

**Government of Bihar**  
**Department of Mines and Geology**

**Notification**

**Notification No.                      /M Patna Dated**

In exercise of the powers conferred under Section 15 read with Section 23C and Section 26 of Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957), the Governor of Bihar is pleased to make the following Rules:-

**BIHAR MINERALS (CONCESSION, PREVENTION OF ILLEGAL MINING, TRANSPORTATION & STORAGE) RULES, 2018**

**CHAPTER I**  
**PRELIMINARY**

**1. Short Title, Extent and Commencement,-**

- (1) These rules may be called the **BIHAR MINERALS (CONCESSION, PREVENTION OF ILLEGAL MINING, TRANSPORTATION & STORAGE) RULES, 2018**
- (2) It shall extend to the whole State of Bihar.
- (3) It shall come into force on the day of its publication in the Official Gazette.

**2. Definitions-** (1) In these Rules, unless otherwise required in the context—

- (i) **“Act”** means the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);
- (ii) **“Collector”** means Collector-cum-District Magistrate of a district or any person appointed by the Government to exercise the powers and perform the functions of the Collector-cum- District Magistrate;
- (iii) **“Competent Officer”** means -  
in all cases in respect of all lands, and sub-soil including any right in mines and minerals whether discovered and

whether being worked or not, the Mining Officer of the District;

- (iv) **“Department”** means the Department of Mines and Geology, Government of Bihar;
- (v) **“Divisional Commissioner”** means the Commissioner of a Division appointed as such by the State Government;
- (vi) **“Director of Mines”** means the Director of Mines appointed as such by the State Government;
- (vii) **“Export”** means to take out of the State of Bihar otherwise than across a customs frontier as defined by the Central Government;
- (viii) **“Form”** means a form set out in schedule I appended to these rules;
- (ix) **“Government”** means the State Government of Bihar;
- (x) **“Import”** means to bring into the State of Bihar otherwise than across a customs frontier as defined by the Central Government;
- (xi) **“Local Authority”** means a Municipal Committee, District Board or other authority legally entitled to, or entrusted, by the Government with the control or management of a municipal or local fund;
- (xii) **“Mines Commissioner”** means the Commissioner of Mines and Geology, Bihar, or any other Officer authorized in this behalf by the State Government to perform the duties of Commissioner under these rules;
- (xiii) **“Minor Minerals”** means minor minerals as defined in clause (e) of Section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 and includes

such minor minerals as notified by the Ministry of Mines in their Notification No. SO 423 dated 10.02.2015;

- (xiv) **“Mineral Concession”** means a mining lease or settlement in respect of minor minerals and includes quarrying permits, permitting the mining of minor mineral(s) in accordance with the provisions of these rules;
- (xv) **“Mineral Concession Holder”** means a person holding a valid Mineral Concession for quarrying/raising stone, sand and other minor minerals from the settled/ lease hold area and would also include the plural there of;
- (xvi) **“Mining Plan”** means a plan prepared by a Recognized Qualified Person (RQP) on behalf of Department /mineral concession holder of minor minerals and includes progressive and final mine closure plans;
- (xvii) **“Mining Officer”** means the officer as mentioned under these rules;
- (xviii) **“Person”** means an individual, a firm, a company, an association or body of individuals, an institution or department of the State Government or Central Government;
- (xix) **“Prescribed”** means prescribed by these rules or guidelines;
- (xx) **“Public Demand”** means public demand as defined under Bihar & Orissa Public Demands Recovery Act, 1914 (Act 4 of 1914);
- (xxi) **“Quarrying Permit”** means a permit granted under chapter VI of these rules to extract and remove any minor minerals in specified quantities from the specified areas;

- (xxii) **“Recognized Qualified Person”** means a person who has been notified/ empanelled as such by the Department;
- (xxiii) **“Sandghat”** means a sand bearing area from where sand may be extracted and transported by means of a carrier;
- (xxiv) **“Settlement”** means a mining right given on behalf of the Government to quarry, win, work and carry away sand and other minor mineral(s) specified therein through a competitive bidding process as notified by the State Government;
- (xxv) **“State Government”** means the State Government of Bihar;
- (xxvi) **“Schedule”** means a schedule appended to these rules;
- (xxvii) **“Transit”** means to move from one State to another State through the State of Bihar;
- (xxviii) **“Transport”** means to remove from one place to another within the State of Bihar;
- (xxix) **“Works Departments”**- means Departments of the State or Central Government who are engaged in executing public projects like roads, rail, buildings, dams, water supply etc.
- (2) Words and expressions used but not defined in these Rules shall have the same meaning which are assigned to them in the Act.

## **CHAPTER II**

### **ESTABLISHMENT AND CONTROL.**

- 3. Appointment of Mines Commissioner** - The State Government may, by notification, appoint a Mines Commissioner who shall be responsible for Administration of these rules at the State level.

- 4. Appointment of Director Mines.** - The State Government may, by notification, appoint a Director Mines who shall be responsible for Administration of these Rules in the field offices at the district level.
- 5. Delegation and Withdrawal of Powers.** - (1) The State Government may delegate its powers to the Mines Commissioner or Collector subject to such limitations and conditions as may be specified in the order of delegation.
- (2) The State Government may, by an order, also withdraw from any Officer or person any or all the powers so delegated.
- 6. Role of the Collector.** - (1) The Collector of the district shall be responsible for the complete implementation of the provisions of the Act and these rules;
- (2) The Collector shall also be competent to exercise the powers of the Mining Officer under these rules;
- (3) The Collector shall exercise direct control and superintendence over all the Mining Officers of the district.
- (4) The State Government may, by notification, confer the powers of the Collector to any Officer, not below the rank of Inspector of the Mines Department or any Officer, not below the rank of Deputy Collector, of the Revenue Department, with such designations, powers and duties as the State Government may think fit.
- 7. Role of the Superintendent of Police.** - The Superintendent of Police shall :-

- (a) assist the Collector in ensuring implementation of the provision of the Act and these rules;
- (b) work under direct control and superintendence of the Collector;
- (c) enforce and implement such lawful directions of the Collector or Mines Commissioner or Director Mines as issued under the Act and these rules;
- (d) submit such reports and in such manner as the Collector or the Mines Commissioner or Director Mines may desire.

**8. Powers and functions of the Mines Commissioner.** - The Mines Commissioner –

- (a) Shall exercise over all control and superintendence over all Mining Officers in the State;
- (b) may require any Mineral Concession holder by notice to produce or caused to be produced before him such documents, accounts or other evidence which may be deemed fit;
- (c) may suo motto call for and examine the record of any proceeding conducted by any authority, officer or person subordinate to him under the Act and these rules and if he considers that any order passed therein is erroneous or is prejudicial to the interest of revenue, mining rules and environmental conditions, pass such order as he deems fit after giving the Mineral Concession holder or the person concerned an opportunity of being heard;

- (d) shall monitor the activities of the Mineral Concession holder and if he is prima facie satisfied that any Mineral Concession holder has violated all or any of the condition of the lease/ settlement or is not complying to any lawful direction issued by any authority, he shall direct the Collector to initiate proceeding to cancel/suspend such lease or such settlement.

Provided further that the Collector shall conduct a detailed inquiry against the said violation and then proceed to issue a notice to the said Mineral Concession Holder.

**9. Power and function of Director Mines.** – (1) He shall head the Directorate of Mines and shall exercise Administrative Control over all Mining Officers of the Department.

- (2) He shall be responsible for the security of all mining operations in the State. He shall also be responsible for ensuring that the interest of the State are protected and all the Mineral Concession Holder, Corporation, other licensees, operate as per the provisions of the Act and these rules.

- (3) He shall be responsible for the collection of royalty and other revenues payable.

- (4) There may be a Directorate of Security under him which shall employ adequate personnel on either deputation or recruitment from Civil / Police Personnel or retired Defense/ Para Military/ Police Personnel.

- (5) The Directorate of Security shall function under the control and supervision of Director and shall discharge such duties

as may be assigned to it by the Director including the investigation of the offences committed.

(6) The structure of the Directorate of Security shall be approved by the State Government.

**10. Mining Officers at the District Level.** –All districts of the State shall have a Mining Office headed by an appropriate Mining Officer to be appointed by the State Government.

**11. Persons with Special Powers.** – The State Government may, by notification, and in order to implement the Act and these rules, empower any Government functionary not being a Mining Officer, with powers to perform all or any of the functions of any Mining Officer under these rules, and such person shall, in exercise of these functions, be deemed to be a Mining Officer.

### **CHAPTER – III**

#### **General restriction on undertaking Mining Operation**

**12. Registration required for Grant of Mineral Concession**

(1) No person shall be eligible for grant of a mineral concession unless such person is a citizen of India or a company as defined in the Companies Act 1956/2013 or a firm registered under The Indian Partnership Act. 1932 and has duly registered himself with the Department of Mines & Geology, Govt. of Bihar, Patna.

(2) **Procedure for Registration** :-

**The detailed procedure for registration of a person as required under sub rule (1) shall be as follows:-**



- (i)** The registration shall be valid for a period of five years in case of all minerals including brick earth and ordinary clay/ earth only from the date of issue.
- (ii)** The renewal of registration may be done for a further period of five years.
- (iii)** The registration shall be done by the officer authorised by the Department in this regard.
- (iv)** The person interested in getting himself registered shall apply in Form 'A' before the registering officer as mentioned in para(iii)
- (v)** The application fee for registration and its renewal shall be Rs. 5000/- in case of brick earth and ordinary clay/ earth and Rs. 20,000/- in case of other minor minerals.
- (vi)** The application in prescribed Form 'A' shall be submitted along with the following documents:-
  - a)** Application fee in the form of account payee bank draft in favour of concerned mining officer or competent officer.
  - b)** Two passport size photographs of the applicant.
  - c)** A self attested copy of PAN Card.
  - d)** A self attested copy of GST registration an undertaking by the applicant that he shall get GST registration done before starting his mining operation.
  - e)** A self attested copy of address proof/Aadhar card.
  - f)** A copy of partnership deed in case of partnership firm/ a copy of Articles and Memorandum of

Association in case of a company registered under the Companies Act, as the case may be.

- g) A copy of Income Tax return of the previous three financial years or an affidavit that he/she was not an assessee of income tax.
- h) A copy of character certificate issued by the competent authority.
- i) Royalty clearance certificate/ affidavit or self attested certificate in this regard.
- j) An affidavit/ self attested certificate that the applicant has not been convicted by any court of law.

**(3) Issue of Registration Certificate :-**

- (i) The officer authorised by the Department shall issue a registration certificate in Form 'B' to the concerned applicant within a period of 30 days from the date of receipt of the application.
- (ii) The Officer authorised by the Department shall maintain a register incorporating the details of the persons registered by the concerned office.

**(4) Restriction :-**

No person shall be entitled to operate a minor mineral concession if he/she does not hold a valid registration certificate.

**13. Prohibition of mining operation without permit or mining lease:-**

- (1) No person shall undertake any mining operation in any area, except under and in accordance with the terms and

conditions of a quarrying permit or, as the case may be, a mining lease, granted under these rules;

Provided that nothing in this sub-rule shall affect any mining or quarrying operations undertaken in any area in accordance with the terms and conditions of a mining lease or quarrying permit granted before the commencement of these rules which is in force at the time of such commencement.

- (2) No quarrying permit or mining lease shall be granted otherwise than in accordance with the provisions of these rules.

**14. Restriction on the grant of quarrying permit or mining lease:-**

No mineral concession shall be granted in respect of any land:-

- a) to a person who is not an Indian national except with the previous approval of the Government.
- b) in respect of land notified by Government as reserved for the use of the Government, local authorities or for any other public or for special purposes except with the previous approval of the Government.
- c) in reserved and protected forest area without consulting the Divisional Forest Officer concerned.
- d) in respect of any land within a distance of 50 meters from any village, bridge, national highway or reservoir except with the prior approval of the State Government.
- e) Falling within 'forest' as identified by Forest & Environment Department according to its dictionary meaning except after obtaining clearance under the Forest Conservation Act, 1980;

- f) Falling within protected areas, such as national parks, sanctuaries, community reserves and wild life corridors;
  - g) Falling within bio-diversity heritage sites as defined under the provisions of the Biological Diversity Act, 2002 (Central Act No.18 of 2003); and
  - h) Notified by the State Government from time to time as no mining zone.
- 2) 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.

**15. Boundaries below the surface.- Boundaries of the area covered by a mineral concession shall run vertically downwards below the surface towards the centre of the earth.**

**16. Maximum and Minimum area for a Mining lease/ Settlement-**

**(1)** No person shall acquire in the State in respect of any minor mineral one or more mineral concessions covering a total area of more than 100 (one hundred) hectares.

Provided that in case of sand settlement, the total area may exceed the aforesaid maximum as notified by the State Government from time to time in this regard."

**(2)** The minimum area for grant of a mineral concession shall be 5 (five) hectares:

Provided that the State Government may decide to have a mineral concession of less than 5 hectares or more than 5 hectares in terms of the Notification No. SO141E dated 15.01.2016 issued by Ministry of Environment, Forest and

Climate Change, Government of India and their guidelines as issued from time to time.

- 17. Mineral concession to be in a compact block-** No mineral concession shall be granted in respect of any area which is not compact and contiguous:
- 18. Duration of mineral concessions.** – Ordinarily, the duration of the mineral concessions for minor minerals shall be 5 years.

Provided that the State Government may decide to settle a mineral concession for a particular minor mineral for a period of 3 years or less depending upon each case.

- 19. Mining Plan.** – Each Mineral Concession Holder shall have to submit a Mining Plan, to the Department/Mining Officer before commencing the mining operation. Such mining plan shall be prepared by any Recognized Qualified Person.

**(A) Essential Factors to be considered for preparation of Mining Plan-**

While preparing the Mining Plan the following issues should be taken into consideration:-

- (i) Estimated level of production.
- (ii) Estimated level of mechanization.
- (iii) Type of machinery to be used.
- (iv) Estimated quantity of diesel / fuel consumption.
- (v) Estimated number of trees to be uprooted due to mining operation.

**(B) Important aspects of Mining Plan-** The said Mining Plan shall incorporate –

- (i)** The plan of the precise area showing the nature and extent of the minor mineral reserve;

- (ii)** Spot/ spots where the excavation is proposed and its extent;
  - (iii)** A detailed cross section and detailed plan of spots of proposed excavation.
  - (iv)** Details of the geology of the precise area including minor mineral reserves of the area.
  - (v)** The extent of manual mining/ mechanised mining in the precise area.
  - (vi)** Measures under Mine Closure plan -Progressive and Final Mine Closure plan.
  - (vii)** Annual programme and plan for excavation in the precise area from year to year for the entire mineral concession period.
  - (viii)** Any other matter which the State Government may require to be provided in the mining plan.
- (C)** The mining plan 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 is empanelled with State Government or other State Government or Central Government.

- (D) Approval and submission of Mining Plan-** The applicant shall submit a mining plan duly prepared by an RQP and approved by the Department or any person/academic institution/ Govt. Agency authorised by the Department in this regard within a period of three months from the date on which communication regarding grant of mineral concession is received or such other period as may be decided/ allowed by the department for the submission of the approved mining plan .
- (E) Period of validity of Mining Plan-** The mining plan, once approved shall be valid for the entire mineral concession period unless revised/ modified during the mineral concession period.
- (F) Modification of Mining Plan-**
- (i)** The Department or any person authorized in this behalf by the Department may require the holder of a mineral concession to make such modifications in the mining plan or impose such conditions as it considers necessary by an order in writing if such modifications or imposition of conditions are considered necessary.
    - (a)** In light of the experience of operation of mines.
    - (b)** In view of the change in the technological development.
    - (c)** In light of any change in the legal provisions or the orders of any court.
  - (ii)** A Mineral Concession Holder, desirous of seeking modifications in the approved mining plan, shall apply

to the Department or any person authorized in this behalf setting forth the intended modifications and explaining the reasons for the same.

**(iii)** The Department or any person / academic institution/ Govt. Agency authorized in this behalf by the Department may approve the modification or approve with such alterations as it may consider expedient within a period of sixty days from the date of receipt of such application for modification of mining plan.

**(iv)** Where no decision is communicated within the aforesaid period of sixty days, the mining plan or modified mining plan or scheme of mining, as the case may be, shall be deemed to have been provisionally approved, till such time a final decision in the matter is communicated.

**(G) (i) Mine Closure Plan-** Every mine shall have Mine Closure Plan which shall be of two types –

**(a)** Progressive Mine Closure Plan; and

**(b)** Final Mine Closure Plan.

**(ii) Submission of Progressive Mine Closure Plan -**

**a)** The owner, agent or manager of a mineral concession shall submit a progressive Mine Closure Plan as a component of mining plan to the officer authorized by the Department in this behalf as the case may be for approval within a period of one year from the date of grant of such mineral concession.



- b)** The officer authorized by the Department in this behalf shall convey his approval or refusal of the progressive mine closure plan within ninety days of the date of its receipt.
- c)** If approval or refusal of the progressive mine closure plan is not conveyed to the owner, agent or manager of the mineral concession the progressive mine closure plan shall be deemed to have been provisionally approved, and such approval shall be subject to final decision whenever communicated.

**(iii) Submission of Final Mine Closure Plan-**

- a)** The owner, agent or manager of a mineral concession shall submit a final mine closure plan to the officer authorized by the Department in this behalf for approval one year prior to the proposed closure of the mine.
- b)** The officer authorized by the Department in this behalf shall convey his approval or refusal of the final mine closure plan within ninety days of the date of its receipt to the owner, agent or manager of the mineral concession.
- c)** If approval or refusal of the final mine closure plan is not conveyed to the owner, agent or manager of the mineral concession, the final mine closure plan shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

**20. Protection of Environment-**

(1) Every holder of a mineral concession shall take all possible precautions for the protection of environment and control of pollution while conducting mining operation, beneficiation , crushing or any other allied activity.

(2) **Environmental Clearance-** All Mineral Concession Holders shall obtain a prior environmental clearance as per the prevailing Environmental Impact Assessment notification and latest instructions issued by the Competent Authority of the Ministry of Environment and Forest, Government of India in this regard and as per the provisions of the Environment Protection Act.

Provided further that the Mineral Concession Holder shall obey and comply with such other instructions regarding environmental protection and Environmental Clearance issued from time to time by the Government of India, State Government, Central Pollution Control Board, State Pollution Control Board and the Collector of the District.

(3) **Mining operation to be in accordance with Environmental Clearance-** All mining operations shall be in accordance with the terms and conditions laid under the environmental clearance submitted by the Mineral Concession Holder as specified in sub rule (2).

**21. Contribution to the District Mineral Foundation. -**

(1) The mineral concession holder shall deposit or make payment to the District Mineral Foundation which is created as per the District Mineral Foundation 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.

**22. Mining in the Forest Areas.** – (1) The minor minerals lying inside any forest area may be bid out by the Collector with the condition that the prospective Settlee brings the due permission from the Forest Department under the Forest Conservation Act, 1980. The formal mining lease deed shall be executed only after the required clearance from the Forest Department is received.

**23. Mining on the Raiyati Land.** – (1) Wherever any minor mineral is discovered or available on a raiyati land, the Collector shall be competent to bid out the said minor mineral as per the procedure laid down in these rules.

- (2) The Collector may enter into such Agreement with the Raiyat and pay such compensation as may be mutually agreed.

(3) Such Raiyat shall not *ipso facto* get a right for excavating the mineral and shall have to participate in the public bidding.

**24. Other Conditions.** – (1) The Department may require any Mineral Concession Holder to take up environmental friendly activities and set up such modern facilities like weigh bridges, computers, offices at the mining sites or his premises.

- (2) The Department may lay down such other conditions from time to time on the Mineral Concession Holders and the Corporation as it may deem fit in order to enforce the provision of the Act and these rules. These may, inter alia,

include such conditions as are peculiar to a particular minor mineral or a particular geographical area.

#### **CHAPTER – IV**

#### **PROCEDURE FOR GRANT OF A MINING LEASE.**

**25.** Any mineral concession in the form of a mining lease shall be settled by means of public auction cum tender only through e-bidding mode and as per the procedure laid in the latest notification issued by the State Government in this regard or as decided by the State Government in this regard from time to time.

(1) For the purpose of grant of mineral concession by public auction cum tender the Collector shall notify the following particulars of the area, namely:-

Every bidder of mineral concession shall file the following documents five days before the auction:-

- (a) Toposheet No. extent of the area and boundaries.
- (b) Name of village, Circle, Plot No. Khata No. etc.
- (c) The period of mineral concession.

Provided that the period of mineral concession shall not be less than five years and extent of the quarrying lease area shall not be less than 5(Five) hectares or as mentioned in rule 16 of the rules .

(d) Date of auction shall be notified before one month from the date of auction.

(2) Every bidder of mineral concession shall file required documents before public auction cum tender as notified by the State Government in this regard from time to time.

- (i) Clearance Certificate in respect of mining dues, such as royalty or dead rent and surface rent as obtained from competent officer.
  - (ii) Every application shall be accompanied by an affidavit stating that the applicant has:-
    - (a) Filed up-to-date income tax return.
    - (b) Paid the income tax assessed on his total income.
  - (iii) Deposited the amount equivalent to 10[ten percent] of auction amount as security which shall be adjusted with the last installment of auction amount if the mining leaseholder is not otherwise defaulter in payment. In case of unsuccessful bidder the security deposit shall be refunded by the Collector.
- (3) **Payment of bid amount**-The bid amount shall be deposited in yearly basis in equal installments and each installment shall be deposited sixty days before the completion of one year from the date of execution of the lease during the first year followed by the same procedure in the consecutive years.

Provided that notwithstanding repugnant in these Rules or otherwise the settlee shall pay extra royalty for the quantity of stone/sand extracted and dispatched in excess of the quantity equivalent to bid amount.

- (4) **Default in payment**- If any installment shall not be deposited before prescribed period, 24 percent simple interest shall be charged up to two months and after that action for cancellation shall be taken.

(5) **Fixation of Minimum Reserve Value :-**

- (i) The fixation of minimum reserve value shall be as decided by the Department from time to time.
- (ii) If no bidder turns up during the auction process on the so fixed minimum reserve value even after trying for more than one time, the minimum reserve value will be revised by the district level committee as decided and headed by the Collector.

(6) **Procedure for settlement-** The State Government shall issue a notification regarding detailed procedure for settlement from time to time as and when required.

(7) **Failure on the part of the successful bidder-** In case the successful bidder fails to deposit the required security deposit along with other payable taxes within the prescribed time limit as referred to in the prevailing notification of the State Government in this regard, his security deposit shall be forfeited and the Collector/ Officer so authorised by the State Government shall give an opportunity to the second bidder to deposit his respective bid amount and submit the required documents within the prescribed time limit as referred to in the above said notification. On failure of the second bidder to comply with the same, his security deposit too shall be forfeited and a fresh settlement process shall be initiated.

**26.** All such minerals notified by the Central Government vide notification no. SO 423(E) dated 10.02.2015 and contained in Schedule-IIA shall be settled through public auction-cum-tender through e-bidding mode or as decided by the State Government in this regard from time to time.

**26A. Application for grant of mining leases.**-Notwithstanding anything contained in this rules any application for grant of mining lease shall be disposed of in the following maner :-

- (1)
  - (a) A mining lease except of granite shall be granted by the Collector,
  - (b) Mining lease of granite shall be granted by the State Govt.
- (2) Every application for a mining lease in respect of any shall be made in Form "C" to the Competent officer or any other officer authorised by the Collector.
- (3) Every application for a mining lease shall be accompanied by a fee of Rs. 10,000/- and details of the land in respect of which the mining lease is applied for, and where so required, certified copy or copies of the relevant extracts of the record of rights.
- (4) Every application for mining lease shall be accompanied by a valid clearance certificate of payment of mining dues such as royalty or dead rent, surface rent and cess upto the end of last financial year in respect of all mineral concessions held in the State of Bihar.
- (5) Every application shall be accompanied by an affidavit stating that the applicants has-
  - (i) filed Income-Tax returns up-to-date;
  - (ii) paid the Income- Tax assessed on him; and
  - (iii) paid the Income-Tax on the basis of self assessment as provided in the Income-Tax Act, 1961.

- (6) Every application shall be accompanied by the affidavit showing particulars areas mineral wise in such State, which the applicant or any person jointly with him -
- (i) already holds under a mining lease;
  - (ii) has applied for but has not been granted; and
  - (iii) being applied for simultaneously.
- (7) Every application shall be accompanied by a statement in writing that the applicant, has, where the land is not owned by him, obtained surface right over the are or has obtained the consent of the owners for starting prospecting operator provided that no such statement shall be necessary where the land is owned by the State Govt.

Provided that consent of the raiyats/owners of the land for starting prospecting mining operations in the area or part thereof shall be furnished after execution of the lease deed but before entry into said area;

When an application for a mining lease is not accompanied by the above mentions papers it shall be rejected straightway by the Competent Officer within a period of 15 days from the date of its receipt.

**27. Survey of the area :-** Survey and demarcation of the area under a mineral concession shall be done by the mineral concession holder 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.



- (1) (a) Every mining lease shall be in Form 'D' or in a Form as near there to as circumstances in each case may require.
- (b) The conditions embodied in Form D shall be deemed to be conditions imposed under this Rule and shall be binding upon the lessee.
- (2) The mineral concession holder shall erect boundary pillars at regular intervals (not exceeding 20 (twenty) metres in any case) at the boundary of the lease hold area. The said boundary pillars should be made of reinforced concrete pillars of dimension of minimum one square feet and height of 1.5 metres, 1/3rd of which shall be erected below the ground. The part of the pillar above the ground shall be painted in white and black colour alternately (in zebra style) so as to render it distinctly visible."
- (3) The Collector may impose such other conditions as he deems necessary in regard to the following namely:-
  - (a) The time limit, mode and place of payment of rents and royalties;
  - (b) The mineral concession holder shall pay to the occupier of the surface of the land such compensation as may become payable under these rules.
  - (c) The mineral concession holder shall take such measures for planting in the same area or any other area selected by the Central or state Government not less than twice the number of trees destroyed by reasons of any mining operation or to the extent

possible, the restoration of flora and other vegetation destroyed by such operation.

- (d) The restriction of surface operations in any area prohibited by any authority;
  - (e) The notice by mineral concession holder for surface occupation;
  - (f) The provision of proper weighing machines;
  - (g) The facilities to be given by the mineral concession holder for working other minerals in the lease area or adjacent area;
  - (h) The reporting of accidents;
  - (i) The securing of pits and shafts;
  - (j) The indemnity to Government against claims of third party;
  - (k) The delivery of possession of lands and mines on the surrender, expiration or determination of the lease.
  - (l) The forfeiture of property left after determination of the lease;
  - (m) The power to take possession of plant, machinery, premises and mines in the event of war or emergency.
  - (n) The lessee shall not pay a wage lesser than the minimum wage prescribed by the Central or State Government from time to time under the Minimum Wages Act, 1948
- (4) The Collector, if he is of the opinion that in the interest of mineral development it is necessary so to do, may, in any case with the previous approval of the Government, impose such further conditions as he think fit.

**28. Application for the transfer of mineral concession-**

- A.** The transferor and transferee interested in the transfer shall produce valid clearance certificate of payment of mining dues such as settlement amount, royalty, dead rent, surface rent etc.
- B.(1)** The mineral concession holder shall not assign, sub-let, mortgage or in any other manner transfer the quarrying lease or any right, title or interest vested therein unless prior order of Collector has been obtained, to any other person.
- (2) Every Mineral Concession Holder seeking prior order under sub-rule (1) shall make an application to the Mining Officer which shall be accompanied by a letter of consent of the owner or occupant of the land to the effect that he has no objection for quarrying minor minerals by the transferee.

**29. Execution of lease.-**

- (1) Where a mineral concession is granted under the rules the formal lease deed shall be executed by the Collector in Form "D" within 180 days of the order sanctioning the lease and if the person to whom such mineral concession has been granted fails to submit the required documents for execution within the aforesaid period the order sanctioning the lease shall be deemed to have been revoked, and in that event the application fee and the security deposit shall be forfeited:

Provided that no lease shall be executed unless the person to whom such lease has been granted submits the mining plan and environment clearances as required under these rules.

Provided further that where the Collector is satisfied that the person to whom such lease has been granted is not responsible for the delay in execution of the formal lease, he may permit the execution of the formal lease even after the expiry of the aforesaid period of 180 days.

- (2) The date of the commencement of the period for which a mineral concession is granted shall be the date on which the mining lease deed is executed under sub-rule (1) and the lessee shall be liable to pay rent/royalty from the date of the execution of the mining lease.
- (3) The lease deed has to be duly registered by paying proper stamp duty and registration fees.
- (4) No claim for extension of lease period shall be entertained for any delay.

## **CHAPTER – VI**

### **SETTLEMENT OF SAND**

**30(A)(1) Mode of Settlement:** - The settlement of sand as minor mineral shall be done by public auction-cum-tender through e-bidding mode in favour of the highest bidder by the Collector/any officer so authorised by the State Government in the underlined manner:-

- (a) Each river as a whole situated in each district shall be considered as a single stretch, the minimum area of which shall not be preferably less than 5 hectares in any case.
- (b) Likewise, all rivers in a district shall be treated as individual stretches and all such stretches in one

district shall be combined into one single unit for the purpose of settlement.

- (c) The highest bidder shall deposit 25% of the auction amount immediately after the auction, following which an in-principle sanction order shall be issued in his favour by the Collector / any officer so authorised by the State Government.
- (d) The highest bidder shall submit the required documents (approved mining plan, environmental clearance, bank draft of the due installment of auction amount and other taxes within the prescribed time limit as referred to in the prevailing notification issued by the State Government in this regard, following which the work order shall be issued in his favour by the Collector/ any Officer so authorised by the State Government.
- (e) The successful bidder shall submit a mining plan prepared for the respective sandghat unit and duly approved by the Department or any person / officer authorised in this regard.
- (f) The successful bidder shall obtain environmental clearance from the competent authority as per the prevailing Environmental Impact Assessment notification of the Ministry of Environment, Forest & Climate Change, Government of India and as per the provisions of the Environment Protection Act.

Provided that the State Government may direct for the combined settlement of two or more districts as

one single unit keeping in view specific geographical disposition, practical difficulties in district-wise demarcation of river bed and sand mining areas located therein, law and order situation, interest of revenue, checking of illegal mining and other relevant factors into consideration.

Provided further that the State Government may direct settlement of sand ghats stretchwise / individual sandghat wise within a district by Public Auction cum tender through e-bidding mode in favour of successful bidder through either forward or reverse auction.

Provided further that in case of non settlement of anyone or more units, the Mines Commissioner may decide collection of royalty through State Owned Corporation or Zila Parishad or Gram Panchayat on recommendation of the Collector.

Provided further that such sand deposits in insolated and far flung areas, which reasonably and conveniently could not be settled by auction shall be identified by the Collector and on approval of the same by the Mines Commissioner, the Mining Officer may issue permits for extraction of sand from such areas, period for which will not exceed one year.

**(2) Restricted areas for sand quarrying-**

- (i) The quarrying of sand shall be prohibited within 300 (three hundred) metres on both sides of any railway bridge or any bridge falling under any National Highway/ State Highway and shall be prohibited within 100 (one hundred)

metres of both sides of any other bridge. However the prohibited zone in respect of any particular bridge may be extended by the State Government through a notification in this regard, if so required for reasons of safety.

- (ii) No quarrying shall be permitted within 50 (fifty) metres of any public place i.e. Cremation ghat or any religious place etc.
- (iii) No quarrying shall be permitted within 5 (five) meters from both banks of the river.
- (iv) The quarrying of sand shall be prohibited within 100 (one hundred) metres upstream and downstream from any dam/ weir or any other structure erected for irrigation purpose.
- (v) No quarrying shall be permitted within 46 (forty six) metres distance from Flood control embankments. The quarrying shall be restricted upto a depth of 1.80m within 46 (forty six) metres to 61(sixty one) metres distance from the said embankments and shall be further restricted upto a depth of 2.40 metres within 61 (sixty one) metres to 91 (ninety one) metres distance from the abovesaid embankments.
- (vi) The irrigation outlet shall be maintained at the same level as that of the river bed and in no case the river bed level shall be permitted to be below the irrigation outlet level. No quarrying shall be permitted around the infiltration well/ intake well up to a distance of 5 metres.
- (vii) The extraction of sand shall be permitted only after obtaining a No Objection Certificate from the Water

Resources Department in the case of rivers where from irrigation channels are out flowing.

(viii) No quarrying of sand shall be permitted in any private land owned by any person unless the settler obtains the consent of the concerned land owner / raiyat.

(ix) No quarrying of sand shall be permitted in any area which the State Government notifies as a restricted area.

**(3) Maximum permissible depth for sand quarrying-** The maximum depth of sand quarrying in the river bed shall not exceed three metres measured from the unmined bed level at any point of time or the water table whichever is less.

**(4) Fixation of Minimum Reserve Value :-**

(i) The fixation of minimum reserve value shall be as decided by the Department from time to time.

(ii) If no bidder turns up during the auction process on the so fixed minimum reserve value even after trying for more than one time, the minimum reserve value will be revised by the district level committee comprising of Additional Collector of the district, district level representative of Mines Department and Commercial Taxes Department and headed by the Collector.

The said sand ghat/sand ghat unit shall be put to re-auction on the basis of the above said revised minimum reserve value.

**(5) Procedure for settlement-** The State Government shall issue a notification regarding detailed procedure for settlement of sand ghat/sand ghat unit from time to time as and when required.



(6) **Failure on the part of the successful bidder-** In case the successful bidder fails to deposit the required security deposit along with other payable taxes within the prescribed time limit as referred to in the prevailing notification of the State Government in this regard, his security deposit shall be forfeited and the Collector/ Officer so authorised by the State Government shall give an opportunity to the second bidder to deposit his respective bid amount and submit the required documents within the prescribed time limit as referred to in the above said notification. On failure of the second bidder to comply with the same, his security deposit too shall be forfeited and a fresh settlement process for the concerned sand ghat / sand ghat unit through public auction shall be initiated.

**30B (1) Payment of Security Deposit-** Every settlee of sand as minor mineral shall deposit the amount equivalent to 25 (twenty five) percent of auctioned / tendered amount as security/in case of reverse bidding as decided by the department for due observance of the terms and conditions of settlement which shall be refunded after the expiry of the period of settlement / adjusted with the last installment of the settlement by the Mining Officer (as defined in the rules).

(2) **Execution of Settlement Deed :-**

Where the settlement is made by public auction-cum- tender, a deed shall be executed in form 'D' or a form as near thereto as circumstances of each case may require in this rule and accordingly registered within 60 days of the issue of the Work Order.

**(3) Mode of Payment of Royalty / Settlement Amount-**

- (i) The settlee shall make payment of the settlement amount as laid down in the Tender Document.
- (ii) In case the royalty computed on annual basis for the mineral extracted exceeds the annual settlement amount, the settlee shall be liable for payment of excess royalty for the additional quantity as extracted in addition to the settlement amount.

**(4) Default in Payment :-**

In case of default in payment of any installment within prescribed date, a simple interest at the rate of 24 percent per annum shall be charged.

**30C. Observance of terms & conditions of mining plan/  
environmental clearance-**

- i.** The settlee shall observe the terms and conditions of the mining plan as well as the terms and conditions laid in the Environmental Clearance pertaining to the concerned settlement."
- ii.** The mineral transportation shall be carried out through covered carriers only. In case of transportation of wet sand by any carrier and/ or transportation of sand through a carrier without covering, a penalty of ten thousand rupees shall be imposed against the carrier concerned by the mining officer.

**30D. Deployment of Machinery & Installation of weight ride-**

- (1) The settlee may deploy machinery for lifting of sand after giving due consideration to the employment of local people.

- (2) In case of any dispute regarding employment of people in any sand ghat, the matter shall be decided by the Collector on the recommendation of the Sub-Divisional Officer of the area concerned. The decision of the Collector shall be final and binding on all concerned.
- (3) The settlee shall install a weighbridge inside or near to the major sand ghats on the instruction of the Collector.
- 30E.** (i) In case of breach of any of the condition laid in sub rule (2) and (3) of Rule 30A, a penalty of Rs. One Lakh shall be imposed against the settlee for a first time violation by the competent authority.
- (ii) For a second time violation a penalty up to Five lakh rupees may be imposed against the settlee.
- (iii) Wherever a settlee is found indulging in such offence for the third time or more the settlement may be suspended by the Collector temporarily until such breaches are rectified. If the breaches are not rectified in the time given by the mining officer in this regard, action for cancellation of the settlement of the sand ghat / sandghat units shall be taken after forfeiting the entire amount deposited by the settlee.

## **CHAPTER – VI**

### **PROCEDURE FOR GRANT OF QUARRYING PERMIT**

#### **31. Grant of quarrying permits.-**

- (1) On an application made to him, the Mining Officer may grant a quarrying permit in Form “F” to any person to extract and

remove from any specified land within the limits of his jurisdiction any mineral not exceeding Ten thousand cubic metres in quantity under anyone permit, on pre-payment of royalty at the rates specified in Schedule III'A'. Before granting such permit, the Competent Officer shall satisfy himself that the requirement of the permit is genuine 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.

- (2) The Mining Officer may refuse the issue of such permits for reasons to be recorded by him in writing.
- (3) The permits for extraction of ordinary earth under this rule shall not be granted for excavation beyond a depth of three feet for areas where "sand deposits" are available below the ordinary earth/clay/soil. No raiyat can claim for any permit from any specific land already lease/ settled to anybody for mining.
- (4) The department may issue instructions for ban of granting Quarrying Permit for any particular mineral or minerals.

### **32. Application for quarrying permit.-**

- (1) An application for quarrying permit shall be submitted to the Mining Officer in Form 'E'.
- (2) Every application for quarrying permit shall be accompanied by a fee of [Rs. 5000/-]. (for Bangla Brick kiln the fee for quarrying permit shall be Rs. 500/- only).
- (3) Every application for quarrying permit shall be accompanied by a valid and up-to-date clearance certificate of payment of mining dues, if any.

- (4) Every application of a quarrying permit shall, if the lands from which the minor mineral is to be extracted are raiyati lands, be accompanied by a written consent letter from the occupant of such lands to the effect that he has no objection to the extraction of the mineral by the applicant.
- (5) The application fee and royalty shall not be refunded if the raiyat subsequently refuses permission to the permit holder to work in the raiyati area.
- (6) Every application for the extension of the period of the permit shall be accompanied by a fee Rs. 1000.]
- (7) The area applied for grant of quarrying permit shall be in a compact block covering not more than 5 hectares.

**33. Disposal of application for quarrying permit.-** (1) An application for the grant of quarrying permit shall be disposed of by the Mining Officer within 30 days from the date of its receipt.

- (2) If any application is not disposed of within the period specified in sub-rule (1), it shall be deemed to have been rejected.

**34. Conditions on which the quarrying permit shall be granted.-**

- (1) Every quarrying permit granted under rule 31(1), shall contain a condition that the depth of the pit below the surface shall not exceed (3 metres).
- (2) Any quarrying permit granted under rule 31(1) may contain such other conditions as the Mining Officer may deem necessary in regard to the following matters, namely:-
  - (a) Time limit, mode and place of payment of rents and royalties;

- (b) Compensation for damage to the land covered by permit;
  - (c) Felling of trees in consultation with Divisional Forest Officer in case of forest areas and in consultation with the Additional Collector in other areas;
  - (d) Restriction on surface operation in any area prohibited by any authority;
  - (e) Reporting of accidents;
  - (f) Indemnity to Government against claims of third parties;
  - (g) Period within which the minor mineral shall be extracted and removed and delivery of possession over lands on the expiry of such period or on the removal of the quantity of the minor mineral for which the permit is valid;
  - (h) Forfeiture of property left after cancellation of the permit; and
  - (i) Disposal of minerals in stock at site after expiry of the permit.
- (3) In case of breach of any of the conditions subject to which the permit is granted, the Mining Officer may cancel the permit issued by him. On cancellation of the permit, the quarried material lying on the land from which they are extracted shall become the absolute property of the Government and may be sold by public auction by the Mining Officer.
- (4) The Mining Officer after such enquiry and verification, as they may deem necessary, shall assess amount of royalty and penalty for the excess quantity at the end of the prescribed period].

- (5) Every permit holder shall obtain a prior environmental clearance as specified in Rule 20 (2).
- (6) Every permit holder shall also abide by the following conditions-
- (i)** The activity associated with mining / excavation of brick earth and ordinary clay / earth for purpose of brick manufacturing, construction of roads, embankments etc. shall not involve blasting.
  - (ii)** The mining / excavation activity shall be restricted to a maximum depth of 3m below normal ground level at the site.
  - (iii)** The mining / excavation activity shall be kept above the ground water table at the site.
  - (iv)** The mining / excavation activity should not alter the natural drainage pattern of the area.
  - (v)** The mined/ excavated pit shall be restored by the project proponent for useful purpose(s).
  - (vi)** Appropriate fencing all around the mined / excavated pit shall be made to prevent any mishap.
  - (vii)** Measures shall be taken to prevent dust emission by covering of mined / excavated earth during transportation.
  - (viii)** Safeguard shall be adopted against health risks on account of breeding of vectors in the water bodies created due to mining/ excavation of earth.
  - (ix)** Workers / labourers shall be provided with facilities for drinking water and sanitation.

- (x) A berm shall be left from the boundary of adjoining field having a width equal to at least half the depth of proposed excavation.
- (xi) A minimum distance of 15 m from any civil structure shall be kept from the periphery of any excavation area.
- (xii) No mining of earth / excavation of 'brick earth' or ordinary earth shall be permitted in case the area of mining excavation is within 1km of boundary of national parks and wild life sanctuaries:

Provided that the permit holder shall abide by any other condition imposed or any instruction issued by the Central Government / State Government in this regard."

**35. (A) Grant of Mineral Disposal Permit for mineral encountered in the process of construction of Building / Structure/Development Projects:-**

Notwithstanding anything contained in these rules, where any mineral is encountered in the process of construction of any building or a development project and has to be extracted in the process of execution of such project the Collector on a report from concerned mining office may grant a permit for removal and use of any such minor mineral from any specified land not already leased/settled to anybody for mining. The said permission may be granted on payment of the applicable royalty and other charges to the Government in advance for the specified quantity and period not exceeding three months.



**(B) Grant of Mineral Disposal Permits for minerals excavated in the process of maintenance of Canal and Drainage System by the Department of Irrigation:**

Notwithstanding anything contained in these rules where any silt or sand or ordinary earth or any other minor mineral is extracted in the process of maintenance and upkeep of a canal or drainage system or clearance of drains, the Collector on a report from concerned mining officer may grant a permit for removal and use of any such minor mineral. The Executive Engineer concerned shall submit an application before the concerned mining office for issue of permit for disposal of the said mineral. The said permission may be granted on payment of the applicable royalty and other charges to the Government in advance for the specified quantity and period not exceeding three months.

**(C) Permit for removal of sand accumulated due to flood and overflow.**

- (i)** Notwithstanding anything contained in these rules the Collector may grant permit for removal of sand accumulated due to flood and over flow to tenant.
- (ii)** Every application for permit shall be accompanied by the description of the land giving location of the area from where removal of sand shall be made and estimated quantity of sand for which permit is required.
- (iii)** Concerned Assistant Director/ Mineral Development Officer/ Mining Inspector shall make an enquiry on the following points whether:

- (a) The said have been accumulated on the applied land due to floods and overflow;
- (b) The name of the applicant/ applicants is/ are recorded as bonafide tenants for the applied areas.
- (c) The quantity of sand, applied by the applicants, is available in the applied area;
- (iv) The said permission may be granted on conditions as decided by the State Government from time to time.

**(D) Permit s for specific emergency situations.**

Notwithstanding anything contained in these rules the Collector may grant permit for extraction of minor minerals from such area which has not been granted on mineral concession to such government department or any other government agency requiring mineral for execution of works relating to emergent flood protection works or any other natural calamity or other pressing circumstances for safety of human and cattle life under emergency conditions. The said permission may be granted on payment of the applicable royalty and other charges to the Government in advance for the specified quantity.

***All application under Rule 35(A), (B),(C) & (D) shall be in Form "G" and the permits shall be granted in Form "H".***

**CHAPTER- VII**  
**REGULATION AND REVENUE COLLECTION FROM BRICK KILN**

**36. (1) Consolidation of royalty on brick earth:-**

Notwithstanding anything contained in these rules, the State Government shall determine a consolidated amount of royalty which may be revised once in three years, to be paid by the Brick Kiln owner/brick earth remover per kiln per annum as mentioned in Schedule III-B of the Rules to the State Government on a fixed number of bricks for every classified area.

Provided that the State Government may for the purposes of determining the consolidated amount of royalty to be so paid classify the place into different categories taking such facts into account which the State Government think proper.

(2) **Authorisation of Sub divisional Officer and Deputy Collector Land Reforms (D.C.L.R.) to take action:-**

The Sub Divisional Officer (SDO) and Deputy Collector Land Reforms (D.C.L.R.) of the area concerned, shall be duly authorized to function in the manner provided under this Rule.

(3) **Grant of Quarrying permit for Brick Earth :-**

On an application made to him by an applicant duly registered under these rules and on submission of the required documents as prescribed in Rule 32 of these rules along with the required Environmental Clearance from State Environment Impact Assessment Authority/ District Environment Impact Assessment Authority, a No Objection Certificate and Emission Consent order from the Bihar State Pollution Control Board and the consolidated amount of royalty as per Schedule III B of the rules, the Mining Officer shall grant a quarrying permit in form 'F' for extraction and

removal of brick earth in respect of any brick kiln for a particular brick season from any specified land within the limits of his jurisdiction.

**(4) Mode of Payment:-**

The brick kiln owner/brick earth remover shall pay the consolidated amount of royalty per kiln per annum as per Schedule III B of the rules to the State Government for different areas within the date as prescribed for the particular brick season shown in the table below:-

<b>Sl. no.</b>	<b>Column-I</b>	<b>Column-II</b>
1.	By 30 <sup>th</sup> November	95% of consolidated royalty in one installment
2.	By 31 <sup>st</sup> December	100% of consolidated royalty in one installment
3.	By 31 <sup>st</sup> January	105% of consolidated royalty in one installment
4.	By 28/29 <sup>th</sup> February	110% of consolidated r royalty in one installment
5.	By 31 <sup>st</sup> March	115% of consolidated royalty in one installment
6.	After 31 <sup>st</sup> March	200% of consolidated royalty in one installment

**(5) Action for default in payment :-**

If the brick earth remover /brick kiln owner fails to make payment of the consolidated amount of royalty in the manner so prescribed of that particular Brick season, he/she shall not be allowed to carry on the business and the competent officer or any other officer duly authorised in this

behalf by the State Government shall be competent to stop such business.

(6) **Action for non submission of required clearance from State Environment Impact Assessment Authority / Bihar State Pollution Control Board:-**

If the brick earth remover / brick kiln owner fails to submit the required Environmental Clearance from the State Environment Impact Assessment Authority (SEIAA)/ District Environment Impact Assessment Authority (DEIAA) and / or the required Emission Consent Order from the Bihar State Pollution Control Board (BSPCB), the Competent Officer/ Sub Divisional Officer/ Circle Officer shall stop the business and report the matter to SEIAA/DEIAA/ BSPCB for initiating penal provisions for violation of rules.

(7) **Explanation: - For the purpose of this rule:-**

- (i) Business means and includes laying, burning or selling of brick by brick earth remover/ brick owner and such other activities as are associated with manufacturing of bricks.
- (ii) For the purpose of this rule brick, earth remover means and includes person or persons by whom or on whose behalf the brick earth is removed for manufacturing bricks.
- (iii) For the purpose of this rule brick kiln owner means a person who owns the bricks kiln or on whose behalf bricks are manufactured in that kiln and includes manager, agent and lessee of such person.

- 37.** (1) Every person who carried business of minor/major mineral beyond any lease hold area shall obtain a license from the Mining Officer in Form 'L' which shall be displayed at a conspicuous place of business and shall maintain proper accounts of purchase and sale of all such minerals in a register in form 'J' which shall be produced before the Commissioner, Director of Mines, Additional Director of Mines or Deputy Director of Mines or Mining officer or any other officers authorised by the Government, for inspection. [Every application for obtaining license in Form "L" shall be accompanied with a fee of Rs. 10,000/- (Ten Thousand Rupees)
- (a) Every such license shall be valid for one calendar year;
  - (b) Every such license may, be renewed on application which shall be accompanied by a fee of Rs. 2000 (Two Thousand Rupees)
- (2) Every such person as mentioned in (1) shall issue a transport challan in Form I or in the prescribed format to every carrier, truck, tractor or bullock cart while dispatching minerals for his stock.
- (3) If any person as mentioned in (1) fails to maintain a register in form 'J' or obtain Form 'L' or issue a challan in Form 'I' or in the prescribed format, shall be punishable with a simple imprisonment which may extend to one year or with fine which may extend up to Rs. 50,000/- (Fifty Thousand) or with both.

- (4) No person shall be permitted to erect, install or operate a stone crusher outside a lease hold area. Provided that the existing stockist license held for stone mineral used for crusher shall remain operational till the validity of their license period, on the condition of the licensee abiding by all the relevant rules/provision of law.”

Provided further that the department may allow installation of any crusher including mobile crusher outside lease hold area to a person directly engaged in construction activity on conditions as decided by the department.

## **CHAPTER IX**

### **E-REQUIREMENTS**

- 38. Usage of Electronic Procedures.** - The Mines Commissioner may, by notification, require any Mineral Concession Holder or any other Stake Holder to file their returns, statements and activities electronically and undertake all or any operations through electronic mode.
- 39. E-Challan.** - The movement of all minor minerals, whether by Mineral Concession Holder or by the Corporation, shall be monitored through e-Challan in Form I or in the prescribed format.
- 40. Mining MIS. - (1) The Department may also require all the Mineral** Concession Holder, the Corporation and other persons engaged in the transport and trade of minor minerals to come under the purview of the provision of these rules and under take their activities as per the Mining MIS system to be developed by the Department.

(2) The Department may lay down detailed guidelines for its MIS.

## **CHAPTER -X**

### **GRANT OF TRANSIT PASS/ CHALLAN/ E-CHALLAN FOR MOVEMENT OF MINERALS.**

- 41. Prohibition on Transportation-** No person shall transport or carry or cause to transport or carry any Ore/ mineral by any means from the place of raising, leasehold area or the area of stock of minerals to another place without being in possession of a valid transit pass/ challan/ E-challan in Form-I or in the prescribed format issued by the Competent Officer under the Rules;
- 42. Restrictions on Vehicles carrying Minerals.** – (1) The State Government may lay down reasonable restrictions on the vehicles transporting any minerals and may require them to adhere to certain specifications.

Provided further that the State Government may direct the owners of transport vehicles to install GPS devices or such other devices, as it may require and give such directions as it deems fit.

(2) The State Government may also specify the size and nature of vehicle/transport to be used for transporting any mineral from its source of excavation/production.

- 43. Power to Regulate Transport of minerals-** (1) The State Government may, by notification, regulate the movement or import or export of any or all minerals into or from or through the State or any specified part or area of the State.



- (2) The Department may set up Check Post, Barriers, Weigh bridges etc and such other facilities to regulate the movement of minerals

**44. Registers, returns and Signboard:-**

- (1) Every Mineral Concession holder shall maintain Register in Form '**J**' in which day to day transaction shall be entered. He shall also have to display a signboard.
- (2) Every Mineral Concession holder shall submit every month to the Competent Officer a true and correct return for minerals in Form '**K1**' by the fifteenth day of the following month to which it relates.
- (3) Every Mineral Concession Holder shall submit annual returns in Form "**K2**" as appended to these rules before the 30<sup>th</sup> April of each year in respect of the preceding financial year.
- (4) Every Mineral Concession holder shall give all reasonable facilities to the Mining Officer or Director of Mines or Additional Director of Mines or Deputy Director of Mines or any other Officer authorised by the Collector in this behalf to inspect, verify and check the accounts of the minerals.
- (5) If the accounts, returns and other evidence produced by the Mineral Concession holder or any other person who has removed minerals, are in the opinion of any of the officers authorised incorrect, incomplete or unreliable either wholly, or partly, the officer concerned, shall report to the Mining Officer who shall proceed to assess to the best of his judgment, the amount of royalty due from the assessee:

Provided that if the mining officer himself has formed the opinion he shall proceed forthwith to assess to the best of his judgment, the amount of royalty due from the assessee.

- (6) The state government in addition to accounts/ returns or other evidence may also direct to ascertain the actual quantity of mineral excavated during relevant concession period by deploying modern technology such as aerial survey/ground survey or any latest method.

## **CHAPTER -XI**

### **CANCELLATION OF MINERAL CONCESSION.**

**45. Power to Suspend or Cancel Mineral Concession-** (1) The Collector shall be competent to cancel / suspend any Mineral Concession in his district.

(2) Subject to such restrictions as the State Government may prescribe, the Collector may suspend or cancel and forfeit the Security Deposit/Earnest Money Deposit of any mineral concession in the following circumstances after giving reasonable opportunity of being heard -

- a) if the mineral concession is transferred or sublet by the holder thereof; or
- b) if any mining revenue payable by the holder thereof is not duly paid; or
- c) in the event of any breach by the holder of such mineral concession by his servant or agent, or by any one acting on his behalf, with his express or implied permission, of any of the terms and conditions of such mineral concession; or

- d) if the holder of mineral concession or his agent or employee is convicted of an offence punishable under the Act or these Rules or any other law for the time being in force, relevant and connected with mining matters or matter relating to mining revenue or of any cognizable and non-bailable offence under any other relevant law; or
  - e) if the purpose for which the mineral concession was granted ceases to exist; or
  - f) if the mineral concession has been obtained through misrepresentation or fraud; or
  - g) If the Mineral Concession Holder has violated any of the conditions mentioned in these rules; or
  - h) If the Mineral Concession Holder fails to obtain the environmental clearance within three months or violates any of the condition mentioned therein; or
  - i) If the Mineral Concession Holder fails to start mining operation within three months from the date of executing deed
  - j) If, for any other reason, the Collector is prima facie satisfied, that the mineral concession is fit to be cancelled.
- (3) For any action taken under subsection (1), the Mineral Concession Holder shall not be eligible for any compensation or refund whatsoever.
- (4) Notwithstanding anything mentioned above, in case of detection of any violation of the Act, these rules and any other condition of the mineral concession the State Government or the Collector may, apart from cancelling the mineral

concession, also impose suitable financial penalties and/or start criminal prosecution.

(5) Any such penalties levied shall be recoverable under the Public Demand Recovery Act, 1914 (Act 4 of 1914).

**46. Power of the Collector to take over the Management.** – If any Mineral Concession Holder contravenes any provision of the Act or any rules made there under or defaults in complying with any condition imposed upon him or upon refusal to abide by such reasonable directions as the Collector may issue under these rules, or upon expiry of the mining lease period the Collector, may at any time, with or without cancellation of such mining lease–

(a) take over the management of such mining operations at the risk and loss of the owner of that establishment; or

(b) take over the management of such establishment at the risk and loss of the owner of that establishment; or

(c) transfer the establishment, for the unexpired period of the mining lease, at the risk and loss of the owner, to any other person or the Corporation.

**47. Power of Collector to Requisition Minor Minerals.** – Notwithstanding anything mentioned above, in case of any natural disaster or acute shortage or such other emergencies or in order to maintain a buffer stock, the Collector may require a Mineral Concession Holder to produce or excavate a specified quantity of the minor mineral and deliver it to such a place at such rate as he deems fit.

**48. Exit Option for Mineral Concession Holder.** –

(1) Any Mineral Concession Holder, at any point of the Mineral Concession period, may opt to exit the business upon giving

three months' notice to the Collector. However, this option is not available to Settlers who have not paid their bidding amount or settlement amount or have violated any condition of settlement.

- (2) The Collector may allow such Mineral Concession Holders to exit the business and return any security money deposited by the Mineral Concession Holder after deducting such dues as are recoverable.
- (3) The Collector, thereupon, shall initiate arrangement for a fresh bidding.
- (4) In case of fraud or violation of mining or environmental conditions or any other irregularities reported, no exit option will be available to the Mineral Concession Holder and their security deposit shall be forfeited.

**49. Power Of The Mines Commissioner To Suspend/Cancel Mining Lease.** - Notwithstanding anything contained in this Chapter, the Mines Commissioner, on his own or upon a complaint or upon a report by any Mining Officer may initiate steps to cancel or suspend any mineral concession issued under these rules;

Provided that he shall give a reasonable opportunity to such Mineral Concession Holder to present his case, before passing any order.

## **CHAPTER XII MINING REVENUE.**

**50. Rent/royalty and assessment.-**

1. When a Mineral Concession is granted:-
  - (a) Dead rent shall be charged at the rates specified in Schedule II;

- (b) Royalty shall be charged at the rates specified in Schedule III(A); and
  - (c) Surface rent shall be charged at the rate specified by the Collector from time to time for the area occupied or used by the lessee.
2. On and from the date of commencement of these rules, the provisions of sub-rule (1) shall also apply to the leases granted or renewed prior to the date of such commencement and subsisting on such date.
  3. If the Mineral Concession Holder the working of more than one mineral in the same area, the Collector may charge separate dead rent in respect of each mineral:  
Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral, whichever be higher in amount.
  4. Notwithstanding anything contained in any instrument of lease the Mineral Concession Holder shall pay rent/royalty in respect of any minor mineral own, extracted and removed at the rate specified from time to time in Schedule II and III-(A).
  5. The State Government may, by notification in the official Gazette, amend the second and third schedules so as to enhance or reduce the rate at which rents/royalties shall be payable in respect of any minor mineral with effect from the date of publication of the notification in the official Gazette.
  6. The Mining Officer, after such enquiry and verification as he may deem necessary of the monthly returns furnished by the lessee in Form **“K1”** and Annual Return in Form **“K2”** shall

assess the amount of rent/royalty payable by the Mineral Concession Holder at the end of the prescribed period.

7. Notwithstanding anything contained in these Rules, the royalty in case of auction of the minor minerals shall be the amount of auction. In cases where the royalty on dispatched quantity exceeds the auction amount, the extra royalty for the excess quantity of mineral extracted shall also be payable

**51. Mining Revenue to be paid irrespective of pendency of any**

**Writ Petition, Suit, etc.** – Notwithstanding that a Writ Petition has been preferred or a suit or other Proceeding has been instituted in any court or any appeal has been filed before any Tribunal or the Mines Commissioner or a Revision has been filed before the State Government, any sum due to the State Government under these rules as a result of demand or order made or passed by any Officer or Authority empowered in this behalf by or under these rules, shall be payable in accordance with such demand or order unless and until such payment has been stayed by the Competent Authority or the Court.

**52. Power to impose fee on import, export, transport and**

**excavation.** -(1) Any fee or surcharge, as the case may be, at such rate or rates as the State Government may direct, may be imposed, either generally or for any specified local area on -

(a) any Minor minerals imported, or

(b) any Minor minerals exported, or

(c) any Minor minerals transported, or

(d) any Minor minerals excavated under any Mineral Concession granted under this Rules, or

(e) any Minor minerals excavated or produced in any Mine or crusher.

(2) A duty, at such rate or rates as the State Government may direct, may be imposed, either generally or for any specified local area, on any Minor Minerals under the provisions of these rules.

**53. Single Bank Account.** - (1) All Mineral Concession Holder shall necessarily operate only a single bank account for all their operations connected with the said lease or the license or the movement permit.

(2) The Mineral Concession Holder must necessarily give the information of the said bank account to the Collector, the Mining Officer of the district, Director Mines and the Mines Commissioner.

(3) Any person who acts in violation of this provision shall be liable for prosecution.

**54. How the fees and deposit to be made.-** Any amount payable under these rules shall be paid into Treasury by means of a Challan under the head “XXXII-C-Miscellaneous Social and Development Organisation -Miscellaneous-(i) Fees for grant and renewal of Mineral Concession (ii)-Rent and royalties from Mining lessees and licensees”.

**55.** The Government may, without prejudice to the provisions contained in the Act or any other rule in these rules; charge simple interest at the rate (24 percent) per annum on any rent, royalty or fee or other sum due of the Government.)

### **CHAPTER XIII**

#### **OFFENCES AND PENALTIES.**

**56. Penalty for unauthorized extraction and removal of minor minerals.-**



- (1) Whoever is found to be extracting or removing minor minerals or on whose behalf such extraction or removal is being made he be an agent, a manager, an employee or a contractor or a sub-lessee, otherwise than in accordance with these Rules, shall be presumed to be party to the illegal removal of the minor mineral and every such person shall be punishable with simple imprisonment which may extend upto two years or with fine, which may extend upto rupees five Lakhs or with both.
- (2) If any person in charge of any carrier while carrying mineral fails to furnish the Challan in Form "I" or in the prescribed format or refuses inspection of such Challan by the Director of Mines or Additional Director of Mines or Deputy Director of Mines or Mining Officer or Mining Inspector or any officer authorised by the Collector, such officer shall recover from the person in charge of the carrier the value of the mineral and royalty with other taxes.

In case of transportation of mineral without valid challan in form I, total value of mineral and royalty with other taxes shall be recovered from the person in charge of the carrier and deposited in the Govt. Head.

The mode and formalities of Collection / deposition of penalties will be decided by the department from time to time.

Provided that when the quantity of mineral loaded in carrier differs from the quantity mentioned in the challan the authorised officer shall recover value of the mineral for the difference quantity only alongwith royalty and others taxes.

- (3) Whoever removes minor mineral without valid lease/permit or on whose behalf such removal is made otherwise than in accordance with these Rules he be an agent, Manager, contractor or a sub-lessee, shall be presumed to be a party to the illegal removal of the minor mineral and shall be liable to pay the price thereof and the Government may also recover from such person rent, royalty or taxes as the case may be, for the period during which the land was occupied by such person without any lawful authority without prejudice to other action being taken against him under these Rules or any other law for the time being in Force.

**57. Seigniorage Fee from Government Projects.** – (1) All the Government Departments, particularly Works Departments using any minor mineral for their schemes or projects, shall deduct a Seigniorage Fee from their suppliers or contractors of such minor minerals.

- (2) Such Seigniorage Fee shall be at a flat rate of 10(ten) percent of the mineral value involved in the estimate and shall be deducted by the Department from their supplier and contractor and deposited with the Mining Officer of the district.

Provided that the State Government may increase or decrease the Seigniorage Fee from time to time.

**"Explanation- For the purpose of this rule:-**

- (a) "Works Department" means departments of the Central or State Government including Company, Corporation, Undertakings, Autonomous body of the Government engaging works contractors for any kind of construction on its behalf.

(b) "Works Contractor" means an individual, a firm, a company, an association or body of individuals who under an agreement, with the Works Department work for the said Department.

**58. Provision for maintaining records of consumption of minor mineral in construction activities.-**

Every person company, firm, society/association engaged in construction of residential building or buildings for sale and commercial building or buildings for sale /rental purpose shall maintain a true account for all Minor Minerals procured and used in construction and shall submit to the concerned mining officer of the concerned district.

Every person company, firm, society/association engaged in construction of residential building or buildings for sale and commercial building or building for sale/ rental purpose shall allow Collector/mining officer or any other officer authorised by the Collector of the concerned District, to enter upon any premises/area of construction or storage of construction material for the purpose of inspection of the minerals, stored or used in the construction.

**59. Sale price of Minor Minerals.**– (1)The sale price of minor minerals to the end user or the public shall be decided by the market forces. (2) The Department or the Collector, however, may intervene in such manner as deemed appropriate, to regulate the market prices in public interest.

**CHAPTER XIV**

**CONFISCATION ETC BY COLLECTOR.**

**60. Things liable for confiscation.** – Whenever an offence has been committed, which is punishable under the Act and these rules, following things shall be liable to confiscation, namely -

- a) Any minor mineral,
- b) Any plant and machinery,
- c) Any animal, vehicle, vessel or other conveyance used for carrying or excavating or producing or manufacturing any minor mineral.
- d) Any land and/or premises or part thereof that may have been used for storing or producing or excavating any minor minerals.

**61. Procedure for Confiscation and Auction of Minor Minerals by District Collector. -**

- (1) Where any minor mineral is seized by any Mining Officer, he shall submit report to the District Collector and request for its confiscation and auction.
- (2) On receipt of the report under sub-section (1), the District Collector, if satisfied that an offence under these rules has been committed, may, whether or not prosecution is instituted for the commission of such an offence and whether or not a case is pending before any Court, proceed for confiscation and auction of such minor mineral;
- (3) The Collector shall thereupon issue a public notice informing about the impending auction giving 7 days notice for any person to appear and file objection with regard to the said bidding.
- (4) If within 7 days no objection is received, the Collector shall treat the said minor minerals as "unclaimed" and then proceed to order confiscation of the said minor mineral. Thereafter, he shall issue a public auction notice giving 7 days time for prospective bidders and then settle the auction with the highest bidder. The proceeds shall then be

deposited in the Government Treasury. Before deciding the auction, the Collector may direct that a certain portion of the confiscated minor mineral may be given to the local Government Departments at their Scheduled rates. The remaining portion of the confiscated minor mineral may be given to the highest bidder.

- (5) Where, as a result of the public notice issued under sub Rule (2) any objection is filed by a person who claims that the confiscated minor minerals belong to him, the Collector shall pass a reasoned order rejecting or accepting his claim. If the claim is rejected by the Collector, then he may proceed to take action for auction as per sub Rule (4). However, the Collector may deposit the proceeds in the Government Treasury with the condition that if the objector goes in appeal and obtains an order in his favor from any Court, the said money shall be returned to the objector.
- (6) Where, as a result of objection received by the Collector, the Collector passes an order in favor of the objector and holds that the confiscated minor minerals belongs to the objector, the Collector may, in the interest of ensuring adequate availability of the said minor minerals in the district, still proceed with the auction process as per sub rule (4) and money so fetched in the auction be given to the claimant..
- (7) Where, pursuant to his order under sub Rule (6) above, if the minor mineral so confiscated is a subject matter of an FIR or a criminal proceeding, the Collector may still proceed with the auction but deposit the proceeds in the Government Treasury with the condition that if any objector goes in

appeal and obtains a favorable order from any Court, the said money shall be returned to the said person.

- (8) The District Collector shall submit a full report of all particulars of confiscation to the Commissioner of Mines within one month of such confiscation

***Explanation.*** – For the purpose of this rule, the public auction may or may not be through e-auction.

**62. Procedure for Confiscation and Auction of Items other than Minor Minerals by District Collector. -**

- (1) Where anything, other than a minor mineral, liable for confiscation under these rules is seized or detained under the provisions of these rules, the officer seizing and detaining such item or transport or vessel or animal shall, without any reasonable delay submit a report to the District Collector who has jurisdiction over the said area;
- (2) On receipt of the report under sub-section (1), the District Collector if satisfied that an offence under these rules has been committed, may, whether or not prosecution is instituted for the commission of such an offence and whether or not a case is pending before any Court, proceed for confiscation and auction of such property;
- (3) The Collector shall, before passing an order under subsection (2), give a notice of 7 days to the person concerned, of being heard and he may also issue a public notice for him to appear;
- (4) If the said person appears and files his reply, the Collector shall pass a reasoned order on the same accepting or rejecting his claim. If the Collector rejects his claim, he shall

order for the confiscation of the said items and its public auction.

- (5) Where the person concerned does not appear as result of the notice, the Collector shall be free to pass an order ex-parte.
- (6) While making an order of confiscation under sub-section (4), if the District Collector is of the opinion that it is expedient in the public interest to do so, he may order the said confiscated item or any part thereof to be sold by public auction and proceeds deposited with the State Government;
- (7) The District Collector shall submit a full report of all particulars of confiscation to the Commissioner of Mines within one month of such confiscation.

***Explanation.*** – *For the purpose of this rule, the public auction may or may not be through e-Auction.*

**63. Power to Freeze Bank Account.** – (1) Where the Collector, upon a report by Mining Officer has reason to believe that the bank account of any Mineral Concession Holder has to be frozen in order to protect Government revenue or to assist the prosecution, he shall forth with issue an order directing the concerned bank to freeze the bank accounts of such Settlee/licensee, till further orders.

**64. Requirement of Exhibit.** – (1) Where any minor mineral or any other item has been confiscated and criminal prosecution has been launched, such minor minerals may still be auctioned by the Collector keeping adequate evidence, in the form of an inventory drawn by an Executive Magistrate, photographs or video graphs, as a proof, for the use as an exhibit in the criminal prosecution.

(2) The Collector shall cause a report to be filed before the concerned Court about the said auction and the said report shall serve the purpose of exhibit and/or evidence for the purposes of prosecution.

**65. Power of the Collector to destroy or disassemble transport or vessel.** - Where any transport or vessel has been confiscated the District Collector may order that such transport or vessel may be destroyed or may be disassembled so as to render it unfit for any further use.

**66. Order of confiscation and destruction not to interfere with other punishment.** -The order of any confiscation under shall not prevent imposition of any order punishment to which the person affected thereby is liable under these rules.

**67. General.** - (1) Notwithstanding anything contained in this Chapter, the Collector may direct any Mineral Concession Holder/ claimant to any confiscated minor minerals to deposit the said confiscated minor minerals as directed by Collector.

(2) The Collector may, after having confiscated any minor mineral, cause it to be sold to such Government Departments at their Scheduled rates so that the Government projects and schemes do not suffer due to non-availability of any minor mineral

(3) All the auctions conducted in this Chapter may or may not be through e-Auction mode and the Collector shall be competent to decide the same.

(4) The Collector, if he is so satisfied, may approve a single bid received in such an auction.



## CHAPTER XV

### DETECTION, INVESTIGATION AND TRIAL OF OFFENCES.

**68. Power to enter, inspect, search and seize.** - (1) Any of the following Officers namely:

- (a) The Mines Commissioner, the Director Mines; or
- (b) The Collector; or
- (c) Additional Director, Deputy Director, Assistant Director, Mineral Development Officer and Mining Inspectors; may, without warrant, but subject to such restrictions as may be prescribed by the State Government, enter , inspect ,search any place at any time, day or night, and seize any document, sample, equipment, conveyance, animal, commodity, minor mineral, material, raw material or any other item of concern.

(2) The Officers mentioned in sub section (1) above shall be fully empowered to use such reasonable force for the purposes of entering, inspecting, searching and making such seizures as necessary.

**69. Power to stop and check any carrier, transport or vessel.** – (1) Any of the officer mentioned in Rule 68 may stop any carrier, vehicle or transport or vessel to check for verification of the contents.

(2) Such Officer may require the driver of the carrier, vehicle, vessel, transport to take such carrier, vehicle, vessel or transport to the nearest weighbridge and get the contents weighed at the expense of the driver or the owner of such vehicle, carrier, vessel, transport.

(3) If any person who refuses to obey the lawful command of such Mining Officer shall be prosecuted under these Rules.

- 70. Power to arrest or detain without warrant.** – (1) Any of the Officers mentioned in Rule 68 may arrest or detain, without warrant, any person and/or any vehicle, animal, means of conveyance, at any time of day and night, found committing an offence or attempting to commit an offence punishable under any provision of this Rules.
- 71. Offences to be Cognizable and Non-Bailable.** – (1) All offences under these rules shall be Cognizable and provisions of Code of Criminal Procedure, 1973 (Act 2 of 1974) shall apply.  
(2) No Court shall take cognizance of any offence punishable under these Rules except upon to complaint in writing made by any Officer mentioned in Rule 68.
- 72. Production of Persons arrested.** – Any person arrested under this Rules shall be produced before the Court within twenty four hours.
- 73. Reports of Arrests, Seizures and Searches.** – Every Mining Officer upon making any arrest, search or seizure shall submit a report to the Collector within twenty four hours.
- 74. Special Courts.** – (1) In terms of power conferred under Section 30B of the Act, the State Government may, if consider necessary in the public interest, for the purposes of trial of all or any of the offences under this rule, either appoint or designate in every District of the State, Special Court(s) in consultation with the Chief Justice of the High Court.  
(2) The Special Court shall be presided over by a Special Judge who is or has been a Sessions Judge or an Additional Sessions Judge or an Assistant Sessions Judge under the Code of Criminal Procedure 1973 (Act 2 of 1974).

(3) The trial under this Act of any offence by the Special Court shall have precedence over the trial of any other case against the accused in any other Court (not being a Special Court) and shall be concluded in preference to the trial of such other case.

**75. Power to transfer cases to Regular Courts.** - Where, after taking cognizance of any offence in these rules, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any Court having jurisdiction under the Code of Criminal Procedure, 1973 ( Act 2 of 1974) and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

**76. Appeal.** – Any person aggrieved by any order of the Special Court may, within forty five days from the date of order, prefer an appeal in the High Court.

## **CHAPTER XVI**

### **APPEALS AND REVISION.**

**77. Appeals.** – (1) All final orders passed by Mining Officer shall be appealable to the Collector within sixty days from the date of the order.

(2) All final orders passed by the Collector shall be appealable to the Mines Commissioner within sixty days from the date of the order.

(3) All appeals shall be disposed of within three months from the date of the filing. All appeals in the rule shall be in Form "M".

**78. Revision. –**

- (1) The Mines Commissioner, at any time for reason to be recorded in writing, may on his own motion, and where any person aggrieved by any order passed by the Collector under these rules files an application within 60 days from the date of communication of the order, and within 75 days from the date on which an application is deemed to have been refused by the Collector, if no communication is made of such refusal, shall start a proceeding for revision of the order:

Provided that an application for revision may be entertained even after the time specified as above if the applicant satisfies the Mines Commissioner that he had sufficient cause for not making the application within time.

- (2) On receipt of the application and copies thereof under sub-rule (1), the Commissioner shall send a copy of the application, and where proceeding is started by him on his own motion, under sub-rule (1) he shall send notices of starting the proceeding and reasons thereof to each of the parties impleaded specifying a date on or before which he may make representation, if any, against the revision application.
- (3) After considering the records referred to in sub-rule (2) the Mines Commissioner may confirm, modify or set aside the order or pass such other order in relation thereto as the Mines Commissioner may deem just and proper and his order shall be final.
- (4) Pending the final disposal of an application for revision, the Mines Commissioner may, for sufficient cause, stay the

execution of the order against which any revision application has been made.

- 79. Review.** – Notwithstanding anything contained in this Chapter, the State Government may at any time review its own decision.

## **CHAPTER – XVII**

### **ENFORCEMENT.**

- 80. State Level Mining Task Force.** – (1) There shall be constituted a State Level Mining Task Force as under:-

- (a) Chief Secretary-Chairman
- (b) Development Commissioner- Member
- (c) Principal Secretary Home – Member
- (d) DG Police – Member
- (e) Principal Secretary, Environment and Forest– Member
- (f) Principal Secretary, Revenue and Land Reforms– Member
- (g) Principal Secretary, Industries– Member
- (h) Principal Secretary, Road Construction Department– Member
- (i) Principal Secretary, Building Construction Department– Member
- (j) Principal Secretary, Rural Works Department– Member
- (k) Principal Secretary, PHED– Member
- (l) Principal Secretary Commercial Taxes Department– Member
- (m) Chairman State Pollution Control Board– Member
- (n) Principal Secretary, Mines and Geology Department– Member
- (o) Director Mines – Member Secretary– Member

(2) The Chief Secretary may co-opt or invite any other Officer or expert to attend and contribute in the meeting of the State Level Mining Task Force. Half of the Members present shall constitute the quorum.

**81. Monitoring Committee.** - The State Level Mining Task Force shall constitute a Monitoring Committee headed by the Principal Secretary of the Department of Mines and Geology with such members as it may deem fit. The Monitoring Committee shall ensure the compliance of the directions of the State Level Mining Task Force.

**82. Function of State Level Mining Task Force.** - The State Level Mining Task Force shall insure implementation of these Rules and shall monitor the excavation, trade and availability of minor minerals in the State. In addition to the above, it shall also

- (a) provide guidance to the Department for achieving the objective of the Act and these Rules
- (b) frame policies and guidelines essential to implement these Rules
- (c) issue direction to any other Department to undertake such action as essential to achieve the objective of the Act and these Rules.
- (d) Shall ensure that the mining activity is undertaken as per the environmental safeguards laid down by the Ministry of Environment Forest and Climate Change.

**83. Divisional Level Mining Task Force.** - (1) There shall be constituted a Divisional Level Mining Task Force as under :-

- (a) Divisional Commissioner – Chairman

- (b) Divisional Commissioners of the Bordering Divisions – Co-Chairmen
  - (c) DIG Police of the Division.
  - (d) DIG Police of the Bordering Divisions
  - (e) The Conservator of Forest
  - (f) All Collectors of the Division
  - (g) All SPs of the Division
  - (h) All DFOs of the Division
  - (i) All Mining Officers of the Division
  - (j) Secretary to the Divisional Commissioner – Member Secretary
- (2) Additionally, the Divisional Commissioner may co-opt such additional members as he may deem fit. The Divisional Commissioner may also invite the Collectors and the SPs of the districts who share boundaries with the Division.
- (3) Half of the Members present shall constitute the quorum.
- (4) It shall meet once in a month.

**84. Function of the Divisional Level Mining Task Force.** – The Divisional Level Mining Task Force shall insure implementation of these rules and shall monitor the excavation, trade and availability of minor minerals in the Division. In addition to the above, it shall also –

- (a) ensure the inter-district coordination between the districts of the Division and the bordering districts of Division.
- (b) Prepare and launch coordinated action plan to check illegal mining and illegal transportation of minor minerals across districts and districts outside the Division.

**85. District Level Mining Task Force.** – (1) There shall be a constituted a District Level Mining Task Force as under:

- (a) Collector– Chairman
- (b) Superintendent of Police
- (c) All Sub Divisional Officers
- (d) All Sub Divisional Police Officers
- (e) Divisional Forest Officer
- (f) Executive Engineer, RCD, BCD, PHED and Rural Works  
Department
- (g) District Transport Officer
- (h) District Mining Officer – Member Secretary

(2) The Collector may co-opt or invite any other Officer or expert to attend and contribute in the meeting of the District Level Mining Task Force.

(3) Half of the Members present shall constitute the quorum.

(4) It shall necessarily meet once a month and at earlier frequencies as directed by the Department.

**86. Function of the District Level Mining Task Force.** - The District Level Mining Task Force shall insure implementation of these rules and shall monitor the excavation, trade and availability of minor minerals in the district. In addition to the above, it shall also

- (a) ensure that all the mining activity is carried on as per the condition of the mining lease.



- (b) ensure that no illegal mining, illegal transportation, over loading, hoarding and black marketing of minor mineral is carried on.
- (c) all the retail business of minor minerals are carried out as per the provision in these rules.
- (d) issue direction to any other Department to undertake such action as essential to achieve the objective of the Act and these Rules.
- (e) Shall ensure that the mining activity is undertaken as per the environmental safeguard laid down by the Ministry of Environment Forest and Climate Change.

## **CHAPTER XVIII**

### **EXEMPTIONS.**

**87. Power of State Government to exempt minor minerals from the provisions of these Rules.** – The State Government may, by notification, either wholly or partially, and subject to such conditions (if any) as it may think fit to prescribe, exempt any minor mineral from all or any of the provisions of these rules, either throughout the State or any specified area of the State, for any specified period or occasion or for any specified class of persons and for such purposes.

**88. Power of Government to relax the operation of any provision of these Rules.** –

State Government may, relax the operation of one or more of the provisions of these Rules if, in the opinion of the Government, such relaxation is necessary in public interest.

- (2) Notwithstanding anything contained in these rules, the State Government, in such case as it deems proper in public interest, may grant a mining lease/mining settlement and may also authorize the grant of a quarrying permit or movement permit to any person on terms and conditions other than those prescribed in these rules for reasons to be recorded in writing:

Provided that the State Government may grant a mining lease/settlement/in any area under its jurisdiction to any Government Department or State owned Corporation on terms and conditions other than those prescribed in these Rules.

**89. Mining Lease etc to any Works Department. –**

- (1) Notwithstanding anything contained in these rules, the State Government may grant license/lease to any Works Department for any particular project in a specific number of districts for specific period of time.
- (2) The said Works Department shall have to pay the due royalty and such other fee as applicable under these rules.

**CHAPTER XIX**

**MISCELLANEOUS.**

- 90. Power to rectify apparent mistakes.-** Any clerical or arithmetical mistake in any order passed by the Government or any other authority or Officer under these rules and any error arising therein from accidental slip or omissions, authority or the Officer, as the case may be:

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

- 91. Submission of copy of lease.-**Every person holding a mining lease or sub-lease from a private person or before the commencement of these rules, shall submit to the Mining Officer in whose jurisdiction the area or areas covered by such lease or sub-lease is or are situated a certified or true copy of the lease or sub-lease.
- 92. Interpretation of mining lease.-** Every lease shall provide for submission by the lessee of any question of dispute regarding the lease or any other matter or thing, construction of a term or condition in the lease or anything connected with the mining of minor minerals specified in the lease, or the working or non-working of the mine or the quarry, and the amount of royalty or dead rent or its mode of payment to the Mining Officer, for the decision of the Collector, which shall be final and binding on the lessee.
- 93. Mode of realisation of rents, royalties and penalty.-** The amounts of rent, royalty or penalty payable under these rules, shall be recoverable as a public demand under the Bihar Public Demands Recovery Act, 1914.
- 94. Payment of compensation to owner of surface rights etc.-**
1. The holder of a mineral concession shall be liable to pay to the occupier of the surface of the land over which he holds the mineral concession, such annual compensation as may be determined by the Collector.
  2. In case of agricultural land the amount of annual compensation shall be worked out on the basis of the average annual net income for the cultivation of similar land for the previous 3 years.

3. In case of non-agricultural land, the amount of annual compensation shall be worked out on the basis of average annual letting value of similar land for the previous three years;
4. The annual compensation referred to in sub-rule (1) shall be payable on or before such date as may be specified by the Collector.

**95. Power to issue directions-**

- (1) The Department may, in the interest of systematic development of mineral deposits, conservation of minerals, scientific mining, sustainable development and protection of the environment, issue direction to the owner, agent or manager of the mining lease/settlement.
- (2) Every direction issued under sub-rule(i) shall be complied by the owner, agent or manager of the mining lease/ settlement as the case may be, who in case of any difficulty in giving effect to any such direction, may apply for modification or rescinding of such direction and the officer so authorized by the Department in this regard, may either modify or rescind the direction or confirm the same.

**96. Restriction on General Ban on Mining. –** No Authority or Agency or institution or any Competent Person shall issue a general blanket ban of mining of minor minerals without consulting the Department. If it comes to the knowledge of the Department that such a ban has been imposed, it shall be competent to overrule the said ban in public interest.

**97. Officers to be Public Servants. –**

- (1) All Officers and persons empowered to exercise any powers or to perform any functions under the Act or these rules

shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 ( Act 45 of 1860).

- (2) No suit shall lie in any Civil Court against the State Government or any Mining Officer for damages for any act done in good faith or ordered to be done in pursuance of the Act or these rules or of any other law for the time being in force relating to the Mining Revenue.
- (3) No Civil Court shall try any suit against the State Government in respect of anything done, or alleged to have been done, in pursuance of these rules, and except with the previous sanction of the State Government, no Magistrate shall take cognizance of any charge made against any Mining Officer under these rules or made against any other person under these rules.

**98. 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 rules.

**99. Orders to remain in Force.** – Every Order, Notification, Rule or Regulation which was made under the Bihar Minor Mineral Concession Rules, 1972 (as amended from time to time), the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 or by the Mines Commissioner, Collector, the Board Of Revenue or any other Mining Officer appointed under those Rules relating to the matter of Mining and which was in force immediately before the expiration thereof shall, in so far as such order or notification or rule or regulation is not inconsistent with the provisions of the Act and these rules, be deemed to continue in force and to have been made under the Act and these rules.

**100. Repeal and Savings. –**

- (1) The Bihar Minor Mineral Concession Rules, 1972 (as amended from time to time), the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 are hereby *repealed*.
- (2) Notwithstanding such repeal, anything done or any action taken under the said rules and Policy shall be deemed to have been done or taken under the corresponding provisions of the Act and these rules.
- (3) All references in any provisions of the rules so repealed shall be construed as references to the corresponding provisions of these rules.
- (4) All proceedings (including proceedings by way of investigations) pending before any Officer, Authority or Court, immediately before the commencement of these rules shall, on such commencement, be deemed to be proceedings pending before it as per these rules and shall continue to be dealt with accordingly.

**101. Power to remove difficulty. -** If any difficulty arises in giving effect to the provisions of these rules, the State Government may, by notification in the Official Gazette, make such provisions as it deems necessary or expedient for removing the difficulty.

**102. Laying of Rules. –**

These rules, as soon as they are promulgated, shall be laid before each house of the State Legislature.

**By Order of the Governor of Bihar.**

**(Sushil Kumar)**

**Under Secretary to the Government of Bihar, Patna.**

.....

Schedule-I  
[See Rule 2(ix)]

1	Application form for Registration	Form A
2	Form of Registration	Form B
3	Application for Mining Lease	Form C
4	Mining Lease Deed	Form D
5	Application for Quarrying permit	Form E
6	Quarry Permit	Form F
7	Application for the grant of Mineral Disposal Permit	Form G
8	Form for grant of Mineral Disposal Permit	Form H
9	Format of E Challan	Form I
10	Register to be maintained by the Lessee/Permit Holder	Form J
11	Monthly Returns	Form K1
12	Annual Returns	Form K2
13	Stockist License	Form L
14	Form for Appeal	Form M

Schedule-II  
[See Rule 56(1)(a) ]  
Dead Rent

Period	Rate of Dead Rent (in Rs.)
1	2
Rate per year for entire period of lease	30,000.00 per acre per year

Schedule-III A  
[See Rule 56(1)(b) ]

Sr. No.	Royalty Name of Minerals	Rate Per Cubic meter in Rupees
1	2	3
1	(a) Boulder, Gravel, shingle or stone as defined by name whichever (b) Stone settled by way of auction	100.00 In case of auction the amount of auction
2	(a) Ordinary sand used for construction purpose (b) Ordinary sand of auctioned ghats	50.00 In case of auction the amount of auction
3	Brick earth (equivalent to 400 standard bricks)	11.60
4	Ordinary Earth/Clay which is used for filling or levelling purposes in construction of embankment, Roads, Railways. Building etc. and for other commercial works.	22.00
5	River Silt	22.00
6	Lime shell, Lime stone and kankar used in kilns for manufacturing of lime used as a construction material and Lime shall used for manufacture of buttons.	110.00
7	Murram	55.00
8	Chalcedony Pebbles used for Ball Mill purpose only	73.00
9	Granduler Earth	55.00
10	Quartzite used for the purpose of building construction or for making road	73.00
11	Reh Mitti	26.00
12	Saltpetre	29.00
13	Slate and Shell when used for making building material	73.00
14	Fullers Earth	95.00
15	Stone used for making household utensils including grinding stone	36.00
16	Stone sets and Stone Bricks per hundred	73.00



17	Stone dust	10 % Amount of sale price
18	Granite (in case of use for decorating stone) per hundred	
	(i) Block more than 60 c.m.	545.00
	(ii) Block less than 60 c.m.	273.00
19	Quartz;	73.00
20	Sand (others);	75.00
21	Silica Sand;	75.00
22	Steatite or Talc or Soapstone.	Twenty five Percent of the sale price on ad valorem basis.
23	Agate;	
24	Ball Clay;	
25	Barytes;	
26	Calcareous Sand;	
27	Calcite;	
28	Chalk;	
29	China Clay;	
30	Clay (others);	
31	Corundum;	
32	Diaspore;	
33	Dolomite;	
34	Dunite or pyroxenite;	
35	Felsite;	
36	Felspar;	
37	Fireclay;	
38	Fushite Quartzite;	
39	Gypsum;	
40	Jasper;	
41	Kaolin ;	
42	Laterite;	
43	Mica;	
44	Ochre;	
45	Pyrophyllite;	
46	All other minerals	

Note.- (I) Notwithstanding anything contained repugnant in Bihar Minor mineral concession rules 2018 or otherwise, the settlee shall pay extra Royalty for the excess quantity of extracted and dispatched stone more than the equivalent auction amount.

Note.- (II) The settlee shall pay extra Royalty for the excess quantity of extracted and dispatched sand more than the equivalent auction amount.

Note.- (III) No royalty for non-commercial use of ordinary earth shall be levied.

## Schedule III- B

[see Rule 42 (1)]

In exercise of the powers conferred by Rule 42 (1) of the Bihar Minor Mineral Concession Rules, 2018 and having regard to position of Civil Construction, work position of Industrial Construction, Position of situated population, position of Urbanisation and place of industrial growth in different areas of the State, the Governor of Bihar is pleased to reclassify such areas to determine the number of bricks per fixed kiln and Bangla Bhatta and consolidated amount of royalty to be paid thereon by brick kiln owner/ brick earth remover per kiln per annum to the State Government for different areas as shown in the table below :-

**TABLE**

Sl. no.	Categories of area	Name of district and area	Capacity- fixed no. for the manufactured brick for fixed kiln and Bangla Bhatta situated in areas shown in column 3	Royalty- amount of royalty payable per kiln per annum on number of brick fixed in column 4 (in Rupees)
1	2	3	4	5
1.	I	Urban areas of Patna, Muzaffarpur, Bhagalpur, Gaya, Darbhanga, districts	45 Lakhs bricks	Rs.1,30,500.00
2.	II	Other Urban areas	35 Lakhs Bricks	Rs.1,01,500.00
3.	III	Rural Areas	25 Lakhs Bricks	Rs.72,500.00
4.	IV	Bangla Bhatta	01(One Lakh) Bricks	Rs. 4350.00

Note:-(I) "Urban area" means the areas within the local limits of Municipality or Municipal Corporation or Notified area Committee and also includes the area falling within 4 Kms. outside the boundary limits of such Municipal Corporation or Municipality or Notified area Committee as the case may be;

Note:-(II) No royalty shall be payable on brick/brick earth manufactured in Bangla Bhatta for non-commercial, Personal consumption.

**FORM- 'A'**  
[See Rule 12(2)(iv)]

To,

**The Competent Officer,**

.....  
.....

Sir,

I / We may kindly be registered and accordingly a Registration number may be issued to me / us for obtaining mineral concession for..... (name of the minor mineral) under the provisions of the Bihar Minor Mineral Concession Rules, 1972. The required particulars are given below:-

**Name of the Applicant:-**.....,  
**Prop/Partner/MD's/Father's/Husband's Name:-**.....,  
**Village/Town:-**....., **Post Office:-**....., **Police Station:-**....., **Sub-Division:-**....., **District:-**.....,  
**State:-**..... **Pin Code:-**.....  
.....

The following particulars are enclosed:-

- a) Application fee in the form of account payee bank draft in favour of concerned mining officer or competent officer.
- b) Two passport size photographs of the applicant.
- c) A self attested copy of PAN Card.
- d) A self attested copy of VAT registration an undertaking by the applicant that he shall get VAT registration done before starting his mining operation.
- e) A self attested copy of address proof/Aadhar card.
- f) A copy of partnership deed in case of partnership firm/ a copy of Articles and Memorandum of Association in case of a company registered under the Companies Act, as the case may be.
- g) A copy of Income Tax return of the previous three financial years or an affidavit that he/she was not an assessee of income tax.
- h) A copy of character certificate issued by the competent authority.
- i) Royalty clearance certificate/ affidavit or self attested certificate in this regard.
- j) An affidavit/ self attested certificate that the applicant has not been convicted by any court of law.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details as may be required by you. I/We do hereby further declare that I/We shall adhere to the terms and conditions as indicated in these rules and any other conditions imposed by the Competent Authority.

**Yours faithfully.**

**Signature and designation**

**of the Applicant**

**FORM- 'B'**  
[See Rule 12(3)]

**REGISTRATION CERTIFICATE**  
**Department of Mines & Geology**  
**Govt. of Bihar**

M/s / Shri / Smt.- ..... Prop/  
Partner/ MD/ S/o / W/o Shri :-....., Village / Town:-  
.....,Post Office :-.....,  
Police Station:-.....,Sub-Division:-.....,  
District:-....., State:-.....  
Pin Code-..... has been registered in this Department and has been  
allotted **Registration No.**-....., **Dated**:-..... He/She shall abide by  
the provisions of the Bihar Minor Mineral Concession Rules, 1972, failing which  
the registration shall be terminated with immediate effect. The period of this  
registration is valid upto.....

**Seal and signature of the  
Competent Officer/ Officer  
authorised by the  
Department.**

**FORM C.**

[See Rule 30 ]

Form of application for Mining Lease for Minor Minerals.

Dated.....day of.....19

To,

The Collector,

.....

Sir,

I/We have the honour to apply for the grant of Mining Lease under the Bihar Minor Minerals Rules, 1972.

Received.....

on.....

(dated)

.....

(Initial)

A sum of Rs.....being the fee in respect of this application payable under rules 9 (3) of the said rules has been deposited in .....(name of treasury or branch of the State Bank of India doing the treasury business) and the relevant challan is attached herewith.

The required particulars are given below:

**Particulars**

1. Name of individuals, firm or company applying.
2. Nationality of individuals or place of registration of incorporation of firm or company.
3. Profession of individuals or nature of business of firm or company and place of business.
4. Address of the individuals, firm or company.
5. Mineral or minerals which the applicant intends to mine.
6. Period for which the mining lease is required-
7. Details of area in respect of which lease is required-  
(i) District, (ii) Revenue thana, (iii) Village/Mouza, (iv) J.L. no., (v) Plot nos., (vi) Total area.
8. Particulars of map or plan on 16"= 1 Kilometre scale, covering the area mentioned at 7 above, attached. It shall give sufficient information to enable identification of the area in respect of which the lease is required.
9. Brief description of the area.
10. Area and minerals within the jurisdiction  
of the State Government for which the applicant or any person joint in the interest

with him-

: Mineral ..... Area  
: Taluk ..... District

- (a) already holds a lease (s);
- (b) has already applied for but not been granted a lease; or
- (c) has applied simultaneously.

11. Nature of joint interest, if any under 10 above.
12. Approximate quantity of minerals expected to be raised during the first year.
13. Means by which the minerals are to be raised, i.e. by hand labour or mechanical or electrical power and the degree of mechanisation if any contemplated.
14. The amount of money proposed to be invested.
15. Past experience of the applicant in the profession of mining.
16. Manner in which the mineral raised is to be utilised, expected consumers and places of consumption of the mineral.
17. Any other particulars which the applicant wishes to furnish or which the Collectormay ask for.
18. Manner and details of payment of the application fee prescribed in these rules.

(**Note.**-The fee to be paid to the credit of the State Government under the head.....)

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plan and security deposit, etc. as required by you before the grant of the lease.

Yours faithfully.

Signature and designation of the  
Applicant

Place.....

Date.....

**FORM D**  
[See rule 33(1)(a)]

**MODEL FORM OF MINING LEASE FOR MINOR MINERAL**

THIS INDENTURE made this ..... day of ..... 20.....between the Governor of BIHAR (hereinafter referred to as the “State Government” which expression shall where the context so admits be deemed to include his successors in office and assigns) **OF THE ONE PART AND**

**When the lessee is an individual** ..... (Name of person with 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 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 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 to Government of Bihar (hereinafter referred to as the 'State Government') for a mining lease for .....(Name of Mineral) in accordance with the Bihar Minor Mineral Concession Rules, 2018 (hereinafter referred to as the said Rules) 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.

NOW THIS INDENTURE WITNESSETH that in consideration of the rents and royalties, and agreements by and in these presents and the said schedule reserved and contained and on the part of the lessee to be paid, observed and performed the Governor both hereby grant and demise unto the lessee all those this mines beds/veins seams of stone [here state the "Minerals"] (hereinafter and in the said schedule referred to as the said "minerals") situated lying and being in or under the land mentioned and described in part I of the said schedule, together with the land, liberties, powers and privileges to be exercised on or enjoyed in connection therewith 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 all reserving out of this demise unto the State Government the liberties, powers and privilege mentioned in part IV of the said Schedule To Hold the premises hereby granted and demised unto the lessee-from the day ..... 20... for the term of five years thence next ensuing Yielding and paying unto the State Government the several rents and royalties mentioned in part V of the said schedule at the respective time therein specified subject to the provisions contained in part VI of the said schedule And the lessees/lessee hereby covenants/covenant with the State Government hereby covenants with the lessee as in part VII of the said schedule is 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.

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”.

**P A R T I I**

**LIBERTIES, POWERS AND PRIVILEGES TO BE EXERCISED AND ENJOYED 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 Collector 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 that Collector may ask the lessee/lessees to pay for any tree or timber felled and utilized by him/them at the rates specified by the Collector.

**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 Collector 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 Collector 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 Collector, 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 Collector 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 line except with the previous written permission of the Railway Administration concerned or under or beneath any rope way 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 Collector 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 Collector 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 land stoned, gravel, earth and other materials for making, maintaining and repairing such railways, tramway and roads or and existing railways, tramways, and roads and to go and repass at all times with or without horses, cattle or other animals, carts, wagons, carriages, truck, cars, locomotives or the vehicles over or along any such railways, roads, line and other ways for all purposes and occasions 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 for all loss or damage sustained by the lessee by reason or in consequence of the exercise by such lessee or person of such liberty and power, subject to the provision that no compensation shall be deemed to be payable where only electric lines or telephone or similar lines are carried in or over the lands under lease.

3. Lease by mistake – The lessee shall have no claim against the State Government for compensation or damage in respect of land having been included in this lease which already been included in some previous lease but that the lessee shall be entitled to proportionate reduction of the assessment in respect of any land covered by the lease which may subsequently be discovered not to have been available for lease.

4. Action in case of occurrence of valuable Mineral– In case there are reasons to believe at any time that valuable mineral or minerals exist along with the mineral for which this lease is being granted the Collector may issue such order for the compliance of the lessee as the Collector may think proper for dumping of the tailings or screened rejects of the mineral to treated or treatment of the mineral to which this lease is being granted. The granting of this lease to the lessee will always be without prejudice to the right of the Collector to terminate the lease if the mineral leased is found any time to contain any

valuable mineral separation of which is not, in the opinion of the Collector, easily possible or within the means of the lessee.

## **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, as from the day 1[XXXX].....20.....during the subsistence of the lease, the lessee/lessees shall pay to the Collector(in four equal quarterly instalments on the .....day of the months of .....or in four equal half yearly instalments on the .....day of and the day of.....(in each year) certain annual dead rent at the following rate per acre of land s, described in Part I of this Schedule subject to revision at any time by state Government by notification of schedule-II of this Rule(here insert the amount payable).

***Rate and mode of payment of royalty/Settlement Amount:***

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, instalment of settlement amount/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 III 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 acre of the area so occupied or used and so in proportion for any area less than a acre 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 herein before 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 per cent 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 workmanlike 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 Collector/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 Collector/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 access 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 Government,:-

(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 Rs. .... or any part thereof or any further sum hereafter deposited with the Collector 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 Collector 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 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 preemption:***

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 pre-emption 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.

25. Storage and use of explosive – The storage and use of any explosive shall only be in accordance with the provision of Indian Explosive Act, the Metalliferous Mines Regulation for the time being in force and lawful directions of the Inspector of Mines. The lessee shall be responsible for and ensure that no explosive intended for the mine is pilfered or misused or used for purposes, within or outside the lease area, other than mining within the lease area.

26. Boundary dispute – If any boundary dispute of disputes regarding the right or way or any other dispute, whatsoever regarding the construction of any term or condition in the lease arises between the lessee and the lessee of any adjoining block already leased under similar terms or which may subsequently be leased, the lessee shall be bound to submit such dispute to the decision of the Collector or to an officer appointed by State Government for the purpose. An appeal shall lie to the Commissioner of the Division from the decision of the said officer and the order of the Commissioner of the Division thereon shall be final and binding on the lessee.

27. To abide by rules and regulations – The lessee shall abide by all existing laws and rules and regulations as may be enforced by the Government of India or the State Government and all such other laws, rules and regulations as may be enforced from time to time in respect of working of mines and minerals and other matter affecting the safety, health and convince of the employees of the lessee or of the public . On receipt of a notice from the State Government or from an officer authorised by the State Government in this behalf regarding any unlawful or irregular work in connection with the working of the mine the

lessee shall also be bound to pay compensation to the State Government for all losses due to any illegal or unlawful work done by the lessee or his employees.

28. The lease shall be liable to cancellation if the lessee ceases to work the mine or the quarry, for a continuous period of one year without obtaining the previous permission of the competent office or collector.

Provided that the lease shall not be cancelled if the lessee is prevented from working the mine or quarry owing to circumstances beyond his control.

29. If the lessee does not work in any part of the area leased out to him continuously for period of six months, of which the Collector shall be the sole judge, the Collector shall have the power to determine the lease and re-enter the area, provided that the lessee shall be given a reasonable opportunity to show cause against the same.

30. If the lessee does not work on more than 10% of the area leased out to him continuously for more than 6 months of which the Collector shall be the sole judge, the Collector shall have the power to re-enter on 75% of the area comprised in the lease, provided that the lessee shall be given a reasonable opportunity to show cause against the same and the area left with the lessee shall be a compact block including the portion of the area worked by him and the terms of the original lease shall be considered as modified from the date of re-entry by the Collector after his final order.

31. It will be the responsibility of the lessee to ensure that the individual/public/community properties, cultivable land/structures like Road/Temple/Mosque/Gurudwara/Church or any other property is not damaged during the course of mining. Otherwise the lessee will have to pay the compensation to the concerned and his settlement can also be cancelled on these basis and all the deposited amount can be forfeited.

32. The Collector may cancel the leased area if the said area is notified as archaeological site or reserve/protected forest area in future.

33. All mining operations shall be in accordance with the terms and conditions laid under the Environmental Clearance submitted by the lessee.

34. Any mining operation under settlement shall be undertaken by the lessee in accordance with the terms & conditions of approved mining plan prepared for the entire settlement period.

35. Lessee shall have to pay to the District Mineral Foundation at prescribed rates every calendar year during the entire lease period.

36. Lessee shall have to pay 2.06% of every calendar year settlement amount as Income Tax and surcharge.

37. The lessee shall have no claim against the State Government for compensation or damages due to non-availability of minerals or boundary disputes or any hindrance caused in transportation.
38. The lessee shall allow other lessee to transport the mineral through his auction area.
39. Lessee shall have to display a signboard at mining sight exhibiting name and address of the Lessee, Settlement period, name and address of local manager.
40. Lessee shall have to arrange shed/shelter, drinking water, 'Palna Ghar', First Aid kit etc. at stone quarry under the provisions of labour act/ rules.
41. Lessee shall abide by any other conditions imposed by the Collector as he deems necessary in regard to public interest. The Collector may determine the settlement by passing reasoned order if the lessee commits any breach of terms and conditions mentioned above after the applicant is given reasonable opportunity of being heard.
42. If the lessee makes default in payments of any Installments, GST, Income Tax, Stamp Duty and Registration fees on time, the Collector shall give a thirty days notice to the lessee requiring him to pay within prescribed time limit and if not paid within such period the Collector may without prejudice to any proceeding that may be taken against lessee, determine the settlement and forfeit the whole or part of the security deposit.
43. The lessee shall have to take permission from DGMS under Rule 106 (2) (b) of Metalliferrous Mines Regulation 1961 for any deep hole blasting and before deploying any HEMM in mining area.
44. The lessee shall have to dispatch stone loaded vehicles by main roads only and not by the PMGSY roads.
48. Lessee shall submit a mine closure plan within prescribed time period in the rule.
45. The lessee shall have to submit a yearly report before 31<sup>st</sup> December of every year setting forth the extent of protective and rehabilitative works carried out as envisaged in the approved mine closure plan.
46. The lessee shall maintain the boundary pillars on his own cost in the whole lease period according to provisions prescribed in the rule.
47. The lessee shall use and store any explosive only after getting permission from District Magistrate. The lessee shall use any explosive in accordance with provisions of Indian explosives act and rules. Explosives shall be supplied by the firms recommended by the Collector.
48. The lessee shall have no claim on any type of property lying within settled area before the execution of the lease deed.
49. The period of the lease will be valid for five years from the date of execution of the lease deed. No claim for delay in handing over the area shall be accepted in future.

50. The lease deed shall be registered by depositing required fees. The lease may be cancelled in case of non registration of lease deed.

## **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.

#### ***Liberty to surrender the lease:***

3. (1)The lessee/lessees may at any time surrender this lease by giving not less than sixty days notice in writing to the Collector/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. Collector/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 ninety 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 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**

1. Breach of any condition – In case of breach of any of the condition of the lease other than mentioned in clauses 2 and 3 of this part the Collector may require the lessee or his transferees or assignees to pay penalty not exceeding an amount of annual deed rent specified under clause 2, part V

2. Obstruction to inspection – In case the lessee or his transferees or assignees obstructs/obstruct or does/do not allow entry or inspection any of the conditions of the lease mentioned in clause 1 part III and clauses 13, 14 and 2 of part VII, the Collector may cancel the lease and forfeit the whole or part of the security deposit.

3. Breach of any other condition – In case of lessee or his transferee or assignee commit any breach of any of the conditions specified in (clause 3 of part III) and clauses 2, 3, 6, 10, 23 of part VII then and in any such case the Collector shall give notice in writing to the lessee or his transferees or assignees as the case may be asking him/them to remedy the breach within 30 days from the date of the notice and if the breach is not remedied within such period the Collector may determine the lease; provided that nothing therein

contained shall debar the Collector from enforcing any other right or remedy that the Collector may have against the lessee or his transferees or assignees under any other provisions herein contained.

4. In case of breaches of the covenants and agreements by the lessee on which the aforesaid notice has been given, the Collector in lieu of giving notice may impose such penalty not exceeding four times the amount of annual deed rent specified in clause 2 of part V.

5. Failure to fulfill the terms of lease due to "force majeure" – Failure on the part of the lessee to fulfill any of the terms and conditions of this lease shall not give the Collector any claim against the lessee or be deemed a breach of this lease, in so far as such failure is considered by the said Collector to arise from force majeure, and if through force majeure the fulfillment by the lessee of any of the terms and condition of this lease be delayed the period 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, a strike, earthquake, tide, storm, tidal wave flood, lightening, explosion, fire, earthquake and other happenings which the lessee could not reasonable prevent or control.

6. Lessee to remove his properties on the expiry of lease – The lessee having first paid and discharged the rents 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 take down and remove for his own benefit all or any machinery, plant, building, and other works, erections and conveniences which may have been erected, set up on placed by the lessee in or upon the said lands and which the lessee is/are not bound to deliver to the Collector under clause 18 part VII of this schedule and which the Collector shall not desire to purchase.

7. Forfeiture of property left more than six months after determination of lease – If at the end of three calendar months after the expiration or sooner determination of the said term or after the expiration or sooner determination of the said term or after the date from which any, surrender by the lessee of the said lands 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 machinery, plant, buildings, structures and other work, erections and conveniences or other property, the same may be sold or disposed of in such manner as the Collector shall deem fit without liability to pay any compensation or account to the lessee in respect thereof.

8. Recovery under the public demand act – Without prejudice to any other mode of recovery authorised by any provision of this lease or by any law all amount falling due hereunder against the lessee may be recovered as a public demand under the Bihar &

Orissa Public Demands Recovery Act or any Statutory Act or Rules Thereof for the time being in force.

9. Anticipated royalty for the purpose of stamp duty – For the purpose of stamp duty, the anticipated royalty is Rs .....

10. Responsibility of managing agents – The managing agent of the lessee shall be equally responsible as the lessee.

11. service of notice – Every notice by these presents required to be given to the lessee shall be given in writing to such person resident on the said lands as the lessee may appoint for the purpose of receiving such notices and if these shall be sent the lessee by registered post addressed to the lessee at the address recorded in this lease or at such other address in India as the lessee may from time to time in writing to the Collector or the competent officer authorised by the Collector in this behalf designate for the receipt of notices and every such service shall be deemed to be the proper and valid service upon the lessee and shall not be questioned or challenged by him, In witness where of these presents have been executed in the manner hereunder appearing the day, month and year first above written.

12. 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 Bihar in the presence of:

- 1.
- 2.

Signed by.....

for and behalf of..... in presence of:

- 1.
- 2.

**Form E**  
[See Rules 38(1)]  
Form of application for Quarrying Permit

No.-.....

Date .....

To,

The Competent Officer,

.....

Sir,

I/We request that a quarrying permit under the Bihar Minor Mineral Concession rules be granted to me/us.

A sum of Rs. 20 being the fee in respect of application is deposited (copy of challan is enclosed)

The following particulars are enclosed:-

- (i) Clearance certificate for payment of mining dues to be attached
- (ii) Written consent of the Raiyatas from which mineral is to be extracted if the land from which minor mineral is to be extracted are raiyati lands.
- (iii) Mineral which the applicant intends to quarry.
- (iv) The details of the land from which mineral will be quarried.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details as may be required by you. I/We do hereby declare that I/We shall adhere to the terms and conditions as indicated in these rules and any other conditions imposed by competent authority.

Yours Faithfully,

Signature and Designation  
of the applicant

Place-

Date-



**FORM F**

[See Rules 37(1)]

**Form of Permit For Minor Minerals To be Issued Under The Bihar Minor Minerals Concession Rules, <sup>1</sup>[2018].**

Permit No.- \_\_\_\_\_ of 20 \_\_\_\_\_

Name and address of the permit holder:-

<b>Name of locality village, plot, number etc.</b>	<b>Date of expiry of permit</b>	<b>Name and description of minor minerals</b>	<b>Purpose for which it will be used</b>	<b>Number of quantity of materials</b>	<b>Rate of royalty</b>	<b>Total amount paid</b>
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>

Seal

Competent Officer

The permit is issued subject to the terms and conditions noted below:-

**CONDITIONS.**

- (1) Materials shall have to be removed within the prescribed time- limit.
- (2) Quarrying is not allowed beyond a depth of 3m from the surface.
- (3) Compensation, if any, shall have to be paid for damage to the land covered by permit.
- (4) Felling of trees is not allowed without prior permission of competent authorities within whose jurisdiction the area lies.
- (5) Surface operation shall not be done on any public prohibited and restricted place.
- (6) Every type of accident shall be reported to the Competent Officer immediately.
- (7) The party shall be liable to indemnify the claims of third parties. State Government shall not be responsible for such claims in any way.
- (8) The materials left after the cancellation of the permit shall be forfeited to Government and the same shall be deemed to be Government property.
- (9) No excess quantity of materials beyond this permit this permit shall be removed without obtaining prior permit, otherwise the permit-holder shall be liable for action under Bihar Minor Mineral Concession Rules, 2018
- (10) Proper accounts for the extraction and removal shall be maintained in the prescribed form and a monthly return shall be submitted within the month following the month to which extraction relates.
- (11) e-chalans in the prescribed form shall have to be issued for the materials to be dispatched or sold from the area.

**N.B.- Breach of any of the conditions noted above is liable for the cancellation of permit, forfeiture of materials extracted and such other action as may be deemed necessary.**

**Form- G**

{ See Rule 41(A), (B),(C) & (D) }

Application for the grant of Mineral Disposal Permit for disposal of mineral extracted during the process of maintenance / drainage of drain / canal / river or generated during the process of construction or repair or demolition of building / structure / or accumulated due to floods / dispersed through production activity.

To

The District Mining Officer,  
Mines and Geology Department,  
.....

Dear Sir,

Undersigned has to remove and transport minor minerals during the process of maintenance / drainage of drain / canal / river or generated during the process of construction or repair or demolition of building /structure / or accumulated due to floods / dispersed through production activity at ..... (Location of site). The approved copy of the site plan is attached. In the process of digging / repair/ demolish mineral(s) namely..... shall also be excavated incidental to the above developmental activity .The same requires to be consumed at the site or disposed off, for which permission is solicited.

2. The details of the area for which permission is being sought, is given as under:-

- (a) Location of the area
- (b) Purpose
- (c) Total area/ built up area
- (d) Extent of the area required for digging giving length, breadth & depth
- (e) Quantity and particulars of the mineral(s) to be removed
- (f) Advance royalty payable

3. The applicant further state that:-

- i) the royalty at the rates prescribed under the rules shall be paid in advance on the mineral(s) excavated incidental to digging of foundation/ basement / demolish of structure / maintenance of drain /canal / river / accumulated due to floods.
- ii) the intention of digging is not to excavate mineral(s) from the said site for commercial mining but for lying of foundation or basement / demolish of structure or developmental activity duly approved by the competent authority.
- iii) The incidental mineral(s) excavated will be disposed of only on issuance of a valid E-challan / Transit Pass as supplied by the Competent Officer / District Mining Officer.

Dated :

Enclose: As above.

(Name and address of the applicant)

- (i) Proof of ownership of land.
- (ii) Site plan along with a copy of permission/ sanction of competent authority to undertake development activities or construction / demolition of building etc.

**FORM-H**

[See Rule 41(A), (B),(C) & (D)]

**FORM FOR GRANT OF MINERAL DISPOSAL PERMIT**

Mineral Disposal permit no.....Place ..... Date.....

Whereas, Shri ..... (Name and Designation) applied for grant of Mineral Disposal permit for disposal of ..... cubic meteres / tones / cubic feet of ..... (Name of Minor Minerals) from Khasra No.....of Village ..... Circle ..... District ..... under Rule 41 of the Bihar Minor Mineral Concession Rules, 2018 and has paid an application fee of Rs. .... and advance royalty amounting to Rs.. ..

2. Permission is hereby granted to quarry, collect, remove and transport .....(mineral) from the area indicated on the plan annexed hereto during the process of maintenance / drainage of drain / canal / river or generated during the process of construction or repair or demolition of building / structure / or accumulated due to floods / dispersed through production activity at ..... (village) ..... (Circle)..... (District).

3. The mineral disposal permit shall be valid for ..... (Period) from ..... to .....

4. The Mineral disposal permit shall be governed by the following conditions namely-
- (a) The holder of permit shall maintain complete and correct account of the mineral removed and transported from the area;
  - (b) The holder of permit shall allow Deputy Director/Mining Officer/Mining Inspector or any officer authorized by the Collector to inspect the site and verify the accounts.
  - (c) No sooner the permitted quantity is transported within the time period of 30 days or earlier, complete statement of the quantities deposited duly certified by the Officer of the concerned department shall be furnished to the Sanctioning Authority.
  - (d) The holder of permit shall obtain all permissions/ consents from the competent authority under any Act and Rules applicable for excavation or removal of the minerals from the area.
  - (e) The holder of permit shall submit by the 15<sup>th</sup> of every month, to the District Mining Officer / Collector a return in prescribed format.
  - (f) Any other condition, the sanctioning authority may deem fit.

**Enclosure :-** Plan showing area granted under permit.

Signature of the Competent Authority  
With seal of office

**Form-I**  
[ See Rule 45 ]

**Mineral Transit pass/ e-challan**  
Deptt. Of Mines & Geology  
Government of Bihar

- Challan/Pass No. :
1. Year :
2. Location of the ghat/quarry :
3. GPS co-ordinates of ghat/quarry :
4. Annual E-cap of ghat/quarry :
5. Name of ghat Owner/Settle :
6. Mobile No. of Settle :
7. Full Adress of Settlee :
8. Date of expiry of lease :
9. Date and time of issuance of this Challan :
- 10 . Challan Valid Upto :
11. Name of the customer :
12. Mobile No. of the customer :
- 13.Name of Mineral :
- 14.Weight of the mineral(in MT ) :
- 15.Volume of the mineral (in Cft ) :
16. Sale price (in Rs.) :
17. Vehicle No. :
18. Type of Vehicle :
19. Driver Name :
20. Driver Mobile No. :

**Note:- Additional entries may be made in the prescribed format in electronic system as per need.**

**FORM- J**

[ See Rule 50(1)]

Register to be Maintained by the Lessee / Permit Holder.

- 1 Name and address of lessee / permit-holder
- 2 Details of quarry lease / permit.
- 3 Area .....
- 4 Mineral .....
- 5 Location of quarry site .....

SL. No.	Date	Opening Balance.	Quantity extracted	Total	Name of Persons to whom sold/ dispatched	Number of challan issued	Total quantity sold or dispatched	Quantity in stock at the close of the day	Amount of royalty	Remarks
1	2	3	4	5	6	7	8	9	10	11

**FORM- K1**  
**MONTHLY RETURN**  
[see rule 50(2)]

(To be submitted before the 15th day of every month in respect of preceeding 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. 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: \_\_\_\_\_
  14. Details of machinery and equipment  
deployed \_\_\_\_\_
  15. Details of explosives consumed with  
Quantity \_\_\_\_\_
- Remarks: \_\_\_\_\_

Date:

Place:

Signature of the lessee  
Or his Authorized Agent or Manager with Seal

**FORM- K2**  
**ANNUAL RETURN**  
[see rule 50(3)]

(To be submitted by 30th April of each year in respect of the preceding 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 the Minor Mineral: \_\_\_\_\_
5. Opening stock on the first day of the month \_\_\_\_\_
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 (Rp): \_\_\_\_\_
10. Royalty (Rp) paid / Installment amount:
  - (a) for the current year: \_\_\_\_\_
  - (b) towards past arrears: \_\_\_\_\_
11. Dead Rent (Rp) 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:

Place:

Signature of the lessee  
Or his Authorized Agent or Manager with Seal

**License in Form 'L'**

[See Rule 43(1)]

Shri/S. Sri.....is approved to be a person to stock Minor/Major minerals at  
.....(name of place).....P.S..... District  
..... and he will abide by the provisions of BIHAR MINERALS  
(Prevention of Illegal Mining, Transportation, Storage & CONCESSION) RULES, 2018

Seal and Signature of Competent officer'



**FORM- M**  
**FORM FOR APPEAL**  
[see rule 82(3)]

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 60(Sixty) days from the date of communication of the order in terms of sub rule 1/2 of Rule 82. \_\_\_\_\_  
(ii) If not, the reasons thereof \_\_\_\_\_
5. Name(s) of mineral or minerals for which appeal is made \_\_\_\_\_
6. 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: \_\_\_\_\_
7. Grounds for appeal. a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_
8. Name and address of the party/parties impleaded. \_\_\_\_\_  
Reasons for impleading him/them to be mentioned. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yours faithfully,

Signature of the applicant

Place .....

Dated .....