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Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining (Amendment) Rules, 2021

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HARYANA GOVERNMENT
MINES AND GEOLOGY DEPARTMENT

Notification

The 3rd May, 2021

No. S.O. 22/C.A. 67/1957/Ss. 15 and 23C/2021.— In exercise of the powers conferred by sub-section (1) of section 15 and section 23C of the Mines and Minerals (Development and Regulation) Act, 1957, the Governor of Haryana hereby makes the following rules further to amend the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, namely: —

1. (1) These rules may be called the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining (Amendment) Rules, 2021.

(2) These rules shall come into force from the date of their publication in the official gazette.

2. In the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (hereinafter called the said rules), in rule 9, in sub-rule (3),—

(i) for the figure and sign “25%”, the figure and sign “10%” shall be substituted;

(ii) in the Explanation, for the word, figure and sign “Rs. 125/-” and “Rs.156.25”, the word, figure and sign “Rs. 110/-” and “Rs.121/-” shall respectively be substituted.

3. In the said rules, in rule 18, after the word “thereof” existing at the end, the following words and sign shall be added, namely “through Registered post and /or e-mail, whichever is earlier”.

4. In the said rules, for rule 20, the following rules shall be substituted, namely:-

“20 (1). A lease holder may seek surrender of lease, for whatsoever reasons, by submitting an application subject to the condition that the lessee:-

(i) has stopped all mining operations in the lease;

(ii) has furnished production returns as required in terms of the lease deed;

(iii) has submitted the No Dues Certificate (NDC) from the officer-in-charge of the district concerned with regards to all pending dues on account of the said lease, till the end of calendar month in which application is submitted; and

(iv) has deposited an amount equal to one-month dead rent at the rate as may be applicable as non-refundable fee, at the time of submission of application:

Provided that in case of riverbed mining, if the application for surrender of lease is submitted during the period from 1st June to 15th September, then the lease holder shall be liable to deposit the non-refundable fee equal to two months of dead rent as may be applicable, at the time of submission of application.

(2) No application for surrenders of part area of the lease shall be maintainable.

(3) The Director shall pass an order accepting the surrender request within thirty days. In case no decision is communicated, the application for surrender shall be deemed to have been accepted on expiry of thirty days of submission of application.”.

5. In said rules, in rule 22 in sub-rule (2), for the words “twenty five” the word “ten” shall be substituted.

6. In said rules, in rule 24 in sub-rule (1), for words “The application for renewal of a mining contract shall be decided on satisfaction of the competent authority with regard to the following” the words “An application for renewal of a mining contract shall be decided by the Government within a period of six months of the receipt of complete application in all respects keeping in view the following parameters” shall be substituted.

7. In the said rules, for rule 25, the following rule shall be substituted, namely:-

“25(1). The contractor may seek surrender of contract for whatsoever reasons, by submitting an application subject to the condition that the contractor:

(i) has stopped all mining operations in the contract;

(ii) has furnished production returns as required in terms of the contract agreement;

(iii) has submitted the No Dues Certificate (NDC) from the officer-in-charge of the district concerned with regards to all pending dues on account of the said contract, till the end of calendar month in which application is submitted; and

- (iv) has deposited an amount equal to one-month contract money at the rate as may be applicable, at the time of submission of application as non-refundable fee:
- Provided that in case of riverbed mining contractor, if the application for surrender of contract is submitted during the period from 1st June to 15th September, then the contractor shall be liable to deposit the non-refundable fee equal to two months of contract money as may be applicable, at the time of submission of application.
- (2) No application for surrenders of part area of the contract shall be maintainable.
- (3) The Director shall pass orders accepting the surrender request within thirty days. In case no decision is communicated the application for surrender shall be deemed to have been accepted on expiry of thirty days of submission of application.
8. In the said rules, in rule 55, in sub-rule (3), after clause (viii), the following clause shall be added, namely:-
- “(ix) The highest bidder/ mineral concession holder may furnish the amount of ‘Initial bid security’ or ‘balance amount of security or security deposit’, as the case may be, by depositing the amount in the appropriate head of the department or in the form of a Fixed Deposit Receipt in favour of the Director or any officer authorised in this behalf. The Fixed Deposit Receipt shall be valid for a period of six months beyond the period of lease/ contract:
- Provided that where the aforesaid ‘Initial bid security’ or ‘balance amount of security’ or ‘security deposit’ is submitted by depositing the amount in the appropriate head of the department, the mineral concession holder may be allowed by the Director, to replace the same by furnishing the “Initial bid security” in the form of a Fixed Deposit Receipt in favour of the Director or any officer authorised in this behalf. The Fixed Deposit Receipt shall be valid for a period of six months beyond the period of lease/ contract/mineral concession.”
9. In the said rules, in rule 56,–
- (i) in the sub-rule (5), for the words “ten percent”, the words “seven and a half percent” shall be substituted.
- (ii) for sub-rule (6), the following sub-rule shall be substituted, namely:-
- “(6) In case of any default in payment of the instalments of dead rent/ contract money/ contribution to the ‘Mines and Minerals Development, Restoration and Rehabilitation Fund’ on the due date(s), the amount would be payable along with interest at the rate of 12 % per annum:
- Provided that in case the dues are paid within 7 days of the due date no interest shall be charged.”
- (iii) in sub-rule (12),–
- (a) for the sign “.” existing at the end, the sign “:” shall be substituted;
- (b) the following proviso shall be inserted, namely:-
- “Provided that in case of mineral concession granted for mining of minerals from the riverbed, total mineral excavated and stacked by the concession holder within the area granted on mining lease/ contract/ permit at any point in time shall not exceed three times of the average monthly production as per approved mining plan.
10. In the said rules, after rule 63, following rule shall be inserted, namely:-
- “63A. **Fixation of annual rent and compensation by Government.**– In case where no agreement is reached by way of mutual settlement between land owner and mineral concession holder, the Government may fix and notify the rate of annual rent and compensation, to be paid by the mineral concession holders to the landowners for area granted on mineral concession for mining under these rules.”.
11. In the said rules, in rule 64,–
- (i) for sub-rule (1), the following sub-rule shall be substituted, namely:-
- “(1) Where no agreement is reached by way of mutual settlement between the landowner and the mineral concession holder regarding the rate of rent, the mineral concession holder shall offer to pay an amount equal to two percent of the Collector rate or at such rate as may be notified by the Government as per rule 63A in respect of such land /area, whichever is higher, as rent.”
- (ii) in sub-rule (3), for the word “compensation”, the word “rent” shall be substituted.
- (iii) in sub-rule (6), for the words and sign “of annuity payable under the R&R Policy” the words and sign “as prescribed under sub-rule (1) or rate of rent fixed and notified, if any, by the Government in respect of such area/ land, whichever is higher”, shall be substituted.

12. In the said rules, in rule 65,-

- (i) for sub-rule (2), the following sub-rule shall be substituted, namely: - "In cases where the amount of compensation is not mutually settled between the parties under rule 63, the tentative amount of compensation shall be equal to an amount 0.5 % of the collector rate in case of riverbed mining and/ or 1% of collector rate in all other cases (except Riverbed mining) or at the rate of an amount of compensation, as notified by the Government under rule 63 A, whichever is higher."
- (ii) for sub-rule (6), the following sub-rule shall be substituted, namely:-
 "(6) Where the amount of final compensation determined by the Collector works out to be more than the tentative amount of compensation already deposited as per sub-rule (2), the mineral concession holder shall deposit immediately on demand by the Collector, the additional amount of compensation within fifteen days:

Provided that in case the amount of final compensation works out to be less than the amount already deposited by the contractor/ lessee, the excess amount shall be refunded to him within fifteen days."

13. In the said rules, in rule 71, sub-rule 6 shall be omitted.**14.** In the said rules, rule 71-A shall be omitted.**15.** In the said rules, in rule 77, in sub-rule (1),

- (i) for the words "ten percent" the words "seven and half percent" shall be substituted.
- (ii) in sub-rule (3), for the word "five percent", the words "two and half percent" shall be substituted.

16. In the said rules, in rule 81,-

- (i) in sub-rule (3) for the sign "." existing at the end, the sign ":" shall be substituted;
- (ii) the following proviso shall be inserted, namely:-
 "Provided that in case of mineral concession granted for mining of minerals from riverbed, total mineral excavated and stacked by the concession holder within the area granted on mining lease/ contract/ permit shall not exceed three times of the average monthly production as per approved mining plan at any point in time."
- (iii) in sub-rule (5),-
 - (a) for the sign "." existing at the end, the sign ":" shall be substituted;
 - (b) the following proviso shall be added, namely:-
 "Provided that no sand washing plant or screening plant shall stock, within the said premises at any given point of time, the raw mineral and processed aggregate put together which is equal to more than thirty days installed processing capacity of the unit."

17. In the said rules, in rule 82 in sub-rule (1),-

- (a) in clause (i),-
 - (i) for the sign ";" existing at the end, the sign ":" shall be substituted;
 - (ii) the following proviso shall be added, namely:-
 "Provided that for raw mineral/ unprocessed mineral, no licences shall be granted within a distance of five kilometre from the site of source of such mineral for which licence is sought."
- (b) in clause (iii),- for the sign "." existing at the end, the sign ":" shall be substituted;
 - (ii) the following proviso shall be inserted, namely:-
 "Provided that in case of a sand washing or a screening plant, licence shall be granted to the applicant having NOC/ Consent to Establish from the Haryana State Pollution Control Board."

18. In the said rules, in rule 101,-

- (i) in sub-rule (5), for figure '104' the figure '102', shall be substituted.
- (ii) after sub-rule (7) the following sub-rule shall be added, namely:-
 "(7A) Where the mineral loaded in the carrier is found to be more than mineral weight recorded in the mineral transit pass transportation of such excess mineral shall be treated as transportation of mineral without a valid mineral transit pass and shall be construed to be carrying/ transporting the such quantity of mineral illegally obtained and shall be liable for action under rule 102 of these rules."
- (iii) In sub-rule (8), for the figure '104', the figure '102' shall be substituted.

19. In the said rules, after rule 118, the following rule shall be inserted, namely:-

“118A. Relaxation of rules:- The Government may make an appropriate scheme for waiving off any dues or any other amount in public interest or may relax the applicability of any of the provision of these rules by recording reason in writing:

Provided that above relaxation shall not be given for granting mineral concession except as under rule 118.”.

20. In the said rules, in Form ML-1,-

(i) in Part II, in clause 7,-

(a) for the sign “.” existing at the end the sign “:” shall be substituted;

(b) the following proviso shall be added, namely:-

“Provided that in case of lease granted for mining of minerals from the riverbed, total mineral excavated and stacked by the lease holder, within the area granted on mining lease, at any point in time shall not exceed three times of the average monthly production as per approved mining plan.”.

(ii) in part III, in clause 3, in sub clause (b),-

(a) for the word and sign “25%”, the word and sign “10%” shall be substituted;

(b) in the Explanation, the word and sign “Rs.125/-” and “Rs.156.25”, the word and sign “Rs. 110/-” and “Rs.121/-” shall be substituted respectively;

(iii) in Part III, in clause 6, for the word and sign “10%”, the word and sign “7.5%” shall be substitute;

(iv) in Part III, for clause 7, the following clause shall be substituted, namely:-

“In case of any default in payment of the instalments of dead rent /royalty/ contribution to the ‘Mines and Minerals Development, Restoration and Rehabilitation Fund’ on the due date(s), the amount shall be payable along with interest at the rate of twelve percent per annum:

Provided that in case the dues are paid within seven days of the due date(s) no interest shall be charged.”.

(v) in clause 28, for the word and sign “10%”, the word and sign “7.5%” shall be substituted.

(vi) in Part V, for clause 7, the following clause shall be substituted, namely:-

“7. Surrender of mining lease.-

The lessee may seek surrender of lease, for whatsoever reasons, by submitting an application subject to the condition that the lessee:-

(i) has stopped all mining operations in the lease;

(ii) has furnished production returns as required in terms of the lease deed;

(iii) has submitted the No Dues Certificate (NDC) from the officer-in-charge of the district concerned with regard to all pending dues on account of the said lease, till the end of calendar month in which application is submitted; and

(iv) has deposited an amount equal to one-month dead rent at the rate as may be applicable, at the time of submission of application as non-refundable fee:

Provided that in case of riverbed mining, if the application for surrender of lease is submitted during the period from 1st June to 15th September, then the lease holder shall be liable to deposit the non-refundable fee equal to two months of dead rent as may be applicable, at the time of submission of application.

(v) No application for surrender of part area of the lease shall be maintainable.

(vi) the Director shall pass orders accepting the surrender request within thirty days. In case no decision is communicated the application for surrender shall be deemed to have been accepted on expiry of thirty days of submission of application.”.

21. In the said rules, in Form MC-1,-

(i) in Part II, in clause 7,-

- (a) for the sign “.” existing at the end, the sign “:” shall be substituted;
- (b) The following proviso shall be added, namely:-

“Provided that in case of contract granted for mining of minerals from the riverbed, total mineral excavated and stacked by the contractor, within the area granted on mining contract, at any point in time shall not exceed three times of the average monthly production as per approved mining plan.”.

(ii) in Part III,

- (a) for clause 1, the following clause shall be substituted, namely:-

“1. Surface rent:

The contractor shall pay rent for the surface area occupied by him as per rule 62.”

- (b) after clause 1, following clause shall be inserted, namely:-

“1A. Contract money:

The highest bid received in the competitive bidding/auction at the rate of Rs..... per annum shall become the ‘annual contract money’ amount payable by the contractor. The rate of annual contract money initially determined on the basis of the competitive bids/auctions shall be increased @ 10% on completion of each block of three years.

Explanation.— If the initially determined amount of annual contract money is Rs. 100/-, it shall be increased to Rs. 110/- with the commencement of the fourth year and to Rs. 121/- with the commencement of the 7th year and so on and so forth for the next each block of three years.”

- (c) in clause 4, the word and sign “10%”, the word and sign “7.5%” shall be substituted.
- (d) for clause 5, the following clause shall be substituted, namely:-

“5. In case of any default in payment of the instalments of the contract money/royalty/contribution to the ‘Mines and Minerals Development, Restoration and Rehabilitation Fund’ on the due date(s), the amount would be payable along with interest at the rate of 12 percent per annum:

Provided that in case the dues are paid within 7 days of the due date(s) no interest shall be charged.”.

- (e) in clause 26, the word and sign “10%” the word and sign “7.5%” shall be substituted;

(iii) in Part V, for clause 7, the following clause shall be substituted, namely:-

“7. The contractor may seek surrender of contract for whatsoever reasons, by submitting an application subject to the condition that the contractor:

- (i) has stopped all mining operations in the contract;
- (ii) has furnished production returns as required in terms of the contract agreement;
- (iii) has submitted the No Dues Certificate (NDC) from the officer-in-charge of the district concerned with regard to all pending dues on account of the said contract, till the end of calendar month in which application is submitted; and
- (iv) has deposited an amount equal to one-month contract money at the rate as may be applicable, at the time of submission of application as non-refundable fee:

Provided that in case of riverbed mining contractor, if the application for surrender of contract is submitted during the period from 1st June to 15th September, then the contractor shall be liable to deposit the non-refundable fee equal to two months of contract money as may be applicable, at the time of submission of application.

- (v) No application for surrenders of part area of the contract shall be maintainable;
- (vi) The Director shall pass orders accepting the surrender request within thirty days. In case no decision is communicated the application for surrender shall be deemed to have been accepted on expiry of thirty days of submission of application.”.

22. In the said rules, in Form MPS-1,—

(i) in Part II, in clause 7,—

(a) for the sign “.” existing at the end, the sign “:” shall be substituted;

(b) The following proviso shall be added, namely:—

“Provided that in case of permit granted for mining of minerals from the riverbed, total mineral excavated and stacked by the contractor, within the area granted on mining permit, at any point in time shall not exceed three times of the average monthly production as per approved mining plan.”

(ii) in Part III,

(a) for clause 1, the following clause shall be substituted, namely:—

“1. Surface rent:

The permit holder shall pay rent for the surface area occupied by him as per rule 62.”

(b) after clause 1, the following clause shall be substituted, namely:—

“1A. Permit money:

The highest bid received in the competitive bidding/auction at the rate of Rs. per annum shall become the ‘annual permit money’ amount payable by the contractor. The rate of annual permit money initially determined on the basis of competitive bids/auctions shall be increased @ 10% on completion on each block of three years.

Explanation.— If the initially determined amount of annual permit money is Rs.100/–, it shall be increased to Rs. 110/- with the commencement of the fourth year and to Rs. 121/- with the commencement of the 7th year and so on and so forth for the next each block of three years.”

(iii) in clause 4, the word and sign “10%”, the word and sign “7.5%” shall be substituted;

(iv) for clause 5, the following clause shall be substituted, namely:—

Interest on delayed payment:

“5. In case of any default in payment of the instalments of permit money/royalty contribution to the ‘Mines and Minerals Development, Restoration and Rehabilitation Fund’ on the due date(s), the amount would be payable along with interest at the rate of 12 percent per annum:

Provided that in case the dues are paid within seven days of the due date(s) no interest shall be charged.”

(v) in clause 25, for the word and sign “10%”, the word and sign “7.5%” shall be substituted.

(vi) in Part V, for clause 7, the following clause shall be substituted, namely:—

“7. Surrender of mining permit:

The permit holder may seek surrender of permit, for whatsoever reasons, by submitting an application subject to the condition that the permit holder:

(i) has stopped all mining operations in the permit area ;

(ii) has furnished production returns as required in terms of the permit agreement ;

(iii) has submitted the No Dues Certificate (NDC) from the officer-in-charge of the district concerned with regards to all pending dues on account of the said permit, till the end of calendar month in which application is submitted; and

(iv) has deposited an amount equal to one-month permit fee at the rate as may be applicable, at the time of submission of application as non-refundable fee:

Provided that, in case of riverbed mining, if the application for surrender of permit is submitted during the period from 1st June to 15th September, then the permit holder shall be liable to deposit the non-refundable fee equal to two months of permit fee as may be applicable, at the time of submission of application.

(v) No application for surrender of part area of the permit shall be maintainable.

(vi) The Director shall pass orders accepting the surrender request within thirty days. In case no decision is communicated the application for surrender shall be deemed to have been accepted on expiry of thirty days of submission of application.”

23. In the said rules, in Form MPS-2, for clause 3, the following clause shall be substituted, namely:-
- “3. In case of any default in payment of the instalments of permit money/ contribution to the ‘Mines and Minerals Development, Restoration and Rehabilitation Fund’ on the due date(s), the amount would be payable along with interest at the rate of twelve percent per annum:
- Provided that in case the dues are paid within seven days of the due date(s) no interest shall be charged.”
24. In the said rules, in Form PIM-2, for clause 9, the following clause shall be substituted, namely:-
- “9. The annual amount of royalty shall be paid in advance by 1st April of every year. In case of any default in payment of the instalments of permit money/ contribution to the ‘Mines and Minerals Development, Restoration and Rehabilitation Fund’ on the due date(s), the amount would be payable along with interest at the rate of twelve percent per annum:
- Provided that in case the dues are paid within seven days of the due date(s) no interest shall be charged.”.

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