THE DEPARTMENT OF FORESTS & ENVIRONMENT
MEGHALAYA



COMPENDIUM OF LEGISLATIONS ON MINOR MINERALS

VOLUME - III



सत्यमेव जयते

Government of Meghalaya
Forests and Environment Department



COMPENDIUM OF LEGISLATIONS ON MINOR MINERALS

VOLUME - III

Published By :

The Principal Chief Conservator of Forests & HOFF
Meghalaya

PREFACE

The Forests and Environment Department since its inception, has undertaken the onerous task of managing and protecting the flora and fauna of the State and the Country. For this purpose, several Acts & Rules have been passed both by the Central and the State Legislatures to empower the Department in fulfilling its mandate. These Acts & Rules have enabled the Department to manage and control the natural resources.

With the publication of the 5 (five) volumes of the State and the Central Forests Acts & Rules being implemented in the State of Meghalaya, the long felt need to provide a compilation of these Acts, Rules, Regulations and Executive instructions relating to Forests, Wildlife, Bio-Diversity and Environment etc has been realised. The painstaking work undertaken by a team of Officers viz Shri B. K. Lyngwa, IFS, Principal Chief Conservator of Forests (Admn), Shri J. M. Pohsngap, IFS, Conservator of Forests (CC, R & T) and Dr Manjunatha C, IFS, Planning Officer O/O Principal Chief Conservator of Forests & Head of Forests Force spread over a period of 10 (ten) Months has finally borne fruit. I commend the good work done by this team of dedicated Officers and assisting Staff.

I take great pleasure to dedicate this compilation of 5 (five) volumes in a set to the Officers and Staff of the Forests & Environment Department with a hope that it will help in effective functioning of the Department in general and the Executive frontline staff in particular who are, day in and day out, executing works to preserve and protect the rich natural resources of the State. This compilation will act as a useful guide to the forest staff to effectively carry out their duties to preserve our precious natural heritage for now and for the future generations.

Dated: Shillong
The 31st March, 2019

(C P Marak, IFS)
Principal Chief Conservator of Forests & HoFF
Shillong, Meghalaya.

Index

Volume – III

Legislations on Minor Minerals

Sl. No.	Subject	Page No.
1	Mines and Minerals (Development and Regulation) Act, 1957	1-36
2	The Mines and Minerals (Development and Regulation) Amendment Act, 2016	37-40
3	The Meghalaya Minerals Cess Act, 1988	41-46
4	Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015	47-50
5	Meghalaya Minor Mineral Concession Rules, 2016	51-110
6	The Meghalaya District Mineral Foundation Rules, 2017	111-132
7	Contribution to District Mineral Foundation (DMF)	133-138
8	The Meghalaya Minor Minerals Concession (Amendment) Rules, 2017	139-142
9	The Meghalaya Minor Minerals Concession (Amendment) Rules, 2018	143-145

1

MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957

MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957
ARRANGEMENT OF SECTIONS

CHAPTER I
PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Declaration as to expediency of Union Control.
3. Definitions.

CHAPTER II
GENERAL RESTRICTIONS ON UNDERTAKING PROSPECTING AND MINING OPERATIONS

4. Prospecting or mining operations to be under license or lease.
4A. Termination of prospecting licenses or mining leases.
5. Restrictions on the grant of prospecting licenses or mining leases.
6. Maximum area for which a prospecting license or mining lease may be granted.
7. Periods for which prospecting licenses may be granted or renewed.
8. Periods for which mining leases may be granted or renewed.
8A. Period of grant of a mining lease for minerals other than coal, lignite and atomic minerals.
9. Royalties in respect of mining leases.
9A. Dead rent to be paid by the lessee.
9B. District Mineral Foundation.
9C. National Mineral Exploration Trust.

CHAPTER III
PROCEDURE FOR OBTAINING, PROSPECTING LICENSES OR MINING LEASES IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT

10. Application for prospecting licenses or mining leases.
10A. Rights of existing concession holders and applicants.
10B. Grant of mining lease in respect of notified minerals through auction.
10C. Grant of non-exclusive reconnaissance permits.
11. Grant of prospecting license-cum-mining lease through auction in respect of minerals other than notified minerals.
11A. Granting of reconnaissance permit, prospecting license or mining lease.
11B. Power of Central Government to make rules for regulating atomic minerals specified under Part B of First Schedule.
11C. Power of Central Government to amend First Schedule and Fourth Schedule.
12. Registers of prospecting licenses and mining leases.
12A. Transfer of mineral concessions.

Chapter IV

Rules for regulating the grant of prospecting licences and mining leases

Sections

13. Power of Central Government to make rules in respect of minerals.
13 A. Power of Central Government to make rules for grant of prospecting licences or mining leases in respect of territorial waters or continental shelf of India.
14. [Sections 5 to 13] not to apply to minor minerals.
15. Power of State Governments to make rules in respect of minor minerals.
15 A. Power of State Government to collect funds for District Mineral Foundation in case of minor minerals.
16. Power to modify mining leases granted before 25th October, 1949.

Chapter V

Special powers of Central government to undertake prospecting or mining operations in certain cases

17. Special powers of Central Government to undertake prospecting or mining operations in certain lands.
17A. Reservation of areas for purposes of conservation.

Chapter VI

Development of minerals

18. Mineral development.
18A. Power to authorise Geological Survey of India, etc., to make investigation.

Chapter VII

Miscellaneous

19. Prospecting licences and mining leases to be void if in contravention of Act.
20. Act and rules to apply to all renewals of prospecting licences and mining leases.
20A. Power of Central Government to issue directions.
21. Penalties.
22. Cognizance of offences.
23. Offences by companies.
23A. Compounding of offences.
23B. Power to search.
23 C. Power of State Government to make rules for preventing illegal mining, transportation and storage of minerals.
24. Power of entry and inspection.
24A. Rights and liabilities of a holder of prospecting licence or mining lease.
25. Recovery of certain sums as arrears of land revenue.
26. Delegation of powers.
27. Protection of action taken in good faith.
28. Rules and notifications to be laid before Parliament and certain rules to be approved by Parliament.
29. Existing rules to continue.
30. Power of revision by Central Government.

30A. Special provisions relating to mining leases for coal granted before 25th October, 1949.SECTIONS

30B. Constitution of Special Courts.

30C. Special Courts to have powers of Court of Session.

32. Relaxation of rules in special cases.

33. [Repealed].

Validation of certain acts and indemnity.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957
ACT NO. 67 OF 1957

[28th December, 1957.]

An Act to provide for the [development and regulation of mines and minerals] under the control of the Union.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Mines and Minerals [2] [(Development and Regulation)] Act, 1957.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date[3] as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration as to expediency of Union Control.—It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of mines and the development of minerals to the extent hereinafter provided.

3. Definitions.—In this Act, unless the context otherwise requires,—

[4][(*a*) "leased area" means the area specified in the mining lease within which mining operations can be undertaken and includes the non-mineralised area required and approved for the activities falling under the definition of mine as referred to in clause (*i*);

(aa) "minerals" includes all minerals except mineral oils;]

(b) "mineral oils" includes natural gas and petroleum;

(c) "mining lease" means a lease granted for the purpose of undertaking mining operations, and includes a sub-lease granted for such purpose;

(d) "mining operations" means any operations undertaken for the purpose of winning any mineral;

(e) "minor minerals" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral;

[5]*[(ea)* "notified minerals" means any mineral specified in the Fourth Schedule;]

(*f*) "prescribed" means prescribed by rules made under this Act;

(g) "prospecting licence" means a licence granted for the purpose of undertaking prospecting operations;

[4][(*ga*) "prospecting licence-cum-mining lease" means a two stage concession granted for the purpose of undertaking prospecting operations followed by mining operations;]

(h) "prospecting operations" means any operations undertaken for the purpose of exploring, locating or proving mineral deposit;[6]***

---

1. Subs, by Act 38 of 1999, s. 2, for "regulation of mines and the development of minerals" (w.e.f. 18-12-1999).
2. Subs, by s. 3, *ibid.,* for "(Regulation and Development)" (w.e.f. 18-12-1999).
3. 1st June, 1958, *vide* notification No. G.S.R. 432, dated 29th May, 1958, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).
4. Subs, by Act 25 of 2016, s. 2, for clause *(a)* (w.e.f. 6-5-2016).
5. Ins. by Act 10 of 2015, s. 2 (w.e.f. 12-1-2015).
6. The word "and" omitted by Act 38 of 1999, s. 4 (w.e.f. 18-12-1999).

[1]*[(ha)* "reconnaissance operations" means any operations undertaken for preliminary prospecting of a mineral through regional, aerial, geophysical or geochemical surveys and geological mapping, but does not include pitting, trenching, drilling (except drilling of boreholes on a grid specified from time to time by the Central Government) or sub-surface excavation;

(hb) "reconnaissance permit" means a permit granted for the purpose of undertaking reconnaissance operations; [2]***]

[2]*[(hc)* "Special Court" means a Court of Session designated as Special Court under sub-section (*1*) of section 30B; and]

(i) the expressions, "mine" and "owner", have the meaning assigned to them in the Mines Act, 1952 (35 of 1952).

CHAPTER II

GENERAL RESTRICTIONS ON UNDERTAKING PROSPECTING AND MINING OPERATIONS

4. Prospecting or mining operations to be under licence or lease.—(*1*) [4][No person shall undertake any reconnaissance, prospecting or mining operations in any area, except under and in accordance with the terms and conditions of a reconnaissance permit or of a prospecting licence or, as the case may be, of a mining lease, granted under this Act and the rules made thereunder]:

Provided that nothing in this sub-section shall affect any prospecting or mining operations undertaken in any area in accordance with terms and conditions of a prospecting licence or mining lease granted before the commencement of this Act which is in force at such commencement:

[5][Provided further that nothing in this sub-section shall apply to any prospecting operations undertaken by the Geological Survey of India, the Indian Bureau of Mines, [6][the Atomic Minerals Directorate for Exploration and Research] of the Department of Atomic Energy of the Central Government, the Directorates of Mining and Geology of any State Government (by whatever name called), and the Mineral Exploration Corporation Limited., a Government company within the meaning of [7][clause *(45)* of section 2 of the Companies Act, 2013 (18 of 2013), and any such entity that may be notified for this purpose by the Central Government]:]

[8][Provided also that nothing in this sub-section shall apply to any mining lease (whether called mining lease mining concession or by any other name) in force immediately before the commencement of this Act in the Union territory of Goa, Daman and Diu.]

[9] [(IA) No person shall transport or store or cause to be transported or stored any mineral otherwise than in accordance with the provisions of this Act and the rules made thereunder.]

(2) [10][No reconnaissance permit, prospecting licence or mining lease] shall be granted otherwise than in accordance with the provisions of this Act and the rules made thereunder.

[5]*[(3)* Any State Government may, after prior consultation with the Central Government and in accordance with the rule made under section 18, [11][undertake reconnaissance, prospecting or mining operations with respect to any mineral specified in the First Schedule in any area within that State which is not already held under any reconnaissance permit, prospecting licence or mining lease].]

---

1. Ins. by Act 38 of 1999, s. 4 (w.e.f. 18-12-1999).
2. The word "and" omitted by Act 10 of 2015, s. 2 (w.e.f. 12-1-2015).
3. Ins. by s. 2, ibid, (w.e.f. 12-1-2015).
4. Subs, by Act 38 of 1999, s. 5, for certain words (w.e.f. 18-12-1999).
5. Ins. by Act 37 of 1986, s. 2 (w.e.f. 10-2-1987).
6. Subs, by Act 38 of 1999, s. 5, for "the Atomic Minerals Division" (w.e.f. 18-12-1999).
7. Subs, by Act 10 of 2015, s. 3, for "section 617 of the Companies Act, 1956 (1 of 1956)" (w.e.f. 12-1-2015).
8. Ins. by Act 16 of 1987, s. 14 (w.e.f. 1-10-1963).
9. Ins. by Act 38 of 1999, s. 5 (w.e.f. 18-12-1999).
10. Subs, by s. 5, ibid., "No prospecting licence or mining lease" (w.e.f. 18-12-1999).
11. Subs, by s. 5, ibid., for certain words (w.e.f. 18-12-1999).

[1]**[4A.Termination of prospecting licences or mining leases**.—(*1*) Where the Central Government, after consultation with the State Government, is of opinion that it is expedient in the interest of regulation of mines and mineral development, preservation of natural environment, control of floods, prevention of pollution, or to avoid danger to public health or communications or to ensure safety of buildings, monuments or other structures or for conservation of mineral resources or for maintaining safety in the mines or for such other purposes, as the Central Government may deem fit, it may request the State Government to make a premature termination of a prospecting licence or mining lease in respect of any mineral other than a minor mineral in any area or part thereof, and, on receipt of such request, the State Government shall make an order making a premature termination of such prospecting licence or mining lease with respect to the area or any part thereof.

(2) Where the State Government [2]* * * is of opinion that it is expedient in the interest of regulation of mines and mineral development, preservation of natural environment, control of floods, prevention of pollution or to avoid danger to public health or communications or to ensure safety of buildings, monuments or other structures or for such other purposes, as the State Government may deem fit, it may, by an order, inrespect of any minor mineral, make premature termination of prospecting licence or mining lease with respect to the area or any part thereof covered by such licence or lease.

[3][*** *** *** *** ***]

(3) No order making a premature termination of a prospecting licence or mining lease shall be, made except after giving the holder of the licence or lease a reasonable opportunity of being heard.

(4) Where the holder of a mining lease fails to undertake mining operations for a period of [4][two years] after the date of execution of the lease or having commenced mining operations, has discontinued the same for a period of [4][two years], the lease shall lapse on the expiry of the period of [4][two years] from the date of execution of the lease or, as the case may be, discontinuance of the mining operations:

[5] [Provided that the State Government may, on an application made by the holder of such lease before it lapses and on being satisfied that it will not be possible for the holder of the lease to undertake mining operations or to continue such operations for reasons beyond his control, make an order, within a period of three months from the date of receiving of such application, subject to such conditions as may be prescribed, to the effect that such lease shall not lapse:

Provided further that such lease shall lapse on failure to undertake mining operations or inability to continue the same before the end of a period of six months from the date of the order of the State Government:

Provided also that the State Government may, on an application made by the holder of a lease submitted within a period of six months from the date of its lapse and on being satisfied that such non-commencement or discontinuance was due to reasons beyond the control of the holder of the lease, revive the lease within a period of three months from the date of receiving the application from such prospective or retrospective date as it thinks fit but not earlier than the date of lapse of the lease:

Provided also that no lease shall be revived under the third proviso for more than twice during the entire period of the lease.]]

[6]**[5. Restrictions on the grant of prospecting licences or mining leases**.—[7][(*1*) A State Government shall not grant a [8] [reconnaissance permit, prospecting licence or mining lease] to any person unless such person—

1. Subs, by Act 37 of 1986, s. 3, for section 4A (w.e.f 10-2-1987).
2. The words ", after consultation with the Central Government," omitted by Act 25 of 1994, s. 2 (w.e.f. 25-1-1994).
3. Proviso omitted by Act 38 of 1999, s. 6 (w.e.f. 18-12-1999).
4. Subs, by Act 25 of 1994, s. 2, for "one year" (w.e.f. 25-1-1994).
5. Subs, by Act 10 of 2015, s. 4, for the provisos (w.e.f. 12-1-2015).
6. Subs, by Act 37 of 1986, s. 4, for section 5 (w.e.f. 10-2-1987).
7. Subs, by Act 25 of 1994, s. 3, for sub-section (i) (w.e.f. 25-1-1994).
8. Subs, by Act 38 of 1999, s. 7, for "prospecting licence or mining lease" (w.e.f. 18-12-1999).

(a) is an Indian national, or company as defined in [clause *(20)* of section 2 of the Companies Act, 2013 (18 of 2013)]; and

(b) satisfies such conditions as may be prescribed:

[2][Provided that in respect of any mineral specified in Part A and Part B of the First Schedule, no reconnaissance permit, prospecting licence or mining lease shall be granted except with the previous approval of the Central Government.]

Explanation.—For the purposes of this sub-section, a person shall be deemed to be an Indian national,—

in the case of a firm or other association of individuals, only if all the members of the firm or members of the association are citizens of India; and

in the case of an individual, only if he is a citizen of India.]

(2) No mining lease shall be granted by the State Government unless it is satisfied that—

[3] [(a) there is evidence to show the existence of mineral contents in the area for which the application for a mining lease has been made in accordance with such parameters as may be prescribed for this purpose by the Central Government;]

(b) there is a mining plan duly approved by the Central Government, or by the State Government, in respect of such category of mines as may be specified by the Central Government, for the development of mineral deposits in the area concerned:]

[4][Provided that a mining lease may be granted upon the filing of a mining plan in accordance with a system established by the State Government for preparation, certification, and monitoring of such plan, with the approval of the Central Government.]

6. **Maximum area for which a prospecting licence or mining lease may be granted.**—[5][(*1*) No person shall acquire [6]*** in respect of any mineral or prescribed group of associated minerals [7][in a State]—

(a) one or more prospecting licences covering a total area of more than twenty-five square kilometres; or

[7]*[(aa)* one or more reconnaissance permit covering a total area of ten thousand square kilometres:

Provided that the area granted under a single reconnaissance permit shall not exceed five thousand square kilometers; or]

(b) one or more mining leases covering a total area of more than ten square kilometres:

[8][Provided that if the Central Government is of the opinion that in the interest of the development of any mineral or industry, it is necessary so to do, it may, for reasons to be recorded in writing, increase the aforesaid area limits in respect of prospecting licence or mining lease, in so far as it pertains to any particular mineral, or to any specified category of deposits of such mineral, or to any particular mineral located in any particular area.]]

1. Subs, by Act 10 of 2015, s. 5, for "sub-section *(1)* of section 3 of the Companies Act, 1956 (1 of 1956)" (w.e.f. 12-1-2015).
2. Subs, by s. 5, *ibid.,* for the proviso (w.e.f. 12-1-2015).
3. Subs, by s. 5, *ibid.,* for clause *(a)* (w.e.f. 12-1-2015).
4. Ins. by s. 5, *ibid,* (w.e.f. 12-1-2015).
5. Subs, by Act 56 of 1972, s. 3, for sub-section *(1)* (w.e.f. 12-9-1972).
6. The words "in any one State" omitted by Act 37 of 1986, s. 5 (w.e.f. 10-2-1987).
7. Ins. by Act 38 of 1999, s. 8 (w.e.f. 18-12-1999).
8. Subs, by Act 10 of 2015, s. 6, for the proviso (w.e.f. 12-1-2015).

[1][(c) any reconnaissance permit, mining lease or prospecting licence in respect of any area which is not compact or contiguous:

Provided that if the State Government is of opinion that in the interests of the development of any mineral, it is necessary so to do, it may, for reasons to be recorded in writing, permit any person to acquire a reconnaissance permit, prospecting licence or mining lease in relation to any area which is not compact or contiguous.]

(*2*) For the purposes of this section, a person acquiring by, or in the name of, another person a [2][reconnaissance permit, prospecting licence or mining lease] which is intended for himself shall be deemed to be acquiring it himself.

[3]*[(3)* For the purposes of determining the total area referred to in sub-section (*1*), the area held under a [2][reconnaissance permit, prospecting licence or mining lease] by a person as a member of a cooperative society, company or other corporation or a Hindu undivided family or a partner of a firm, shall be deducted from the area referred to in sub-section (*1*) so that the sum total of the area held by such person, under a [2][reconnaissance permit, prospecting licence or mining lease], whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-section (*1*).]

[4][7. **Periods for which prospecting licences may be granted or renewed.**—(*1*) The period for which [5][a reconnaissance permit or prospecting licence] may be granted shall not exceed three years.

(2) A prospecting licence shall, if the State Government is satisfied that a longer period is required to enable the licensee to complete prospecting operations be renewed for such period or periods as that Government may specify:

Provided that the total period for which a prospecting licence is granted does not exceed five years:

Provided further that no prospecting licence granted in respect of [6][a mineral included in Part A and Part B to] the First Schedule shall be renewed except with the previous approval of the Central Government.]

[7]**[8. Periods for which mining leases may be granted or renewed.**—(*1*) The provisions of this section shall apply to minerals specified in Part A of the First Schedule.

(2) The maximum period for which a mining lease may be granted shall not exceed thirty years:

Provided that the minimum period for which any such mining lease may be granted shall not be less than twenty years.

(3) A mining lease may be renewed for a period not exceeding twenty years with the previous approval of the Central Government.]

[8]**[8A. Period of grant of a mining lease for minerals other than coal, lignite and atomic minerals.**—(*1*) The provisions of this section shall apply to minerals other than those specified in Part A and Part B of the First Schedule.

(*2*) On and from the date of the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), all mining leases shall be granted for the period of fifty years.

(*3*) All mining leases granted before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015) shall be deemed to have been granted for a period of fifty years.

1. Subs, by Act 38 of 1999, s. 8, for clause (c) (w.e.f 18-12-1999).
2. Subs, by s. 8, *ibid.,* for "prospecting licence or mining lease" (w.e.f. 18-12-1999).
3. Ins. by Act 56 of 1972, s. 3 (w.e.f. 12-9-1972).
4. Subs, by Act 25 of 1994, s. 4, for section 7 (w.e.f. 25-1-1994).
5. Subs, by Act 38 of 1999, s. 9, for "a prospecting licence" (w.e.f. 18-12-1999).
6. Subs, by s. 9, *ibid.,* for "a mineral included in" (w.e.f. 18-12-1999).
7. Subs, by Act 10 of 2015, s. 7, for section 8 (w.e.f. 12-1-2015).
8. Ins. by s. 8, *ibid,* (w.e.f. 12-1-2015).

(*4*) On the expiry of the lease period, the lease shall be put up for auction as per the procedure specified in this Act.

(*5*) Notwithstanding anything contained in sub-sections (2), *(3)* and sub-section *(4),* the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), where mineral is used for captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31st March, 2030 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.

(*6*) Notwithstanding anything contained in sub-sections (2), *(3)* and sub-section *(4),* the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), where mineral is used for other than captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31st March, 2020 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.

(*7*) Any holder of a lease granted, where mineral is used for captive purpose, shall have the right of first refusal at the time of auction held for such lease after the expiry of the lease period.

(*8*) Notwithstanding anything contained in this section, the period of mining leases, including existing mining leases, of Government companies or corporations shall be such as may be prescribed by the Central Government.

(*9*) The provisions of this section, notwithstanding anything contained therein, shall not apply to a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), for which renewal has been rejected, or which has been determined, or lapsed.]

9. Royalties in respect of mining leases.—(*1*) The holder of a mining lease granted before the commencement of this Act shall, notwithstanding anything contained in the instrument of lease or in any law in force at such commencement, pay royalty in respect of any [1][mineral removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee] from the leased area after such commencement, at the rate for the time being specified in the Second Schedule in respect of that mineral.

(*2*) The holder of a mining lease granted on or after the commencement of this Act shall pay royalty in respect of any [1][mineral removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee] from the leased area at the rate for the time being specified in the Second Schedule in respect of that mineral.

[2][*(2A)* The holder of a mining lease, whether granted before or after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972 (56 of 1972) shall not be liable to pay any royalty in respect of any coal consumed by a workman engaged in a colliery provided that such consumption by the workman does not exceed one-third of a tonne per month.]

(3) The Central Government may, by notification in the Official Gazette, amend the Second Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral with effect from such date as may be specified in the notification:

[3] [Provided that the Central Government shall not enhance the rate of royalty in respect of any mineral more than once during any period of [4][three years].]

1. Subs, by Act 56 of 1972, s. 4, for "mineral removed by him" (w.e.f. 12-9-1972).

2. Ins. by s. 4, *ibid,* (w.e.f. 12-9-1972).

3. Subs, by s. 4, *ibid.,* for the proviso (w.e.f. 12-9-1972).

4. Subs, by Act 37 of 1986, s. 8, for "four years" (w.e.f. 10-2-1987).

[1][**9A. Dead rent to be paid by the lessee.**—(*1*) The holder of a mining lease, whether granted before or after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972, shall notwithstanding anything contained in the instrument of lease or in any other law for the lime being in force, pay to the State Government, every year, dead rent at such rate, as may be specified, for the time being, in the Third Schedule, for all the areas included in the instrument of lease:

Provided that where the holder of such mining lease becomes liable, under section 9, to pay royalty for any mineral removed or consumed by him or by his agent, manager, employee, contractor or sublessee from the leased area, he shall be liable to pay either such royalty, or the dead rent in respect of that area, whichever is greater.

(*2*) The Central Government may, by notification in the Official Gazette, amend the Third Schedule so as to enhance or reduce the rate at which the dead rent shall be payable in respect of any area covered by a mining lease and such enhancement or reduction shall take effect from such date as may be specified in the notification:

Provided that the Central Government shall not enhance the rate of the dead rent in respect of any such area more than once during any period of [2][three years].]

[3][**9B. District Mineral Foundation.**—(*1*) In any district affected by mining related operations, the State Government shall, by notification, establish a trust, as a non-profit body, to be called the District Mineral Foundation.

(*2*) The object of the District Mineral Foundation shall be to work for the interest and benefit of persons, and areas affected by mining related operations in such manner as may be prescribed by the State Government.

(*3*) The composition and functions of the District Mineral Foundation shall be such as may be prescribed by the State Government.

(*4*) The State Government while making rules under sub-sections (*2*) and *(3)* shall be guided by the provisions contained in article 244 read with Fifth and Sixth Schedules to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchayats (Extensionto the Scheduled Areas) Act, 1996 (40 of 1996) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007).

(*5*) The holder of a mining lease or a prospecting licence-cum-mining lease granted on or after the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount which is equivalent to such percentage of the royalty paid in terms of the Second Schedule, not exceeding one-third of such royalty, as may be prescribed by the Central Government.

(*6*) The holder of a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount not exceeding the royalty paid in terms of the Second Schedule in such manner and subject to the categorisation of the mining leases and the amounts payable by the various categories of lease holders, as may be prescribed by the Central Government.

9C. National Mineral Exploration Trust.—(*1*) The Central Government shall, by notification, establish a Trust, as a non-profit body, to be called the National Mineral Exploration Trust.

(*2*) The object of the Trust shall be to use the funds accrued to the Trust for the purposes of regional and detailed exploration in such manner as may be prescribed by the Central Government.

1 Ins. by Act 56 of 1972, s. 5 (w.e.f. 12-9-1972).

2 Subs, by Act 37 of 1986, s. 9, for “four years” (w.e.f. 10-2-1987).

3 Ins. by Act 10 of 2015, s. 9 (w.e.f. 12-1-2015).

(3) The composition and functions of the Trust shall be such as may be prescribed by the Central Government.

(4) The holder of a mining lease or a prospecting licence-cum-mining lease shall pay to the Trust, a sum equivalent to two per cent. of the royalty paid in terms of the Second Schedule, in such manner as may be prescribed by the Central Government.]

Chapter III

Procedure for obtaining, prospecting licences or mining leases, in respect of land in which the minerals vest in the Government

10. Application for prospecting licences or mining leases.—(*1*) An application for [1][a reconnaissance permit, prospecting licence or mining lease] in respect of any land in which the minerals vest in the Government shall be made to the State Government concerned in the prescribed form and shall be accompanied by the prescribed fee.

(*2*) Where an application is received under sub-section (*1*), there shall be sent to the applicant an acknowledgment of its receipt within the prescribed time and in the prescribed form.

(*3*) On receipt of an application under this section, the State Government may, having regard to the provisions of this Act and any rules made thereunder, grant or refuse to grant the [2][permit, licence or lease],

[3][**10A. Rights of existing concession holders and applicants.**—(*1*) All applications received prior to the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall become ineligible.

(*2*) Without prejudice to sub-section (*1*), the following shall remain eligible on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015:—

(a) applications received under section 11A of this Act;

(b) where before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 a reconnaissance permit or prospecting licence has been granted in respect of any land for any mineral, the permit holder or the licensee shall have a right for obtaining a prospecting licence followed by a mining lease, or a mining lease, as the case may be, in respect of that mineral in that land, if the State Government is satisfied that the permit holder or the licensee, as the case may be,—

(*i*) has undertaken reconnaissance operations or prospecting operations, as the case may be, to establish the existence of mineral contents in such land in accordance with such parameters as may be prescribed by the Central Government;

(*ii*) has not committed any breach of the terms and conditions of the reconnaissance permit or the prospecting licence;

(iii) has not become ineligible under the provisions of this Act; and

(*iv*) has not failed to apply for grant of prospecting licence or mining lease, as the case may be, within a period of three months after the expiry of reconnaissance permit or prospecting licence, as the case may be, or within such further period not exceeding six months as may be extended by the State Government;

(c) where the Central Government has communicated previous approval as required under sub-section (*1*) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, the mining lease

1. Subs, by Act 38 of 1999, s. 11, for "a prospecting licence or a mining lease" (w.e.f 18-12-1999).
2. Subs, by s. 11, *ibid*., for "licence or lease" (w.e.f. 18-12-1999).
3. Ins. by Act 10 of 2015, s. 10 (w.e.f. 12-1-2015).

shall be granted subject to fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act:

Provided that in respect of any mineral specified in the First Schedule, no prospecting licence or mining lease shall be granted under clause *(b)* of this subsection except with the previous approval of the Central Government.

10B. Grant of mining lease in respect of notified minerals through auction.—(*1*) The provisions of this section shall not be applicable to cases covered by section 10A or section 17A or to minerals specified in Part A or Part B of the First Schedule or to land in respect of which the minerals do not vest in the Government.

(*2*) Where there is inadequate evidence to show the existence of mineral contents of any notified mineral in respect of any area, a State Government may, after obtaining the previous approval of the Central Government, grant a prospecting licence-cum-mining lease for the said notified mineral in such area in accordance with the procedure laid down in section 11.

(*3*) In areas where the existence of mineral contents of any notified mineral is established in the manner prescribed by the Central Government, the State Government shall notify such areas for grant of mining leases for such notified mineral, the terms and conditions subject to which such mining leases shall be granted, and any other relevant conditions, in such manner as may be prescribed by the Central Government.

(*4*) For the purpose of granting a mining lease in respect of any notified mineral in such notified area, the State Government shall select, through auction by a method of competitive bidding, including e-auction, an applicant who fulfils the eligibility conditions as specified in this Act.

(*5*) The Central Government shall prescribe the terms and conditions, and procedure, subject to which the auction shall be conducted, including the bidding parameters for the selection, which may include a share in the production of the mineral, or any payment linked to the royalty payable, or any other relevant parameter, or any combination or modification of them.

(*6*) Without prejudice to the generality of sub-section *(5),* the Central Government shall, if it is of the opinion that it is necessary and expedient to do so, prescribe terms and conditions, procedure and bidding parameters in respect of categories of minerals, size and area of mineral deposits and a State or States, subject to which the auction shall be conducted:

Provided that the terms and conditions may include the reservation of any particular mine or mines for a particular end-use and subject to such condition which allow only such eligible end users to participate in the auction.

(*7*) The State Government shall grant a mining lease to an applicant selected in accordance with the procedure laid down in this section in respect of such notified mineral in any notified area.

10C. Grant of non-exclusive reconnaissance permits.—(*1*) Non-exclusive reconnaissance permits may be granted in respect of any notified mineral or non-notified mineral or a group of specified minerals, other than minerals specified in Part A or Part B of the First Schedule, subject to such terms and conditions as may be prescribed by the Central Government.

(*2*) The holder of such non-exclusive reconnaissance permit shall not be entitled to make any claim for the grant of any prospecting licence-cum-mining lease or a mining lease.]

[1]**[11. Grant of prospecting licence-cum-mining lease through auction in respect of minerals other than notified minerals.**—(*1*) The provisions of this section shall not be applicable to cases covered by section 10A or section 17A or to minerals specified in Part A or Part B of the First Schedule or to land in respect of which minerals do not vest in the Government.

1. Subs, by Act 10 of 2015, s. 11, for section 11 (w.e.f 12-1-2015).

(*2*) In areas where there is evidence to show the existence of mineral contents as required by clause (*a*) of sub-section (*2*) of section 5, the State Government shall grant a mining lease for minerals other than notified minerals following the procedure laid down in section 10B.

(*3*) In areas where there is inadequate evidence to show the existence of mineral contents as required under clause (*a*) of sub-section (*2*) of section 5, the State Government shall grant a prospecting licence- cum-mining lease for minerals other than notified minerals in accordance with the procedure laid down in this section.

(*4*) The State Government shall notify the areas in which prospecting licence-cum-mining leases shall be granted for any minerals other than notified minerals, the terms and conditions subject to which such prospecting licence-cum-mining leases shall be granted, and any other relevant conditions, in such manner as may be prescribed by the Central Government.

(*5*) For the purpose of granting prospecting licence-cum-mining leases, the State Government shall select, through auction by method of competitive bidding, including e-auction, an applicant who fulfils the eligibility conditions as specified in this Act.

(*6*) The Central Government shall prescribe the terms and conditions, and procedure, subject to which the auction shall be conducted, including the bidding parameters for the selection, which may include a share in the production of the mineral, or any payment linked to the royalty payable, or any other relevant parameter, or any combination or modification of them.

(*7*) Without prejudice to the generality of sub-section (6), the Central Government shall, if it is of the opinion that it is necessary and expedient to do so, prescribe terms and conditions, procedure and bidding parameters in respect of categories of minerals, size and area of mineral deposits and a State or States, subject to which the auction shall be conducted.

(*8*) The State Government shall grant a prospecting licence-cum-mining lease to an applicant selected in accordance with the procedure laid down in this section.

(*9*) The holder of a prospecting licence-cum-mining lease shall be required to complete, within the period laid down in section 7, the prospecting operations satisfactorily as specified in the notice inviting applications.

(*10*) A holder of a prospecting licence-cum-mining lease, who completes the prospecting operation as laid down in sub-section (9) and establishes the existence of mineral contents in the area in conformity with such parameters as may be prescribed for this purpose by the Central Government, shall be required to apply for a mining lease for such area and shall have the right to get the mining lease and thereafter undertake mining operations in accordance with the provisions of this Act.]

[1]**[11A. Granting of reconnaissance permit, prospecting licence or mining lease.**—(*1*) Notwithstanding anything contained in this Act, the Central Government may, for the purpose of granting reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal or lignite, select any of the following companies through auction by competitive bidding, on such terms and conditions as may be prescribed, namely:—

(*a*) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be, or any other company incorporated in India; or

(*b*) a company or a joint venture company formed by two or more companies, that carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be.

(2) The Central Government may, with a view to rationalise coal and lignite mines referred to in subsection (*1*), so as to ensure the coordinated and scientific development and utilisation of resources consistent with the growing requirements of the country, from time to time, prescribe—

(*i*) the details of mines and their location;

(*ii*) the minimum size of such mines;

1. Subs, by Act 11 of 2015, s. 28 and Schedule IV, for section 11A (w.e.f 21-10-2014).

(iii) such other conditions, which in the opinion of that Government may be necessary for the purpose of mining operations or mining for sale by a company.

(3) The State Government shall grant such reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal or lignite to such company as selected through auction by competitive bidding or otherwise under this section: Provided that the auction by competitive bidding under this section shall not be applicable to an area containing coal or lignite—

(a) where such area is considered for allocation to a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be;

(b) where such area is considered for allocation to a company or corporation or that has been awarded a power project on the basis of competitive bids for tariff (including Ultra Mega Power Projects).

Explanation.—For the purposes of this section, "company" means a company as defined in clause *(20)* of section 2 of the Companies Act, 2013 (18 of 2013).]

[1]**[11B. Power of Central Government to make rules for regulating atomic minerals specified under Part B of First Schedule.**—The Central Government may, by notification in the Official Gazette, make rules for regulating the grant of mining leases or other mineral concessions in respect of minerals specified in Part B of the First Schedule and for purposes connected therewith, and the State Government shall grant a reconnaissance permit, prospecting licence or mining lease in respect of any such mineral in accordance with such rules.

11C. Power of Central Government to amend First Schedule and Fourth Schedule.—The Central Government may, by notification in the Official Gazette, amend the First Schedule and the Fourth Schedule so as to add or delete any mineral as may be specified in the notification.]

12. Registers of prospecting licences and mining leases.—(*1*) The State Government shall cause to be maintained in the prescribed form—

(a) a register of applications for prospecting licences;

(b) a register of prospecting licensees;

[2][(c) a register of applications for mining leases;

(d) a register of mining lessees;

(e) a register of applications for reconnaissance permits; and

(f) a register of reconnaissance permits,]

in each of which shall be entered such particulars as may be prescribed.

(2) Every such register shall be open to inspection by any person on payment of such fee as the State Government may fix.

[3]**[12A. Transfer of mineral concessions.**—(*1*) The provisions of this section shall not apply to minerals specified in Part A or Part B of the First Schedule.

(*2*) A holder of a mining lease or a prospecting licence-cum-mining lease granted in accordance with the procedure laid down in section 10B or section 11 may, with the previous approval of the State Government, transfer his mining lease or prospecting licence-cum-mining lease, as the case may be, in such manner as may be prescribed by the Central Government, to any person eligible to hold such mining lease or prospecting licence-cum-mining lease in accordance with the provisions of this Act and the rules made thereunder.

(*3*) If the State Government does not convey its previous approval for transfer of such mining lease or prospecting licence-cum-mining lease, as the case may be, within a period of ninety days from the date of receiving such notice, it shall be construed that the State Government has no objection to such transfer:

1. Ins. by Act 10 of 2015, s. 12 (w.e.f. 12-1-2015).

2. Subs, by Act 38 of 1999, s. 13, for clauses (c) and *(d)* (w.e.f. 18-12-1999).

3. Ins. by Act 10 of 2015, s. 13 (w.e.f. 12-1-2015).

Provided that the holder of the original mining lease or prospecting licence-cum-mining lease shall intimate to the State Government the consideration payable by the successor-in-interest for the transfer, including the consideration in respect of the prospecting operations already undertaken and the reports and data generated during the operations.

(4) No such transfer of a mining lease or prospecting licence-cum-mining lease, referred to in sub-section (2), shall take place if the State Government, within the notice period and for reasons to be communicated in writing, disapproves the transfer on the ground that the transferee is not eligible as per the provisions of this Act:

Provided that no such transfer of a mining lease or of a prospecting licence-cum-mining lease, shall be made in contravention of any condition subject to which the mining lease or the prospecting licence-cum-mining lease was granted.

(*5*) All transfers effected under this section shall be subject to the condition that the transferee has accepted all the conditions and liabilities under any law for the time being in force which the transferor was subject to in respect of such a mining lease or prospecting licence-cum-mining lease, as the case may be.

(*6*) The transfer of mineral concessions shall be allowed only for concessions which are granted through auction.]

[1] [Provided that where a mining lease has been granted otherwise than through auction and where mineral from such mining lease is being used for captive purpose, such mining lease may be permitted to be transferred subject to compliance of such terms and conditions and payment of such amount or such amount or transfer charges as may be prescribed.

Explanation.—For the purposes of this proviso, the expression "used for captive purpose" shall mean the use of the entire quantity of mineral extracted from the mining lease in a manufacturing unit owned by the lessee.]

Chapter IV

Rules for regulating the (grant of prospecting licences and mining leases)

13. Power of Central Government to make rules in respect of minerals.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for regulating the grant of [2][reconnaissance permits, prospecting licences and mining leases] in respect of minerals and for purposes connected therewith.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the person by whom, and the manner in which, applications for[3] [reconnaissance permits, prospecting licences or mining leases] in respect of land in which the minerals vest in the Government may be made and the fees to be paid therefor;

(b) the time within which, and the form in which, acknowledgement of the receipt of any such application may be sent;

(c) the matters which may be considered where applications in respect of the same land are received on the same day;

[4]*[(d)* the terms and conditions of auction by competitive bidding, the details of mines and their location, the minimum size of such mines and such other conditions which may be necessary for the purpose of coal mining operations including mining for sale by a company under sub-section (*1*) and sub-section (2) of section 11 A;]

(e) the authority by which [2][reconnaissance permits, prospecting licences or mining leases] in respect of land in which the minerals vest in the Government may be granted;

(f) the procedure for obtaining [5][a reconnaissance permit, a prospecting licence or a mining lease] in respect of any land in which the minerals vest in a person other than the Government and the terms on which, and the conditions subject to which, such [6][a permit, licence or lease] may be granted or renewed;

---

1. Ins. by Act 25 of 2016, s. 3 (w.e.f. 6-5-2016).
2. Subs, by Act 38 of 1999, s. 14, for "prospecting licences and mining leases" (w.e.f. 18-12-1999).
3. Subs, by s. 14, *ibid.,* for "prospecting licences or mining leases" (w.e.f. 18-12-1999).
4. Subs, by Act 11 of 2015, s. 28 and Schedule IV, for clause *(d)* (w.e.f. 21-10-2014).
5 .Subs, by Act 38 of 1999, s. 14, for "a prospecting licence or a mining lease" (w.e.f. 18-12-1999).
6. Subs, by s. 14, *ibid.,* for "a licence or lease" (w.e.f. 18-12-1999).

(*g*) the terms on which, and the conditions subject to which, may other [1][reconnaissance permit, prospecting licence or mining lease] may be granted or renewed;

(h) the facilities to be afforded by holders of mining leases to persons deputed by the Government for the purpose of undertaking research or training in matters relating to mining operations;

[2][(*i*) the fixing and collection of fees for [3][reconnaissance permits, prospecting licences or mining leases] surface rent, security deposit, fines, other fees or charges and the time within which and the manner in which the dead rent or royalty shall be payable;]

(*j)* the manner in which rights of third parties may be protected (whether by payment of compensation or otherwise) in cases where any such party may be prejudicially affected by reason of any [4][reconnaissance, prospecting or mining operations];

[5] [(*jj*) parameters of existence of mineral contents under clause (a) of sub-section (2) of section 5;]

(k) the grouping of associated minerals for the purposes of section 6;

(/) the manner in which, and the conditions subject to which, [6][a reconnaissance, permit, a prospecting licence or a mining lease] may be transferred;

(m) the construction, maintenance and use of roads, power transmission lines, tram-ways, railways, aerial ropeways, pipelines and the making of passages for water for mining purposes on any land comprised in a mining lease;

(*n*) the form of registers to be maintained under this Act;

[7] * * * * *

(p) the reports and statements to be submitted by holders of [8][reconnaissance permits or prospecting licences] or owners of mines and the authority to which such reports and statements shall be submitted;

(q) the period within which applications for revision of any order passed by a State Government or other authority in exercise of any power conferred by or under this Act, may be made [9][the fees to be paid therefore and the documents which shall accompany such applications] and the manner in which such applications shall be disposed of; and

[9]*[(qq)* the manner in which rehabilitation of flora and other vegetation, such as trees, shrubs and the like destroyed by reason of any prospecting or mining operations shall be made in the same area or in any other area selected by the Central Government (whether by way of reimbursement of the cost of rehabilitation or otherwise) by the person holding the prospecting licence or mining lease;] [10]****

[11] *[(qqa)* the amount of payment to be made to the District Mineral Foundation under sub-sections *(5)* and (6) of section 9B;

(qqb) the manner of usage of funds accrued to the National Mineral Exploration Trust under sub-section (2) of section 9C;

1. Subs, by Act 38 of 1999, s. 14, for “prospecting licence or mining lease” (w.e.f. 18-12-1999).
2. Subs, by Act 37 of 1986, s. 11, for clause (i) (w.e.f 10-2-1987).
3. Subs, by Act 38 of 1999, s. 14, for “prospecting licences or mining leases” (w.e.f. 18-12-1999).
4. Subs, by s. 14, *ibid.,* for “prospecting or mining operations” (w.e.f. 18-12-1999).
5. Ins. by Act 10 of 2015, s. 14 (w.e.f. 12-1-2015).
6. Subs, by Act 38 of 1999, s.14, for “a prospecting licence or a mining lease” (w.e.f. 18-12-1999).
7. Omitted by Act 37 of 1986, s. 11 (w.e.f. 10-2-1987).
8. Subs, by Act 38 of 1999, s. 14, for “prospecting licences” (w.e.f. 18-12-1999).
9. Ins. by Act 37 of 1986, s. 11 (w.e.f. 10-2-1987).
10. The word “and” omitted by Act 10 of 2015, s. 14 (w.e.f. 12-1-2015).
11. Ins. by s. 14, *ibid,* (w.e.f. 12-1-2015).

(qqc) the composition and functions of the National Mineral Exploration Trust under sub-section *(3)* of section 9C;

(qqd) the manner of payment of amount to the National Mineral Exploration Trust under sub-section *(4)* of section 9C;

(qqe) the terms and conditions subject to which mining leases shall be granted under sub-section *(3)* of section 10B;

(qqf) the terms and conditions, and procedure, subject to which the auction shall be conducted including the bidding parameters for the selection under sub-section *(5)* of section 10B;

(qqg) the time limits for various stages in processing applications for grant of mining lease or prospecting licence-cum-mining lease under sections 10B, 11, 11A, 11B, and section 17A, and their renewals;

(qqh) the terms and conditions for grant of non-exclusive reconnaissance permits under sub-section (*1*) of section 10C;

(qqi) the terms and conditions for grant of prospecting licence-cum-mining leases under sub-section *(4)* of section 11;

(qqj) the terms and conditions, and procedure, including the bidding parameters for the selection under sub-section (6) of section 11;

[1][*(qqja)* the terms and conditions and amount or transfer charges under the proviso to sub-section *(6)* of section 12A;]

(qqk) the amount to be payable by a Government company or corporation, or a joint venture for grant of mining lease under sub-section (2C) of section 17A; and]

(r) any other matter which is to be, or may be, prescribed under this Act.

[2][13A. Power of Central Government to make rules for the grant of prospecting licences or mining leases in respect of territorial waters or continental shelf of India.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for the grant of prospecting licences or mining leases in respect of any minerals underlying the ocean within the territorial waters or the continental shelf of India.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the conditions, limitations and restrictions subject to which such prospecting licences or mining leases may be granted;

(*b*) regulation of exploration and exploitation of minerals within the territorial waters or the continental shelf of India;

(*c*) ensuring that such exploration or exploitation does not interfere with navigation and

(*d*) any other matter which is required to be, or may be, prescribed.]

14. [3][Sections 5 to 13] not to apply to minor minerals.—The provisions of [2][sections 5 to 13] (inclusive) shall not apply to [4][quarry leases, mining leases or other mineral concessions] in respect of minor minerals.

15. Power of State Governments to make rules in respect of minor minerals.—(*1*) The State Government may, by notification in the Official Gazette, make rules for, regulating the grant of [5][quarry leases, mining leases or other mineral concessions] in respect of minor minerals and for purposes connected therewith.

1. Ins. by Act 25 of 2016, s. 4 (w.e.f. 6-5-2016).
2. Ins. by Act 56 of 1972, s. 6 (w.e.f 12-9-1972).
3. Subs, by Act 37 of 1986, s. 12, for "sections 4 to 13" (w.e.f. 10-2-1987).
4. Subs, by Act 56 of 1972, s. 7, for "prospecting licences and mining leases" (w.e.f. 12-9-1972).
5. Subs, by s. 8, *ibid.,* for "prospecting licence and mining leases" (w.e.f. 12-9-1972).

[1][(1A)] In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the person by whom and the manner in which, applications for quarry leases, mining leases or other mineral concessions may be made and the fees to be paid therefor;

(*b*) the time within which, and the form in which, acknowledgement of the receipt of any such applications may be sent;

(*c*) the matters which may be considered where applications in respect of the same land are received within the same day;

(*d*) the terms on which, and the conditions subject to which and the authority by which quarry leases, mining leases or other mineral concessions may be granted or renewed;

(*e*) the procedure for obtaining quarry leases, mining leases or other mineral concessions;

(*f*) the facilities to be afforded by holders of quarry leases, mining leases or other mineral concessions to persons deputed by the Government for the purpose of undertaking research or training in matters relating to mining operations;

(g) the fixing and collection of rent, royalty, fees, dead rent, fines or other charges and the time within which and the manner in which these shall be payable;

(h) the manner in which rights of third parties may be protected (whether by way of payment of compensation or otherwise) in cases where any such party is prejudicially affected by reason of any prospecting or mining operations;

(*i*) the manner in which rehabilitation of flora and other vegetation such as trees, shrubs and the like destroyed by reason of any quarrying or mining operations shall be made in the same area or in any other area selected by the State Government (whether by way of reimbursement of the cost of rehabilitation or otherwise) by the person holding the quarrying or mining lease;

(*j*) the manner in which and the conditions subject to which, a quarry lease, mining lease or other mineral concession may be transferred;

(k) the construction, maintenance and use of roads power transmission lines, tramways, railways, serial rope ways, pipelines and the making of passage for water for mining purposes on any land comprised in a quarry or mining lease or other mineral concession;

(*l*) the form of registers to be maintained under this Act;

(m) the reports and statements to be submitted by holders of quarry or mining leases or other mineral concessions and the authority to which such reports and statements shall be submitted;

(n) the period within which and the manner in which and the authority to which applications for revision of any order passed by any authority under these rules may be made, the fees to be paid therefore, and the powers of the revisional authority; and

(*o*) any other matter which is to be, or may be, prescribed.]

(*2*) Until rules are made under sub-section (*1*), any rules made by a state Government regulating the grant of [2][quarry leases, mining leases or other mineral concessions] in respect of minor minerals which are in force immediately before the commencement of these Act shall continue in force.

[3] *[(3)* The holder of a mining lease or any other mineral concession granted under any rule made under sub-section (*1*) shall pay [4][royalty or dead rent, whichever is more] in respect of minor minerals removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee at the rate prescribed for the time being in the rules framed by the State Government in respect of minor minerals:

1. Ins. by Act 37 of 1986, s. 13 (w.e.f. 10-2-1987).
2. Subs, by Act 56 of 1972, s. 8, for “prospecting licence and mining leases” (w.e.f. 12-9-1972).
3. Ins. by s. 8, *ibid,* (w.e.f. 12-9-1972).
4. Subs, by Act 37 of 1986, s. 13, for “royalty” (w.e.f. 10-2-1987).

Provided that the State Government shall not enhance the rate of [1][royalty or dead rent] in respect of any minor mineral for more than once during any period of [2][three] years.]

[3][*(4)* Without prejudice to sub-sections (*1*), (*2*) and sub-section *(3),* the State Government may, by notification, make rules for regulating the provisions of this Act for the following, namely:—

(*a*) the manner in which the District Mineral Foundation shall work for the interest and benefit of persons and areas affected by mining under sub-section (*2*) of section 9B;

(*b*) the composition and functions of the District Mineral Foundation under sub-section *(3)* of section 9B; and

(*c*) the amount of payment to be made to the District Mineral Foundation by concession holders of minor minerals under section 15 A.]

[4]**[15A. Power of State Government to collect funds for District Mineral Foundation in case of minor minerals.**—The State Government may prescribe the payment by all holders of concessions related to minor minerals of amounts to the District Mineral Foundation of the district in which the mining operations are carried on.]

16. Power to modify mining leases granted before 25th October, 1949.—[5][(*1*) (*a*) All mining leases granted before the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972 (56 of 1972) [6][if in force at the date of commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1994 (25 of 1994), shall be brought in conformity with the provisions of this Act and the rules made thereunder within two years from the date of the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1994], or such further time as the Central Government may, by general or special order, specify in this behalf.

(b) Where the rights under any mining lease, granted by the proprietor of an estate or tenure before the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972 (56 of 1972), have vested, on or after the 25th day of October, 1949, in the State Government in pursuance of the provisions of any Act of any Provincial or State Legislature which provides for the acquisition of estates or tenures or provides for agrarian reform, such mining lease shall be brought into conformity with the provisions of this Act and the rules made thereunder within [7][two years from the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1994 (25 of 1994)], or within such further time as the Central Government may, by general or special order, specify in this behalf.]

Where any action is taken under clause (a) or clause *(b)* of sub-section (*1*) to bring the period of any lease in conformity with the provisions of this Act and the rules made thereunder, then notwithstanding anything contained in section 8, the period of such lease shall continue to operate for a period of two years from the date of bringing such lease in conformity with the provisions of this Act.]

(2) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of sub-section (*1*) and in particular such rules shall provide—

(*a*) for giving previous notice of the modification or alteration proposed to be made in any existing mining lease to the lessee and where the lessor is not the Central Government, also to the lessor and for affording him an opportunity of showing cause against the proposal;

(*b*) for the payment of compensation to the lessee in respect of the reduction of any area covered by the existing mining lease; and

1. Subs, by Act 37 of 1986, s. 13, for "royalty" (w.e.f. 10-2-1987).
2. Subs, by s. 13, *ibid.,* for "four" (w.e.f. 10-2-1987).
3. 1ns. by Act 10 of 2015, s. 15 (w.e.f. 12-1-2015).
4. Ins. by s. 16, *ibid,* (w.e.f. 12-1-2015).
5. Subs, by Act 56 of 1972, s. 9, for sub-section (i) (w.e.f. 12-9-1972).
6 Subs, by Act 25 of 1994, s. 6, for certain words (w.e.f 25-1-1994).
7. Subs, by s. 6, *ibid.,* for "six months from the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972" (w.e.f. 25-1-1994).
8. Ins. by s. 6, *ibid,* (w.e.f. 25-1-1994).

(c) for the principles on which, the manner in which, and the authority by which, the said compensation shall be determined.

CHAPTER V

SPECIAL POWERS OF CENTRAL GOVERNMENT TO UNDERTAKE PROSPECTING OR MINING OPERATIONS IN CERTAIN CASES

17. Special powers of Central Government to undertake prospecting or mining operations in certain lands.—(*1*) The provisions of this section shall apply [1]*** in respect of land in which the minerals vest in the Government of a State [2][or any other person].

(*2*) Notwithstanding anything contained in this Act, the Central Government, after consultation with the State Government, may undertakes [3][reconnaissance, prospecting or mining operations] in any area not already held under any [4][reconnaissance permit, prospecting licence or mining lease] and where it proposes to do so, it shall, by notification in the Official Gazette—

(*a*) specify the boundaries of such area;

(*b*) state whether [3] [reconnaissance, prospecting or mining operations] will be carried out in the area; and

(*c*) specify the mineral or minerals in respect of which such operations will be carried out.

(*3*) Where, in exercise of the powers conferred by sub-section (*2*), the Central Government undertakes [3][reconnaissance, prospecting or mining operations] in any area, the Central Government shall be liable to pay [5] [reconnaissance permit fee or prospecting fee] royalty, surface rent or dead rent, as the case may be, at the same rate at which it would have been payable under this Act, if such [3][reconnaissance, prospecting or mining operations] had been undertaken by a private person under a [4][reconnaissance permit, prospecting licence or mining lease],

(*4*) The Central Government, with a view to enabling it to exercise the powers conferred on it by sub-section (2) may, after consultation with the State Government, by notification in the Official Gazette, declare that no [4][reconnaissance permit, prospecting licence or mining lease] shall be granted in respect of any land specified in the notification.

[6]**[17A. Reservation of areas for purposes of conservation.**—(*1*) The Central Government, with a view to conserving any mineral and after consultation with the State Government, may reserve any area not already held under any prospecting licence or mining lease and, where it proposes to do so, it shall, by notification in the Official Gazette, specify the boundaries of such area and the mineral or minerals in respect of which such area will be reserved.

[7]*[(1A)* The Central Government may in consultation with the State Government, reserve any area not already held under any prospecting licence or mining lease, for undertaking prospecting or mining operations through a Government company or corporation owned or controlled by it, and where it proposes to do so, it shall, by notification in the Official Gazette, specify the boundaries of such area and the mineral or minerals in respect of which such area will be reserved.]

(2) The State Government may, with the approval of the Central Government, reserve any area not already held under any prospecting licence or mining lease, for undertaking prospecting or mining operations through a Government company or corporation owned or controlled by it [8]*** and where it proposes to do so, it shall, by notification in the Official Gazette, specify the boundaries of such area and the mineral or minerals in respect of which such areas will be reserved.

---

1. The word “only” omitted by Act 56 of 1972, s. 10 (w.e.f. 12-9-1972).
2. Ins. by s. 10, *ibid,* (w.e.f. 12-9-1972).
3. Subs, by Act 38 of 1999, s. 15, for “prospecting or mining operations” (w.e.f. 18-12-1999).
4. Subs, by s. 15, *ibid.,* for “prospecting licence or mining lease” (w.e.f. 18-12-1999).
5. Subs, by s. 15, *ibid.,* for “prospecting fee” (w.e.f. 18-12-1999).
6. Ins. by Act 37 of 1986, s. 14 (w.e.f. 10-2-1987).
7. Ins. by Act 25 of 1994, s. 7 (w.e.f. 25-1-1994).
8. The words “or by the Central Government” omitted by s. 7, *ibid,* (w.e.f. 25-1-1994).

[1][(2A) Where in exercise of the powers conferred by sub-section *(1A)* or sub-section (2), the Central Government or the State Government, as the case may be, reserves any area for undertaking prospecting or mining operations, the State Government shall grant prospecting licence or mining lease, as the case may be, in respect of such area to such Government company or corporation:

Provided that in respect of any mineral specified in Part A and Part B of the First Schedule, the State Government shall grant the prospecting licence or mining lease, as the case may be, only after obtaining the previous approval of the Central Government.

(2B) Where the Government company or corporation is desirous of carrying out the prospecting operations or mining operations in a joint venture with other persons, the joint venture partner shall be selected through a competitive process, and such Government company or corporation shall hold more than seventy-four per cent. of the paid up share capital in such joint venture.

(2C) A mining lease granted to a Government company or corporation, or a joint venture, referred to in sub-sections *(2A)* and *(2B),* shall be granted on payment of such amount as may be prescribed by the Central Government.]

(3) [2][Where in exercise of the powers conferred by sub-section *(1A)* or sub-section (2) the Central Government or the State Government, as the case may be,] undertakes prospecting or mining operations in any area in which the minerals vest in a private person, it shall be liable to pay prospecting fee, royalty, surface rent or dead rent, as the case may be, from time to time at the same rate at which it would have been payable under this Act if such prospecting or mining operations had been undertaken by a private person under prospecting licence or mining lease.]

CHAPTER VI

DEVELOPMENT OF MINERALS

18. Mineral development.—(*1*) It shall be the duty of the Central Government to take all such steps as may be necessary [3][for the conservation and systematic development of minerals in India and for the protection of environment by preventing or controlling any pollution which may be caused by prospecting or mining operations] and [4][for such purposes] the Central Government may, by notification in the Official Gazette, make such rules as it thinks fit.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the opening of new mines and the regulation of mining operations in any area;

(*b*) the regulation of the excavation or collection of minerals from any mine;

(*c*) the measures to be taken by owners of mines for the purpose of beneficiation of ores, including the provision of suitable contrivances for such purpose;

(*d*) the development of mineral resources in any area;

(*e*) the notification of all new borings and shaft sinkings and the preservation of bore-hole records, and specimens of cores of alt new bore-holes;

(*f*) the regulation of the arrangements for the storage of minerals and the stocks thereof that may be kept by any person;

(*g*) the submission of samples of minerals from any mine by the owner thereof and the manner in which and the authority to which such samples shall be submitted; and the taking of samples of any minerals from any mine by the State Government or any other authority specified by it in that behalf;

---

1. Ins. by Act 10 of 2015, s. 17 (w.e.f. 12-1-2015).
2. Subs, by Act 25 of 1994, s. 7, for "Where in exercise of the powers conferred by sub-section (2) the State Government" (w.e.f. 25-1-1994).
3. Subs, by Act 37 of 1986, s. 15, for "for the conservation and development of minerals in India" (w.e.f. 10-2-1987).
4. Subs, by s. 15, *ibid.,* for "for that purpose" (w.e.f. 10-2-1987).

(h) the submission by owners of mines of such special or periodical returns and reports as may be specified, and the form in which and the authority to which such returns and reports shall be submitted;

[1][*(i)* the regulation of prospecting operations;

(*j*) the employment of qualified geologists or mining engineers to supervise prospecting or mining operations;

(k) the disposal or discharge of waste slime or tailings arising from any mining or metallurgical operations carried out in a mine;

(*l*) the manner in which and the authority by which directions may be issued to the owners of any mine to do or refrain from doing certain things in the interest of conservation or systematic development of minerals or for the protection of environment by preventing or controlling pollution which may be caused by prospecting or mining operations;

(m) the maintenance and submission of such plans, registers or records as may be specified by the Government;

(*n*) the submission of records or reports by persons carrying on prospecting or mining operations regarding any research in mining or geology carried out by them;

(o) the facilities to be afforded by persons carrying out prospecting or mining operations to persons authorised by the Central Government for the purpose of undertaking research or training in matters relating to mining or geology;

(p) the procedure for and the manner of imposition of fines for the contravention of any of the rules framed under this section and the authority who may impose such fines; and

(q) the authority to which, the period within which, the form and the manner in which applications for revision of any order passed by any authority under this Act and the rules made thereunder may be made, the fee to be paid and the documents which should accompany such applications.]

(3) All rules made under this section shall be binding on the Government.

[2]**[18A. Power to authorise Geological Survey of India, etc., to make investigation.**—(*1*) Where the Central Government is of opinion that for the conservation and development of minerals in India, it is necessary to collect as precise information as possible with regard to any mineral available in or under any land in relation to which any prospecting licence or mining lease has been granted, whether by the State Government or by any other person, the Central Government may authorise the Geological Survey of India, or such other authority or agency as it may specify in this behalf, to carry out such detailed investigations for the purpose of obtaining such information as may be necessary:

Provided that in the cases of prospecting licences or mining leases granted by a State Government, no such authorisation shall be made except after consultation with the State Government.

(*2*) On the issue of any authorisation under sub-section (*1*), it shall be lawful for the Geological Survey of India or the specified authority or agency, and its servants and workmen—

(*a*) to enter upon such land,

(*b*) to dig or bore into the sub-soil,

(*c*) to do all other acts necessary to determine the extent of any mineral available in or under such land,

(*d*) to set out boundaries of the land in which any mineral is expected to be found,

(*e*) to mark such boundaries and line by placing marks,

Ins. by Act 37 of 1986, s. 15 (w.e.f. 10-2-1987).

Ins. by Act 56 of 1972, s. 11 (w.e.f 12-9-1972).

(*f*) where otherwise the survey cannot be completed on the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no such authority or agency shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of its intention to do so.

(*3*) Whenever any action of the nature specified in sub-section (2) is to be taken, the Central Government shall, before or at the time when such action is taken, pay or tender payment for all necessary damage which is likely to be caused, and in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it should be paid or tendered, the Central Government shall refer the dispute to the principal civil court of original jurisdiction having jurisdiction over the land in question.

(*4*) The fact that there exists any such dispute as is referred to in sub-section *(3)* shall not be a bar to the taking of any action under sub-section (2).

(*5*) After the completion of the investigation, the Geological Survey of India or the specified authority or agency by which the investigation was made shall submit to the Central Government a detailed report indicating therein the extent and nature of any mineral which lies deposited in or under the land.

(6) The costs of the investigation made under this section shall be borne by the Central Government:

Provided that where the State Government or other person in whom the minerals are vested or the holder of any prospecting licence or mining lease applies to the Central Government to furnish to it or him a copy of the report submitted under sub-section *(5),* that State Government or other person or the holder of a prospecting licence or mining lease, as the case may be, shall bear such reasonable part of the costs of investigation as the Central Government may specify in this behalf and shall, on payment of such part of the costs of investigation, be entitled to receive from the Central Government a true copy of the report submitted to it under sub-section (5).]

CHAPTER VII

MISCELLANEOUS

19. Prospecting licences and mining leases to be void if in contravention of Act.—Any [1][reconnaissance permit, prospecting licence or mining lease] granted, renewed or acquired in contravention of the provisions of this Act or any rules or orders made thereunder shall be void and of no effect.

Explanation.—Where a person has acquired more than one [reconnaissance permit, prospecting licence or mining lease][2]*** and the aggregate area covered by such [3][permits, licences or leases], as the case may be, exceeds the maximum area permissible under section 6, only that [reconnaissance permit, prospecting licence or mining lease] the acquisition of which has resulted in such maximum area being exceeded shall be deemed to be void.

20. Act and rules to apply to all renewals of prospecting licences and mining leases.—The provisions of this Act and the rules made thereunder shall apply in relation to the renewal after the commencement of this Act of any prospecting licence or mining lease granted before such commencement as they apply in relation to the renewal of a prospecting licence or mining lease granted after such commencement.

[4][**20A. Power of Central Government to issue directions.**—(*1*) Notwithstanding anything contained in this Act, the Central Government may issue such directions to the State Governments, as may be required for the conservation of mineral resources, or on any policy matter in the national interest, and for the scientific and sustainable development and exploitation of mineral resources.

1. Subs, by Act 38 of 1999, s. 16, for "prospecting licence or mining lease" (w.e.f. 18-12-1999).
2. The words "in any State" omitted by Act 25 of 1994, s. 8 (w.e.f. 25-1-1994).
3. Subs, by Act 38 of 1999, s. 16, for "licences or leases" (w.e.f. 18-12-1999).
4. Ins. by Act 10 of 2015, s. 18 (w.e.f. 12-1-2015).

(2) In particular, and without prejudice to the generality of the foregoing powers, the Central Government may also issue directions in respect of the following matters, namely:—

(*i*) improvement in procedure for grant of mineral concessions and to ensure co-ordination among agencies entrusted with according statutory clearances;

(*ii*) maintenance of internet-based databases including development and operation of a mining tenement system;

(iii) implementation and evaluation of sustainable development frameworks;

(*iv*) reduction in waste generation and related waste management practices and promotion of recycling of materials;

(v) minimising and mitigating adverse environmental impacts particularly in respect of ground water, air, ambient noise and land;

(v*i*) ensuring minimal ecological disturbance, in terms of bio-diversity, flora, fauna and habitat;

(vii) promoting restoration and reclamation activities so as to make optimal use of mined out land for the benefit of the local communities; and

(viii) such other matters as may be necessary for the purposes of implementation of this Act.]

21. Penalties.—[1][(*1*) Whoever contravenes the provisions of sub-section (*1*) or sub-section *(1A)* of section 4 shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five lakh rupees per hectare of the area.

Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees, or with both, and in the case of a continuing contravention, with additional fine which may extend to fifty thousand rupees for every day during which such contravention continues after conviction for the first such contravention.]

Where any person trespasses into any land in contravention of the provisions of sub-section (*1*) of section 4, such trespasser may be served with an order of eviction by the State Government or any authority authorised in this behalf by that Government and the State Government or such authorised authority may, if necessary, obtain the help of the police to evict the trespasser from the land.

[2]*[(4)* Whenever any person raises, transports or causes to be raised or transported, without any lawful authority, any mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing, such mineral tool, equipment, vehicle or any other thing shall be liable to be seized by an officer or authority specially empowered in this behalf.

(4A) Any mineral, tool, equipment, vehicle or any other thing seized under sub-section *(4),* shall be liable to be confiscated by an order of the court competent to take cognizance of the offence under sub-section (*1*) and shall be disposed of in accordance with the directions of such court.]

(5) Whenever any person raises, without any lawful authority, any mineral from any land, the State Government may recover from such person the mineral so raised, or, where such mineral has already been disposed of, the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority.

[3][(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence under sub-section (*1*) shall be cognizable.]

22. Cognizance of offences.—No court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Government.

1. Subs, by Act 10 of 2015, s. 19, for sub-sections *(1)* and *(2)* (w.e.f. 12-1-2015).
2. Subs, by Act 38 of 1999, s. 17, for sub-section *(4)* (w.e.f. 18-12-1999).
3. Ins. by Act 37 of 1986, s. 16 (w.e.f. 10-2-1987).

23. Offences by companies.—(*1*) If the person committing an offence under this Act or any rules made thereunder is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed with the consent or connivance of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals;

(*b*) "director" in relation to a firm means a partner in the firm.

[1]**[23A. Compounding of offences.**—(*1*) Any offence punishable under this Act or any rule made thereunder may, either before or after the institution of the prosecution, be compounded by the person authorised under section 22 to make a complaint to the court with respect to that offence, on payment to that person, for credit to the Government, of such sum as that person may specify:

Provided that in the case of an offence punishable with fine only, no such sum shall exceed the maximum amount of fine which may be imposed for that offence.

(2) Where an offence is compounded under sub-section (*1*), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender, if in custody, shall be released forthwith.]

[2]**[23B. Power to search.**—If any gazetted officer of the Central or a State Government authorised by the Central Government [3][or a State Government, as the case may be,] in this behalf by genera! or special order has reason to believe that any mineral has been raised in contravention of the provisions of this Act or rules made thereunder or any document or thing in relation to such mineral is secreted in any place [3][or vehicle], he may search for such mineral, document or thing and the provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), shall apply to every such search.]

[4]**[23C. Power of State Government to make rules for preventing illegal mining, transportation and storage of minerals.**—(*1*) The State Government may, by notification in the Official Gazette, make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) establishment of check-posts for checking of minerals under transit;

(*b*) establishment of weigh-bridges to measure the quantity of mineral being transported;

(*c*) regulation of mineral being transported from the area granted under a prospecting licence or a mining lease or a quarrying licence or a permit, in whatever name the permission to excavate minerals, has been given;

(*d*) inspection, checking and search of minerals at the place of excavation or storage or during transit;

1. Ins. by Act 56 of 1972, s. 13 (w.e.f. 12-9-1972).
2. Ins. by Act 25 of 1994, s. 9 (w.e.f. 25-1-1994).
3. Ins. by Act 38 of 1999, s. 18 (w.e.f. 18-12-1999).
4. Ins. by s. 19, *ibid,* (w.e.f. 18-12-1999).

(e) maintenance of registers and forms for the purposes of these rules;

(f) the period within which and the authority to which applications for revision of any order passed by any authority be preferred under any rule made under this section and the fees to be paid therefor and powers of such authority for disposing of such applications; and

(*g*) any other matter which is required to be, or may be, prescribed for the purpose of prevention of illegal mining, transportation and storage of minerals.

(3) Notwithstanding anything contained in section 30, the Central Government shall have no power to revise any order passed by a State Government or any of its authorised officers or any authority under the rules made under sub-sections (*1*) and (*2*).]

24. Power of entry and inspection.—(*1*) For the purpose of ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any other purpose connected with this Act or the rules made thereunder, any person authorised by the [1][Central Government or a State Government] in this behalf, by general[2]*** order, may—

(*a*) enter and inspect any mine;

(*b*) survey and take measurements in any such mine;

(*c*) weigh, measure or take measurements of the stocks of minerals lying at any mine;

(*d*) examine any document, book, register, or record in the possession or power of any person having the control of, or connected with, any mine and place marks of identification thereon, and take extracts from or make copies of such document, book, register or record;

(e) order the production of any such document, book, register, record, as is referred to in clause *(d);* and

(*f*) examine any person having the control of, or connected with, any mine.

(*2*) Every person authorised by the[1][Central Government or a State Government] under sub-section (*1*) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and every person to whom an order or summons is issued by virtue of the powers conferred by clause *(e)* or clause (*f*) of that sub-section shall be legally bound to comply with such order or summons, as the case may be.

[3]**[24A. Rights and liabilities of a holder of prospecting licence or mining lease.**—(*1*) On the issue of a [4][reconnaissance permit, prospecting licence or mining lease] under this Act and the rules made thereunder, it shall be lawful for the [5][holder of such permit, licence or lease], his agents or his servants or workmen to enter the lands over which [6][such permit, lease or licence had been granted] at all times during its currency and carry out all such [7][reconnaissance, prospecting or mining operations] as may be prescribed:

Provided that no person shall enter into any building or upon an enclosed court or garden attached to a dwelling-house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

(*2*) The holder of a [4][reconnaissance permit, prospecting licence or mining lease] referred to in sub-section (*1*) shall be liable to pay compensation in such manner as may be prescribed to the occupier of the surface of the land granted under [8][such permit, licence or lease] for any loss or damage which is likely to arise or has arisen from or in consequence of the [9] [reconnaissance, mining or prospecting operations].

1. Subs, by Act 38 of 1999, s. 20, for "Central Government" (w.e.f. 18-12-1999).
2. The words "or special" omitted by s. 20, *ibid,* (w.e.f. 18-12-1999).
3. Ins. by Act 37 of 1986, s. 17 (w.e.f. 10-2-1987).
4. Subs, by Act 38 of 1999, s. 21, for "prospecting licence or mining lease" (w.e.f. 18-12-1999).
5. Subs, by s. 21, *ibid.,* for "holder of such licence or lease" (w.e.f. 18-12-1999).
6. Subs, by s. 21, *ibid.,* for "such lease or licence had been granted" (w.e.f. 18-12-1999).
7. Subs, by s. 21, *ibid.,* for "prospecting or mining operations" (w.e.f. 18-12-1999).
8. Subs, by s. 21, *ibid.,* for "such licence or lease" (w.e.f. 18-12-1999).
9. Subs, by s. 21, *ibid.,* for "mining or prospecting operations" (w.e.f. 18-12-1999).

(3) The amount of compensation payable under sub-section (2) shall be determined by the State Government in the manner prescribed.]

25. Recovery of certain sums as arrears of land revenue.—[1][(*1*)] Any rent, royally, tax, fee or other sum due to the Government under this Act or the rules made thereunder or under the terms and conditions of any [2][reconnaissance permit, prospecting licence or mining lease] may, on a certificate of such officer as may be specified by the State Government in this behalf by general or special order, be recovered in the same manner as an arrear of land revenue.

[3] [(*2*) Any rent, royalty, tax, fee or other sum due to the Government either under this Act or any rule made thereunder or under the terms and conditions of any [2][reconnaissance permit, prospecting licence or mining lease] may, on a certificate of such officer as may be specified by the State Government in this behalf by general or special order, be recovered in the same manner as if it were an arrear of land revenue and every such sum which becomes due to the Government after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972 (56 of 1972), together with the interest due thereon shall be a first charge on the assets of the holder of the [2] [reconnaissance permit, prospecting licence or mining lease], as the case may be.]

26. Delegation of powers.—(*1*) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may, in relation to such matters and subject to such conditions, if any, as may be specified in the notification be exercisable also by—

(*a*) such officer or authority subordinate to the Central Government; or

(*b*) such State Government or such officer or authority subordinate to a State Government, as may be specified in the notification.

(*2*) The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

(3) Any rules made by the Central Government under this Act may confer powers and impose duties or authorise the conferring of powers and imposition of duties upon any State Government or any officer or authority subordinate thereto.

27. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

28. Rules and notifications to be laid before Parliament and certain rules to be approved by Parliament.—[4][(*1*) Every rule and every notification made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.]

(*2*) Without prejudice to the generality of the rule making power vested in the Central Government, no rules made with reference to clause (*c*) of sub-section (*2*) of section 16 shall come into force until they have been approved, whether with or without modifications, by each House of Parliament.

1. Section 25 re-numbered as sub-section *(1)* thereof by Act 56 of 1972, s. 14 (w.e.f 12-9-1972).
2. Subs, by Act 38 of 1999, s. 22, for "prospecting licence or mining lease" (w.e.f. 18-12-1999).
3. Ins. by Act 56 of 1972, s. 14 (w.e.f. 12-9-1972).
4. Subs, by s. 15, *ibid.,* for sub-section *(1)* (w.e.f. 12-9-1972).

[1][*(3)* Every rule and every notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists one House, before that House.]

29. Existing rules to continue.—All rules made or purporting to have been made under the Mines and Minerals (Regulation and Development) Act, 1948 (53 of 1948), shall, in so far as they relate to matters for which provision is made in this Act and are not inconsistent therewith, be deemed to have been made under this Act as if this Act had been in force on the date on which such rules were made and shall continue in force unless and until they are superseded by any rules made under this Act.

[2]**[30. Power of revision by Central Government.**—The Central Government may, of its own motion or on an application made within the prescribed time by an aggrieved party,—

(a) revise any order made by a State Government or other authority in exercise of the powers conferred on it by or under this Act with respect to any mineral other than a minor mineral; or

(b) where no such order has been made by the State Government or other authority in exercise of the powers conferred on it by or under this Act with respect to any mineral other than a minor mineral within the time prescribed therefore, pass such order as it may think fit and appropriate in the circumstances:

Provided that in cases covered by clause *(b)* the Central Government shall, before passing any order under this clause, give an opportunity of being heard or to represent in the matter.]

[3]**[30A. Special provisions relating to mining leases for coal granted before 25th October, 1949.**—Notwithstanding anything contained in this Act, the provisions of sub-section (*1*) of section 9 and sub-section (*1*) of section 16 shall not apply to or in relation to mining leases granted before the 25th day of October, 1949, in respect of coal, but the Central Government, if it is satisfied that it is expedient so to do, may, by notification in the Official Gazette, direct that all or any of the said provisions (including any rules made under sections 13 and 18) shall apply to or in relation to such leases subject to such exceptions and modifications, if any, as may be specified in that or in any subsequent notification.]

[4]**[30B. Constitution of Special Courts.**—(*1*) The State Government may, for the purposes of providing speedy trial of offences for contravention of the provisions of sub-section (*1*) or sub-section *(1A)* of section 4, constitute, by notification, as many Special Courts as may be necessary for such area or areas, as may be specified in the notification.

(*2*) A Special Court shall consist of a Judge who shall be appointed by the State Government with the concurrence of the High Court.

(*3*) A person shall not be qualified for appointment as a judge of a Special Court unless he is or has been a District and Sessions Judge.

(*4*) Any person aggrieved by the order of the Special Court may prefer an appeal to the High Court within a period of sixty days from the date of such order.

30C. Special Courts to have powers of Court of Session.—Save as otherwise provided in this Act, the Code of Criminal Procedure, 1973 (2 of 1974), shall apply to the proceedings before the Special Court and for the purpose of the provisions of this Act, the Special Court shall be deemed to be a Court of Session and shall have all powers of a Court of Session and the person conducting a prosecution before the Special Court shall be deemed to be a public prosecutor.]

31. Relaxation of rules in special cases.—The Central Government may, if it is of opinion that in the interests of mineral development it is necessary so to do, by order in writing and for

1. Ins. by Act 25 of 1994, s. 10 (w.e.f. 25-1-1994).
2. Subs, by Act 10 of 2015, s. 20, for section 30 (w.e.f. 12-1-2015).
3. Ins. by Act 15 of 1958, s. 2 (w.e.f. 15-5-1958).
4. Ins. by Act 10 of 2015, s. 21 (w.e.f. 12-1-2015).
5. Subs, by Act 38 of 1999, s. 23, for "prospecting licence or mining lease" (w.e.f. 18-12-1999).

reasons to be recorded, authorise in any case the grant, renewal or transfer of any [5] [reconnaissance permit, prospecting licence or mining lease], or the working of any mine for the purpose of searching for or winning any mineral, on terms and conditions different from those laid down in the rules made under section 13.

32. [Amendments to Act 53 of 1948].—Rep. by the Repealing and Amending Act, 1960 (58 of 1960), *s. 2 and the First Schedule (w.e.f.* 26-12-1960).

33. Validation of certain acts and indemnity.—All acts of executive authority done, proceedings taken and sentences passed under the Mines and Minerals (Regulation and Development) Act, 1948 (53 of 1948), with respect to the regulation of mines and the development of minerals during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act by the Government or by any officer of the Government or by any other authority, in the belief or purported belief that the acts, proceedings of sentences were being done, taken or passed under the said Act, shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any person whatsoever, on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

'[THE FIRST SCHEDULE

[See sections *4(3),* 5(*1*), 7(2) and [2][8(*1*), 8A(*1*), 10A, 10B(*1*), 10C(*1*), 11(*1*), 11B, 11C, 12A(*1*), and 17A(2A)]]

SPECIFIED MINERALS

PART A

Hydro carbons/energy minerals

1. Coal and lignite.

PART B

Atomic minerals

1. Beryl and other beryllium-bearing minerals.
2. Lithium-bearing minerals.
3. Minerals of the "rare earths" group containing Uranium and Thorium.
4. Niobium-bearing minerals.
5. Phosphorites and other phosphatic ores containing Uranium.
6. Pitchblende and other Uranium ores.

[3][7. Titanium bearing minerals and ores (ilmenite, rutile and leucoxene).]

8. Tantallium-bearing minerals.
9. Uraniferous allanite, monazite and other thorium minerals.
10. Uranium bearing tailings left over from ores after extraction of copper and gold, ilmentie and other titanium ores.

[4][11. Zirconium-bearing minerals and ores including Zircon.]

PART C

Metallic and non-metallic minerals

1. Asbestos.
2. Bauxite.
3. Chrome ore.
4. Copper ore.
5. Gold.
6. Iron ore.
7. Lead.

[5].***

9. Manganese ore.
10. Precious stones.
11. Zinc;]

---

1. Subs, by Act 25 of 1994, s. 12, for the First Schedule (w.e.f 25-1-1994).
2. Subs, by Act 10 of 2015, s. 22, for "8(2)" (w.e.f. 12-1-2015).
3. Subs, by Act 38 of 1999, s. 24, for item 7 (w.e.f. 18-12-1999).
4. Subs, by s. 24, *ibid.,* for item 11 (w.e.f. 18-12-1999).
5. Omitted by s. 24, *ibid,* (w.e.f. 18-12-1999).

[1][SECOND SCHEDULE

(See section 9)

RATES OF ROYALTY IN RESPECT OF MINERALS AT ITEMS 1 TO 9, 11 TO 40 AND 42 TO 55

1. Apatite and Rock Phosphate:	
(i) Apatite	Five per cent. of average sale price on *ad valorem* basis.
(ii) Rock Phosphate	Twelve and half per cent. of average sale price on *ad valorem* basis.
(a) Above 25% P2O5 (b) Upto 25% P2O5	Six per cent. of average sale price on *ad valorem* basis.
2. Asbestos:	
(i) Chrysotile	Eight Hundred and Eighty rupees per tonne.
(ii) Amphibole	Fifteen per cent, of average sale price on *ad valorem*
3. Barytes:	Six and half per cent. of average sale price on *ad valorem* basis.
4. Bauxite and Laterite:	*(a) Metallurgical Grade:* Zero point six zero per cent. of London Metal Exchange Aluminium metal price chargeable on the contained aluminium metal in ore produced for those dispatched for use in alumina and aluminium metal extraction. *(b) Non Metallurgical Grade:* Twenty five per cent. of average sale price on *ad valorem* basis for those dispatched for use other than alumina and aluminium metal extraction.
5. Brown Ilmenite (Leucoxene), Ilmenite, Rutile and Zircon:	Two per cent. of average sale price on *ad valorem* basis.
6. Cadmium:	Fifteen per cent. of average sale price on *ad valorem* basis.
7. Calcite:	Fifteen per cent. of average sale price on *ad valorem* basis.
8. China clay or Kaolin: (including ball clay and white shale, white clay)	
(i) Crude	Eight per cent. of average sale price on *ad valorem* basis.
(ii) Processed (including washed)	Twelve per cent. of average sale price on *ad valorem* basis.
9. Clay others:	Twenty rupees per tonne.
10. Coal (including Lignite):	*
11. Chromite:	Fifteen per cent. of average sale price on *ad valorem* basis.
12. Columbite-tantalite:	Ten per cent. of average sale price on *ad valorem* basis.

1. Subs, by notification No. G.S.R. 630(E), for the Second Schedule (w.e.f 1-9-2014).

13. Copper:	Four point six two per cent. of London Metal Exchange Copper metal price chargeable on the contained copper metal in ore produced.
14. Diamond:	Eleven point five per cent. of average sale price on *ad valorem* basis.
15. Dolomite:	Seventy-five rupees per tonne.
16. Dunite:	Thirty rupees per tonne.
17. Felspar:	Fifteen per cent. of average sale price on *ad valorem* basis.
18. Fire Clay:	
(including plastic, pipe, lithomargic and natural pozzolanic clay)	Twelve per cent. of average sale price on *ad valorem* basis.
19. Fluorspar:	Eight per cent. of average sale price on *ad valorem* basis.
(also called fluorite)	
20. Garnet:	
(i) Abrasive	Four per cent. of average sale price on *ad valorem* basis.
(ii) Gem	Ten per cent. of average sale price on *ad valorem* basis.
21. Gold:	
(i) Primary	Four per cent. of London Bullion Market Association Price (commonly referred to as London Price) chargeable on the gold metal in ore produced.
(ii) By-product gold	Three point three per cent. of London Bullion Market Association Price (commonly referred to as London Price) chargeable on the by-product gold metal actually produced.
22. Graphite	
(i) With 80 per cent. or more fixed carbon	Two hundred and twenty-five rupees per tonne.
(ii) With 40 per cent. or more fixed carbon but less than 80 per cent. fixed carbon	One hundred and fifty rupees per tonne.
(iii) With 20 per cent. or more fixed carbon but less than 40 per cent. fixed carbon	Sixty-five rupees per tonne.
(iv) With less than 20 per cent. fixed carbon	Twenty-five rupees per tonne.
23. Gypsum:	Twenty per cent. of average sale price on *ad valorem* basis.
24. Iron Ore:	Fifteen per cent. of average sale price on *ad valorem* basis.
(CLO, Lumps, fines and concentrates all grades)	

25. Lead:	(a) Eight point five per cent. of London Metal Exchange Lead metal price chargeable on the contained lead metal in ore produced. (b) Fourteen point five per cent. of London Metal Exchange Lead metal price chargeable on the contained lead metal in the concentrate produced.
26. Limestone:	
(i) L. D. Grade (less than 1.5 per cent. silica content)	Ninety rupees per tonne.
(ii) Others	Eighty rupees per tonne.
27. Lime kankar:	Eighty rupees per tonne.
28. Lime shell:	Eighty rupees per tonne.
29. Magnesite:	Three per cent. of average sale price on *ad valorem* basis.
30. Manganese Ore:	
(i) Ore of all grade	Five per cent. of average sale price on *ad valorem* basis.
(ii) Concentrates	One point seven per cent. of average sale price on *ad valorem* basis.
31. Marl:	Sixty rupees per tonne.
32. Crude Mica, waste mica and scrap mica:	Four per cent. of average sale price on *ad valorem* basis.
33. Monazite:	One hundred and twenty-five rupees per tonne.
34. Nickel:	Zero point one two per cent. of London Metal Exchange Nickel metal price chargeable on the contained nickel metal in ore produced.
35. Ochre:	Twenty-four rupees per tonne.
36. Pyrites:	Two per cent. of average sale price on *ad valorem* basis.
37. Pyrophyllite:	Twenty per cent. of average sale price on *ad valorem* basis.
38. Quartz:	Fifteen per cent. of average sale price on *ad valorem* basis.
39. Ruby:	Ten per cent. of average sale price on *ad valorem* basis.
40. Sand (others):	Twenty rupees per tonne.
41. Sand for stowing:	**
42. Shale:	Sixty rupees per tonne.
43. Silica sand and moulding sand and Quartzite:	Ten per cent. of average sale price on *ad valorem* basis.
44. Sillimanite:	Two point five per cent. of average sale price on *ad valorem* basis.

45. Silver:	
(i) By-product	Seven per cent. of London Metal Exchange Price chargeable on by-product silver metal actually produced.
(ii) Primary Silver	Five per cent. of London Metal Exchange Silver Metal Price chargeable on the contained silver metal in ore produced.
46. Slate	Forty-five rupees per tonne.
47. Talc, Steatite and Soapstone	Eighteen per cent. of average sale price on *ad valorem* basis.
48. Tin	Seven point five per cent. of London Metal Exchange Tin metal price chargeable on the contained tin metal in ore produced.
49. Tungsten	Twenty rupees per unit per cent. of contained WO_3 per tonne of ore and on pro rata basis.
50. Uranuim	Two per cent. of annual compensation amount received by M/s. Uranium Corporation of India Ltd., to be apportioned among the States on the basis of data provided by Department of Atomic Energy.
51. Vanadium	Twenty per cent. of average sale price on *ad valorem* basis.
52. Verniculine	Five per cent. of average sale price on *ad valorem* basis.
53. Wollastonite	Fifteen per cent. of average sale price on *ad valorem* basis.
54. Zinc	(a) Nine point five per cent. of London Metal Exchange Zinc metal price on *ad valorem* basis chargeable on contained zinc metal in ore produced. (b) Ten per cent. of London Metal Exchange Zinc metal price on *ad valorem* basis chargeable on contained zinc metal in concentrate produced.
55. All other minerals not herein before specified (Agate, Corundum, Diaspore, Felsite, Fuschite-Quartzite, Jasper, Kyanite, Perlite, Pyroxenite, Rock Salt, Selenite, etc.)	Twelve per cent. of average sale price on *ad valorem* basis.

Notes:—

1. * Rates of royalty in respect of item No. 10 relating to Coal (including Lignite) as revised *vide* notification number G.S.R. 349(E), dated the 10th May, 2012 *read* with corrigendum G.S.R 525(E), dated the 14th June, 2012 of the Government of India in the Ministry of Coal shall remain in force until revised through a separate notification by the Ministry of Coal.

2. ** Rates of royalty in respect of item No. 41 relating to Sand for stowing revised *vide* notification number G.S.R. 214(E), dated the 11th April, 1997, will remain in force until revised through a separate notification by the Ministry of Coal.]

[1] [THIRD SCHEDULE

(See section 9A)

Rates of Dead Rent

1. Rates of dead rent applicable to the leases granted for low value minerals are as under:

RATES OF DEAD RENT IN RUPEES PER HECTARE PER ANNUM

From 2nd Year of Lease	3rd and 4th Year of Lease	5th Year onwards
400	1000	2000

2. Two times the rate specified at paragraph 1 above in case of lease granted for medium value minerals.
3. Three times the rate specified at paragraph 1 above in case of lease granted for high value minerals.
4. Four times the rate specified at paragraph 1 above in case of lease granted for precious metals and stones.

Note:-

1. For the purpose of this notification: —

(a) "precious metals and stones" means gold, silver, diamond, ruby, sapphire and emerald;

(b) "high value minerals" means semi-precious stones (agate, gem garnet), corundum, copper, lead, zinc, and asbestos (chrysotile variety);

(c) "medium value minerals" means chromite, manganese ore, kyanite, sillimanite, vermiculite, magnesite, wollastonite, perlite, diaspore, apatite, rock phosphate, fluorite (fluorspar), barytes, and iron ore;

(d) "low value minerals" means the minerals other than precious metals and stones, high value minerals and medium value minerals.]

1. Subs, by notification No. G.S.R.631(E), for "Third Schedule" (w.e.f. 1-9-2014).

‘[THE FOURTH SCHEDULE

[See clause *(ea)* of section 3]

Notified Minerals

1. Bauxite.
2. Iron ore.
3. Limestone.
4. Manganese ore.]

1. Ins. by Act 10 of 2015, s. 23 (w.e.f. 12-1-2015).

2

THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) AMENDMENT ACT, 2016

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—16 REGISTERED NO. DL—(N)04/0007/2003—16

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 28] नई दिल्ली, सोमवार, मई 9, 2016/ वैशाख 19, 1938 (शक)
No. 28] NEW DELHI, MONDAY, MAY 9, 2016/ VAISAKHA 19, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 9th May, 2016/Vaisakha 19, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 6th May, 2016, and is hereby published for general information:—

THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) AMENDMENT ACT, 2016

No. 25 of 2016

[6th May, 2016,]

An Act further to amend the Mines and Minerals (Development and Regulation) Act, 1957.

Be it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Mines and Minerals (Development and Regulation) Amendment Act, 2016.

Amendment of section 3.

67 of 1957.

2. In section 3 of the Mines and Minerals (Development and Regulation; Act, 1957 (hereinafter referred to as the principal Act), for clause (a), the following clauses shall be substituted, namely:—

'(*a*) "leased area" means the area specified in the mining lease within which mining operations can be undertaken and includes the non-mineralised area required and approved for the activities falling under the definition of mine as referred to in clause (*i*);

(*aa*) "minerals" includes all minerals except mineral oils;'.

Amendment of section 12A.

3. In section 12A of the principal Act, in sub-section (6), the following shall be inserted, namely:—

"Provided that where a mining lease has been granted otherwise than through auction and where mineral from such mining lease is being used for captive purpose, such mining lease may be permitted to be transferred subject to compliance of such terms and conditions and payment of such amount or transfer charges as may be prescribed.

Explanation.—For the purposes of this proviso, the expression "used for captive purpose" shall mean the use of the entire quantity of mineral extracted from the mining lease in a manufacturing unit owned by the lessee.'.

Amendment of section 13.

4. In section 13 of the principal Act, in sub-section (*2*), after clause (*qqj*), the following clause shall be inserted, namely;—

"(*qqja*) the terms and conditions and amount or transfer charges under the proviso to sub-section (6) of section 12A;".

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI—2016.

GMGIPMRND—838GI(S3)—09-05-2016.

3

THE MEGHALAYA MINERALS CESS ACT, 1988

The 16th May, 1988

No. LL(B) 27/88/41.- The following Act, of the Meghalaya Legislative Assembly which received the assent of the Governor/President is hereby published for general information.

MEGHALAYA ACT NO. 7 OF 1988

THE MEGHALAYA MINERALS CESS ACT, 1988

(As passed by the Meghalaya Legislative Assembly on 29th April, 1988)

[Received the assent of the Governor on the 12th May, 1988]

(Published in the *Gazette of Meghalaya,* Extra-ordinary, dated 16th May, 1988)

An

Act

To provide for the levy and collection of cess on some minerals of the State for the development of Primary education and for development and improvement of mining areas and for matters connected therewith.

Be it enacted by the Legislature of the State of Meghalaya in the Thirty-ninth Years of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Meghalaya Minerals Cess Act, 1988

(2) It extent to the whole of the State of Meghalaya.

(3) It shall come into force on such date as the Government may by notification in the Official Gazette appoint, and different dates may be appointed for different areas.

Definitions

2 In this Act unless there is anything repugnant in the subject for context-

(a) 'Act' means the Meghalaya Minerals Cess Act, 1988;

(b) 'Cess' means the tax leviable as cess under section 3;

(c) 'Govemment' means the Government of the State of Meghalaya;

(d) 'minerals' means coal, sillimate, limestone and fireclay;

(e) 'prescribed' means prescribed by the rules made under this Act; and

(f) 'section' means a section of this Act;

Imposition of cess

3. On and from the coming into force of this Act, there shall be levied and collected as cess a tax on coal, silliminate, limestone and fire-clay from any person who extracts or removes the minerals from any mine or quarry in the state according to the provisions of this Act;

Rate of Cess

4. (1) The rate of the cess to be levied and collected under section 3 shall be, in the case of-

(a) coal, rapees, ten per matric tonne;

(b) sillimanite, rupees ten per matric tonne;

(c) limestone rupees two and paise eighty per matric tonne; and

(d) fire clay, rupees one and paise twenty-five per matric tonne.

(2) The rate of cess fixed under sub-section (1) may from time to time be revised by Government by notification in the offlcial Gazette.

Application to the proceeds of the tax

5. The proceeds of tax collected under this Act shall first be credited to the Consolidated Fund of the State to be utilised, after due appropriation made by the Legislature by law, for the purpose of-

(a) Developing primary education; and

(b) Developing and improving the mining areas, in the State;

Provided that not more than twenty per cent of the proceeds so collected shall at any time be utilised for the purpose referred to in clause (b).

Manner of collection and payment of the tax.

6. (1) The tax under this Act shall be leviable and payable in the manner as may be Prescribed.

(2) Under the tax due under this Act has been paid no person shall remove or transport or attempt to remove or transport any mineral from any mine or quarry in the State.

Penalty for non-payment of tax

7. If any tax payable under this Act is not paid within such period as may be prescribed it shall be deemed to be in arrears and the authority prescribed in this behalf may impose on the person extracting or removing the minerals a penalty not exceeding the amount of tax in arrears;

Provided that before imposing the penalty such person shall be given an opportunity of being heard and if the said authority is satisfiied that the default was for good and sufficient reason, no penalty shall be imposed under this section.

Recovery of sums due

8. Any tax due under this Act including any penalty under Section 7 if not paid within the time prescribed, shall be recoverable by detaining and selling by the authority prescribed in this behalf any mineral belonging to such person and if the sum cannot be so recovered the same shall te recoverable as if were an arrear of land revenue.

Offences

9 Whoever evades payment of the tax under this Act shall on conviction by a court be punishable with imprisonment for a term which may extend to six months or with fine which may extend to rupees two thousand or with both.

Offences bv companies.

10 Where an offence under this Act has been committed by a company every person who at the time the offence was committed was in charge of, and was responsible for the conduct of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that such person shall not be liable to any punishment under this section if, he proves that the offence was cornmitted without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.

Protection of action taken in good faith

11 No suit, prosecution or legal processing shall lie against the Government or any of its officers or staff for anything done or intended to be in good faith done under this Act or the rules made there under.

Power to make rules.

12 (1) The Government may by notification in the official Gazette make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely-

(i) The manner of levy and payment of the tax;

(ii) Time within which the tax and penalty (under Section 7) shall be Paid;

(iii) The authority which may impose penalty under Section 7;

(iv) The authority which may detain and sell the minerals under Section 8;

(v) The manner in which the cess shall be applied for the purpose of this Act;

(vi) The form of receipts for payment of the tax; and

(vii) Any other matter that may have to be prescribed.

E. W. MAIROM,
Deputy Secretary to the Govt. Of Meghalaya,
Law (B) Department.

4

MINES AND MINERALS (CONTRIBUTION TO DISTRICT MINERAL FOUNDATION) RULES, 2015

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 17th September, 2015

G.S.R. 715(E).—In exercise of the powers conferred by sub-sections (5) and (6) of Section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules specifying the amount to be paid by holder of a mining lease or a prospecting Licence-cum-mining lease, in addition to the royalty, to the District Mineral Foundation of the district established by the concerned State Government by notification, in which the mining operations are carried on, namely:—

1. Short title and commencement.—(*1*) These rules may be called as the Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015.

(*2*) These rules shall be deemed to have come into force on the 12th day of January, 2015.

2. Amount of contribution to be made to District Mineral Foundation.—Every holder of a mining lease or a prospecting licence-cum-mining lease shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount at the rate of—

(a) ten per cent of the royalty paid in terms of the Second Schedule to the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (herein referred to as the said Act) in respect of mining leases or, as the case may be, prospecting licence-cum-mining lease granted on or after 12th January, 2015; and

(b) thirty per cent of the royalty paid in terms of the Second Schedule to the said Act in respect of mining leases granted before 12th January, 2015.

[F. No. 16/7/2015-M.VI]

R. SRIDHARAN, Addl. Secy.

5

MEGHALAYA MINOR MINERAL CONCESSION RULES, 2016

Postal Registration No. N. E. —771/2006-2008



The Gazette of Meghalaya

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 107 Shillong, Monday, September 12, 2016, 21st Bhadra, 1938 (S. E.)

PART-IIA

GOVERNMENT OF MEGHALAYA

MINING AND GEOLOGY DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 12th September, 2016.

No.MG.49/2011/408. - The Governor of Meghalaya is pleased to notify The Meghalaya Minor Minerals Concession Rules, 2016 as follows:-

THE MEGHALAYA MINOR MINERALS CONCESSION RULES, 2016

In exercise of the powers conferred by Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the Governor of Meghalaya is pleased to make the following rules for regulating the grant of mining leases and quarry permits in respect of minor minerals and for purposes connected therewith, namely.-

CHAPTER-I

1. **Short title, extent and commencement.** -
   (1) These rules may be called the Meghalaya Minor Mineral Concession Rules, 2016.
   (2) These rules shall extend to the whole of Meghalaya.
   (3) These rules shall come into force from the date of their notification in the Official Gazette.
2. **Definitions.** - In these rules, unless the context otherwise requires, -
   (a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957);
   (b) "benami transaction" means a benami transaction as defined under clause (a) of Section 2 of the Meghalaya (Benami Transaction Prohibition) Act 1980;
   (c) "competent authority" includes Director, PCCF & HOFF and competent officer;

(d) "competent officer" means such officer as the State Government may, by notification published in the Official Gazette, appoint to perform the function of the competent officer under these rules ;

(e) "Director" means the Director of Mineral Resources, Meghalaya;

(f) "Forms" means the Forms appended to these rules as specified in Schedule I;

(g) "minor minerals" means a mineral defined as such in clause (e) of Section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 and also set out in Schedule II and Schedule III as appended to these rules and in subsequent notifications of the Central Government declaring such minerals as 'minor minerals';

(h) "mining lease" means a lease to mine, quarry, bore, dig and search for, winning, working and carrying away any minor mineral;

(i) "Official Gazette" means the Gazette of Meghalaya;

(j) "PCCF & HOFF" means the Principal Chief Conservator of Forest & Head of Forest Force, Meghalaya;

(k) "person" means an individual, a company, a co-operative society, a private firm or partnership firm;

(l) "quarry permit" means a permit for quarrying and removal of any specified quantity of minor minerals within a specified time;

(m) "Rules" means the Meghalaya Minor Mineral Concession Rules, 2016;

(n) "Schedule" means Schedules appended to these rules;

(o) "State" means the State of Meghalaya;

(p) "State Government" means the Government of the State of Meghalaya;

(q) "water source" means river, stream, spring or natural water body;

(r) "royalty" means payment of royalty as defined under Rule 27 in respect of any minerals at the rate for the time being specified in the Schedule IV;

(s) "deadrent" means payment of deadrent as defined under Rule 28 in respect of the area covered by the mining lease at the rate for the time being specified in Schedule-V.

3. <u>Exemption</u>. - Nothing in these rules shall apply to, -

(i) extraction of minor minerals from agriculture fields for betterment of the agricultural land by the agriculturists or for their bonafide agricultural purposes; or

(ii) any extraction of minor minerals which is incidental in nature.

Provided that exemption certificate is obtained from competent authority.

CHAPTER II

GRANT OF MINING LEASE & QUARRY PERMIT - GENERAL

1. <u>Restriction on the grant of mining lease and quarry permit</u>.-

(1) No mining lease and quarry permit shall be granted in respect of any land within a distance of 50 meters from any village, bridge, national highway or water source except with the prior approval of the State Government.

(2) No mining lease and quarry permit shall be granted in respect of any land,-

(a) notified by the State Government as reserved for use by the State Government or for any public or special purposes;

(b) falling within 'forest' as identified by Forest & Environment Department according to its dictionary meaning except after obtaining clearance under the Forest Conservation Act, 1980;

(c) falling within catchment area as defined under the provisions of the Meghalaya Protection of Catchment Areas Act, 1990;

(d) falling within protected areas, such as national parks, sanctuaries, community reserves and wild life corridors;

(e) falling within bio-diversity heritage sites as defined under the provisions of the Biological Diversity Act, 2002 (Central Act No. 18 of 2003); and

(f) notified by the State Government from time to time as no mining zone.

(3) No mining lease and quarry permit shall be granted without prior environmental clearance granted by the competent authority under the Environmental (Protection) Act, 1986.

(4) No mining lease and quarry permit shall be granted for any such minor minerals as the State Government may notify in this behalf:

Provided that such notification may be for the whole State or any part thereof.

(5) No mining lease or quarry permit shall be granted to any person who carries out any transaction which is benami in nature as specified in the provisions of the Meghalaya (Benami Transaction Prohibition) Act, 1980.

(6) No mining lease or quarry permit shall be granted which is in contravention of the provision under the Meghalaya Land Transfer (Regulation) Act, 1972.

5. Power to grant mining lease and quarry permit.-

(1) A mining lease or a quarry permit or any other concession under these Rules shall be granted by :-

(a) the Director or competent officer in respect of minor minerals for industrial and specific uses as specified in Schedule II;

(b) the PCCF & HOFF or competent officer in respect of minor minerals for uses other than in industries as specified in Schedule III.

(2) Notwithstanding anything contained in sub-rule (1), a mining lease shall be granted by:-

(a) a competent officer for any area upto five hectares;

(b) the Director or PCCF & HOFF for any area above five hectares but not exceeding fifty hectares;

(c) the Director or PCCF & HOFF for any area above fifty hectares with prior approval of the State Government.

6. Application for mining lease .-

(1) An application for mining lease shall be made in triplicate in Form A as appended in the Rules to the competent authority. The application shall be affixed with a court fee stamp of the value of rupees one thousand and shall contain the following particulars:-

(a) if the applicant is an individual, his name, nationality, profession and address;

(b) if the applicant is a company, cooperative society, private firm or partnership firm, its name, nature and place of business and place of registration or incorporation;

(c) a description of the area applied for, illustrated with a map (in triplicate) showing as accurately as possible, the situation, boundaries connecting one of the corner pillars with a fixed reference point in the vicinity and area of the land along with the GPS coordinates;

(d) a certificate as to the status of land whether it is forest or non-forest from the PCCF & HOFF or any other officer authorized in this behalf;

(e) a certificate of registration of the land under the Indian Registration Act, 1908.

(f) an affidavit that the applicant has, where the land is not owned by him, obtained surface rights over the area or has obtained the consent of the landowner or landowners for grant of mining lease;

(g) a no objection certificate from the concerned Autonomous District Council for land use;

(h) the name or names of minor minerals which the applicant intends to mine;

(i) the area and the minor mineral for which the applicant or any person joint in interest with him already holds a mining lease;

(j) the period for which the lease is required subject to Rule 17;

(k) the purpose for which the minor mineral will be used;

(l) the tentative programme of production of the minor mineral year-wise;

(m) the amount of money proposed to be invested;

(n) the degree or scale of mechanization, if any, contemplated;

(o) expected consumers and places of consumption of the minor mineral or minerals;

(p) past experience of the applicant in the profession of mining;

(q) a valid and up-to-date clearance certificate of payment of mining dues such as royalty or dead rent obtained from the competent authority;

(r) a Treasury Challan for rupees five thousand paid as application fee in connection with the grant of mining lease which shall be non- refundable; and

(s) a Treasury Challan for rupees five thousand per hectare paid as a fee for the grant of such lease and paid in the manner prescribed by the competent authority, subject to a minimum area of two hectares.

(2) For the purpose of sub-rule (1) of this rule, any person found to have entered into any benami transaction relating to the application of mining lease or quarry permit shall be penalized under the Meghalaya (Benami Transactions Prohibition) Act, 1980.

7. <u>Acknowledgment of application</u>.-

(1) Where an application for grant or renewal of a mining lease is delivered personally, its receipt shall be acknowledged forthwith.

(2) When such application is received by a registered post, its receipt shall be acknowledged within three days of the receipt.

8. Register of applications for mining lease .-

A register of the applications received for grant of mining lease shall be maintained in the office of the competent authority in Form B as appended in the Rules.

9. Disposal of application for grant and renewal of mining lease.-

(1) The competent authority may, after giving an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a mining lease over the whole or part of the area applied for.

(2) An application for the grant or renewal of a mining lease shall not be refused by the competent authority only on the ground that Form A or Form D, as the case may be, is not complete in all material particulars, or is not accompanied by the required documents.

(3) Where it appears that the application for the grant or renewal of a mining lease is not complete in all material particulars or is not accompanied by the required documents, the competent authority shall, by notice, require the applicant to supply the omission or, as the case may be, furnish the documents, without delay and in any case not later than thirty days from the date of receipt of the said notice by the applicant failing which the application shall be summarily rejected.

(4) An application for the grant of a mining lease shall be disposed of within a period of six months from the date of receipt of the completed application:

Provided that the period of six months referred to in sub-rule (4) shall be applicable only if the application for mining lease is complete in all respects.

(5) If an application for renewal of a mining lease made within the time referred to in sub-rule (2) of Rule 18 is not disposed of by the competent authority before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period till the competent authority passes order thereon:

Provided that the period of such lease shall be deemed to have been extended subject to the condition that clearances under the Forest Conservation Act, 1980 and the Environmental (Protection) Act, 1986 have been obtained.

10. Letter of Intent.- On receipt of the application for the grant of mining lease/quarry permit, the competent authority shall take decision to grant precise area for the said purpose and communicate such decision to the applicant by issuing a letter of intent. On receipt of such letter of intent, the applicant shall, within a period of six months or such other period as may be allowed by the competent authority, furnish to the competent authority the following documents for the grant of mining lease, namely, -

(a) mining plan duly approved by the Director of Mineral Resources;

(b) forest clearance under the Forest Conservation Act, 1980, in case the status of land is forest;

(c) environmental clearance under the Environmental (Protection) Act, 1986;

(d) consent to establish under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981;

(e) clearance from Revenue and Disaster Management Department; and

(f) clearance from Labour Department for occupational health and labour laws including child labour.

11. Priority for grant of mining lease .-

(1) Priority in granting mining lease shall be given in the following manner, namely,-

(a) first priority shall be given to a person who uses such minor minerals for Government construction;

(b) second priority shall be given to the discoverer of the new minerals to be authenticated in terms of clause (g) of Rule 2 by the competent authority.

Provided that the discovery of new minerals shall be supported by a geological report authenticated by the Geologist or competent authority.

(c) third priority shall be given to a person who has set up a mineral based industry in the State which consumes the minor mineral or minor minerals as raw material in the said industrial unit;

(d) fourth priority shall be given to a person who intends to set-up a mineral based industry in the State;

(e) fifth priority shall be given to a registered society; and

(f) sixth priority shall be given to a person who exports such minor minerals:

Provided that where two or more persons of the same category mentioned in clauses (a) to (f) above have applied for a mining lease in respect of the same land, the applicant whose application is received earlier shall have preferential right for the grant of the lease over an applicant whose application is received later:

Provided further that where such applications are received on the same day, the competent authority after taking into consideration the facts specified in sub-rule (2) of this Rule may grant mining lease to such one of the applicants as it may deem fit:

Provided further that if the land owner is the applicant himself then the above priority shall not be made applicable.

(2) The matter referred to in second proviso of sub-rule (1) shall be dealt with in order of priority, namely,-

(a) experience of the applicant in mining;

(b) special knowledge of geology and mining of the technical staff already employed or to be employed for the work;

(c) technical qualification possessed by the applicant ; and

(d) financial resources and financial stability of the applicant.

12. **Register of mining leases** .- A register of mining leases shall be maintained in the office of the competent authority in Form C appended to the Rules.

13. **Area of mining lease** .-

(1) No lessee or any person having joint interest with him ordinarily shall hold one or ore mining leases covering a total area of more than five square kilometers in respect of one minor mineral within the State:

Provided that if the State Government is of the opinion that in the interest of mineral development it is necessary to do so, it may, for reasons to be recorded in writing, permit any person to acquire one or more mining leases covering an area in excess of the aforesaid maximum area of five square kilometers but not exceeding ten square kilometers.

(2) The area held under mining lease shall as far as possible be compact and regular in shape. For mining with area of less than five hectares, a cluster approach as far as possible shall be adopted as per the guidelines issued by the Ministry of Environment, Forest & Climate Change under the Environment Impact Assessment Notification 2006 and other notifications issued from time to time.

14. **Boundaries below the surface.-** Boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

15. **Security deposit.**-

(1) The applicant shall, before the mining lease is executed or quarry permit is granted, deposit as security for due observance of the terms and conditions of the lease or permit, a sum of rupees ten thousand in respect of every hectare or part thereof of the area for which the lease or permit is granted.

(2) The security deposit shall be submitted in one of the following forms to the competent authority:

(a) Letter of Credit from any Scheduled Bank; or

(b) Performance or surety bond; or

(c) Trust fund build up through annual contributions from the revenue generated by mine; or

(d) Fixed or Term deposit receipt from any Scheduled Bank; or

(e) Bank guarantee certificate from any Scheduled Bank.

(3) The State Government may from time to time, by notification, revise the rate of security deposit with effect from such date as may be specified therein.

(4) Security deposit paid in respect of mining lease or quarry permit shall be refunded to the lessee or permit holder and no interest shall run on the security deposit:

Provided that the application for refund of security deposit is supported by the compliance certificate from the competent authority.

16. Survey of the area .- Survey and demarcation of the area applied for the grant of mining lease or quarry permit shall be done by the applicant and verification of the same shall be done by the competent authority. No mining or quarrying operation shall commence before verification of the boundaries of the applied area for grant of mining lease or quarry permit.

CHAPTER III

MINING LEASE

17. **Period of a mining lease.** - The period for which a mining lease may be granted shall not exceed thirty years.

18. **Renewal of mining lease.** -

(1) The mining lease may be renewed only once for a period not exceeding twenty years.

(2) The application for renewal of mining lease shall be submitted in Form D appended in the Rules at least six months before the expiry of the lease and upon payment of a fee of rupees ten thousand.

(3) The renewal shall be subject to the satisfaction of the competent authority that the mines have been developed by the lessee and that substantial investment in machinery and equipments has been made by him.

(4) A Treasury Challan for rupees ten thousand paid as application fee in connection with the renewal of mining lease shall be paid by the holder of mining lease which shall be non- refundable.

(5) A Treasury Challan for rupees ten thousand per hectare paid as a fee for renewal of such lease and paid in the manner prescribed by the competent authority subject to a minimum area of two hectares.

19. <u>Preparation and Approval of Mining plan</u>. -

(1) On receipt of a letter of intent referred to in Rule 10, the applicant shall submit a mining plan within a period of three months to the Director of Mineral Resources for its approval.

The mining plan shall contain, -

(a) the plan of the area showing as accurately as possible the location, boundaries and area of the land in respect of which mining lease is applied for, natural water courses, forest areas and density of trees, assessment of impact of mining activity on forest, land surface and environment including air and water pollution;

(b) the details of scheme for restoration of the areas by afforestation, land reclamation, use of pollution control devices and such other measures as may be directed by the competent authority from time to time;

(c) the plan of the area showing the existence of the minor mineral deposit based on geological data;

(d) the plan of the area showing spot or spots where the exaction is to be done in the first year and its extent and a tentative scheme of mining year-wise for the subsequent years of the lease;

(e) the extent of manual mining, mining by use of machinery and mechanical devices;

(f) the Environment Management plan;

(g) Progressive Mine Closure Plan; and

(h) any other matter which the Director may require the applicant to provide in the mining plan.

(2) The mining plan referred to in sub-rule (1) shall be prepared by a person who shall possess the qualification and experience as specified below:-

(a) a degree in mining engineering or a post-graduate degree in geology granted by a University established or incorporated by or under an Act of Parliament or State Legislature or any institution recognized by the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956 (Central Act, No. 3 of 1956) or any qualification equivalent thereto; and

(b) professional experience of three years of working in a supervisory capacity in the field of mining after obtaining the qualification as specified in clause (a):

Provided that the person referred to in sub-rule (2) is empanelled with State Government or other State Governments or Central Government.

20. Mining operations to be in accordance with mining plan . -

(1) Mining operations shall be undertaken in accordance with the duly approved mining plan referred to in Rule 19.

(2) A mining plan as specified under Rule 19 may be modified with the prior approval of the Director of Mineral Resources during the operation of mining lease.

21. Execution of lease agreement .- Where a mining lease is granted or renewed, a lease deed in Form E shall be executed within three months of the order of grant of the lease and if the lease is not executed within the aforesaid period, the order granting the lease shall be deemed to have been revoked:

Provided that where the competent authority is satisfied that the applicant is not responsible for the delay in execution of the lease deed, it may permit the execution of the deed after the expiry of the aforesaid period of three months.

CHAPTER IV
QUARRY PERMIT

22. Power to grant quarry permit .- A quarry permit shall be granted by the competent authority on any minor mineral:

Provided that before granting such permit, the competent authority shall satisfy himself regarding the end use of the minor mineral and that it does not obviate the necessity of obtaining a mining lease in the area in respect of which the permit for extraction of the mineral has been applied for.

23. Application for grant of quarry permit. -

(1) An application for grant of quarry permit shall be submitted in Form F to the competent authority duly affixed with a court fee stamp of rupees one hundred and accompanied by:-

(a) a Treasury challan of rupees five hundred deposited as an application fee in respect of each minor mineral which shall be non-refundable; and

(b) a certificate as to the status of land whether it is forest or non-forest from the PCCF & HOFF or any other competent officer authorized in this behalf.

(2) The competent authority shall dispose of the application for grant of quarry permit within a period of fifteen days:

Provided that the said period of fifteen days shall be applicable only if the application for quarry permit is complete in all respects.

(3) The competent authority may refuse to grant the quarry permit for reasons to be recorded in writing.

24. Conditions for the grant of quarry permit.- A quarry permit shall be granted by the competent authority subject to submission of the documents as specified below,-

(a) forest clearance under the Forest Conservation Act, 1980, in case the status of land is forest;

(b) environmental clearance under the Environmental (Protection) Act, 1986;

(c) consent to establish under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981;

(d) clearance from Revenue and Disaster Management Department.

(e) clearance from Labour Department for occupational health and labour laws including child labour; and

(f) mining plan duly approved by the Director of Mineral Resources.

(g) a certificate of registration of the land under the Indian Registration Act, 1908.

25. Conditions of a quarry permit. - (1) Quarry permit shall be granted in Form G and subject to the terms and conditions stipulated therein.

(2) The period for which a quarry permit may be granted shall not exceed three years.

(3) The depth of the quarry below the surface shall not be more than three meters.

(4) The extent of the quarry permit area shall not exceed two hectares.

(5) A quarry permit shall not be transferable.

26. Challan for transport of minor minerals . -

(1) The competent authority shall issue transport challans in Form H to any lessee or permit holder who intends to dispatch minor minerals from the lease or permit area.

(2) No person shall transport or carry away any minor mineral from any place without a transport challan issued in accordance with sub-rule (1).

(3) Any person who transports any minor mineral shall allow the competent authority or any other officer authorized in this behalf to inspect the minor mineral in transit and to examine the transport challan in possession of such person.

CHAPTER V
DEAD RENT AND ROYALTY

27. Dead rent.-

(1) The lessee shall pay, for every year except the first year of the lease, dead rent in respect of the area covered by the mining lease at the rate for the time being specified in Schedule V.

(2) The State Government may, by notification, amend Schedule V so as to enhance or reduce the rate at which dead rent shall be payable with effect from such date as may be specified in the notification:

Provided that the State Government shall not enhance the rate of dead rent in respect of any such area more than once during any period of three years.

28. Royalty. -

(1) The lessee or permit holder shall pay royalty in respect of each minor mineral removed from the mining lease or quarry permit area at the rate for the time being specified in Schedule IV in respect of that minor mineral:

Provided that the lessee shall be liable to pay the dead rent or royalty whichever is higher but not both.

(2) The State Government may, by notification, amend Schedule IV so as to enhance or reduce the rate at which royalty shall be payable in respect of any minor mineral with effect from such date as may be specified in the notification.

29. Mode of Payment of dead rent and royalty .-

(1) The lessee shall, during the subsistence of the lease, pay in the office of the competent authority dead rent or royalty for quarterly periods as specified herein below:-

(a) for the quarterly period from April to June to be paid before the 31st of July ;

(b) for the quarterly period from July to September to be paid before the 31st of October;

(c) for the quarterly period from October to December to be paid before the 31st of January;

(d) for the quarterly period from January to March to be paid before the 30th of April.

(2) The competent authority shall charge simple interest at the rate of eighteen per cent per annum on any dead rent or royalty due to the State Government from any lessee from the first day of the expiry of the date fixed for payment as per sub-rule (1) above.

(3) In case of quarry permit, the royalty is to be paid as per rates specified in Schedule IV before transportation.

(4) The lessee or permit holder is also required to pay cess and fees for afforestation as may be fixed by the State Government from time to time. However, if the land is forest then all levies as per the provisions of the Forest Conservation Act, 1980 shall be realized from the lessee or permit holder.

(5) For the purpose of real time accounting of minor minerals, the lessee shall maintain a log book on a daily basis in Form I.

CHAPTER VI

MISCELLANEOUS

30. Contribution to the District Mineral Foundation Fund . -

(1) The lessee or quarry permit holder shall deposit or make payment to the District Mineral Foundation Fund which is created as per the District Mineral Foundation Fund (Trust) Rules at the rate prescribed by the State Government for the benefit of the persons and areas affected by mining and quarrying.

(2) The manner in which payment is required to be made and the mode of payment shall be prescribed by the State Government in the relevant rules.

31. **Reclamation Fund.-** The lessee or permit holder shall deposit or make payment to Meghalaya Minor Mineral Reclamation Fund created by the State Government at the rate as shall be prescribed from time to time by notification for the reclamation or restoration of the mining area affected.

32. **Transfer of mining lease.** - The lessee may, with the prior approval of the State Government and subject to conditions regarding area described earlier and such other conditions as the State Government may specify, transfer his lease or any right, title or interest therein to any person on payment of a non- refundable fee of rupees twenty fivethousand in Form J appended to these Rules.

33. Surrender of mining lease. -

(1) The lessee may surrender a part or whole of the leased area after giving a notice in writing of not less than sixty days to the competent authority, as the case may be, by relinquishing possession of the leased area proposed for surrender.

(2) The competent authority may accept the surrender of part or whole of the leased area after due verification of the land and subject to the following conditions, namely:-

(a) the area to be surrendered has been properly surveyed and is compact and contiguous;

(b) all dues have been paid by the lessee;

(c) the provisions of the mining plan and mine closure plan including the environment management plan in respect of the area proposed for surrender have been complied with;

(d) the provisions of the Forest Conservation Act, 1980 in case of forest land and the Environmental (Protection) Act, 1986 have been complied with; and

(e) such other conditions as the competent authority may, by notice in writing, require the lessee to comply.

34. Termination of mining lease . - The mining lease shall be liable for termination if the lessee,-

(a) fails to carry out the directions within the specified period, issued by the competent authority or by any officer authorized in this behalf for prevention of wasteful extraction of minerals; or

(b) ceases to work the leased area for a continuous period of six months without the prior permission of the competent authority except in cases where the lessee is unable to work the mine for reasons beyond his control or due to Force Majeure; or

(c) obstructs or does not allow entry or inspection by any authorized officer.

Explanation: For the purpose of this rule, the expression “Force Majeure” shall have the same meaning assigned to it under the Act.

35. Returns. - The lessee shall submit to the competent authority such returns as prescribed below,-

(a) Monthly returns in Form K as appended to these Rules to be submitted before the 15th day of each month in respect of preceding month; and

(b) Annual returns in Form L as appended to these Rules to be submitted before the 15th May of each year in respect of the preceding financial year.

36. Penalty.-Whoever contravenes any of the provisions of these Rules shall be punishable under sub-section (2) of Section 21 of the Act.

37. Provision for Appeal. -

(1) A person aggrieved by an order issued by a competent officer in exercise of the powers conferred under these Rules may, within thirty days from the date of communication of

such order, appeal to the Director or PCCF & HOFF, as the case may be, against such order in Form M as appended to these Rules.

(2) A person aggrieved by an order issued by the Director or PCCF & HOFF in exercise of the powers conferred under these Rules, may within a period of thirty days from the date of communication of such order, appeal to the State Government against such order in Form M as appended to these Rules:

Provided that such application for appeal may be entertained after expiry of the period of thirty days referred to in sub-rule (1) or (2), if the applicant satisfies the Director or PCCF & HOFF or the State Government, as the case may be, that he has sufficient reason for not making the appeal within time.

(3) The application for appeal shall be accompanied by a non-refundable fee of rupees five thousand paid through Treasury challan in favour of the Director or PCCF & HOFF.

(4) On receipt of the appeal, the Director or PCCF & HOFF or the State Government, as the case may be, shall call for records of the case and may confirm, modify or set aside the earlier order or pass such other order in relation thereto as deemed fit, just and proper within a period of sixty days from the date of receipt of the appeal.

38. Restriction on use of any particular minor mineral deposit .-

(1) No minor mineral deposit of a particular area shall be used for non- industrial purposes when the same is useful for better exploitation in industrial, decorative or architectural purposes.

(2) For the purpose of specifying the uses of minor mineral deposit of a particular area, the Director shall be competent to examine and prescribe the uses of that particular minor mineral deposit according to its suitability and his decision in this regard shall be final:

Provided that the Director shall take into consideration the following parameters for prescribing the uses of a particular minor mineral deposit, namely :- (a) economical availability of alternate material (b) scope for value addition and (c) end use.

39. Savings.- Anything done or any action taken, including any order made, direction given or notice given shall in so far as it is in consistent with the provisions of these Rules be deemed to have been made, done, taken, made, given or issued as the case may be within the corresponding provisions of these Rules.

Y. TSERING,
Additional Chief Secretary
to the Government of Meghalaya,
Mining & Geology Department.

FORM - A
APPLICATION FOR MINING LEASE
[see rule 6]

Received at.....(Place)

On.....(Time)

Initial of Receiving Officer

To

.....

.....

Sir,

1. I/We request that a mining lease under the Meghalaya Minor Mineral Concession Rules, 2016 may be granted to me/us.
2. A sum of ₹. 5000/- Rupees five thousand only) being the application fee and ₹..... (in words .....) [@ ₹. 5000/- per hectare] being the fee for the grant of mining lease payable under clauses (r) and (s) respectively of Rule 6 of the said Rules, have been deposited (*vide* Treasury Challan No.....dated ..... and ..... Treasury Challan No..... dated .....of .... Treasury).
3. The required particulars are given below:
   (a) In case the applicant is an individual:
      (i) Name of the applicant-
      (ii) Nationality-
      (iii) Profession-
      (iv) Permanent address-
   (b) In case the applicant is a co-operative society/firm/company:
      (i) Name-
      (ii) Nature of business-
      (iii) Place of business-
      (iv) Place of registration or incorporation-
      (v) Nationality of Members/Partners/Directors-

   (Attested copy of certificate of registration/Partnership deed/Certificate of Incorporation and Memorandum & Articles of Association, as the case may be, and Power of Attorney shall be enclosed)
4. Whether up-to-date clearance certificate from Income Tax Department have been obtained? (Yes/No). If so, copy shall be enclosed.
5. Mineral or minerals which the applicant intends to mine .....
6. Period for which mining lease is required .....
7. Extent of the area for which mining lease is required .....

8. Location of the area applied for mining lease:
   a) Village/locality:
   b) Post office/Thana:
   c) Pin Code:
   d) Block/Sub-Division/ District:
9. a) Name/names of land owner/land owners:
   b) An affidavit shall be enclosed to the effect that the applicant has, where the land is not owned by him, obtained surface rights over the area or has obtained the consent of the landowner/ landowners for the grant of mining lease.
   c) A Certificate of Registration (under the Registration Act, 1908) in respect of the land applied for mining lease shall be enclosed.
10. A certificate as to the status of land whether it is forest or non-forest from the PCCF&HOFF shall be enclosed.
11. Whether No-objection Certificate from the concerned Autonomous District Council for land use have been obtained (Yes/No) ..... (If so, copy shall be enclosed).
12. Reference of valid and up-to-date clearance certificate of payment of mining dues obtained from the Director or PCCF&HOFF or competent officer (copy to be enclosed):

    Please specify serially below:

    (i) .....
    (ii) .....
    (iii) .....
13. (a) Brief description of the applied area:

    Please indicate the situation of the area in respect of the following:

    (i) any natural features such as river, streams, lakes, ponds or natural caves.
    (ii) any village, community /sacred forest, burial ground/cemetery, important place of worship or place of archeological or tourist importance.
    (iii) any bridge/culvert/road/national highway or any permanent structures like power transmission line/mobile tower etc.

    (b) The area should be marked on a sketch plan drawn to scales showing all important surface and natural features, the dimensions of the lines forming the boundary of the area and the bearing and distance of all corner points from any important, prominent and fixed point or points. In addition, GPS coordinates of all the aforesaid points are to be indicated.
14. The purpose for which the mineral/minerals will be used .....
15. Expected consumers and places of consumption of the mineral/minerals.....
    (Please give details in case the applicant has set-up or intends to set-up a mineral based industry in the State for consumption of the applied mineral/minerals).
16. Whether mining is to be done manually or by mechanized means .....
    (Furnish details of the strength of labour or extent of mechanization to be deployed)

17. The tentative programme of production of the mineral/minerals yearwise .....
18. Past experience of the applicant:
    (a) Experience of the applicant in mining .....
    (b) Financial resources and financial stability of applicant .....
    (c) Technical qualifications possessed by the applicant .....
    (d) Special knowledge of geology and mining of the technical staff already employed or to be employed for the work .....
19. The amount of money proposed to be invested .....
20. Details of mining leases held by the applicant or any person joint in interest with him in Meghalaya:

S.No.	Grant order No. and date	Location of mining lease area	Mineral in respect of which lease is held	Extent of area held	Period of lease	
					From	To

21. Details of mining leases already applied for but not granted and applied for simultaneously
    1. .....
    2. .....
    3. .....
22. Any other particulars which the applicant wishes to furnish.

I/We declare that particulars given above are correct and I/We will furnish any other details as required in this connection.

Yours faithfully

Date:

Place: ( )

Name:

Address:

N.B: If the application is signed by an authorized agent of the applicant, Power of Attorney should be attached.

FORM-B
REGISTER OF MINING LEASES APPLICATION
[*see* rule 8]

Serial No.	Date of the application for mining lease	Date on which the application was received by the Receiving Officer	Name of the applicant with full address	Situation and boundaries of the land applied for	Estimated area of the land	Particulars of minerals which the applicant intends to mine	Whether the application is for fresh grant or renewal?	TC No. and date of application fee and fee for the grant of mining lease.	Final disposal of the application together with Order No. and date	Remarks	Signature of officer

FORM-C
REGISTER OF MINING LEASES
[*see* rule 12]

1. Serial No.
2. Name of the lessee with complete address
3. Date of application
4. Date on which application was received by the Receiving Officer
5. Order No. & Date of Grant/Renewal
6. Date of execution of mining lease deed
7. Situation and boundaries of the land
8. Total area for which lease has been granted
9. Mineral/Minerals granted under the lease
10. Period for which mining lease has been granted
11. Date and period of renewal
12. Date of change together with details of change that take place in name and other particulars of the lessee
13. Date of assignment of transfer of the lease, if any
14. Name of transferee & full address
15. Date of expiry or surrender or termination
16. Date from which the area is available for re-grant
17. Remarks
18. Signature of officer

FORM - D

APPLICATION FOR RENEWAL OF MINING LEASE

[*see* rule 18(2)]

Received at .....(Place)

On ..... (Time)

Initial of Receiving Officer

To

.....

.....

Sir,

1. I/We request for renewal of my /our mining lease under the Meghalaya Minor Mineral Concession Rules, 2016.
2. A sum of Rs ..... (in words .....) being the fee payable under sub-rule (2) of Rule 18 of the said Rules, has been deposited *vide* Treasury Challan No ..... dated ..... of .....Treasury.
3. The required particulars are given below:
   (a). In case the applicant is an individual:
      (i) Name of the applicant-
      (ii) Nationality -
      (iii) Profession-
      (iv) Permanent address-
   (b). In case the applicant is a co-operative society/firm/company:
      (i) Name-
      (ii) Nature of business-
      (iii) Place of business-
      (iv) Place of registration or incorporation-
      (v) Nationality of Members/Partners/Directors-

(Attested copy of certificate of registration/Partnership deed/Certificate of Incorporation and Memorandum & Articles of Association, as the case may be, and Power of Attorney shall be enclosed)

4. Details of mining leases held by the applicant or any person joint in interest with him in Meghalaya:

S.No.	Grant order No. and date	Location of mining lease area	Minerals in respect of which lease is held	Extent of the area held	Period of lease	
					From	To

5. Particulars of the mining lease of which renewal is desired:

S.No.	Grant order No. and date	Location of mining lease area	Mineral	Extent of area held	Period of lease	
					From	To

6. Period for which renewal of mining lease is required
7. Whether renewal is applied for the whole or part of the leasehold
8. (a) Extent of the area applied for renewal
   (b) Description of the area applied for renewal (description should be adequate for the purpose of demarcating the plot)
   (c) Whether map of the leasehold with area applied for renewal clearly marked on it has been enclosed?
9. An affidavit shall be enclosed to the effect that the applicant has, where the land is not owned by him, obtained surface rights over the area or has obtained the consent of the landowner/ landowners for the grant of renewal of mining.
10. Whether No-objection Certificate from the concerned Autonomous District Council for land use has been obtained (If so, copy of such No objection Certificate should be enclosed)
11. Reference of valid and up-to-date clearance certificate of payment of mining dues (copy to be enclosed):
12. Whether up-to-date clearance certificate from Income Tax Department have been obtained? If so, copy should be enclosed.

13. A mining plan is to be attached along with the application. The plan shall incorporate the following:

    (a) the plan of the area showing as accurately as possible the location, boundaries of the area, natural water courses, forest areas and density of trees, assessment of impact of mining activity on forest, land surface and environment including air and water pollution;

    (b) the details of the scheme for restoration of the area, afforestation, land reclamation, use of pollution control devices;

    (c) the spot or spots where the excavation is to be done in the first year and its extent and a tentative scheme of mining year-wise for the subsequent years of the lease; and

    (d) the extent of manual mining and/or mining by use of machinery and mechanical devices.

14. Details of production during the last five years and phased programme for production for subsequent years of the lease:

15. The purpose for which the mineral/minerals will be used

16. Expected consumers and places of consumption of the mineral/minerals ..... (Please give details in case the applicant has set-up or intends to set-up a mineral based industry in the State for consumption of the applied mineral/minerals)

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

I/We declare that particulars given above are correct and I/We will furnish any other details as required in this connection.

Yours faithfully

Date:

Place: ( )

Name:

Address:

N.B: If the application is signed by an authorized agent of the applicant, Power of Attorney should be attached.

FORM-E
MODEL FORM OF MINING LEASE
(See rule 21)

THIS INDENTURE made this .....day of .....20 ..... between the Governor of Meghalaya (hereinafter referred to as the "State Government" which expression shall where the context so admits be deemed to include the successors and assigns] **OF THE ONE PART**

AND

When the lessee is an individual — ..... (Name of personwith address and occupation) (hereinafter referred to as "the lessee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

When the lessees are more than one individual — .....(Name of person with address and occupation) and ..... (Name of person with address and occupation) (hereinafter referred to as "the lessees" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns].

when the lessee is a registered is a firm — ..... (Name and address of partner), son of ....son of .....all carrying on business in partnership, under the firm name and style of ..... (Name of the firm) registered under the Indian Partnership Act,1932 (9 of 1932) and having their registered office at .....in the town of .....(hereinafter referred to as "the lessee" which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

when the lessee is a registered company — ..... (Name of company) a company registered under ..... (Act under which incorporated) and having its registered office at ..... (Address) (hereinafter referred to as "the lessee" which expression shall where the context so admits be deemed to include its successors and permitted assigns), **OF THE OTHER PART.**

WHEREAS THE lessee/lessees has/have applied in accordance with the Meghalaya Minor Mineral Concession Rules, 2016 (hereinafter referred to as the said Rules) for a mining lease for ..... in respect of the lands described in Part I of the Schedule hereunder written and has/have deposited with the State Government the sum of Rs. ..... as security and the sum of Rs ..... as a fee for the grant of a mining lease.

WITNESSETH that in consideration of the rents and royalties, covenants and agreements by and in these presents and the Schedule hereunder written reserved and contained and on the part of the lessee/lessees to be paid observed and performed, the State Government hereby grants and demises unto lessee/lessees.

All those mines beds/veins seams of ..... (here state the minor mineral or minerals) (hereinafter and in the Schedule referred to as the said minerals) situated lying and being in and/or under the lands which are referred to in Part I of the said Schedule, together with the liberties, powers and privileges to be exercised or enjoyed in connection herewith

which are mentioned in Part II of the said Schedule subject to the restrictions and conditions as to the exercise and enjoyment of such liberties, powers and privileges which are mentioned in Part III of the said Schedule EXCEPT and reserving out of this demise unto the State Government the liberties, powers and privileges mentioned in Part IV of the said Schedule TO HOLD the premises hereby granted and demised unto the lessee/lessees from the..... day.....20 .....for the term of .....years thence next ensuing YIELDING AND PAYING therefore unto the State Government the several rents and royalties mentioned in Part V of the said Schedule at the respective times therein specified subject to the provisions contained in Part VI of the said Schedule and the lessee/lessees hereby covenants /covenant with the State Government as in Part VII of the said Schedule as expressed AND it is hereby mutually agreed between the parties hereto as in Part IX of the said Schedule is expressed.

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

THE AREA OF THIS LEASE

Location and area of the lease:

All that tract of lands situated at ..... (Description of area or areas) in the Registration District of .....Sub-Division ..... and Thana ..... bearing cadastral Survey Nos. .....containing an area of .....or thereabouts delineated on the plan hereto annexed and thereon coloured ..... and bounded as follows:-

On the North by .....

On the South by .....

On the East by .....

And
On the West by .....

hereinafter referred to as " the said lands".

PART II

LIBERTIES. POWERS AND PRIVILEGES TO BE EXERCISED AND ENTOYED BY THE LESSEE/LESSEES SUBJECT TO THE RESTRICTIONS AND CONDITIONS IN PART III.

To enter upon land & search for, win, work etc:-

1. Liberty and power at all times during the term hereby demised to enter upon the said lands and to search for, mine, bore, dig, drill for, win, work, dress, process, convert, carry away and dispose of the said mineral/minerals.

To sink, drive and make pits, shafts, and inclines etc:-

2. Liberty and power for or in connection with any of the purposes mentioned in this part to sink, drive, make, maintain and use in the said lands any pits, shafts, inclines drifts, levels, waterways, airways and other works (and to use, maintain, deepen or extend any existing works of the like nature in the said lands).

To bring to use machinery, equipments etc:-

3. Liberty and power for or in connection with any of the purpose mentioned in this part to erect, construct, maintain and use on or under the said lands any engines, machinery, plant, dressing floors, furnaces, coke ovens, brick-kilns, workshops, store houses, bungalows, godowns, sheds and other buildings and other works and conveniences of the like nature on or under the said lands.

To make roads and ways etc. and use existing roads and ways:-

4. Liberty and power for or in connection with any of the purposes mentioned in this part to make any tramways, railways, aircraft landing grounds and other ways in or over the said lands and to use, maintain and go, and repass with or without horses, cattle, wagons, aircrafts, locomotives or other vehicles over the same (or any existing tramways, railways, roads and other ways in or over the said lands) on such conditions as may be agreed to.

To use water from streams etc:-

5. Liberty and power for or in connection with any of the purposes mentioned in this part but subject to the right of any existing or future lessees and with the written permission of the Deputy Commissioner to appropriate and use water from any streams, water-courses, springs or other sources in or upon the said lands, to step up or dam any such stream or water course and collect or impound any such water and to make, construct and maintain any water course culverts, drains or reservoirs but not as so to deprive any cultivated lands, villages, buildings or watering places for livestock of a reasonable supply of water as before accustomed or in any way to foul or pollute any stream or springs. Provided that the lessee/lessees shall not interfere with the navigation in any navigable stream nor shall divert such stream without the previous written permission of the State Government.

To use land for stacking, heaping, depositing purpose:-

6. Liberty and power to enter upon and use a sufficient part of the surface of the said lands for the purpose of stacking, heaping, storing or depositing therein any produce of the mines or works carried on and any tools, equipment, earth and materials and substances dug or raised under the liberties and powers mentioned in this part.

Beneficiation and conveying away of production:-

7. Liberty and power to enter upon and use a sufficient part of the said lands to beneficiate any mineral produced from the said lands and to carry away such beneficiated mineral.

To clear brushwood and to fell and utilize trees, etc:-

8. Liberty and power for or in connection with any of the purposes mentioned in this part and subject to the existing rights of others and save as provided in clause 3 of Part III of this Schedule to clear undergrowth and brushwood and to fell and utilize any trees or timber

standing or found on the said lands provided that the PCCF & HOFF may ask the lessee/ lessees to pay for any tree or timber felled and utilized by him/them at the rates specified by the State Government in Forest and Environment Department.

PART III

RESTRICTIONS AND CONDITIONS AS TO THE EXERCISE OF THE LIBERTIES. POWERS AND PRIVILEGES IN PART-II.

No building etc. upon certain places:-

1. No building etc. shall be erected, set up or placed and no surface operations shall be carried on in or upon any public pleasure ground, burning or burial ground, or place held sacred by any class of persons or any house or village site, public road, or other place which the State Government may determine as public ground or in such a manner as to injure or prejudicially affect any buildings, works, property or rights of other persons and no land shall be used for surface operations which is already occupied by persons other than the State Government for works or purpose not included in this lease. The lessee/lessees shall not also interfere with any right of way, well or tank.

Permission for surface operations in a land not already in use:-

2. Before using for surface operations any land which has not already been used for such operations, the lessee/lessees shall give to the Deputy Commissioner of the District two calendar months previous notice in writing specifying the name or other description of the situation and the extent of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used if objection is issued by the Deputy Commissioner within two months after the receipt by him of such notice unless the objections so stated shall on reference to the State Government be annulled or waived.

To cut trees in unreserved lands:-

3. The lessee/lessees shall not, without the express sanction of the PCCF & HOFF, cut down or injure any timber or trees on the said lands but may without such sanction clear away any brushwood or under growth which interferes with any operations authorised by these presents. The PCCF & HOFF may require the lessee/lessees to pay for any tree or timber felled and utilized by him/them at the rates specified by the State Government in Forest and Environment Department.

Not to enter upon reserved forests:-

4. Notwithstanding anything contained in this Schedule the lessee/lessees shall not enter upon any reserved forest included in the said lands or fell, cut and use any timber or trees.

No mining operations within 50 metres of public works etc.:-

5. The lessee/lessees shall not work or carry on or allow to be worked or carried on any mining operations at or to any point within a distance of 50 metres from any railway ine except with the previous written permission of the Railway Administration concerned or under or

beneath any ropeway or any ropeway trestle or station, except under and in accordance with the written permission of the authority owning the ropeway or from any reservoir, canal or other public works such as public roads and buildings or inhabited site except with the previous written permission of the Deputy Commissioner or any other officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions, either general or special, which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway, reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof. In the case of village roads no working shall be carried on within a distance of 10 metres of the outer edge of the cutting except with the previous permission of the Deputy Commissioner or any other officer duly authorised by the State Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission.

Explanation: For the purpose of the clause the expression Railway Administration shall have the same meaning as it is defined to have in the Indian Railway Act, 1890 by clause (6) of section 3 of that Act. 'Public Road' shall mean a road which has been constructed by artificially surfaced as distinct from a track resulting from repeated use. Village road will include any track shown in the Revenue record as village road.

Facilities for adjoining Government licenses and leases:-

6. The lessee/lessees shall allow existing and future holders of Government licenses or leases over any land which is comprised in or adjoins or reached or is reached by the land held by the lessee/lessees reasonable facilities of access thereto:

PROVIDED THAT no substantial hindrance or interference shall be caused by such holders of licenses or leases to the operations of the lessee/lessees under these presents and fair compensation (as may be mutually agreed upon or in the event of disagreement, as may be decided by the State Government) shall be made to the lessee/lessees for loss or damage sustained by the lessee/lessees by reason of the exercise of this liberty.

PART IV

LIBERTIES. POWER AND PRIVILEGES RESERVED TO THE STATE GOVERNMENT.

To work other minerals:-

1. Liberty and power for the State Government, or to any lessee or persons authorised by it in that behalf to enter into and upon the said lands and to search for, win, work, dig, get, raise, dress, process, convert and carry away minerals other than the said minerals and any other substances and for those purposes to sink, drive, make erect, construct, maintain and use such pits, shafts, inclines, drifts, levels and other lines, waterways, airways, water courses, drains, reservoirs, engines, machinery, plant, buildings, canals, tramways, railways, roadways and other works and conveniences as may be deemed necessary or convenient.

PROVIDED THAT in the exercise of such liberty and power no substantial hindrance or interference shall be caused to or with the liberties powers and privileges of the lessee/lessees under these presents and that fair compensation (as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government) shall be made to

the lessee/lessees for all loss or damage sustained by the lessee/lessees by reasons or in consequence of the exercise of such liberty and power.

To make railway and roads, etc.:-

2. Liberty and power for the State Government or any lessee or person authorized by it on that behalf to enter into and upon the said lands and to make upon over or through the same any railways, tramways, roadways , electric lines, telephone lines or pipelines for any purpose other than those mentioned in Part II of these presents and to get from the said lands, stones, gravel, earth and other materials for making, maintaining and repairing such railways, tramways and roads or any existing railways and roads and to go and repass at all times with or without horses, cattle or other animals, carts, wagons, carriages, locomotive or other vehicles over or along any such railways, tramways, road lines and other ways for all purpose and as occasion may require:

PROVIDED THAT in the exercise of such liberty and power by such other lessee or person no substantial hindrance or interference shall be caused to or with the liberties, powers and privileges of the lessee/lessees under these presents and that the fair compensation (as may be mutually agreed upon or in the event of disagreement, as may be decided by the State Government) shall be made to the lessee/lessees for all loss or damage sustained by the lessee/lessees by reasons or in consequence of the exercise of such liberty and power by such lessee or person of such liberty and power.

PART- V

RENTS AND ROYALTIES RESERVED BY THIS LEASE

To pay dead or royalty whichever is higher:-

1. The lessee shall pay for every year except the first year of the lease, dead rent specified in clause 2 of this Part.

Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral whichever is higher in amount but not both.

Rate and mode of payment of dead rent:-

2. Subject to the provisions of clause 1 of this Part, during the subsistence of the lease, the lessee/lessees shall pay to the State Government annual dead rent for the land demised and described in Part I of this Schedule, at a rate for the time being specified in Schedule V of the said Rules.

Rate and mode of payment ofroyalty:-

3. Subject to the provision of clause 1 of this part, the lessee/lessees shall during the subsistence of this lease pay to the State Government at such times and in such manner as the State Government may prescribe, royalty in respect of any mineral/minerals removed by him/them from the leased area at the rate for the time being specified in the Schedule IV of the said Rules.

Payment of surface rent, and water rate:-

4. The lessee/lessees shall pay rent and water rate to the State Government in respect of all parts of the surface of the said lands which shall from time to time be occupied or used by

the lessee/lessees under the authority of these presents at the rate of Rs ..... and Rs ..... respectively per annum per hectare of the area so occupied or used and so in proportion for any area less than a hectare during the period from the commencement of such occupation or used until the area shall cease to be so occupied or used and shall as far as possible restore the surface land so used to its original condition. Surface rent and water rate shall be paid as hereinbefore detailed in clause 2:

PROVIDED THAT NO such rent/water rate shall be payable in respect of the occupation and use of the area comprised in any roads or ways to which the public have full right of access.

PART VI

PROVISIONS RELATING TO THE RENTS AND ROYALTIES

Rent and royalties to be from deduction etc:-

1. The rent, water rate and royalties mentioned in Part V of this Schedule shall be paid free from any deductions to the State Government at .....and such manner as the State Government may prescribe.

Mode of computation of royalty:-

2. For the purposes of computing the said royalties the lessee/lessees shall keep a correct account of the mineral/minerals produced and dispatched. An Account as well as the weight of the mineral/minerals in stock or the process of export may be checked by an officer authorised by the State Government.

Course of action if rents and royalties are not paid in time:-

3. Should any rent, royalty or other sums due to the State Government under the terms and conditions of these presents be not paid by the lessee/lessees within the prescribed time the same, together with simple interest due thereon at the rate of eighteen percent per annum may be recovered on a certificate of such officer as may be specified by the State Government by general or special order, in the same manner as an arrear of land revenue.

PART VII

THE COVENANTS OF THE LESSEE/LESSEES

Lessee to pay rents and royalties taxes, etc:-

1. The lessee/lessees shall pay the rent, water rate and royalties reserved by this lease at such times and in the manner provided in PARTS V and VI of these presents and shall also pay and discharge all taxes, rates, assessments and impositions whatsoever being in the nature of public demands which shall, from time to time, be charged, assessed or imposed by the authority of the Central and State Governments upon or in respect of the premises and works of the lessee/lessees in common with other premises and works of a like nature except demands for land revenues.

To maintain and keep boundary marks in good order:-

2. The lessee/lessees shall at his/their own expense, erect and at all times maintain and keep in repair, boundary marks and pillars according to the demarcation to be shown in the plan annexed to this lease. Such marks and pillars shall be sufficiently clear of the shrubs and other obstructions as to allow easy identification.

To commence operations within six months and work in a workman-like manner:-

3. The lessee/lessees shall commence operation within six months from the date of execution of the lease and shall thereafter at all times during the continuance of his lease search for, win, work and develop the said minerals without voluntary intermission in a skillful and workman-like manner and as prescribed under clause 12 hereinafter without doing or permitting to be done any unnecessary or avoidable damage to the surface of the said lands or the crops, buildings, structures or other property thereon. For the purposes of this clause, operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the mine.

To indemnify Government against all claims:-

4. The lessee/lessees shall make and pay such reasonable satisfaction and compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury or disturbance which may be done by him/them in exercise of the powers granted by this lease and shall indemnify and keep indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

To secure and keep in good condition pits, shafts, etc.:-

5. The lessee/lessees shall, during the subsistence of this lease, well and sufficiently secure and keep open with timber or other durable means all pits, shafts and workings that maybe made or used in the said lands and make and maintain sufficient fences to the satisfaction of the concerned authority of the Central or State Government round every such pit, shaft or working whether the same is abandoned or not and shall during the same period keep all workings in the said lands, except such as may be abandoned, accessible, free from water and foul air as far as possible.

To strengthen and support the mine to necessary extent: -

6. The lessee/lessees shall strengthen and support to the satisfaction of the Railway Administration concerned or the State Government, as the case may be, any part of the mine which in its opinion requires such strengthening or support for the safety of any railway, reservoir, canal, road and any other public works or structures.

To allow inspection of workings:

7. The lessee/lessees shall allow any officer authorised by the Central Government or the State Government in that behalf to enter upon the premises including any building, excavation or land comprised in the lease for the purpose of inspecting, examining, surveying, prospecting and making plans thereof, sampling and collecting any data and the lessee/lessees shall with proper person employed by the lessee/lessees and acquainted with the mines and works effectually assist such officer, agents, servants and workmen in conducting every such inspection and shall afford them all facilities, information connected with the working of the mines which they may reasonably require and also shall and will conform to and observe all orders and regulations which the Central and State Governments as the result of such inspection or otherwise may, from time to time, see fit to impose.

To report accident:-

8. The lessee/lessees shall without delay, send to the Deputy Commissioner and to the Director or PCCF & HOFF or competent officer, as the case may be, a report of any accident

causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of the operations under this lease.

To report discovery of other minerals:-

9. The lessee/lessees shall report to the Director or PCCF & HOFF or competent officer, as the case may be, the discovery in the leased area of any mineral not specified in the lease within sixty days of such discovery along with full particulars of the nature and position of each such find. If any mineral not specified in the lease is discovered in the leased area, the lessee/ lessees shall not win and dispose of such mineral unless such mineral is included in the lease or a separate lease is obtained thereof.

To keep records and accounts regarding production and employees etc.:-

10. The lessee/lessees shall at all time during the said term, keep or cause to be kept at an office to be situated upon or near the said lands, correct and intelligible books of accounts which shall contain accurate entries showing from time to time:-

(1) Quantity and quality of the said mineral/minerals realised from the said lands.
(2) Quantity of the various qualities of ores beneficiated or converted.
(3) Quantities of the various qualities of the said mineral/minerals sold and exported separately.
(4) Quantities of the various qualities of the said mineral/minerals otherwise disposed of and the manner and purpose of such disposal.
(5) The prices and all other particulars of all sales of said mineral/minerals.
(6) The number of persons employed in the mines or works upon the said lands specifying nationality, qualifications and pay of the technical personnel.
(7) Such other facts, particulars and circumstances as the State Governments may from time to time require and shall also furnish free of charge to such officers and at such times as the State Governments may appoint, true and correct abstract of all or any such books of accounts and such information and returns to all or any of the matters aforesaid as the State Government may prescribe and shall at all reasonable times allow such officers as the State Government shall in that behalf appoint to enter into and have free acces to the said officers for the purpose of examining and inspecting the said books of accounts, plans and records and to make copies thereof and make extracts therefrom.

To maintain plans, etc:-

11. The lessee/lessees shall at all times during the said term, maintain at the mine office correct, intelligible, up-to-date and complete plans and sections of the mines in the said lands. They shall show all the operations and workings and all the trenches, pits and drillings made by him/them in the course of operations carried on by him/them under the lease, faults and other disturbances encountered and geological data and all such plans and sections shall be amended and filled up by and from actual surveys to be made for that purpose at the end of twelve months or any period specified from time to time and the lessee/lessees shall furnish free of charge to the State Government, true and correct copies of such plans and sections whenever required. Accurate records of all trenches, pits and drillings shall show: -

(a) The subsoil and strata through which they pass.
(b) Any mineral encountered.

(c) Any other matter of interest and all data required by the State Government, from time to time.

The lessee/lessees shall allow any officer of the State Government to inspect the same at all reasonable times. He/they shall also supply when asked for by the State Government, Director General, Geological Survey of India, the Controller General, Indian Bureau of Mines, a composite plan of the area showing thickness, dip, inclination, etc. of all the seams as also the quantity of reserves quality-wise.

11A. The lessee shall pay a wage not less than the minimum wage prescribed by the Central or State Government from time to time.

11B. The lessee shall comply with provisions of the Mines Act, 1952, as and when applicable and the rules made thereunder.

11C. The lessee shall take measures for the protection of environment like planting of trees, reclamation of land, use of pollution control devices; and such other measures as may be prescribed by the Central or State Government, from time to time, at his own expense.

11D. The lessee shall pay compensation to the occupier of the land on the date and in the manner as prescribed by the State Government.

11E. The lessee shall, in the matter of employment, give preference to the tribal and to the persons who become displaced because of the taking up of mining operations.

Act 67 of 1957 :-

12. The lessee/lessees shall be bound by such rules as may be issued from time to time by the Government of India under section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957) and shall not carry on mining or other operations under the said lease in any way other than as prescribed under these rules.

To provide weighing machine:-

13. Unless specifically exempted by the State Government, the lessee/lessees shall provide and at all times keep at or near the pit head or each of the pit heads at which the said minerals shall be brought to bank, a properly constructed and efficient weighing machine and shall weigh or cause to be weighed thereon all the said minerals, from time to time, brought to bank, sold, exported and converted and also the converted products and shall at the close of each day cause the total weights, ascertained by such means of the said minerals, ores products raised, sold, exported and converted during the previous twenty- four hours to be entered in the aforesaid books of accounts. The lessee/lessees shall permit the State Government at all times during the said term to employ any person or persons to be present at the weighing of the said minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the lessee/lessees.

To allow test of weighing machine:-

14. The lessee/lessees shall allow any person or persons appointed in that behalf by the State Government at any time or times during the said term, to examine and test every weighing machine to be provided and kept as aforesaid and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order

and if upon any such examination or testing any such weighing machine or weights shall be found incorrect or out of repair or order, the State Government may require that the same be adjusted, repaired and put in order by and at the expense of the lessee/lessees and if such requisition be not complied with within fourteen days after the same shall have been made, the State Government may cause such weighing machine or weights to be adjusted, repaired, and put in order and the expense of so doing shall be paid by the lessee/lessees to the State Government on demand and if upon any such examination or testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the State Government such error shall be regarded as having existed for three calendar months, previous to the discovery thereof or from the last occasion of so examining and testing the same weighing machine and weights in case such occasion be within such period of three months and the said rent and royalty shall be paid and accounted for accordingly.

To pay compensation for injury of third parties:-

15. The lessee/lessees shall make and pay reasonable satisfaction and compensation for all damage, injury or disturbance of person or property which may be done by or on the part of lessee/lessees in exercise of the liberties and power granted by these presents and shall at all times save harmless and keep indemnified the State Government from and against all suits, claims and demands which may be brought or made by any person or persons in respect of any such damage, injury or disturbance.

Not to obstruct working of other minerals:-

16. The lessee/lessees will exercise the liberties and powers hereby granted in such a manner as to offer no unnecessary or reasonably avoidable obstruction or interruption to the development and working within the said lands of any minerals not included in this lease and shall at all times afford to the State Government and to the holders of mining leases in respect of any such minerals or any minerals within any land adjacent to the said lands, as the case may be, reasonable means of access and safe and convenient passage upon and across the said lands to such minerals for the purpose of getting, working, developing and carrying away the same provided that the lessee/lessees shall receive reasonable compensation for any damage or injury which he/they may sustain by reason or in consequence of the use of such passage by such lessees.

Transfer of lease:-

17.(1) The lessee/lessees shall not, without the previous approval of State Governments:

(a) assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right, title or interest therein, or;

(b) enter into or make any arrangement, contract or understanding whereby the lessee/lessees will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by, any person or body of persons other than the lessee/lessees:

PROVIDED THAT the State Government shall not give its approval unless:-

(a) the lessee has furnished an affidavit along with his application for transfer of the mining lease specifying therein the amount that he has already taken or proposes to take as consideration from the transferee;

(b) the transfer of the mining lease is to be made to a person or body directly undertaking mining operations.

(2) The lessee/lessees shall make available to the transferee the original or certified copies of all plans of abandoned workings in the area and in a belt 65 metres wide surrounding it.

(3) The State Government may by order in writing, determine the lease at any time if the lessee/lessees has/have committed a breach of any of the above provisions.

PROVIDED that no such order shall be made without giving the lessee/lessees a reasonable opportunity of stating his/their case.

Not to be financed or controlled by a Trust, Corporation, Firm or person:-

18. The lease shall not be controlled and the lessee/lessees shall not allow themselves to be controlled by any Trust, Syndicate, Corporation, Firm or person except with the written consent of the State Government. The lessee/lessees shall not enter into or make any arrangement, compact or understanding, whereby the lessee/lessees will or may be directly or indirectly financed by or under which the lessee's/lessees' operations or undertakings will or may be carried on directly or indirectly by or for the benefit of or subject to the control of any Trust, Syndicate, Corporation, Firm or person unless with the written sanction given prior to such arrangement, compact or understanding, being entered into or made, of the State Government and any or every such arrangement, compact or understanding, as aforesaid (entered into or made with such sanction as aforesaid) shall only be entered into or made and shall always be subject to an express condition binding upon the other party or parties thereto that it shall be terminable if so required in writing by the State Government and shall in the event of any such requisition being made be forthwith thereafter determined by the lessee/lessees accordingly.

Lessee shall deposit any additional amount necessary:-

19. Whenever the security deposit as provided in Rule 15 of the said Rules or any part thereof or any further sum hereafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the State Government pursuant to the power hereinafter declared in that behalf the lessee/lessees shall deposit with the State Government such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the State Government up to the sum equal to the full security deposit amount.

Delivery of workings in good order to State Governments after determination of lease:

20. The lessee/lessees shall at the expiration or sooner determination of the said term or any renewal thereof deliver up to the State Government all mines, pits, shafts, inclines, drifts, levels, water ways, airways and other works now existing or hereafter to be sunk or made on or under the said lands except such as have been abandoned with the sanction of the State Government and in any ordinary and fair course of working all engines, machinery, plant, buildings, structures, other works and conveniences which at the commencement of the said term were upon or under the said lands and all such machinery set up by the lessee/lessees below ground which cannot be removed without causing injury to the mines or works under the said lands (except such of the same as may with the sanction of the State Government have become disused) and all buildings and structures of bricks or stone erected by the lessee/ lessees above ground level in good repair order and condition and fit in all respects for further working of the said mines and the said minerals.

Right of pre-emption:-

21 (a) The State Government shall from time to time and all times during the said term have the right (to be exercised by notice in writing to the lessee/lessees) of preemption of the said minerals (and all products thereof) lying in or upon the said lands hereby demised or elsewhere under the control of the lessee/lessees and the lessee/lessees shall with all possible expedition deliver all minerals or products or minerals purchased by the State Government under the power conferred by this provision in the quantities at the times in manner and at the place specified in the notice exercising the said right.

(b) Should the right of pre-emption conferred by this present provision be exercised and a vessel chartered to carry the minerals or products thereof procured on behalf of the State Government or the Central Government be detained on demurrage at the port of loading, the lessee/lessees shall pay the amount due for demurrage according to the terms of the charter party of such vessel unless the State Government shall be satisfied that the delay, is due to causes beyond the control of the lessee/lessees.

(c) The price to be paid for all minerals or products of minerals taken in pre-emption by the State Government in exercise of the right hereby conferred shall be the fair market price prevailing at the time of pre-emption provided that in order to assist in arriving at the said fair market price the lessee/lessees shall if so required furnish to the State Government for the confidential information of the Government, particularly of the quantities, descriptions and prices of the said minerals or products thereof sold to other customers and of charters entered into for freight, for carriage of the same and shall produce to such officer or officers as may be directed by the State Government original or authenticated copies of contracts and charter parties entered into for the sale or freightage of such minerals or products.

(d) In the event of the existence of a state of war or emergency (of which existence and President of India shall be the sole judge and a notification to this effect in the Gazette of India shall be conclusive proof), the State Government with the consent of the Central Government shall from time to time and all times during the said term have the right (to be exercised by a notice in writing to the lessee/lessees forthwith take possession and control of the works plant machinery and premises of the lessee/lessees on or in connection with the said lands or operations under this lease and during such possession or control the lessee/lessees shall conform to and obey all directions given by or on behalf of the Central Government or State Government regarding the use or employment of such works, plants, premises and minerals provided that fair compensation which shall be determined in default of agreement by the State Government shall be paid to the lessee/lessees for all loss or damage sustained by him/them by reason or in consequence of the exercise of the powers conferred by this clause and PROVIDED ALSO that the exercise of such powers shall not determine the said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this clause.

Employment of foreign national-

22. The lessee/lessees shall not employ, in connection with the mining operations any person who is not an Indian national except with the previous approval of the State Government.

Recovery of expenses incurred by the State Government:-

23. If any of the works or matters which in accordance with the covenants in that behalf hereinbefore contained are to be carried or performed by the lessee/lessees be not so carried out or performed within the time specified in that behalf, the State Government may cause the same to be carried out or performed and the lessee/lessees shall pay the State Government on demand all expenses which shall be incurred in such carrying out or performance of the same and the decision of the State Government as to such expenses shall be final.

Furnishing of geophysical data:-

24. The lessee/lessees shall furnish:

(a) all geophysical data relating to mining fields, or engineering and ground water surveys, such as anomaly maps, sections, plans, structures, contour maps, logging, collected by him/them during the course of mining operations to the State Government and Director General, Geological Survey of India.

(b) all information pertaining to investigations of radioactive minerals collected by him/them during course of mining operations to the Secretary, Department of Atomic Energy, New Delhi and to the State Government. Data or information referred to above shall be furnished every year reckoned from the date of commencement of the period of the mining lease.

PART VIII

THE COVENANTS OF THE STATE GOVERNMENT

Lessee/lessees may hold and enjoy rights quietly:-

1. The lessee/lessees paying the rents, water rate and royalties hereby reserved and observing and performing all the covenants and agreements herein contained and on the part of the lessee/lessees to be observed and performed shall and may quietly hold and enjoy the rights and premises hereby demised for and during the term hereby granted without any unlawful interruption from or by the State Government, or any person rightfully claiming under it.

Acquisition of land of third parties and compensation thereof:-

2. If in accordance with the provision of clause 4 of Part VII of this Schedule the lessee/lessees shall offer to pay to an occupier of the surface of any part of the said lands compensation for any damage or injury which may arise from the proposed operations of the lessee/lessees and the said occupier shall refuse his consent to the exercise of the right and powers reserved to the State Government and demised to the lessee/lessees by these presents and the lessee/lessees shall report the matter to the State Government and shall deposit with it the amount offered as compensation and if the State Government is satisfied that the amount of compensation offered is fair and reasonable or if it is not so satisfied and the lessee/lessees shall have deposited with it such further amount as the State Government shall consider fair and reasonable, the State Government shall order the occupier to allow the lessee/lessees to enter the land and to carry out such operations as may be necessary for the purpose of this lease. In assessing the amount of such compensation, the State Government shall be guided by the principles of the Land Acquisition Act.

To renew mining lease:-

3. The mining lease shall be renewable for a single period not exceeding twenty years:

> Provided that the Director or PCCF & HOFF or competent officer, as the case may be, may for reasons to be recorded in writing reduce the area applied for, or refuse to grant such renewal or renewals.

If the lessee/lessees be desirous of taking a renewed lease of the premises hereby demised or of any parts of them for a further term from the expiration of the term hereby granted and is otherwise eligible, they shall prior to expiration of the last mentioned term give to the Director or PCCF & HOFF or competent officer, as the case may be, six months previous notice in writing and shall pay the rent, rates and royalties hereby reserved and shall observe and perform the several covenants and agreements herein contained and on the part of the lessee/lessees to be observed and performed up to the expiration of the term hereby granted. The Director or PCCF & HOFF or competent officer, as the case may be, on receipt of application for renewal shall consider it in accordance with the provisions of the said Rules and shall pass orders as it deems fit. If renewal is granted, the Director or PCCF & HOFF or competent officer, as the case may be, will at the expense of the lessee/lessees and upon his executing and delivering to the State Government if required a counterpart thereof execute and deliver to the lessee/ lessees a renewed lease of the said premises or part thereof for the further term of ..... years at such rents, rates and royalties and on such terms and subject to such rents, rates and royalties and on such terms and subject to such covenants and agreements, including this present covenant to renew as shall be in accordance with the said Rules applicable to..... ..... (Name of minor minerals) on the day next following the expiration of the term hereby granted.

Liberty to surrender the lease:-

4. (1) The lessee/lessees may at any time surrender this lease by giving not less than sixty days notice in writing to the Director or PCCF & HOFF or competent officer, as the case may be, and upon the expiration of such notice provided that the lessee/lessees shall upon such expiration render and pay all rents, water rates, royalties, compensation for damages and other moneys which may then be due and payable under these presents to the lessor or any other person or persons and shall deliver these presents to the State Government then this lease and the said term and the liberties, powers and privileges hereby granted shall absolutely cease and determine but without prejudice to any right or remedy of the lessor in respect of any breach of any of the covenants or agreements contained in these presents.

4. (2) The Director or the PCCF & HOFF or competent officer may on an application made by the lessee, permit him to surrender one or more minerals from his lease which is for a group of minerals on the ground that deposits of that mineral have since exhausted or depleted to such an extent that it is no longer possible to work the mineral economically, subject to the condition that the lessee-

(a) Makes an application for such surrender of mineral at least sixty days before the intended date of surrender; and

(b) Gives an undertaking that he will not cause any hindrance in the working of the mineral surrendered by any other person who is subsequently granted a mining lease for that mineral.

Refund of security deposits:-

5. On such date as the State Government may elect within 12 calendar months after the determination of this lease or of any renewal thereof, the amount of the security deposit paid in respect of this lease and then remaining in deposit with the State Government and not required to be applied to any of the purposes mentioned in this lease shall be refunded to the lessee/lessees. No interest shall run on the security deposit.

PART IX

GENERAL PROVISIONS

Obstructions to inspection:-

1. In case the lessee/lessees or his/their transferee/assignee does/do not allow entry or inspection by the officers authorised by the State Government under clauses (c) of rule 34 of the said Rules, the State Government shall give notice in writing to the lessee/lessees requiring him/them to show cause within such time as may be specified in the notice why the lease should not be terminated and his/their security deposit forfeited; and if the lessee/lessees fails/fail to show cause within the aforesaid time to the satisfaction of the State Government, the State Government may terminate the lease and forfeit the whole or part of the security deposit.

Penalty in case of default in payment of royalty and breach of covenants:-

2. If the lessee/lessees or his/their transferee or assignee makes/make any default in payment of rent or water rate or royalty or commits a breach of any of the conditions and covenants other than those referred to in covenant (1) above, the State Government shall give notice to the lessee/lessees requiring him/them to pay the rent, water rate, royalty or remedy the breach, as the case may be, within sixty days from the date of receipt of the notice and if the rent, water rate and royalty are not paid or the breach is not remedied within such period, the State Government without prejudice to any proceedings that may be taken against him/them, determine the lease and forfeit the whole or part of the security deposit.

Penalty for repeated breaches of covenants:-

3. In cases of repeated breaches of covenants and agreements by the lessee/lessees for which notice has been given by the State Government in accordance with clauses (1) and (2) aforementioned on earlier occasion, the State Government without giving any further notice, may impose such penalty not exceeding twice the amount of annual dead rent specified in clause 2, Part V.

Failure to fulfill the terms of leases due to "Force Majeure":-

4. Failure on the part of the lessee/lessees to fulfill any of the terms and conditions of this lease shall not give the State Government any claim against the lessee/lessees or be deemed a breach of this lease, in so far as such failure is considered by the said Government to arise from force majeure, and if through force majeure the fulfillment by the lessee/lessees of any of the terms and conditions of this lease be delayed, the period of such delay shall be added to the period fixed by this lease. In this clause the expression "Force Majeure" means act of God, war, insurrection, riot, civil commotion, strike, earth quake, tide, storm, tidal wave,

flood, lightning, explosion, fire, earthquake and any other happening which the lessee/lessees could not reasonably prevent or control.

Lessee/lessees to remove his/their properties on the expiry of lease:-

5. The lessee/lessees having first paid discharged rents, rates and royalties payable by virtue of these presents may at the expiration or sooner determination of the said term or within six calendar months thereafter (unless the lease shall be determined under clauses 1 and 2 of this Part and in that case at any time not less than three calendar months nor more than six calendar months after such determination] take down and remove for his/their own benefit all or any mineral excavated during the currency of lease, engines, machinery, plant, buildings structures, tramways, railways and other works, erections and conveniences which may have been erected, set up or placed by the lessee/lessees in or upon the said lands and which the lessee/lessees is/are not bound to deliver to the State Government under clause 20 of Part VII of this Schedule and which the State Government shall not desire to purchase.

Forfeiture of property left more than six months after determination of lease: -

6. If at the end of six calendar months after the expiration or sooner determination of the said term under the provision contained in clause 4 of Part VIII of this Schedule become effective there shall remain in or upon the said land any mineral, engines, machinery, plant, buildings structures, tramways, railways and other work, erections and conveniences or other property which are not required by the lessee/lessees in connection with operations in any other lands held by him/them under mining lease the same shall if not removed by the lessee/ lessees within one calendar month after notice in writing requiring their removal has been given to lessee/lessees by the State Government be deemed to become the property of the State Government and may be sold or disposed of in such manner as the State Government shall deem fit without liability to pay any compensation or to account to the lessee/lessees in respect thereof.

Notices:-

7. Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee/lessees by registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India as the lessee/lessees may from time to time in writing to the State Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the lessee/lessees and shall not be questioned or challenged by him.

Immunity of State Government from liability to pay compensation:-

8. If in any event the orders of the Director or PCCF & HOFF or any other competent officer are revised, reviewed or cancelled in pursuance of the proceedings under rule 37 of the said Rules, the lessee/lessees shall not be entitled to compensation for any loss sustained by the lessee/lessees in exercise of the powers and privileges conferred upon him/them by these presents.

9. The lease is executed at .....(name of city/town) in the State of Meghalaya and subject to the provision of Article 226 of the Constitution of India, it is hereby agreed upon by

the lessee and the lessor that in the event of any dispute in relation to the area and lease, condition of lease, the dues realisable under the lease and in respect of all matters touching the relationship of the lessee and the lessor, the suits (or appeals) shall be filed in the civil courts at ..... (name of the city/town) and it is hereby expressly agreed that neither party shall be competent to file a suit or bring any action or file any petition at any place other than the courts named above at .....

10. For the purpose of stamp duty the anticipated royalty from the demised land is Rs ..... per year.

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

Signed by .....

For and on behalf of the Governor of Meghalaya in the presence of:

1.

2.

Signed by .....

for and behalf of ..... in presence of:

1.

2.

FORM - F
APPLICATION FOR QUARRY PERMIT
[*see* rule 23(1)]

Received at ..... (Place)
On ..... (Time)
Initial of Receiving Officer

To

.....

Sir,

1. I/We request that a quarry permit under the Meghalaya Minor Mineral Concession Rules, 2016 may be granted to me/us.
2. A sum of Rs. ..... (in words .....) being the fees in respect of this application under clause (a) of sub-rule (1) of Rule 23 of the said Rules, have been deposited (vide Treasury challan No ..... dated ..... of .....Treasury)
3. (i) Name of the applicant:
   (ii) Profession:
   (iii) Address:
4. Details of the area in respect of which the permit is applied
5. Mineral/minerals which the applicant intends to quarry
6. Quantity of mineral/minerals to be removed
7. Period during which the extraction of the mineral/minerals is/are to be completed.
8. The purpose for which the mineral/minerals will be used
9. An affidavit should be enclosed to the effect that the applicant has, where the land is not owned by him, obtained surface rights over the area or has obtained the consent of the landowner/ landowners for the grant of quarry permit.
10. A Certificate of Registration (under the Registration Act, 1908) in respect of the land applied for quarry permit shall be enclosed.
11. A certificate as to the status of land whether it is forest or non-forest from the PCCF&HOFF shall be enclosed.
12. Whether No-objection Certificate from the concerned Autonomous District Council for the grant of quarry permit have been obtained (Yes/No) .....(If so, copy should be enclosed).

I/We, declare that particulars given above are correct and I/We will furnish any other details as required in this connection. I/We do further declare that I/We shall adhere to the terms and conditions as laid down in the Rules and any other condition as imposed by competent authority.

Yours faithfully,

Signature

Date: Name:

Place: Address:

FORM - G

QUARRY PERMIT

[see rule 25(1)]

Permit No.....of 20.....

Date of issue

Name and address of the permit holder

Location of the area granted under the permit	Date of expiry of the permit.	Name & Description of minor mineral.	Purpose for which minor mineral will be used.	Quantity of minor mineral to be removed.

Seal Director/PCCF & HOFF/competent officer

Terms and Conditions of the Permit

1. This permit shall not be transferable.
2. Minor minerals shall be removed within the time limit specified in the permit.
3. Minor minerals shall not be removed beyond the quantity specified in the permit.
4. The area of the quarry shall not exceed two hectares.
5. Quarrying shall not exceed the depth of three metres from the surface.
6. Challans in Form H appended in the Rules shall be used by the permit holder for despatch of the minor minerals from the quarry permit area.
7. Proper records shall be maintained by the permit holder of the quantity of minor minerals removed and despatched including the number of persons employed daily, wages paid, details of any machinery deployed, use of any explosives, etc. Such records shall be submitted to the Director or PCCF & HOFF or competent officer as and when required.
8. Compensation shall have to be paid for damage, if any, to the land covered by the permit.
9. Felling of tress is not allowed without prior permission of the Competent Authority.
10. Surface operation shall not be done on any public prohibited and restricted place.
11. The permit holder shall comply with provisions of the Mines Act, 1952 as and when applicable.
12. Accidents shall be reported forthwith to the District Magistrate and competent authority.
13. The permit holder shall be liable to indemnify the claims of the third parties. The State Government shall not be responsible for such claims in any way.
14. **Prescribed royalty, VAT, reclamation fund and District Mineral Foundation Fund shall be paid before transportation.**

N.B; Breach of any of the above conditions shall be liable for cancellation of the permit, forfeiture of the minerals extracted and such other action as may be deemed necessary.

FORM - H
CHALLAN FOR TRANSPORT OF MINOR MINERALS
[see rule 26]

(IN TRIPLICATE)

Book No ..... Serial No.....

Ref: Application No ..... Dated .....

1	Name and address of the lessee or permit holder.	....
2	Details of the mining lease or quarry permit.	....
3	Name of minor mineral.	....
4	Quantity.	....
5	Vehicle Registration No.	....
6	Name and address of the consignee.	....
7	Place of delivery of the minor mineral.	....

Office seal

Signature of the Issuing Authority

(To be filled up at the Checkpost)

1 Vehicle No. .....

2 Quantity Transported .....

3 Remark. .....

Countersignature by the officer in-charge

.....Checkpost.

Date: .....

N.B:

1) The Triplicate copy of this Transport Challan is to be retained at the office of the Director or PCCF & HOFF or competent officer, as the case may be.

2) Original and Duplicate copies of this Transport Challan are to be produced by the consignor at the checkpost. After necessary verification, stamping and countersignature on the body of this Transport Challan, the original copy is to be retained at the checkpost whereas the Duplicate copy is to be retained by the consignor.

FORM - I

DAILY LOG BOOK

(see sub-rule 5 of rule 29)

Serial No.	Date	Opening Stock	Production	Consumption	Despatch	Closing stock	No. of labourers engaged	Signature of the lessee/ permit holder or any person authorised by him

FORM - J

(See Rule 32)

MODEL FORM FOR TRANSFER OF MINING LEASE

THIS INDENTURE made this ..... day of..... 20.....between

When the transferor is an individual ..... (Name of the person with address and occupation) (hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

When the transferors are more than one individual .....(Name of person with address and occupation) and ..... (Name person with address and occupation) (hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns).

When the transferor is a registered firm ..... (Name of the person with address of all the partners) all carrying on business in partnership under the firm name and style of ..... (Name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932] and having their registered office at .....(hereinafter referred to as the "transferor" which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

When the transferor is a registered company ..... (Name of Company) a company registered under ..... (Act under which incorporated) and having its registered office at ..... (Address) (hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include its successors and permitted assigns).

OF THE FIRST PART:

AND

When the transferor is an individual ..... (Name of the person with address and occupation) (hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns.).

When the transferees are more than one individual	.....(Name of the person with address and occupation) and ..... (Name of person with address and occupation) (hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns).
When the transferee is a registered firm	..... (Name and address of all the partners) all carrying on business in partnership under the firm name and style of ..... (name a registered of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at ..... (hereinafter referred to as the "transferee" which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).
When the transferor is a registered company	..... (Name of the Company) a company registered under ..... (Act under which incorporated) and having its registered office at .....(Address) (hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include its successors and permitted assigns).

OF THE SECOND PART:

AND

The Governor of Meghalaya (hereinafter referred to as the 'State Government' which expression shall where the context so admits be deemed to include the successors and assigns) **OF THE THIRD PART.**

WHEREAS BY virtue of an indenture of lease dated the ..... and registered as No..... on..... (Date) at ..... (Office and place) (hereinafter referred to as "lease") the original whereof is attached hereto entered into between the State Government (therein called the lessor) and the transferor (therein called the lessee), the transferor is entitled to search for, win and work the mines and minerals in respect of ..... (Name of minor mineral/minerals) in the lands described in the Schedule thereto and also in Schedule annexed hereto for the term and subject to the payment of the rents and royalties and observance and performance of the lessee's covenant and conditions in the said deed of lease reserved and contained including a covenant not to assign the lease or any interest thereunder without the previous sanction of the State Government.

And whereas the transferor is now desirous of transferring and assigning the lease to the transferee and the State Government has, at the request of the transferor, granted permission to the transferor vide order No ..... dated .....to such a transfer and assignment of the lease upon the condition of the transferees entering into an agreement in and containing the terms and conditions hereinafter set forth.

NOW THIS DEED WITHNESSETH AS FOLLOWS:-

1. In consideration of Rs ..... paid by the transferee to the transferor, the receipt of which the transferor hereby acknowledges, the transferor hereby conveys, assigns and transfers unto the transferee all the rights and obligations under the said lease and to hold the same unto the transferee with effect from ..... for the unexpired period of the said lease.

2. The transferee hereby covenants with the State Government that from and after the transfer and assignment of the lease the transferee shall be bound by, and be liable to perform, observe and conform and be subject to all the provisions of all the covenants, stipulations and conditions contained in said hereinbefore recited lease in the same manner in all respects as if the lease had been granted to the transferee as the lessee there under and he had originally executed it as such.

3. It is further hereby agreed and declared by the transferor of the one part and the transferee of the other part that:-

   (i) The transferor and the transferee declare that they have ensured that the mineral rights over the area for which the mining lease is being transferred vest in the State Government.

   (ii) The transferor hereby declares that he has not assigned, sublet, mortgaged or in any other manner transferred the mining lease now being transferred and that no other person or persons has any right, title or interest where under in the present mining lease being transferred.

   (iii) The transferor further declares that he has not entered into or made any agreement, contract or understanding whereby he had been or is being directly or indirectly financed to a substantial extent by or under which the transferor's operation or understandings were or are being substantially controlled by any person or body of persons other than the transferor.

   (iv) The transferee hereby declares that he/she has accepted all the conditions and liabilities which the transferor was having in respect of such mining lease.

   (v) The transferee hereby declares that he has furnished an affidavit along with his application for transfer of the present mining lease specifying therein the amount that he has already taken/proposes to take as consideration from the transferee.

   (vi) The transferee further declares that he is financially capable of and will directly undertake mining operations.

   (vii) The transferor has supplied to the transferee the original or certified copies of all plans of abandoned workings in the area and in a belt 50 metres wide surrounding it.

   (viii) The transferor has paid all the rent, royalties, and other dues towards Government till this date, in respect of this lease.

   IN WITNESS WHEREOF the parties hereto have signed on the date and year first above written.

SCHEDULE

Location and area of the lease:-

All that tract of lands situated at ..... (Description of area or areas) in the Registration District of .....Sub-Division..... ..... and Thana ..... bearing cadastral Survey Nos. ..... containing an area of ..... or thereabouts delineated on the plan hereto annexed and thereon coloured .....and bounded as follows:-

ON THE NORTH BY

ON THE SOUTH BY

ON THE EAST BY

AND

ON THE WEST BY

Signed by ..... for and on behalf of the State Government in the presence of:

1.

2.

Signature of transferor in the presence of witnesses-	Signature of transferor in the presence of witnesses-
1.	1.
2.	2.

FORM- K

MONTHLY RETURN

[see rule 35(a)]

(To be submitted before the 15th day of every month in respect ofpreceeding month)

1 Return for the month: ..... (name of month and year)

2 Name of the lessee with address: _____

3 Details of the mining lease: _____

a) Grant order No.& Date _____

b) Date of execution of the lease _____

c) Location of the mining lease _____

d) Area of the mining lease _____

e) Period of the mining lease _____

4 Name of the Minor Mineral:

5 Opening stock on the first day of the month _____

6 Quantity produced: _____

7 a) Quantity consumed: _____

b) Quantity dispatched: _____

8 Closing stock at the end of the month: _____

9 Pits mouth value (₹) _____

10 Number of days the mine worked: _____

11 The number of days of work stoppage in the mine. Indicate reason for such stoppage. _____ _____

12 No. of mandays worked: _____

13 Average daily employment: _____

Remarks:

Date: Signature of the lessee

Place: Or his Authorized Agent or Manager with Seal

FORM - L

ANNUAL RETURN

[see rule 35 (b)]

(To be submitted by 15th May of each year in respect of the preceeding financial year)

1 Annual Return for the year 1st April 20_to 31st March 20_

2 Name of lessee with address: _____

_____

_____

3 Details of the mining lease:

a) Grant order No.& Date _____

b) Date of execution of the lease _____

c) Location of the mining lease _____

d) Area of the mining lease _____

e) Period of the mining lease _____

4 Name of minor mineral _____

5 Opening stock on the first day of the year _____

6 Quantity produced during the year: _____

7 a) Quantity consumed during the year: _____

b) Quantity dispatched during the year: _____

8 Closing stock at the end of the year: _____

9 Average Pits mouth value (₹): _____

10 Roy ally (₹) paid:

(a) for the current year: _____

(b) towards past arrears: _____

11 Dead Rent (₹) paid:

(a) for the current year: _____

(b) towards past arrears: _____

12 Number of days the mine worked during the year: _____

13 The number of days of work stoppage during _____

the year. Indicate reason(s) for such stoppage(s). _____

14 No. of mandays worked: _____

15 Average daily employment: _____

16 Accidents (if any): _____

17 Details of machinery & equipment deployed _____

_____

_____

18 Details of explosives used with quantity: _____

_____

_____

Remarks:

Date: Signature of the lessee

Place: Or his Authorized Agent or Manager with Seal

FORM - M
FORM FOR APPEAL
[see sub-rule (1) and sub-rule (2) of Rule 37]

1 Name and address of individual (s)/ firm or company _____

2 Number & date of order against which appeal is made, (certified copy to be enclosed) _____

3 Designation of the authority that passed the order. _____

4 (i) Whether the appeal has been filed within 30(thirty) days from the date of communication of the order in terms of sub-rule 1 and sub-rule 2 of Rule 37? _____

(ii) If not, the reasons thereof as per proviso to sub-rules (1) and (2) of Rule 37. _____

5 Whether application fee of ₹. 1000/- as prescribed in sub-rule (3) of Rule 37 has been deposited? If so, Treasury challan in original should be attached. _____

T.C.No..... Date. .....

6 Name(s) of mineral or minerals for which appeal is made _____

7 Details of the area in respect of which appeal is made (A Plan of the area to be attached)

(a) Village/Locality: _____

(b) P.O/Thana: _____

(c) Pin code: _____

(d) Block/Sub-Division/District: _____

8 Grounds for appeal.

a. _____

b. _____

c. _____

9 Name and address of the party/parties impleaded. Reasons for impleading him/ them to be mentioned. _____

Place .

Yours faithfully,

Dated

Signature of the applicant

SCHEDULE I
INDEX
[see rule 2(n)]

1	Application for Mining Lease	Form A
2	Register of applications for Mining Lease	Form B
3	Register of Mining Leases	Form C
4	Application for renewal of Mining Lease	Form D
5	Mining Lease Deed	Form E
6	Application for Quarry Permit	Form F
7	Quarry Permit	Form G
8	Minor Mineral Transport Challan	Form H
9	Daily Log Book	Form I
10	Model Form for Transfer of Mining Lease	Form J
11	Monthly Returns	Form K
12	Annual Returns	Form L
13	Form for Appeal	Form M

SCHEDULE - II

[see rule 2(g),2(n) and rule 5(a)]

Minor minerals for industrial and specific uses: -

(1) Marble	
(2) Fuller's earth	
(3) Bentonite	
(4) Brick earth	When used in mechanised brick plants.
(5) Quartzite and Sand Stone	When used in cement manufacturing or in any other manufacturing Industry.
(6) Ordinary clay	When used in cement manufacturing or in any other industry other than cottage industry.
(7) Slate and Shale	

SCHEDULE - III

[see rule 2(g),2(n) and rule 5(b)]

Minor minerals for uses other than in Industry: -

(1) Gravel	
(2) Ordinary clay	Othe than used in cement manufacturing or in any industry except cottage industry.
(3) Ordinary Sand	Other than sand used for prescribed purposes:

[Rule 70 of the Mineral Concession Rules, 1960]

Sand not to be treated as minor mineral when used for certain purposes: - Sand shall not be treated as a minor mineral when used for any of the following purposes, namely:-

(i) Purposes of refractory and manufacture of ceramic;
(ii) Metallurgical purposes;
(iii) Optical Purposes;
(iv) Purposes of stowing in coal mines;
(v) For manufacture of silvicrete cement;
(vi) For manufacture of Sodium silicate;
(vii) For manufacture of pottery and glass.

(4) Boulder	
(5) Shingle	
(6) Chalcedony or impure quartz pebbles	When used for ball mill purposes or filling of bore wells or for decorative purposes in buildings.
(7) Murraim	
(8) Brick-earth	Other than brick-earth used in mechanised brick plants.
(9) Road metal	
(10) Reh matti	
(11) Slate and Shale	When used as building material and other than used in cement or other industry except Cottage Industry.
(12) Stones	When used for making household utensils.
(13) Building stones including granite	
(14) Quartzite and Sandstone	When used for purposes of building or for making road metal and household utensils other than used in cement manufacturing or in any other manufacturing industry.
(15) Lime Shell (16) Kankar (17) Limestone of any grade (18) Salt-petre.	When used in kilns for manufacturing of lime used as building materials

SCHEDULE - IV
[see rule 2(n) and rule 28]
Rates of Royalty

Name of Minor mineral	Rate of Royalty
(1) Building stone including Granite	₹. 240 per cubic metre
(2) Gravel	₹. 240 per cubic metre
(3) Ordinary clay	₹. 100 per cubic metre
(4) Ordinary sand other than sand used for prescribed purposes	₹.90 per cubic metre
(5) Boulder	₹. 240 per cubic metre
(6) Shingle	₹. 240 per cubic metre
(7) Limestone of any grade	₹. 80 per tonne
(8) Kankar	₹. 80 per tonne
(9) Limeshell	₹. 80 per tonne
(10) Murram	₹ 100 per cubic metre
(11) Brick earth	₹. 100 per cubic metre
(12) Fuller's earth	₹. 100 per cubic metre
(13) Slate	₹. 45 per tonne
(14) Shale	₹. 60 per tonne
(15) Stone used for making household utensils	₹. 240 per cubic metre
(16) Quartzite and sandstone	₹. 240 per cubic metre

SCHEDULE V

(see rule 2(n) and rule 27)

RATES OF DEAD RENT

Rates of dead rent applicable to mining leases granted for minor minerals are as under:

Rates of dead rent in rupees per hectare per annum

For the second year of the lease	*For the third year and fourth year of the lease*	*From the fifth year of the lease onwards*
400/-	1000/-	2000/-

Y. TSERING,
Additional Chief Secretary to the
Government of Meghalaya,
Mining & Geology Department.

SHILLONG: Printed and Published by the Director, Printing and Stationery, Meghalaya, Shillong.
(Extraordinary Gazette of Meghalaya) No. 213 - 730 + 500 — 12 - 9 - 2016.
website:-http://meepns.eov.in/eazette/eazette.asp

6

THE MEGHALAYA DISTRICT MINERAL FOUNDATION RULES, 2017

GOVERNMENT OF MEGHALAYA

MINING & GEOLOGY DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 8th December, 2017

No. MG.47/2015/229:- The Governor of Meghalaya is pleased to notify The Meghalaya District Mineral Foundation Rules, 2017 as follows:-

THE DISTRICT MINERAL FOUNDATION RULES, 2017

In exercise of the powers conferred by sub section (4) of Section 15, Section 15A and Section 21 read with Section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 as amended by the Amendment Act, 2015, the Government of Meghalaya hereby makes the following rules for the establishment of District Mineral Foundations, the manner of working and receipt of contributions thereto, in all mineral bearing districts, for the interest and benefit of persons and areas affected by mining related operations and for purposes connected therewith, as follows,-

1. Short title & commencement.- (1) These rules may be called "the Meghalaya District Mineral Foundation Rules, 2017."

2. They shall come into force with effect from the date of their notification in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires :-

(a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) as amended;

(b) "Authorized Officer" means Director or Joint Director or Deputy Director or Mining Engineer or Divisional Mining Officer or Mining Officer or Mines Royalty Inspector or Assistant Mines Royalty Inspector or Engineer of the Mining & Geology Department for their respective jurisdiction or any other officer authorized in this behalf by the State Government by notification in the Official Gazette;

(c) "Central Government" means the Government of India;

(d) "Department" means Department of Mining & Geology, Government of Meghalaya;

(e) "Director" means Director of Mineral Resources, Government of Meghalaya;

(f) "DMF" means District Mineral Foundation established under this rule;

(g) "Governing Council" means all the trustees of the District Mineral Foundation;

(h) "Section" means section of the Mines and Minerals (Development and Regulation) Act, 1957 as amended;

(i) "State" means the State of Meghalaya;

(j) "State Government" means the State Government of Meghalaya;

(k) "Trust' means the District Mineral Foundation set up by State Government under sub-rule (1) of rule 3 of Meghalaya District Mineral Foundation Rules, 2017;

(l) "Year" means financial year beginning on April 1 and ending on March 31 of the following year or part period there of ending on March 31;

(m). "Gram Sabha" means "Local Authority" as defined in Section 2(g) of the Meghalaya Residents Safety and Security Act, 2016 (Act No. 6 of 2016); and

(o) "PMKKKY" means "Pradhan Mantri Khanij Kshetra Kalyan Yojana" notified by Ministry of Mines, Government of India vide notification No. 16/7/2015-M.VI (Part) dated 16th September, 2015 appended as Schedule -II.

(2) Words and expression used but not defined in these rules shall have the same meaning as assigned to them under the Mines and Minerals (Development and Regulation) Act, 1957, as amended.

3. Constitution of District Mineral Foundation.-

(1) There shall be a Trust to be known as the District Mineral Foundation, constituted for each district of the State.

(2) The Trust shall be a perpetual body and shall have a common seal.

(3) The Deed of Trust (Form A appended hereto) shall be registered in each district by the Department or any person duly authorised on his behalf.

(4) The Deed of Trust shall be read along with this Part for removal of any difficulties and operational issues.

4. Composition of the District Mineral Foundation.- [1] The Governing Council shall consist of the following members, namely:-

(i)	District Magistrate or Deputy Commissioner, who shall be its Chairperson and managing Trustee.	- Chairman
(ii)	Additional Deputy Commissioner or Project Director, District Rural Development Agency.	- Member
(iii)	Divisional Forest Officer.	- Member
(iv)	District Medical & Health Officer.	- Member
(v)	District Social Welfare Officer.	- Member
(vi)	District AH and Veterinary Officer.	- Member
(vii)	District School Education Officer.	- Member
(viii)	District Agriculture Officer.	-Member
(ix)	District Horticulture Officer.	-Member
(x)	General Manager, District Commerce & Industries Centre.	- Member
(xi)	Deputy Labour Commissioner,	- Member
(xii)	Joint Director or Divisional Mining Officer or representative from Directorate of Mineral Resources.	-Member Secretary
(xiii)	Executive Engineer Public Works Department (R) & (B).	- Member

(xiv) District Treasury Officer. - Member

(xv) Representative of Secretary of the concerned Autonomous District Council. - Member

(xvi) Five community representatives from areas affected by mining, nominated by the DMF.

(xvii) One representative each from lease or permit holder of major or minor mineral, nominated by the District Governing Council.

(2) The Chairperson may nominate or invite such other Officials to the meetings of the Council, as he may consider necessary.

(3) The quorum for the Council shall be fifty percent of the members.

(4) The Joint Director or Divisional Mining Officer, acting as Convenor shall call for meetings of the Council.

(5) The Council shall meet once every quarter in a financial year.

(6) Membership of the District Governing Council will be for a maximum period of three years in respect of non official members. Members once nominated or selected can be re- nominated or reselected only after a gap of 10 years. This provision does not apply to government representatives.

5. Powers and Functions of the Governing Council of the District Mineral Foundation.- There shall be a Governing Council for the overall control over the management and day to day functioning of the Trust shall, subject to the guidelines or directions, if any, issued by the State or Central Government from time to time, have the following powers and functions including but not limited to:

(i) prepare and maintain an updated list of directly or indirectly affected areas by mining related operations;

(ii) approve the list of beneficiaries identified in the manner as specified in these rules;

(iii) approve the master plan or perspective plan;

(iv) ratify the appointment of auditors and approve annual reports;

(v) monitor the proper functioning of the Trust;

(vi) approve the annual budget; audit report and annual plan of the Trust;

(vii) grant administrative sanction for projects, release and disburse the Trust Fund;

(viii) appoint and remove staff taken on outsourcing basis;

(ix) supervision of execution of contracts and works and matters incidental thereto;

(x) maintenance of proper books of accounts;

(xi) exercise due diligence in carrying out its duties for protecting the interests of the Trust;

(xii) ensure timely collection of Contribution Fund from the concerned Mining Lease Holders in accordance with the provisions of the Act;

(xiii) all such other activities which are required for proper administration and working of the DMF; and

(xiv) any other activity incidental to or connected with any of the powers and functions as stated above.

6. Objectives of the Trust.- The objectives of the Trust will be-

(i) To work for the interest and benefit of persons and areas affected by mining related operations;

(ii) To plan, allocate, and ensure effective utilization of the funds accruing to the District Mineral Foundation towards the implementation of the various developmental and welfare projects or programmes in mining affected areas;

(iii) To minimise or mitigate the adverse impacts during and after mining, on the environment, health and socio-economics of people in mining districts;

(iv) To ensure long term sustainable livelihoods for the affected people in the mining areas.

7. Contributions to the Trust.- (1) Amount received under sub-sections (5) and (6) of Section 9B of the Mines & Minerals (Development and Regulation) Act, 1957 as amended at rates as notified by Central Government.

(2) By concession amount of payment under clause (C) of sub-section (4) of Section 15 of the Mines & Minerals (Development and Regulation) Act, 1957 as amended at the rate prescribed in the Schedule I appended to these rules.

(3) Income from properties of the Trust.

(4) Any other income which may accrue in the working of institution controlled by the Trust.

(5) Contributions to District Mineral Foundation Trust may also be made through grants and aid by either the State or Central Government.

8. Utilisation of the Funds of the District Mining Foundation.-The funds available with the District Mineral Foundation shall be utilised covering the activities listed in Para 2 of PMKKKY for the affected areas and people to be identified in the manner prescribed in Para 1 of PMKKKY.

9. Power to hold property. - The Trust shall have the power to hold property both moveable and immovable property which are highly essential for its day to day functioning.

10. Vacancies in the Trust.- Any vacancy in the Trust shall not invalidate, acts of the Trust.

11. Audit.- The accounts of the District Mineral Foundation shall be audited every year by the Chartered Accountant appointed by the Foundation, or in such a manner as the Government may specify, and the report thereof shall be placed in the public domain along with the Annual Report.

12. Annual Report.- [1] Every year, within three months from the date of closure of the financial year, the District Mineral Foundation shall cause to prepare an Annual Report on its activities for the respective financial year and place it before District Mineral Foundation.

(2) The Annual Report will be submitted to the Government within one month from the date of its approval by the District Mineral Foundation and will also be hosted on the website of the Foundation.

(3) The Annual Report of each District Mineral Foundation shall be laid before the State Legislative Assembly.

(T. DKHAR)
Commissioner & Secretary to the Government of Meghalaya,
Mining & Geology Department

.....

Schedule - I

[See sub-rule (2) of Rule 7]

30% of the Royalty paid in terms of the Schedule-IV to the Meghalaya Minor Minerals Concession Rules, 2016.

SCHEDULE-II

[See Rule 2(1) (n)+8]

Guidelines of Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) published vide No. 16/7/2015-M.VI (Part) Government of India, Ministry of Mines, New Delhi Shastri Bhavan dated 16th September, 2015.

The Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) will be implemented by the District Mineral Foundations (DMFs) of the respective districts using the funds accruing to the DMF and as per provisions laid in Section 20A of the MMDR act, 1957, has directed to incorporate PMKKKY into the rules framed for DMF.

The overall objective of PMKKKY scheme will be (a) to implement various developmental and welfare projects/programs in mining affected areas, and these projects/ programs will be complementing the existing ongoing schemes/projects of State and Central Government; (b) to minimize/mitigate the adverse impacts, during and after mining, on the environment, health and socio-economics of people in mining districts; and (c) to ensure long-term sustainable livelihoods for the affected people in mining areas.

1. Identification of affected areas and people to be covered under the PMKKKY

1) Affected areas

a. Directly affected areas - where direct mining-related operations such as excavation, mining, blasting, beneficiation and waste disposal (overburdened dumps, tailing ponds, transport corridors etc.), etc. are located.

a) Villages and gram panchayats within which the mines are situated and are operational. Such mining areas may extend to neighbouring village, block or district on even state.

b) An area within such radius from a mine or cluster of mines as may be specified by the State Government, irrespective of whether this falls within the district concerned or adjacent district.

c) Villages in which families displaced by mines have resettled/rehabilitated by the project authorities.

d) Villages that significantly depend on the mining areas for meeting their economic needs and have usufruct and traditional rights over the project areas, for instance, for grazing, collection of minor forest produce etc. should be considered as directly affected areas.

b. Indirectly affected areas -Those areas where local population is adversely affected on account of economic, social and environmental consequences due to mining- related operations. The major negative impacts of mining could be by way of deterioration of water, soil and air quality, reduction in stream flows and depletion of ground water, congestion and pollution due to mining operations, transportation of minerals, increased burden on existing infrastructure and resources.

c. The DMF shall prepare and maintain an updated list of such directly and indirectly affected areas by mining related operations.

2) Affected people

a. The following should include as directly affected persons:-

a) 'Affected family' as defined under Section 3 (c) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

b) 'Displaced family" as defined under Section 3 (k) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

c) Any other as appropriately identified by the concerned gram sabha.

b. Persons affected by mining should include people who have legal and occupational rights over the land being mined, and also those with usufruct and traditional rights.

c Affected families should be identified, as far as possible, in consultation with local/ elected representatives of gram sabha.

d. The DMF shall prepare and maintain an updated list of such affected persons/local communities.

2. Utilisation of Fund's

1) Scope of PMKKKY

The PMKKKY may cover the activities listed below: High priority areas - at least 60% of PMKKKY funds to be utilized under these heads:

a. Drinking water supply centralized purification systems, water treatment plants, permanent/temporary water distribution network including standalone facilities for drinking water, laying of piped water supply system.

b. Environment preservation and pollution control measures effluent treatment plants, prevention of pollution of streams, lakes, ponds, ground water, other water sources in the region, measure for controlling air and dust pollution caused by mining operations and dumps, mine drainage system, mine pollution prevention technologies, and measures for working or abandoned mines and other air, water & surface pollution control mechanisms required for environment-friendly and sustainable mine development.

c. Health care -the focus must be on creation of primary / secondary health care facilities in the affected areas. The emphasis should not be only on the creation of the health care infrastructure, but also on provision of necessary staffing, equipment and supplies required for making such facilities effective. To that extent, the effort should be to supplement and work in convergence with the existing health care infrastructure of the local bodies, state and Central Government. The expertise available with the National Institute of Miners' Health may also be drawn upon to design special infrastructure needed to take care of mining related illnesses and diseases. Group Insurance Scheme for health care may be implemented for mining affected persons.

d. Education - construction of school buildings, Additional class rooms, Laboratories, Libraries, Art and crafts room, Toilet blocks, Drinking water provisions Residential Hostels for students/teachers in remote areas,, sports infrastructure, engagement of teachers/other supporting staff, e-learning setup, other arrangement of transport facilities (bus/van/cycles/rickshaws/etc.) and nutrition related programs.

e. Welfare of Women and Children- Special programmes for addressing problems of maternal and child health, malnutrition, infectious diseases, etc. can be taken up under the PMKKKY.

f. Welfare of aged and disabled people - Special program for welfare of aged and disabled people.

g. Skill development - Skill development for livelihood support, income generation and economic activities for local eligible persons. The projects/schemes may include training, development of skill development center, self-employment schemes, support to Self Help Groups and provision of forward and backward linkages for such self-employment economic activities.

h. Sanitation - Collection, transportation & disposal of waste, cleaning of public places, provision of proper drainage & Sewage Treatment Plant, provision for disposal of fecal sludge, provision of toilets and other, related activities.

Other priority Areas - Up to 40% of the PMKKKY to be utilized under these heads:

a. Physical infrastructure - Providing required physical infrastructure - Road, bridges, railways and waterways projects.

b. Irrigation - Developing alternate sources of irrigation, adoption of suitable and advanced irrigation techniques.

c. Energy and Watershed Development - Development of alternate source of energy (including micro-hydel) and rainwater harvesting system. Development of orchards, integrated farming and economic forestry and restoration of catchments.

d. Any other measures for enhancing environmental quality in mining district.

2) General guidelines

a. The developmental and welfare activities to be taken up under the PMKKKY should be, as far as possible, in the nature of complementing the ongoing schemes/projects being funded by the State as well Central Government. Activities meant to be taken up under the 'polluter pays principle' should not be taken up under the PMKKKY. However, without prejudice to the powers of the Foundation, efforts shall be made to achieve convergence with the State and the District Plans so that the activities taken up by the Foundation supplement the development and welfare activities and are treated as extra-budgetary resources for the State Plan.

b. An amount not exceeding 5% of the annual receipts of the Foundation subject to an upper limit fixed by state government may be utilised for administrative, supervisory and overhead costs of the Foundation. As far as possible, no temporary/permanent posts should be created under PMKKKY. Any creation of temporary/permanent posts and purchase of vehicle by the foundation shall require prior approval of the State Government. However, minimum required staff can be engaged on contractual basis.

c. If the affected area of a mine in one district also falls in the jurisdiction of another district, such percentage of amount collected from the mine by the Foundation, as may be decided by the Government, shall be transferred to the Foundation of the other district concerned for taking up the activities in such areas. A project that is for benefit of the affected area/ people, but stretches beyond die geographical boundary

of the district should be taken up under the PMKKKY after obtaining prior approval of the State Government. Projects for development of common infrastructure like construction of roads, bridges etc. in excess of the limits specified in regard to the priority for fund utilization, on a case to case basis, may also be taken up for projects of importance to the District. The prior approval of the State Government need to be taken, with intimation to the Central Government, before taking up such works in excess of the limits of fund utilization.

d. A reasonable sum of the annual receipts should be kept as endowment fund for providing sustainable livelihood.

3. Special provisions for scheduled areas

The process to be adopted for utilization of PMKKKY funds in the scheduled areas shall be guided by the provisions contained in Article 244 read with Schedule V and Schedule VI to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

In respect of villages affected by mining situated within the scheduled areas:

(i) Approval of the Gram Sabha shall be required

a) for all plans, programs and projects to be taken up under PMKKKY.
b) identificati on of beneficiaries under the existing guidelines of the Government.

(ii) Report on the works undertaken under.PMKKKY in the respective village shall be furnished to the Gram Sabha after completion of every financial year.

[Gram Sabha will have same meaning as assigned to it for the purpose of Implementation of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (Act 40 of 1996)]

4. Implementation of Works / Contracts

(i) Works/goods may be procured by the DMF after following the due procedure prescribed by the respective state governments for such procurements.
(ii) Transfer of fund to all agencies and beneficiaries shall be into their bank account.

5. Compliance of Transparency

(1) Each Foundation will prepare and maintain a website on which, Inter-alia, following information will be hosted and kept updated:-

(i) Details of composition of the DMF/bodies of DMF (if any),

(ii) List of areas and people affected by mining.

(iii) Quarterly details of all contributions received from lessees and others.

(iv) All meeting agenda, minutes and action taken reports (ATRs) of the DMF.

(v) Annual Plans and budget, work orders, Annual Report.

(vi) Online status of ongoing works - implementation status/progress of all the projects/programs being undertaken under PMKKKY should be made available on the website, including description of work, details of beneficiaries, estimated cost, name of implementing agencies, expected date of commencement and completion of work, financial and physical progress upto last quarter etc.

(vii) List of beneficiaries under various welfare programs.

(viii) Voluntary disclosures under RTI Act.

6. Audit

The accounts of the DMF shall be audited every year by the Chartered Accountant appointed by the DMF, or in such other manner as the Government may specify, and the report thereof shall be placed in the public domain alongwith the Annual Report.

7. Annual Report

a. Every year, within three months from the date of closure of the financial year, the DMF shall cause to prepare an Annual Report on its activities for the respective financial year and place it before the DMF.

b. The Annual Report will be submitted to the Government within one month from the date of its approval by the DMF and will also be hosted on the website of the Foundation.

c. The Annual Report of each Foundation shall be laid before the State Legislative Assembly.

Postal Registration No. N. E.—771/2006-2008

सत्यमेव जयते

The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 17 Shillong, Tuesday, January 2, 2018 12th Pausa, 1939 (S.E.)

PART-IIA

GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT

NOTIFICATION

The 28th December, 2017.

CORRIGENDUM

No.MG.47/2015/252.- Dated 28th December, 2017: (1) The Deed of Trust (Form A) under Rule 3 (3) is added to the Meghalaya District Mineral Foundation Rules, 2017 notified *vide* this Department Notification No.MG.47/2015/229, dated. 8th December, 2017.

No.MG.47/2015/252-A.- Dated 28th December, 2017: (2) Rule 4 the Meghalaya District Mineral Foundation Rules, 2017 notified *vide* this Department Notification No.MG.47/2 015/229, dated 8th December, 2017 may be read as follows:-

4. Composition of the District Mineral Foundation- (1) There shall be a Governing Council at the State level and in each District which shall be comprised of the following members, namely:-

State Level:

(i)	Chief Secretary	-	Chairman
(ii)	Principal Secretary/Commissioner & Secretary/Secretary Mining & Geology Department	-	Member

(iii)	Principal Secretary/Commissioner & Secretary C&RD Department	-	Member
(iv)	Principal Secretary/Commissioner & Secretary, Forest & Environment Department	-	Member
(v)	Principal Secretary/Commissioner & Secretary, Health & Family Welfare Department.	-	Member
(vi)	Principal Secretary/Commissioner & Secretary, Public Works Department.	-	Member
(vii)	Principal Secretary/Commissioner & Secretary/ Secretary District Council Affairs Department.	-	Member
(viii)	Principal Secretary/Commissioner & Secretary / Secretary Education Department	-	Member
(ix)	Principal Secretary/Commissioner & Secretary/ Secretary Social Welfare Department.	-	Member
(x)	Principal Secretary/Commissioner & Secretary/ Secretary Labour Department.	-	Member
(xi)	One Representative from each Autonomous District Council	-	Member
(xii)	Two Deputy Commissioners on rotation basis - Chairman of DMF	-	Member
(xiii)	Director of Mineral Resources	-	Member Secretary

District Level:

(i)	District Magistrate or Deputy Commissioner, who shall be its Chairperson and managing Trustee.	- Chairman
(ii)	Additional Deputy Commissioner or Project Director, District Rural Development Agency.	- Member
(iii)	Divisional Forest Officer.	- Member
(iv)	District Medical & Health Officer.	- Member
(v)	District Social Welfare Officer.	- Member
(vi)	District AH and Veterinary Officer.	- Member
(vii)	District School Education Officer.	- Member
(viii)	District Agriculture Officer.	- Member

(ix)	District Horticulture Officer.	- Member
(x)	General Manager, District Commerce & Industries Centre.	- Member
(xi)	Deputy Labour Commissioner.	- Member
(xii)	Joint Director or Divisional Mining Officer or representative from Directorate of Mineral Resources.	-Member Secretary
(xiii)	Executive Engineer Public Works Department (R) & (B).	- Member
(xiv)	District Treasury Officer.	- Member
(xv)	Representative of Secretary of the concerned Autonomous District Council.	- Member
(xvi)	Five community representatives from areas affected by mining, nominated by the DMF.	
(xvii)	One representative each from lease or permit holder of major or minor mineral, nominated by the District Governing Council.	

2. The Chairperson may nominate or invite such other Officials to the meetings of the Council, as he may consider necessary.

3. The quorum for the Council shall be fifty percent of the members.

4. The Joint Director or Divisional Mining Officer, acting as convenor shall call for meetings of the Council.

5. The Council shall meet once every quarter in a financial year.

6. Membership of the District Governing Council will be for a maximum period of three years in respect of non official members. Members once nominated or selected can be re-nominated or reselected only after a gap of 10 years. This provision does not apply to government representatives.

T. DKHAR,
Commissioner & Secretary to the Government of Meghalaya,
Mining & Geology Department.

FORM - A

DISTRICT MINERAL FOUNDATION TRUST DEED

THIS DEED OF TRUST executed on **this _____ day of _____, 20__** by the Governor of Meghalaya represented by the Secretary/ Joint Secretary/ Deputy Secretary Mining & Geology Department, Government of Meghalaya, Shillong, East Khasi Hills District, herein after called the "**SETTELOR**" of the PART ONE (which expression shall unless repugnant to the context or meaning thereof to be deemed to include their respective heirs, executors, administrators of the FIRST PART).

WHEREAS, the Authors of this Trust by virtue and consideration of **Section 9B of the Mines and Mineral (Development and Regulation) Act 1957** (as amended) and desire of creating the **TRUST** hereby shall be known as _____ **DISTRICT MINERAL FOUNDATION TRUST,** the objectives and purpose more fully set out in the clauses herein below;

WHEREAS, in pursuance of the above District Mineral Foundation Trust, the Government of Meghalaya hereby contributed a sum of Rs. _____/- (Rupees _____ _____) only to the Trust;

AND WHEREAS, the Board of Trustees have agreed to accept the same for its purposes in the manner hereinafter appearing.

NOW THIS DEED OF TRUST WITNESSETH AS FOLLOWS:

1. **INTERPRETATION & DEFINITIONS;**

IN THIS DEED OF TRUST wherever the context permits, the following word shall have the meaning mentioned herein:

(a) 'Act' means the Mines and Mineral (Development & Regulation) Act, 1957 as amended.

(b) "Auditors" the Auditor or Chartered Accountant appointed by the Trustees, and includes the Accountant General of the State or other Auditors nominated by the Settlor.

(c) "Beneficiaries" mean the persons and areas affected by mining related operations undertaken in the area.

(d) "Contribution" means the contribution to be collected from the holders of:

(i) mining lease or a prospecting licence-cum-mining lease under the provisions of sub-section (5) of Section 9B of the Act;

(ii) mining lease under the provisions of sub-section (6) of Section 9B of the Act; and

(iii) minor mineral concession under the provisions of section 15A of the Act. in the District as may be prescribed by the Central Government or State Government;

(e) "Contribution Fund" means the Contribution Fund to be collected from the holders of -

(i) mining lease or a prospecting licence-cum-mining lease under the provisions of sub-section (5) of Section 9B of the Act.

(ii) mining lease under the provisions of sub-section (6) of section 9B of the Act; and

(iii) minor mineral concession under the provisions of Section 15A of the Act. in the District as may be prescribed by the Central Government or State Government, as the case may be;

(f) 'District Magistrate' means the Head of the Revenue Administration at the District level whether designated as Deputy Commissioner or Collector;

(g) 'District Panchayat' means and includes District Council or any other authority entrusted with the similar functions in the areas under the Schedule-V and Schedule-VI of the Constitution of India;

(h) "Governing Council" means all the trustees of the District Mineral Foundation Trust.

(i) "The Trust" means the (name of the District) District Mineral Foundation Trust created by the SETTLOR; and

(j) "Year" means a financial year beginning April 1 and ending March 31 of the following year or part period there of ending on March 31.

2 (1). <u>NAME OF TRUST</u>:

The Trust shall be called "**DISTRICT MINERAL FOUNDATION TRUST".**

(2) <u>OFFICE</u>:

The Office of the Trust shall be at Shillong, Meghalaya, INDIA.

(3) <u>OBJECTS</u>:

The objective of the **DISTRICT MINERAL FOIUNDATION TRUST** shall be as specified under **Rule 3 of the Meghalaya District Mineral Foundation Rules, 2017.**

3 . <u>PURPOSES & OBJECTIVES OF THE TRUST</u>:

(1) To Earmark funds for the District Mineral Foundation for implementation of the activities under the PMKKKY scheme.

(2) To open and provide such medical care and health centres, training centres, etc. affected by the mining activities.

(3) To conduct social, educational, and community development programmes, such as lectures, demonstrations, seminars, workshops, conferences and other effective means & media.

(4) To spread the message, educate, publicized regarding mining by means of literature, by printing, publishing, circulating, TV or radio messages, distributing them to the public:

PROVIDED that the application of the Foundation Trust funds and assets shall be done without distinction of nationality, Religion, caste, class, creed or sex.

4. FOUNDER TRUSTEES:

The Authors of the Foundation Trust are the Founder Trustees who shall hold the office of the Trust for _____ years unless they resign their Trusteeship and inform the State Government in writing or removed for indulging in anti-activities of the Trust.

5. BOARD OF TRUSTEES:

Foundation Trust shall be governed by the Board of Trustees consisting of not less than..... (in words) but not more than ..... (in words) members.

6. FUNCTIONS OF THE BOARD OF TRUSTEES:

1) Exercise due diligence in carrying out its duties for protecting the interest of the Trust.
2) Ensure timely collection of Contribution Fund from the concerned Mining Lease Holders in accordance with the provision of the Act.
3) Prepare the Master Plan/ Vision Document for the activities of the Trust.
4) Assist in the preparation of the Annual Plan and the Annual Budget of the Trust along with the proposed Schemes and Projects.
5) Supervise and ensure the execution of the Annual Plan and the approved Schemes and Projects.
6) Accord sanction to the projects, release and disburse the Trust Fund for the purpose.
7) Operate the TRUST FUND and to invest the same in a diligent manner and to open Bank Accounts in the Name of the Trust and operate such accounts and investments.
8) Monitor the progress of the utilization of Trust funds.
9) Approve the audited accounts along with an Annual Report within 60 days of close of financial year.
10) Do all other things which are necessary for smooth functioning and management of the Trust.
11) Lay down and /or approve rules and procedures for the functioning of the Trust.

7. CO-OPTION:

The Authors of the Foundation may co-opt additional members to an extend of maximum ____ Trustees whose period of office shall be not less than _____ years

8. CONSTITUTION OF THE BOARD OF TRUSTEES:

i. The Board of Trustees shall elect among themselves:-

President, Secretary and Treasurer, who shall hold the office for a period of ____ years or until such time the new office bearers of the Board of Trust are elected.

ii. The President shall be entitled to preside over the meetings if the Board of Trustees.

iii. In the absence of the President the Trustees present may elect among themselves a Trustee to chair the meeting.

9. POWERS OF THE OFFICE BEARERS OF BOARD OF TRUSTEES :

(1) PRESIDENT:

(a) The President of the Trust shall preside over all the meetings of the General Body of Trustees.

(b) The President shall direct the other officers to execute the resolution of the Trust.

(2) SECRETARY:

(a) The Secretary is the person to execute the decisions of the Trust.

(b) The Secretary to maintain correspondence with members as well as with other Trustees or with the Government or any other body, on behalf of the Trust.

(c) The Secretary in consultation with the President shall convene the meeting of the Board of Trust.

(d) The Secretary is to prepare and submit the annual report of the Trust of the proceeding year and also maintain correspondence.

(e) Secretary is the officer of the Trust who will keep records of the Trust and also maintain correspondence.

(f) The membership list of the Board of Trust upto date shall be maintained by the Secretary.

(g) Recording the minutes of the meeting of the Board of Trustees as well as the executive/ sub-Committee meetings.

(3) **TREASURER:**

(a) Treasurer is the person who is in charge of the funds of the Trust and only the treasurer shall operate the Bank accounts along with the Secretary or President in respect of the funds of the Trust.

(b) The Treasurer is the person authorized to receive and also make payments as per the rules and regulations of the Trust and according to the directive of the Board of Trustees.

(c) The Treasurer has to prepare the statement of accounts and get it audited by the person authorized by the trustees and submit annually to the Board of Trustees for approval.

(d) Treasurer shall receive donations, any other amount on behalf of the Trust and issue receipts and make payments.

10. FUNDS OF THE FOUNDATION TRUST:

The funds of the foundation shall comprise:

(a) Amount received under sub-sections (5) and (6) of Section 9B of the (Development and Regulation) Act, 1957 as amended.

(b) Income from properties of the Trust.

(c) Any other income which may accrue in the working of institution controlled by the Trust.

11. (1) BOARD OF TRUSTEES SHALL HAVE POWERS TO FRAME RULES FROM TIME TO TIME:

Subject to the approval of the State Government, the Board of Trustees may from time to time frame rules on the followings:-

(a) For the conduct of their own meetings and business.

(b) For facilitating and carrying out of the objects of the Trust.

(c) To appoint sub-Committees, advisory or Governing Bodies for all or any one and they may delegate their powers to such bodies or others or to some of their members on such terms and conditions as they deem fit.

(d) To employ the necessary staff, take disciplinary actions, to terminate their services, regulate their service conditions etc.

(2) THE BOARD OF TRUSTEES MAY AND ARE HEREBY EMPOWERED:

(a) As per law obtain and secure in the name of the Trust any moveable/immoveable properties by Purchase, Gift, lease or grant and to own and possess the same to sell. Mortgage, or lease out the same, provided in case of purchase or sale of properties the consent of majority of the trustees has been obtained.

(b) Open any current or other account/s with any Nationalised Bank/s and arrange for operation thereon by President along with any one of the Trustees for the time being.

(c) Construct any building, and improve, alter or repair any building which may be acquired in the name of the Trust.

(d) Raise funds and receive donations if necessary for carrying out the progress and objects of the Foundation Trust.

(e) Incur necessary expenses for carrying out the aims and objects of the Foundation Trust.

12. ACCOUNTS AND MINUTES:

The Board of Trustees shall maintain true and correct accounts of all receipts and payments and dealings in regard to the foundation's property and shall also maintain the correct record of their meetings and deliberations. Accounts shall be audited every year

by a qualified Chartered accountant appointed by the Board of Trustees. The accounting year shall be from 1st April to 31st March of every succeeding year.

13. TRUST FUNDS:

The funds and the income of the Trust shall be solely utilized for the achievement of the objectives of the trust and no portions shall be utilized for payment to the Trustees members by way of profit, interest, dividends etc.

14. THE TRUST IS IRREVOCABLE:

In case of death or retirement or resignation or termination of one of the Trustees or any other reason causing vacancy, the State Government shall process to immediately filled up within 30 days of vacancy so caused.

15. AREA OF JURISDICTION:

The activities of the Trust at the District level will be only within the area of jurisdiction of the concerned District.

16. DISSOLUTION OF THE TRUST :

In the event of dissolution or winding up of the Trust the assets remaining as on the date of dissolution shall under no circumstances be distributed among the Trustees and the same shall be either transferred, dispose of only as per the terms and condition to be prescribed by rules by the State Government.

17. NOTICE OF MEETING :

A clear notice of 5 (five) days shall be given for Board of Trustees unless it is an emergent meeting. Emergent meeting of the Trust shall be held with a notice of 24 (twenty-four) hours.

18. PROCEEDINGS OF MEETING:

No business shall be transacted at the ordinary meeting of the Board of Trustees other than those detailed in the Agenda except with permission of Chairman of the meeting.

19. QUORUM:

Five Trustees shall be deemed to be the quorum for a meeting of Trustees. If required quorum is not present, the meeting shall stand adjourned to the same day, hour and place of the next week to discuss the same agenda and the members present may transact the business for which the meeting is called for. In such adjourned meeting, no quorum is required and no new subject shall be considered.

20. INDEMNITY:

The Trustees shall be kept fully indemnified and harmless by the Trust against any loss suffered or liability arising against Trustees for anything done by them in good faith pursuant to the power and authority conferred on them by this Deed.

21. CONSENT OF TRUSTEES:

The parties hereto declare that they have consented to act as Trustees in the manner herein before stated and affixed their signature to this Deed.

22. AMENDMENT:

No amendment to the Trust Deed shall be made which may prove to be repugnant to the provisions of **the Mines and Mineral (Development and Regulation) Act 1957** and the Meghalaya District Mineral Foundation Rules, 2017 as amended from time to time.

Further, no amendment shall be carried out without the prior approval of the State Government.

TRUSTEES	**SETTEL OR**
1. 2. 3. 4. 5. 6. 7. 8. 9. 10.	Tentative Nos. of Trustees to be prescribed by Mining & Geology Department.

SHILLONG: Printed and Published by the Director, Printing and Stationery, Meghalaya, Shillong.
(Extraordinary Gazette of Meghalaya) No. 33 - 730 + 100 — 2 – 1 - 2018.
website:- http://megpns.gov.in/gazette/gazette.asp

7

CONTRIBUTION TO DISTRICT MINERAL FOUNDATION (DMF)

GOVERNMENT OF MEGHALAYA
MINING & GEOLOGY DEPARTMENT

No. MG.47/2015/132 Dated Shillong, the 22nd December, 2017

From: Smti. P. L. Lawai, MCS,
Joint Secretary to the Govt. of Meghalaya,
Mining & Geology Department.

To: 1. The Secretary to the Govt. of Meghalaya,
Forest and Environment Department,
Shillong.

2. The Director of Mineral Resources,
Shillong.

Subject: Contribution of the District Mineral Foundation Trust.

Sir,

With reference to the above, I am directed to inform that in pursuance to Rule 7 of the District Mineral Foundation Rules, 2017 notified on 8th December, 2017 and the Judgement and Order passed by the Hon'ble Supreme Court of India in transferred case (civil) No. 43 of 2016 dated 13th October, 2017, the effective dates for contribution to the District Mineral Foundation shall be as follows:-

1. (i) For major minerals other than coal, lignite and sand for stowing, contribution will be made with retrospective effect from 17th September, 2015 as per rates prescribed by the Central Government.

(ii) For major minerals viz coal, lignite and sand for stowing, contribution will be made with effect from the date of notification of the Meghalaya District Mineral Foundation Rules, 2017 i.e. 8th December, 2017.

(iii) For all other minor minerals contribution will be made with effect from the date of notification of the Meghalaya District Mineral Foundation Rules, 2017 i.e. 8th December, 2017.

2. An interest @ 15% p.a. will be charged with effect from the 1st January, 2018 in case of any outstanding DMF due with effect from the above mentioned dates, if not paid by the 31st December, 2017.

3. The contribution shall be deposited in the Directorate of Mineral Resources in Current Account No. 37274650113 of the State Bank of India, Laitumkhrah Branch, Shillong.

Action taken in this regard may be intimated to this Department for reporting to Government of India as the schemed is being monitored by the PMO.

This has the order of the Competent Authority.

Yours faithfully,

(P. L. Lawai)
Joint Secretary to the Govt. of Meghalaya,
Mining & Geology Department.

Memo No. MG.47/2015/132-A Dated Shillong, the 22nd December, 2017

Copy to:

The Principal Chief Conservator of Forest & HOFF, Meghalaya, Shilllong,

Joint Secretary to the Govt. of Meghalaya,
Mining & Geology Department.

GOVERNMENT OF MEGHALAYA
DIRECTORATE OF MINERAL RESOURCES
SHILLONG.

No.DMR/MM/783/20l6/ Dated Shillong, the 2018

Office Circular

In pursuance of Govt. letter No.MG.47/2015/132 dated 22nd December, 2017, I am to circulate that the contribution to District Mineral Foundation (DMF) is as follow:

1. (i) For major minerals other than coal & lignite etc. from 17th September, 2015 and the rate as notified by Central Government i.e 30% of the Royalty for Mining Lease granted before 12th January, 2015 and 10% of the Royalty for the Mining Lease granted after 12th January, 2015.

   (ii) For coal, lignite and sand for stowing from 8th December, 2017 at the rate as prescribed by Central Government i.e 30% of the Royalty for Mining Lease granted before 12th January, 2015 and 10% for the Mining Lease granted after 12th January, 2015.

   (iii) For minor minerals 8th December, 2017 at the rate as prescribed in Schedule 1 of District Mineral Foundation Rules 2017 i.e 30% of the Royalty.

2. An interest of 15% p.a would be charged from 1st January, 2018 if outstanding dues are not cleared by 31st December, 2017.

3. All contribution shall be deposited in the Director of Mineral Resources Current Account No.37274650113 of the State Bank of India, Laitumkhrah Branch with IFSC Code SBINO.002081 and furnish the statement showing the details of the name of the mine, mineral, mine code, whether minor or major mineral, District, period and quantity for which the deposit relates etc. along with the proof of payment.

(R. P. MARAK),
Director of Mineral Resources, Meghalaya, Shillong.

Memo.No.DMR/MM/783/2016/ 2132 -A Dated Shillong, the 11th January, 2018

Copy to:

1. The Principal Chief Conservator of Forest & Head of Forest Force Meghalaya, Shillong for information.
2. The Joint Secretary to the Govt. of Meghalaya, Mining & Geology Department for information.
3. Chairman/Member Secretary DMF of all District for information.

8

THE MEGHALAYA MINOR MINERALS CONCESSION (AMENDMENT) RULES, 2017

GOVERNMENT OF MEGHALAYA
MINING & GEOLOGY DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION
The 11th July, 2017

No. MG.49/2011/439 - In exercise of the powers conferred by Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the Governor of Meghalaya is pleased to make the following rules to amend the Meghalaya Minor Minerals Concession Rules, 2017 (hereinafter referred to as the principal rules) :-

Short title and commencement

1. (1) These rules may be called the Meghalaya Minor Minerals Concession (Amendment) Rules, 2017.

(2) They shall come into force from the date of their notification in the Official Gazette.

Amendment of rule 6.

2. In rule 6 of the principal rules, for clause (e) after the figure "1908", the following words shall be added:-
"that is,

(i) Sale Deed; or
(ii) Gift Deed; or
(iii) Declaration Deed; or
(iv) Lease Deed; or
(v) Land Holding Certificate; or
(vi) Patta duly authenticated by the concerned authority; or
(vii) Lease Agreement to be certified by a Notary Pubiic or First Class Magistrate".

Amendment of rule 24.

3. (1) In rule 24 of the principal rules, for clause (d) after the word "Department", the following words shall be added:-
"Whenever applicable under the Meghalaya Transfer of Land (Regulation) Act, 1971".

(2) In rule 24 of the principal rules, for clause (g) after the figure "1908", the following words shall be added:-

"that is,

(i) Sale Deed; or
(ii) Gift Deed; or
(iii) Declaration Deed; or
(iv) Lease Deed; or
(v) Land Holding Certificate; or

(vi) Patta duly authenticated by the concerned authority; or

(vii) Lease Agreement to be certified by a Notary Public or First Class Magistrate".

Amendment of rule 25.

4. In rule 25 of the principal rules, for the word "three" appearing in sub-rule (2), the word "five" may be substituted.

Sd/-
(Smti. M.N. Nampui, IAS)
Secretary to the Government of Meghalaya,
Mining & Geology Department.

9

THE MEGHALAYA MINOR MINERALS CONCESSION (AMENDMENT) RULES, 2018

GOVERNMENT OF MEGHALAYA
MINING & GEOLOGY DEPARTMENT
ORDERS BY THE GOVERNOR
****

NOTIFICATION
The 29th January, 2018

No. MG. 49/2011/Pt.I/27- In exercise of the powers conferred by Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the Governor of Meghalaya is pleased to make the following rules to amend the Meghalaya Minor Minerals Concession Rules, 2016 (hereinafter referred to as the principal rules):-

Short title and commencement

1. (1) These rules may be called the Meghalaya Minor Minerals Concession (Amendment) Rules, 2018. (2) They shall come into force from the date of their notification in the Official Gazette.

Amendment of Rule 2.

2. In the Meghalaya Minor Minerals Concession Rules, 2016 (herein after referred to as the principal rules), in rule 2,- after clause(s), the following Clause(s) may be added-

"(t) "forest" as defined under the Meghalaya Forest Regulation (Amendment) Act, 2012.

(u) "incidental" in the context of extraction of minor minerals means such unintended extraction which arises out of non-mining activities such as construction of roads or other major infrastructural projects.

Amendment of Rule 4

3. (i) In Chapter II of Grant of Mining Lease & Quarry Permit - General, "rule 3" may be read as "rule 4".

(ii) In the aforesaid "rule 4" of the principal rules, Clause (b) of sub-rule 2 of the said "rule 4", the words "as identified by Forest and Environment Department according to its dictionary meaning" shall be deleted and substituted by the following words, -"

(b) falling within 'forest' as defined under the Meghalaya Forest Regulation Amendment Act, 2012 except after obtaining clearance under the Forest Conversation Act, 1980."

Amendment of Rule 39

4. In rule 39 of the principal rules, for the words appearing as "in consistent" may be substituted as "in conformity".

(T. Dkhar)
Commissioner & Secretary to the Govt. of Meghalaya
Mining & Geology Department.

Printed at the Directorate of Printing & Stationery, Megh., Shillong
No.4/19 Forest (Admn.) 500 copies