surface of the said lands for the purpose of stocking, storing or depositing therein any produce of the mines including over burden/waste material and works carried on and tools, equipment and other materials needed for mining operations.

8. To install fuel pumps or stations for Diesel or Petrol for self use:

Liberty to use a sufficient part of the land for installing fuel pumps or stations for diesel or petrol for self use /consumption required for mining operations in the contract area, subject to permission of the competent authority.

9. To construct magazine for explosive and storage sheds:

Liberty to construct magazine for storage of explosive and storage sheds for explosive related substances with permission from licensing authority.

10. Liberty to seek permission for diversion of public roads, overhead electric lines:

Liberty to request to the competent authority for diversion of public road overhead electric lines passing through the concession area at the expenses of lessee to ensure scientific and systematic mining.

Part-II

Restrictions as to the Exercise of the Liberties by the contractor

The liberties and privileges granted under Part- I are subject to the following restrictions and subject to other provisions of this contract : -

1. No mining operations within the limit of public works:

The contractor shall not carry on, or allow to be carried on any mining operations:-

- i) within a distance of 50 meters from the outer periphery of the defined limits of any village *abadi*, National Highway, State Highway, major District Roads (MDR) and other District Roads (ODRs) where such excavation does not require use of explosives, unless specifically relaxed and permitted by the competent authority; or
- (ii) within a distance of 250 meters from the outer periphery of the defined limits of any village *abadi*, National Highway, State Highway, major District Roads (MDR) and other District Roads (ODRs) where use of explosives is required, unless specifically relaxed and permitted by the competent authority or any specific dispensation is obtained from the Director, Mines Safety; or
- (iii) within a distance of at least 10 meters from any other public roads; or
- (iv) within a distance of 75 meters from any railway line or bridge except under and in accordance with the written permission of the railway administration concerned. The Railway Administration or the government may in granting such permission, impose such conditions as it may deem fit.

Explanation : - For the purpose of this clause the expression Railway Administration shall have the same meanings as it is defined by sub section (4) of section 3 of the Indian Railway Act, 1890:

Provided that where the continuance of any mining operations in any area, in the opinion of the Government is likely to endanger the safety of any National or State Highway, road, bridge, drainage, reservoir, tank, canal or other public works, or public or private buildings or in the public interest or in the interest of environment/ ecology of the area, the Government may determine the contract after giving 60 days notice to the contractor in this behalf and the contract shall stand terminated on the date mentioned in the notice.

2. Working in Sand Zones:

That the contractor in respect of sand zones, shall restrict the quarrying operations to maximum four villages of the zone at any point of time during the subsistence of the contract. The contractor shall have a right to change the site at any time during the subsistence of the contract on settlement of compensation with the land owners of new site of the zone from where he intend to extract sand but ceiling of maximum four villages shall be adhered to strictly and such change of site shall be intimated to the Director or any officer authorised by him in this behalf.

3. Special conditions for river bed mining:

In case of river bed mining / excavation of minor mineral(s) , in order to ensure safety of river-beds, structures and the adjoining areas, the following special conditions shall be abide by the contractor:-

- a) no mining would be permissible in a river-bed up to a distance of five times of the span of a bridge on up-stream side and ten times the span of such bridge on down-stream side, subject to a minimum of 250 metres on the up-stream side and 500 metres on the down-stream side;
- b) there shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be directed by the Director or any officer authorised by him;
- c) the maximum depth of mining in the river-bed shall not exceed three metres measured from the un-mined bed level at any point in time with proper bench formation;
- d) mining shall be restricted within the central 3/4th width of the river/rivulet.

- e) no mining shall be permissible in an area up to a width of 500 meters from the active edges of embankments in case of rivers Yamuna, 250 metres in case of Tangri, Markanda and Ghaggar and 100 meters on either side of all other rivers/ rivulets;
- f) any other condition(s), as may be required by the Irrigation Department of the state from time to time for river-bed mining in consultation with the Mines & Geology Department, may be made applicable to the mining operations in river-beds.

4. Notice for surface operation in land not already in use :

Before using for surface operations any land which has not already been used for such operation, the contractor shall give notice in advance to the Collector of the district, the Director and the Officer-in-Charge_____ in writing along with copy of permission to undertake mining specifying the situation and the extend of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used, if objection is issued by the Collector.

5. Not to use the land for other purposes:

The contractor shall not cultivate or use the land for any other purpose other than those specified in the contract-deed

6. Disposal of mineral(s) only on issuance of Mineral Transit Pass to the vehicles having Mineral Transit Permit:

The holder of mining contract shall not sell/disposed off any mineral or mineral products from the concession area without a Mineral Transit Pass and shall sell/disposed of the mineral to such vehicle which holds Mineral transit Permit issued under the provision of the Rules.

7. Stacking of mineral(s) inside contract hold area:

The contractor shall not stock the mineral(s) excavated inside the contract hold area at the designated site more than twice the quantity of the average monthly production as per approved mining plan/ scheme.

8. Stacking of mineral(s) outside contract hold area:

The contractor shall not stock any minor mineral(s) granted under the contract, out side the contract hold area without obtaining Mineral Dealer licence as per provisions of the Rules.

9. Stacking and storage of incidentally extracted major minerals:

In case contractor, while extracting minor mineral given on contract, incidentally extracts any major mineral not given on contract, the same shall be the property of the Government and contractor shall be under an obligation to stack and store it and maintain its proper record in accordance with the direction of the Director or any officer authorised by him who shall also be competent to prescribe the procedure for its disposal.

10. Penalties in case of non-compliance of clause (9) :

In case it is detected that contractor has disposed off incidentally extracted major mineral referred to in clause 9 above or in sub rule (20) of rule 56, in whole or part there of or failed to maintain the record of stored mineral, he shall be liable to penalties under the Act and also premature determination of mining contract in terms of sub rule (1) of Rule 59 of the said rules.

11. Restrictions of mining operations above Ground Water Table :

A safety margin of two meters shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained from the competent authority in this behalf.

12. Restrictions of surface operations:

No mining operations shall be undertaken in any area prohibited by any authority or by the orders of any Court.

13. No mining operations without requisite clearance:

The contractor shall not undertake any mining operations in the area granted on mining contract without obtaining requisite clearance from the competent authority as required for undertaking mining operations.

Part - III

Covenants of the contract

The contractor hereby covenant with the Government as follows:-

1. Surface rent:

The contractor shall pay for the surface area occupied by him, surface rent at the rate of Rs. ----- per acre per annum.

2. Security deposit:

a) In case of mining contract granted through competitive bid/auction under rule 22:-

25% of the annual bid amount / rate of contract money. The security amount to be deposited as per following:-

- i) 10% as initial bid security at the time of auction; and
- ii) 15% of the annual bid amount before commencement of mining operations or before the expiry of period allowed, which shall not be more than 12 months, whichever is earlier;

Provided on enhancement of the contract money after expiry of every three year period of contract the contractor shall deposit the balance amount of security so as to up-scale the security amount equal to 25% of the revised annual contract money as applicable for one year with respect to next block of three years

3. Mode of payment of contract money and surface rent

a) The contractor shall deposit one advance instalment of contract money before commencement of mining operations or before the expiry of period allowed, which shall not be more than 12 months, whichever is earlier along with 15% of the balance security amount as per clause 2 above.

b) The contractor, during the subsistence of the contract, shall pay in advance to the Government the instalments of the contract money in respect of the said land given to him on mining contract as per following schedule:-

Serial number	Value of Annual contract money	Periodicity of payment
1.	2	3
i)	Up to Rs. 10.00 lakhs.	Lump-sum in advance after adjustment of the amount deposited along with the security amount.
ii)	Above Rs.10.00 lakhs and upto Rs. 50.00 lakhs.	In four quarterly instalments in advance on the 1 st of April, 1 st of June, 1 st of September and 1 st of December of the year.
iii)	Above Rs. 50.00 lakhs.	In monthly instalments in advance.

Note: The amount of one advance instalment deposited at the time of commencement of the mining operations or within time allowed for the same shall be adjusted in a manner that the subsequent instalments are payable for a full calendar month/quarter/year, as the case may be.

4. Amount to be deposited on account of Fund

Where the contractor is operating the area, he shall also pay an additional amount, equal to 10% of the due contract money, whichever is more along with amount of instalments on account of dead rent or royalty, towards the Fund.

5. Interest on delayed payments.

In case of any default in payment of the instalments of contract money/ contribution to the Fund on the due date(s), the amount would be payable along with interest at the following rates:

Serial Number	Period of delay	Rate of Interest applicable
(i)	If paid within a period of 7 days from the due date	A grace period of up to 7 days is allowed without any interest
(ii)	If paid after 7 days but up to 30 days of the due date	15% on the amount of default for the period of default including the grace period;
(iii)	If paid after 30 days but within 60 days of the due date	18% on the amount of default for the period of default including the grace period;
(iv)	Delay beyond 60 days of the due date	It would amount to a 'breach', invite action for termination of the contract and the entire outstanding amount would be recoverable along with interest calculated @ 21% for the entire period of default.

6. Working of newly discovered minerals:

If any minor mineral, not specified in the contract, is discovered in the contracted area, the contractor shall report the discovery without delay to the Government and shall not win or dispose of such minor mineral without obtaining a separate mineral concession therefor. If he fails to apply for such a mineral concession within 6 months from the discovery of the minor mineral, the Government or the authorised officer may give the mineral concession in respect of such mineral, to any other person.

Provided that the Director or an officer authorized in this behalf, on being satisfied that the availability of such minor mineral(s) is not of sufficient quantity and quality and no separate long term mineral concession is required for the newly discovered minor minerals(s), may allow the contractor by issuing separate permit in

Form 'PIM2' for the disposal of specific quantity of such newly discovered minor mineral(s) on payment of advance royalty at the rates prescribed in the First Schedule and other amounts as specified under sub rule (2) of Rule 35 of the said rules, for the period not exceeding thirty days at one time. The royalty payable on the newly discovered minor mineral(s) shall be in addition to the contract money for the mineral already granted on contract.

Provided further that in case contractor further **apply** for disposal of such mineral(s), and the Director or any other officer authorized by him is satisfied that such minor mineral(s) is still available in the area, he may further grant subsequent permission(s):

Provided further that the grant of such permit may be refused for reasons to be recorded in writing.

7. To commence mining operations within 180 days and carry them on properly :

Unless the Government for sufficient cause **allows** otherwise, the contractor shall commence mining operations 180 days from the date of execution of the contract and shall thereafter conduct such operations in a proper, skilful and workman like manner.

Explanation :- For the purpose of this clause, mining operations shall include the erection of machinery laying of a tramway or construction of a road in connection with the working of the mine.

8. To erect and maintain boundary pillars :

The contractor shall at his own expenses, erect and at all times maintain and keep in good repairs boundary marks and pillars according to the plan annexed to the contract. Each of the pillars should be numbered and every pillar shall have GPS reading.

9. Accounts:

The contractor shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein and a complete plan of the mine and shall allow any officer authorised by the Government or the Central Government in that behalf to examine at any time any accounts and records maintained by him, and shall furnish to the Government or the Central Government with such information and returns as it may require.

10. To allow facilities to other lessees etc.:

The lessee shall allow existing and future contractor of any land which is comprised in or adjoins or is reached by the land, held by the lessee, reasonable facilities for access thereto.

11. To allow entry to officers :

The contractor shall allow any officer authorised by the Government and the Central Government to enter upon any building, excavation or land comprised in the contract for the purpose of inspecting the mines.

12. Returns : -The contractor shall :-

(a) submit a return in form 'MMP1' by the 7th of every month to the Director and also to other officer (s) specified in that form giving the total quantity of minor mineral(s) raised and dispatched from the contracted area in the preceding calendar month and its value ;

(b) also furnish a statement giving information in Form 'MMP2' by the 15th April every year to the Director and to other Officer(s), specified in that form regarding quantity and value of minor mineral obtained during last financial year, average number of regular labourers employed (men and women separately) number of accidents, compensation paid and number of days worked separately.

13. To strengthen and support the mines:

The contractor shall strengthen and support to the satisfaction of the Railway Administration or the State Government, as the case may be any part of the mine which in its opinion requires such, strengthening or support for the safety of any railway, bridge, national highway, reservoirs, canal, road or any other public work or building.

14. Notice for use of explosives, etc:

The contractor shall immediately give notice in writing in Form 'IMSE1' to the following:

1. The Controller General, Indian Bureau of mines, Government of India, Nagpur;
2. The Chief Inspector to Mines, Govt. of India, Dhanbad;
3. The Director, Mines Safety, Govt. of India, Gaziabad;

4. The Regional Controller of Mines, Indian Bureau of Mines, Dehradun;
5. The Director;
6. The District Magistrate of the District concerned; and
7. The Assistant Mining Engineer/Mining Officer of the District concerned as soon as:
 - (a) The working in the mines extends below superjacent ground;
or
 - (b) The depth of any open cast excavation measured from its highest to the lowest point reaches six meters; or
 - (c) The number of persons employed on any day is more than 50;
or
 - (d) Any explosives are used.

15. Maintenance of Sanitary conditions:

The Contractor shall maintain sanitary conditions in the area held by him under the **contract**.

16. To pay compensation for damage and indemnify the Government:

The contractor shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the **contract** and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.

17. Application of all Acts, Rules and Regulations to this contract :

The contractor shall abide by the provisions of Mines Act, 1952, Inter-state Migrant Workmen (Regulation and Employment and conditions of service) Act, 1979 and the rules and regulations framed there under and also the provisions of other labour laws both Central and State as are applicable to the workmen engaged in the mines and quarries relating to the provisions of drinking water, rest shelters, dwelling houses, latrines and first-aid and medical facilities in particular and other safety and welfare provisions in general, to the satisfaction of the competent authorities under the aforesaid Acts, Rules and Regulations and also to the satisfaction of the District Magistrate concerned. In case of non compliance of any of the provisions of the enactments as aforesaid, **the Director** may terminate the mining contract by giving one month's notice with forfeiture of security deposited or

Provided that the contractor shall carry out mining operations in accordance with all other provisions as applicable for undertaking mining including the provisions of Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made there under.

18. To report accident :

The contractor shall without delay report to the Deputy Commissioner of the district concerned and the Director or any other officer authorised by him, any accident which may occur at or in the contract area.

19. Delivery of possession of land and mines on the surrender or sooner determination of the contract:

At the end or sooner determination or surrender of the contract, the contractor shall deliver up the said lands and all mines (if any dug there) in a proper and workable state, save in respect of any working as to which the Government might have sanctioned abandonment.

20. To provide electronic weighing machine :

The contractor shall provide and at all times keep at or near the pit-head at which the said mineral shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or caused to be weighed thereon all the said minor minerals from time to time brought to bank, sold, exported and converted products, and shall at the close of each day cause the total weights, ascertained by such means of the said minor minerals, ores, products, raised, sold, exported and converted during the previous twenty four hours to be entered in the aforesaid books of accounts. The contractor shall permit the Government at all times during the said term to employ any persons to be present at the weighing of the said minor minerals, as aforesaid and to keep accounts thereof and to check the accounts kept by him. The contractor shall give 15 days previous notice in writing to the Officer-in-Charger_____ of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

21. To secure pits shafts not fill them up :

The contractor shall well and properly secure pits and shafts and will not without permission in writing, will fully close, fill up or close any mine or shaft.

22. Not to enter upon or to commence operations in the reserved or protected Forest :

The contractor shall not enter upon or commence any mining operations in any reserved or protected forest comprised in the contracted area except after previously obtaining permission in writing of the Chief Conservator of Forest, Haryana.

23. To respect water rights and not injure adjoining property :

The contractor shall not injure or cause to deteriorate any source of water, power or water-supply and shall not in any other way render any spring or stream or water unfit to be used or to do anything to injure adjoining land, villages or houses.

24. Stocks lying at the end of the contract: -

a) The contractor on expiry of the contract period (successful completion of the contract) shall remove already extracted all of the mineral from the premises of the quarry within a period of seven days. In case any quantity of the already extracted mineral, in the said land is left undisposed off and is not removed within seven days from the date of expiry of the period of contract the same shall be deemed to be the property of the Government who may dispose it off in any manner it may like without pay anything thereof to the contractor.

b) The contractor on the termination or sooner determination of the contract shall not remove extracted mineral from the premises of the contracted areas. All extracted minerals in the said lands left over un-disposed after the termination or determination of contract shall be deemed to be property of the Government who may dispose it off in any manner it may like without pay anything thereof to the contractor.

25. Payment of taxes:

The contractor shall duly and regularly pay to the appropriate authority all taxes, cesses and local dues in respect of the contracted area, said minor minerals or the working of the mines.

26. Payment of additional amount for reclamation/ restoration:

wherever mineral concession are granted for any newly discovered mineral, the contractor shall also **deposit**/pay additional amount equal to 10% of the amount of royalty/contract money/permit money as the case may be, along with the payment of royalty or permit fee for such mineral, whichever is more, by the 7th of every month, in

a joint account to be operated with the **officer in-charge** concerned to ensure the compliance of the Reclamation & Restoration works. This additional amount shall be refunded after satisfactory Reclamation/ Restoration of the area after mining in accordance with the Mine Closure Plan.

Provided that in case the contractor fails to reclaim/ restore the area as per mining plan to the satisfactions of the Government, the amount deposited in the joint account shall be forfeited and used for the restoration of the area by the department.

Provided further that in case no rehabilitation position of the mine comes during the tenure of the mining contract, the amount so deposited shall be kept by the Government in the mining area development fund for future use as and when the mine reaches to a stage requiring restoration and rehabilitation.

27. Assign sublet or transfers of the contract:

The contractor shall not assign, sublet or transfer the contract to any person without obtaining prior permission in writing from the Government.

28. Fencing of working place:

If a working place is found to be unsafe all persons shall be withdrawn by the contractor immediately from the dangerous area and all access to such working place except for the purpose of removing the danger or saving life shall be prevented by securely fencing the full width of all entrances to the place, at his own cost.

29. Fencing of excavation after termination or sooner determination of the contract:

The contractor on termination or sooner determination of the contract shall at his own cost, suitably fence the excavations for safety as instructed by the Director or the Assistant Mining Engineer/ Assistant Geologist/ Mining Office concerned.

30. Felling of trees:

The contractor shall not fell or cut any tree, standing on the land wherein the quarry is located without obtaining prior permission in writing from the Collector of the District concerned or Chief Conservator of Forests, Haryana, in respect of Forest areas, as the case may be and paying its price fixed by him.

31. Security deposit shall carry no interest:

The security deposited by the contractor shall not carry any interest.

32. Government not responsible for loss to contractor:

The Government shall not be responsible for any kind of loss to the contractor.

Part-IV

Rights of the State Government

1. The Government may Suspend/terminate/Cancel the contract:

The Government shall have the right to prematurely terminate the contract

- a) If the contract money or royalty or surface rent or any other amount due to the Government **are not paid**,
- b) if any of the terms and conditions of the contract agreement or conditions of grant or permission to undertake mining by any other statutory authority/Competent authority is violated;
- c) if any of the provisions of these rules and other laws both Central and State as are applicable to mines and minerals, are not complied with:

Provided that no orders of suspension/termination of the contract shall be passed by the Director or an officer authorised by him without giving reasonable opportunity to show cause and following the procedure prescribed in the Rules.

Provided that in case of default in payment of Government dues such as contract money/royalty, dead rent or any other dues payable under these presents, the contract may be terminated by the Director or any officer authorised by him without affording hearing to the **contractor** after serving upon a notice to make good the payment within thirty days.

Provided further that the authorised officer may also at any time after issuance of the notice for default on account of non payment of dues, enter upon the said premises and **detain** all or any of the mineral or movable property therein and may carry away, detain or order the sale of the property so **detained**, or so much of it as will suffice for the satisfaction of the contract money or rent or royalty or both dues and all costs and expenses occasioned by the non-payment thereof.

2. Determination of contract in public interest:

The Government may by giving six months' prior notice in writing determine the contract if the Government consider that the minor mineral under the contract is required for establishing an Industry beneficial to the public:

Provided that in the State of National Emergency or war, the contract may be determined without giving such notice.

3. Right of pre-emption :

The government shall from time to time and at all times during the terms of contract have the right (to be exercised by notice in writing to the contractor) of pre-emption of the said mineral(s) and all products thereof lying in or upon the said lands hereby demised or elsewhere under the control of the contractor and the contractor shall deliver all minerals or products thereof to the Government at current market rates in such quantities and in the manner at the place specified in the notice exercising the said right.

4. Penalty for not allowing entry to officers :

If the contractor or his transferee or assignee does not allow any entry or inspection **under clause 9 of** part-III, the Government may cancel the contract and forfeit in whole or in part the security deposit paid by the **contractor** under sub rule (2) of Rule 22, as the case may be of the Rules.

5. Compensation and acquisition of land of third parties thereof :

In case the occupier(s) or owner(s) of the said land refuses his/ their consent to the exercise of the rights and powers reserved to the Government and demised to the contractor under these presents, the contractor shall report the matter to the Assistant Mining Engineer/ Assistant Geologist/ Mining Officer who shall request the Collector of the district concerned to direct the occupier(s) or owner(s) to allow the contractor to enter the said lands and to carry out such operations as may be necessary for working the mine, on payment in advance of such compensation to the occupier or owner by the contractor, as may be fixed by the Collector under the Land Acquisition Act, 1894.

6. Suspension of mining operations:

The Director may order to suspend the mining operations after serving a notice to the contractor, in case, the following violations are noticed:-

- (a) unsafe and unscientific mining;
- (b) non operations of weighbridge;
- (c) non providing of safety appliances to the workers;
- (d) non payment of compensation to the surface owners;

- (e) non submissions of monthly returns;

In case of violations of the aforesaid conditions and also any other terms and conditions of the agreement deed and the provisions of the rules, the Director may give a notice to the contractor to remedy the violations within a period of 15 days from the date of issue of the notice. In case, the violations pointed out through notice, are not remedied within the stipulated period of 15 days, the Director may after affording an opportunity of being heard to the contractor, order the suspension of the mining operations till such time, the defaults/ defected are removed by the lessee within the time frame (within a maximum period of six months) granted by the Director. During the period of suspension of mining operations, the contractor will be allowed only to undertake rectification work for removal of the defects and shall not dispose off the mineral. During the suspension period, the contractor shall be under the obligation to deposit the amount of the dead rent on the due dates.

On satisfactory removal of the defects, the Director may revoke the suspension orders with or without any modification. Non removal of the defects/ defaults during the suspension period and within the time allowed by the Director, shall lead to premature termination of contractor.

Part-V

General

1. Cancellation:

The contract shall be liable to be cancelled by the Director if the contractor cease to work the mine for a continued period of 180 days without obtaining written sanction of the Government.

2. Notices :

Every notice by these presents required to be given to the contractor shall be given in writing to such person resident on the said lands as the contractor may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the contractor by registered post addressed to the contractor at the address recorded in this contract or at such other address in India as the contractor may from time to time in writing to the Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the contractor and shall not be questioned or challenged by him.

3. Recovery of government dues as arrears of land revenue:

Without prejudice to any other mode of recovery authorised by any provision of this contract or by any law, all amounts, falling due hereunder against the contractor may be recovered as arrears of land revenue under the law in force for such recovery.

4. Forfeiture of property left more than three months after expiry or determination of contract :

The contractor should remove his property lying on the said lands within three months after the expiry or sooner determination of the contract or after the date from which any surrender by the contractor of the said lands under rule 25 of the rules becomes effective, as the case may be, the property left after the aforesaid period of three months shall become the property of the government and may be sold or disposed of in such manner as the Government shall deem fit without liability to pay any compensation therefore, to the contractor.

5. Security and forfeiture thereof :

(a) the Director may forfeit the whole or any part of the amount deposited as security under this contract, in case the contractor commits a breach of any covenants to be performed by the contractor under the contract.

(b) Whenever the said security deposit or any part thereof or any further sum hereafter deposited with the Government in replenishment thereof is forfeited under sub clause (a) or applied by the Government under the contract (which the Government is hereby authorised to do) the contractor shall immediately deposit the deficient amount thereof to bring the amount in deposit with the Government up to the requisite amount of security at that point of time of contract.

(c) The rights conferred to the Director by clause (a) shall be without prejudice to the rights conferred on the Government by any other provision of this contract or by any law.

(d) On such date as the Director may decide within twelve calendar months after the determination of this contract or refusal of any renewal thereof, the amount of security deposit paid in respect of this contract in case is the same is otherwise not forfeited or is not required to be detained for any other purposes mentioned in this contract shall be refunded to the contractor. No interest shall run on the security deposit.

6. Survey and demarcation of the area:

When a mining contract is granted by the Government arrangement shall be made, if necessary, at the expense of the contractor, for the survey and demarcation of the area granted under the contract. The contractor shall have to bear actual expenses of the staff deputed for the work. Actual expenses will include travelling allowances, daily allowances and salary of staff plus 10 percent as instrument charges.

7. Surrender of a mining contract by the contractor:

The Government may accept the request of the contractor for surrender of a contract or part thereof in cases where it is established that it has not been found feasible to operate the contract grant for whatsoever reasons subject to the condition that the contractor:

- (i) has been regular in furnishing the production returns as required in terms of the contract agreement;
- (ii) has been taking the requisite steps for the progressive mine closure plan as per the conditions of the contract grant;
- (iii) is not in default of payment of any dues of the Government as on the date of making such application and undertakes to pay all such dues till the date of expiry of the notice period either in cash in advance or by way of adjustment of the security or both.

Provided that in case the contractor makes an application for surrender of part area of the contract, it shall not result in any prorated reduction of the contract money and the rate of contract money payable and applicable for the entire area at the time of such application shall remain intact.

8. Penalty for repeated breaches:

In case of repeated breaches of covenants and agreements by the contractor for which notice has been given by the Director or officer authorised in this behalf in accordance with sub-rule (1) of rule 73 and/or sub rule(1) of rule 74 on earlier occasions, the Government without giving any further notice, may impose such penalty not exceeding twice the amount of security deposited.

9. Obtaining Sale Tax number:

The contractor shall get himself registered with the commercial Taxes Department of Haryana State and shall obtain the Sales Tax number.

10. Overriding effect:

Unless otherwise specifically provided, it is agreed that this deed shall be governed by the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and the rules made thereunder. The provisions of the Act and the rules shall prevail over the terms and conditions of the agreement.

Signature of the Contractor

For and on behalf of the Governor of Haryana

Witness :-

1. _____

1. _____

2. _____

2. _____

Signature of surety

Witness

1. _____

2. _____

Form MC-2
{see rule 23(2)}
(Application for renewal of Mining Contract)

Received at _____ (Place) at _____ (Hours) on the
_____ day of _____.

From

To

The _____

(Through the Director, Mines and Geology, Haryana)

Dated the _____ 20

1. I hereby apply for renewal of a mining contract for
_____ (name of minor mineral(s) for a term of
_____ years over _____ hectares of land in the area specified in
the Schedule.

2. A sum of Rs on account of application fee payable under rule 10,
deposited in the Government Treasury and the receipted Challan thereof /Demand Bank
Draft No. ----- dated ----- drawn in favour of Accounts Officer,
office of the Director is enclosed.

3) The required particulars are given below:-

PARTICULARS

(i)	Name of applicant individual/firm/Company or Society.	
(ii)	Nationality of the individual or place of registration or incorporation of firm, company or society.	
(iii)	Profession or nature of business of individual or firm or company and place of business.	
(iv)	Address of the individual/ firm/company or	

	society.	
(v)	Name of Minor Mineral which the applicant intends to mine.	
(vi)	Period for which the original contract was granted.	
(vii)	<p>Manner in which the Minor Mineral(s) raised is utilized:</p> <p>a) For manufacture b) for sale c) any other purpose</p> <p>In case of manufacture, the industries in connection with which it is required should be specified.</p>	
(viii)	A description illustrated by a map or plan (in triplicate) showing as accurate as possible the situation, boundaries and area of land in respect of which the renewal of contract is required and where the area is un-surveyed the location of the area should be shown by some permanent physical features i.e. road, tanks etc.	
(ix)	<p>A statement showing all the areas within jurisdiction of the Government :-</p> <p>(i) already held by me/us in my/our name/names (and jointly with others) under quarrying leases specifying the names of minor minerals.</p> <p>ii) already applied for but not yet granted, and</p> <p>iii) applied for simultaneously or being applied for in the State.</p> <p>Note: No application will be held to be complete for the purpose of priority unless it furnishes the particular required by paragraphs i), ii) & iii) and is properly signed and stamped.</p>	
(x)	Period for which renewal of mining contract is required.	

(xi)	Whether renewal is applied for the whole or part of the contract held.	
(xii)	In case the renewal applied for is only for part of the contract held :- (a) the area applied for renewal (b) description of the area applied for renewal. (c) Map (in triplicate) of the contract held with area applied for renewal clearly marked on it (copy of map attach)	
(xiii)	Means by which the minor mineral is to be raised i.e. by hand, labour or mechanical or electric power.	
(xiv)	Year-wise quantity of the mineral(s) excavated along with contract money paid in each year since grant of lease .(attached no due certificate of concerned officer in charge.	
(xv)	Mineral reserves available.	
(xvi)	Details of explorations undertaken.	
(xvii)	Details of the mined out areas restored/ reclaimed/ rehabilitated as per progressive mine closure plan.	
(xviii)	Details of the sites of overburden restored.	
(xix)	Details of the compliance of:- (i) Environmental Clearance; (ii) Mining plan/ scheme of mining; (iii) Safety provisions as per the Mines Act, 1952 and the rules & regulations framed thereunder; and (iv) other relevant laws and terms & conditions applicable on Mines and Minerals	
(xx)	Details of defaults, if any, in submission of production returns, payment of contract money and found wanting in taking adequate measures for labour safety.	
(xxi)	Details of investment made in development of mine, plant and machinery with a long term	

	perspective and optimal benefit of the same could not have derived during the original period of contract.	
(xxii)	Any other particulars which the applicant wishes to furnish.	
(xxiii)	Schedule giving description of the area applied for	
a.	Name of village	
b.	In the case of Government forest the name of the range or sub range	
c.	Khasra Number and area of each field or part thereof	
	Khasra no. a) b) - -	Area a) b) - -
d.	Full description of the area applied for with regard to its natural features :-	
e.	Tehsil and number, felling series and working circle, if any	
f.	District	

(Signature of applicant)

Place _____

Date _____

N.B. If the application is signed by an authorised agent of the applicant, power of attorney should be attached.

This is not necessary if whole village or a well defined portion thereof is applied for or if the area lies in Government Forest. If all the numbers cannot be entered in this form they should be continued on a separate sheet attached to it and signed. Where a portion of a Khasra number only is required the approximate area of such portion will suffice.

Form MPS-1

{see rule 28(4)}

Model Form for execution of permit granted for **area less than five hectares.**

This indenture made on this _____ day of _____
20__ between the Governor of Haryana acting through _____
(hereinafter referred to as the “State Government”) which expression shall
where the context so admits, include the successors and assigns) of the one part;
and

Where the permit holder is an individual:

_____ (Name and address of the person)(hereinafter referred
to as the “permit holder” which expression shall where the context so admits,
includes his heirs, executors, administrator, representatives and permitted
assigns;

Where the permit holder is more than one individual:

_____ (Name and address of persons)(hereinafter referred
to as the “permit holder” which expression shall where the context so admits
include their respective heirs, executors, administrators, representatives and
permitted assigns);

Where the permit holder is registered firm:

_____ (Name and address of all the partners or members,
where the “permit holder” are a firm or society) all carrying on business in
partnership under the firm name and style of
_____(name of the firm and address) registered
under Indian partnership Act, 1932 and having their registered office at
..... (hereinafter referred to as the “permit holder” which
expression shall where the context so admits include all partner of the said firm,
their representatives, heirs, executors/Administrators and permitted assigns;

When the permit holder is a registered company:

_____ (Name of the company) a company registered under
_____ (Act under which company incorporated) and having its registered
office at _____ (address) (hereinafter referred to as the “permit
holder” which expression shall where the context so admits, include its
successors and permitted assigns) of the other part.

Whereas the “permit holder” has offered the highest bid of Rs _____ (in words _____) in the bid/auction held on _____ for obtaining a mining contract for _____ (name of minor minerals) in respect of the lands hereinafter described in clause 2 and such bid had been accepted by the State Government or any officer authorized by it in this behalf and the Permit holder has deposited with the Government, a sum of Rs _____ (Rs _____) as initial bid security (10% of the annual bid amount) and Shri _____ S/o Shri _____ resident of _____ District _____ (referred to as the ‘surety’ which expression shall where the context so admits, include his heirs, executors, administrators, representatives) has been offered as solvent surety for the aforesaid amount, and whereas the permit holder is in possession of a Income Tax Clearance Certificate.

Now, therefore, this deed witnesses and the parties hereby agree as follows:-

(1) In consideration of the permit money, covenants and agreements hereinafter contained and on the part of the permit holder to be paid, observed and performed the Government hereby grants and demises unto the permit holder all those mines/beds/veins/seams of _____ (hereinafter referred to as the said minor minerals)situated, lying and being in or under the lands which are referred to in **clause 2** together with the liberties and privileges to be executed or enjoyed in connection herewith which are hereinafter mentioned in Part-I subject to the restrictions and conditions as to exercise and enjoyment of such liberties and privileges which are hereinafter mentioned in Part-II and subject to other provisions of this permit.

(2) All the tract of land situated at village _____ in Tehsil _____ District _____ bearing Khasra Numbers _____ containing an area of _____ or thereabouts delineated on the plan hereto annexed and bounded as follows:

on the North by _____;

on the South by _____;

on the East by _____;

on the West by _____;

and (hereinafter referred to as the ‘said lands’ or the ‘permit area’)

(3) The permit holder shall hold the premises hereby granted and demised from the _____ day _____ for the term of _____ years thence next ensuing.

Part-I

Liberties and privileges

The following liberties and privileges may be exercised and enjoyed by the permit holder subject to the other provision of permit: -

1. To enter upon land and search for win, work :-

Liberty at all times during the term hereby demised to enter upon the said lands and to search for mineral, bore, dig, drill for win, work, dress, process, convert, carry away and dispose of the said minor mineral(s).

2. To sink, drive and make pit, shafts and inclines :

Liberty to sink, drive, make, maintain and use in the said land and pits, shafts, inclines, drifts, levels, waterways, airways and other works and to use, maintain, deepen or extend any existing works of the like nature in the said lands.

3. To bring and use machinery, equipment:

Liberty to erect, construct, maintain and use on or under the said lands any engine, machinery, plan, dressing floors, furnaces, coke ovens, brick kilns, workshop, store houses, bungalows, godowns, shed and other buildings and other works and conveniences of the like nature on or under the said lands.

4. To use water from streams :

Liberty but subject to the rights of any existing or future Permit holder and with the written permission of the Collector concerned to appropriate and use water from any streams, water course, springs or other source in or upon the said lands and to divert, step up or dam any such stream or water-course and collect or impound any such water and to make, construct and maintain any water course, cultivated land, village buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any streams or springs :

Provided that the Permit holder shall not interfere with navigation in any navigable stream nor shall divert such stream without the previous written permission of the Government.

5. To fell undergrowth and utilise timber and trees :

Liberty to clear undergrowth and brush wood. Permit holder shall not fell any trees or timber standing or found on the said lands without obtaining prior permission in writing from the collector of the District or the Chief Conservator of Forests in case of Forest areas, as the case may be. In case such permission is granted, he shall pay in advance, the price of the trees or timber to be felled to the said Officer at the rates, fixed by him.

6. To get building and roads material :

Liberty to quarry and get stones, gravel and other building and road materials and ordinary clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks, tiles but not to sell any such material, bricks, tiles.

7. To use land for stacking purpose :

Liberty to use a sufficient part of the surface of the said lands for the purpose of stocking, storing or depositing therein any produce of the mines including over burden or waste material and works carried on and tools, equipment and other materials needed for mining operations.

8. To install fuel pumps or stations for Diesel or Petrol for self use:

Liberty to use a sufficient part of the land for installing fuel pumps or stations for diesel or petrol for self use or consumption required for mining operations in the permit area, subject to permission of the competent authority.

9. To construct magazine for explosive and storage sheds:

Liberty to construct magazine for storage of explosive and storage sheds for explosive related substances with permission from the competent authority, in this behalf.

10. Liberty to seek permission for diversion of public roads, overhead electric lines:

Liberty to request to the competent authority for diversion of public road over head electric lines passing through the concession area at the expenses of **permit holder** to ensure scientific and systematic mining.

Part-II

Restrictions

The liberties, powers and privileges granted under Part- I are subject to the following restrictions and subject to other provisions of this permit : -

1. No mining operations within the limit of public works:

The permit holder shall not carry on, or allow to be carried on any mining operations:-

- (i) within a distance of fifty meters from the outer periphery of the defined limits of any village abadi, National Highway, State Highway, major District Roads (MDR) and other District Roads (ODRs) where such excavation does not require use of explosives, unless specifically relaxed and permitted by the competent authority; or
- (ii) within a distance of two hundred fifty meters from the outer periphery of the defined limits of any village abadi, National Highway, State Highway, major District Roads (MDR) and other District Roads (ODRs) where use of explosives is required, unless specifically relaxed and permitted by the competent authority or any specific dispensation is obtained from the Director, Mines Safety; or
- (iii) within a distance of at least ten meters from any other public roads; or
- (iv) within a distance of seventy meters from any railway line or bridge except under and in accordance with the written permission of the railway administration concerned. The Railway Administration or the government may in granting such permission, impose such conditions, as it may deem fit.

Explanation : - For the purpose of this clause, the expression 'Railway Administration' shall have the same meanings as it is defined by sub section (4) of section 3 of the Indian Railway Act, 1890 ():

Provided that where the continuance of any mining operations in any area, in the opinion of the Government is likely to endanger the safety of any

National or State Highway, road, bridge, drainage, reservoir, tank, canal or other public works, or public or private buildings or in the public interest or in the interest of environment or ecology of the area, the Government may determine the permit after giving sixty days notice to the permit holder in this behalf and the permit shall stand terminated on the date mentioned in the notice.

Provided further that in the State of National Emergency or war, the permit may be determined without giving such notice.

2. Working in sand zones:

That the Permit holder in respect of sand zones, shall restrict the quarrying operations to maximum four villages of the zone at any point of time during the subsistence of the permit. The Permit holder shall have a right to change the site at any time during the subsistence of the permit on settlement of compensation with the land owners of new site of the zone from where he intend to extract sand but ceiling of maximum four villages shall be adhered to strictly and such change of site shall be intimated to the Director or any officer authorised by him in this behalf.

3. Special conditions for river bed mining:

In case of river bed mining or excavation of minor mineral(s) , in order to ensure safety of river-beds, structures and the adjoining areas, the following special conditions shall be abide by the permit holder:-

- (a) no mining would be permissible in a river-bed up to a distance of five times of the span of a bridge on up-stream side and ten times the span of such bridge on down-stream side, subject to a minimum of 250 metres on the up-stream side and 500 metres on the down-stream side;
- (b) there shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be directed by the Director or any officer authorised by him;
- (c) the maximum depth of mining in the river-bed shall not exceed three metres measured from the un-mined bed level at any point in time with proper bench formation;
- (d) mining shall be restricted within the central 3/4th width of the river/rivulet.
- (e) no mining shall be permissible in an area up to a width of 500 meters from the active edges of embankments in case of rivers

Yamuna, 250 metres in case of Tangri, Markanda and Ghaggar and 100 meters on either side of all other rivers/ rivulets;

- (f) any other condition(s), as may be required by the Irrigation Department of the state from time to time for river-bed mining in consultation with the Mines & Geology Department, may be made applicable to the mining operations in river-beds.

4. Notice for surface operation in land not already in use :

Before using for surface operations any land which has not already been used for such operation, the permit holder shall give notice in advance to the Collector of the district, the Director and the Officer-in-Charge_____ in writing along with copy of permission to undertake mining specifying the situation and the extend of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used, if objection is issued by the Collector.

5. Not to use the land for other purposes:

The permit holder shall not cultivate or use the land for any other purpose other than those specified in the permit agreement.

6. Disposal of mineral(s) only on issuance of mineral transit pass to the vehicles having mineral Transport permit:

The holder of mining permit shall not sell or disposed off any mineral or mineral products from the concession area without a mineral transit pass and shall sell or disposed of the mineral to such vehicle which holds mineral transit permit issued under the provision of the rules.

7. Stacking of mineral(s) inside permit hold area:

The permit holder shall not stock the mineral(s) excavated inside the permit hold area at the designated site more than twice the quantity of the average monthly production as per approved mining plan or scheme.

8. Stacking of mineral(s) outside permit hold area:

The Permit holder shall not stock any minor mineral(s) granted under the permit, out side the permit hold area without obtaining Mineral Dealer licence as per provisions of the Rules.

9. Stacking and storage of incidentally extracted major minerals:

In case Permit holder, while extracting minor mineral given on permit, incidentally extracts any major mineral not given on permit, the same shall be

the property of the Government and Permit holder shall be under an obligation to stack and store it and maintain its proper record in accordance with the direction of the Director or any officer authorised by him who shall also be competent to prescribe the procedure for its disposal and in case it is detected that permit holder has disposed off incidentally extracted major mineral referred to in clause 9 above or in sub rule (20) of rule 57, in whole or part there of or failed to maintain the record of stored mineral, he shall be liable to penalties under the Act and also premature determination of mining permit in terms of sub rule (1) of Rule 60 of the said rules.

10. Restrictions of mining operations above ground water table :

A safety margin of two meters shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained from the competent authority in this behalf.

11. Restrictions of surface operations:

No mining operations shall be undertaken in any area prohibited by any authority or by the orders of any Court.

12. No mining operations without requisite clearance:

The Permit holder shall not undertake any mining operations in the area granted on mining permit without obtaining requisite clearance from the competent authority as required for undertaking mining operations.

Part - III

Covenants of the permit

The permit holder hereby covenant with the Government as follows:-

1. Surface rent:

The permit holder shall pay for the surface area occupied by him, surface rent at the rate of Rs. ----- per acre per annum.

2. Security deposit:

The permit holder shall deposit twenty five percent of the annual bid amount or rate of permit money as Security. The security amount shall be deposited as per following:-

- (i) ten percent as initial bid security at the time of auction; and

- (ii) fifteen percent of the annual bid amount before commencement of mining operations or before the expiry of period allowed, which shall not be more than twelve months, whichever is earlier;

3. Mode of payment of permit money and surface rent

(a) The permit holder shall deposit one advance instalment of permit money before commencement of mining operations or before the expiry of period allowed, which shall not be more than twelve months, whichever is earlier along with fifteen percent of the balance security amount as per clause 2 above.

(b) The permit holder, during the subsistence of the permit, shall pay in advance to the Government the instalments of the permit money in respect of the said land given to him on mining permit as per following schedule:-

Serial Number	Value of Annual permit money	Periodicity of payment
1.	2.	3.
(i)	Up to Rs. 10.00 lakhs.	Lump-sum in advance after adjustment of the amount deposited along with the security amount.
(ii)	Above Rs.10.00 lakhs and upto Rs. 50.00 lakhs.	In four quarterly instalments in advance on the 1st of April, 1st of June, 1st of September and 1st of December of the year.
(iii)	Above Rs. 50.00 lakhs.	In monthly instalments in advance.

Note: The amount of one advance instalment deposited at the time of commencement of the mining operations or within time allowed for the same shall be adjusted in a manner that the subsequent instalments are payable for a full calendar month or quarter or year, as the case may be.

4. Amount to be deposited on account of fund.

Where the Permit holder is operating the area, he shall also pay an additional amount, equal to 10% of the due permit money, whichever is more along with amount of instalments on account of dead rent or royalty, towards the Fund.

5. Interest on delayed payments :

In case of any default in payment of the instalments of permit money/ contribution to the Fund on the due date(s), the amount would be payable along with interest at the following rates:

Serial Number	Period of delay	Rate of Interest applicable
(i)	If paid within a period of 7 days from the due date	A grace period of up to 7 days is allowed without any interest
(ii)	If paid after 7 days but up to 30 days of the due date	15% on the amount of default for the period of default including the grace period;
(iii)	If paid after 30 days but within 60 days of the due date	18% on the amount of default for the period of default including the grace period;
(iv)	Delay beyond 60 days of the due date	termination of the contract and the entire outstanding amount would be recoverable along with interest calculated @ 21% for the entire period of default.

6. Working of newly discovered minerals:

If any minor mineral not specified in the permit, is discovered in the permit area, the Permit holder shall report the discovery without delay to the Government and shall not win or dispose of such minor mineral without obtaining a separate mineral concession/lease for such mineral. If he fails to apply for such a mineral concession within six months from the discovery of the minor mineral, the Government or the authorised officer may give the mineral concession in respect of such mineral, to any other person:

Provided that the Director or an officer authorized in this behalf, on being satisfied that the availability of such minor mineral(s) is not of sufficient quantity and quality and no separate long term mineral concession is required for the newly discovered minor minerals(s), may allow the Permit holder by issuing separate permit in Form 'PIM2' for the disposal of specific quantity of such newly discovered minor mineral(s) on payment of advance royalty at the rates prescribed in the First Schedule and other amounts as specified under sub rule (2) of Rule 35 of the said rules, for the period not exceeding thirty days at one

time. The royalty payable on the newly discovered minor mineral(s) shall be in addition to the permit money for the mineral already granted on permit.

Provided further that in case permit holder further applies for disposal of such mineral(s), and the Director or any other officer authorized by him is satisfied that such minor mineral(s) is still available in the area, he may further grant subsequent permission(s):

Provided further that the grant of such permit may be refused for reasons to be recorded in writing.

7. To commence mining operations within one hundred eighty days and carry them on properly :

Unless the Government for sufficient cause otherwise, the permit holder shall commence mining operations one hundred eighty days from the date of execution of the permit and shall thereafter conduct such operations in a proper, skilful and workman like manner.

Explanation . For the purpose of this clause, mining operations shall include the erection of machinery laying of a tramway or construction of a road in connection with the working of the mine.

8. To erect and maintain boundary pillars :

The permit holder shall at his own expenses, erect and at all times maintain and keep in good repairs boundary marks and pillars according to the plan annexed to the permit. Each of the pillars should be numbered and every pillar shall have GPS reading.

9. Accounts :

The permit holder shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein and a complete plan of the mine and shall allow any officer authorised by the Government or the Central Government in that behalf to examine at any time any accounts and records maintained by him, and shall furnish to the Government or the Central Government with such information and returns as it may require.

10. To allow facilities to other concession holders :

The permit holder shall allow existing and future concession holders of any land which is comprised in or adjoins or is reached by the land, held by the lessee, reasonable facilities for access thereto.

11. To allow entry to officers :

The permit holder shall allow any officer authorised by the Government and the Central Government to enter upon any building, excavation or land comprised in the permit area for the purpose of inspecting the mines.

12. Returns :

The permit holder shall :-

(a) submit a return in form 'MMP1' by the 7th of every month to the Director and also to other officer (s) specified in that form giving the total quantity of minor mineral(s) raised and dispatched from the permit area in the preceding calendar month and its value ;

(b) also furnish a statement giving information in Form 'MMP2' by the 15th April every year to the Director and to other Officer(s), specified in that form regarding quantity and value of minor mineral obtained during last financial year, average number of regular labourers employed (men and women separately) number of accidents, compensation paid and number of days worked separately.

13. To strengthen and support the mines:

The permit holder shall strengthen and support to the satisfaction of the Railway Administration or the State Government, as the case may be any part of the mine which in its opinion requires such, strengthening or support for the safety of any railway, bridge, national highway, reservoirs, canal, road or any other public work or building.

14. Notice for use of explosives, etc:

The permit holder shall immediately inform in writing in Form 'IMSE1' in case of (a) working in the mines extends below superjacent ground; or (b) depth of any open cast excavation measured from its highest to the lowest point reaches six meters; or(c) number of persons employed on any day is more than 50; or (d) any explosives are used, to the following;

- (i) The Controller General, Indian Bureau of mines, Government of India, Nagpur;
- (ii) The Chief Inspector to Mines, Government of India, Dhanbad;
- (iii) The Director, Mines Safety, Government of India, Gaziabad;
- (iv) The Regional Controller of Mines, Indian Bureau of Mines, Dehradun;
- (v) The Director;
- (vi) The District Magistrate of the District concerned; and
- (vii) The Officer-in-Charge of the District concerned

15. Maintenance of sanitary conditions:

The permit holder shall maintain sanitary conditions in the area held by him under the permit.

16. To pay compensation for damage and indemnify the Government:

The permit holder shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the lease and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.

17. Application of all Acts, Rules and Regulations to this permit :

The Permit holder shall abide by the provisions of Mines Act, 1952, Inter-state Migrant Workmen (Regulation and Employment and conditions of service) Act, 1979 and the rules and regulations framed thereunder and also the provisions of other labour laws both Central and State as are applicable to the workmen engaged in the mines and quarries relating to the provisions of drinking water, rest shelters, dwelling houses, latrines and first-aid and medical facilities in particular and other safety and welfare provisions in general, to the satisfaction of the competent authorities under the aforesaid Acts, Rules and Regulations and also to the satisfaction of the District Magistrate concerned. In case of non compliance of any of the provisions of the enactments as aforesaid, the Director may terminate the mining lease by giving one month's notice with forfeiture of security deposited:

Provided that the permit holder shall carry out mining operations in accordance with all other provisions as applicable for undertaking mining including the provisions of Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made there under.

18. To report accident :

The permit holder shall without delay report to the Deputy Commissioner of the district concerned and the Director or any other officer authorised by him, any accident which may occur at or in the permit area.

19. Delivery of possession of land and mines on the surrender or sooner determination of the permit:

At the end or sooner determination or surrender of the permit, the permit holder shall deliver up the said lands and all mines (if any dug there) in a proper and workable state, save in respect of any working as to which the Government might have sanctioned abandonment.

20. To secure pits shafts not fill them up :

The permit holder shall well and properly secure pits and shafts and will not without permission in writing, will fully close, fill up or close any mine or shaft.

21. Not to enter upon or to commence operations in the reserved or protected forest :

The permit holder shall not enter upon or commence any mining operations in any reserved or protected forest comprised in the leased area except after previously obtaining permission in writing of the Chief Conservator of Forest, Haryana.

22. To respect water rights and not injure adjoining property :

The permit holder shall not injure or cause to deteriorate any source of water, power or water-supply and shall not in any other way render any spring or stream or water unfit to be used or to do anything to injure adjoining land, villages or houses.

23. Stocks lying at the end of the permit :

a) The permit holder on expiry of the permit period (successful completion of the permit) shall remove already extracted all of the mineral from the premises of the quarry within a period of seven days. In case any quantity of the already extracted mineral, in the said land is left undisposed off and is not removed within seven days from the date of expiry of the period of permit the same shall be deemed to be the property of the Government who may dispose it off in any manner it may like without pay anything thereof to the Permit holder.

b) The permit holder on the termination or sooner determination of the permit shall not remove extracted mineral from the premises of the permit areas. All extracted minerals in the said lands left over un-disposed after the termination or determination of lease shall be deemed to be property of the Government who may dispose it off in any manner it may like without pay anything thereof to the Permit holder.

24. Payment of taxes:

The permit holder shall duly and regularly pay to the appropriate authority all taxes, cesses and local dues in respect of the leased area, said minor minerals or the working of the mines.

25. Payment of additional amount for reclamation/ restoration:

Wherever mineral concession are granted for any newly discovered mineral, the Permit holder shall also pay additional amount equal to 10% of the amount of royalty/permit money/permit money as the case may be, along with the payment of royalty or permit fee for such mineral, whichever is more, by the 7th of every month, in a joint account to be operated with the officer-in-Charge concerned to ensure the compliance of the Reclamation and Restoration works. This additional amount shall be refunded after satisfactory reclamation or restoration of the area after mining in accordance with the mine closure plan.

Provided that in case the Permit holder fails to reclaim or restore the area as per mining plan to the satisfactions of the Government, the amount deposited in the joint account shall be forfeited and used for the restoration of the area by the department.

Provided further that in case no rehabilitation position of the mine comes during the tenure of the mining permit, the amount so deposited shall be kept by

the Government in the mining area development fund for future use as and when the mine reaches to a stage requiring restoration and rehabilitation.

26. Assign sublet or transfer of the permit area:

The permit holder shall not assign, sublet or transfer the permit area to any person without obtaining prior permission in writing from the Government.

27. Fencing of working place:

If a working place is found to be unsafe, all persons shall be withdrawn by the permit holder immediately from the dangerous area and all access to such working place except for the purpose of removing the danger or saving life shall be prevented by securely fencing the full width of all entrances to the place, at his own cost.

28. Fencing of excavation after termination or sooner determination of the permit :

The permit holder on termination or sooner determination of the permit, shall at his own cost, suitably fence the excavations for safety as instructed by the Director or the Officer-in-Charge concerned.

29. Felling of trees:

The permit holder shall not fell or cut any tree, standing on the land wherein the quarry is located without obtaining prior permission in writing from the Collector of the District concerned or Chief Conservator of Forests, Haryana, in respect of Forest areas, as the case may be and paying its price fixed by him.

30. Security deposit shall carry no interest:

The security deposited by the permit holder shall not carry any interest. It shall be refunded to the permit holder within three months from the date of expiry or sooner determination of the permit in case the same is otherwise not forfeited or is not required to be detained for any other purpose.

31. Government not responsible for loss to Permit holder:

The Government shall not be responsible for any kind of loss to the Permit holder.

Part-IV

Rights of the State Government

1. The Government may Suspend or terminate or Cancel the permit:- The Government shall have the right to prematurely terminate the permit

- a) If the permit money or royalty or surface rent or any other amount due to the Government are not paid,
- b) if any of the terms and conditions of the permit agreement or conditions of grant or permission to undertake mining by any other statutory authority/Competent authority is violated;
- c) if any of the provisions of these rules and other laws both Central and State as are applicable to mines and minerals, are not complied with:

Provided that no orders of suspension or termination of the permit shall be passed by the Director or an officer authorised by him without giving reasonable opportunity to show cause and following the procedure prescribed in the Rules.

Provided further that in case of default in payment of Government dues such as permit money, royalty, dead rent or any other dues payable under these presents, the permit may be terminated by the Director or any officer authorised by him without affording hearing to the permit after serving upon a notice to make good the payment within thirty days:

Provided further that the authorised officer may also at any time after issuance of the notice for default on account of non payment of dues, enter upon the said premises and detain all or any of the mineral or movable property therein and may carry away, detain or order the sale of the property so detained, or so much of it as will suffice for the satisfaction of the permit money or rent or royalty or both dues and all costs and expenses occasioned by the non-payment thereof.

2. Determination of permit area in public interest:

The Government may by giving six months' prior notice in writing determine the permit if the Government consider that the minor mineral under the permit is required for establishing an Industry beneficial to the public:

Provided that in the State of national emergency or war, the permit may be determined without giving such notice.

3. Right of pre-emption :

The government shall from time to time and at all times during the terms of permit have the right (to be exercised by notice in writing to the permit holder) of pre-emption of the said mineral(s) and all products thereof lying in or upon the said lands hereby demised or elsewhere under the control of the permit holder and the permit holder shall deliver all minerals or products thereof to the Government at current market rates in such quantities and in the manner at the place specified in the notice exercising the said right.

4. Penalty for not allowing entry to officers :

If the permit holder or his transferee or assignee does not allow any entry or inspection under clause 9 of part-III, the Government may cancel the permit and forfeit in whole or in part the security deposit paid by the permit holder.

5. Compensation and acquisition of land of third parties thereof :

In case the occupier(s) or owner(s) of the said land refuses his consent to the exercise of the rights and powers reserved to the Government and demised to the permit holder under these presents, the permit holder shall report the matter to the Assistant Mining Engineer or Assistant Geologist or Mining Officer, who shall request the Collector of the district concerned to direct the occupier(s) or owner(s) to allow the permit holder to enter the said lands and to carry out such operations, as may be necessary for working the mine, on payment in advance of such compensation to the occupier or owner by the permit holder, as may be fixed by the Collector concerned under rules 64 and 65.

6. Suspension of mining operations:

The Director may order to suspend the mining operations after serving a notice to the permit holder, in case, the following violations are noticed:-

- (a) unsafe and unscientific mining; or
- (b) non providing of safety appliances to the workers; or
- (c) non payment of compensation to the surface owners; or
- (d) non submissions of monthly returns;

In case of violations of the aforesaid conditions and also any other terms and conditions of the agreement deed and the provisions of the rules, the Director may give a notice to the permit holder to remedy the violations within a period of fifteen days from the date of issue of the notice. In case, the violations pointed out through notice, are not remedied within the stipulated period of fifteen days, the Director may after affording an opportunity of being heard to the Permit holder, order the suspension of the mining operations till such time, the defaults/ defected are removed by the Permit holder within the time frame (within a maximum period of six months) granted by the Director. During the period of suspension of mining operations, the permit holder will be allowed only to undertake rectification work for removal of the defects and shall not dispose off the mineral. During the suspension period, the Permit holder shall be under the obligation to deposit the amount of the dead rent on the due dates.

On satisfactory removal of the defects, the Director may revoke the suspension orders with or without any modification. Non removal of the defects or defaults during the suspension period and within the time allowed by the Director, shall lead to premature termination of permit holder.

Part-V

General

1. Cancellation:

The Permit holder shall be liable to be cancelled by the Director if the permit holder cease to work the mine for a continued period of one hundred eighty days without obtaining written sanction of the Government.

2. Notices :

Every notice by these presents required to be given to the permit holder shall be given in writing to such person resident on the said lands as the permit holder may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the permit holder by registered post addressed to the permit holder at the address recorded in this permit or at such other address in India as the permit holder may from time to time in writing to the Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the Permit holder and shall not be questioned or challenged by him.

3. Recovery of government dues as arrears of land revenue:

Without prejudice to any other mode of recovery authorised by any provision of this permit or by any law, all amounts, falling due hereunder against the Permit holder may be recovered as arrears of land revenue under the law in force for such recovery.

4. Forfeiture of property left more than three months after expiry or determination of permit:

The permit holder shall remove his property lying on the said lands within three months after the expiry or sooner determination of the permit. The property left after the aforesaid period of three months shall become the property of the government and may be sold or disposed of in such manner, as the Government shall deem fit, without liability to pay any compensation therefor, to the permit holder.

5. Security and forfeiture thereof :

(a) the Director may forfeit the whole or any part of the amount deposited as security under this permit, in case the permit holder commits a breach of any covenants to be performed by the permit holder under the permit.

(b) Whenever the said security deposit or any part thereof or any further sum hereafter deposited with the Government in replenishment thereof is forfeited under sub- clause (a) or applied by the Government under the permit (which the Government is hereby authorised to do) the permit holder shall immediately deposit with the inappropriate part thereof to bring the amount in deposit with the Government up to the requisite amount of security at that point of time of permit.

(c) The rights conferred to the Director by clause (a) shall be without prejudice to the rights conferred on the Government by any other provision of this permit or by any law.

(d) On such date, as the Government may decide, within twelve calendar months after the determination of this permit or refusal of any renewal thereof, the amount of security deposit paid in respect of this permit and then remaining in deposit with the Government and not required to be applied to any of the purposes mentioned in this permit shall be refunded to the permit holder. No interest shall run on the security deposit.

6. Survey and demarcation of the area:

When a mining permit is granted by the Government, arrangement shall be made, if necessary, at the expense of the permit holder, for the survey and demarcation of the area granted under the permit. The permit holder shall have to bear actual expenses of the staff deputed for the work. Actual expenses will include travelling allowances, daily allowances and salary of staff plus ten percent as instrument charges.

7. Surrender of a mining permit by the Permit holder:

The Government may accept the request of the permit holder for surrender of a permit or part thereof in cases where it is established that it has not been found feasible to operate the permit grant for whatsoever reasons subject to the condition that the permit holder:

- (i) has been regular in furnishing the production returns as required in terms of the permit agreement;
- (ii) has been taking the requisite steps for the progressive mine closure plan as per the conditions of the permit grant;
- (iii) is not in default of payment of any dues of the Government as on the date of making such application and undertakes to pay all such dues till the date of expiry of the notice period either in cash in advance or by way of adjustment of the security or both:

Provided that in case the permit holder makes an application for surrender of part area of the permit, it shall not result in any prorated reduction of the permit money and the rate of permit money payable and applicable for the entire area at the time of such application shall remain intact.

8. Penalty for repeated breaches :

In case of repeated breaches of covenants and agreements by the permit holder for which notice has been given by the Director or officer authorised in this behalf in accordance with sub-rule (1) of rule 73 and/or clause (i) of sub rule (1) of rule 74 on earlier occasions, the Director without giving any further notice, may impose such penalty not exceeding twice the amount of annual permit money.

9. Obtaining Sale Tax number:

The Permit holder shall get himself registered with the Excise & Taxation Department of Haryana State and shall obtain the Sales Tax number.

10. Overriding effect:

Unless otherwise specifically provided, it is agreed that this deed shall be governed by the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and the rules made thereunder. The provisions of the Act and the rules shall prevail over the terms and conditions of the agreement.

Signature of the Permit holder

For and on behalf of the Governor of
Haryana

Witness :-

1. _____

1. _____

2. _____

2. _____

Signature of surety

Witness

1. _____

2. _____

FORM MPS-2

(See rule 29(3))

(Model form for execution deed for permit of Saltpeter)

This indenture made this _____ day of _____ 20____ between the Governor of Haryana acting through _____ (hereinafter called the "Government" which expression shall where the context so admits be deemed to include his successors in office and assigns of the first part, and Shri _____ son of Shri _____ resident of _____ district _____ (hereinafter referred to as "Permit holder" which expression shall, where the context so admits include his heirs, executors, administrators, representatives and permitted assigns) of the second part and Shri _____ son of Shri _____ resident of _____ district _____ (hereinafter referred to as "the surety", which expression shall, where the context so admits, include his heirs, executors, administrators, representatives and permitted assigns) of the third part;

And whereas the permit holder has offered the highest bid for the permit of _____ (name of the quarry) (hereinafter referred to as the "said lands") in tehsil _____ district _____ and whereas the permit holder has paid Rs _____ First instalment/permit money in full for the first year _____ and Rs _____ as security(equal to 25% of the bid amount) for the due fulfilment of the terms and covenants hereinafter mentioned and the Government has agreed to grant him the aforesaid permit.

Now these presents witnesses as follows:

1. Amount and mode of payment of permit money:

The permit holder shall during the subsistence of the permit pay in advance to the Government, the following permit money in respect of the said

lands given to him on permit for the period from _____to
_____on the dates mentioned below.

Serial Number	Value of Annual permit money	Periodicity of payment
1	2	3
(i)	Up to Rs 10.00 lakhs.	Rs -----(Full amount of permit money in lump-sum to be deposited at the time of auction along with the security amount.)
(ii)	Above Rs 10.00 lakhs	Rs ----- (In two instalments, one at the time of auction and another by 15th of May of the year to which the permit pertains)

2. Amount to be deposited on account of Mines and Mineral Development, Restoration and Rehabilitation Fund (hereinafter referred to as “Fund”)

Where the permit holder is operating the area, he shall also pay an additional amount, equal to ten percent of the due permit money, whichever is more alongwith amount of instalments on account of dead rent or royalty, towards the Fund.

3. Interest on delayed payments.

In case of any default in payment of the instalments of permit money or contribution to the Fund on the due date(s), the amount would be payable alongwith interest at the following rates:

Serial Number	Period of delay	Rate of Interest applicable
(i)	If paid within a period of 7 days from the due date	A grace period of up to 7 days is allowed without any interest
(ii)	If paid after 7 days but up to 30 days of the due date	15% on the amount of default for the period of default including the grace period;
(iii)	If paid after 30 days but within 60 days of the due date	18% on the amount of default for the period of default including the grace period;

(iv)	Delay beyond 60 days of the due date	termination of the lease/ contract and the entire outstanding amount would be recoverable along with interest calculated @ 21% for the entire period of default.
------	--------------------------------------	--

4. No quarrying operations in certain areas :

No quarrying operations or working shall be carried on or permitted to be carried on by the permit holder in or under the said lands or to any point within a distance of ten meters from any railway line, bridge, National Highway, reservoir, tank, canal or other public road or buildings etc:

Provided that where the continuance of any mining operations in any area, in the opinion of the Government is likely to endanger the safety of any National or State Highway, road, bridge, drainage, reservoir, tank, canal, other public works, or other public or private buildings, Government may terminate the permit after giving one month's notice to the Permit holder in this behalf. The permit shall stand terminated on the date mentioned in the notice. In such an event the Permit holder shall be refunded the permit money proportionate to the unexpired portion of the permit paid by him in advance if any.

5. To allow entry to Central Government and State Government Officers for inspection :

The permit holder shall at all reasonable times allow the Director and any other officer authorised by the Central Government or by the Haryana Government in that behalf to inspect the said lands and the buildings and plant erected thereon and the permit holder shall assist such person in conducting the inspection and afford them all information they may reasonably require and shall conform to and observe all orders which the Central and the Haryana Government, as a result of such inspection or otherwise may from time to time pass.

6. Assign, sublet or transfer of the permit :

The permit holder shall not assign, sublet or transfer the permit to any person without obtaining prior permission in writing from the Government.

7. To pay compensation for damage and indemnify the Government:

The Permit holder shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the permit and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.

8. Not to carry on surface operation in prohibited areas :

The permit holder shall not carry on surface operation in any area prohibited by any authority, without obtaining prior permission in writing from the concerned authority.

9. Not to enter and work in reserved and protected forest areas :

The permit holder shall not enter and work in any reserved or protected forest without obtaining prior permission in writing from the Chief Conservator of Forests, Haryana or any other officer authorised by him in this behalf.

10. Application of all Acts, rules and regulations to this permit :

The permit holder shall abide by the provisions of Mines Act, 1952 (35 of 1952), Inter-state Migrant Workmen (Regulation and Employment and conditions of service) Act, 1979 () and the rules and regulations framed thereunder and also the provisions of other labour laws both Central and State as are applicable to the workmen engaged in the mines and quarries relating to the provisions of drinking water, rest shelters, dwelling houses, latrines and first-aid and medical facilities in particular and other safety and welfare provisions in general, to the satisfaction of the competent authorities under the aforesaid Acts, rules and regulations and also to the satisfaction of the District Magistrate concerned. In case of non compliance of any of the provisions of the enactments as aforesaid, the Director may terminate the permit by giving one month's notice with forfeiture of security deposited.

Provided that the Permit holder shall carry out mining operations in accordance with all other provisions as applicable for undertaking mining including the provisions of Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made there under.

11. Disposal of mineral(s) only on issuance of Mineral Transit Pass to the vehicles having Mineral Transport Permit:

The holder of mining permit shall not sell or disposed off any mineral or mineral products from the concession area without a Mineral Transit Pass and shall sell/disposed of the mineral to such vehicle which holds Mineral Transport Permit issued under the provision of the Rules.

12. Security deposit shall carry no interest:

The security deposited by the permit holder shall not carry any interest. It shall be refunded to the permit holder within three months from the date of expiry or sooner determination of the permit in case the same is not forfeited or required to be detained for any other purposes under this deed.

13. Penalty for default :

In case of default in the due observance of the terms and conditions of the permit or in payment of the permit money on the due date, the permit may be terminated by the Director by giving one month's notice. In such an event, the Director shall be at liberty to forfeit the security deposited and also the instalment, paid in advance, if any the permit holder shall deliver the possession of the quarry to the Officer-in-Charge, concerned within seven days of the receipt of the order of termination of permit.

14. Termination of permit by Government in public interest :

The permit may be terminated by the Government if considered by it to be in public interest, by giving one month's notice:

Provided that in the state of national emergency or War, the permit may be terminated without giving such notice.

15. Recovery of permit money as arrears of land revenue :

Any sum due from the permit holder on account of permit money in respect of the permit shall be recoverable from him as arrears of land revenue.

16. To submit reports:

The permit holder shall furnish such reports and returns relating to output, labourers employed and other matters, as the Government may prescribe from time to time.

17. Returns :

The permit holder shall submit a monthly return in form 'MMP1' by the 10th day of each month to the Director and to the Officer-in-Charge concerned

giving the total quantity minor mineral(s) raised and dispatched from the specific area out of the area under permit in the preceding calendar month, and its value and such other information relating to the permit as may be called for by the Director.

18. State Government not responsible for loss to permit holder :

The Government shall not be responsible for any kind of loss to the Permit holder for any reason what-so-ever.

19. Notices :

Every notice by these presents required to be given to the permit holder shall be given in writing to such person, resident on the said lands as the Permit holder may appoint for the purpose of receiving of such notice and if there shall have been no such appointment then every such notice shall be sent to the Permit holder at the address recorded in this deed or at such other address in India, the Permit holder may, from time to time, in writing to the officer authorised by the government for the receipt of notices and every such service shall be deemed to be proper and valid service upon the permit holder and shall not be questioned by him.

20. Compensation and acquisition of land of third parties thereof :

In case the occupier(s) or owner(s) of the said land refuses his/ their consent to the exercise of the rights and powers reserved to the Government and demised to the Permit holder under these presents, the Permit holder shall report the matter to the Officer-in-Charge who shall request the Collector of the district concerned to direct the occupier(s) or owner(s) to allow the Permit holder to enter the said lands and to carry out such operations as may be necessary for working the mine, on payment in advance of such compensation to the occupier or owner by the Permit holder, as may be fixed by the Collector concerned under rules 64 and 65.

21. Suspension of mining operations:

The Director may order to suspend the mining operations after serving a notice to the permit holder, in case of the following;

- (a) unsafe and unscientific mining;
- (b) non providing of safety appliances to the workers;
- (c) non payment of compensation to the surface owners;
- (d) non submissions of monthly returns;

In case of violations of the aforesaid conditions and also any other terms and conditions of the agreement deed and the provisions of the rules, the Director may give a notice to the permit holder to remedy the violations within a period of fifteen days from the date of issue of the notice. In case, the violations pointed out through notice, are not remedied within the stipulated period of fifteen days, the Director may after affording an opportunity of being heard to the permit holder, order the suspension of the mining operations till such time, the defaults/ defected are removed by the Permit holder within the time frame (within a maximum period of six months) granted by the Director. During the period of suspension of mining operations, the Permit holder will be allowed only to undertake rectification work for removal of the defects and shall not dispose off the mineral. During the suspension period, the permit holder shall be under the obligation to deposit the amount of the dead rent on the due dates.

On satisfactory removal of the defects, the Director may revoke the suspension orders with or without any modification. Non removal of the defects or defaults during the suspension period and within the time allowed by the Director, shall lead to premature termination of permit holder.

22. Stocks lying at the end of the permit :

a) The permit holder on expiry of the permit period (successful completion of the permit) shall remove already extracted all of the mineral from the premises of the quarry within a period of seven days. In case any quantity of the already extracted mineral, in the said land is left undisposed off and is not removed within seven days from the date of expiry of the period of permit the same shall be deemed to be the property of the Government which will dispose by the Director or an officer authorised in this behalf in any manner, without paying anything thereof to the permit holder.

b) The permit holder on the termination or sooner determination of the permit shall not remove extracted mineral from the premises of the permit areas. All extracted minerals in the said lands left over un-disposed after the termination or determination of permit shall be deemed to be property of the Government which will be disposed off by the Director or an officer authorised in this behalf in any manner without paying anything thereof to the permit holder.

23. Recovery of government dues as arrears of land revenue:

This indenture further witnesseth that in further pursuance of the agreement and covenants referred to above, the permit holder and the surety further covenant that if the permit holder shall make default in the payment of the permit money under these presents including any interest thereon, on the

date or dates on which the same shall be or become payable then the whole of the outstanding permit money and interest shall be payable by the Permit holder and the surety jointly and severally. The Government shall be at liberty to recover the same from the permit holder or the surety irrespective of the fact whether Government shall have pursued all or any of its remedies against the Permit holder.

24. Permit holder shall get himself registered with the Excise and Taxation Department of Haryana State and shall obtain the Sales Tax number.

25. Overriding effect:

Unless otherwise specifically provided, it is agreed that this deed shall be governed by the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and the rules made thereunder. The provisions of the Act and the rules shall prevail over the terms and conditions of the agreement.

IN WITNESS WHEREOF these presents have been executed in the manner hereunder appearing the day and year above written.

Signature of the Permit holder.

For and on behalf of the
Governor of Haryana.

In the presence of :

In the presence of :

1. _____

1. _____

Address_____

Address_____

2. _____

2. _____

Address_____

Address_____

Signature of the surety

in the presence of :-

1. Name _____

Address_____

2. Name _____

Address_____

Form PIM1

(see Rule 30(4))

Application for the grant of permit for excavation of Brick Earth by the Brick Kiln Owners

To

The Assistant Mining Engineer/Assistant Geologist/ Mining Officer,
Mines and Geology Department,

.....

Dear Sir,

Undersigned intends to install a brick Kiln or is the owner of (Name and address of the Brick Kiln), and for manufacturing of the bricks requires the minor mineral namely "Brick Earth". The application fee of Rs. 500/- (non- refundable) in the form of bank draft/treasury challan bearing number..... dated is enclosed.

2. The details of the area for which permission is being sought, is given as under:-

- (a) location of Brick Kiln(village/tehsil/District)
- (b) number of Ghoris in the Brick Kiln
- (c) category of the Brick Kiln
- (d) extent of the land from which brick earth is to be excavated (rectangle no, Khasra Nos.)
- (e) lay out plan of the area applied for permit
- (f) existing status of the land as compared to general ground level of the area
- (g) quantity of brick kiln required to be removed
- (h) advance amount of Permit fee/royalty
- (i) security (refundable)

3. Applicant further submits that,

- (i) royalty at the rates prescribed under First Schedule to the Haryana Minor Mineral Concession, Stocking & Transportation of

Minerals and Prevention of Illegal Mining Rules, 2012 shall be paid for the brick earth to be removed from the area under permit.

- (ii) area is free from Section 4 and/ or 5 of the Punjab Land Preservation Act, 1900 and Aravalli Project Plantation or any kind of forest.
- (iii) digging of the earth at the site is otherwise not prohibited by any court of law or any authority.
- (iv) brick earth will be used only for manufacturing of the bricks
- (v) he will abide by all relevant provisions for excavation of earth.
- (vi) a compensation has been settled with land owner mutually and a copy of the agreement signed between the applicant and the landowner qua mutual settlement of the compensation is attached(in case land is owned by the applicant himself, the proof thereof)
- (vii) in case of renewal of permit copy of last permit alongwith proof of payment towards applicable permit money or royalty.

Dated :

Encls: As above.

(Name and address of the applicant)

Form PIM2

(see Rule 30(9))

Standard for quarrying permits for brick earth

Whereas Shri/Messrs _____
owner(s) of Brick Kiln falling in category _____ has/ have applied for quarrying
permit for removal of the “Brick Earth”, for a period of two years from the land
measuring _____ acres/hectares bearing khasra numbers
_____ in the revenue estate of
_____ tehsil _____ District
_____ under rule 30 of the Haryana Minor Mineral
Concession , Stocking & Transportation of Minerals and Prevention of Illegal
Mining Rules, 2012. The applicant has paid requisite application fee of Rs
..... and has/have also paid security amounting to Rs _____
(25% of the annual royalty amount). Further the applicant has also deposited the
permit fee of _____ for _____ category of Brick Klin.

The permission is hereby granted for removal of brick earth and
manufacture of bricks from the aforesaid area during the period from
..... to (upto 31st March, -----) subject to the conditions
given below :-

1. The holder of the permits shall keep the Government indemnified from third party claim relating to the extraction of brick earth from the land for which quarrying permit is given.
2. The holder of the permit shall excavate the brick earth in such a manner that the same shall not disturb or damage any road, public ways, buildings, premises of public grounds.
3. The holder of the permit shall not use the brick earth excavated from the land granted on permit for any other purpose than that of manufacturing of bricks. In case the brick earth is to be transported up to brick kiln from the site of the excavation, the permit holder transport the same only by issuing a Mineral Transit Pass.
4. That the holder of the permit shall not fell any tree standing on the land without obtaining prior permission in writing from the competent authority in the Forest Department or Collector of the district concerned, as the case may be. In

case such permission has been granted, he shall abide by the terms and conditions stipulated in such permission.

5. The permit holder shall not carry on surface operations in any area prohibited by any authority, without obtaining prior permission in writing from the concerned authority.

6. The permit holder shall not enter and work in any reserved demarcated or protected forest without obtaining prior written permission of the Forest Department.

7. The permit holder shall report immediately all accidents to the Deputy Commissioner and the Officer-in-Charge, concerned.

8. The depth of the pit below surface shall not exceed nine feet.

9. The annual amount of royalty shall be paid in advance by 1st April of every year.

In case the annual royalty is not paid on the date specified above, the permit holder shall be liable to pay interest as per following

Serial Number	Period of delay	Rate of Interest applicable
1	2	3
(i)	If paid within a period of 7 days from the due date	A grace period of up to 7 days is allowed without any interest
(ii)	If paid after 7 days but up to 30 days of the due date	15% on the amount of default for the period of default including the grace period;
(iii)	If paid after 30 days but within 60 days of the due date	18% on the amount of default for the period of default including the grace period;
(iv)	Delay beyond 60 days of the due date	termination of the permit and the entire outstanding amount would be recoverable along with interest calculated @ 21% for the entire period of default

10. The brick Kiln owner shall be liable to make payment of lump-sum royalty for the whole of the year notwithstanding the operation of the Kiln for any part of the year.

11. In case of any default in due observance of the terms and conditions of this permit or in payment of the instalment on due date, the permit may be cancelled by the Director or by any officer duly authorised by him in this behalf by giving one month's notice. Any sum due from the permit holder on account of royalty and interest thereon shall be recovered from him/ them as an arrear of land Revenue.

Signature _____

Designation _____

Form PIM3

{see Rule 31(6)}

Application for the grant of permit for extraction of ordinary clay/earth

To

The Assistant Mining Engineer/Assistant Geologist/ Mining Officer,
Mines and Geology Department,

.....

Dear Sir,

The applicant is the owner of land or is having the written consent of the land owner of the land measuringAcres -----
-- (details of khasra number) in villageTehsilDistrict and have to remove the ordinary clay/earth for levelling the land or selling the same for commercial purpose. As a result of levelling of land or excavation, ordinary clay/earth excavated is to be disposed off, for which permission is solicited. The applicant further state that:-

2. The details of the area for which permission is being sought, is given as under:-

- (a) location of the area
- (b) purpose
- (c) total area to be excavated/levelled
- (d) extent of the area [length,breadth & depth]
- (e) quantity of the ordinary clay to be removed and disposed off
- (f) existing status of the land as compared to general ground level of the area
- (g) advance royalty
- (h) security (refundable)

Dated :

Encls: As above.

(Name and address of the applicant)

- (i) Proof of ownership of land/consent of the land owner.

Form PIM4

(see rule 31(7))

Standard form for excavation of ordinary clay or earth

Whereas Sh./ Messrs _____ has applied for the grant of a permit under Rule 31 of the Haryana Minor Mineral Concession , Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, for excavation of _____ tonnes/ cubic meter/ quintals of _____ Ordinary clay/earth, a minor minerals for excavation/removal from _____ (details of area). The applicant has/have paid royalty in advance amounting to ` _____ and Rs. ----- on account of Mines and Mineral Development, Rehabilitation and Restoration Fund (10% of the amount of royalty) and Rs. _____ on account of security (50% of the amount of royalty).

The permission is hereby granted for disposal of the mineral _____ (name of minor minerals) tonnes/ cubic meter/ quintals excavated/removed from the aforesaid area for the period from ----- to ----- subject to following conditions:-

1. The holder of the permits shall keep the Government indemnified from third party claim relating to the extraction of ordinary clay/earth from the land for which quarrying permit is given.
2. The holder of the permit shall excavate the ordinary clay/earth in such a manner that the same shall not disturb or damage any Road, Public ways, buildings, premises of public grounds.
3. That the holder of the permit shall not fell any tree standing on the land without obtaining prior permission in writing from the competent authority in the Forest Department or Collector of the district concerned, as the case may be. In case such permission has been granted, he shall abide by the terms and conditions stipulated in such permission.

4. The permit holder shall not carry on surface operations in any area prohibited by any authority, without obtaining prior permission in writing from the concerned authority.
5. The permit holder shall not enter and work in any reserved demarcated or protected forest without obtaining prior written permission of the Forest Department.
6. The permit holder shall report immediately all accidents to the Deputy Commissioner and the Officer-in-Charge, concerned.
7. The depth of the pit below surface shall not exceed nine feet and in case where sand deposits are found, the depth of the pit below surface shall not exceed three feet.
8. The permit holder shall not excavate any other mineral than that of ordinary clay/earth found in the area. Any breach in this regard will entail immediate suspension of the workings by the Officer-in-Charge and followed by termination of permit along with forfeiture of security amount, after affording opportunity of show cause. In case any mineral is illegally disposed off, the Officer-in-Charge shall also recover amount of penalty in accordance with the provisions of Mines and Mineral (Development & Regulation) Act 1957 and Rules framed thereunder.
9. The permit holder shall ensure that any mining operations below a depth of 1.5 meters shall necessarily be undertaken by formation of benches for safe mining. The benches would be formed in a manner that the width of the bench is not lesser than the height of the bench or as permitted by the Director, Mines Safety, Government of India.
10. The permit holder shall transport/discharged off the ordinary clay/earth from the site of the excavation, only by issuing a Mineral Transit Pass.
11. The permit holder shall restore and rehabilitate the area of excavation within fifteen days from the date of expiry of the permit and shall submit compliance report to the Officer-in-Charge.
12. In case of any default in due observance of the terms and conditions of this permit or in payment of the instalment on due date, the permit may be cancelled by the Director or by any officer duly authorised by him in this behalf by giving one month notice where the remaining period of permit is more than

sixty days. In other cases the period of permit is less than sixty days, notice of ten days shall be given before taking decision on cancellation of permit.

13. The amount of security deposit shall entail no interest. The security amount shall be refunded within a period of three months in case the same is not forfeited or required to be detained for any other purpose under this permit.

14. Any sum due from the permit holder shall be recovered from him as an arrear of land Revenue.

The permission shall be valid up to _____.

Signatures _____

Designation _____

Form PIM-5

{see rule 32 (2)}

Application for the grant of permission for disposal of mineral extracted incidental to developmental activities

To

The Assistant Mining Engineer/Assistant Geologist/ Mining Officer,
Mines and Geology Department,

.....

Dear Sir,

Undersigned has to construct a residential house or commercial building at (Location of site), having total area ofsquare yards which requires digging of the land for the foundation/ basement to be erected. The approved copy of the site plan is attached. In the process of digging, mineral(s) namely.....[stone/ ordinary sand/ clay] shall also be excavated incidental to the above developmental activity .The same requires to be consumed at the site or disposed off, for which permission is solicited.

2. The details of the area for which permission is being sought, is given as under:-

- (a) Location of the area
- (b) Purpose
- (c) Total area/ built up area
- (d) Extent of the area required for digging giving length, breadth & depth
- (e) Quantity and particulars of the mineral(s) to be removed
- (f) Advance royalty
- (g) Security (refundable)

3. The applicant further state that:-

- i) the royalty at the rates prescribed under First schedule of the rules shall be paid in advance on the mineral(s) excavated incidental to digging of foundation/ basement.

ii) the intention of digging is not to excavate mineral(s) from the said site for commercial mining but for lying of foundation or basement or developmental activity dully approved by the competent authority.

iii) the area is free from any kind of forest (including notifications under Special Section 4 and/ or 5 of the Punjab Land Preservation Act, 1900 and Aravalli Project Plantation).

iv) digging/ construction at the site is otherwise prohibited by any court of law or any authority.

The incidental mineral(s) excavated will be disposed of only on issuance of a valid Transit Pass as supplied by the officer in charge/ Assistant Mining Engineer/ Assistant Geologist/ Mining Officer concerned .

Dated :

Encls: As above.

(Name and address of the applicant)

(i) Proof of ownership of land.

(ii) Site plan along with a copy of permission/ sanction of competent authority to undertake development activities or construction of building etc

(iii) The area in question is free from forest/ PLPA/ Aravalli Plantation.

Form PIM6

{See rule 32(2)}

Standard for permits for the grant of permission for disposal of mineral
extracted incidental to developmental activities

Whereas Sh./ Messrs _____ has applied for the grant of a short term permit under rule 27 to 35 of the Haryana Minor Mineral Concession , Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, for disposal of _____ tonnes/ cubic meter/ quintals of _____ (name of minor minerals) from excavated/ removed from _____ (details of area) incidental to their developmental project namely.....or digging of foundation/basement. The applicant has/ have paid royalty in advance amounting to Rs. _____ and security of Rs. _____ (50% of the amount of royalty).

2. The permission is hereby granted for disposal of the mineral _____ (name of minor minerals) tonnes/ cubic meter/ quintals excavated/removed from the aforesaid area subject to the conditions that the permit holder will abide by the safety guards for such excavation or removal.

3. The permit holder shall transport/disposed off the ordinary clay/earth from the site of the excavation, only by issuing a Mineral Transit Pass.

4. The amount of security deposit shall entail no interest. The security amount shall be refunded within a period of three months in case the same is not forfeited or required to be detained for any other purpose under this permit.

5. Any sum due from the permit holder shall be recovered from him as an arrear of land Revenue.

The permission shall be valid up to _____.

Signatures _____

Designation _____

Form PIM-7
{see rule 33(2)}

**Model Form for grant of Permit for disposal of minor mineral excavated in the
process of in the maintance of canal and drainage system by the Irrigation
Department**

Whereas Executive Engineer-In-Charge _____
Irrigation Department has submitted an application informing that in the process
of operation and maintenance/process of disilting of Canal /Drainage system -----
----- (name of canal/drainage)
_____meter tonne of the _____(name of the minor
mineral) is to be removed. The mineral excavated incidental to above said
incidental developmental activities is to be removed/disposed off. The Executive
Engineer Incharge has applied for the grant of a permit under rule 33 of the
Haryana Minor Mineral Concession , Stocking & Transportation of Minerals and
Prevention of Illegal Mining Rules, 2012, for disposal of _____ tonnes/
cubic meter _____ (name of minor minerals) from excavated/
removed from _____ (details of area).

2. The amount of due royalty on account of above said mineral amounting to
Rs. _____ has been paid in advance or shall be deposited by
the Executive Engineer Incharge into the Government head by
_____(date)

3. The permission is hereby granted for disposal of the mineral
_____ (name of minor minerals) tonnes/ cubic meter/ quintals
excavated/removed from the aforesaid area subject to the conditions that the
permit holder will abide by the safety guards for such excavation or removal.

4. The permit holder shall transport/disposed off the minor mineral from
the site of the excavation, only by issuing a Mineral Transit Pass.

The permission shall be valid up to _____.

Signatures _____

Designation _____

Form PIM 8

(see rule 56 (19))

Standard for permits for the grant of permission for disposal of newly discovered mineral found in the mineral concession area held by concession holder

Whereas Messrs _____ holding mineral concession (lease/contract) over an area of _____ hectares of land in village _____ tehsil _____ district _____ for the period from _____ to _____. The mineral concession holder has informed that during the course of mining operation for _____ (name of the mineral) already held on lease/contract a new mineral namely _____ has been discovered. The concession holder has applied for the grant of a short term permit under rule 56 (19) of the Haryana Minor Mineral Concession , Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, for disposal of _____ tonnes/ cubic meter/ quintals of _____ (name of minor minerals) excavated/to be excavated from _____ (details of area) incidental to mining of mineral already held on leave/contract .

The applicant has/ have paid Rs. _____ on account of advance royalty and security of Rs. _____ (50% of the amount of royalty) and Rs. _____ on account of Mines and Mineral Development Restroration and Rehabilitation Fund .

2. The permission is hereby granted for disposal of the mineral _____ (name of minor minerals) tonnes/ cubic meter/ quintals excavated/removed from the aforesaid area subject to the conditions that the permit holder will abide by the safety guards for such excavation or removal.

3. The permit holder shall transport/disposed off the ordinary clay/earth from the site of the excavation, only by issuing a Mineral Transit Pass issued under the provision of the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.

4. The amount of security deposit shall entail no interest.

5. The permit holder shall undertake mining operation strictly in accordance with the permissions granted for mining of mineral already granted on concession.

6. Any sum due from the permit holder shall be recovered from him as an arrear of land Revenue.

The permission shall be valid up to _____.

Signatures _____

Designation _____

Form MMP1

{See rule 28, 29 and 56(15)(i)}

**Monthly return for the Month of.....(to be furnished by the mining
lessee/contractor/permit holder**

1.	Name of the Mine		3.	Name and address of lessee.	
2.	Location of the Mine (a) Village. (b) District (c) State		4.	Name of Minor Mineral(s) for which lease has been granted	

Name of mineral(s)	Closing stock brought forward from the previous month (Tonnes)	Production during the month (Tonnes)	Dispatched during the month (in tonnes)				Closing stock (Tonnes)
5	6	7	8				9
			By truck	By Railway	By other means of transport	Total	

Average daily No. labourer of employees				Wages paid			
10				11			
Male	Female	Adolescent	Total	Male	Female	Adolescent	Total
6A	6B	6C	6D	7A	7B	7C	7D

Signature of the lessee/contractor/
permit holder or his authorized agent

Dated: -----

- N.B. (1) Please furnish on the reverse of this form reasons for rise or fall in production, dispatches and labour employed etc. as compared with the previous month.
- (2) Please send this report to :-
- (a) The Director of Mines and Geology, Haryana, Chandigarh.
- (b) The Mining Officer concerned by the 10th of the month following the month under report.

Form MMP2

{see rule 56(15)(ii)}

Annual return to be furnished by the mining lessee/contractor

Annual Statement of Minor Minerals obtained, labourer employed, etc. for the Financial Year ending _____ 20

Name of the lessee _____

Area of the Lease _____

Village _____

Tehsil _____

District _____

Name of the minor mineral	Output	Value	Average number of persons employed daily		
1	2	3	4		
			Male	Female	Total

Average No. of days worked	No. of accidents	Compensation paid Rs. P.	No. of days worked	Remarks
5	6	7	8	9

Signature of the lessee/contractor/
permit holder or his authorized agent

Dated: -----

N.B. This return is to be submitted by the 15th of April of each year for the preceding financial year i.e. from First of April to 31st March to the:-

- (a) Director Mines and Geology, Haryana.
- (b) Assistant Mining Engineer/ Assistant Geologist/ Mining Officer concerned.

Form MSE1

{See rule 56 (23)}

Notice for explosive etc. by the lessee

1.	Name of mine	
2.	Name of minor mineral(s) excavated	
3.	Situation of mine (village, Police Station, Sub Division, District,)	
4.	The date when works has first started.	
5.	Name and postal address of present owner (s)	
6.	Name and postal address of agent, if any.	
7.	Name and postal address of Manager, if any.	
	Age	
	Qualification	
	Experience in mining	
8.	Whether workings are likely to be extended below; superjacent ground.	
9.	Maximum depth of open cast excavation measured from its lowest point	
	Date when depth first exceeded six meters.	
10.	Nature, amount and kind of explosives used, if any.	
11.	Date when explosives were first used.	
12.	Date(s) on which the number of persons employed on any day exceeded 50.	

Signature of Owner/Agent/Manager

Dated _____

To be sent to:-

1. The Controller General, Indian Bureau of mines, Government of India, Nagpur;
2. The Chief Inspector to Mines, Govt. of India, Dhanbad;
3. The Director, Mines Safety, Govt. of India, Gaziabad;
4. The Regional Controller of Mines, Indian Bureau of mines, Dehradun;
5. The Director Mines & Geology, Haryana;
6. The District Magistrate of the District concerned; and
7. The Assistant Mining Engineer/Assistant Geologist/ Mining Officer of the District concerned

FORM MD-1

[See rule 84(1)]

Application for grant or renewal of Mineral Dealer's Licence

(To be submitted in duplicate)

Received at (place) on the day of
..... (month) (year).

From

.....
.....
.....

To

The Director,
Mines and Geology, Haryana, Chandigarh

Through

The Assistant Mining Engineer/ Assistant Geologist/ Mining Officer,
Mines and Geology Department,
District.....

Sir,

1. I/We request for the grant/renewal of Mineral Dealer's licence for the period from..... to
2. A sum of Rs. on account of application fee has been deposited vide challan No. dated at (place).
3. The required particulars are given below:-

i)	Name of the applicant with complete address.	
ii)	Status of the applicant[Individual/ Private company/Public company/Firm or Association] Specify.	

iii)	Profession or nature of business of applicant	
iv)	In case of renewal of Mineral Dealer licence, No. of the existing Mineral Dealer licence; Date of grant of last Mineral Dealer licence; and Date of expiry of Mineral Dealer licence.	
v)	Whether the applicant holds any Mineral concession/ Mineral Dealer licence in the State, if yes please furnish details of such mineral concession or Mineral Dealer licence	
vi)	Mineral/minerals or its products, for which the applicant intend to hold licence (Specify whether major or minor).	
vii)	Quantity of each mineral to be stocked during the year.	
viii)	Details of the land proposed to be used as stock yard or sale-depot where applicant intends to store or trade the mineral/minerals or its products along a) District : b) Tehsil : c) Village : d) Khasra Nos. : e) Extent of area :	
(ix)	Proof of ownership and possession of the land proposed to be used as stock yard/ sale depot (Where the land is not owned by the applicant, lease agreement of the land owner be attached)	
(x)	The area applied for should be marked on a Cadastral Plan or sketch plan drawn to scale, showing the location and extent of area with boundary marks to be used for the purpose of stack yard or processing unit and sales depot separately.	
(xi)	Details of the area from where mineral shall be procured.	
(xii)	Route/roads of mineral transportation from the source of mineral	
(xiii)	Any other details	

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details including security deposit etc. as may be required by you.

Place:

Signature of the applicant

Date:

Name :

Address:

.....

.....

FORM MD-2

[See rule 81(4)]

Acknowledgement of Application for Grant or Renewal of Mineral Dealer's Licence

Sr. No.

Date :

Received the application for the grant/renewal of Mineral Dealer's Licence with following enclosures from Shri/ M/s----- on for the mineral(s)/product(s)
.....

Enclosure :

Signature of receiving
Officer with seal of office

FORM MD-3

[See Rule 84(6)]

Register of applications for Mineral Dealer's Licence

1	Serial No	
2	Date of application of Licence	
3	Date of receipt of application	
4	Name of the applicant with full address	
5	Name of the mineral/product for which licence is applied for	
6	Village, Khasra No. and extent of the stocking area	
7	Quantity to be stocked in a year	
8	Period for which grant/renewal of licence is applied	
9	Application fee paid Details of Demand draft/challan No.....	Rs. Draft/Challan No..... date
10	Final disposal of the application together with number and date of the order	
11.	Signature of the Officer.	

FORM MD-4

[See Rule 85(5)]

Model Form for grant/ renewal of Mineral Dealer's Licence

GOVERNMENT OF HARYANA

DEPARTMENT OF MINES AND GEOLOGY

A Dealer's licence to stock, sell and exhibit for sale of mineral under Rule 9 of the Haryana State Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2011.

No.

Date

Mineral Dealer's licence is hereby granted under the Haryana Minor Mineral Concession , Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 in favour of Shri/ Smt./ M/s
..... to sell, stock and exhibit for sale the under mentioned following Mineral(s)/Product(s) at the stockyard indicated below for the period commencing from to

Mineral(s)/ Product(s)

1. (Specify whether Major or Minor).
2.
3.
4.

Location of Stockyard

District	
Tehsil	
Village	
Extent of area	
Detail of area (Khasra numbers)	

Quantity allowed to be stocked during the year(in MT)	
Period of licence granted	

The licence shall expire on -----.

CONDITIONS OF THE LICENCE

- (i) the Licensee shall keep accurate and faithful accounts showing the quantity and other particulars containing the particulars of the source and quantity of each the mineral/minerals and/or its products purchased/received and sold/dispatched from the stockyard in the register prescribed for the purpose in form MD-6 and stock register in form MD-7
- (ii) the Licensee shall submit monthly returns to the mining officer in charge of the districtand the Director or officer authorised by him form MD-8 by 10th of the following month.
- (iii) the Licensee shall issue Mineral Transit Pass for every carrier transporting the mineral or its products for every trip from the stockyard.
- (iv) The Licensee shall allow any authorized person to -
 - (a) Enter and inspect the stockyard including mineral processing unit, if any, building, office or any relevant premises ;
 - (b) Survey, weigh, measure or take measurements of the stocks of mineral/minerals and/or its products lying at the stockyards;
 - (c) Examine any documents, books , registers or relevant record in the possession of the licensee or any other person having the control thereof or connected therewith and take extracts from or make copies of such documents, books, registers or record;
 - (d) Examine the Licensee or any person having the control thereof or connected there with;
 - (e) Collect any other relevant information;
 - (f) Collect samples of any mineral/minerals and /or its products.

- (v) The Licensee shall display the licence prominently at the stockyard or at his/her normal place of business. If at any time the Licence granted under these rules is lost or destroyed, the Licensee shall forthwith report the fact to the Licensing Authority.
- (vi) The licensee shall bounden the stock yard with boundary wall or fence the same and shall maintain one entry point and one exit point.
- (vii) The Licensee shall comply with the provisions of the Mines and Minerals(Development and Regulation) Act, 1957 and the Haryana Minor Mineral Concession, Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 and all orders issued by the State Government from time to time.
- (viii) In case of non compliance/default/breach of any of the conditions of the grant or any provisions, the Director or an officer authorise by him may suspend or seize or cancel the licence in accordance with the provisions of the chapter 14 of the Haryana Minor Mineral Concession, Stocking & Transportation of Minerals and Prevention of Illegal Mining Rules, 2012

Seal of the Licensing Authority

Signature of the Licensing Authority

FORM MD-5

(See Rule 88)

Register of Mineral Dealer's Licence

(To be maintained separately for major and minor minerals)

1.	Serial Number	
2.	Name of the Licensee	
3.	Full Address	
4.	Name of Mineral(s) /Product(s)	
5.	Location of stockyard District : Tehsil : Village : Khasra Number : Extent of area :	
6.	Number and date of Grant/Renewal of Licence	
7.	Period of Licence	
8.	Remarks	
9.	Signature of the Officer	

FORM MD-6

{See Rule 91(i)}

**Register having details of purchase and sales of the mineral to be maintained by the
Mineral Dealer Licensee Dealer**

(To be maintained separately of each mineral)

Name of Dealer :

Location of the stock :

Licence Number :

Name of mineral :

PURCHASE

Date	Serial number of Transit Pass vide which mineral purchased	Quantity of each purchase (in MT/ CFT)/ Transit Pass	Total purchase (MT/CBM)	Name of the lessee/ contractor from whom the mineral(s) purchased	Location of source (mine/ quarry) of purchase
1	2	3	4	5	6

SALE

Serial Number of Mineral Transit Pass issued for each sale	Quantity of each sale/ (in MT/ CFT)/ Transit Pass	Rate (in Rs.) of sale per MT/ CFT	Name and address of the consignee	Purchase price paid	Sale price realized
7	8	9	10	11	12

FORM MD-7

[See Rule 90(ii)]

Stock Register to be maintained by a Mineral Dealer

1.	Name and address of holder of licence	
2.	Licence Number	
3.	Location of stockyard	
4.	Name of Mineral(s)/Product (a) Date (b) Opening balance (in tonne/cubic feet) (c) Quantity of mineral purchased (in tonne/cubic feet) (d) Total Stock (b+c) (e) Quantity of Mineral dispatched from stockyard(in tones/cubic meter) (f) Closing stock (in tonne/cubic feet) (d-e) (g) Initial of the dealer	

FORM MD-8

(See Rule 91)

Monthly return to be submitted by Mineral Dealer Licensee

Return for the Month of

(To be furnished by 7th of every month)

1.	Name of the Mineral dealer Licensee	
2.	Address of the Mineral dealer Licensee	
3.	Number of Mineral dealer Licence	
4.	Period of Mineral dealer Licenceto
5.	Location of stockyard	
6.	Name of Mineral(s) for which licence is granted	
(a)	Name of Mineral	
(b)	Opening stock (in metric tonne/cubic feet)	
(c)	Quantity of mineral received/ purchase (in metric tonne/cubic feet)	
(d)	Total stock in the stockyard (in metric tonne/cubic feet)	
(e)	Quantity of Mineral dispatched during the month (in metric tonne/cubic feet)	
(f)	Transit passes used during the month i) Book Number : ii) Serial Number :	
(g)	Balance of stock at the end of the month (in tonne/cubic feet)	

Date :

Place :

Signature of Licensee

FORM TP-1

(See Rule 100)

Application for Mineral Transport Permit

1.	Name and address of the applicant	
2.	Type of vehicle	
3.	Registration Number of vehicle	
4.	Period for which Mineral Transit Permit is required	
5.	Fee paid (as per Sixth Schedule of these rules)	
6.	Whether mineral is to be transported within the State or outside the State	
7.	Any other information	

Place :

Signatures of the Registered

Dated :

Owner of the vehicle

Form TP-2
{See rule 100(2)}

Model form for grant of Mineral Transport Permit

No.

Dated

It is certified that the vehicle no. (full registration number and type of the vehicle) owned by Shri (name with full address of the registered owner of the vehicle) is granted Mineral Transport Permit to transport mineral in the State of Haryana.

A fee amounting to Rs./- (Rs.) has been paid by the Mineral Transport Permit holder.

The permission shall be valid upto

Signatures of the issuing authority with seal

Y.S.Malik,
Financial Commissioner and Principal Secretary
to Government Haryana, Mines and Geology
Department.