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GOVERNMENT OF ORISSA

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**ORISSA
MINOR MINERAL CONCESSION RULES
1990**

(AMENDED UP TO MARCH, 1994)

DEPARTMENT OF STEEL & MINES

DEPARTMENT OF STEEL & MINES
(Orissa Minor Minerals Concession Rules, 1990)

NOTIFICATION

The 14th August 1990

S. R.O. No. 824/90—In exercise of the powers conferred by sub-section (1) of section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Government of Orissa hereby makes the following rules for regulating the grant of mining leases in respect of minor minerals and for purposes connected therewith, namely :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement*—(1) These rules may be called the "Orissa Minor Mineral Concession Rules, 1990, (2) They shall come into force with effect from the date of their publication in the *Orissa Gazette*.

2. *Definition*—(1) In these rules, unless the context otherwise requires—

- (a) "Act" means the Mines and Minerals (Regulation and Development) Act, 1957 ;
 - (b) "Auction" means the auction sale of minor minerals in any area in favour of the highest bidder under the terms and conditions fixed by the Competent Authority ;
 - (c) "Board of Revenue" means the Board of Revenue, Orissa ;
 - (d) "Competent Authority" means officers of the concerned Departments of the Government mentioned in columns (3) and (4) of Schedule IV for the purpose and jurisdiction specified against each of them in columns (2) and (1) respectively thereof ;
 - (e) "Controlling Authority" means officers mentioned in column (2) of Schedule III for the purpose and jurisdiction specified against them in column (1) thereof ;
 - (f) "Principal Chief Conservator of Forests" means the Principal Chief Conservator of Forests, Orissa ;
 - (g) "Collector" means the Chief Officer-in-charge of the Revenue Administration of a district and also includes the Additional District Magistrate ;
 - (h) "Director" means the Director of Mining & Geology, Orissa ;
 - (i) "Deputy Director" means the Deputy Director of Mines, Orissa ;
 - (j) "Government" means the Government of Orissa ;
 - (k) "Joint Director" means Joint Director of Mines, Orissa ;
 - (l) "Person" shall include an individual, a firm, a company, an Association or body of individuals, an Institution or Department of the State or Central Government and a Labour Co-operative Society ;
 - (m) "Quarry Lease" means a lease granted on tenure basis for a period not exceeding* ten years for extraction, collection and/ or removal of minor minerals ;
 - (n) "Quarry Permit" means a permit granted for period not exceeding one year for extraction, collection and /or removal of any specified quantity of minor minerals ;
 - (o) "Quarrying operations" means any operation undertaken for the purpose of winning any minor mineral and shall include erection of machinery, laying of tramways, construction of roads and other preliminary operations for the purpose of quarrying ;
 - (p) "Sub-Collector" means the Officer-in-charge of a Revenue Subdivision ;
 - (q) "Schedule" means a Schedule appended to these rules ;
- (2) Words and expressions used herein but not defined in these rules shall have the meanings as respectively assigned to them in the Act and the Mineral Concession Rules, 1960.

3. No person shall undertake any quarrying operations for the purpose of extraction, collection and/or removal of minor minerals except under and in accordance with the terms and conditions of quarry lease, permit and/ or auction sale provided under these rules :

Provided that extraction, collection and/or removal of minor minerals by a person from his own land for normal agricultural operations or other *bona fide* domestic consumptions shall not be construed as quarrying operations.

* Substituted vide notification No. 7965, dated the 8th Dec. 1991

CHAPTER-II

GRANT OF QUARRY LEASES

4. *Restrictions on grant of quarry leases*—(1) Notwithstanding anything contained in these rules, the Government may, by order, declare that no quarry lease shall be granted in any area or in respect of any minor mineral (s) except on such terms and conditions as may be specified from time to time. (2) No quarry lease shall be granted to any person other than an Indian citizen without prior approval of the Government and in respect of any area included in the Rakhit or Sarbasadharan Khata of the village or any area reserved for communal purpose. (3) No quarry lease should be granted over areas involving historical, cultural, archaeological and scientific importance.

5. *Application for quarry lease*—Every application for a quarry lease shall be made to the Competent Authority in form 'A' in triplicate and shall be accompanied with the following documents and particulars:—

- (i) The Treasury Challan showing deposit of two hundred rupees towards the application fee,
- (ii) Name, nationality, profession and address of the applicant,
- (iii) Plan and description which would facilitate easy identification of the area applied for,
- (iv) Name of the Minor Mineral/Minerals, which the applicant intends to extract and or remove,
- (v) Purpose for which the Minor Mineral (s) would be used,
- (vi) Period for which the lease is required,
- (vii) An affidavit stating the total area held by the applicant or with any other person (s) having joint interest by way of quarry lease within the State,
- (viii) Where the land applied for belongs to private persons, consent of all such persons for grant of lease,
- (ix) Attested copies of up-to-date Income-tax and Sales tax clearance certificates or non-assessment certificates, as the case may be,
- *(ix-a) Where the applied quarry lease relates to any type of rock used for decorative, industrial or export purpose including dimension stones,—
 - (a) a solvency certificate and a list of imovable properties from the concerned Revenue Authority; and
 - (b) a certificate from his banker stating the extent of his credit worthiness :

Provided that the applications relating to any type of rock used for decorative, industrial or export purpose including dimension stones shall be made to the Deputy Director of Mines or Mining Officer having jurisdiction over the area where such rocks occur who shall send the same to the competent authority through the Director after such inquiry as he may deem necessary.

- (x) Any other information which the applicant intends to furnish, such as, technical knowledge experience, financial position and the like.

6. *Disposal of the applications*—(1) All applications received by the Competent Authority shall be entered in the Register of Applications for quarry leases which shall be maintained in Form C appended to these rules.

(2) As soon as an application is received, it shall be acknowledged to the applicant in Form B. If the application is refused, an intimation which would contain the reasons for refusal, shall be sent to the applicant.

(3)** (Every application for a quarry lease shall be disposed of by the Competent Authority within four months of its receipt).

* Inserted vide notification No. 2638, dated 11th March 1993

** Deleted vide notification No. 826, dated the 22nd January 1994

(*Provided that where the applied quarry lease relates to any type of rock used for decorative, industrial or export purpose including dimension stones, the application shall be disposed of by the Competent Authority within six months of its receipt).

(4) No application shall be granted unless the applicant submits the Income-tax and sales tax clearance certificates in original or non-assessment certificates in original.

✓*(5) Subject to the provisions of sub-rules (6) and (6-a), where two or more persons have applied for a Quarry Lease in respect of same land or area, the applicant whose application was received earlier shall take precedence in consideration for the grant over an applicant whose application was received later.

(6) Priority shall be given to the applicants in the following order, namely :—

- (i) co-operatives of artisans using the minor mineral as raw material;
- (ii) a person who has been operating an industry based on the minor mineral applied for or, having complied all other formalities, would be able to operate it if the lease is granted ;
- (iii) a person who is the raiyat of the land,
- (iv) Any other category.

** (6-a) Notwithstanding anything contained in sub-rule (6), in respect of all types of rocks used for decorative, industrial or export purpose including dimension stones the priority shall be in the following order, namely :—

- (i) a person who has already set up an industry for processing of such minor minerals in the State;
- ✓(ii) a person who has a definite plan for setting up of an industry in the State for processing of such minor minerals within three years, if he has furnished a copy of his project report of the proposed processing industry and also a letter from the financing institution, issued by the Chief Executive of such institution to the effect that his project report is being appraised by such financing institution;

Provided that—

- (a) the lease shall be granted only when the processing plant is ready for operation within three months and confirmation to that effect has been received from the concerned financing institution if any ;
- (b) the competent authority, on receipt of the documents mentioned above and on being satisfied that the applicant will be able to invest or arrange sufficient funds for establishment of the processing industry, has issued a letter of assurance for grant of lease, which shall be initially valid for one year and shall be renewable for good and sufficient reasons, from time to time not exceeding three years in the aggregate;
- (iii) a person who is a raiyat of the land;
- (iv) any other category;

Provided that in the case of an applicant under category (iii) or (iv), the lease may be granted by the competent authority on being satisfied that the applicant shall be able to invest or arrange sufficient funds to carry on his quarrying activity in a proper, skilful and workman like manner.

*** (7) No quarry lease/permit/auction for road metals including ballast and ordinary boulders shall be granted within the area for which a lease has been granted for quarrying rocks used for decorative, industrial and export purposes including dimension stones.

7. Survey of the area leased—Arrangement shall be made, at the expense of the grantee, for survey and demarcation of the area granted under quarry leases.

8. Extent of area to be granted under quarry leases—

(1) The area to be granted under one lease shall be for a compact Block and the extent of such area shall not exceed one hundred hectares.

(* Inserted vide Notification No. 8859, dated 21-7-1992)

* Substituted vide Notification No. 826, dated the 22nd January 1994

** Substituted vide Notification No. 2638, dated 11-3-1993 and Notification No. 826, dated 22-1-1994

*** Vide Notification No. 7965, dated 8-7-1991

* (2) (a). No person, by himself or with any person having joint interest, shall, save as provided in clause (b) hold more than three square kilometres of area under lease in the State of Orissa.

(b) In the case of quarry lease relating to any type of rocks used for decorative, industrial or export purpose including dimension stones, the maximum area shall, in the case of an applicant,—

(i) be one hundred and fifty hectares if the applicant comes under category (i) or (ii) of sub-rule (6-a) of rule 6; and

(ii) fifty hectares, if the applicant comes under category (iii) or (iv) of sub-rule (6-a) of rule 6:

Provided that when more than one application relating to any of the categories (i) and (ii) of sub-rule (6-a) of rule 6 is received for the same area, the ~~interse~~ priority shall be decided on the basis of the installed capacity.

(3) The boundaries of the area covered by a quarry lease shall run vertically downwards below the surface.

9. *Period of lease and renewal*—(1) A quarry lease may be granted for a period not exceeding five years for lessees referred to in clauses (i) and (ii) of sub-rule (6) of rule 6 and three years for lessees referred to in clauses (iii) and (iv) thereof. The lease may be renewed for one or more periods, the period of each renewal shall not exceed five or three years, as the case may be.

(2) An application for renewal of a quarry lease shall be made in Form 'E' at least ninety days before the expiry of lease, to the competent authority and shall be accompanied with a fee of two hundred rupees. An application for renewal of quarry lease shall be disposed of before expiry of the lease term and if the application is not so disposed of within that period it will be deemed to have been refused.

** Provided that applications for renewal of quarry leases of rocks used for decorative, industrial and export purposes including dimension stones which are deemed refused may be reconsidered by the State Government in the Department of Steel and Mines on application made to them within 30 days of the date of deemed refusal by the party aggrieved.

*** (3) Notwithstanding anything contained in sub-rule (1) above, the lease period of quarry for all types of rocks to be used for decorative, industrial and export purposes including dimension stones shall not exceed ten years. The lease may be renewed for one or more periods each of which shall in total not exceed ten years.

Provided that no second renewal shall be granted unless the lessee has set up a plant for processing such stones using at least twenty-five per cent of the stones quarried from the lease hold.

10. *Execution of lease*—(1) A quarry lease granted under these rules shall be executed in Form 'D' by the competent authority within three months of the order sanctioning the lease or within further period of two months as may be allowed by the controlling authority. While doing so the controlling authority shall record reason for such extension and communicate the same to Government. If no lease deed is executed within the time aforesaid due to any default on the part of the applicant, the controlling authority may revoke the order granting the lease and forfeit the application fee.

**** Provided that in the case of a quarry lease for any type of rocks used for decorative, industrial or export purposes including dimension stones the deed shall be executed by the Deputy Director of Mines or the Mining Officer having jurisdiction.

(2) No minor mineral shall be extracted or removed before execution of the lease deed except with the approval of the controlling authority.

(3) Every competent authority shall maintain register of quarry leases in Form 'F'.

* Vide Notification No. 2638, dated 11-3-1993

** Vide Notification No. 7965, dated 8-7-91

*** Vide Notification No. 7965, dated 8-7-91

**** Vide Notification No. 2638, dated 11-3-93

*Provided that in case of quarry lease for any type of rock used for decorative, industrial or export purpose including dimension stones, the Deputy Director of Mines or the Mining Officer having jurisdiction shall maintain a Register in Form 'F'.

11. *Security Deposit*—The grantee shall, before execution of the lease-deed make a security deposit calculated at the rate of one hundred rupees per hectare or part thereof subject to a minimum amount of rupees five hundred.

12. *Transfer for quarry lease*—The lessee may, within the prior approval of the Competent Authority, transfer the lease to any person subject to the following conditions, namely:—

- (i) The transferer and the transferee must belong to the same category, viz. the categories, referred to in ** sub-rules (6) and (6-a) of rule 6.
- (ii) The transfer shall be valid only for the unexpired portion of the lease,
- (iii) The transferee shall make a fresh security deposit himself and the transferer should agree that the deposit made by the latter will be deemed to have been made by the former and the transfer shall be subject to fulfilment of conditions of submission of documents provided in rules 5 and 6;

***Provided that prior approval of the Competent Authority shall not be necessary if the quarry lease is mortgaged to a Nationalised Bank or Government Industrial/Financial Corporation/Institutions to obtain financial assistance for development of the quarry. However, the period of mortgage shall be co-terminus with the period of lease and right of the State Government to collect Government dues from the lessee shall be the first charge on the mortgaged property.

13. *Liability for payment of Royalty, Dead Rent, etc.*—The lessee shall be liable to pay dead rent, surface rent, royalty and fees for compensatory afforestation at the following rates, namely:—

- (i) The holder of a quarry lease shall pay to the State Government every year the dead rent and surface rent at the rates specified in Schedule II for all the areas included in the instrument of lease:

Provided that the rates specified in Schedule II may be revised by Government from time to time by an amendment made to the said Schedule, but no such enhancement shall be made before the expiry of three years from the date when the rates were last fixed:

Provided further that where the holder of the quarry lease becomes liable for payment of royalty for any minor mineral removed or consumed by him or his agent, manager and employees or the contractor from the leased area, he shall be liable to pay either such royalty or the dead rent in respect of that area, whichever is higher.

- (ii) Royalty shall be leviable on minor minerals extracted from the leased area at the rates specified in Schedule I:

Provided that the rates specified in Schedule I may be revised by Government from time to time by an amendment made to the said Schedule, but no such enhancement shall be made before the expiry of three years from the date when the rates were last fixed.

- (iii) The lessee shall pay, in addition to the surface rent, dead rent or royalty, as the case may be, fees for compensatory afforestation at rates as may be specified by Government from time to time.

* Vide notification No. 2638, dated 11-3-1993.

** Vide notification No. 2638, dated 11-3-1993.

*** Vide notification No. 7965, dated 8-7-1991.

14. *Conditions of quarry lease*—*(1) The lessee shall pay half-yearly surface rent for next half-year within a fortnight of the execution of the lease-deed and thereafter pay such half-yearly surface rent including unpaid dues, if any, on or before the 15th January and the 15th July of every year.

** (2) The lessee shall pay half-yearly dead rent for the next half-year within a fortnight of the execution of the lease-deed and thereafter pay such half-yearly dead rent including unpaid dues, if any, on or before the 15th January and the 15th July of every year. An account of the royalty payable by him shall be kept by the Competent Authority and as soon as the royalty payable by him becomes equal to or in excess of the dead rent already paid by him, he shall remove the minor minerals only after prepayment of the royalty. Advance dead rent paid by him shall be deemed to have been merged into the amount of royalty he was liable to pay:

Provided that for rocks used for decorative, industrial and export purposes including dimension stones, the accounts shall be kept by the concerned Deputy Director of Mines or Mining Officer.

(3) The lessee shall pay to the Government Compensation for all damages, injuries or disturbance which has been caused by him in the course of operating the lease and shall indemnify Government against all claims which may be made by third parties in respect of such damage, injury or disturbances.

(4) Quarrying operations shall commence within three months from the date of execution of the lease agreement. The lessee shall thereafter carry on quarrying in a proper, skilful and workman-like manner:

*** Provided that where the leases are in respect of rocks used for decorative, industrial and export purposes including dimension stones, the quarrying operations shall commence within, ** 'one year' of the date of execution of the lease-deed and the levy of dead rent as provided under rule 13 shall commence only in expiry of the said period of *** 'one year'.

*** (5) If the lessee does not work upon the quarry for a continuous period of—

(a) one year in the case of a lease for any type of rocks used for decorative, industrial or export purpose including dimension stones; or

(b) six months in the case of other leases, the lease shall be liable to be cancelled, unless prior permission has been granted for such stoppage by the Competent Authority on reasonable grounds.

(6) The lessee shall allow reasonable facilities of access to other *bona fide* concessionaries.

(7) If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall report it forthwith to the Competent Authority and the Director. The lessee shall not win or dispose of any such minor mineral without obtaining a proper lease or permit or permission of the Competent Authority in writing. If he fails to apply for a lease or permit to extract the newly discovered minor mineral within three months from the date of discovery or if he declares his intention not to work upon the minor mineral, the Competent Authority may grant lease or permit in respect of that minor mineral to any other person after observing the procedure prescribed in these rules for the purpose:

Provided that if the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new mineral, by reason only of the lands being included in his earlier lease for extraction of minor mineral.

(8) The lessee shall not carry on or allow to be carried on, any quarrying operation at any point within a distance of—

(a) one hundred metres from any Railway line (except under and in accordance with the written permission of the Railway Administration concerned), National Highway, State Highway or any reservoir; or

(b) within a distance of fifty metres from any tank, canal, road (other than a National or State Highway or other public works or buildings or inhabited sites), except under and in accordance with the previous permission of the Collector. The Railway Administration or the Collector, as the case may be, may grant such permission on such conditions as it and he may specify.

*, ** Vide notification No. 8859 dated 21-7-1992

*** Vide notification No. 7965 dated 8-7-1991

**** Vide notification No. 2638 dated 11-3-1993

***** Vide notification No. 2638 dated 11-3-1993

(9) The State or Central Government shall have right to construct any road, railway or canal, reservoir or to lay electric or telephone lines in or over the lands held under the lease :

Provided that the lease shall be given atleast sixty days prior notice before the right is exercised and the area thus utilised shall be excluded from the area held under lease.

(10) The lessee may erect on the area granted to him any building and structure required for the purpose of quarrying operations, provided he does not offend any lawful orders issued by the officer or authority competent to issue such orders.

(11) The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area.

(12) The lessee shall obtain permission of the Competent Authorities of the Forest Department, Orissa to carry on any operation in forest areas.

(13) The lessee shall be abided by the provisions of all laws for the time being in force, relating to the working of quarries and matters affecting the safety, health and convenience of the persons employed for quarrying and of the persons employed for quarrying and of the public. He shall also obey all existing light of way, water and other easements.

* (14) The lessee shall keep correct accounts of minor minerals quarried and despatched and shall furnish a return in Form 'G'—

(a) to the Deputy Director of Mines or Mining Officer having jurisdiction and also to the Director, if such minerals are rocks used for decorative, industrial or export purpose including dimension stones, or

(b) to the Competat Authority and the Director in the case of other minor minerals.

(15) The lessee shall afford reasonable facilities for inspection of the quarries in the leased land, accounts and records pertaining to working of lease, to the Controlling Authority, Competent Authority and Director or any other officer authorised by any of them. Such officer may issue directions to prevent wasteful extraction of minerals and to ensure observance of the provisions of rules and specify the time-limit within which the directions should be complied with. If the lessee does not allow the Inspecting Officer reasonable facilities for inspection or fails to comply with the directions within the specified time-limit, the Controlling Authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees one thousand only and may cancel the lease and forfeit the security deposit.

(16) All accidents involving injury or loss of life or loss or damage to property should be reported forthwith to the Collector of the district.

(17) If any Government dues payable under the lease agreement remain unpaid for one month beyond the date fixed in the lease agreement for such payment, the Competent Authority or any Officer authorised by him may enter into the leased area and distrain all or any of the minor minerals or other movable property and may dispose of such of the distrained minor minerals or property as will sufficient for satisfaction of the Government dues and all costs and expenses occasioned by the non-payment there. If any such Government dues remain unpaid over two months beyond the date fixed in the lease agreement for such payment, the Competent Authority may determine the lease, and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provisions of the Orissa Public Demands Recovery Act, 1962 for recovery of public demands.

(18) The Controlling Authority shall have the right to pre-emption at current market rates over all minor minerals extracted or collected by the lessee and shall be indemnified by the lessee against the claims of any third parties in respect of such minerals.

(19) The lessee shall remove all minor minerals quarried before the end of the lease period or of its determination, if it is earlier, and all other materials and structures within such reasonable period not exceeding two months or as the Competent Authority may allow. All minor minerals materials, machineries, buildings and other structures, left in the leased area after the date-line fixed or time allowed by the Competent Authority shall be deemed to be the property of the Government. The Competent Authority may dispose of such property by public auction and credit the sale-proceeds to Government account with the approval of Controlling Authority.

(20) If any major mineral is found in the area in course of quarrying of minor minerals the lessee shall intimate in writing the fact to the Competent Authority forthwith and the lease shall be terminated without payment of any compensation to the lessee.

(21) The lessee shall ensure proper maintenance of hill slopes so as to prevent major erosion and observe all such safeguards as provided in the Mines Act, 1952 and the Rules and Regulations framed thereunder from time to time.

*(22) A lessee in respect of rocks used for decorative, industrial and export purposes including dimension stones may dispose of waste material raised during quarrying operations on payment of royalty and other Government dues prescribed for road metals including ballast-ordinary boulders, chips, gravel, moorum ordinary stone etc. as the case may be.

*(23) All granite quarry owners shall carry out quarrying activities with appropriate environmental safeguards and shall take such steps for reclamation and raising of plantations in the lease areas to be prescribed by the Director of Mining & Geology from time to time.

** (24) A lease granted to a lessee who fails to put up a unit for processing rocks used for decorative, industrial and export purposes including dimension stones within a period of three years is liable to be cancelled by the Competent authority after issue of due notice to the lessee and after giving him reasonable opportunity to present his case:

Provided that the competent authority may, after considering the representation of the lessee give him extension of time to put up the processing unit:

Provided further that the extension so granted shall be within the period of validity of the lease.

*** (25) The lessee shall keep the Government indemnified from any liabilities, compensation damage etc. arising out of his acts or omissions as a lessee during the subsistence of the lease.

15. The Competent Authority may include such other conditions in the lease agreement with the approval of the Controlling Authority.

16. If the land leased out is a private land, the lessee shall pay such just and reasonable compensation as may be agreed upon between the lessee and the owner of the land.

*17. (1) The lessee may surrender the lease at any time after giving not less than three months notice in writing to the Competent Authority.

(2) The lessee may also surrender any part of the leased area at the time of renewal of the lease.

(3) Notwithstanding anything contained in sub-rule (2), the lessee holding the lease in respect of rocks used for decorative, industrial and export purposes including dimension stones may surrender a part of the leased area at any time after giving not less than three months notice in writing to the Competent Authority

* Notification No. 7965, dated 8-7-1991

** Notification No. 8859, dated 21-7-1992

*** Vide Notification No. 7955, dated 8-7-1991

CHAPTER III

GRANT OF QUARRY PERMITS

18. (1) An applicant for quarry permit shall be made to the Competent Authority and shall contain the following particulars :—

- (i) Name, nationality, profession and address of the applicant ;
- (ii) Name of the minor mineral, which the applicant intends to extract and remove ;
- (iii) Quantity of minor minerals for which the permit is required ;
- (iv) Description of the land, illustrated by a sketch and a plan from which the minor minerals is to be extracted and removed ;
- (v) Time within which the entire quantity of minor mineral applied for would be removed ;
- (vi) Purpose for which the minor mineral is to be used ;
- (vii) Consent of the owners, if the land is a private land permitting diversion of his land for extraction of minor mineral proposed to be removed ;
- (viii) An undertaking by the applicant that he agrees to abide by the conditions governing extraction and removal of minor mineral under a quarry permit.

(2) The application shall be accompanied with a fee of Rupees twenty-five only payable in a Government Treasury and the treasury receipt thereof shall be enclosed with the application.

(3) The Competent Authority may grant permit in Form 'H' for extraction and removal from any specified land, any minor mineral not exceeding one thousand tonnes under any one permit on payment of dues such as royalty, cess, Surface rent and compensatory afforestation fees as assessed by the Competent Authority calculated at the rates specified in the Schedules I and II.

(4) If any application is rejected, the Competent Authority shall inform the applicant, stating the reasons of such rejection.

19. *The period of a permit shall not exceed one year.*

20. *Conditions of quarry permit*—The conditions of quarry permit shall be as follows, namely:—

- (i) The depth of the quarry below the surface shall not exceed six metres ;
- (ii) The permit is on-transferable ;
- (iii) Minor, mineral, other than for which permit is granted, shall not be excavated or removed without prior approval of the Competent Authority ;
- (iv) If any major mineral is found during quarrying operations, the permit holder shall report the matter to the Competent Authority and the Director forthwith ;
- (v) The permit holder shall maintain complete and correct accounts of the minor mineral excavated and quantity removed from the area ;
- (vi) The permit holder shall immediately report all accidents to the Competent Authority and the Collector of the district.
- (vii) The permit holder shall have no right over the quarried material and other property lying in the permit area after expiry of the permit ;
- (viii) The permit holder shall not undertake any operation in forest area without obtaining the permission from the Competent Authority of the Forest Department, Orissa. He shall be liable for payment of fees and royalty as admissible under the Rules or as may be prescribed by the said Authority before taking up any operation in the forest area ;
- (ix) The permit holder shall not carry on the quarrying operation within a distance of fifty metres from any public roads, public buildings, temples, reservoirs, dams, burial ground and Railway track etc. and cause any damage to any public and private properties ;
- (x) The permit holder shall allow the Director, Controlling Authority and Competent Authority or any officer authorised by any of them to inspect the quarrying operations and to check the accounts and verify the details of despatches from the registers maintained by him ;

(xi) If any minor mineral is removed in excess of the quantity permitted, such material shall be confiscated and the permit holder shall be liable for punishment under the provisions of the Indian Penal Code and these rules.

(xii) As soon as removal of the mineral granted under this permit is completed, the permit holder shall surrender the permit to the Competent Authority and furnish to him a complete statement indicating the quantities of minor minerals removed and other particulars as may be required by the Competent Authority.

21. The Competent Authority shall maintain a register of quarry permits in Form 'I'.

CHAPTER IV

AUCTION

22. (1) Notwithstanding anything mentioned in these rules, minor minerals can be sold or disposed of by public auction as may be prescribed by the concerned Controlling Authority on such terms and conditions as may be specified in the auction sale notice.

(2) The auction shall be valid for a maximum period of one year from the date of auction.

(3) The up-set price to be fixed may, ordinarily be based on the average price obtained during the last three years marked up by ten per cent. Where the auction price falls short of the up-set price, the authority conducting the same should refer the matter to the next higher authority for approval before finalising the same. In such cases, where the higher authority is satisfied with the bid amount according to local conditions prevailing at the time of the sale, he may approve the sale; if he is of the view that the price is lower than what it ought to be, he may order resale. In the latter case, the bid sheets should again be submitted to the Higher Authority for confirmation.

(4) The Competent Authority shall make reasonable publicity for the auction sale so as to obtain the best possible price.

(5) The successful bidder shall deposit not less than 25 per cent of the bid amount immediately after the bid is over. The balance bid amount shall be deposited within 30 days from the date of the confirmation of the bid, provided that in case the bid amount exceeds Rs. 10,000, the authority on application by the bidder, may allow payment of the balance amount in two equal consecutive quarterly instalments.

(6) Security deposit to the extent of ten per cent of the off-set price would be taken from the intending bidders which, will be refunded if the bid is not accepted and in case the bid is accepted, would be returned after the expiry of the auction period if the auction purchaser has fulfilled all conditions of the assignment. If any of the conditions of assignment is not fulfilled, the security deposit of the auction purchaser may be forfeited in whole or in part.

23. **PROCEDURE FOR FILING APPEAL**—(1) Any person aggrieved by an order of the Competent Authority, may, within one month from the date of communication of the order, file an appeal against such order to the Sub-Collector if the order is passed by the Tahasildar, to the Collector if the order is passed by the Sub-Collector, to the Revenue Divisional Commissioner if the order is passed by the Collector, to the Conservator of Forests if the order is passed by the Divisional Forest Officer and to the Joint Director of Mines if the order is passed by the Mining Officer or Deputy Director of Mines* and to the State Government in the Department of Steel and Mines if the order is passed by the Director, Mining and Geology:

Provided that no stay shall be granted in a case in which the appellant has been, in pursuance of the order appealed against required to pay any amount unless at least 50 per cent of the said amount is deposited with the Competent Authority and evidence of such deposit is produced before the Appellate authority.

(2) The Appellate Authority may call for relevant records and other information from the concerned Competent Authority and may, if considered necessary, stay the operation of the order of the Competent Authority in any particular case till the appeal is finally disposed of or until further orders, as the case may be.

(3) No appeal shall be admitted unless the amount, if any assessed in accordance with the provision of these rules as per the orders appealed have been deposited.

(4) Every application for appeal shall be made in form 'J' and shall be accompanied with a fee of rupees twenty-five.

* Vide Notification No. 7965, dated the 8th July 1991

CHAPTER V
MISCELLANEOUS

24. *Penalties*—(1) Whoever contravenes the provisions of rule 3, shall be liable to punishment with imprisonment for a term which may extend to six months or with fine which may extend to rupees one thousand only or both and in case of a continuing contravention, with an additional fine which may extend to rupees one hundred only for every day during which such contravention continues after conviction for the first such contravention.

(2) In case of breach of any condition of the lease other than those mentioned in sub-rule (15) of rule 14, the competent Authority may give notice of thirty days to the lessee to rectify the defects within the time specified. If the lessee fails to rectify the defects within the specified time, the competent Authority may cancel the lease and/or levy a penalty not exceeding rupees one thousand only.

(3) In case of breach of any condition mentioned in rule 20 and other conditions which the competent Authority or the controlling Authority might have specified while granting a quarry permit, the competent Authority may impose a penalty which may extend to rupees one hundred only per day and in the event of continuing contravention, the competent Authority may cancel the permit. The minerals lying on the land from which they are extracted shall thereafter become the property of the Government.

(4) If the permit holder quarries or collects or transports any mineral without valid permit, he shall be punishable with imprisonment which may extend up to six months or with fine up to rupees one thousand or both.

25. *Power to rectify apparent mistakes*—Any clerical or arithmetical mistake in any order passed by the Government or any other authority under these rules and any error arising therein from accidental slip or omission, may, within six months from the date of the order be corrected by the Government or the officer, as the case may be, provided, however, that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity of stating his case.

26. (1) If any minor mineral is found in an area leased out for major mineral, the minor mineral can be removed with permission of the *Government in the Steel and Mines Department in the case of rocks used for decorative, industrial or export purpose including dimension stones and of the concerned Deputy Director of Mines or the Mining Officer in the case of other minor minerals, on payment of royalty and other dues prescribed for the said minor mineral.

(2) In case of any doubt whether any particular mineral is a minor mineral or otherwise, the matter shall be referred to the Director for decision, in case of any doubt whether a minor mineral can be used as dimension stone/decorative stones or for industrial and prescribed purpose or for export, the competent Authorities of Revenue and Forest Department would obtain the specific views of the concerned Mining Officer/Deputy Director of Mines of the District/Circle.

(3) No quarry lease shall be granted to any person, who is a defaulter in payment of Government dues under the Act and these rules.

27. (1) The Controlling Authority, competent Authority or any Officer authorised by them shall have power to—

- (a) enter and inspect any area granted under a quarry lease or quarry permit,
- (b) survey and take measurement in any such workings,
- (c) examine registers showing the quantities of minor minerals extracted and removed and other documents, records connected with grant of lease and/or permit and order production of any or all such records and take extracts from such documents, records and registers; and
- (d) Weigh and take measurements of the stocks of minor minerals lying in any quarry, in the process of removal and in transit.

(2) The Director or any Officer authorised by him shall have power to inspect any quarry leased out or permitted to be worked under these rules so as to—

- (a) ensure systematic, scientific and safe quarrying
- (b) prevent extraction and removal of major minerals in the guise of minor mineral,
- (c) ensure observance of rules and devices for storage and use of explosives, if any.

(3) In case any deficiency is observed as a result of inspection conducted as per sub-rule (2) above, the lessee or permit holder, as the case may be, on intimation, shall not operate the quarry unless the deficiencies are made good and the inspecting Officer shall bring the matter to the notice of the competent Authority, Controlling Authority and the Director, as the case may be.

28. *Miscellaneous*—*(1) No lessee or permit holder or auction purchaser shall despatch any minor minerals from an area without a valid Transit Pass issued by—

- (a) the Deputy Director of Mines or the Mining Officer having jurisdiction in case of rocks used for decorative, industrial or export purpose including dimension stones; or
- (b) the Competent Authority in case of other minor minerals,

in Form 'K', printed and machine numbered, which shall be supplied by the respective authority as aforesaid on payment of the cost thereof.

(2) No authority in charge of execution of public work shall pass any bill for reimbursement of royalty paid on any minor mineral unless the person claiming such reimbursement produces the transit Pass referred to in sub-rule (1).

(3) The provisions of sub-rule (2) shall apply *mutatis mutandis* to cases where any bill claiming the reimbursement of the cost for purchase of any minor mineral is submitted before any authority in charge of execution of public work. Such authority shall not pass the bill unless the receipt for the amounts so paid is produced.

(4) Where an authority referred to in sub-rule (2) or sub-rule (3) is requested by a competent Authority or a Controlling Authority to furnish information on quantity of minor minerals supplied to him he shall furnish such information without delay.

(5)**The concerned Deputy Directors of Mines and the Mining Officers in the case of rocks used for decorative, industrial and export purposes including dimension stones and the respective controlling Authorities in the case of other minor minerals shall send an annual return in Form 'L' showing production and despatch of minor minerals and the revenue earned therefrom to the Director to enable him to assess the total income derived by the State and to furnish such information to the Indian Bureau of Mines.

29. *Head of Accounts for payments*—All payments made under these rules shall be credited to the following head of Account, namely—

0853—Non-ferrous Mining and Metallurgical Industries—102—Mineral Concession Fees, Rents and Royalties.

30. *Recovery of the amount due to Government*—All dues payable under these rules if remains unpaid shall be recoverable as an arrear of land revenue.

31. *Power of Government to Relax the Rules*—The Government may in the interest of mineral development, relax the provisions of these rules in deserving cases in such manner as they deem proper.

32. *Power to issue Instructions*—The Government may issue instructions not inconsistent with the provisions of these rules or Act from time to time with a view to removing difficulties.

33. *Repeal and savings*—The Orissa Minor Minerals Concession Rules, 1983, is hereby repealed

Notwithstanding such repeal anything done, any action taken or orders passed under the rules so repealed shall be deemed to have been done, taken or passed under these rules, and shall be brought into conformity with the provisions of these Rules within three months from such commencement or such further time as the Government may specify in this behalf.

[No. 9114]

By order of the Governor

[Illegible]

Secretary, Department of
Steel and Mines

* Vide Notification No. 2638, dated 11th March 1993

* Vide Notification No. 2638, dated 11th March 1993

SCHEDULE I

(See rule 13)

	Rate of royalty per cubic metre
1. Ordinary clay, silt, sand, rehmatti, brick, earth and moprum*	* Rs. 5.00
2. Sandstone, laterite slabs, shales, quartzite & slate	.. Rs. 15.00
3. (a) Marble blocks and slabs	.. Rs. 210.00
(b) Marble chips and powder	.. Rs. 32.00
4. Bentonite, fuller's earth	.. Rs. 62.00
5. Chalcedony, shingles, gravels, pebbles of all types	.. Rs. 25.00
6. Road metals including ballast and ordinary boulders**	** .. Rs. 12.00
7. Stones used for household utensils	.. Rs. 30.00
8. All types of rocks used for decorative, industrial and export purposes including dimension stones.	Rs. 400.00 for coloured stones Rs. 500.00 for black stones
9. Limeshell & lime kankar	.. Rs. 28.00

SCHEDULE II

(See rule 13)

Surface rent

- (a) For all minerals .. Rs. 50.00 per hectare per annum

Dead rent

- (b) (i) For all types of rocks used for decorative, industrial and export purposes
- | | |
|------------------------|---------------------------------------|
| Up to 15 Hect. | .. Rs. 500.00 per hectare per annum |
| Between 15—50 Hectares | .. Rs. 1,000.00 per hectare per annum |
| Above 50 Hectares | .. Rs. 2,000.00 per hectare per annum |
- (ii) For all other minor minerals up to—
- | | |
|------------------------|-------------------------------------|
| 15 Hectares | .. Rs. 100.00 per hectare per annum |
| Between 15—50 Hectares | .. Rs. 200.00 per hectare per annum |
| Above 50 Hectares. | .. Rs. 500.00 per hectare per annum |

*Explanation**** Dead rent along with other mining revenues arising under these rules out of minor mineral concessions is to be assessed by the Competent Authority taking into account the total area held under lease by a grantee and his/her associates together in his respective jurisdiction :

Provided that in case of rocks used for decorative, industrial and export purposes including dimension stones such dead rent along with other mining revenues is to be assessed by the Mining Officer/Deputy Director of Mines in his respective jurisdiction.

*** Vide Notification No. 10611, dated the 22nd August 1991

*** Vide Notification No. 8859, dated the 21st July 1992

*SCHEDULE III

[See rule 2 (e)]

Minerals (1)	Controlling Authority (2)
1. (1) Ordinary clay, silt, ordinary sand other than used for industrial and prescribed purposes, rehmatti, moorum, brick, earth, road metal, stones used for making household utensils, laterite slabs, boulders and gravels of ordinary stones, river shingles— (a) When occurring within village boundaries (b) When available in any Reserve Forest area	.. Board of Revenue .. Principal Chief Conservator of Forests.
(2) All types of rocks used for decorative, industrial and export purposes including dimension stones.	** Government in Steel & Mines Department.
2. Minor Minerals other than those specified in Item-1 of Schedule III regardless of location and all minor minerals occurring in areas granted under mining lease for major minerals.	Director of Mining & Geology

* * * SCHEDULE IV

[(See rule 2 (d))]

Jurisdiction (1)	Power to be exercised (2)	Competent Authority (3)	Department (4)
(1) All types of rocks used for decorative, industrial and export purposes including dimension stones.	For lease	**Government in Steel & Mines Department.	Department of Steel & Mines.
(2) Minor Minerals specified in Item I (1) of Schedule III when occurring within village boundaries.	(a) For permits	Tahasildar	Revenue Department.
	(b) For leases	(i) Tahasildar up to 5 Hects. (ii) Sub-Collector above 5 Hects.-	
	(c) For auction	(i) Tahasildar when the up-set price does not exceed Rs.5,000. (ii) Sub-Collector when the up-set price exceeds Rs.5,000.	
(3) Minor Minerals specified in Item-I (1) of Schedule III when occurring in all other areas.	(a) For permits	Divisional Forest Officer	Forest Department.
	(b) For leases	Ditto	-
***** (4) Minor Minerals other than those specified in Item I (1) of Schedule III regardless of location and all minor minerals, except rocks of any type used for decorative, industrial and export purposes including dimension stones occurring in areas granted under Mining lease for major minerals.	(a) For permits	Mining Officer and Director of Mines.	Deputy Department of Steel & Mines.
	(b) For leases and auction.	Ditto	Ditto

* * * * * Vide Notification No. 7965, dated the 8th July 1991

* * * * * Vide Notification No. 2638, dated the 11th March 1993

* * * * * Vide Notification No. 8859, dated the 21st July 1992

D, need am competent authority W-let 9.7.91
 lions became in W-let 16.3.93

FORM A

Application for quarry lease

(See rule 5)

To.....

Dated the 19

Sir,

1. I/We submit an application for a quarry lease for.....(mineral) a term of..... years over.....hectares of land in the area specified in the Annexure given below—

2. A sum of Rs.200 payable as fee for the grant of such lease under rule 6 of the Orissa Minor Mineral Concession Rules, 1990 has been paid in the Government Treasury at.....and the receipted challan is enclosed.

3. The required particulars are given below:—

- (i) Name and address of the applicant.....
- (ii) Nationality of the applicant.....
- (iii) Profession of the applicant.....
- (iv) Approximate quantity of minor minerals expected to be raised annually.....
- (v) Particulars of the areas mineralwise within the State for which the applicant or any person jointly interest with him.....
 - (a) Already holds a quarry lease.....
 - (b) has already applied for a quarry lease but not granted.....
 - (c) being applied for simultaneously.....
 - (d) nature of joint interest, if any.....
- (vi) Means by which the Minor mineral/minerals is/are to be raised, i. e., whether manual or mechanical.....
- (vii) Manner in which the minor mineral raised is to be utilised—
 - (a) for manufacture
 - (b) for sale
 - (c) any other purpose.....
- (viii) Details of the plan of the area applied for to be enclosed:—

(The plan should be on the relevant portion of the cadastral village map with scale and should contain natural features, land marks or other features to enable identification of the area in the field, the nearest railway stations, or any other place of importance).
- (ix) Has the applicant any previous experience in quarrying:

If yes, details should be given.....
- (x) Financial resources of the applicant.....
- (xi) Total investment in the operations anticipated.....
- (xii) Particulars of the receipted treasury challan for the fee
- (xiii) Attested copies of I. T. C. C. and S. T. C. C. of the last financial year and valid on the date of application.....
- (xiv) Any other particulars which the applicant wishes to furnish.....
 - 1. Name of the village/Forest Block .
 - 2. Details of the area applied for in each Survey Number
 - 3. Full description of the area applied for with regard to natural features.....
 - 4. District

I/We hereby declare that the particulars furnished above are correct and undertake to furnish any other details, plan, etc., as may be required by you.

PLACE :

Yours faithfully

DATE :

Signature of the applicant

N. B.—If the application is signed by an authorised agent of the applicant, the power-of-attorney should be attached.

[See rule 6 (2)]

Serial No. dated 19..... Received an application
with the enclosures listed below for a quarry lease from at A.M./P.M.
on 19..... for (name of minerals) in
hectares of land situated under revenue/forest control in Village/ Forest
Block Tahasil/Forest Range District/Forest Division

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Signature and designation of the
Receiving Officer

DATE :

Register of application for quarry leases

[See rule 6 (1)]

Serial No.	Name of the applicant with full address	Time and date of receipt of application	Particulars of minerals applied for	Tahasil, Subdivision/ district	Name of village/ Forest Range
(1)	(2)	(3)	(4)	(5)	(6)

Survey No./Nos.	Area in hectares	Particulars of application fee paid	Final disposal of the application	Signature of Officer	REMARKS
(7)	(8)	(9)	(10)	(11)	(12)

FORM D

Form of quarry lease

[(See rule 10 (1))]

THIS INDENTURE made this day of 19..... between the GOVERNOR OF ORISSA (hereinafter called the "Lessor").

(Name of person) of (address and occupation) (hereinafter called the "lessee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, assignees) of the other part.

WHEREAS the lessee has applied to the Competent Authority concerned for a quarry lease for (minor mineral) in accordance with the provisions of the Orissa Minor Minerals Concession Rules, 1990 in respect of the lands described in Part I of the Schedule and has deposited a sum of Rs. as security.

AND WHEREAS the Competent Authority has communicated his approval to the grant of lease on the terms, covenants and conditions hereinafter contained.

NOW THIS INDENTURE witnesseth as follows :—

The lessor hereby demises to the lessee the land described in Part I of the Schedule hereunder written and delineated in the map hereunto annexed.

The said demised pieces of land shall be held by the lessee for a term of years from the day of subject to the terms, covenants, conditions hereinafter provided .

IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.

The schedule above referred to

PART I

Location and area of the lease

Village Plot Nos.

Village / Forest Block

Tahasil / Forest Range

Area (in hectares)

as per plan annexed and bounded

on the North by

on the South by

on the East by

and on the West by hereinafter called as "said lands".

PART II

Terms and conditions of the lease

This lease is subject to the conditions laid down in rule 14 and also all other conditions pertaining to lease as provided in the Rules.

PART III

Liberties, powers and privileges to be exercised and enjoyed by the Lessee

1. To enter upon and use the land, described in Part I of the Schedule during the term hereby demised to carry on all operations necessary for extraction, collection, stacking, processing, transport and disposal of minor mineral / minerals leased in natural or in processed / converted form.
2. To make roads, tram ways, install machineries, lay electric and telephone line, on and over the said lands.
3. To use water from streams, watercourses and springs in and upon the said lands in natural state or by means of impounding with the written permission of the Collector of the district.

PART IV

Restrictions and conditions as to the exercise of liberties, powers and privileges in Part III

1. No land shall be used for surface operations if objection is raised by the Competent Authority of the Collector of the district to the effect that use of the land will be detrimental to public interest.
2. The lessee shall not cut or injure any tree in the leased area falling within Reserved / Protected forest without prior permission of the Divisional Forest Officer or the officer authorised by him in this behalf and upon payment of royalty and fees afforestation as may be specified.

PART V

Liberties powers and privileges reserved to the State Government

The State Government or any officer, or persons authorised by it in that behalf has the liberty and power to enter into and upon the leased area to carry on any operation in connection with survey, sampling, testing, quarrying, processing, stacking and transportation of mineral as may be deemed necessary.

PART VI

Provision regarding Rents and Royalties

1. The lessee shall, during the subsistence of this lease pay to Government royalty in respect of any minor mineral removed by him from the leased area at the rates prescribed in Schedule I and surface rent at the rate prescribed in Schedule II.
2. All payments relating to rents, royalties, fees, etc., as provided under these rules shall be paid to the State Government free from all deductions, at the District Treasury / Sub-Treasury and in such manner as the Competent Authority may prescribe.
3. For the purposes of computing the royalty, the lessee shall keep correct account of the mineral, produced, stacked and removed from the lease area and submit a return to the Competent Authority and Director in Form 'G'.
- *4. The lessee shall pay royalty in advance and the differential amount, if any, on computation shall be paid by the end of the first fortnight of each half-yearly period during the subsistence of the lease.
- **5. The lessee shall pay surface rent in advance and not later than the 15th January and the 15th July of each year.

Signed by

For and on behalf of Governor of Orissa, in the presence of

1.

2.

Signed by Lessee in the presence of

1.

2.

*, ** Vide Notification No. 8859, dated the 21st July 1992

FORM E

Application for Renewal of Quarry Lease

[See Rule 9 (2)]

Received at (Place)

On (Date)

Initials of Receiving Officer

To

Sir,

1. I / We submit an application for the renewal of the quarry lease under the Orissa Minor Mineral Concession Rules, 1990.

2. A sum of Rs. 50 payable as fee for renewal of the lease has been paid in the Government Treasury at and the receipted challan is enclosed.

3. The required particulars are given below :—

- (i) Name and address of the applicant
- (ii) Minor Mineral / Minerals for which the renewal is applied
- (iii) Particulars of the original quarry lease—
 - (a) Village / Forest Block
 - (b) Area in each S. No.
 - (c) Minor Mineral / Minerals
 - (d) Number and date of the order granting the lease
 - (e) Rate of royalty fixed
 - (f) Period for which the lease was granted
 - (g) Date of expiry of the lease

4. Details about the area in regard to which renewal is applied for—

- (i) Whether the area applied for is the whole or a part of leasehold
- (ii) In case it is for a part of the leasehold—
 - (a) The area applied for
 - (b) Description of the area

5. Period for which the renewal is applied for.....

6. Manner in which the Minor Mineral / Minerals is / are to be utilised

- (a) for manufacture
- (b) for sale
- (c) for any other purpose

7. Details of output during the last three years and quantity expected to be raised during the next three years.

8. Have all dues on the existing quarry lease been paid to Government.

9. Any other particulars which the applicant wishes to furnish.

I / We hereby declare that the particulars furnished above are correct and I / We undertake to furnish any other details, plans, etc., as may be required by you.

Place

Yours faithfully

Date

Signature of the applicant

N. B. —If the application is signed by an authorised agent of the applicant, the power-of-attorney should be attached.

FORM F

Register of Quarry Leases

[See Rule 10 (3)]

Sl. No.	Name and address of the lessee	Date of application	No. and date of the order granting the lease	Date of execution of the lease	Period of lease	Mineral/ Minerals	S. No./ S. Nos.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Village / Forest Ranges	Tahasil / Subdivision/ District	Area in Hects	Rate of surface rent	Rate of royalty	Details of security deposit paid	Date of commencement of quarrying operation	Date of expiry of lease
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

Date of renewal of application	Whether renewed	Period of renewal	Rate of surface rent on renewal	Rate of royalty on renewal	Date of assignment of transfer of lease if any and particulars of the person to whom transferred to / assigned	Remarks	Signature of Officer
(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)

FORM-G

Monthly return to be furnished by lessee

[See Rule 14 (14)]

1. Name of and address of the lessee
2. Location and area of the lease
3. Minor mineral
4. Period of lease
5. Production during the month
6. Despatches during the month
7. Stock at the end of the month
8. Destination of despatches
9. Quantity consumed in the lease area, if any
10. Royalty paid
11. Average number of persons employed daily
12. Particulars of machineries and equipment used
13. Particulars of explosives
14. Dimensions of the quarry—
Length
Breadth
Depth (Maximum)
15. Value of minor mineral produce at quarry (Rs. / tonne)
16. Sale price
DATE

Signature of the lessee

NOTE—The return shall be furnished to the competent authority and Director by the 15th of every month

FORM H
Form for grant of Quarry Permit
[See Rule 18 (3)]

Quarry Permit No.

Date

Whereas, Shri..... applied for grant of quarry permit for extraction and removal of.....tonnes of.....(Minor Minerals) from Plot No..... of..... Village / Forest Block..... Tahasil / Forest Range..... District / Forest Division under Rule 23 of the Orissa Minor Mineral Concession Rule, 1990 and has paid an application fee of Rs..... permission is hereby granted to quarry, collect and remove.....tonnes of..... (mineral) from the aforesaid area or areas indicated on the plan annexed hereto on the following condition and on payment of advance royalty amounting to Rs.....calculated at the rate of Rs.....per Cu. metre (as specified in Schedule I to the Orissa Minor Mineral Concession Rules, 1990).

(1) The permit shall be valid for.....days

(2) The permit holders shall abide the conditions provided in Rule 25 of the Orissa Minor Minerals Concession Rules, 1990.

Signature of the Competent Authority

To

Shri.....

Copy to—

- (1) The Director of Mining & Geology Orissa, Bhubaneswar
- (2) The Collector..... district
- (3) The Divisional Forest Officer

FORM I
Register of Quarry Permit
[See Rule 21]

Sl. No.	Name and address of permit holder	Date of application	No. and date of order of grant	Mineral/ Minerals	S. No./ S. Nos.	Village/ Forest Ranges
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Tahasil	Quantity permitted	Details of royalty received	Date of expiry of permit	Quantity removed under the permit	Whether all dues have been recovered	Remarks	Signature of officer
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

FORM J

Form of Appeal

[See Rule 23 (4)]

(To be Submitted in Triplicate)

1. Name and address of individuals/firm/company.....
2. Full details of the order of the Competent Authority / Controlling Authority against which the appeal or revision application is made (Certified copy to be enclosed).....
3. Mineral / Minerals forming the subject matter of the appeal.....
4. Details of the area in respect of which the appeal is filed (A plan of the area to be attached).

District/Forest Division	Tahasil/Forest Range	Village/Forest Block	S. No.
-----------------------------	-------------------------	-------------------------	--------

5. Is the appeal filed within one month of the date of the order of the Competent Authority/ Controlling Authority ?
6. If not, the reasons for not presenting it within the prescribed time.
7. Name and complete address of the party / parties impleaded. Reasons for impleading him/them should also be mentioned.
8. Grounds of Appeal
9. Chalan showing deposit of amount disputed

Place :

Date :

Signature and designation of the applicant

Notes—(1) Every application for appeal shall be accompanied by a fee of Rs. 25.

(2) If the application is signed by an authorised agent of the applicant, an attested copy of power-of-attorney should be attached.

FORM K

GOVERNMENT OF ORISSA

DEPARTMENT

Transit pass for minor minerals [(See Rules 28 (1))]

Book No.....

Pass No.....

Date.....

Name of the Quarry.....

Name of the Lessee/Permit holder/Auction purchaser.....

Destination..... Route.....

Minor Mineral

Quantity permitted (Cu. m./Tonne)

Measurement of mineral in the carrier

L.	B.	N.
Cross	Tare	Net

Cubic content (Cu. Metre)

Weight of minerals (Tonnes)

Signature of the person
issuing with dateSignature of the person
receiving with dateSignature of the carrier
Driver with dateSignature of the checking
staff with dateSignature of the Supervising
Officer/ Competent Authority
with date

FORM L

Annual Return of the Controlling Officer

[(See Rule 28 (5))]

1. District
2. Minor Mineral
3. No. of leases granted during the year and number subsisting
4. Production (Tonnes)—

(a) Leases	...
(b) Permit	...
(c) Auction	...
	<hr/>
Total	...
	<hr/>
5. Despatches (Tonnes)—

(a) Leases	...
(b) Permit	...
(c) Auction	...
	<hr/>
Total	...
	<hr/>
6. Revenue (Rs.)—

(a) Leases	...
(b) Permit	...
(c) Auction	...
(d) Application fees and miscellaneous	...
	<hr/>
Total	...
	<hr/>
7. Average number of persons employed daily during the year
8. Utilisation—

(a) Domestic	...
(b) Construction	...
(c) Ballast	...
(d) Industrial	...
(e) Others	...
9. Value of minor minerals raised

NOTE—(1) Separate forms are to be used for different districts

(2) For each minor mineral, separate form is to be used.

GOVERNMENT OF ORISSA

Department of Steel & Mines

No.8723-IV (F)- SM-11/91-SM.

FROM

Shri H. P. MOHAPATRA
Joint Secretary to Government

TO

Bhubaneswar, dated the 24th July 1991

The Director of Mining & Geology,
Orissa, Bhubaneswar.

SUBJECT—Executive instructions to regulate grant of leases for rocks used for decorative, industrial and export purposes including dimension stones issued under the Orissa Minor Mineral Concession Rules, 1990.

Sir,

I am directed to say that the question of amending the Orissa Minor Mineral Concession Rules, 1990 to provide for planned and regulated quarrying of Granite for decorative, industrial and export purposes including dimension stones was under consideration of the Government for sometime past. After careful consideration, the State Government have been pleased to amend the rules by framing a set of rules called "The Orissa Minor Mineral Concession (Amendment) Rules, 1991". Notification No.7965, dated the 8th July 1991 containing this Rule has been published in the Extraordinary issue of *Orissa Gazette*, No.807, dated the 9th July 1991. A printed copy of the Rules is enclosed. As per Rule 1 (2), the amended rules have come into force, with effect from the 9th July 1991. From this date, the Mining Officers and Deputy Director, Mines have ceased to function as Competent Authority under rule-2 (d) of the O. M. M. C. Rules, 1990. The Director of Mining & Geology will now exercise powers of Competent Authority. Therefore, all case-records relating to lease of rocks used for decorative, industrial and export purposes including dimension stones may be taken over by the Director of Mining & Geology for further action.

2. Significant amendments have been made to certain provisions of the main rules regarding period of lease, levy of dead-rent etc. Further, provision has been made in the amended rules regarding obligation of the lessees to ensure environmental safeguards while operating quarrying activities and to set up processing units within 3 years of execution of the deed. As doubts may arise regarding the manner in which certain provisions of O. M. M. C. (Amendment) Rules, 1991 may be given effect to the following instructions are issued by Government under Rule-32 of the O. M. M. C. Rules, 1990 for guidance of all concerned.

3. *Period of Lease*—The O. M. M. C. Rules, 1983 envisaged that a quarry lease for minor minerals can be granted for a period of not exceeding 10 years. The period of grant of lease was reduced to 3 or 5 years for different categories of lessees by the O. M. M. C. Rules, 1990. In some cases, the Mining Officer and Deputy Director, Mines, by taking action under Rule 33 of the O. M. M. C. Rules, 1990, have reduced the period of lease granted under the O. M. M. C. Rules, 1983. Such action was taken before an executive instruction was issued by Government in letter

No.13164, dated the 24th November 1990 to the effect that the period of lease granted under 1983 Rules should not be reduced until further orders. Further, before the O. M. M. C. Rules, 1990 were issued, instruction was issued in the erstwhile Mining & Geology Department letter No.3647, dated the 10th April 1990 to the effect that the field officers should not sanction any long term leases in respect of minor minerals extending beyond one year until the Rules are amended. In view of the instructions mentioned above, leases have been sanctioned by the field officers under the Rules of 1983 and 1990 by keeping in view, the above executive instructions. After the O. M. M. C. (Amendment) Rules, 1991 came into force, the period of leases granted shall be modified/regulated in the manner stated below:—

- (i) Leases for rocks used for decorative, industrial and export purposes including dimension stones which were not subsisting as on the 9th July 1991 shall not be re-opened.
- (ii) Such leases granted under the 1983 Rules and subsisting as on the 9th July 1991 shall be allowed to continue till the end of lease period, if the period of lease has not been reduced by taking action under Rule 33 of the O. M. M. C. Rules, 1990.
- (iii) Such leases granted under 1983 Rules and subsisting as on the 9th July 1991, but the period of which were reduced by taking action under Rule 33 of the O. M. M. C. Rules, 1990 may be re-considered by the Competent Authority and the lessees may be allowed to continue till the end of a period for which the lease was originally granted if the lessees is willing to such continuance. Submission of fresh application or payment of fee will not be required in such cases.
- (iv) Cases in which such leases have been granted under the O. M. M. C. Rules, 1990 for periods upto 5 years and the lease-deeds have been executed prior to the 9th July 1991, then an enquiry may be made from the lessee, if he is interested for the extension of the lease period so as to make the total period of lease upto 10 years. If the lessee is agreeable, then he may be asked to submit an application for extension of the period of lease. No fee may, however be collected on such application and the period of lease may be increased so as to make the total period of lease upto 10 years. In such cases, the lessees will not get any benefit on payment of dead-rent provided under the amended rule. If, however, the lease-deed has not been executed before the 9th July 1991, then dead-rent shall not be levied for a period of six months, if the quarrying operation is not commenced within six months from the date of execution of the lease-deed as provided in the proviso to Sub-rule 4 of Rule 14. Further the period of lease in these cases may be increased in the same manner as mentioned above for leases granted under the 1990 Rules but not executed prior to the 9th July 1991.

4. *Levy of dead-rent*—According to the proviso inserted through amendment to Sub-rule 4 of Rule-14 of the O. M. M. C. Rules, 1990, quarrying operations in respect of leases of rocks used for decorative, industrial and export purposes including dimension stones, shall commence within six months of the date of execution of the lease-deed and the levy of dead-rent as provided under Rule 13 shall commence only on expiry of the said period of six months. The provision made through amendment being prospective, leases executed prior to the 9th July 1991 will not get the benefit under the amended provision even if the period of lease is increased in pursuance of the instructions in the fore-going paragraph. The benefit under this proviso is applicable only to leases executed after the 9th July 1991, even in cases of leases granted prior to this date, but not executed.

5. *Processing Units*—According to sub-rule 24 of Rule 14 inserted through amendment such leases are liable to be cancelled, if the lessee fails to put up a Unit for processing rocks used for decorative, industrial and export purposes including dimension stones within a period of 3 years. As such a

provision did not exist in the original Rule, the period of 3 years for putting up the plant shall count from the 9th July 1991 in respect of leases executed prior to this date.

6. *Filing of application*—As per Rule 5 of the O. M. M. C. Rules, 1990 every application for a quarry lease shall be made to the Competent Authority. Now that the Director of Mining & Geology has become the competent Authority such an application may be filed in his office. Applications filed before the Director of Mining & Geology may be sent to the Mining Officers and Deputy Director, Mines for enquiry and report before considering grant of lease. However, application addressed to the Director of Mining & Geology may also be filed before the Mining Officer and Deputy Director, Mines. In such cases copies of the application, (without accompanying documents), may be simultaneously sent to the Director of Mining & Geology for his information. The Mining Officer and Deputy Director, Mines shall quickly conduct such enquiry in consultation with Revenue and Forest Department Officers, as may be necessary and forward the applications along with documents with their recommendation to the Director of Mining & Geology within 30 days of receipt. Time and date of receipt of the applications may also be reported to the Director, Mining & Geology. Fees required to be paid along with the application shall be paid in the office of the Director, Mining & Geology or in the office of the Mining Officer and Deputy Director, Mines where the applications are submitted. To keep a record of applications filed in the offices of Deputy Director of Mines & Mining Officers, a register in Form 'C' may also be maintained in their offices.

7. *Execution of lease-deed*—After such leases are granted by the Director of Mining & Geology, he will advise the concerned Mining Officer and Deputy Director, Mines to execute the lease-deed on his behalf.

8. *Surrender of leases*—Amended Rule 17 provides for part surrender of such leases at any time during the tenure of lease. In case of part surrender of leases, the Director of Mining & Geology will notify about the area available for further grant after acceptance of the part surrender.

9. *Monthly return*—As provided in Sub-Rule 14 of rule-14 of the O. M. M. C. Rules, 1990, the lessees are required to submit a monthly progress report in Form 'G' regarding minor minerals quarried and despatched from the lease-hold area. As, in addition to rocks used for decorative, industrial and export purposes including dimension stones, other waste materials like road metals including ballast, ordinary boulders, chips, gravel moorum and ordinary stone etc., may be raised during quarrying operation, the lessees, while furnishing monthly return in Form 'G' appended to the O. M. M. C. Rules, 1990 shall mention particulars of rocks used for decorative, industrial and export purposes including dimension stones and other waste materials separately.

10. While implementing the provisions of the O. M. M. C. Rules, 1990 as amended, instructions on the points mentioned above may be kept in view. If clarification is required on any matter not covered in the instructions given above, a reference may be made to Government.

Yours faithfully

H. P. MOHAPATRA

Joint Secretary to Government

GOVERNMENT OF ORISSA
DEPARTMENT OF STEEL & MINES

No. 3819—IV (F)-SM-21/93-SM.

Bhubaneswar, the 6th April 1993

FROM

Shri A. Rath, I. A. S.
Commissioner-cum-Secretary to Government

TO

The Director of Mining & Geology Orissa, Bhubaneswar.

Sub:—Executive instructions to regulate grant of leases for rocks used for decorative, industrial and export purposes including dimension stones issued under O. M. M. C. Rules, 1990.

Ref:—S. & M. Department's letter No. 8723, dated the 24th July 1991, and No. 1210, dated the 30th January 1992.

Sir,

I am directed to say that Government have been pleased to amend further the O.M.M.C. Rules, 1990 called the "Orissa Minor Mineral Concession (Amendment) Rules, 1993" Notification No. 2638, dated the 11th March 1993 containing these rules has been published in the Extraordinary issue of *Orissa Gazette* No. 416, dated the 16th March 1993. A printed copy of the rules is enclosed. Significant amendments have been made to certain provisions of the main rules regarding competent authority, levy of dead rent, maximum area that can be granted, etc. In the case of quarry lease relating to any type of rocks used for decorative, industrial and export purposes the amended rules have come into force with effect from the 16th March 1993. From this date the Director, Mining & Geology, Orissa has ceased to function as competent and controlling authority in respect of all types of rocks used for decorative, industrial and export purposes including dimension stones as provided in item (1) of Schedule IV under rule 2 (d) and item 1 (2) of Schedule III under rule 2 (e), respectively. The State Government will now exercise the powers of the competent and controlling authority in place of the Director, Mining & Geology, Orissa. Hence, the following modifications in the executive instruction contained in this Department letter No. 8723, dated the 24th July 1991 are made by Government under rule 32 of the O. M. M. C. Rules, 1990 for guidance of all concerned.

1. Filling of application

As per proviso to rule 5 of O.M.M.C. Rules, 1990 as amended, the applications relating to any type of rock used for decorative, industrial or export purposes including dimension stones shall be made to the Deputy Director of Mines or Mining Officer having jurisdiction over the area where such rocks occur, who shall send the same to the competent authority through the Director after such enquiry as he may deem necessary. Keeping in view, the time limit for disposal of the applications by the competent authority, the Deputy Directors of Mines or Mining Officer, on receipt of the application for fresh grant/application for renewal shall quickly conduct enquiry in consultation with Revenue & Forest Department officers as may be necessary and forward the application in complete shape along with documents with their recommendations to the Director, Mining & Geology, Orissa under intimation to Government within 3½ months/1½ months from the date of receipt of the applications for fresh grant/applications for renewal respectively. The Director, Mining & Geology, Orissa in turn should send such applications to the Government along with his recommendation within 15 days from the date of receipt of the reports from the Deputy Directors of Mines/Mining Officer. This period of time should be strictly adhered to. While forwarding the application for quarry lease, the total area already held by the applicant within the State should be indicated in each case by the Director, Mining & Geology, Orissa. The Deputy Directors of Mines/Mining Officers shall record the date and time of receipt of application in a register in Form 'C' and maintain the same up-to-date in his office.

2. Execution of lease deed —

As per the recent amendment, in the case of quarry lease for any type of rock used for decorative, industrial or export purposes including dimension stones, the deed shall be executed by the Deputy Directors of Mines or the Mining Officers having jurisdiction. The proposal for execution of the lease deed should be sent to Government for approval through the Director, Mining & Geology by the D. D. Ms./M. Os. after getting the final survey and demarcation of the granted area. A copy of the lease deed executed may be sent to the Director, Mining & Geology and the Government each for reference. The Director, Mining & Geology should maintain the register in Form 'F' as provided under rule 10 (3) of the O. M. M. C. Rules, 1990.

3. Levy of dead rent—

In the O.M.M.C. (Amendment) Rules, 1993, quarrying operation in respect of leases of rocks used for decorative, industrial and export purposes including dimension stones, shall commence within one year of the date of execution of the lease deed, and the levy of dead rent as provided under Rule 13 shall only commence on expiry of the said period of one year.

4. Action for keeping the mine idle—

In terms of the O.M.M.C. (Amendment) Rules, 1993, if the lessee does not work upon the quarry for a continuous period of (a) one year in case of lease for any type of rocks used for decorative, industrial or export purpose including dimension stones, (b) six months in the case of other leases; the lease shall be liable to a cancelled, unless prior permission has been granted for such stoppage by the competent authority on reasonable grounds. Hence, the position of working of quarry leases may be reviewed immediately by you and proposal for determination of the lease for non-commencement of mining activities and discontinuance of mining operation for more than the period stipulated in rule and for non-establishment of processing units by the existing lessees who have been granted lease for setting up of processing unit may be furnished to Government by 10th May 1993 positively. This aspect must be watched strictly by you through review meetings once every two months.

The above instructions may be kept in view while implementing the amended provisions of O.M.M.C. Rules, 1990 and if any more clarification is required, a reference may be made to Government.

Yours faithfully

A. RATH

Commissioner-cum-Secretary to Government

GOVERNMENT OF ORISSA DEPARTMENT OF STEEL AND MINES

No. 5549—IV (F)-SM-21 / 93-SM.

FROM

Shri A. RATH, I. A. S.,
Principal Secretary to Government

TO

The Director of Mining & Geology, Orissa, Bhubaneswar

Dated the 27th May 1993

SUBJECT—Executive Instructions to regulate grant of leases for rocks used for decorative, industrial and export purposes including dimension stones issued under O. M. M. C. Rules, 1990.

Ref—Your letter No. 12461, dated the 12th May 1993.

Sir,

I am directed to say that in consideration of the difficulties experienced in processing the quarry lease applications within the time limit stipulated in the executive instructions issued in Steel and Mines Department letter No. 3819 dated the 6th April 1993 and suggestion made by you in your

letter under reference, the following partial modifications are made in the item (f) i.e., filing of application and item 2 i.e., execution of lease deed, of the said executive instructions—

1. *Filing of application*—The Deputy Director of Mines or Mining Officer on receipt of the application for fresh grant / application for renewal shall quickly conduct enquiry in consultation with Revenue and Forest Department Officers as may be necessary and forward the application in complete shape along with the original documents or copies of documents verified with the original with his recommendation to the Director, Mining & Geology under intimation to Government within 4 months / 1½ months from the date of receipt of the application for fresh grant / application for renewal respectively. The Director of Mining & Geology, Orissa, in turn, should send such application to the Government along with his recommendation within 1 month/22days from the date of receipt of report from D. D. M. or Mining Officer for fresh grant / renewal respectively.

2. *Execution of lease deed* —Where there is no variation in area after getting final survey and demarcation of the granted area, the proposals for execution of the lease deed may be made by the D. D. M. / M. O. having jurisdiction. Government's approval shall be taken on the proposal where there is variation in the granted area.

Yours faithfully

A. RATH

Principal Secretary to Government