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Uttarakhand Secondary Minerals Policy, 2015

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In pursuance of the provisions of clause (3) of Articles 348 of 'the Constitution of India', the Governor pleased to order the publication of the following English translation of Notification No. **844**, Dehradun, dated **31/7/2015** for general information.

Government of Uttarakhand
Industrial Development Section
No. **844** /VII-1 /2015/68-Kha/ 2015
Dehradun, Dated : **31** July, 2015

NOTIFICATION

For exploitation of major minerals the Mines and Minerals (Development & Regulation) Act, 2015 is enacted by the Government of India. In this Act with repeal of the principle first come first serve, the major minerals shall be allotted through tender method according to the direction given by the Government of India.

According to the said Act the reconnaissance permit, prospecting license and mining lease who is notified in the first list of Part-A and Part-B may be sanctioned after prior permission of the Government of India. In addition all mining lease period shall be 50 years. All mining who was sanctioned prior to the commencement of this Act, may all be deemed sanctioned for the period of 50 years from the date of execution. After said period disposal of the available minerals in the said area, the proceeding of allotment shall be made through the auction.

The lime stone as mentioned in the fourth schedule of the Act is found in the State. Therefore before the sanction on minerals concession to the above major minerals, the prior permission of the Government of India is necessary.

Right of existing concession holders and applicants shall be deemed canceled all applications before the commencement of the Mines and Minerals (Development & Regulation) Act, 2015 by means 12 January, 2015. After the commencement of the Act, 2015, the following application may be included in the category of eligibility ---

- (a) Application received under section 11A of the said Act.
- (b) Regarding any land prior to the commencement of this Act if the State Government is satisfied with the prior license holder than reconnaissance permit and prospecting license of any sanctioned mineral.
- (c) Such applications which are produced within the three months of the expiration of the time period of PL and RP.



(d) Such applications whose PL/ RP has been sanctioned prior from the date of 12-01-2015 (the proceeding of lease date has been made according MCR-1960).

(e) Such applicant whose prospecting license has been issued and make apply for mining lease.

The all applications of RP, prospecting license cum mining lease and application of mining lease shall be obtained through the tender (auction) by comminque with the fixation of area on the basis of availability of minerals by the geologist branch of geologist and mining unit.

The prospecting license cum mining lease and application of mining lease shall be obtained through the tender (auction) after the comminque with the fixation of area on the basis of availability of minerals by the geologist branch of geologist and mining unit after the permission obtained from the Government of India.

Such minerals who was within the category of major minerals, they are declared category of Secondary /Minor Minerals under the notification No. 423(A) dated 10 February, 2015 of Ministry of Mining, Government of India in the present time, whose details are as follows---

- (one) Agate;
- (two) Ball Clay;
- (three) Barytes;
- (four) Calcareous Sand;
- (five) Calcite;
- (six) Chalk;
- (seven) China Clay;
- (eight) Clay others;
- (nine) Corundum;
- (ten) Diaspore;
- (eleven) Dolomite;
- (twelve) Dunite or pyroxenite;
- (thirteen) Felsite;
- (fourteen) Felspar;
- (fifteen) Fuschite Quartzite;
- (sixteen) Fuschite Quartzite;
- (seventeen) Gypsum;
- (eighteen) Jasper;
- (nineteen) Knolin;
- (twenty) Laterite;
- (twenty one) Lime Kankar;



- (twenty two) Mica;
- (twenty three) Ochre;
- (twenty four) Pyrophyllite;
- (twenty five) Quartz;
- (twenty six) Quartzite;
- (twenty seven) Sand others;
- (twenty eight) Shale;
- (twenty nine) Silica Sand;
- (thirty) Slate; and
- (thirty one) Steatite or Talc or Soapstone.

Minor minerals soapstone, dolomite, barite, silica sand as declare above is found in the State of Uttarakhand which mining lease are in operation in the present time in the State. Due to declaration of Secondary minerals (minor minerals) to 30 other minerals in addition of soapstone mineral by the said notification dated 10 February, 2015, the Governor is pleased to promulgate the following policy for exploitation of minerals and prospecting license /mining lease allotment of said minerals-----

The Uttarakhand Secondary Minerals Policy, 2015

- | | |
|---|---|
| Short Title
and
Commencement | <p>1. (1) These Policies may be called the Uttarakhand Secondary Minerals Policy- 2015.</p> <p>(2) It shall come into force at once.</p> |
| Definitions | <p>2. In these policies, unless the context otherwise requires,--</p> <p>(a) “Governor” means the Governor of the Uttarakhand ;</p> <p>(b) “Collector” means the chief in-charge of administration of a any district revenue officer;</p> <p>(c) “Government” means the State Government of Uttarakhand;</p> <p>(d) “Commissioner” means the chief in-charge of administration of revenue officer in any divisions;</p> <p>(e) “Local officer” means the Nagar Panchayat, Municipality, Municipal corporation and bodies of district board or other authorities, who is legally entitle of management or control by vest in the Nagar Panchayat, Municipality, Municipal</p> |



corporation and district Panchayat respectively;

(f) “**persons**” included any company or community or person bodies whether corporate or not;

(g) “**word and expressions**” not defined but defined in the General Clauses Act, 1904, shall have the meaning assigned to them in the Act;

The location of the former running minerals leases

3. The mining lease as running prior the notification dated 10-02-2015, minerals regarding soapstone, dolomite, barite, silica sand who is declared minor minerals in present time are sanctioned under the Minerals Concession Rules, 1960 , the following proceedings to be made for there---

(one) Term- (for former running lease) :-

(1) upto 2 hectare to 5 hectare, on the request of mining lease holder, with the recommendation of the Director, geologist and mining, for a period of 25 years sanction shall be provide by the Government.

(2) in case of area more than 5 hectare on the request of mining lease holder, with the recommendation of the Director, geologist and mining, for a period of 50 years sanction shall be provide by the Government.

(two) Approval of mining scheme-

(1) the approval of scheme of mining shall be made by the Director, geologist and mining.

(2) the scheme of mining shall be submitted before the Director, geologist and mining before 3 month of the expiration of approved scheme of mining.

(3) the approval of scheme of mining shall be made by the Director, geologist and mining. Such mining scheme whose scheme of mining be reapproved, same lease holder shall apply for re-approval of scheme.

(4) If the approved period has been expired, such mines be closed atonce. The mining officer / Deputy director, mining shall ensure that nobody mining scheme is running without approval of



scheme.

(5) The lease holder for concerning mining scheme shall submitted with the copy of challan after deposition through the treasury challan in the prescribed account head of Rs. 20,000.00 before the concerning mining officer/ deputy director mining. The concerning mining officer shall submitted for approval of the scheme of mining /closer plan to the directorate with his report. For delay due to procedure the mining work shall not be closed, whose mining scheme (scheme of mining) shall not be submitted his challan shall be stocked at once. RQP who is authosied by the IBM shall be valid up to the date of re registration from the director. After the commencement of this policy all RQP shall deposit Rs. 10,000 in the prescribed account head as a registration fee to the director, geologist and mining and the registration shall be necessary. The registration shall be valid for a period of five years.

(three) Re opening after closing:- Such mining who was closed with notice by the Indian Mining Bureau, for opening of such mining lease the report after monitoring shall be provided by the director with the intimation of status to the district magistrate, in which the final decision shall be taken by the Government.

(four) The permission of the Directorate General of mining security- Whose mining lease within the director of general security, all proceedings as per norms shall be continue by the Directorate General of mining security.

(five) Dead rent of mining lease area:- For declared minerals from major minerals to minor minerals in IInd Schedule of the Utrakhand Minor Mineral Concession Rules, 2001 shall be prescribed dead rent who is shall be deposited in the district treasury as a advance installment to every date of twenty of the preceding month except rainy season (July, August, September).

(six) Rate of Royalty/ ownership:- For declared minerals from major minerals to minerals in Ist Schedule of the Utrakhand Minor Mineral Concession Rules, 2001 which rates shall be



on the basis of per tonne of the out coming. The adjustment of monthly installment of the advance dead rent shall be according of royalty of the out coming minerals. Provided that the royalty or dead rent whichever is more shall be admissible. Upto prescription of the royalty, the royalty shall be recovered on the prior rates. The deferent shall be deposited upto 20 dates of the preceding month. Rate of royalty paid prior to the commencement of the declared rate of royalty in the Utrakhand Minor Minerals Concession Rules, 2001 shall be final declared rates by the IBM.

- (seven) Stamp duty for mining lease deed:-** For declared minerals from prescribed major minerals to minor minerals in IInd Schedule of the Utrakhand Minor Mineral Concession Rules, 2001 shall be taken mining lease deed on stamp duty at the rate of 2% of remaining of period of mining lease at the rate of prescribed dead rent in a every year.
- (eight) Security amount:-** 25% of dead rent in advance as security amount shall be mortgage in favour of director. Former lease holder shall be exempted.
- (nine) Reimburse to private land holder:-** According the participation of land of mining lease of all land owners equivalent of royalty of monthly out coming under the mining lease area and equivalent reimbursement of out coming from the additional field of said during the out coming of the field shall be paid. The land of land owner shall be taken with the condition of that his field shall be returned with the plain field. For this the district magistrate shall be the reimbursement prescriber officer. For receiving reimbursement by the private land holder from the mining lease holder, a legal agreement shall be necessary between the land owner and lease holder.
- (ten) Deed of closed mining leases and be re-open:-** Such mining leases who is closed in any reason may re-open of such mining leases with the execution of deed lease under the one time settlement with the deposition of dead rent upto 30 October, 2015 at the rate of dead rent of minor minerals in



the present time.

(eleven) Bank guarantee:- Upto 5 hectare Rs. 2 lakh Bank guarantee in favour of director and more than 5 hectare Rs. 5 lakh submitted in relation of mining schemes, mining scheme and regular mining closed schemes by the prior running mining lease holders.

Matter related to mining lease transfer

4. (a) **After death:** After the death of the mining lease holder with the recommendation of the district magistrate and the director, transfer of mining lease in favour of legal representative of the mining lease holder shall be made by the Government. The duration of said lease shall be for the remaining period of mining lease.
- (b) **Transfer of private land:-** Consent of all land owners who is approved by the revenue department on the aid or removable of partnership in the sanctioned minor lease in the private land with the recommendation of the district magistrate and director a mining lease shall be transfer to the appropriate person according the rules by the State Government. The financial transaction shall be clear. Transfer fee of Rs. 5 lakh shall be deposited in the prescribed head of account.
- (c) **Transfer of other land from private land:-** According the rules, the permission of transfer to the appropriate person shall be made by the Government after the recommendation of district magistrate and director. The financial transaction shall be clear. Transfer fee of Rs. 2 lakh shall be deposited in the prescribed head of account.

Minimum area and size

5. (a) **Minimum areas:** Minimum 2.00 hectare area for mining lease in the private measurement land and other than private land (by means revenue land) minimum area 5.00 hectare shall be necessary in a part. Such land as mentioned path, cannel etc. in the revenue record shall be included only with the private land. If the private land is within the revenue rent part which area upto the maximum 25% of applied area than to give the mining lease may be considered. The State Government take decision after due consideration for exemption upto 50% on the



recommendation of the director in special circumstances to the minimum limit of the said area.

- (b) **Size:-** The geometrical size of sanctioned area as triangle or rectangular etc. shall be such the limit column could be minimize.

**Application /
Allotment for
the minor
minerals
declared by 10
February, 2015
by the ministry
of mines,
Government of
India**

6. Application / Allotment for the minor minerals declared by 10 February, 2015 by the Ministry of Mines, Government of India:

(one) application fee:- Rs. 2.00 lakh upto 02 hectare.

Rs. 4.00 lakh 02 hectare more than upto 05 hectare.

Rs. 5.00 lakh upto 05 hectare.

(two) Terms: - 25 years from 02 hectare up to 05 hectare.

In case of area more than 5 hectare than the recommendation of the director geologist and mining in the request of mining lease holder upto 50 years.

(three) Intent letter and mining lease allotment- With cancelation of first cum first serve principle in the Private measurement land and revenue land, the following provisions is hereby prescribed-

- (a) The intent letter shall be issue for mining lease by the Government on the recommendation of director geologist and mining on the basis of verified concurrent by the notary by land owner or land owner in private measurement land. After the completion of terms of the intent letter, the mining lease shall be allotted by the Government.
- (b) The tender/lottery in the land other than private measurement land as fixed by the director geologist and mining, the mining lease shall be allotted by the Government.

(four) Eligibility:-

- (a) For declared secondary minerals by Mine and Mining (Development and Regulation) Act, 1957, amended dated 12-1-2015 and notification no. K.A.423(a) dated 10 February,



2015, before the above dated all sanctioned prospecting license holder, issued GO for prospecting license, issue intent letter for prospecting license and forwarded recommendation for prospecting license by the director, geologist and mining, after the depositing prescribed application fee, on the recommendation of the director, the mining leases shall be admitted.

- (b) On the receiving application for declared secondary minerals by Mine and Mining (Development and Regulation) Act, 1957, amended dated 12-1-2015 and notification no. K.A.423 (a) dated 10 February, 2015, after the depositing prescribed application fee, on the recommendation of the director, the intent letter for mining lease shall be issued.
- (c) Other land than private land the eligibility shall be published and the time of communiqué of the area separately.

Environmental permission

- 7. The environmental permission be necessary obtain according the Go No. 1621/VII-I/212-B/2014 dated 17 December 2014 in continuation of notification no. K.A. 2601 (a) dated 07 October, 2014.

Minerals investigation

- 8. The work of investigation of development and minerals of industrial minerals (lime stone, soap stone, barriet, selika sand. etc.) shall be made by the department. The procedure of tender etc. of identified areas shall be made by the mining branch of the department.

Royalty/Dead rent

- 9. Royalty of soap stone be found in the State which is found cosmetic grade, the different categories of soap stone with mixed the cosmetic grade and first class grade, is sold in the market. The sales rate of the soap stone in the State is Rs. 5000 per tonne to Rs. 10000 per tonne. Therefore in view to minimize the possibilities of market and evasion, the prescribed amendment grades shall be applicable according the second schedule of dead rent rule 22 and first schedule of royalty rule 21 of the Utrakahand Minor Minerals Concession Rules, 2001.

TIN number

- 10. All mining lease holders shall be necessary to give the number of tin in mining lease.



Training

11. (a) For the work of estimate of minerals mining, the persons of geologist, chemistry, survey, mapping education shall be made trained for successfully operation by the modern method.
- (b) To approve mining planning, approval of scheme of mining and mining administration related modern method shall be trained.
- (c) To maintain office record and confirm the work culture in the offices, the ministerial staff also be trained.

By order,


(Rakesh Sharma)

Additional Chief Secretary.