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Manipur Minor Mineral Concession (Amendment) Rules, 2018

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MANIPUR



GAZETTE

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**GOVERNMENT OF MANIPUR
DEPARTMENT OF TEXTILES, COMMERCE & INDUSTRY**

NOTIFICATION

Imphal, the 15th January, 2019

No. 43/17/2018-TCI: In exercise of the power conferred by section 15(1) of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act No. 67 of 1957), Governor of Manipur hereby makes the following rules further to amend the Manipur Minor Mineral Concession Rules, 2012, namely:-

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement:-

- (1) These rules may be called the Manipur Minor Mineral Concession (Amendment) Rules, 2018.
- (2) They shall extend to the whole of the State of Manipur.
- (3) They shall come into force from the date of their publication in the Official Gazette.

2. Insertion of rule 17A:-In the Manipur Minor Mineral Concession Rules, 2012 (hereinafter referred to as the said rules), after rule 17, the following rules shall be inserted, namely:-

“17A. Payment of fees, rent, royalty, GST & other amount payable on mines minerals:-

- (1) Any fees, rent, royalty and other amount payable under these rules shall be deposited through treasury challan under the Head of Account 0853-Non-Ferrous Mining and Metallurgical Industries -102-Mineral Concession Fees, Rents and Royalties;

(2) Any holder of licence, lease or mineral concessions, dealers, etc. shall be covered by the Manipur Goods and Services Tax Act, 2017 in mining, trading/dealing in minerals wherever prescribed thereto”.

3. Amendment of rule 46.- In the said rules, in the rule 46.-

(i) for the words “Payment and fixation of rent, royalty and Compensation” , the following words shall be substituted, namely,-

“Payment and fixation of rent, royalty, amount for District Mineral Foundation and Compensation”.

(ii) after sub-rule (4), the following sub-rules shall be inserted, namely:-

“(5) The lessee shall pay, in addition to the surface rent, dead rent or royalty, as the case may be, an amount equivalent to ten percent of the royalty paid towards the fund for Manipur State District Mineral Foundation of the Districts in which the quarrying operations are carried on.

(6) The lease holder shall pay the amount payable to Manipur State District Mineral Foundation in advance before such removal or as the case may be, immediately after such consumption on or before such time as the Director may fix in this behalf”.

4. Insertion of rules 49 A, 49B and 49 C.- In the said rules, after rule 49, the following rules shall be inserted, namely:-

“49A. Mining operation:- (1) No mining operation shall be undertaken by the holder of a quarrying lease or quarrying permit unless the person obtained:-

- (a) Mining Plan duly approved by the Competent Officer;
- (b) Forest Clearance under section 2 of the Forest (Conservation) Act, 1980 in case the mining area falls in the forest area;
- (c) Environmental Clearance issued under the Environment (Protection) Act, 1986 and rules made thereunder.

49B. Mining Plan to be prepared by a recognised person: (1) No mining plan shall be approved unless it is prepared by a qualified person recognised in this behalf by Indian Bureau of Mines or any State Government or Director of Trade, Commerce & Industries, Manipur.

(2) No person shall be granted recognition as “Recognised Qualified Person” for the purpose of sub-rule (1) by the Director unless the person holds:-

(i) A degree in Mining Engineering or a Post Graduate degree in Geology granted by a University or any institutions recognised by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 or any equivalent qualification granted by any University outside India; and

(ii) Possesses Professional Experience of five years of working in a supervisory capacity in the field of mining or mineral administration after obtaining the qualification required under clause (i):

Provided that a person recognised to prepare a mining plan may also carry out modifications of an existing mining plan.

- (3) Any person possessing the qualification and experience required under clause (i) & (ii) of sub-rule (2) may apply in Form-W along with a non-refundable fee of Rs. 5000/- for recognition to the Director.
- (4) The Director, after making such enquiry as he deems fit, may grant or refuse to grant recognition. Where recognition is refused, the Director shall record reasons of refusal in writing and communicate the same to the applicant.
- (5) A certificate of recognition as Recognised Person shall be issued in Form-X.
- (6) Every mineral concession holder shall prepare a Mining Plan along with Progressive and Final Mine Closure Plan for mining operation in any area.

- 49C. Submission of Mining Plan and its approval: (1) On receipt of the communication from the Director of the precise area granted, the applicant shall submit Mining Plan with a non-refundable fee of rupees five thousand for area upto five hectares and rupees ten thousand for area beyond five hectares and upto 20 hectares and rupees fifteen thousand for area exceeding more than twenty hectares of the area over which quarrying lease is applied for; within a period of two months of the date of receipt of such communication to the Competent Officer for approval.
- (2) The Competent Officer, within a period of ninety days from the date of receipt of the mining plan or the modified mining plan shall, convey approval or disapproval to the applicant and in the case of disapproval, the Competent Officer shall also convey the reasons for disapproval of the mine plan or the modified mining plan.
 - (3) If no decision is conveyed within the period stipulated under sub-rule (2), the mining plan or the modified mining plan, as the case may be, shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.
 - (4) The owner, agent, mining engineer, or manager of every mine shall review the approved mining plan and submit for the next five years of the lease to the Competent Officer at least one hundred twenty days before the expiry of the five years period, for which it was approved on the last occasion.
 - (5) A holder of the quarrying concessions, 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 protection of environment, shall apply to the Competent Officer setting forth the intended modification and explaining the reasons for such modifications.
 - (6) The Competent Officer may approve the modifications or with such alteration as he may consider expedient within a period of ninety days.

- (7) (i) The State Government shall appoint a number of officers as Competent Officers for approving mining plan/mining scheme from the Geology and Mining Division, Directorate of Trade, Commerce & Industries under these rules;
- (ii) The Competent Officers under clause (i) shall be a Mining Engineers of the Department who possesses professional experience of 8 years in case of Mining Engineer or Asstt. Mining Engineer in the field of mining and 12 years in case of Geologist/Asstt. Geologist in the field of mining/geological survey and exploration.
- (8) The mining plan shall include, -
- (i) (a) plan of the precise area showing the nature and extent of the mineral deposit showing the spot or spots where the excavation is to be done in the first five years in the case of quarrying lease or for the entire period in the case of quarrying permit;
- (b) a detailed cross-section and detailed plan of spots of excavation;
- (c) a tentative scheme of quarrying for the second five year period of the quarrying lease.
- (ii) the geological and lithological details of the precise area including mineral reserve;
- (iii) The extent of manual quarrying or quarrying by the use of machinery and mechanical devices on the precise area;
- (iv) A plan of the precise area, showing reserved and other forest areas and density of trees, if any, assessment of impact of quarrying activity on forest, land surface and environment including air and water pollution, details of scheme for restoration of the area by afforestation, reclamation of land, use of pollution control devices;
- (v) Annual programme and plan for excavation of the precise area, from year to year, in the case of quarrying permit or from year to year for five years in the case of quarrying lease;
- (vi) Any other matter which the Government or the Competent Officer may require the applicant to provide in the mining plan.
- (9) Where the mining operations have already been undertaken under any existing mineral concession before the commencement of these rules, the holder of such mineral concessions shall also submit a mining plan along with mine closure plan within a period of ninety days from the date of the publication of these rules.

5. Substitution of SCHEDULE-II : In the said rules, for the existing Schedule-II, the following shall be substituted, namely:-

“SCHEDULE-II
(see rules 23(1), 46(1) and 49)
RATES OF ROYALTY

Description of Minor Minerals	Rates of Royalty per tonne (Rs.)
1. Boulders	35/-
2. Gravels	35/-
3. Shingles and pebbles	30/-
4. Road metals	50/-
5. Ballast and chips	50/-
6. Bajri and crusher fines	35/-
7. Shale, slate and phyllite	40/-
8. Ordinary sand when used as construction materials,	40/-
9. Ordinary clay, silt when used for construction purposes	30/-
10. Ordinary clay & silt when used for manufacture of brick and other industrial purposes	35/-
11. Ordinary earth when used as filling and construction materials	30/-
12. Sandstone, quartzite, laterite, calcareous shale when used as dimensional stones	50/-
13. Limestone when used in kilns for manufacture of lime	70/-

14. Serpentinite and pyroxenite when used as decorative stone	80/-
15. Dunite, and other peridotite	30/-
16. Calcite	Fifteen percent of sale price on ad valerom basis.
17. Laterite	Twenty-five percent of average sale price on ad valerom basis.
18. Quartz	Fifteen percent of sale price on ad valerom basis
19. Steatite/Talc/Soapstone	Eighteen percent of average sale price on ad valerom basis.
20. Silica sand	Ten percent of average sale price on ad valerom basis.
21. Clay (others)	70/-
22. All other rocks when used as decorative and monumental purposes.	80/-

6. Insertion of Schedule-V.- In the said rules, after Schedule-IV, the following Schedule-V shall be inserted, namely:-

“SCHEDULE-V
(see rule 2(j))

Minor Minerals

1. Boulders,
2. Gravels,
3. Shingles and pebbles,
4. Road metals,
5. Ballast and chips,
6. Bajri and crusher fines,
7. Shale, slate and phyllite,
8. Ordinary sand when used as construction materials,
9. Ordinary clay, silt when used for construction purposes
10. Ordinary clay & silt when used for manufacture of brick and other industrial purposes,
11. Ordinary earth when used as filling and construction materials,
12. Sandstone, quartzite, laterite, calcareous shale when used as dimensional stones,
13. Limestone when used in kilns for manufacture of lime,
14. Serpentinite and pyroxenite when used as decorative stone,
15. Dunite, and other peridotite

16. Calcite,
 17. Laterite
 18. Quartz,
 19. Steatite/Talc/Soapstone,
 20. Silica sand,
 21. Clay (others),
 22. All other rocks when used as decorative and monumental purposes.
7. Amendment of Part-V in FORM-H. In the said rules, in Part-V of Form-H
- (a) for the words “Rents and royalties reserve by this lease” the following words shall be substituted, namely:-
“Rents, royalty and amount of contribution to Manipur State District Mineral Foundation” ;
 - (b) After Paragraph 5, the following paragraph shall be inserted, namely:-
“6. Every lease holder shall pay amount equivalent to ten percent of the royalty paid for the minerals removed or consumed by him or his manager or authorised person, in advance before such removal or as the case may be, immediately after such consumption on or before such time as the Director may fix in this behalf ”.
8. Insertion of Form-W and Form-X. In the said rules, after Form-V, the following Form-W and Form-X shall be inserted, namely:-

“FORM-W

(See sub-rule (3) of rule 49B)

APPLICATION FOR RECOGNITION AS QUALIFIED PERSON

Persons eligible for grant of recognition under rule 49B(3) of the Manipur Minor Mineral Concession Rule, 2012 may submit the duly filled in form to the Director, along with a fee of Rupees five thousand (for individual registration) credited to the Head of Account 0853-Non-Ferrous Mining and Metallurgical Industries- 102- Mineral Concession Fees, Rents and Royalties through Treasury Challan.

I am desirous of seeking recognition as qualified person under rule 49B(3) of the Manipur Minor Mineral Concession Rules, 2012 for the preparation of mining plan (including environmental management plan) and furnished the following documents:-

1.

a) Name of the applicant:
(photo)

(Attached Passport size

b) Father's name:

c) Address of the applicant:

d) Date of birth:

e) Nationality:

f) Place where the applicant ordinarily resides:

Village.....Taluk.....District.....State.

2. Academic and Professional Qualifications:
3. Experience in supervisory capacity in mining operations/mineral administration
 - A. Present or most recent post years of service from----- to.....
 Title of post:
 Name and location of the mine/Department:
 Name and address of the Employer:
 Description of work indicating personal responsibility:
 - B. Previous Post:
 Years of service from.....to.....
 Title of post:.....
 Name and location of the mine/Department:
 Description of work indicating your personal responsibility:
4. Experience if any in mine planning:
5. List of copies of certificates and testimonials attached in support of qualifications and experience.
6. (a) State if application for recognition was ever made before, under Rule 49B(3) of the Manipur Minor Mineral Concession Rules, 2012.
 - b) If yes, name and address of the authority to whom the application was made and date of application.
9. Decision of the said authority.

I hereby declare that the information furnished above is true, complete and correct to the best of my knowledge and belief.

Place:

Date

Signature of the Applicant

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1. Having examined the application of Shri/Smt....., I am satisfied that the application is FIT /NOT FIT for recognition under Rule 49 B of the Manipur Minor Mineral Concession Rules, 2012.
2. The registration number accorded to him as a Recognised Person is

The reasons for refusing the grant of recognition are recorded below:

.....

Place

Date

Director

FORM-X

(See sub-rule (5) of rule 49B)

RECOGNISED QUALIFIED PERSON CERTIFICATE

**CERTIFICATE OF RECOGNITION AS QUALIFIED PERSON TO PREPARE
MINING PLANS FOR QUARRYING OF MINOR MINERALS IN MANIPUR**

(Issued under rule 49B of the Manipur Minor Mineral Concession Rules, 2012)

Shri/Smt.....

(Address)..... having given satisfactory evidence of his/her qualification and experience is hereby granted RECOGNITION under rule 49 B of the Manipur Minor Mineral Concession Rules, 2012 as a qualified person to prepare Mining Plans for quarrying of minor Minerals in Manipur.

The recognition number is

Place

Director of Trade, Commerce & Industries,
Manipur.
