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Uttar Pradesh Minor Minerals (Concession) (Fiftieth Amendment) Rules, 2020

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IN pursuance of provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of following English translation of notification no. 746/86 -2020-14(Sa)-2020, dated 22 May, 2020 :

No. 746/86 -2020-14(Sa)-2020

Dated Lucknow, May 22, 2020

IN exercise of the powers under sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Act no. 67 of 1957), the Governor is pleased to make the following rules, with a view to amending the Uttar Pradesh Minor Minerals (Concession) Rules, 1963.

THE UTTAR PRADESH MINOR MINERALS (CONCESSION)
(FIFTIETH AMENDMENT) RULES, 2020

Short title and
commencement

1. (1) These rules may be called the Uttar Pradesh Minor Minerals (Concession) (Fiftieth Amendment) Rules, 2020.

(2) They shall come into force with effect from the date of their publication in the *Gazette*.

Amendment of
rule 23

2. In the Uttar Pradesh Minor Minerals (Concession) Rules, 1963, for rule 23 set out in Column-I below, the rule as set out in Column-II shall be *substituted*, namely:-

COLUMN-I

Existing rule

23 Declaration of area for e-tender/ e-auction /e-tender -cum-e- auction lease

(1) The State Government may by general or special order declare the area or areas with Geo-coordinates which may be leased out by e-tender/ e-auction /e-tender -cum-e- auction.

(2) Subject to direction issued by the State Government from time to time in this behalf-

(a) The area or areas for mining leases in respect of sand or

COLUMN-II

Rule as hereby substituted

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(2) Subject to direction issued by the State Government from time to time in this behalf-

(a) The area or areas for mining leases in respect of sand or

COLUMN-I

Existing rule

morrum or bajari boulder or any of these in mixed state exclusively found in the riverbed shall be leased out only by e-tender or e-auction or e-tender-cum-e-auction for the fixed period of five years at a time.

(b) New area of natural rocks of building stones and earlier leased area/areas, which has/have been treated as redeemed after expiration of period of lease and will not be renewed, may be leased for a maximum period of twenty years only through the process of e-tender/e-auction/e-tender cum e-auction :

Provided that the earlier lease-holder of the concerned lease area, whose lease had been determined recently, has to be accommodated an opportunity to offer bid of higher amount than the highest bid shorted out for the concerned lease, within one working-day after the finalization of the entire process of e-tender/e-auction/e-tender cum e-auction and before issuance of Letter of Intent, before the District Magistrate having territorial jurisdiction over the concerned lease area, however with conditions that:-

- I) The character of the earlier lease-holder bears good conduct;
- II) He has abided fairly all the norms during the course of the entire lease period;
- III) He has no any due amount concerning mineral/mining;
- IV) His name is not mentioned *inter alia* black list;
- V) He has been a lease – holder of the concerned area or more than that area and

COLUMN-II

Rule as hereby substituted

morrum or bajari or boulder or any of these in mixed state exclusively found in the riverbed shall be leased out only by e-tender or e-auction or e-tender-cum-e-auction for the fixed period of five years at a time :

Provided that, if for any reason, it is not possible to settle the river bed mining areas for the long term, the areas may be settled through short term mining permit. Short term permit will be granted for a maximum period of 06 months by e-tender/e-auction, under terms and conditions laid down by the State Government from time to time :

Provided further that in case of grant of mining permit, the permit holder shall make payment of all due amount in advance.

(b) New area of natural rocks of building stones and earlier leased area/areas, which has/have been treated as redeemed after expiration of period of lease and will not be renewed, may be leased for a maximum period of twenty years only through the process of e-tender/e-auction/e-tender cum e-auction :

Provided that the earlier lease-holder of the concerned lease area, whose lease had been determined recently, has to be accommodated an opportunity to offer bid of higher amount than the highest bid shorted out for the concerned lease, within one working-day after the finalization of the entire process of e-tender/e-auction/e-tender cum e-auction and before issuance of Letter of Intent, before the District Magistrate having territorial jurisdiction over the concerned lease area, however with conditions that:-

- I) The character of the earlier lease-holder bears good conduct;
- II) He has abided fairly all the norms during the course of the entire lease period;
- III) He has no any due amount concerning mineral/mining;
- IV) His name is not mentioned *inter alia* black list;
- V) He has been a lease-holder of the concerned area or more than that area and

COLUMN-I*Existing rule*

has produced certified document/s concerning the same;

VI) He has participated for bid as per the prescribed process/procedures through e-tender/e-auction/e-tender cum e-auction with the required proper document/s concerning the e-tender/e-auction/e-tender cum e-auction :

Provided that the lease holder of more than 02 hectare area will have to install stone crusher within 2 years from execution of lease deed.

(c) Naturally available rock type such mining deposit which had been defined earlier as major mineral and that has been declared minor mineral, *vide* notification no. 423 dated 10.02.2015 issued by the Government of India and new mining area containing embedded Granites (sized dimensional) shall be leased out as prospecting license cum mining lease for the maximum period of thirty two (32) years in one term through the proper process of e-tender/e-auction/e-tender cum e-auction, however out of the above mentioned period of thirty two years, two years period will be reserved for prospecting works and on being proved availability of mining the lease period shall be for maximum thirty (30) years.

If any area has remained on lease since before or availability of mineral has already been approved within the concerned area then in such cases the mining lease will be approved directly for a maximum period of thirty years :

Provided that the earlier lease-holder of the concerned lease area whose lease had terminated recently has to be accommodated an opportunity to offer bid of higher amount than the highest bid shorted out for the concerned lease, within one working-day after the finalization of the entire process of e-tender/e-auction/e-tender cum e-auction and before issuance of Letter of Intent, before the District Magistrate having territorial jurisdiction over the concerned lease area however with conditions that:-

COLUMN-II*Rule as hereby substituted*

has produced certified document/s concerning the same;

VI) He has participated for bid as per the prescribed process/procedures through e-tender/e-auction/e-tender cum e-auction with the required proper document/s concerning the e-tender/e-auction/e-tender cum e-auction :

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Provided that the earlier lease-holder of the concerned lease area whose lease had terminated recently has to be accommodated an opportunity to offer bid of higher amount than the highest bid shorted out for the concerned lease, within one working-day after the finalization of the entire process of e-tender/e-auction/e-tender cum e-auction and before issuance of Letter of Intent, before the District Magistrate having territorial jurisdiction over the concerned lease area however with conditions that:-

COLUMN-I

Existing rule

- I) The character of the earlier lease-holder bears good conduct;
- II) He has abided fairly all the norms during the course of the entire lease period;
- III) He has no any due amount concerning mineral/mining;
- IV) His name is not mentioned *inter alia* black list;
- V) He has been a lease – holder of the concerned area or more than that area and has produced certified document/s concerning the same;
- VI) He has participated for bid as per the prescribed process/procedures through e-tender/e-auction/e-tender cum e-auction with the required proper document/s concerning the e-tender/e-auction/e-tender cum e-auction.

(d) Naturally available in-situ rock-type mineral found in private land of minimum area one hectare shall be leased out for a maximum period of 10 years through e-tender/e-auction/e-tender cum e-auction :

Provided that in respective mine area the District Magistrate after confirming the availability of mineral, suitability of area, certificate of land ownership, land owner's affidavit for consent, shall process e-tender/e-auction/e-tender cum e-auction after determination of quantity and period not exceeding ten years. The land owner/ owners after completion of e-auction process of the area will take cognizance of the highest bid and within seven working days get an opportunity to present an offer higher than the highest bid before the District Magistrate having territorial jurisdiction over the concerned area. If this right of first refusal is not exercised by the land owner/owners, the lease will be approved in favour of the highest bidder and the land owner/owners will have the right to receive a compensation equal to the amount as decided by the State Government from time to time, which will be in addition to the amount payable to the State Government. Payment to land owner/owners will be mandatory along with the payment to the State Government.

COLUMN-II

Rule as hereby substituted

- I) The character of the earlier lease-holder bears good conduct;
- II) He has abided fairly all the norms during the course of the entire lease period;
- III) He has no any due amount concerning mineral/mining;
- IV) His name is not mentioned *inter alia* black list;
- V) He has been a lease – holder of the concerned area or more than that area and has produced certified document/s concerning the same;
- VI) He has participated for bid as per the prescribed process/procedures through e-tender/e-auction/e-tender cum e-auction with the required proper document/s concerning the e-tender/e-auction/e-tender cum e-auction.

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COLUMN-I*Existing rule*

(e) Private land situated in the river bed of area minimum 01 hectare in which sand or morrum or bajri or boulder or any of these in mixed state is available shall be leased out for the maximum period of 06 months through e-tender/e-auction/e-tender cum e-auction :

Provided that in respective mine area the District Magistrate after confirming the availability of mineral, suitability of area, certificate of land ownership, land owner's affidavit for consent, shall process e-tender/e-auction/e-tender cum e-auction after determination of quantity and period not exceeding six months. The land owner/owners after completion of e-auction process of the area will take cognizance of the highest bid and within seven working days get an opportunity to present an offer higher than the highest bid before the District Magistrate having territorial jurisdiction over the concerned area. If this right of first refusal is not exercised by the land owner/owners, the lease will be approved in favour of the highest bidder and the land owner/owners will have the right to receive a compensation equal to the amount as decided by the State Government from time to time, which will be in addition to the amount payable to the State Government. Payment to land owner/owners will be mandatory along with the payment to the State Government.

(3) On the declaration of the area under sub-rule (1) the provisions of chapters II, III, VI and IX except rules 10, 12, 17 and 93 shall not apply to the area or areas in respect of which the declaration has been issued. Such area or areas may be leased out according to the procedure described in this chapter.

(4) The District Officer shall get the area or areas declared under sub-rule (1), evaluated for quality and quantity of mineral for fixing minimum bid or offer by the Director, Geology and Mining, Uttar Pradesh or by an officer authorised by him before the date fixed for e-tender/ e-auction /e-tender-cum-e- auction :

COLUMN-II*Rule as hereby substituted*

(e) Private land situated in the river bed of area minimum 01 hectare in which sand or morrum or bajri or boulder or any of these in mixed state is available shall be leased out for the maximum period of 06 months through e-tender/e-auction/e-tender cum e-auction :

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COLUMN-I*Existing rule*

Provided that the District Magistrate, if the need so arises, may, through the technical committee setup by the Government, assess the amount of minor mineral available in the river bed, once in a year, post monsoon. In case of disagreement between parties, the Director, Geology and Mining shall decide the matter and such decision shall be final.

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By order,

DR. ROSHAN JACOB,

Sachiv.

N.B. :-

- 1- The Uttar Pradesh Minor Minerals (Concession) Rules, 1963, issued vide notification no. 1557-M/XVII B.M. 96-58, dated August 26, 1963 were published in the Uttar Pradesh Gazette dated September 14, 1963.
- 2- First Amendment was issued vide notification no. 331- M/XVII F.M. 331-66 dated November 16, 1968.
- 3- Second Amendment was issued vide notification no.1181- M/XVIII F.M. 21-1967, dated September 23, 1969.
- 4- Third Amendment was issued vide notification no. 3388- 1-M/XVIII F-15 MM-68, dated August 31, 1970.
- 5- Fourth Amendment was issued vide notification no. 2746- M/XVIII-12(3)(14)-72, dated December 28, 1972. Published in the U.P. Extra-ordinary Gazette, dated December 31, 1972.
- 6- Fifth Amendment was issued vide notification no. 4669- XVIII-12-57-75dated September 14, 1976. Published in the U.P. Extra-ordinary Gazette, dated September 15, 1976.
- 7- Sixth Amendment was issued vide notification no. 1518-XVIII-12-200-77dated April 25, 1978. Published in the U.P. Extra-ordinary Gazette, dated May 01, 1978.
- 8- Seventh Amendment was issued vide notification no. 3157- XVII-12-57-75-C-A-67-1957, Rule 1957 A.M.(7)78 dated July 27, 1978. Published in the U.P. Extra-ordinary Gazette, dated August 01, 1978.
- 9- Eight Amendment was issued vide notification no. 3136-XVIII-12-C-A-67, 1957 Rule, 1963 A.M.-6-77-195-77, dated January 09, 1979. Published in the U.P. Extra-ordinary Gazette, dated January 30, 1979.
- 10- Ninth Amendment was issued vide notification no. 8010-XVIII-12-332-79UPA-67-1957 Rule, 1963 A.M.-9-1982 dated January 15, 1982. Published in the U.P. Extra-ordinary Gazette, dated February 01, 1982.
- 11- Tenth Amendment was issued vide notification no. 486/XVIII-12-85-76 UPA 67-1957 Rule, 1963 A.M.-10-1982, dated March 17, 1982. Published in the U.P. -Extra-ordinary Gazette, dated March 24, 1982.
- 12- Eleventh Amendment was issued vide notification no. 5379 /XVIII-12-200-77--UPA-67-1957 Rule 1963 A.M.-(11)-84-dated October 12, 1984. Published in the -U.P. Extra-ordinary Gazette dated October 19, 1984.

- 13- Twelfth Amendment was issued vide notification no. 81-XVIII-12-213-79-UPA-1-957 Rule, 1963 A.M.-(12)-1985, dated January, 09, 1985. Published in the U.P. Extra-ordinary Gazette, dated January 11, 1985.
- 14- Thirteenth Amendment was issued vide notification no. 4678- XVIII-12-123-79-UPA-67-1957 Rule, 1963 A.M.-(13)-1985, dated May 29, 1985. Published in the U.P. Extra-ordinary Gazette, dated May 31, 1985.
- 15- Fourteenth Amendment was issued vide notification no. 6689-XVIII-12-206-85dated August 12, 1985. Published in the U.P. Extra-ordinary Gazette, dated August, 20, 1985.
- 16- Fifteenth Amendment was issued vide notification no. 4996- XVIII-12-89-200-77 dated August 28, 1989. Published in the U.P. Extra-ordinary Gazette, dated August, 28, 1989.
- 17- Sixteenth Amendment was issued vide notification no.2931XVIII-12-90-03(16)-90 dated June, 30, 1990. Published in the U.P. Extra-ordinary Gazette, dated July 07, 1990.
- 18- Seventeenth Amendment was issued vide notification no. 5233 /XVIII-12-90-10-90 dated September 26, 1990. Published in the U.P. Extra-ordinary Gazette, dated October 20, 1990.
- 19- Eighteenth Amendment was issued vide notification no. 1862/XVIII-12-93-200-77 dated July 19, 1993. Published in the U.P. Extra-ordinary Gazette, dated August, 14, 1993.
- 20- Nineteenth Amendment was issued vide notification no. 2855 /XVIII-12-93-200-77 dated November, 25, 1993. Published in the U.P. Extra-ordinary Gazette, dated January,01, 1994.
- 21- Twentieth Amendment was issued vide notification no. 3871/XVIII-12-94-10-90-T.C. dated August 27, 1994. Published in the U.P. Extra-ordinary Gazette, dated August, 27, 1994.
- 22- Twenty First Amendment was issued vide notification no. 5471/XVIII-12-94-10-90-T.C. dated February 02, 1995. Published in the U.P. Extra-ordinary Gazette, dated February, 11, 1995.
- 23- Twenty Second Amendment was issued vide notification no. 4520/XVIII-11-96-200-77 dated January 09, 1997. Published in the U.P. Extra-ordinary Gazette, dated January 09, 1997.
- 24- Twenty Third Amendment was issued vide notification no. 859/77-5-2001-8(204)/95-T.C. dated March 01, 2001. Published in the U.P. Extra-ordinary Gazette, dated March 31, 2001.
- 25- Twenty fourth Amendment was issued vide notification no. 1615/77-5-2001-200-77 dated March 28, 2001. Published in the U.P. Extra-ordinary Gazette, dated 28 March, 2001.
- 26- Twenty fifth Amendment was issued vide notification no. 1773/77-5-2002-729SID(R)/ 2001 dated April 12, 2002. Published in the U.P. Extra-ordinary Gazette, dated April 12, 2002.
- 27- Twenty sixth Amendment was issued vide notification no. 1666/77-5-2002-729 SID (R)/2001 dated June 22, 2004. Published in the U.P. Extra-ordinary Gazette, dated June 22, 2004.
- 28- Twenty seventh Amendment was issued vide notification no. 5666/77-5-2004-8(204)/95-T.C. dated October 16, 2004. Published in the U.P. Extra-ordinary Gazette, dated October 16, 2004.
- 29- Twenty eighth Amendment was issued vide notification no. 6714/77-5-2004-200-77 dated December 15, 2004. Published in the U.P. Extra-ordinary Gazette, dated December 15, 2004.
- 30- Twenty ninth Amendment was issued vide notification no. 476/77-5-2007-236-2005 dated February 15, 2007. Published in the U.P. Extra-ordinary Gazette, dated February 15, 2007.
- 31- Thirtieth Amendment was issued vide notification no.530/86-2009-200-77 T.C. II, dated June 02, 2009. Published in the U.P. Extra-ordinary Gazette, dated June 02, 2009.
- 32- Thirty first Amendment was issued vide notification no. 336/86-10-141/07, dated January 29, 2010 Published in the U.P. Extra ordinary Gazette dated January 29, 2010.
- 33- Thirty second Amendment was issued vide notification no. 1704/86-2010-83-2010, dated May 12, 2010. Published in the U.P. Extra ordinary Gazette dated May 12, 2010.
- 34- Thirty third Amendment was issued vide notification no. 7338/86-2011-183/2011, dated December 01, 2011.

- 35- Thirty fourth Amendment was issued vide notification no. 2974/86-2012-200/77 T.C. II, dated November 2, 2012 published in the Extra-ordinary Gazette dated November 2, 2012.
- 36- Thirty Fifth Amendment was issued vide notification no. 2216/86-2012-235-2010, dated December 23, 2012 published in the Extra-ordinary Gazette dated December 23, 2012.
- 37- Thirty Sixth Amendment was issued vide notification no. 1361/86-2013-113-2013, dated February 26, 2014 published in the Extra-ordinary Gazette, dated February 26, 2014.
- 38- Thirty Seventh Amendment was issued vide notification no. 3204/86-2014-278-2011, dated October 22, 2014 published in the Extra-ordinary Gazette dated October 22, 2014.
- 39- Thirty Eighth Amendment was issued vide notification no. 2430/86-2015-278/2011, dated July 14, 2015 published in the Extra-ordinary Gazette dated July 14, 2015.
- 40- Thirty ninth Amendment was issued vide notification no. 243/86-2016-200-77 T.C-II, dated January 19, 2016 published in the Extra-ordinary Gazette dated January 19, 2016.
- 41- Fortieth Amendment was issued vide notification no. 2229/LXXXVI-2016-130-2015 T.C. , dated June 29, 2016 published in the Extra-ordinary Gazette dated June 29, 2016.
- 42- Forty one Amendment was issued vide notification no. 626/LXXXVI-2017-57(Shamanya) 2017, Published in the Extra-ordinary Gazette dated 13-04-2017.
- 43- Forty Second Amendment was issued vide notification no. 997/LXXXVI-2017-57(Shamanya) 2017, Published in the Extra-ordinary Gazette dated 18-05-2017.
- 44- Forty Third Amendment was issued vide notification no. 1956/86-2017-57 (Shamanya) 2017, Published in the Extra-ordinary Gazette dated 14-08-2017.
- 45- Forty fourth Amendment was issued vide notification no. 3207/86-2017-151 (Shamanya) 2017, Published in the Extra-ordinary Gazette dated 07-12-2017.
- 46- Forty Fifth Amendment was issued vide notification no. 641/86-2018-153 (Shamanya) 2017, Published in the Extra-ordinary Gazette dated 27-03-2018.
- 47- Forty Six Amendment was issued vide notification no. 306 /86-2019-153 (Shamanya) 2017, Published in the Extra-ordinary Gazette dated March 06, 2019.
- 48- Forty Seven Amendment was issued vide notification no. 1868 /86-2019-57(Shamanya) 2017, Published in the Extra-ordinary Gazette dated August 13, 2019.
- 49- Forty Eight Amendment was issued vide notification no. 310/86-2020-51(Shamanya) 2019, Published in the Extra-ordinary Gazette dated February 05, 2020.
- 50- Forty Nine Amendment was issued vide notification no. 560/86-2020-55/08, Published in the Extra-ordinary Gazette dated March 18, 2020.

By order,

HRIDAY NARAYAN SINGH YADAV,

Anu Sachiv.

पी०एस०यू०पी०-ए०पी० 40 राजपत्र-2020-(71)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

पी०एस०यू०पी०-ए०पी० 2 सा० भूतत्व एवं खनिकर्म-2020-(72)-1500 प्रतियां-(कम्प्यूटर/टी/आफसेट)।