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Himachal Pradesh Mineral Policy, 2013

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Government of Himachal Pradesh
Department of Industries

No. Ind-II(F)6-18/2013

Dated: Shimla-2, the 24th August, 2013.

NOTIFICATION

In supersession of all previous notifications issued on the subject, the Governor, Himachal Pradesh is pleased to notify Himachal Pradesh Mineral Policy-2013 for regulation of mines and minerals in Himachal Pradesh as per enclosed **Annexure-1** with immediate effect.

By order

Encls: As above.

Principal Secretary (Inds.) to the
Government of Himachal Pradesh.

Endst. No. As above

Dated: 24th August, 2013.

Copy to the following for information and necessary action:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. The Addl. Secretary (GAD) to the Government of Himachal Pradesh.
3. The Director of Industries, Himachal Pradesh, Shimla-1.
4. All the Deputy Commissioners in Himachal Pradesh.
5. The State Geologist, Himachal Pradesh, Shimla-1.
6. All the General Managers, District Industries Centres, in Himachal Pradesh.
7. All the Mining Officers in Himachal Pradesh.
8. The Controller, Printing and Stationery, HP for publication in HP Rajpatra (Extra-Ordinary).
9. Guard file.

Deputy Secretary (Inds.) to the
Government of Himachal Pradesh.

HIMACHAL PRADESH MINERAL POLICY-2013**1. INTRODUCTION**

Minerals are non-renewable natural resources essential for mankind and backbone of economic growth of any country. The progressive industrialization and infrastructural activities has led to increased demand and resulting in large scale production of minerals. Although mining and quarrying have been age old practices in Himachal from palaeolithic age as evidenced by the ancient temples and monuments and old workings for metallic minerals reported in Chamba, Kullu and Shimla Districts. But there is no large scale mining activity in Himachal as in some other parts of the country as the State is not a mineral rich State. Almost all the mines are open cast and limited in aerial extent. The important mines of major mineral in the State are limestone, baryte, Silica boulders, quartzite and rocksalt and the important are building stones, slates, clay, sand etc. The mining activities in Himachal Pradesh can basically be categorized under large sector and in small sector. The large sector comprises of major limestone projects for cement manufacture and the small mining sector comprises mining of minor minerals like sand, stone, bajri, slates, shale, clay etc. which are basically building material required to meet the infra-structural development of the state.

2. GEOLOGICAL CONTEXT

The State of Himachal Pradesh sprawls over an area of 55,673 Sq. Kms. and is fenced by N latitudes 30° 20' and 33° 15' and E longitudes 75° 45' and 79° 00'. Essentially being a hilly terrain, the State of Himachal Pradesh displays prominent features characterized by lofty mountain ranges incised by deeply dissected valleys carved out in slopes of various descriptions. The elevation above mean sea level varies from 320m in Una District, to 6975 m at Leo Pargil Peak of Kinnaur District. Physiographically, the State can be divided into five distinct parallel zones, from south to north, these are:

- I. **Alluvial Plain:-** A limited zone of nearly flat plain developed at the foot hills of Siwalik Range with an average altitude of 375m.
- II. **Siwalik Foothills:-** It is also known as Sub-Himalaya separating the State from the plains of Punjab and Haryana having 8 km -50 km wide zone, with altitude ranging from 345m to 1500m.
- III. **Lesser Himalayan Zone:-** It is a 65km to 80km wide zone between Sub-Himalaya and Central Himalaya. The altitude of this zone rarely exceeds 3000m.

IV. **Central Himalayan/Great Himalayan Zone:-** It comprises a zone of snow-capped peaks ranging in height from 4000m to 5000m.

V. **Trans Himalayan/Higher Himalayan Zone:-** It is mainly a rain shadow area, having an average width of 40km and height varying from 3000m to 6000m.

Geologically Himachal Pradesh is covered by rocks ranging in age from Pre-Cambrian to Recent. The natural order of super position of rocks in the lesser Himalayas has been disrupted by thrust tectonic. The general stratigraphic succession of the rocks exposed in the State along with the Geological map are as given at figure 1.

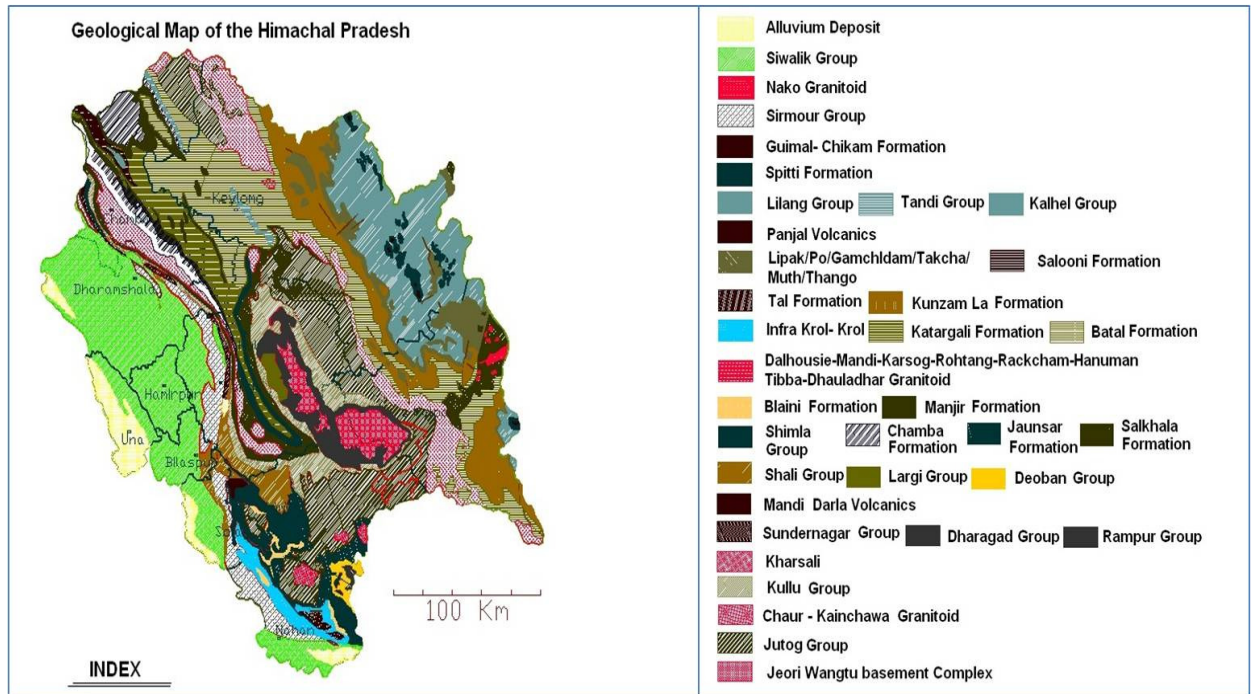


Figure 1 showing general stratigraphic succession of rocks

3. MINERAL RESOURCES

Except for minerals limestone and to some extent Gypsum, Magnesite, Barytes, Rocksalt, Silica boulders and Quartzite, no other major mineral, which can scientifically be exploited are reported in the State. The district wise details of limestone deposits in the State are as given below (Table-I).

District wise details of Limestone Reserve (In Million tones)

District	Proved	Probable	Possible	Total
Bilaspur	270.00	150.00	500.00	1020.00
Chamba	400.00	850.00		1250.00
Kangra	10.00			10.00
Kullu			20.00	20.00
Mandi	500	20.00	600.00	1120.00
Sirmour	150.00	200.00	60.00	410.00
Shimla		50.00	1600.00	1650.00
Solan	550.00	100.00	1000.00	1650.00
Lahaul & Spiti			500.00	500
Total	1980.00	1370.00	5280.00	8630.00

Based on these deposits, four cement plants i.e. One in District Bilaspur (M/s ACC Ltd.), two in District Solan (M/s Gujarat Ambuja and M/s J.P. Industries) and one in District Sirmour (M/s CCI Ltd.) are already in operation with total installed capacity of about 9.06 million metric tones of cement per annum. In addition a proposal for setting up of four cement plants with total proposed capacity of about 8.0 million tonnes is in the pipeline. Besides above, a lease has been granted to M/s NMDC for mining of LD grade limestone to be used in Steel Plants at Arki in Distt. Solan.

Commercially exploitable minerals found in various districts of the state are as under :-

District	Exploitable Minerals
Bilaspur	Limestone, dolomitic limestone, shale, brick earth, minor minerals like sand, stone & bajri
Kangra	Roofing slate, brick earth, minor minerals like sand, stone & bajri
Chamba	Limestone, roofing slate, magnesite & minor minerals like sand, stone & bajri
Kinnaur	Gypsum & minor minerals like sand, stone & bajri
Kullu	Roofing slate, quartzite crystal, mineral water, semi precious stones & minor minerals like sand, stone & bajri

Lahaul & Spiti	Antimony-ore, gypsum & minor minerals like sand, stone & bajri
Solan	Lime stone, dolomitic limestone, shale, building stone & minor minerals like sand, stone & bajri
Una	Silica boulders & minor minerals like sand, stone & bajri
Mandi	Lime stone, rock salt, & minor minerals like sand, stone & bajri
Hamirpur	minor minerals like sand, stone & bajri
Shimla	Limestone, shale, quartzite & minor minerals like sand, stone & bajri
Sirmour	Limestone, barites, gypsum, shale, quartzite & minor minerals like sand, stone & bajri

Production and Value of Minerals

The production and value of minerals in Himachal Pradesh during last 3 years is as given below:

Name of Minerals	2009-10		2010-11		2011-12	
	Production (000 MT)	Value (In lakh)	Production (000 MT)	Value (In lakh)	Production (000 MT)	Value (In lakh)
Limestone	7247	7788	11307	11307	12519	13145
Baryte	0.03	0.7	-	-	-	-
Shale	655	230	1516	606	1629	652
Cut stone	78	72	32	29	31	29
Bajri	998	948	1039	987	1313	1248
Sand	1676	1592	1871	1777	1650	1568
Boulders	1684	1600	2296	2181	3043	2891
Rock Salt	2	33	2	21	-	-
Slates	9	184	6	122	22	460
Silica sand	9	16	12	21	18	32
Aggregate	2694	5119	2098	3986	1969	1870
Limestone	218	348	166	166		

Rough stone	5110	1789	3889	1361	2624	918
Clay	768	115	240	24	1079	108
Total	21148.03	19834.7	24474	22588	25897	22921

Based on the minerals available in the State, about 300 stone crushers, more than 100 lime based units like poultry feed, limestone powder, calcium carbonate, hydrated lime etc, about 15 stone cutting and hollow blocks and about 5 mini cement plants have been set up in the State . This sector has provided direct employment to more than 12,500 persons and indirect employment to more than 45,000 persons.

Royalty from Minerals

The details of royalty realized by the State from 2000-01 to 2012-13 are given below:

Year	Total Royalty (in Cr.)	Major Mineral	Minor Mineral
		(i.e limestone, Barytes, Shale, Quartzite, Silica Sand)	(i.e Building Stone, sand, Stone and Bazri, Shale, Slate)
2000-01	10.68	8.36	2.32
2001-02	31.68	28.21	3.47
2002-03	34.00	27.78	6.22
2003-04	36.84	30.24	6.6
2004-05	38.42	32.17	6.25
2005-06	42.90	33.82	9.08
2006-07	48.41	34.17	14.24
2007-08	60.33	40.16	20.17
2008-09	75.87	44.18	31.69
2009-10	85.09	46.52	38.57
2010-11	113.84	73.15	40.69
2011-12	120.12	79.82	40.3
2012-13	147.90	84.36	63.54

4. Existing Acts & Rules

The following Acts & Rules are in operation to regulate mining activities in the State :-

1. Mines & Mineral (Development and Regulation), Act 1957
2. Mineral Concession Rules, 1960
3. Mineral Conservation & Development Rules , 1988
4. The Mines Rules, 1952 and the Indian Metalliferous Mines Regulation, 1961
5. H.P. Minor Minerals (Concession) Revised, Rules 1971
6. The Himachal Pradesh Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2004 notified on 11-8-04.

5. Policy Guidelines as on date:

The Government of Himachal Pradesh had earlier formulated the Mining Policy in the year 1986 which was later modified in the year 1998. Further the State Government formulated the River/Stream Bed Mining Policy Guidelines – 2004, with an objective to ensure scientific and systematic mining and laid down the safeguards to be taken during mining for protection of public and private property. In this policy the concept of preparation of Working-cum-Environment Management Plan was introduced for minor minerals. In addition to above, the Govt. has also notified the Policy Guideline for Registration, Location & Installation & working of Stone Crusher in the State of H.P. on 11/8/2004. In addition Govt. of India has issued National Mineral policy-2008 for guidance & regulation of minerals in the country.

6. Need of New Mineral policy for the State of Himachal Pradesh

Significant changes have taken place in the knowledge of mineral deposits, legal regime governing mineral development and the long term perspective set in the National Mineral Policy, 2008. Thus taking into consideration, the hilly terrain of Himachal Pradesh where mining considerations are different as compared to the plains, ecological and environmental problems particular to the State, and to meet the growing demand of minerals, there is a need to formulate a well defined Mineral Policy to meet the present challenges for the State of Himachal Pradesh.

6.1 Objectives of the New Mineral Policy-2013

- a. To explore mineral wealth of the State by adopting modern exploration techniques.

- b. To exploit mineral deposit by promoting adoption of mechanized and scientific mining with due regard to the conservation of mineral, mine safety and environmental aspect.
- c. Value addition through promotion of processing units and mineral based industries in the State.
- d. To increase the employment opportunity in the mining sector, particularly in the interior/remote areas of the state.
- e. To take effective measures for checking unauthorized mining and leakage of revenue.
- f. To simplify and adequately modify Himachal Pradesh Minor Mineral (Concession) Revised, Rules, 1971.
- g. To adhere to the guidelines issued by the Ministry of Environment and Forest (MOEF), Government of India, for exploitation of minor minerals.

7. Features of the Policy

For regulating the mining activities in River/ Streambeds, policy parameters/ guidelines have been formulated, which are at **Annexure-A**. Similarly Stone Crushers set up in the State shall be regulated by the Policy Guidelines for Registration Location, Installation & Working of Stone Crushers in H.P. annexed as **Annexure-B**, which also include regulations for Hill slope mining. The features of the new Policy are as under:-

7.1 Mineral exploration

Geological Survey of India (GSI) and Geological Wing of the State are the two main agencies which carry out survey and exploration of minerals in the State apart from other organizations, like Oil & Natural Gas Commission (ONGC) Atomic Mineral Directorate (AMD) etc., which undertakes exploration for specific minerals. This activity will be further continued and streamlined to discover new mineral deposits particularly the deposits of building stone and sand over hill slopes to discourage the river/stream bed mining activities. Private entrepreneurs possessing such technology will be engaged for prospecting of new mineral deposits through the process of out sourcing. The State Geological Programming Board shall prioritise the mineral exploration projects and shall finalize the annual programme to maximize the benefits for the State.

7.2. Mineral Administration

a. Joint Inspection Committee

While processing the application for grant of mining lease the area applied for mining lease shall be inspected by a Committee, comprising of following members: -

- | | |
|---|------------------|
| 1. Sub -Divisional Officer (C) | Chairman |
| 2. Assistant Conservator of Forest/Range Officer | Member |
| 3. Representative of H.P. State Pollution Control Board
(Not below the rank of Jr. Engineer) | Member |
| 4. Executive Engineer PWD or his representative
(Not below the rank of Asstt. Engineer) | Member |
| 5. Executive Engineer IPH or his representative
(Not below the rank of Asstt. Engineer) | Member |
| 6. Mining Officer | Member Secretary |

Joint inspection shall be conducted by at least three members viz Chairman, Assistant Conservator of Forest/Range Forest Officer and Mining Officer on the prescribed checklist. Other members may issue separate No Objection certificate (NOC) as per the checklist. The Chairman may co-opt any other member in the said Committee.

- b.** The site for setting up the stone crusher shall be appraised and approved by a Joint Inspection Committee as mentioned above at Clause 7.2(a). For this purpose, representative of Department of Tourism & Executive Engineer, H.P. SEB or his representative not below the rank of Assistant engineer shall be the additional Members of the aforesaid Committee.

7.2.1 The priority for mineral concessions shall be given to Government Department i.e. PWD and IP&H etc. if mineral is required for Departmental bonafide use by engaging Departmental labour.

7.2.2 The priority for mining quarries shall be given to the projects of National and State interest.

7.2.3 Priority will be given to the applicants who proposes establishment of industries for value addition within the vicinity of the mineral bearing areas.

7.2.4 Stone crushers for the purpose of Hydel Project and road constructions shall be allowed to be installed and mineral material generated during developmental activities in road construction & Hydel projects and also muck generated during construction of tunnel shall be allowed to be utilized by such stone crushers.

7.2.5 Keeping in view the growing shortage of labour as well as to check the misuse of mechanical excavator like JCBs, Poclain etc. for mining activities, mining in river beds may be permitted with the help of Tyre Mounted Excavator upto 80 HP for which a security amount for due observance of terms and conditions shall be fixed by the Govt. from time to time. However in Hill Slope Mining the lease holder may use any type of excavator.

7.3 Grant of permit for stone/slate

The breaking of scattered stones/slates in less than 1 hectare area in any private land will not be treated as mining activity. For extraction of stone/slate, permit shall be given by the Director or any Officer authorized by him in this behalf for the quantity not exceeding 200 metric tonnes per month after charging advance royalty for such period as may be considered appropriate but not more than six months at a time on the recommendation of the Joint Inspection Committee constituted for this purpose. The permit shall be granted by the Director or any other Officer authorized by him in this behalf in accordance with the prescribed procedure and laid down criteria considered necessary for the protection of environment & ecology of the area. This permit may be further renewed subject to the availability of material and fulfillment of conditions and the total period for such permit shall not exceed three years.

7.4 Grant of permit for removal of sand

For channelization of rivers/ streams to protect bank erosion, the removal of over accumulated sand from the lands which have become uncultivable due to river capturing may be allowed upto one meter depth in any private land in an area not more than one hectare on permit to the land owner for open sale where the component of sand is not less than 90% and this activity shall be regulated in accordance with the general conditions of River/Stream Bed Mining Policy Guidelines for the State of Himachal Pradesh. This process of extraction of sand from such points of the river bed will help the channelization and reduce the bank erosion. The permit shall be granted on the recommendations of Joint Inspection Committee constituted for this purpose in accordance with the prescribed procedure & laid down criteria considered necessary for protection of environment & ecology by the Director or any Officer authorized by him in

this behalf. This permit may be further renewed subject to the availability of material and fulfillment of conditions and the total period for such permit shall not exceed three years.

***Note.** Held in abeyance due to National Green Tribunal order dated 5.8.2013.

7.5 Exemption of Working-cum-Environment Management Plan for the extraction of brick earth and ordinary clay categorized “B2” by Ministry of Environment and Forest (MOEF) in office memorandum dated 24/6/2013.

The activities of burrowing/excavation of brick earth and ordinary clay upto an area of less than five hectares has been categorized under “B2” category by the Ministry of Environmental and Forest (MOEF) for the purpose of environment clearance vide office memorandum dated 24/6/2013. The preparation of working –cum- environment management plan shall be exempted for the aforesaid category of mining leases, however the site-cum contour plan with brief geological description indicating the quantity of brick earth or ordinary clay available in the mining lease area shall be submitted through the Registered Qualified Person (RQP) and mining lease may be granted upto Five Years by the Director of Industries. The applied for area/areas for mining lease should be within a radius of five Kilometers and the total area/areas should be less than 5 hectare. The mining leases of Brick Kilns shall be regulated as per the conditions given in the Office Memorandum of Ministry of Environmental and Forest (MOEF) for the purpose of environment clearance vide office memorandum dated 24/6/2013 or as may be prescribed from time to time.

7.6. Permission for disposal of Mineral generated other than the mining activities

To meet the growing demand of construction material, permission for use of minerals/material generated during the developmental activities like de-silting of reservoir, development of educational plots, development of land for dwelling purpose, development of industrial plots, excavation of fisheries ponds and other development activities may be given by the Department for utilization in the existing stone crushers. The permission may be granted by the Director or any officer authorized by him in this behalf after charging advance royalty for transportation/use of mineral in the existing stone crushers.

The permission to dispose off the extracted/generated material only during aforesaid development activities may be granted by the Department after due verification of extracted/ generated stock by the Committee constituted for this purpose.

The permission shall be subject to conditions as may be imposed by the granting authority.

7.7 Permits for bonafide use

Permit for the mining of sand, stone and bazri may be granted for bonfide consumption for the construction of house as per existing Rule 3 (ii) of H.P Minor Mineral (Concession) Revised Rules, 1971. For the said purpose power to issue the permit shall also be delegated to the Mining Inspector/Assistant Mining Inspector.

8. Consent/opinion of Panchayati Raj Institutions

- a. The opinion /consent of concerned Gram Panchayat in the shape of resolution along with the copy of the proceeding register shall be taken for consideration while granting mining lease and permission of installation of stone crusher. It shall be incumbent upon the Gram Panchayat to issue its opinion/consent or convey refusal within a period of three months failing which it shall be construed that Gram Panchayat has no objection. In case of refusal of grant of consent or raising any objection by the concerned Gram Panchayat, it shall be supported by sufficient reasons for such refusal/objection. The objection shall be reviewed/ decided by the authority higher to the granting authority in the Department after taking input/opinion from the line Department.
- b. Copy of the grant order of mining lease and provisional registration of stone crusher shall be provided to the concerned Gram Panchayat for information.

9. Systematic and Scientific Mining

- (a) In rule 21(4) of the H.P. Minor Mineral (Concession) Revised Rules-1971 containing the provision for preparation and approval of Working cum Environmental Management Plan (WEMP), the provisions of Progressive Mine closure plan, Final Mine closure plan, financial assurance for the satisfactory compliance of the provisions contained in the mine closure plan and possible precautions to be taken for the protection of environment and control of pollution shall be made in consonance with the guidelines circulated by the Ministry of Mines & Environment (MOEF) for mining of minor minerals including the river bed mining and the draft rules circulated by the Indian Bureau of Mines pertaining to minor minerals (Conservation and Development) Rule-2010.
- (b) For proper implementation of proposals made in the mining plan and to ensure scientific mining, the leaseholder will appoint technical person with minimum experience of twenty years rendered in the supervising capacity of mining. One such person shall not engage himself for more than 10 lease or 100 Hect of lease area whichever is less.

10. Steps to check illegal mining

10.1 Illegal mining leads to unscientific & haphazard mining, therefore, emphasis has to be given to check the menace of illegal mining. It has been noticed that illegal mining mostly takes place on Govt. lands largely belonging to Revenue & Forest Department. Henceforth there is a need for action by the custodian Departments of such land from where this material is sourced. It would be the responsibility of such Department/custodian of such land to promptly initiate action to prevent illegal mining for which they have adequately been empowered under relevant act/statutes.

10.2 It shall be incumbent on the concerned Department whose public property is damaged or caused to be damaged by illegal mining to file First Information Report (FIR) with Police for damaging public property besides filing case of illegal extraction in the competent court of law.

10.3 In case any working stone crusher registered as such on enquiry is found to be involved violating any of the conditions prescribed at the time of approval/registration of such unit may be imposed a penalty/fine to be prescribed under the rules. Subsequent violation if any would be dealt with severely and attract besides penal provision stringent action which may include disconnection of electricity or de-registration of unit and cancellation of lease/working permit etc. Similar provision shall be made for the stone crushing unit being run on DG Sets.

10.4 The finished product i.e. grit, sand etc. shall also be transported with color coded M-Form / transit pass issued by the concerned Mining Office.

10.5 In order to check the misuse of "M" Form the system for its issue shall be reviewed and modernized by adopting Bar Coding and to make it more scientific, transparent and accountable.

10.6 The unauthorized mineral material seized during checking/ raids shall be put to auction within a period not exceeding one month by the Committee comprising of the following:-

1- Sub Divisional Magistrate	Chairman
2- Deputy Superintendent of Police	Member
3- Assistant Conservator of Forest / Range officer	Member

This Committee shall follow the prescribed procedure and the Chairman can co-opt any

other member for this purpose.

10.7 To encourage public participation and create public awareness about the ill effect of illegal mining on the environment & ecology frequent interaction with the Public representatives and opinion makers at local level shall be actively encouraged.

10.8 The mineral concession holder will fix sign board at the conspicuous prominent place near concession area depicting all relevant details of mining lease like area, period of permission, purpose of lease etc. for the information of general public. People including mining lessee will be encouraged to report cases of any illegal mining to concerned Mining Officer and other authorized Officers for taking appropriate action as per Law.

10.9 To review the complaints relating to illegal mining a dedicated toll free number shall be installed/ activated in the office of State Geologist.

10.10 Regular review of illegal mining activities and action taken to stop them shall also form part of agenda of meeting taken by the Deputy Commissioner on quarterly basis and report to this effect shall be submitted to the Director of Industries/Government regularly.

10.11 Periodic interaction between the lease holder and Department will be organized to redress the problems/issues of the mining industry.

10.12 A comprehensive review of the manpower needs of the Department will be undertaken to ensure that adequately trained manpower at all levels is provided for scientific exploration of minerals in the State & to check the menace of illegal mining effectively.

Note: *These policy guidelines are to be read with the statutory provisions in the relevant Acts & Rules, directions from the Hon'ble Courts from time to time and may be amended/ changed by the competent authority.*

Annexure-A

River/Stream Bed Mining Policy Guidelines for the State of Himachal Pradesh

1.Key element

- *Crushed stone, gravel and sand are one of the largest non-fuel mineral commodities by tonnage produced in Himachal Pradesh, supplying some of the most important construction materials. Further, average unit value of crushed stone, sand and gravel is one of the lowest of all mineral commodities.*
- *This production of aggregate in a particular area is a function of the availability of natural resources, the size of population, the economy of the area and various developmental and infrastructural works being undertaken in the area like road construction, hydro-electric projects etc. Further, being a low- value, high-volume mineral commodity, the prices are dramatically affected by transportation distances. If the distances increase, the transportation cost may increase much more than the cost of the aggregates.*
- *A stable river is able to consistently transport the flow of sediments produced by watershed such that its dimensions (width and depth) pattern and vertical profile are maintained without aggrading (building up) or degrading (scouring down)*
- *The amount of boulders, cobbles, pebbles and sand deposited in riverbed equals to the amount delivered to the river from watershed and from bank erosion minus amount transported downstream each year.*

2. Concern

The Himalayas and its foothills are a treasure house of the minerals being exploited by human beings since times immemorial. With the advent of society, the methods of the extraction of the minerals became more and more mechanized which resulted in extraction of the minerals at a pace much faster than the pace at which the nature could meet itself with such a situation to recover from the onslaughts of human beings. It brought into sharp focus the conflict between development and conservation, which served to emphasize the need for reconciling the two into the larger interest of the society

3. Vision

In Future River bed mining will be allowed in environmental friendly manner:-

- It has become clear that short- term benefits must be weighted and balanced against the resulting long-term effect of resource depletion and decline in the state of the environment. This has arisen from :-
 - Increasing evidence of potential problems from over- extraction of river/stream beds, and
 - The community increasing demand on and expectation of , the river system

Therefore, in future Riverbed mining should be based on the principle of sustainable development.

4. Policy Statement

The State of Himachal Pradesh through the implementation of State Policy on River /stream bed mining, wishes: -

- to support an appropriate and environmental friendly utilization of natural resources of the rivers;
- to contribute to the conservation of the beauty and cleanliness of the rivers of Himachal Pradesh;
- to minimize the risk of channel erosion and the subsequent damage to private and governmental property.

5. Principles

- River natural resources must be utilized for the benefit of the present and future generation;
- It is the responsibility of all sectors to maintain the river resources of the state and to ensure that it is prudently managed and developed;
- Awareness is essential for ensuring the protection of river natural resources and for the proper utilization of riverbed material.

6. Objectives

To ensure

- Scientific and systematic mining;
- Conservation of minerals;
- Protection of environment and ecology;
- Proper replenishment of River beds;

- ❑ Proper protection of River banks;
- ❑ Protection of soil erosion;
- ❑ Protection of bridges and other structure etc;and
- ❑ Checking of illegal mining.

7. District Level River/Stream Bed Mining Action Plan

The action plan for River/Stream bed mining shall be based on a survey document of the existing river/stream bed mining in each district and also to access its direct and indirect benefits and identification of the potential threats to the individual rivers/streams in the state.

This survey shall be conducted by Geological Wing, Department of Industries, Himachal Pradesh and shall contain:-

1. District-wise details of Rivers/Streams/Khallas; and
2. District-wise details of existing mining leases/contracts in River/Stream/Khalla beds.

Based on this survey, the action plan shall divide the rivers/streams of the state into the following two categories:-

- I. Rivers/streams or the River/Stream sections selected for extraction of minor minerals.
- II. Rivers/streams or the River/Stream sections prohibited for extraction of minor minerals.

8. Extraction of minor minerals to be done in selected rivers/streams or the river/stream sections:

8.1 Based on the action plan as mentioned the lease / contract shall be granted as per Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971 and by following the procedures as mentioned in the policy.

8.2 Extreme care and caution shall be taken to identify mining area in the perennial river/streams so as to avoid mining activities in these areas.

8.3 Permission for the extraction of sand, stone and bajri for open/free sale in the River/Stream Beds falling in the Government land shall be granted through auction/tender whereas mining lease for the same purpose shall be granted only in private land.

Provided that neither auction shall be done nor mining lease for open sale of mineral shall be granted in border areas like Nalagarh Sub-Division and Kasauli Tehsil of District Solan, where there are chances of over exploitation of River/Stream beds and illegal transportation of mineral outside the State. Other border areas shall also be included on the basis of study to be conducted.

8.4 Leases for free sale upto area measuring 5 hectare for a period upto 5 years in areas oother than as specified in para 9.2 above shall be

granted in private land subject to the condition that no boulders/cobbles/hand broken road ballast shall be allowed to be transported outside the State”

8.5 Priority shall be given to Government Departments i.e PWD, IPH etc if mineral is required for departmental bonafide use, by engaging departmental labour.

9 Prohibition of specific Rivers/Streams or the River/Stream section for extraction of minor minerals

Based on the action plan as mentioned para 7 above, in specific Rivers/streams or the river/stream section will be prohibited (and/or phased out if ongoing activities exists) in specific environment sensitive Rivers/Streams or the River/Stream sections.

River bed mining in the prohibited areas will only be allowed for activities related to specific purpose such as flood mitigation, water supply or river rehabilitation. In such cases permission shall be given subject to the recommendations of the Sub- Divisional Committees constituted for the purpose, after technical satisfaction that such permission shall not have any adverse effect if mining is undertaken for specific period.

10 Mining in River/Stream beds shall be subject to following general conditions in addition to Site specific conditions as specified by the Committee constituted for the purpose

- i. No River/Stream bed mining shall be allowed without the recommendations of the Sub-Divisional Level Committee.
- ii. No River/Stream bed mining shall be allowed without getting clearance under Forest Conservation Act, 1980 if the area attracts the provisions of FCA. 1980.
- iii. No River/Stream bed mining shall be allowed within 75 meters from the periphery of soil conservation works, nursery plantation, check dams or within the distance as recommended by the Sub-Divisional Committee, which ever is more.
- iv. No River/Stream bed mining shall be allowed within 1/10th of its span or 5 meters, which ever is more from the bank or as specified by the Sub-Divisional Committee.
- v. No River/Stream bed mining shall be allowed within 200 meters upstream and downstream of Water Supply Scheme or the distance as specified by the Sub- Divisional Committee which ever is more.

- vi. No River/Stream bed mining shall be allowed within 200 meters upstream and 200 to 500 meters downstream of bridges depending upon the site-specific conditions.
- vii. No approach road from PWD road shall be allowed to River/Stream beds mining, unless lessee/contractor obtains written permission from Executive Engineer PWD for making road leading to all intake places from the PWD Roads.
- viii. No boulder/cobbles/hand broken road ballast shall be allowed to be transported outside the state from River/Stream beds, so as to reduce pressure on the River/Stream beds.
- ix. No digging of more than 1 meter shall be allowed in River/Stream beds.
- x. Every leaseholder shall supply in advance, the Registration Numbers of vehicles engaged in transportation of mineral from mining area to his industrial unit. This would ensure checking of illegal vehicles carrying minerals.
- xi. Every lessee/contractor shall ensure that his labour does not involve in fish poaching.
- xii. No blasting shall be allowed in river/stream beds.

11. Auctions

- 11.1 On the basis of district survey document, the feasibility of working in a particular river/stream bed shall be made by the Geological Wing with respect to mineral, geology, phsiography, soil/ bank erosion etc.**
- 11.2** Based on this, Survey Document the Mining Officer shall put up the proposal for auction of River/Stream/Khalla beds to the Joint Inspection Committee for its approval
- 11.3** The above Committee shall study the entire River/Stream beds considering all aspects of the policy.
- 11.4** The Committee shall also look into the aspect as to whether the riverbed can be auctioned with respect to proper replenishment or it requires some more time for replenishment with respect to the area so it could be left vacant.
- 11.5** After recommendations of the Committee, the area may be put to public auction for five years subject to conditions that every contractor in whose favour the bid is accepted by the competent authority as per H.P. Minor

Minerals (Concession) Revised Rules 1971, shall work as per the general conditions of the policy as well as per the site specific conditions imposed in the feasibility report and by the Sub-Divisional Committee.

- 11.6 The Sub- Divisional Committee shall review the working of each river bed annually.
- 11.7 The security deposited by the contractor under rule 30(2)(iv) of H.P. Minor Mineral (Concession) Revised Rules, 1971, shall stand forfeited if workings are not done as per the conditions of auction.

Annexure-B

POLICY GUIDELINES FOR REGISTRATION, LOCATION, INSTALLATION AND WORKING OF STONE CRUSHERS INCLUDING HILL SLOPE MINING IN HIMACHAL PRADESH

The following Policy guidelines shall operate for Registration , Location, Installation and working of stone crushers and regulation of Hill slope mining in Himachal Pradesh.

1. Mining Lease mandatory for running a stone crusher.

- 1.1 In order to ensure legal and regular supply of minor minerals, every owner of stone crusher, shall have a valid mining lease for this purpose.
- 1.2 In respect of River/Stream Bed Mining leases over larger area of ten hectare or above shall be given priority for setting up of stone crushers.
- 1.3 For Hill Slope mining, lease area shall depend upon the size of crusher, availability of mineral and annual requirement of mineral in relation to scientific mining. In any case, the area shall not be less than 15 Bighas.
- 1.4 If the area is less than 15 Bighas and in no case less than 5 Bighas, the period of lease shall be determined, based on reserves calculated and annual requirement as per the proposals given in the Working-cum-Environmental Management Plan, which every lease holder shall have to prepare.

2. Provisional Registration of stone crusher.

2.1 No Person shall install or run any stone crusher in any area within the State of Himachal Pradesh unless he obtains a Provisional Registration from the Geological Wing, Department of Industries. For this purpose an application in Form-“C” shall be submitted by the applicant for Joint Inspection of the proposed stone crusher site and it shall be accompanied by:-

- a) A Registration fee as may be prescribed by Government from time to time.
- b) A stone crusher shall have a minimum working area ranging between 2 to 5 Bighas, depending upon the size of the stone crusher, for raising machinery/plant and its ancillary activities like stacking of raw material/finished product, parking of vehicles, office, labour huts, etc., in private land or in Govt. land after obtaining land lease from competent

authority. As far as possible, this area should be compact area at a single location.

Provided that in case the required land is not available at one location, the total land requirement can be met at different locations subject to the following conditions, namely;

- (i) The main component of the stone crusher i.e. machinery/plant and provision for stacking of finished product should be at one location from where the siting parameters are to be measured in terms of Notifications number STE-E(4)-1/2003 dated 29-4-2003 and 10.9.2004 of the Department of Environment, Science and Technology.
 - (ii) For other ancillary activities, like stacking raw material, parking of vehicles, office, labour huts etc., the land requirement at different locations can be considered; provided the distance of such location from the proposed stone crusher site under sub-clause(i) above is within 500 meters.
- c) In case of private land, consent of land owner where the stone crusher is to be installed.
- d) An application for mining lease from where the minor mineral shall be used as raw material for feeding/running the stone crusher. This area should be within 5 Kms. Radius of the stone crusher.”

2.2 Based on these documents, the case shall be sent to the Joint Inspection Committee constituted for Joint Inspection of stone crusher site. Provisional Registration’ shall be issued on Form-D by the Geological Wing, Department of Industries only after submission of approved Working-cum-Environment Management plan which shall form the basis for obtaining pre-production clearance from other Government Departments for which the applicant shall apply on Form-A.

2.3 After the conduction of Joint Inspection and granting of Provisional registration, the consent to establish the Stone Crusher from the Himachal Pradesh State Pollution Control Board shall be obtained.”

3. **Permanent Registration.**

- (a) After obtaining consent to operate the Stone Crusher from the Pollution control Board, Permanent Registration shall be issued to the owner of the stone crusher on Form-B by the Geological Wing, Department of Industries, Himachal Pradesh which shall be valid for a period of two years.
- (b) The Geological Wing, Department of Industries may renew the Registration for a further period of two years subject to proper functioning of the stone crusher as per the provision of various Acts and Rules and clearance of all dues including clearance from Pollution Control Board.
- (c) In case the Geological Wing, Department of Industries is of the opinion that it is not expedient to grant a permanent registration taking into consideration the various factors as per the recommendations of the Joint Inspection Committee, it (Geological Wing, Department of Industries) may after giving an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to grant the permanent registration.
- (d) In case of renewal of the registration, the owner of the Stone Crusher shall apply for the renewal at least six months prior to the expiry of the registration in 'Form-A'.
- (e) In case, the application for renewal submitted is not disposed off before the expiry of the period of registration, it shall be deemed to have been extended by a further period till the Geological Wing, Department of Industries passes an order thereon.

4. **Other conditions for running of stone crushers.**

- (a) The owner of the stone crusher shall observe the provisions of;
 - i) The Air (Prevention and Control of Pollution) Act, 1981 and rules framed thereunder.
 - ii) The Water (Prevention and Control of Pollution) Act 1974 and rules framed thereunder.
 - iii) The Environment(Protection) 1986 and rules framed thereunder.
 - iv) The Noise Pollution (Regulation and Control) rules 2000.

- (b) No consent for expansion to a crusher shall be given by Pollution Control Board or electric connection by H.P. SEB, without prior approval of Geological Wing, Department of Industries.
- (c) Every stone crusher owner shall ensure that the emission standards as per the statute and as notified by the Govt. on 29-4-03 and thereafter, if any, are adhered to.
- (d) Every stone crusher owner shall adopt pollution control measures as per Govt. notification dated 29-4-03 or as amended from time to time.
- (e) The Geological Wing, Department of Industries may impose any such further conditions as it may deem fit for the protection of Environment and Ecology.
- (f) The crusher owner shall submit a return by 10th of every month, giving details of total quantity of minerals crushed, electricity consumed, power generated in case of captive power generated run crusher, fuel consumption in case of diesel run crusher, number of labour employed and wages paid etc. .
- (g) The crusher owner shall allow the inspecting staff, access to the crusher and make available all records relating to operation of the crusher and verification of source of legal supply of minor minerals and stocks.

5. General Conditions for mining leases:

- (i) Mining site shall only be handed over to the lease holder, after it is duly demarcated by permanent boundary pillars and certified by concerned Mining Officer.
- ii) Junction at take off point of approach road with main road shall be developed with proper width and geometrics required for safe movement of traffic by crusher owner at his own cost and in consultation with Executive Engineer, H.P. PWD.
- iii) No lease holder shall store/stack any material in the acquired width of PWD road without the specific permission of the competent authority.
- iv) In addition to above the mining operation shall be subject to provisions of various Acts and Rules in force.
- v) Dumping of waste shall be done in earmarked places as per the Working Plans.

6. Mining in Hill slopes shall be subject to following conditions:-

I. Environmental Considerations:

- i) No mining shall be allowed within 100 metres of thickly forested area.
- ii) No mining shall be allowed in areas, which may cause aesthetic/visual degradation near any known tourist spot.
- iii) No mining shall be allowed where it is likely to disrupt the existing water regime, IPH schemes roads, bridges etc.
- iv) No mining shall be allowed where danger to site of culture, religions, historical, archeological or scenic importance is likely.
- v) No mining shall be allowed near habitation, where it is likely to cause noise and vibration problems, due to blasting or operation of machinery.
- vi) No mining shall be allowed where proper disposal of mine waste cannot be arranged.
- vii) Conditions shall be imposed that the lease holder will take adequate steps to control and check soil erosion, debris flow etc. by raising various engineering structure.

II. Geological and Geomorphological considerations:

- i) No mining shall be allowed where the slope angles are more than 45° from horizontal and in case of mid slope mining, the foot wall should be of hard strata.
- ii) No mining lease shall be granted where the ore to overburden ratio is not economical i.e. 1:0.2 that is the waste generation should not be more than 20%.
- iii) Proper appraisal of the deposit for its qualitative and quantitative assessment shall be made in the form of Geological and topographical plans.

III. Technical Consideration:

- i) The area should not be highly jointed, fractured or consisting of weak planes.

- ii) Relation of slope angle to angle of repose should be within mining parameters where 6x6 metre benches by keeping overall angle of repose as 45° can be made.
- iii) No mining shall be allowed where subsidence of rocks is likely due to steep angle of slope.
- iv) No overhangs shall be allowed to be formed during the course of mining.
- v) The gradient of approach roads shall be gentle with hill-ward slope, side drains and parapet walls. Adequate number of waiting and crossing points shall be provided for safe plying of vehicles.
- vi) No blasting shall be resorted to without taking proper licence under Explosive Act.

7. Relaxation in special cases

State Govt. may if is of the opinion that in the interest of projects of the national Importance or in the interest of national security or in the interest of mineral development, it is necessary to do so, by order in writing and for reason to be recorded, authorize in any case setting up and working of stone crusher on terms and conditions different from those as laid down in these policy guidelines.

FORM-'A'

Application for grant/ renewal of Provisional/ Permanent Registration for setting up of Stone Crusher and for already established Stone Crusher in State of Himachal Pradesh.			
To State Geologist Himachal Pradesh Shimla – 171001			
1	Name of the Applicant		
2	Address of the applicant / firm	Pin code	
3	Place of Registration of Firm		
4	Nationality of Applicant		
5	Telephone No	Office	Residence
6	Particulars of the fee deposited		
		Treasury Challan/ receipt(T.R.-5) No	No..... Date.....
		Deposited at H.P.

7	The Name of the Minor Mineral to be crushed		
8	The detail of the area where crusher is to be installed/ already installed	Kh. No	
		Ownership	
		Kism	
		Area	
		Mauza	
		Gram Panchyat	
		Tehsil & District	
		Date of installation	
9	Distance From	National Highway	
		State Highway	
		Link road	
		District HQ	
		Town	
		Abadi	
		School	
		Hospital	
		Spring	
	Water Supply Scheme		

		Wet land	
		Notified Park	
		Sanctuaries	
		Bridge Site	
		Up Stream	
		Down Stream	
		Any Other	
10	The detail of machinery to be installed/already installed. ...Viz No of Jaws/Rolles Sets & combination of Jaw cum Roller etc.		
11	Total investment on land, building and machinery		
12	Total No of worker to be employed / employed		Skilled Unskilled
13	The approximate annual Production of Mineral (Substituted vide Not. dated 29/5/2012.		

14	The source of Mineral		
15	Whether applicant is having any mining lease or applying for/Applied for.		
16	If lease is already granted than the particular of lease	Kh. No	
		Ownership	
		Kism	
		Area	
		Mauza	
		Gram Panchyat	
		Tehsil & District	
		Date of execution	
		Period of lease	
		Distance of Crusher site form the lease.	
17	If applying for lease, the particular of the area applied for	Kh. No	
		Ownership	
		Kism	
		Area	

		Mauza	
		Gram Panchayat	
		Tehsil & District	
		Date of application	
		Distance of Crusher site form the lease	
18	The detail of First Aid facility at Crusher		
19	The detail of steps to be taken (in case of existing Crusher) for ensuring compliance of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and The Environmental Protection Act, 1981 and the rules and notification framed or issued thereunder.		
20	Source of Water Supply		
21	In Case of Existing crusher	Date Of COE Date of COP Date of ROC	

22	Any other information applicant wants to furnish	
23	Date	<div data-bbox="1136 724 1281 766">Signature</div>

Form B**Permanent Registration**

Government of Himachal Pradesh

Office of State Geologist

Department of Industries

Shimla-1.

-...-

Whereas Shri/Ms.....Owner.....
of

crusher/ (to be established) has/ have applied for the permanent Registration for installation of
 Stone Crusher in Kh. No..... Mauza.....Gram
 Panchayat.....P.O..... Tehsil.....District.....measuring, vide
 application NoDated as per the provision of the POLICY GUIDELINES FOR
 REGISTRATION, LOCATION, INSTALLATION AND WORKING OF STONE CRUSHERS IN THE STATE OF
 HIMACHAL PRADESH.

Permanent Registration is hereby granted to Shri/ Ms.....subject to the
 following conditions :-

1. The owner of the stone crusher shall observe the provisions of;
 - i) The Air (Prevention and Control of Pollution) Act, 1981 and rules framed thereunder.
 - ii) The Water (Prevention and Control of Pollution) Act 1974 and rules framed thereunder.
 - iii) The Environment(Protection) 1986 and rules framed thereunder.
 - iv) The Noise Pollution (Regulation and Control) rules 2000.
 - v) H.P.Minor Mineral(Concession)Revised Rules, 1971.
 - vi) Any other Law/provisions related to the stone crusher.
2. Expansion of a stone crusher shall not be given unless approved by Geological Wing, Department of Industries, Himachal Pradesh.

3. Stone Crusher owner shall ensure that the, emission standards are as per the Statute and as notified by the Govt. on 29-4-03 or amended from time to time are adhered to.
4. Stone crusher owner shall adopt pollution control measures as per Govt. vide Notification No. dated 29-4-03 or as amended from time to time.
5. The Geological Wing, Department of Industries may impose any such further conditions as it may deem fit in the interest of Environment & Ecology.
6. The crusher owner shall submit a return by 10th of every month to the concerned Mining Officer, giving details of total quantity of minerals crushed, electricity consumed, power generated in case of captive power generated run crusher, fuel consumption in case of diesel run crusher, number of labour employed and wages paid etc. .
7. Free access should be given the officer/official of the Geological Wing, Department of Industries, HP for the verification of plant & machinery, source/supply of raw material, sale record and stocks of raw material and finished goods.
8. The Crusher Owner shall immediately report to the Deputy commissioner and Mining officer of the district concerned about any accident which may take place during the course of crushing operation resulting in serious bodily injury.
9. The Crusher Owner shall not pay wages less than the minimum wages prescribed by the Central or State Government from time to time under the Minimum Wages, Act 1948, to the workers employed in the crushing unit.
10. The Crusher Owner shall indemnify the State Government against the claim of the third party
11. State Govt. may if it is of opinion that in the interest of projects of national importance or in the interest of national security or in the interest of mineral development it is necessary to do so, or order in writing and for reasons to be recorded authorize in any case setting up and working of stone crusher on terms and conditions different from those as laid down in these policy guidelines.
12. The owner of the Stone Crusher shall apply for the renewal at least six month's before the expiry of the registration in 'Form-A'.

The registration is valid upto

Date of Issue

State Geologist
Himachal Pradesh

FORM-'C'
(see para 2.1)

APPLICATION FOR SITE APPRAISAL OF STONE CRUSHER			
To State Geologist Himachal Pradesh Shimla – 171001			
1	Name of the Applicant		
2	Address of the applicant / firm	Pin code	
3	Place of Registration of Firm		
4	Nationality of Applicant		
5	Telephone No	Office	Residence
6	Particulars of the fee deposited		Rs. 2500/-
		Treasury Challan/ receipt(T.R.-5) No	No..... Date.....
		Deposited at H.P.

7	The Name of the Minor Mineral to be crushed		
8	The detail of the area where stone crusher is to be installed	Kh. No	
		Ownership	
		Kism	
		Area	
		Mauza	
		Gram Panchyat	
		Tehsil & District	
9	If applying for lease, the particular of the area applied for	Kh. No	
		Ownership	
		Kism	
		Area	
		Mauza	
		Gram Panchayat	
		Tehsil & District	
		Date of application	

		Distance of Crusher site form the lease	
10	Any other information applicant want to furnish		
11	Date	<div style="text-align: right;">Signature</div>	

FORM-'D'

Sr.No.....

Provisional Registration

Government of Himachal Pradesh

Office of State Geologist

Department of Industries

Shimla-1

-...-

Whereas

Shri/Ms.....

..... Owner
 of.....Crusher/ (to be established) has/ have
 applied for the Provisional Registration for installation of Stone Crusher in Kh. No.....
 Mauza..... measuring....., Gram
 Panchayat.....P.O.....Tehsil.....District..... as per the provision of
 the POLICY GUIDELINES FOR REGISTRATION, LOCATION, INSTALLATION AND WORKING OF STONE
 CRUSHERS IN THE STATE OF HIMACHAL PRADESH

Provisional registration is hereby granted to Shri/ Ms..... Subject to the following
 conditions :-

- 1- The Consent to Establish from the Himachal Pradesh State Pollution Control Board (HPSPCB) should be obtained before installation of stone crusher unit.
- 2- The applicant shall operate his stone crusher unit only after obtaining the COP from HP State Pollution Control Board and Permanent Registration from Geological Wing Department of Industries .
3. Based on mineral potential determined in approved Working-cum-Environment Management Plan the crusher owner shall install the crusher machinery accordingly.

Date of Issue:

State Geologist
 Himachal Pradesh