

Bihar Minor Mineral Concession Rules, 1972

BIHAR

India

Bihar Minor Mineral Concession Rules, 1972

Rule BIHAR-MINOR-MINERAL-CONCESSION-RULES-1972 of 1972

- Published on 22 June 1972
- Commenced on 22 June 1972
- [This is the version of this document from 22 June 1972.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Minor Mineral Concession Rules, 1972Published vide Notification No. B/N/109/72-4275 M, dated 22nd June, 1972, Bihar Gazette (extraordinary) dated 31 July, 1972[Notification No. B/N/109/72-4275 M, the 22nd June, 1972. - In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Governor of Bihar is pleased to make the following Rules, namely:-

Chapter I Preliminary

1. Short title, extent and commencement.

- (i) These Rules may be called the Bihar Minor Mineral Concession Rules, 1972.(ii)They shall extend to the whole of the State of Bihar.(iii)They shall come into force with effect from the date of publication in the Bihar Gazette.

2. Definitions.

- In these Rules, the context otherwise requires. -(i)"Collector" means the Chief Officer incharge of the revenue administration of a district or any officer specially empowered by the State Government to perform the duties of a Collector under these Rules;(ii)"Commissioner" means the Commissioner of Mines and Geology, Bihar, or any other Officer authorised in this behalf by the State Government to perform the duties of Commissioner under these Rules;(iii)"Competent Officer" means (a) in the case of grant of quarrying permits in land notified as Reserved and Protected Forest under the Indian Forest Act, 1927 (Central Act XVI of 1927), where the actual mining operation involved is merely removal from the surface or from a depth not exceeding five feet and to a limit of 10.000 cubic feet only, Divisional Forest Officer of the reserved and protected areas concerned, and(b)in all

other 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 Assistant [Director or Mineral Development Officer of the district or circle or Mines Inspector of the district or circle where Assistant Director or Mineral Development Officer has not been posted.] [Substituted vide Section 2 of Amendment Rules, 2008.] [x x x] [Omitted by S.O. 305 dated 26.3.1985.];(iv)"Divisional Commissioner" means the Commissioner of a Division appointed as such by the State Government;(v)"Director of Mines" means the Director of Mines appointed as such by the State Government;(va)["Additional Director of Mines" means Additional Director of Mines appointed as such by the State Government;] [Inserted by S.O. 861 dated 11.7.1983.](vi)"Deputy Director of Mines" means the Deputy Director of Mines appointed as such by the State Government;(vii)"Form" means a form set out in Schedule III appended to these Rules;(viii)"Government" means the State Government of Bihar;(ix)"Local authority" shall mean 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;(x)"Minerals" means minor minerals as defined in clause (e) of Section 3 of the Mines and Minerals (Regulation and Development) Act, 1957;(xi)"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;(xii)"Quarrying Permit" means a permit granted under Chapter IV of these Rules to extract and remove any minor minerals in specified quantities from the specified areas;(xiii)"Schedule" means a Schedule appended to these Rules; and(xiv)Words and expression used but not defined in these Rules shall have the same meanings as are respectively assigned to them in the Mines and Minerals (Regulation and Development) Act, 1957.

3. Limitation of application of Rules.

- Nothing in these Rules shall affect, the provisions of any Central Act or Regulations or Rules made thereunder for the purpose of regulation and development of mines and minerals and of the safety of the persons working in the mines, and anything done or any action taken under the provisions of the Bihar Minor Minerals Concession Rules, 1964.Rules 3(A-E) Omitted vide S. O. No. 1063 dated 16.10.1989.]

Chapter II

General restriction on undertaking Mining Operation

4. 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.

5. Restriction on the grant of quarrying permit or mining lease.

(1)No quarrying permit or mining lease shall be granted to a person who is not an Indian national except with the previous approval of the Government.(2)No quarrying permit or mining lease shall be granted 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.(3)No mining lease shall be granted in Reserved and Protected Forest area without consulting the Divisional Forest Officer concerned. The Competent Officer shall consult the Divisional Forest Officer before making his own recommendation for the grant of the mining lease:Provided that if any referency by the Competent Officer to the Divisional Forest Officer concerned fails to elicit any reply within 60 days from the date of reference, the concurrence of the Divisional Forest Officer shall be presumed:Provided further that if there be any difference of opinion between the Competent Officer and the Division Forest Officer, the Collector of the District shall decide point or points of difference and his decision thereon shall be final.

6. Maximum area for which mining lease be granted or renewed.

- No person shall acquire in the State in respect of any minor minerals one or more mining leases covering a total area of more than [100 Hectares] [Substituted by S. O. 305 dated 26.3.1985.]:Provided that if the State Government is of the opinion that in the interest of mineral development it is necessary so to do, it may, for reasons to be recorded, permit any person to acquire one or more mining leases covering an area in excess of the aforesaid maximum.

7. Period for which mining lease be granted or renewed.

- The period for which a mining lease may be granted or renewed shall not ordinarily be more than [Ten years] [Substituted by S. O. 1063 dated 16.10.1989.] [x x x x] [Omitted by S. O. 1063 dated 16.10.1989.]

8. Length and breadth of leased area.

(1)The length of an area held under a mining lease shall not exceed four times its breadth:Provided that the Collector may, in any particular case, relax the provision of this Rule [for reasons to be recorded in writing] [Inserted by S. O. 305 dated 26.3.1985.](2)The area under any mining lease shall be in a compact block and for every compact block separate application for grant of mining leases shall have to be filed.

Chapter III

Grant of Mining Lease

9. Application for grant of mining leases.

- [(1) Except of Granite] [Substituted by S. O. 5572 dated 18.10.95.](a)[A mining lease except of granite shall be granted by the Collector,] [Inserted by S. O. 5572 dated 18.10.95.](b)Mining lease or prospecting licence of granite shall be granted by the State Govt.(2)Every application for a mining lease in respect of any land shall be made in Form "A" to the [Competent-Officer] [Substituted for 'Collector' by S. O. 867 dated 21.8.1972.] or any other officer authorised by the Collector.(3)Every application for mining lease shall be accompanied by a fee of [Rs. 2000,] [Substituted by S. O. 1063 dated 16.10.1989.] 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.] [Substituted by S.O. 1133 dated 19.8.1978.]] [x x x x] [Omitted by S. O. 1063 dated 16.10.1989.](6)[Every application shall be accompanied by an affidavit stating that the applicant 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.(7)Every application shall be accompanied by an affidavit showing particulars of 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."(8)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 operation; provided that no such statement shall be necessary where the land is owned by the Government.] [Inserted by S. O. 1063 dated 16.10.1989.][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:Provided further that no consent shall be required in the case of renewal where consent has already been obtained during the lease.] [Inserted by S.O. 5572 dated 18.10.95.](9)[When an application for a mining lease is not accompanied by the papers specified in sub-rules (2), (3), (4) and [6, 7, & 8] [Sub-rule 3 re-numbered as (9) and inserted by S. O. 1063 dated 16.10.1989.] it shall be rejected straightway by the Competent Officer within a period of 15 days from the date of its receipt.]

9A. [[Inserted by S.O. 29 dated 24.3.2001.]

- Notwithstanding anything contained in. these rules the Government may by notification in Official Gazette direct that any mineral may be leased out or settled by Public auction/tender in the manner prescribed in Rule-52].

10. Acknowledgement of application.

- On receipt of the application for a mining lease, the Collector [or Competent Officer or any other officer authorised by the Collector] [Inserted by S. O. 305 dated 26.3.1985.] shall initial the application along with date of its receipt and shall give to the applicant an acknowledgement stating the date of receipt in Form 'B'.

11. Disposal of application for mining lease.

(1)An application for the grant of mining lease shall be disposed of within [120] [90 days have been replaced by 120 days vide by S. O. 305 dated 26.3.1985.] 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 refused.[x x x x] [Proviso omitted by S. O. 305 dated 26.3.1985.](3)[In case an applicant does not hold mining lease in certain districts of the State, he shall, with an application for the grant or renewal of the lease, file an affidavit to that effect.] [Inserted by S. O. 305 dated 26.3.1985.]

11A. [[Inserted by S.O. 1133 dated 19.8.1978 and Substituted by S.O.33 dated 14.1.1985.]

Notwithstanding anything contained in these Rules the settlement of sand as minor mineral will be done by public auction by the Collector to the highest bidder on annual basis.][Before the auction, the bidders shall produce royalty clearance certificate required under Rule 9 (4) or an affidavit to the effect that he is/was not a lessee or permit-holder and that he does not owe any mining dues.] [Inserted by S.O. 199 dated 3.3.1988.]Explanation. - Existing leases shall not be renewed nor fresh lease/permits for sand shall be granted:[Provided that in isolated and far flung areas of sand deposits which reasonably and conveniently cannot be settled by auction shall be identified by the Collector and on their being approved as such by the Commissioner the Competent Officer may issue permits for removal of sand from such areas for such period not exceeding one year in respect of any one individual permit holder.Provided further that such isolated and far flung areas can also be settled through public auction as and when so declared by the Commissioner.] [Inserted by S.O. 199 dated 3.3.1988.][Provided further that anything contained herein before in this Rule shall not prevent the Collector from exercising his power u/R 9 in cases covered by Rule 12 (i) hereinafter.] [Inserted by S.O. 1063 dated 16.10.1989.]

11B. [[Inserted by S.O. 398 dated 17.8.1991.]

(1)Every settlee of sand as minor mineral shall deposit the amount equivalent to ten percentum of auctioned amount as security for due observance of terms and conditions of settlement which shall be refunded after the expiry of the period of settlement by the Competent Officer unless the same will be withheld in part or in full by the Competent Officer for reasons to be recorded in writing including non-payment of mining dues.(2)Where the settlement is made by public auction, a deed shall ordinarily be executed in Form 'O' or in a Form as near thereto as circumstances of each case may require, of this Rule within 60 days of the order of the settlement and if no such deed is executed due to the failure on the part of the settlee the settlement order shall be deemed to have been revoked and security deposit and other amounts paid may be forfeited.]

11C. [[Inserted by S. O. 5572 M dated 18.10.1995.]

- However the Collector may give preference to Co-operative Society, duly registered under Bihar and Orissa Co-operative Societies Act, 1935, having its members among those persons

who;(i)Usually work as labourers in the Panchayat or Panchayats in which such sand deposits occur;(ii)are residents of the Panchayat or Panchayats for which the Society is formed;(iii)do not own more than five acres of agricultural or homestead land:Provided that the society undertakes in writing to deposit an amount which is 20% higher than the amount realised as royalty from the same area in the calendar year immediately preceding.

11D.

Every such settlement shall be valid only for the calendar year in which it is so made irrespective of the date on which such settlee comes in its possession and in no case shall such settlement or possession continue in the succeeding calendar year.

11E.

After such settlement and making deposit of 25% of the settlement amount within seven days thereafter, the settlee may be put in possession of the area by the Collector.

11F.

Every such settlee shall make payment of the settlement amount after possession in following instalments in the local treasury :-

- | | |
|--|-------|
| (i) within 30 days of coming into possession | - 30% |
| (ii) within 120 days of coming into possession | - 20% |
| (iii) within 180 days of coming into possession remaining amount | - 50% |

Any default in payment of such amount shall at once result in cancellation of the settlement and the Collector shall be free to settle the area denovo in accordance with the Rules 11-A, 11-C and 11-D.]

12. Preferential right for obtaining mining lease.

(1)In granting the mining lease, the Collector shall give preference to Government Departments, Public Sector Undertakings of the State or Central Governments, Local body, [and Co-operative Society] [Inserted by S.O. 1063 dated 16.10.1989.] where the lease is required for work directly concerned with the Department, undertaking or body, if they fulfil the conditions required for the grant of mining lease.[However, the Collector may give preference to such Co-operative Society all the members/share-holders of which belong to [Scheduled Tribe or Scheduled Caste] [Inserted by S.O. 1063 dated 16.10.1989.] and which has duly been registered under Bihar and Orissa Co-operative Societies Act, 1935.](2)Subject to the provisions of Rule 12(1), where two or more persons have applied for mining lease in respect of the same land, the applicant whose application was received earlier shall have a preferential right for the grant of the lease over the applicant whose application was received later:Provided that where any such applications are received on the same day, the Collector, after taking into consideration the matters specified in sub-rule (3), may grant mining lease to such one of the applicants as he may deem fit.(3)The matters referred to in the

proviso above shall be the following namely:-(a)The experience of the applicants in quarrying business;(b)Financial soundness and stability of the applicant;(c)The end use of the mineral by the applicant;(d)Any other matter which the Government may prescribe.(4)No applicant shall claim any priority by reason only of the fact that he had previously worked in the area to which the application relates.(5)In the case of application for mining lease filed prior to the commencement of these Rules and pending after such commencement priority will remain unaltered provided the applicant complies with the requirement of these Rules within 30 days from the date of the receipt of a requisition on this behalf by the [Competent Officer] [Substituted for 'Collector' by S.O. 867 dated 21.8.1972.],(6)Notwithstanding anything contained in sub-rule (2), the Collector may, for any special reasons to be recorded and with the previous approval of the Government, grant a mining lease to an applicant whose application was received later in preference to an applicant whose application was received earlier.

13. Deposit of preliminary expenses.

- When the lease is granted or renewed, the applicant shall deposit for meeting the preliminary expenses a sum of Rs. 200 only before the document is executed.

14. Security deposit.

- The applicant shall, before execution of the lease deed, deposit as security for the due observance of the terms and conditions of the lease, a sum equal to the annual dead rent [at the maximum rate] [Inserted by S.O. 305 dated 26.3.1985.] fixed for the lease or a sum of Rs. 1,000 whichever is [more] [Substituted by S.O. 305 dated 26.3.1985.], which shall be refundable to him after the expiry of the period of the lease, by the Competent Officer unless and until the same is withheld in part or in full by the Competent Officer for any cogent reason including non-payment of mining dues.

15. Survey of the area leased.

- When the mining lease is granted, arrangement shall be made for the survey and demarcation of the area granted under the lease by the Competent Officer.

16. Register of applications.

- A register of applications for mining leases shall be maintained by each Competent Officer specifying therein the following particulars:(a)Name of the applicant;(b)Address of the applicant(c)Particulars of the challan with which application fee is paid;(d)Particulars of the lands applied for and its area;(e)Mineral or Minerals which the applicant desires to extract;(f)Period for which the lease is required;(g)Action taken on the application and the date of orders.

17. Register of Mining Lease.

- A register of mining leases shall be maintained by each Competent Officer in Form "C".

18. Inspection of Registers.

- The registers maintained by the Competent-Officer under Rules 16 and 17 shall be open to inspection by any person, on payment of a fee of [Rs. 10] [Inserted vide S. O.305 dated 26.3.1985.] only for each register.

19. Refund of application fee.

(1)Where an application for the grant or renewal of a mining lease is refused or is deemed to have been refused, the fee paid by the applicant shall be refunded to him.(2)Where the whole or any part of the amount deposited under Rule 13 has not been expended for the purposes specified in that Rule, it shall be refunded to the applicant.(3)The boundaries of the areas covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

20. Refusal of application for grant and renewal of mining lease.

- The Collector may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a mining lease over the whole or part of the area applied for.

21. Conditions.

(1)Every mining lease shall be in Form "D" or in a Form as near thereto as circumstances of each case may require.(2)The conditions embodied in Form "D" shall be deemed to be conditions imposed under this Rule.(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 lessee shall pay to the occupier of the surface of the land such compensation as may become payable under these Rules.] [Substituted by S.O. 1063 dated 16.10.1989.](c)[The lessee shall take such measures for planing 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 reason of any mining operation or to the extent possible, the restoration of flora and other vegetation destroyed by such operation.] [Substituted by S.O. 1063 dated 16.10.1989.](d)The restriction of surface operations in any area prohibited by any authority;(e)The notice by lessee for surface occupation;(f)The provision of proper weighing machines;(g)The facilities to be given by the lessee for working other minerals in the leased area or adjacent area;(h)The earning and working in a reserved or protected forest;(i)The reporting of accidents;(j)The securing of pits and shafts;(k)The indemnity to Government against claims of third party;(l)The delivery of possession of lands and mines on the surrender, expiration or determination of the lease;(m)The forfeiture of property left after determination of the lease;(n)The power to take possession of plant, machinery, premises and mines in the event of war or emergency.(o)[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.] [Inserted by S.O. 1063 dated 16.10.1989.](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 thinks fit.(5)[If the lessee makes default in payment of rent/royalty as required by Rule 26 or commits breach of any of the conditions referred to in this Rule or embodied in the mining lease Form "D" the Competent Officer shall give notice to the lessee requiring him to pay the rent/royalty or remedy the breach as the case may be within 30 days from the date of the receipt of the notice and if the rent/royalty is not paid or the breach is not remedied within such period, the Collector may without prejudice to any proceeding that may be taken against the lessee, determine the lease and forfeit the whole or part of the security deposit.] [Inserted by S. O. 199 dated 3.3.1988.]

22. Renewal of mining lease.

(1)Application for renewal of mining lease shall be made in Form "AA" at least [90 days but not earlier than 180 days] [Substituted by S. O. 305 dated 26.3.1985.] before the expiry of the lease.(2)Every application for the renewal of mining lease shall be accompanied by:-(a)A fee of Rs. [2000/-] [Substituted for Rs. 500/- vide S. O. 1063 dated 16.10.1989.](b)[A valid clearance certificate of payment of royalty, dead rent, surface rent and cess upto the end of last financial year [in respect of all the mineral concessions held in the State of Bihar] [Substituted by S.O. 1133 dated 19.8.1978.], to which the application for renewal of a mining lease relates.](c)If an application for the renewal of a mining lease made within the time referred to in sub-rule (1) is not disposed of by Collector before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period of 90 days or ending with the date of receipt of the orders of the Collector thereon, whichever is shorter.(d)If any application is not disposed of even within the extended period specified in sub-rule (2) (c) it shall be deemed to have been refused.(e)[Where an application for renewal of a mining lease is not accompanied by the papers specified in sub-rules (1) and (2), it shall be rejected straightway by the Competent Officer within 15 days from the date of its receipts.] [Existing sub-rule 2 (f) made 2 (e) and new sub-rule 2(f) & 2(g) Inserted by S. O. 1063 dated 16.10.1989.](f)[Every application for the grant or renewal of mining lease shall be accompanied by an affidavit showing that he has- [Existing sub-rule 2 (f) made 2 (e) and new sub-rule 2(f) & 2(g) Inserted by S. O. 1063 dated 16.10.1989.](i)filed upto date Income-Tax returns;(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.(g)Every application for grant or renewal of mining lease shall be accompanied by an affidavit showing-Particulars of area Mineral-wise in the 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 a mining lease; and(iii)being applied for simultaneously.]

22A. [[Inserted by S.O. 29 dated 24.3.2001.]

(1)[x x x](2)[x x x] [Rule 22A(1) (2) and (3) deleted vide Section 3 of Amendment Rules, 2008.](3)[x x x] [Rule 22A(1) (2) and (3) deleted vide Section 3 of Amendment Rules, 2008.](4)The existing quarrying leases shall not be renewed but it would be allowed to subsist for the remaining period for

which they have already been granted on the same terms and condition: Provided that at the end of the period for which they had been granted the area settled for quarrying will be governed by Rule 52. Explanation I. - The relevant Rules of Bihar Mineral Concession Rules 1972 shall "Mutatis Mutandis" apply to quarry lease granted under Rule 52. Explanation II. - Existing leases shall not be renewed nor fresh lease permits shall be granted.]

23. Transfer of lease.

(1) The lessee shall not, without the previous consent in writing of the Collector:- (a) assign, sub-let, mortgage, or in any manner, transfer the mining lease, or any right, title, or interest therein including raising rights, or (b) enter into or make any arrangement, contract or understanding including giving of raising contract whereby the lessee will or may be directly or indirectly financed to 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. (2) Without prejudice to the provisions of sub-rule (1), the lessee may subject to the condition specified in Rule 6, transfer his lease or any right, title or interests therein, to any person on payment of a fee of [Rs. 100] [Substituted by S. O. 1133 dated 19.8.1978.] [and production of royalty clearance certificate by lessee and transferee] [Inserted by S.O. 305 dated 26.3.1985.]: Provided that the lessee shall make available to transferee the original or certified copies of all plants of abandoned workings in the area and in a belt 3[60 metres] wide surrounding it. (3) The Collector may, by an order in writing determine any lease at any time if the lessee has, in the opinion of the Collector committed a breach of any of the provisions of sub-rule (1) or has transferred any lease or any right, title or interest therein otherwise than in accordance with sub-rule (2) : Provided that 'no such order shall be made without giving the lessee a reasonable opportunity of being heard. (4) An application for transfer of mining lease shall be disposed of by the Collector within 90 days from the date of its receipt; and, if it is disposed of within that period, it shall be deemed to have been refused.

23A. [Application for the transfer of mining lease. [Substituted by S.O. 305 dated 26.3.1985.]

- The transferor and transferee interested in the transfer shall produce valid clearance certificate of payment of mining dues such as royalty, dead rent, surface rent and/or cess etc.]

23B. [[Inserted by S.O. 29 dated 24.3.2001.]

(1) The lessee 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 State Government has been obtained, to any other person. (2) Every lessee seeking prior order under sub-rule (1) shall make an application to the Competent 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.]

24. Right to [surrender] [Substituted for 'determine' by S.O. 867 dated 21.8.1972.] lease.

(1)The lessee may [surrender] [Substituted for 'determine' by S.O. 867 dated 21.8.1972.] the lease at any time by giving not less than 6 month's notice in writing to the Competent Officer.(2)The State Government may determine the lease if it considers desirable in public interest or in case the property is found damaged by the lessee subject to the condition that three calendar months notice in writing is given by the Government to the lessee but such a notice will not be required in the event of war or such other emergency.Explanation. - The determination of the lease in public interest shall be considered desirable only when the lease is to be determined in the interest of any industry which has been or will in future be established by Government or which the Government may establish through a Company, public or private, or through any person or when the Government decide to conduct mining or quarrying operations of its own [or when the Government is satisfied that the continuance of mining or quarrying operation is likely to cause grave injury to health or the property and injury is of such nature and magnitude that it cannot be reasonably compensated and that the risk of injury is so imminent that the lessee cannot be allowed to run its course until it expires naturally.] [Inserted by S.O. 305 dated 26.3.1985.](3)The Collector may determine the lease if the lessee commits any breach of the terms and conditions of the mining lease after the applicant is given reasonable opportunity of being heard.(4)At the expiry of the lease or on determination of the lease, the lessee shall deliver up the leased area and all quarries if any, dug therein a proper and workable state save in respect of any working regarding which the Collector may have sanctioned abandonment.(5)If the lessee fails to deliver possession after expiry or determination of the lease, the Collector shall serve an order in writing on the lessee requiring him to deliver possession thereof to the Collector to show cause, if any, against the order within a time specified therein and if the lessee fails to deliver possession or show cause or if the Collector reject any cause shown after giving him reasonable opportunity of being heard, the Collector shall take or cause to be taken such steps or use or cause to be used such force, as in his opinion, may be necessary for securing compliance of the order.

25. Execution of lease.

(1)Where a mining lease is granted under Rule 9 (1), [or mining lease renewed under Rule 22] [Inserted by S.O. 305 dated 26.3.1985.] the formal lease shall be executed within 90 days of the order sanctioning the lease and if no such lease is executed 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 where the Collector is satisfied that the applicant for lease 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 90 days.(2)The date of the commencement of the period for which a mining lease is granted shall be the date on which the mining lease deed is executed under sub-rule (1) [in case mining lease is granted under Rule 9 (1)] [Inserted by S.O. 305 dated 26.3.1985.] and the lessee shall be liable to pay rent/royalty from the date of the execution of the mining lease.(3)[In the case of renewal of lease the date of commencement of the mining lease shall be the date on which the previous lease is expired and the lessee shall be liable to pay rent/royalty/cess from that date.] [Inserted by S.O. 305 dated

26.3.1985.]

25A. [[Inserted by S. O. 29 dated 24.3.2001]

- Lease granted under Rule 52 shall be executed in Form 'D' as contained under Rule 21 of the rules."]

26. [Rent/royalty and assessment. [Substituted by S.O. 1133 dated 19.8.1978.]

(1)When a lease is granted or renewed:-](a)[Dead rent shall be charged at the rates specified in Schedule I; [Substituted by S.o. 867 dated 21.8.1972.](b)Royalty shall be charged at the rates specified in Schedule II; 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 lease permits 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 any thing contained in any instrument of lease the lessee shall pay rent/royalty in respect of any minor mineral own, extracted and removed at the rate specified from time to time in Schedules I and II.] [Sub-rule (4) omitted and sub-rules (5) to (7) re-numbered as (4) to (6) by S.O. 1133 dated 19.8.1978.](5)The State Government may, by notification in the Official Gazette, amend the first and second 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 [Competent Officer] [Substituted for 'Collector' by S.O. 867 dated 21.8.1972.], after such enquiry and verification as he may deem necessary of the monthly returns furnished by the lessee in Form "H" shall assess the amount of rent/royalty payable by the lessee at the end of the prescribed period.

26A. [Consolidation of royalty on brick earth. [Substituted by S.O. 259 dated 26.3.1987.]

- Notwithstanding anything contained in these Rules, the State Government shall by notification in the Official Gazette 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 to the State Government in a manner prescribed therein 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 places into different categories taking such facts into account which the State Government think proper: Provided further that if the brick earth remover/brick kiln owner fails to make payment of the consolidated amount of royalty in the manner so prescribed, he 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.Explanation. - For the purpose of this Rule-(i)Business means and includes laying, burning or selling of bricks by brick earth remover/brick kiln 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 brick kiln or on whose behalf bricks are manufactured in that kiln and includes manager, agent and lessee of such person.]

Chapter IV

27. Grant of quarrying permits in areas other than those in reserved or protected forests.

(1)On an application made to him, the Competent Officer may grant a quarrying permit in Form "E" to any person to extract and remove from any specified land within the limits of his jurisdiction any mineral not exceeding [three thousand cubic metres] [Substituted for '1 lac cubic feet' by S. O. 867 dated 21.8.1972.] in quantity under any one permit, on pre-payment of royalty at the rates specified in Schedule II. 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 Competent Officer may refuse the issue of such permits for reasons to be recorded by him in writing.(3)[x x x x] [Omitted by G.S.R. 1085 dated 25.3.1992.]

28. Application for quarrying permit.

(1)An application for quarrying permit shall be submitted to the Competent Officer in Form '1'(2)Every application for quarrying permit shall be accompanied by a fee of [Rs. 2000/] [Substituted for Rs. 200/- by G.S.R. 1085 dated 25.3.1992.]. (but for Bangla Brick kiln the fee for quarrying permit shall remain Rs. 200/-) 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.(3A)[x x x x x] [Omitted by S.O. 1133 dated 19.8.1978.](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. 200.] [Inserted by S. O. 52. dated 5.1.1976 effective from 1.1.1975.](7)[The area applied for grant of quarrying permit shall be in a compact block covering not more than 10 acres (4 hectares).] [Inserted by S.O. 1133 dated 19.8.1978.]

28A. [Disposal of application for quarrying permit. [Inserted by S. O. 52. dated 5.1.1976 effective from 1.1.1975.]

- An application for the grant of quarrying permit shall be disposed of by the Competent 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 [x x x] [Omitted by S. O. 305 dated 26.3.1985.] and disposed of after the said period of 30 days but not exceeding 60 days from the date of the receipt of the application.[x x x] [Proviso omitted by S. O. 305 dated 26.3.1985.]

29. Conditions on which the quarrying permit shall be granted.

(1)Every quarrying permit granted under Rule 27 (1), shall contain a condition that the depth of the pit below the surface shall not ordinarily exceed [3 metres] [Substituted for '10 feet' by S.O. 867 dated 21.8.1972.] and that for digging pits beyond [3 meters] [Substituted for '10 feet' by S.O. 867 dated 21.8.1972.] the permit holder shall obtain the permission of the Competent Officer.(2)Any quarrying permit granted under Rule 27 (1) may contain such other conditions as the Competent 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 Officers 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.] [Added by S.O. 1133 dated 19.8.1978.](3)In case of breach of any of the conditions subject to which the permit is granted, the Competent 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 Competent Officer.(4)[The Competent 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] [Substituted by S. O. 305 dated 26.3.1985.]

30. Grant of quarrying permits in Reserved and Protected Forest areas.

(1)In Reserved Forest areas where the actual mining operation involved is merely removal from the surface or from a depth not exceeding, [1.5 meters and to a limit of 250 cubic metres] [Substituted for '5 feet and to a limit of 10,000 cubic feet' by S.O. 867 dated 21.8.1978.] quarrying permit in Form 'E' shall be granted by Divisional Forest Officer of area concerned. While granting the quarrying permit, the Divisional Forest Officer of the area concerned will ensure that the quarrying permit is not taken out by intending applicant with a view to obviating the necessity of obtaining a mining lease. In order to ensure this, the Divisional Forest Officer shall not grant quarrying permit more than once to the same person from the same area during any one calendar year without prior

permission of Government. For this purpose besides occasional inspection of the concerned areas, the Divisional Forest Officer will act as an officer of Mines Department of the State Government and will obtain from and comply with the instructions of the said Department through the Chief Conservator of Forest or the Collector of the District.(2)An application in Form T for the grant of quarrying permit within Reserved or Protected Forest areas shall be accompanied by a fee [Rs.200.] [Substituted for Rs. 20/- by S.O. 52 dated 5.1.1976 effective from 1.1.1975.](3)The applicant shall also file an up-to-date clearance certificate in respect of mining dues.(3a)[Every application for quarrying permit in Reserved and Protected Forest areas shall be accompanied by a certificate of approval in Form 'K' or if the certificate of approval has expired a copy of the application made to the Competent Authority, for its renewal.] [Inserted by S.O. 52 dated 5.1.1976.](4)The terms and conditions shall be the same as indicated in Rule 29 of these Rules but subject always to the condition indicated in sub-rule (1).(3)[Every application for the extension of the period of the permit shall be accompanied by a fee Rs. 200.] [Inserted by S.O. 52 dated 5.1.1976.]

Chapter V

31. 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, may within two years from the date of the order, be corrected by the Government 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.

32. 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 Competent 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 sublease.

32A. [Availability of the areas for re-grant to be signified by an entry in register for mining lease. [Inserted by S.O. 1133 dated 19.8.1978.]

- No area which was previously held under a mining lease or in respect of which an order had been made for the grant thereof but the applicant has died before the execution of a lease or in respect of which the order granting lease has been revoked under sub-rule (1) of Rule 25, shall be available for re-grant unless an entry to the effect has been made in the register referred to in Rule 17. The date from which the area shall be available for re-grant shall be notified in the District Gazette at least 60 days in advance [specifying a date not earlier than 30 days from the date of such notification in the Gazette from which areas shall be available for re-grant.]

32B. [[Inserted by S.O. 1133 dated 19.8.1978.]

Premature applications-Application for the grant of a mining lease in respect of the area in which-(a)no notification has been issued under Rule 32.A, or(b)if any such notification has been issued the period specified in the notification has not expired:shall be deemed to be premature and shall not be entertained and the fee if any paid in respect of any such application shall be refunded.]

33. [Challans, Registers, Returns and Signboard. [Substituted by S.O. 305 dated 26.2.1985.]

- Every lease or permit holder who intends to despatch minerals, by rail, road or river shall issue challan in Form 'F' to the Carriers who shall produce the same on demand by any Competent Officer [or Collector or Deputy Director (Mines) or Additional Director (Mines) or Director of Mines or any other officer authorised by them.](2)Every lease or permit holder shall maintain Register in Form 'G' in which day to day transaction shall be entered. 1[He shall also have to display a signboard exhibiting following information (i) Name of kiln-owner, (ii) mauza and plot no. of the land on which kiln, is situated (iii) volume of Brick earth excavated so far (iv) date of starting brick-laying (v) date of firing the kiln (vi) no. of rounds already completed by kiln (vii) stock of bricks on site on the day.](3)Every lessee or permit holder shall submit every month to the Competent Officer a true and correct return for minerals in Form 'H' by the fifteenth of the following month to which it relates.(4)Every lessee or permit holder shall give all reasonable facilities to the Competent Officer [or Director of Mines or Additional Director of Mines or Deputy Director of Mines] [Substituted by S.O. 305 dated 26.2.1985.] 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 lessee; permit-holder or any other person who has removed minerals, are in the opinion of any of the officers authorised under Rule 33 (1) incorrect, incomplete or unreliable either wholly, or partly, the officer concerned, shall report to the Competent Officer who shall proceed to assess to the best of his judgement, the amount of royalty due from the assessee:Provided that if the Competent Officer himself has formed the opinion he shall proceed forthwith to assess to the best of his judgement, the amount of royalty due from the assessee:Provided further that the purchaser of minor mineral who intends to obtains royalty/cess clearance certificate from the Competent Officer shall retain the challan in Form 'F' issued to the carrier. The Competent Officer on production of Challan in Form 'F' shall issue royalty/cess clearance certificate of the quantity shown as despatched in challan.] [Inserted by S.O. 305 dated 26.2.1985]

34. Application of these Rules to all Renewals.

- Where a mining lease granted before the commencement of these Rules is renewed after such commencement, these Rules shall apply in relation to such renewal as they apply in relation to the renewal of a mining lease granted after such commencement.

35. 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 Competent Officer, for the decision of the Collector, which shall be final and binding on the lessee.

36. Relaxation of Rules in special cases.

- In any case in which the Government is of the opinion that public interest so requires, it may grant a mining lease or authorise the grant of a quarrying permit on terms and conditions other than those prescribed in these Rules.

37. 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.

38. Penalty for failure to furnish documents.

- Should any lessee or his transferee or assignee fail to furnish the documents required to be maintained under these Rules or refuse entry or inspection by the Competent Officer or [Director of Mines or Additional Director of Mines or Deputy Director of Mines] [Substituted by S. O. 861 dated 11.7.1983.] or Collector or Commissioner or any Officer authorised by the Government, he shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

39. Penalty for filing wrong returns or maintaining-incorrect accounts or for failure to issue challan.

(1) If any lessee or permit-holder files wrong returns or maintains incorrect accounts, [or fails to issue challans] [Inserted by S.O. 867 dated 21.8.1972.] he shall be liable to a penalty of a sum up to [Rs. 2000/-] [Substituted by S.O. 305 dated 26.3.1985.] and shall also be liable to have his mining lease terminated or quarry permits cancelled: Provided that before final orders are passed by the [Collector or Competent Officer] [Substituted for 'Collector' by S.O. 847 dated 21.8.1985], he shall be given a reasonable opportunity of showing cause against the same. (2) If any lessee or permit holder fails to file the return as specified in Rule 33 (3) within the prescribed period he shall be liable to pay as penalty a sum of [Rs. 20] [Substituted by S.O. 305 dated 26.3.1985.] [subject to maximum of rupees two thousand and five hundred] [Substituted by S.O. 199 dated 2.3.1988.] after expiry of the prescribed date during the period the lessee or permit holder fails to furnish the required return. [x x x] [Omitted by S.O. 305 dated 26.3.1985.] (3) [If any lessee/permit-holder fails to display signboard as prescribed in Rule 33 (5) he shall be liable to penalty of a sum of Rs. 1000/-.]

[Substituted by S.O. 305 dated 26.3.1985.]

40. Penalty for unauthorised 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 to six months or with fine, which may extend to rupees five thousand or with both.] [Substituted by S.O. 305 dated 26.3.1985.](2)Whenever any person is found extracting or removing or transporting minor minerals in contravention of the provisions of these Rules, the [Competent Officer or Deputy Director (Mines) or Additional Director (Mines) or Director of Mines] [Substituted by S.O. 305 dated 26.3.1985.] may seize the minor minerals together with all tools and equipments used in committing such offence.(3)The [Competent Officer or Deputy Director (Mines) or Additional Director (Mines) or Director of Mines] [Substituted by S.O. 305 dated 26.3.1985.] who has seized the minor minerals or the tools and equipments under sub-rule (2), may release the same on the execution by the claimant thereof of a bond for the production of the property so released, if and when so required before the Court having jurisdiction to try the offence on account of which the seizure has been made.(4)The [Competent Officer or Deputy Director (Mines) or Additional Director (Mines) or Director of Mines] [Substituted by S.O. 305 dated 26.3.1985.] may, without orders from a Magistrate, and without a warrant, arrest any person who is found extracting or removing or transporting minor minerals in contravention of these Rules.(5)The [Competent Officer or Deputy Director (Mines) or Additional Director (Mines) or Director of Mines] [Substituted by S.O. 305 dated 26.3.1985.] making an arrest under sub-rule (4) of these Rules shall within 24 hours of the arrest, take or send the person arrested before the Magistrate having jurisdiction in the case along with a complaint in writing regarding the offence committed by the person.(6)The [Competent Officer or Deputy Director (Mines) or Additional Director (Mines) or Director of Mines] [Substituted by S.O. 305 dated 26.3.1985.] may release the person arrested on his executing a bond to appear before the Magistrate having jurisdiction in the case if and when so required.(7)If any driver of any carrier while carrying minor minerals fails to furnish the Challan in Form "F" or refuses inspection of such Challan by the Competent Officer or [Director of Mines or Additional Director of Mines or Deputy Director of Mines] [Substituted by S.O. 305 dated 26.3.1985.] or Director (Mines) or Collector or Commissioner or any officer authorised by the Collector, he shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.(8)[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] [Inserted by S. o.1133 dated 19.8.1978 and Omitted by S.O. 262 dated, 5.3.1983 and again Inserted by S.O. 305 dated 26.3.1985.] without prejudice to other action being taken against him under these Rules or any other law for the time being in Force.](9)[Notwithstanding anything contained in Rule 40 (8) hereinbefore whosoever, under the terms of an agreement other than an agreement under these

Rules at any time has received or receives cost of minor mineral/material including royalty under the terms of the said agreement shall deposit that royalty which is included in such cost of mineral/material in the manner prescribed in Rule 43 hereinafter, within seven days from the date of receipt of such cost of mineral/material. Any royalty received as such by such person before the commencement of this Rule shall be deposited by him within fifteen days from the date of commencement of this Rule : Provided that if a sum equal to the royalty included in the cost of mineral/ material so received has already been paid or deposited prior to receipt of cost of the mineral/material including royalty by him he shall not be required to deposit the royalty said above: Provided further that any royalty payable under this Rule, if not paid when due be recovered with interest @ 15 percent per annum as an arrear sum of public demand"] [Inserted by S.O. 1063 dated 16.10.1989.](10)[To prevent evasion of royalty it is provided that works contractor shall purchase the minerals from lessee/permit holder and authorised dealers only and no Works Department shall receive the bill which the works contractors submit to recover cost etc. of mineral used by them in completion of the works of the Works Department under any agreement from the works contractor if the said bill is not accompanied by an affidavit in Form 'M' with particulars in Form 'N' of these Rules alongwith a photo copy of the said affidavit and particulars. It shall be the duty of the officer who receives or on whose behalf the said bill is received to send the photo copy of the Affidavit and particulars to the District Mining Officer/Assistant Mining Officer within whose jurisdiction the mineral was allegedly purchased, for verification. If contents of the said affidavit on verification by the concerned District Mining Officer/Assistant Mining Officer is found to be false either wholly or partly it shall be presumed that the concerned mineral was obtained by illegal mining and in that event the said District Mining Officer/Assistant Mining Officer shall take action as prescribed in these Rules against the maker of the said affidavit: Provided that if the Works Contractor deposits or pays the royalty in respect of the mineral so consumed/supplied by him as shown in the aforesaid affidavit and particulars the said District Mining Officer/Assistant Mining Officer in his discretion may not take action as prescribed in this Rule". Explanation. - For the purposes of this Rule-(i)"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.(ii)"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.]

41. Offence cognizable upon written complaints.

- No Court inferior to that of a Magistrate of the First Class shall try any offence punishable under these rules and no Court shall take cognizance of any offence under these rules, except upon a complaint made in writing by the [Competent Officer or Deputy Director of Mines or [Additional Director of Mines or Director of Mines] [Substituted by S.O. 1133 dated. 19.8.1978.] or any other Officer empowered by the Government] [Inserted by S.O. 1063 dated 16.10.1989.],

42. Compounding of offence.

- The Competent Officer may, with the approval of the [Collector] [Substituted for 'Commissioner' vide S.O. 867 dated 21.8.1972.], compound a case instituted against any person.[Where a case has

been instituted by the [Deputy Director of Mines] [Substituted by S.O. 1133 dated. 19.8.1978.] or [Additional Director of Mines or Director of Mines] [Inserted by S. O. 305 dated 26.3.1986.] or any other officer empowered by the Government] may, with the approval of the Commissioner, compound a case instituted against any person.]

43. 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".

43A. [[Inserted by S.O. 1063 dated 16.10.1989.]

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 per cent] per annum on any rent, royalty or fee (other than the fee payable under Rule 47 (A) or other sum due of the Government.)

44. Savings and repeal.

(1)On the commencement of these Rules, the Bihar Minor Mineral Concession Rules, 1964, shall cease to be in force, except as regards things done or omitted to be done before such commencement.(2)The provisions of Rule 24 (2) of the Bihar Minor Mineral Concession Rules, 1964 which have been incorporated in these rules and numbered as rule 26(2), and which were validated by the Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969 (Central Act. No. 42 of 1969), shall continue to be in force under these Rules.

Chapter VI

Appeal and Revision

45. [Application for revision. [Substituted by S.O. 861 dated 11.7.1983.]

(1)(a)The Commissioner, at any time for reasons 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 Commissioner that he had sufficient cause for not making the application within time.](b)[xxxx] [Sub-rule (b) omitted and its proviso made proviso to sub-rule (a) by S.O. 305 dated 26.3.1985.](2)In every '[proceeding]' under sub-rule (1) against the order of Collector refusing to grant or renew a mining lease, any person to whom a mining lease was granted or whose lease was renewed in respect of the same area or for a part thereto, shall be impleaded as a

party.(3)Alongwith the application under sub-rule (1) the applicant shall submit as many copies thereof as there are parties impleaded under sub-rule (2).(4)[On receipt of the application and copies thereof under sub-rule (2), 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.] [Inserted by S.O. 305 dated 26.3.1985.]Explanation. - For the purposes of this rule, where the Collector has failed to dispose of an application for the grant or renewal of a mining lease within the period specified in respect thereof in these rules, the Collector shall be deemed to have made an order refusing the grant or renewals of such leases on the date on which such period expires.

46. Orders on revision application.

(1)On receipt of an application for revision under Rule 45 copies thereof [and where proceeding is started by the Commissioner on his own motion] [Substituted by S.O. 861 dated 11.7.1983.], notices thereof shall be sent to the Collector and to all the impleaded parties calling upon them to make such comments as they may like to make within a specified period, and if no comments are received by the Commissioner within that period, it shall be presumed that the party or the Collector, as the case may be, which has omitted to make such comments, has no comments to make and the case may be decided by the Commissioner.(2)The Commissioner may call from the Collector the record of the case in respect of which a revision application has been filed before him, [or in respect of which a proceeding has been started by him] [Substituted by S.O. 861 dated 11.7.1983.],(3)After considering the records referred to in [sub-rule (2) the Commissioner may confirm] [Substituted for sub-rules (2) & (3) by S.O. 867 dated 21.8.1972.], modify or set aside the order or pass such other order in relation thereto as the Commissioner may deem just and proper and his order shall be final.(4)Pending the final disposal of an application for revision, the Commissioner may, for sufficient cause, stay the execution of the order against which any revision application has been made.

46A. [[Inserted by S.O. 305 dated 26.3.1985.]

- The Commissioner, may at any time but before the expiry of six years from the date of the order either on his own motion or on an application filed before him, call for and examine the record of any proceeding in which any order has been passed by any Competent Officer appointed under Rule (2) (iii) or a Deputy Director of Mines, appointed under Rule (2) (vi), for the purpose of satisfying as to the legality or propriety of such order and may after examining the records and making or causing to be made such enquiry as he may deem to be necessary, pass any order which he thinks proper.The Commissioner may, delegate this power to any subordinate officer whom he thinks fit:Provided that no order under this Rule shall be passed without giving the applicant as also the authority whose order is sought to be revised or their representative, a reasonable opportunity of being heard:Provided further that where an application is filed seeking revision of any order, such an application shall be entertained only if it is made within ninety days of the date of communication of the order sought to be revised.The application should be accompanied by a treasury receipt showing that a fee of Rs. 50/- has been paid into the Govt. Treasury or any branch

of the State Bank of India doing treasury business to the credit of the State Govt, under the head of Account "XXXII-C Miscellaneous-Social and Development Organisation-Miscellaneous (i) Fees for grant and renewal of mineral concession (ii) Rent and Royalties from mining leases and licences.]

47. Appeal.

- [(1) Any person aggrieved by an order passed by the Competent Officer in exercise of the powers conferred on him by these Rules, may within a period of 30 days from the date of such order, prefer an appeal to the Deputy Director of Mines of the area concerned: Provided that the Deputy Director of Mines may condone delay, not exceeding 60 days, in filing the appeal on reasonable grounds: Provided further that the Deputy Director of Mines may, with the previous approval of the Director of Mines, condone any delay exceeding 60 days but not exceeding 180 days in filing the appeal.] [Substituted by S.O. 1133 dated 19.8.1978.](2) A fee of Rs. 25 shall be paid in respect of each appeal. The memo of appeal shall be accompanied by Treasury receipt showing that the appeal fee has been paid into Government Treasury or in any branch of the State Bank of India doing treasury business to the credit of the State Government under the head of account "XXXII-C-Miscellaneous-Social and Development Organisations-Miscellaneous-(i) Fees for grant and renewal of Mineral Concessions (ii) Rent and royalties from Mining leases and licenses".(3) No appeal against the orders of the Competent Officer passed under Rule [26 (6)] [Substituted by S.O. 1133 dated 19.8.1978.], shall be admitted unless the applicant has paid 50 per cent of the amount assessed by the Competent Officer.(4) The Appellate Authority may confirm, modify or set aside the order under appeal after giving the applicant an opportunity of being heard and, if necessary, after considering the report of the Competent Officer concerned.(5) [If the Appellate Authority modifies an order passed by the Competent Officer which has the effect of giving relief in the matter of Rent/Royalties, he shall forthwith forward one certified copy and three true copies of the order to the Mines Commissioner.] [Inserted by S.O. 305 dated 26.3.1985.]

48. [Modality for fixation of price of minerals. [Inserted by S.O. 1563 dated 8.10.1976.]

(1) On a report from Competent Officer, the Collector of the district may fix the price of any minerals in the public interest keeping in view the following factors:-(a) The cost of production;(b) Handling charges;(c) Transport cost;(d) Royalty, Sales Tax and other taxes and cesses;(e) Margin of profit;(f) Any other local condition.(2) The Collector of the district shall obtain the approval of the Government to the price fixed by him before enforcing the same in his district.(3) The State Government may issue, instructions to Collector from time to time regarding the factors to be taken into consideration for fixation of prices.]

49. [[Inserted by S.O. 305 dated 26.3.1985.]

(1) Every person who carried business of minor minerals beyond any lease hold area shall obtain a licence from the [Competent 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 'G' which shall be produced before the Commissioner, Director of Mines and Additional Director of Mines or Deputy Director of Mines or Competent Officer or any other Officers authorised by the Government, for inspection. [Every application for obtaining licence in Form "L"] [Inserted by S.O. 1063 dated 16.10.1989.] shall be accompanied with a fee of [Rs. 500 (Five Thousand Rupees)] [Substituted by S.O. 29 dated 24.3.2001.](a)[Every such licence shall be valid for one calender year; [Inserted by S.O. 305 dated 26.3.1985.](b)Every such licence may, be renewed on application which shall be accompanied by a fee of [Rs. 1000 (One thousand Rupees)](2)Every such person as mentioned in (1) shall issue a transport challan in Form 'F' to every carrier, truck, tractor or bullock cart while despatching minerals for his stock.(3)If any person as mentioned in (1) fails to maintain a register in Form 'G' or [obtain Form 'L' or"] [Substituted by S.O. 29 dated 24.3.2001.] issue a challan in Form 'F', shall be punishable with a simple imprisonment which may extend to one year or with fine which may extend upto Rs. 1000/- (One thousand) or with both.][Chapter VII] [Inserted by S.O. 1063 dated 16.10.1989.]

50. [Payment of compensation to owner of surface rights etc. [Inserted by S.O. 1063 dated 16.10.1989.]

(1)The holder of a prospecting licence or a mining lease shall be liable to pay to the occupier of the surface of the land over which he holds the prospecting licence or as the case may be the mining lease, such annual compensation as may be determined by an officer appointed by the State Government by Notification in this behalf in the manner provided in sub-rules (2) to (4).(2)In case of agricultural land other than the land referred to in sub-rule (4) 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 State Government in this behalf.]

51. [Assessment of compensation for damage. [Inserted by S.O. 1063 dated 16.10.1989.]

(1)After termination of prospecting licence or mining lease, the State Government shall assess the damage, if any, done to the land by the prospecting or mining operations and shall determine the amount of compensation payable by the licensee or as the case may be the lessee to the occupier of the surface land.(2)Every such assessment shall be made within a period of one year from the date of termination of the prospecting licence or mining lease and shall be carried out by an officer appointed by the State Government by Notification in this behalf.]

52. [[Added by S.O. 29 dated 24.3.2001.]

(1)(i)For the purpose of grant of quarrying lease by auction in respect of the mineral notified under Rule 9A, the Collector shall notify the following particulars of the area, namely:-(a)Toposheet No. extent of the area and boundaries.(b)Name of village, Circle, Plot No. Khata No. etc.(c)The period of

quarrying lease. Provided that the period of quarrying lease shall not be less than five years and extent of the quarrying lease area shall not be more than 2 (two) acres. (ii) Date of auction shall be notified before period of one month from the date of auction. (2) Every bidder of mining lease shall file the following documents five days before the auction:-(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 instalment of auction amount if the mining lease holder is not otherwise defaulter in payment. In case of unsuccessful bidder the security deposit shall be refunded by the Collector within two months after the grant of quarry lease. (3) Withdrawal from bidding-Any bidder, who once has submitted documents as mentioned in sub-rule (2) shall not be withdrawn till the grant of quarry lease is made in respect of the said area. (4) Payment of bid amount-The bid amount shall be deposited in yearly basis in equal instalments and each instalment shall be deposited before 31st January: [Provided that notwithstanding anything repugnant in these Rules or otherwise the settlee shall pay extra royalty for the quantity of stone extracted and dispatched in excess of the quantity equivalent to bid amount.] [Added by Section 5 of Amendment Rules, 2008] (5) Default in payment-If any instalment shall not be deposited before prescribed period, 24 percent simple interest shall be charged upto two months and after that action for cancellation shall be taken. (6) Preference in auction-The Collector shall give preference to Public Sector Undertaking of the State or Central Government, Local Bodies and Co-operative Societies duly registered under Bihar & Orissa Cooperative Societies Act, 1935 for grant of quarry lease by public auction in the following manner:-(a) When they have not participated in any Public auction. (b) In case of Co-operative Societies, if they give written offer for more than 5 percent higher amount or minimum auction amount whichever is higher within 48 hours after Public auction. (c) In case of Public Undertaking of State or Central Government and local bodies, if they give written offer for more than 5 percent higher amount than the Co-operative Societies within 48 hours after Public auction, where Co-operative Societies do not give any written offer, in that case of Public Sector Undertaking of State or Central Govt, and local bodies give written offer for more than 10 percent higher amount than the highest bid amount or minimum auction whichever is higher within 48 hours after Public auction. Explanation. - Preference shall be given to only those Co-operative Societies whose members/share-holders usually work as labourers in Panchayat/Panchayats where such mineral deposit occur residing in the Panchayats for which the Societies has been formed and do not own more than five acres of agricultural or homestead land.]

53. [Notwithstanding anything contained in the Bihar Minor Mineral Concession Rules, 1972 to the contrary. [Inserted vide Notification No. 230/M dated. 4.2.2010.]

(1) No mining lease for stone shall be granted. (2) Existing leases for stone granted under Rule 9 and Rules 52 would be allowed to subsist for the remaining period for which they have already been granted but they shall not be renewed thereafter: Provided where period of lease has expired before coming into force of these Rules but requisite statutory approval from Govt, of India has been received before enforcement of these Rules, lessee may be entitled to renewal subject to fulfillment

of other statutory obligation: Provided further that in public interest, if the State Government is satisfied that quarrying or mining of stone may not adversely affect ecology and environment and further there is requirement of stone for public use, it may relax the above restriction in any area for such period as it may deem fit necessary. Explanation. - "Stone" means building stones and includes boulders, gravel, shingle, lime shell, kanker and limestone used in kilns for manufacturing of lime used as building material and lime shell used for manufacture of bottoms, chalcedony pebbles used for ball mill purpose only, Quartzite and sandstone when used for purposes of building or for making road metal and household utensils, slate and shell when used for building material, stone used for making household utensils including grinding stone, stone sets and stone bricks, granite (In case of use for decorating stone) and marble.][Schedule I] [Substituted for Rs. 9,000 by Act 7, 2006 w.e.f. 19.4.2006.][See Rule 26(1) (a)] Dead Rent

Period (1)	Rate of dead Rent (2)	
Rate per year for entire period of lease	Rs.[18,000] [Substituted for Rs. 9,000 by Act 7, 2006 w.e.f. 19.4.2006.]per acre per year	
[Schedule II] [Schedule II Substituted by Act 7, 2006 w.e.f. 19.4.2006.][See Rule 26 (1) (b)] Royalty		
Sl. No.	Name of Minerals	Rate per cubic metre(in Rupees)
1	2	3
1.	(a) Boulder, Gravel, shingle	63.30
	(b) Stone settled by auction	Auction amount in case of auction
2.	(a) Boulder, Gravel, Shingle which is used for making chips	125.00
	(b) Stone settled by auction	Auction amount in case of auction.
[Provided that notwithstanding anything repugnant in these Rules or otherwise the settlee shall pay extra royalty for the quantity of stone extracted and dispatched in excess of the quantity equivalent to bid amount.] [Added proviso by Section 6 of Amendment Rule, 2008. It shall come into force with effect from 29th November, 2004.]		
3.	(a) Ordinary sand used for construction purpose	32.00

	(b) Ordinary sand of settled ghat by auction	Auction amount in case of auction
4.	Brick earth (equivalent to 400 standard bricks)	8.00
5.	Ordinary clay/earth used for manufacturing of Ranigaj tilescommercial use or for filling or levelling purposes in construction of embankments, road, railways and buildings.	15.00
6.	Ordinary clay which is used for commercial works.	2.00
7.	Lime shell, kanker and limestone used in kilns formanufacturing of lime used as building material and lime shellused for manufacture of bottoms.	75.00
8.	Murram	38.00
9.	Chalcedoney pebbles used for ball mill purpose only.	50.00
10.	Quartzite and sandstone when used for purposes of building orfor making road metal and household utensils.	50.00
11.	Reh matti	18.00
12.	Saltpetre	20.00
13.	Slate and shell when used for building material.	50.00
14.	Fullers earth	65.00
15.	Stone used for making household utensils including grindingstone.	25.00
16.	Stone sets and stone bricks.	50.00
17.	Stone dust	10 percent of sale price
18.	Granite (In case of use for decorating stone per hundred)	
	(i) Block more than 60 c.m.	375.00
	(ii) Block less than 60 c.m.	188.00

19.

All other minerals

25
(Twenty
five) per
centum of
sale price.

Note:- In respect of minerals mentioned in SI. No. 1 and 2 the rate of royalty shall be applicable for the area notified by the Department.

III

Form A[See Rule 9 (2)]Form of application for Mining Lease for Minor MineralsDated.....day of.....19ToThe 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 Rule 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 Collector may 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 ApplicantPlace-Date-Note-In case of an application for mining lease for a period not exceeding one year, information under 13,14,15 and 16 need not be given.Form AA[See Rule 22 (1)]Form of application for renewal of Mining Lease for Minor MineralsDated day of 20The Collector,.....Received on InitialSir,I/We have the honour to apply for the grant or renewal of Mining Leases under the Bihar Minor Minerals Rules, 1972.A

sum of Rsbeing the fee in respect of this application payable under Rule 22(a) of the said Rules has been deposited..... (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:-(1) Name of the applicant. (2) Nationality of the applicant. (3) Place of registration of incorporation of firm or Company. (4) Profession of applicant, nature of business or firm or Company and place of business. (5) Address of applicant firm or Company. (6) Mineral or minerals which the applicant intends to mine. (7) Period for which the renewal is required. (8) Details of the area in respect of which renewal is required-(i) District. (ii) Thana. (iii) Village. (iv) Plot nos. (v) Total area. (9) Whether renewal is applied for the whole or part of the leasehold area. (10) Particulars of the map of the lease-hold with area applied for renewal clearly marked on it (attached). (11) Means by which minerals are to be raised, i.e., by hand labour or mechanical or electrical power. (12) Manner in which the mineral raised is to be utilised. (13) Manner and details of payment of the application fee prescribed in these rules. (14) Any other particulars which applicant wishes to furnish. 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 B [See Rule 10] Form of acknowledgement of application for Mining Lease for Minor Minerals Office of No.....

Dated..... Received the application of mining lease for a minor mineral from Shri/Shrimati..... on..... for..... about..... acres/hectares of land located in village of district..... for lease of..... minor mineral. Signature and designation of Receiving Officer Place-Date-Form C [See Rule 17] Register of Mining Lease (a) (i) Serial number (ii) Name of the lessee and his address. (iii) Particulars and area of the land in respect of which the lease had been granted and the period of the lease. (iv) Date on which the lease is granted. (v) Date on which formal lease is executed. (vi) Rates of royalty, surface rent and dead rent and any other rents payable. (vii) Mineral or minerals for which the lease is valid. (viii) Amount of security deposit paid with challan no. and date. (ix) Date of assignment of transfer of the lease, if any, fee paid thereof and the names of the parties thereto. (x) Date of assignment of transfer of the lease, if any, fee paid thereof and the names of the parties thereto. (xi) Date of expiry or relinquishment. (xii) Date from which the area is available for re-grant. (xiii) Details of challan and date showing payment of preliminary expenses. (b) (i) Date of renewal. (ii) Period of renewal. (iii) Total area under renewal. (iv) Rate of surface rent. (v) Rate of royalty. (vi) Mineral or minerals for which renewed lease is valid. (vii) Rate of dead rent. (viii) Amount of security deposit paid. (ix) Date of assignment of transfer of the lease, if any, fee paid therefor and the names of the parties thereto. (c) (i) Date of expiry or relinquishment or cancellation, whether all dues have been paid. (ii) In case of expiry or relinquishment or cancellation, whether all dues have been paid. (iii) The date from which the area is available for regrant. Form D (See Rule 21) Model Form of mining lease for minor minerals This Indenture made this..... day of..... 20 Between The Governor of Bihar (hereinafter referred to as the Governor which expression shall where the context so admits be deemed to include his successors in office and assigns of the one Part and

- | | |
|--------------------------------------|--|
| (1) When the lessee is an individual | (1)..... (name of person): son of 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 (1) and
- (2)..... (name of person) of..... of..... occupation..... (name of person) of..... (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 their permitted assigns (2) and
- (3)..... (name of persons) of..... (address) and (name of persons) of..... (address) all carrying on business in co-partnership at..... address of the firm or syndicate) under the name, and style of or syndicate, name of the firm registered under the Partnership Act hereinafter referred to as the "lessees" (which expression shall, when the context so admits be deemed to include all the partners, or the said firm, their representatives, heirs, executors, administrators, and permitted assigns), and
- (3) and
- (4)..... (name of company) a company REGISTERED under..... (Act under which incorporated) and having its registered office at..... (address (hereinafter referred to as the "Lessees" which expression shall, where the context so admits be deemed to include its successors and permitted assigns) (4) of, the other Part.
- When the lessee is a registered firm or syndicate.
- When the lessee is a registered company.

WHEREAS the lessee/lessees has/have applied to the Government of Bihar, (hereinafter referred to as the 'State Government') for a mining lease for..... (name of minerals) in accordance with the [Bihar Minor Mineral Concession Rules, 1964] [Now it should be 1972.] [hereinafter referred to as the said Rules) in respect of lands described in Part I of the Schedule hereunder written (hereinafter referred to as the said Schedule) and has/have deposited with the State Government the sum of Rs. as security and the sum of Rs. for meeting the preliminary expenses for a mining lease. 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/lessees to be paid, observed and performed the Governor doth hereby grant and demise unto the lessee/lessees, all those the mines beds/veins seams of..... [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 lessees-from the day..... 20..... for the..... term of..... 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 times therein specified subject to the provisions contained in Part VI of the said schedule And the lessee/lessees hereby covenants/covenant with the State Government as in Part VII of the said Schedule is expressed AND the State Government hereby covenants with the lessee/lessees 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. The Schedule above referred to:

Part I – The Area of This Lease

All the tract of lands situated at..... (description of area or areas)..... (paragraph) in..... the Registration District Sub-District and Thana bearing Cadestral Survey nos. containing an area of or thereabouts delineated on the plan hereto annexed and thereon marked with lines/ coloured..... and bounded as follows:- On the North by On the South by On the East by and On the West by (hereinafter referred to as "the said lands")

Part II – Liberties, Powers And Privileges to be Exercised and Enjoyed by the Lessee/ Lessees Subject to the Restrictions and Conditions In part III

- 1. To enter upon land and search for win, work, etc. - Liberty and power at all times during the term hereby demised to enter upon the said lands and to search for, mine, bore, dig, win, carry away and dispose of the said mineral/minerals.**
- 2. To bring and use machinery equipments, etc. - Liberty and power for or in connection with any of the purposes mentioned in this part to erect, construct, maintain and use on or under the said lands any machinery, plant brick kilns, godowns, sheds and other buildings.**
- 3. To make road and ways, and use existing roads and ways. - Liberty and power for or in connection with any of the purposes mentioned in this part to make any roads and other ways in or over the said lands.**
- 4. To use water from streams, etc. - Liberty and power for or in connection with any of the purposes mentioned in this part but subject to the Collector of.....(name of district) to appropriate and use water from any streams, watercourse, spring or other source in or upon the said land and to divert, step up or dam any such streams or watercourse and collect or impound any such water and to make, construct and maintain any water course, culverts, drains or buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any streams or**

springs.

6. To use and for stacking, heaping or depositing purpose. - Liberty and power to enter upon and use a sufficient part of the surface of stacking, heaping, storing or depositing thereon any produce of the mines or works carried and on any tools, equipment, earth and materials and substance dug or raised under the liberties and power's mentioned in this part.

7. To clear brushwood and to fell and utilise trees, etc. - Liberty and power for or in connection with any of the purposes mentioned in this part and subject to existing rights of others and saves 6s brushwood and to fell and utilise any tree or timber standing or found on the said lands provided that Collector may ask the lessee/lessees to pay for any trees or timber standing or found on the said lands felled and utilised 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

1. No building, etc. upon certain places. - No building or thing shall be erected, set up or placed and no surface operations shall be carried on in or upon any public pleasure grounds, 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 Collector may determine as public ground nor 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 operation which is already occupied by persons other than the State Government for works or purposes not included in this lease. The lessee/ lessees shall not also interfere with any right of way, well or tank.

2. To cut trees on reserved Lands. - The lessee/lessees shall not without the express sanction of the Collector cut down or injure or allow any person to 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 or the State Government may require the lessee/ lessees to pay for any trees or timber felled and utilised by him/them/it with the sanction of the Collector at the

rates specified by the Collector. In case the lessee/ lessees cuts/cut down or injure or allow any person to cut down and injure any timber or tree without the sanction of the Collector in writing the lessee/lessees shall be bound to pay on demand made by the said Collector additional compensation at a rate not exceeding rupees fifty (Rs. 50) per tree of timber as specified by the Collector or the State Government. The lessee/lessees shall observe all conditions as to the area within which the quantity up to which and the terms on which the said Collector or the State Government may like to exercise that authority.

3. Working in a condition of Reserved Forests. - Notwithstanding anything in this schedule contained the lessee/lessees shall not work in any Reserved Forests included in the said lands otherwise than in accordance with the conditions mentioned herein. In this respect the lessee/lessees, the employees of the lessee/lessees shall be subject to the directions of the Forest Officer concerned. In case of any dispute the matter shall be referred to the State Government whose decision in the matter shall be final. (Mention the conditions imposed by the Forest Officer drawn up in consultation with the State Government or lease granting authority).

4. No mining operations within [50 metres of public works etc.] [Substituted by S.O. 305 dated 26.3.1985.] - The lessee/lessees shall not work or carry or allow to be worked or carried on any mining operations at or to any point within a distance of [50] [Substituted by S.O. 305 dated 26.3.1985.] metres (55 yards) from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, public road, canal or other public work or buildings or inhabited site or within [10] meters (11 yards) of any village roads except with the previous permission of the Collector or any other officer authorised by the Collector in this behalf and otherwise than in accordance with such instructions, resurrections and conditions either general or special which may be attached to such permission.

Explanation. - For the purposes of this clause the expression "Railway Administration" shall have the same meaning as it is defined to have in the Indian Railways Act, 1890, by Section 3, sub-section (4) 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. The village road shall mean a road other than "Public road" and which has been shown as road in Revenue Settlement maps.

5. The lessee. - shall take adequate steps to ensure that-

(a) heights and widths of trenches in quarries are properly maintained to facilitate easy removal of the minerals and the work; (b) the working faces are always kept clear and (c) the minor minerals won are stacked in suitable dimensions and each stack is numbered.

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

7. The lessee shall arrange for the proper sanitation of the area leased to him:

8. Forest fire. - Nothing shall be done by the lessee/lessees or his/their/its employees which may cause a forest fire. Proper precautions shall be taken at all times to prevent such fires.

9. The lessee shall abide by such instructions and directions as may be issued by Government from time to time regarding the observation and development of minor minerals.

Note. - This clause should be omitted if there is no forest reserved or otherwise.

Part IV – Liberties, Powers and Privileges Reserved to the State Government

1. To work other minerals. - Liberty, and power for the Collector or any persons authorised by it in that behalf to enter into and upon the said lands and to search for win, work, dig, get raised dress, process, convert and carry away minerals other than the said mineral and any other substance and for those purposes to sink, drive, make, erect, construct, maintain and use such pits shafts, inclines, drifts, levels and other lines, waterways, watercourses, drains reservoirs; engines, machinery plant, building, canals, 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 shall be caused to or with the liberties, power and privileges of the lessee/ lessees under these presents and that fair

compensation shall be made to the lessee/lessees for all loss or damage sustained by the lessee/lessees by reason or consequence of the exercise of such liberty and power.

2. To make railway lines and roads. - Liberty and power for the State Government or any lessee or person authorised by it in that behalf to enter into and upon the said lands and to make upon, over or through the same any railways, tramways, roadways, canals or pipelines, or to carry any electric or telephone or such lines over the lands under lease for any purpose other than gravel, earth and other materials for making, maintaining and repairing such railways, tramways 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, trucks, cars, locomotives or the vehicles over or along any such railways, roads, line and other ways for all purposes and as 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/lessees for all loss or damage sustained by the lessee/lessees by reason or in consequence of the exercise by such lessee or person of such liberty and power, subject to the proviso 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/lessees shall have no claim against the State Government for compensation or damage in respect of land having been included in this lease which has already been included in some previous lease but that the lessee/lessees 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/lessees as the Collector may think proper for dumping of the tailings or screened rejects of the mineral treated or treatment of the mineral to which this lease is being granted. The granting of this lease to the lessee/lessees 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/lessees.

Part V – Rent and Royalties Reserved by this Lease

1. To pay dead rent or royalty whichever is greater. - The lessee/lessees shall pay in respect of any quarterly period or half yearly period as may be fixed by the Collector either the dead rent reserved by clause 2 of this part or the sum of the royalties reserved by clause 3 of this part whichever is greater. If the lease permits the working of more than one mineral in the same area, the Collector may fix separate dead rent in respect of each mineral:

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

2. Rate and mode of payment of dead rent. - Subject to the provision of clause I of this part as from the day of [xxxxx] [Words 'one year after the date of this lease' deleted by S.O. 1760 dated 29.12.75.].....20 during the subsistence of this 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 the months of.....or in four equal half yearly instalment on the day of.....and the.....day of.....in each year) certain annual dead rent at the following rates per acre of the lands, described in Part-I of this Schedule subject to revision at any time by the State Government by notification of Schedule-1 of this Rule (here insert the amount payable)

3. Rate and mode of payment of royalty. - Subject to the provision of this part, the lessee/lessees shall during the subsistence of this lease pay to the State Government in four equal instalments on the day of the each of the month of in each year 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 Second Schedule to the Bihar Minor Mineral Concession Rules, 1972.

4. Payment of surface rent. - The lessee/lessees shall pay rent 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 under the authority of these present at the rate of Rs per annum per acre of the area or at the rates as may be fixed by the Collector from time to time so occupied or used

and so in proportion for any area less than acre during the period from the commencement of such occupation or use until the area shall cease to be so occupied or used and shall as far as possible be restored to its original condition (which rent shall be paid upon each of the quarterly or half-yearly dates hereinbefore appointed for the payment of instalments of the certain annual dead rent):

Provided that no Such rent 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 to access.

5. The lessee/lessees shall duly and regularly pay to the appropriate authority all cess, taxes and local dues in respect of the leased area, the said minerals or the working of the mines in addition to the rent and royalty so payable as aforesaid.

Part VI – Provisions Relating to the Rents and Royalties

1. Rent and royalties to be free deductions, etc. - The rent and royalties mentioned in Part V of this Schedule shall be paid free from any deductions to the State Government at and in such manner as the State Government may direct.

2. Mode of computation of royalty. - For the purposes of computing the said royalties the lessee/lessees shall keep a correct account of the mineral/minerals in stock or in the process of despatch may be checked by any officer authorised by. the Collector.

3. Monthly account to be sent to State Government. - The accounts for each month in respect of raising, sale, despatch, local consumption, royalty, and rent dues and paid shall be [submitted] [Substituted for 'Completed' by S.O. 867 dated 21.8.1972.] within 15 days of the month following and a true copy signed by the lessees or his/her/its authorised agent shall be sent in triplicate to the Competent Officer [xxxx] [Works '7 days' omitted by S.O. 867 dated 21.8.1972.] thereafter in a form that may be prescribed from time to time by the State Government.

4. Interest on arrear payments. - The lessee/lessees shall be liable to pay interest at the rate of [15] [Substituted by S.O. 199 dated 3.3.1988.] percent per annum on any amount remaining payable to the State Government.

5. Course of action if rent and royalties are not paid in time. - Should the royalty and/or rent reserved and made payable by the lessee be not paid within one month next after the date fixed in the lease for the payment of the same, the Collector may enter upon the premises and distrain all or any of the mineral or beneficiated products thereof or moveable property therein or of so much of them as will suffice for the satisfaction of the rent and/or royalties due and all costs and expenses occasioned by the non-payments thereof. If any royalty or rent remains at any time unpaid for 3 calendar months after the date on which it is due, the Collector may determine the lease and take possession of the premises comprised thereon. These rights shall be without prejudice to the right of the Collector to realise the dues under the Bihar Public Demands Recovery Act or any Statutory Act or Rules thereof for the time being in force.

Part VII – The Covenants of the Lessee/Lessees

1. Lessee to pay rents, royalties', taxes, etc. - The lessee/lessees shall pay the rents and royalties reserved by this lease at such time 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 State Government upon or in respect of the premises and works of. the premises and works of the Lessee/Lessees in common with other premises and works of a like nature except demands for land revenue.

2. To maintain and keep boundary marks in good order. - The lessee/lessees shall at his/their/its own expense erect and at all times maintain and keep in repair boundary marks and pillars [according to the specification prescribed] [Inserted by S.O. 205 dated 26.3.1985.] the demarcation shown in the plan annexed to this lease. Such Marks and pillars shall be sufficiently clear of shrubs and other obstruction as to allow easy identification.

2A. [To maintain and keep boundary marks and sign boards in good order. [Inserted by S.O. 305.dated 26.3.1985.] - The lessee/lessees shall at his/their/own expense arrange for sign boards within the lease hold area showing the name of the lessee/name of the minerals/details of the area and period of the lease and shall always maintain and keep them in good order.]

3. To commence operations within three months and work in a workman-like manner. - Unless the Collector for good cause permits otherwise, the lessee/lessees shall commence operation within three months from the date of execution of the lease and shall thereafter at all times during the continuance of this lease for, win, work and develop the said minerals without voluntary intermission in a skillful and workmanlike manner and in accordance with any Central or State Act and Rules and Regulations made thereunder for the purpose and for the time being in force 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. The Collector shall be fully competent in whatever manner and by whatever agency it likes to determine, whether the work is carried on properly and skillfully and in accordance with any Central or State Act and Rules and Regulations made thereunder for the purpose and for the time being in force or whether the work was commenced within three months from the date of execution of the lease.

4. To indemnify government against all claims. - The 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/it 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 cost and expenses in connection therewith.

5. To fill up all pits, shaft, etc. - The lessee/lessees shall, during the subsistence, of this lease, throw the refuse from the excavations at places approved by the Collector.

6. To strengthen and support the mines to necessary extent. - The lessee/lessees shall strengthen and support to the satisfaction of the Railway Administration concerned or the Collector, 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, canal road and other public works or structures.

(Note:-Modify according to existing circumstances.)

7. To allow inspection of working. - The lessee/lessees shall allow the Collector or the Competent Officer or any officer authorised by the Collector in that behalf to enter upon the said premises including any buildings excavation or land comprised in the lease for the purpose of for the purpose of inspecting, examining, measuring, surveying and making plans thereof, sampling and collecting any data and the lessees shall with proper person employed by the lessee/lessees, and acquainted with the mines and works, effectually assist such officers, 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 which the Collector or Competent officer as the result of such inspection or otherwise may from time to time see fit to impose.

8. To report accidents. - The lessee/lessees shall report within 24 hours to the Collector/Competent Officer 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.

9. To report discovery of other mineral. - (a) Whenever the lessee/lessees shall find in the said lands any mineral other than the said mineral/minerals the lessee/lessees shall report within 15 days such discovery in writing to the Collector with full particulars of the nature and position of each such land. He/they/it or any of his/their/its employees shall not win and dispose of the newly discovered mineral or minerals without first obtaining a lease in respect of those minerals.

(b)If the lessee/lessees intends/intend to work such newly discovered mineral or minerals he/they/it shall within three months of making such report as is mentioned in sub-clause (a) of this

clause intimate his/their/its intention to the Collector and apply for mining lease in respect thereto in accordance with the Rules regulating the grant of mining concessions for that mineral. But such mining lease shall not be claimed as a matter of right.(c)If the lessee/lessees intimates his/their/its intention not to work the newly discovered mineral or fails to intimate intention to work it within a period of three months then it shall be open to the Collector to grant a licence of lease for the working of the same to any other person.

10. To keep record and accounts regarding production and employees, etc. - The lessee/lessees shall at all times 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 (bound and paged) of account which shall contain account 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 minerals benefits or converted for example limestone converted in to lime.(3)Quantities of the various qualities of the said mineral/minerals sold.(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 each day in the mines or works or upon the said lands specifying qualifications and pay of the technical personnel.(7)The stock of mineral/minerals undisposed.(8)The full particulars together with addresses of the party or parties to whom the mineral/minerals has/have been sold, the date of sale, the number of railway wagon together with the station from which despatched and in the case of despatches by trucks the names, address of owners of the trucks.(9)Such other facts, particulars and circumstances as the Collector may from time to time require and shall also furnish free of charge to such officers and at such time as the Collector may appoint true and correct abstracts of all or any such books of accounts and such information and returns to all or any of the matters aforesaid as the Collector shall in that behalf appoint to enter into and have free access to the said office for the purpose of examining and inspecting the said books of accounts and to make copies thereof and make extracts therefrom.

11. [The lessee/lessees shall at all times during the said terms maintain at the mine office correct, intelligible up-to-date and complete plans of the mine in the said lands on a scale of not less than 10-1 mile, being the copy of the Cadastral Survey map with details of plot nos. and other present features, showing therein the extent of the workings and the situation of various quarries along with such roads as might have been constructed by the lessees connecting the main public roads in and around the lease hold premises. Lessee/lessees shall also allow any officer authorised by the Collector to inspect the same at all reasonable times.

11.

(A). The lessee shall pay a wage not lesser than the minimum wages prescribed by the Central or State Government from time to time.

11.

(B). The lessee shall comply with provisions of the Mines Act, 1952.

11.

(C). The lessee shall take measures, at his own expense for the protection of the environment like planting of trees, reclamation of mine land, use of pollution control device and such other measures as may be prescribed by the Central or State Government from time to time.

11.

(D). The lessee shall pay compensation to the occupier of the land on the date and in the manner laid down in these Rules.] [Inserted by S.O. 1063 dated 16.10.1989.]

12. Notice to the Chief Inspector of mines in India. - If at any time any underground excavation is made or the number of persons employed in the mine exceeds 50 or the depth of the quarry exceeds [6 metres] [Substituted for '20 feet' by S.O. 817 dated 26.8.1972.] at any place or if any explosive is used in the mine at any time a notice specifying the details about the number of persons employed maximum depth of any quarry, explosives used and the location and ownership of the mine together with the address of the owner shall be sent to the [Director General of Mines "Safety"] [Substituted for 'Chief Inspector of Mines' by S.O. 817 dated 26.8.1972.] in India, P.O. Dhanbad, Bihar.

13. Liberty to assign or transfer his rights. - The lessee/lessees may assign this lease or transfer any right title or interest hereunder by outright sale to a person approved by the Collector with the previous written sanction of the Collector on payment of a fee of [Rs. 1,000] [Substituted by S.O. 199 dated 3.3.1988.]. The lessee/lessees shall not allow this lease or any right, title or interest hereunder to be attached or sold in compliance with any decree or order of a court or Revenue officer:

Provided that the assignment or transfer as aforesaid the instrument thereof shall be registered within three calendar months from the date of its completion. The lessee shall not however or sub-let any right, title or interest in this lease.

14. Not to be financed or controlled by a Trust, Corporation, firm or person. - the lease shall not be controlled and lessee/lessees shall not allow themselves/ itself to be any Trust, Corporation, firm or person except with the written consent of the Collector. The lessee/lessees shall not enter into or make any arrangement, compact or understanding whereby lessee/lessees will or may be directly financed by or under which the lessee/lessees operations or understandings will or may be carried on directly or indirectly by or for the benefit of or subject to the control of any Trust, or person unless with the written sanction of the Collector given prior to such arrangement compact, or understanding being entered into or made 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 parties thereto that on the occasion of a State of Emergency of which the President of India in his discretion shall be the sole judge it shall be terminable if so required in writing by the Collector and shall in the event of any such requisition being made be forthwith thereafter determined by the lessee/lessees accordingly.

15. Lessee shall deposit any additional amount necessary other than security deposits. - Whenever the security deposit of Rs or any part thereof or any further sum hereafter deposited with the Collector in replenishment thereof shall be forfeited or applied by the Collector 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 Collector upto the sum of Rs.....(Rupees.....) only.

16. Delivery of working in good order to State Government after determination of lease. - The lessee/lessees shall at the expiration or sooner determination to the said term of lease or any renewal thereof deliver unto the Collector all mines, pits, shafts, inclines, drifts, levels, waterways, airways and other works now existing or hereinafter to be sunk or made on or under the said lands except such as have been abandoned with the

sanction of the Collector and in an 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 work under the said lands except such of the same as may with the sanction of the Collector have become disused and all buildings and structures of bricks or stone erected by the lessee/ lessees above ground level in good repair and condition and fit in all respects for further working of the said mines and the said minerals.

17. Right of preemption. - (a) The Collector and any person authorised by the Collector for the purpose shall from time to time and at all times during the said term of the lease have the right (to be exercised by notice in writing to the lessee/lessees) of preemption of the said mineral (and all products thereof) lying in or upon the said land 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 of minerals required by the Collector or any such authority under power conferred by this provision in the quantities, at the times, in the manner and at the place specified in the notice by the Collector or such authority. The lessee/lessees shall indemnify the Collector against claim of any third party in respect of such minerals.

(b)The price to be paid for all minerals or products of minerals taken in preemption by the Collector or the authority authorised by the Collector in this behalf in exercise of the right hereby conferred shall be the fair market price prevailing at the time of preemption :Provided in order to assist in arriving at the said fair market price the lessee/ lessees shall if so required furnish to the Collector for the confidential information of the Collector particulars of the quantities, descriptions and prices of the said minerals and the products thereof sold to other customers and of characters entered into for frieght for carriage of the same and shall produce to such officer or officers as may be directed by the Collector original or authenticated copies of contracts and charter parties entered into for the sale or freightage of such minerals or products. In case of difference of opinion between the lessee and the Collector about the fair market price, the matter may be referred to the Commissioner of the Division, whose orders shall be final.(c)The lessee/lessees agrees/agree notwithstanding anything to the contrary in the clause to supply such quantity of the mineral as may be required by any Government Department or local authorities to work within this district at a rate 5 per cent less than that of the local prevailing market rate.

18. Action in case of war or national emergency. - In the event of the existence of a state of war or emergency (of which existence the President of India shall be the sole judge and a notification to this effect in proof) the State Government shall from time to time and at all times during the said term have the right (to be exercised by a notice in writing to the lessee/lessees) forthwith to 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 of the lessee/lessees shall conform and obey all directions given by or on behalf of the State Government regarding the use of 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/it 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.

19. Notwithstanding anything contained in this lease, the lessee/lessees on receipt of a notice in writing from the Collector or Competent Officer or an Officer appointed by the Collector for the purpose stating that it or he considers the lessee/ lessee's operations on the land delineated in the plan involve danger of a serious landslip and requiring him to desist from such operations, the lessee/lessees shall not claim any compensation for stoppage of work in respect of the delineated area.

20. Storage and use of explosive. - The storage and use of any explosive shall only be in accordance with the provisions of Indian Explosives Act, the Metalliferous Mines Regulations for the time being in force and any lawful directions of the Inspector of Mines. The lessee/lessees 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.

21. Boundary dispute. - If any boundary dispute or disputes regarding the right of way or any other dispute, whatsoever regarding the construction of any term or condition in the lease arises between the lessee/lessees and the

lessee of any adjoining block already leased under similar terms or which may subsequently be leased, the lessee/lessees shall be bound to submit such dispute to the decision of the Collector or to an officer appointed by the 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/lessees.

22. Employment of foreign nationals. - The lessee/lessees shall not without the previous sanction in writing of the Collector employ any person for work within the lease area or in connection therewith, who is not an Indian national.

23. To abide by Rules and Regulations. - The lessee/lessees shall abide by all existing laws and rules and Regulations 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 matters affecting the safety, health and convenience of the employees of the lessee/lessees 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/ lessees 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/lessees or his/their/its employees.

24. 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 Officer 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.

25. If the lessee does not work in any part of the area leased out to him continuously for a 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.

26. If the lessee does not work on more than 10 per cent 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 percent 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.

Part VIII – The covenants of the State Government

1. Lessee may hold an enjoy rights quietly. - The lessee/lessees paying the rents and royalties hereby served and observing and performing all the covenants and agreement herein contained and on 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 the Collector, or any person rightfully claiming under it.

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 right and powers reserved to the Collector and demised to the lessee/lessees by these presents and the said occupier shall refuse his consent to the exercise of the right and powers reserved to the Collector and demised to the lessee/lessees by these presents and the lessee/lessees shall report the matter to the Collector and shall deposit with it the amount offered as compensation and if the Collector 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/as the Collector shall order the occupier to allow the lessee/lessees to enter the land to carry out such operations as may be necessary for the purpose of this lease. In assessing the amount of compensation the Collector shall be guided by the principles of the Land Acquisition Act, 1894 (1 of 1894).

3. To renew. - If the lessee/lessees be desirous of taking a renewed lease of the premises hereby demised or of any part or parts of the same for a further term of (exceeding the period of original lease) years from the expiration of the term hereby granted and of such desire shall prior to the expiration of the last mentioned term give to the Collector six calendar months' previous notice in writing and shall pay the rents and royalties hereby reserved and shall observe and perform the several covenants and agreements herein contained and on the part of the lessee/lessees to be observed and performed then up to the expiration of the term hereby granted the Collector if satisfied with the work of the lessee/lessees may upon the request and at the expense of the lessee/lessees and upon his/their/its executing and delivering to the Collector if required a counterpart thereof execute and deliver to the lessee/lessees a renewed lease of the said premises for the further term of (not exceeding the period of original lease) years at such rates and royalties and on such terms and subject to such covenants and agreements, including this present covenant to renew as it may consider proper at that time.

4. Liberty to determine, surrender or relinquish any part of the leased area. - The lessee/lessees may at any time determine this lease by giving not less than six calendar months notice in writing to the Collector and upon the expiration of such notice provided that the lessee/lessees shall pay all rents, royalties, compensation for damages and other moneys which may then be due and payable under these presents to the Collector or any other person or persons and shall deliver up these presents to the Collector then this present lease and the said term and the liberties, powers and privileges hereby granted shall absolutely cease and determine by without prejudice to any right or remedy of any breach of any of the covenants or agreements contained in these presents.

5. Refund of security deposit. - On such date as the Collector may elect within 12 calendar months' after the determination of this lease or of any renewal thereof, the amount of the security deposit paid in respect of this lease and then remain in deposit with the Collector 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 conditions of the lease other than mentioned in clauses 2 and 3 of this Part the Collector may require the lessee/lessees or his/their its transferees or assignees to pay penalty not exceeding an amount equivalent to four times the amount of annual dead rent specified under clause 2, Part V.

2. Obstruction to inspection. - In case the lessee/lessees or his/their/its transferees or assignees obstructs/obstruct or does/do not allow entry or inspection any of the conditions of the lease mentioned in clause 1 of Part 111 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/lessees or his/their/its 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/lessees or his/their/its 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 herein contained shall debar the Collector from enforcing any other right or remedy that the Collector may have against the lessee/lessees or his/their/its transferees or assignees under any other provisions herein contained. Note. - The portion within brackets to be omitted if this clause has been omitted in Part III.

4. In case of breaches of the covenants and agreements by the lessee/lessees 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 dead rent specified in clause 2 of Part V.

5. Failure to fulfil the terms of lease due to "Force Majeure". - Failure on the part of the lessee/lessees to fulfil any of the terms and conditions of this lease shall not give the Collector any claim against the lessee/lessees or be deemed a breach of this lease, in so far as such failure is considered by the said Collector to arise from force majeure, and if through force majeure the

fulfilment by the lessee/lessees of any of the terms and conditions of this lease be delayed, the period of such delay shall be added to the period fixed by this lease. In this clause the expression 'Force Majeurd' means act of God, war, insurrection, riot, civil commotion, strike, earthquake, tide, storm, tidal wave flood, lightening, explosion, fire, earthquake and other happenings which the lessee/lessees could not reasonably prevent or control.

6. Lessee to remove his properties on the expiry of lease. - The lessee/lessees 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/their/its own benefit all or any machinery, plant, building, and other works, erections and conveniences which may have been erected, set up or placed by the lessee/lessees in or upon the said lands and which the lessee/lessees is/are not bound to deliver to the Collector under clause 18 of 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 date from which any, surrender by the lessee/lessees 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/lessees 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/lessees may be recovered as a public demand under the Bihar 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/ lessees shall be equally responsible as the Lessee/Lessees.

11. Service of notice. - Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if these shall be sent to the lessee/lessees by registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India as the lessee/lessees may from time to time in writing to the Collector or the Competent Officer authorised by the Collector in this behalf designate for the receipt or notices and every such service shall be deemed to be proper and valid service upon the lessee/lessees and shall be deemed to be proper and valid service upon the lessee/lessees 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. Signed by.....for and on behalf of the Governor of the State of Bihar in the presence of for and on behalf of Lessee/Lessees in the presence of.....Form E (See Rule 27) Form of Permit for Minor Minerals to be Issued under The Bihar Minor Minerals Concession Rules, [1972] [Substituted for '1964' by S.O. 867 dated 21.2.1972.]. Permit no. of 20 Name and address of the permit-holder-

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

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 the depth of 10' from the surface.

Permit-holder shall have to obtain the approval of the Competent Officer for digging pits below 10' 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 shall be removed without obtaining prior permit, otherwise the permit-holder shall be liable for action under Rule 40 of the Bihar Minor Mineral Concession Rules, 1972.**
- 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. Pucca challans in the prescribed form shall have to be issued for the materials to be despatched or sold from the area.**

N.B. Breach of any of the conditions noted above is liable for cancellation of the permit, forfeiture of materials extracted and such other action as may be deemed necessary. Form F[See Rule 33(1)]Form of Challan for Transport of Minor Mineral.No.....Date.....

- 1. Name and address of the lessee/permit-holder.**
- 2. Details of the quarry lease permits.....**
- 3. Name of minor mineral.**
- 4. Name and address of the persons/contractors to whom material has been sold and supplied.**

5. Quantity

6. Truck No./RR No/Carrier No.

7. Name and Address of the Driver in case the minor mineral is to be transported by road/river.

8. Place of delivery of materials.....

9. Date and time of despatch.....

Signature of the lessee/permit-holder. Seal of Competent Officer. Form G. [See Rule 33 (2)] 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.....

Date	Opening balance.	Quantity extracted	Total	Name of persons to whom sold / despatched	Number of challan issued	Total quantity sold or despatched	Quantity in stock at the close of the day	Amount of royalty	Remarks
1	2	3	4	5	6	7	8	9	10

Form H [See Rule 33 (3)] Form of Monthly Return for minor Minerals for the Month of 20(i) Name and address of the lessee/permit-holder. (ii) Details of quarry lease/permit. (iii) Area..... (iv) Mineral

Stock of mineral at the beginning of the month	Quantity extracted or manufactured during the month.	Total	Quantity	
Sold locally	Despatched by rail	Despatched by truck.	Despatched by other means.	Total despatched.
1	2	3	4	5
				6 7 8

Rate of	Amount of	Number of challan issued during the month	Balance at the	Remarks
---------	-----------	---	----------------	---------

royalty.	royalty.	copies of which are to be attached with the return.	end of the month	
9	10	11	12	13

Signature of lessee/permit-holder. Form I [See Rules 28 (1) and 30 (2)] 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 this application is deposited (copy of challan enclosed) The following particulars are enclosed:-(i) Clearance certificate for payment of mining dues to be attached. (ii) Written consent of the raiyats 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 lands from which the minerals is to be quarried. (v) Quantity of minor mineral to be extracted. (vi) Period during which the minor 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 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 Place-Date-[Form J] [Inserted by S.O. 62 dated 5.1.1976.] Received To be submitted in duplicate. Received at..... (Place) on..... (Date)..... Initial of Receiving Officer..... Government of Bihar Application for Certificate of Approval [See Rule 3 (A) (2)] Dated Day of 20 To Through Sir, I/We request that a Certificate of Approval under the Bihar Minor Mineral Concession Rules, 1972 be granted to enable me/us to acquire leases/and permit under the said Rules.

2. The fee of Rs. 250 payable for the grant of Certificate of Approval has been paid in the manner prescribed by the State Government in their Notification No..... Dated..... treasury Receipt No..... Dated..... is enclosed in original.

3. The required particulars are given below:-

(i) Name of the applicant with complete address. (ii) Is the applicant a private individual private company/public company/firm or association. (iii) In case the applicant is : (a) an individual, his nationality, (b) a private company, the nationality of all members of the Company along with place of registration. (c) a public company, the nationality of directors, the percentage of share capital held by Indian Nationals along with place of incorporation. (d) a firm or association, the nationality of all the partners of the firm or members of the association. (iv) Does the applicant hold a certificate of approval or has even held a certificate of approval for the State or any other State? If so, give full particulars of such certificate(s). (v) Does the applicant hold any quarry or permit in the State or any other State? If so, give 'their particulars. (vi) Any other details which the applicant wishes to furnish. I/We hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details as may be required by you. Yours Faithfully Signature and designation of the applicant, Dated..... Place..... [Form J-1] [Inserted by S. O. 52 dated 5.1.1955.] To be

submitted in duplicate Received at.....(Place)on.....DateInitial
of.....Receiving Officer.....Government of BiharApplication For Renewal of Certificate of
Approval[See Rule 3 (A) (3)]Dated.....day of.....20ToThroughSir,I/We request for renewal of
my/our Certificate of Approval under the Bihar Minor Mineral Concession Rules, 1972.

2. The fee of Rs. 250/- payable for the renewal of Certificate of Approval has been paid in the manner prescribed by the State Government in their Notification No.dated Treasury Receipt No.....dated.....is attached in original.

3. The required particulars are given below:

(i)Name of the applicant with complete address.(ii)Is the applicant a private individual/private company/public company/Firm or association?(iii)In case applicant is :- (a)an individual, his nationality(b)a private company alongwith place of registration.(c)a public company, the nationality of directors, the percentage of share capital held by Indian National alongwith place of incorporation.(d)a firm or association, the nationality of all the partners of the firm or members of the association.(iv)Particulars of the Certificate of Approval of which renewal is desired.(v)Reasons in detail for asking for renewal of Certificate of Approval.(vi)Any other details which the application wishes to furnish.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.Yours faithfullySignature and designation of the applicantPlace.....Date.....Form K[x x x x x] [Omittedby S. O. 1063 dated 16.10.1989.][Licence in Form 'L'] [Inserted by S.O. 305 dated 26.3.1985.][See Rule 33 (5)]Shri/Sri is approved to be a person to stock minor minerals at.....(name of place).....P.S.....District.....and he will abide by the provisions of B.M.M.C. Rules, 1972.Seal and Signature of Competent Officer.[Form - M] [Inserted by S.O. 1063 dated 16.10.1989.][See Rule 40 (10)]AffidavitIn the court of Executive Magistrate

1. Son of.....resident of Moh P. O.P. S.....District... do hereby solemnly affirm and declare as follows:-

2. That I am a registered Contractor of the Department of Government of Bihar/Union of India and have taken works of construction of.....

3. That in the course of aforesaid work I have supplied/consumed the following quantity of minerals-

(a).....sand on.....(dates) which was purchased by me from (Full) address of a lessee/permit holder/other person).(b).....Stone on (dates) which was purchased by me from.....(full address of lessee/permit holder/other person)!(c).....mineral on which was purchased by me from... (full address of lessee/permit holder/other person_.

4. That the materials described in the paragraph 3 above were purchased by me in good faith and after due inquiry that the seller thereof was authorised to deal with that and the details of which is given below:-

(i) Name and address of the seller, if the seller is a lessee/permit holder the details of the mine from which the minerals so sold was extracted If the seller is not a permit holder/lessee then the name and address of other person from whom the seller has purchased.....(ii) The quantity of the purchased mineral with dates.....

5. That the certificate issued by the seller from whom the minerals consumed/ supplied by me was purchased is attached herewith which I believe to be true.

6. That the contents of this affidavit are true to the best of my knowledge and belief.

This paragraph will not apply if the Contractor submits a certificate in the prescribed form issued by the seller of the mineral.[Form-'N'] [Inserted by S.O. 1069 dated 16.10.1989.][See Rule 40 (10)]Specimen of the certificate which the Works Contractor will obtain from the sellers which he will enclose with the bill alongwith the affidavit.(1)Name and address of the seller, if the seller is a lessee/permit holder the details of the mine from which the concerned mineral was extracted.(2)If the seller is not a lessee/permit holder then the name and address of that person from whom the said seller had purchased the minor mineral which was subsequently purchased by works contractor with the date of such purchase by the seller.(3)Name and address of the purchaser/contractor.(4)Quantity of mineral purchased by the Contractor with date.Certified that the aforesaid parties are true to my knowledge and belief.Signature of Seller,DateModel Form 'O'[See Rule 11-B (2)]AgreementThis agreement made this day.....of.....20.....between the Governor of Bihar (hereinafter referred to as the Governor which expression shall where the context so admits be deemed to include his successor in office and assignee) of the one part and.....S/o.....of villageP.O. and P.S.....Dist..... State of..... (hereinafter referred to as settlee of the other part).Whereas by a auction dated.....and finalised on.....with the person/persons being the highest bidder/bidders (hereinafter referred as settlee or settlees as the case may be) for mining of sand (as Minor Mineral) in accordance with Rule '11 A', of Bihar Minor Mineral Concession Rules, 1972 (hereinafter referred to as the said Rules) in respect of lands described in Part 1 of this agreement hereunder written (hereinafter referred to as the agreement and has/have deposited with the State Government of Bihar (hereinafter referred to as Government), the sum of Rs vide Treasury challan no.dated.....as security money and the sum of Rs vide Treasury challan No.....dated.....as per 100%, 50% of the bid money of Rs.....as per the conditions laid down in bid offer notice for the period of one year or upto 31st December 20.....as the case may be.

Part I – All the tract of land

situated.....in the
river.....under the Revenue P.
S.....P.
S.....District.....Bihar.

Part II – Liberties, power and privileges to be exercised and enjoyed by the settlee/ settlees.

The settlee/settlees will win, extract, remove sand under the provisions of Bihar Minor Mineral Concession Rules, 1972 and from the.....river bed as mentioned in Part I.

Part III – Restriction and condition as to the exercise of the liberties, power and privileges in Part II.

(i)No working, winning, mining or removal of and shall be done from the Raiyati land without consent of the raiyats. The settlee/settlees shall pay compensation to the raiyats as fixed or directed by the Collector appointed under these Rules.(ii)The settlee/settlees will allow other settlee/settlees to transport the Minerals through his auction area.(iii)The settlee/settlees shall have no claim against the State Government for compensation or damages due to non-availability of Minerals or any hinderance caused in transportation.

Part IV – Mode of Payment

The settlee/settlees shall pay bid money in the following manner:(i)The settlee/settlees whose bid money does not exceed Rs. ten thousand will pay in full the total amount before the agreement is made.(ii)The settlee/settlees whose bid money exceeds Rs. ten thousand but does not exceed Rs. fifty thousand will have to pay in two instalments-(a)The settlee/settlees shall have to deposit fifty percentum of the bid money by next working day of the auction;(b)The rest amount of bid money shall have to be deposited within six months from the date of auction by the settlee/settlees.(iii)In case of settlee/settlees whose bid money exceeds Rs. fifty thousand shall have to deposit in the following manner:-(a)Fifty per centum of the bid money shall be deposited by the next working day of auction held for the said area;(b)The rest amount shall be deposited in two equal instalments, the first instalment shall be deposited by 15th of April 20 and second by 15th July 20.....(iv)In case of failure in payments of instalments the settlee/settlees shall be liable to pay 15 per cent on the balance amount with effect from the date the instalment has become due.(v)Failure in payment of any instalments or breach of any of the clause may lead to cancellation of the auction without any notice and forfeiture of full or part of security money deposited by the settlee or settlees as the case may be.

Part V – Obligations of settlee/settlees

A settlee or the settlees shall observe the following :-(1)To allow inspection of working auction area;(2)To report accidents;(3)To keep record and accounts regarding production and despatch in prescribed proforma under the provisions of Bihar Minor Minerals Concession Rules, 1972;(4)To issue a transport challan in Form F under the provision laid down in Bihar Minor Minerals Concession Rules, 1972 to the carriers of Minerals by Trucks, Tractors, Boats and other mode of transportation;(5)To deposit any additional amount as desired by Collector;(6)To secure licence in Form L if the settlee or settlees stores sand elsewhere;(7)To allow the Competent Officer to take the possession of the auction area, the day the period of auction expires; failing which a penalty equal to the double the amount of the bid money on pro rata basis for the excess period shall be charged.

Part VI – Refund of security money

In case of refund of security money, deposited by the settlee or settlees, as the case may be, at the time of auction, the Collector shall, within ninety days from the date of expiration of settlement period, which is not required to be expended for any of the purposes mentioned in the auction, shall be refunded to the settlee or the settlees, as the case may be, but no interest thereof shall be payable.

Part VII

Anticipated royalty for the purpose of stamp duty.....is Rs.
.....

Part VIII

1. Other conditions not included in this agreement shall be the same as in the Bihar Minor Minerals Concession Rules, 1972.

2. All Central and State laws may be enforced on the settlee/settlees in respect of working of mines and minerals. These laws may also be enforced in respect of other matters affecting the safety, health and convenience of the employees of the settlee/settlees or of the public in general. On receipt of the notice from the State Government or from Competent Officer regarding any unlawful work or irregular work in connection with the working of the said mine the settlee or settlees, as the case may be, shall also be bound to pay compensation to State Government for all losses due to any illegal or unlawful work done or allowed to be done by the settlee/settlees.

Service of NoticeEvery notice will be served in writing by registered post on the address recorded in

the agreement. Every such service shall be deemed to be proper and valid service upon the settlee/settles and shall not be questioned or challenged by him. In witness whereof these present have been executed in the manner hereunder appearing the day month year first above written. Signed by the Governor of State of Bihar.....In the presence of for and on behalf of settlee/settles.....Notifications S.O. 262, dated 5th March, 1983, published in Bihar Gazette, Extraordinary No. 311, dated March 5, 1983. - In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957), the Governor of Bihar is pleased to make the following amendments in the Bihar Minor Mineral Concession Rules, 1972 published with Notification No. B/N-109/72-4275/M of the 22nd June, 1972:-

(i) After Rule 2 (v) the following shall be inserted:-(v)(a) "Additional Director of Mines" means "Additional Director of Mines appointed as such by the State Government." (ii) In Rule 33 (4), the words between "the Competent Officer" and "or any other officer authorised by the Collector" shall be omitted and in their place the following words shall be substituted:-"or Director of Mines or Additional Director of Mines or Deputy Director of Mines." (iii) In Rules 38 and 40 (7), the words between "The Competent Officer" and "or Collector" shall be omitted and in their place the following words shall be substituted:-"or Director of Mines or Additional Director of Mines or Deputy Director of Mines." (iv) Clauses (1) and (8) of Rule 40 shall be omitted and the following provision shall be substituted as clause (1):-(1) No minor mineral shall be removed from the lease hold area without payment of royalty and in case of removal of minor mineral from the lease hold area without payment of royalty, the holder of mining lease, his agent, manager, employee, contractor or sub-lessee shall be presumed to be parties to the illegal removal of the minor mineral and every such person shall be liable to pay royalty due and shall be punished with simple imprisonment for a term, which may extend to six months or with fine, which shall be less than three times of the royalty due, or with both." (v) Sub-rule (1) of Rule 45 shall be substituted by the following:-(1) (a) The Commissioner, at any time for reasons 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. (b) The application for revision as aforesaid shall be accompanied by a treasury receipt showing that a fee for Rupees 50 has been paid into the Government Treasury or in any branch of the State Bank of India doing treasury business to the credit of the State Government, under the head of account "XXXII-C Miscellaneous Social and Developmental Organisation-Miscellaneous" (i) fee for grant and renewal of Mineral Concession (ii) Rent royalties from mining leases and licenses: Provided that an application for revision may be entertained even after the time specified as above if the applicant satisfies the Commissioner that he had sufficient cause for not making the application within time." (vi) In sub-rule (2) of Rule 45 the word "application" shall be substituted by the word "proceeding". (vii) Sub-rule (4) of Rule 45 shall be substituted by the following:-"4. On receipt of the application and copies thereof under sub-rule (2), 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." (viii) In sub-rule (1) of Rule 46 after the words "copies thereof" and before the words "shall be sent" the words "and where proceeding is started by the Commissioner on his own motion

notices thereof" shall be inserted.(ix)In sub-rule (2) of Rule 46 the following words shall be added at its end:-"or in respect of which proceeding has been started by him."

2. This notification shall come into force with effect from the date of publication of the notification in the Bihar Gazette.

S.O. 861, dated 11th July, 1983, published in Bihar Gazette, Part 2, dated July 13, 1983 at pages 548-550. - In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957), the Governor of Bihar is pleased to make the following amendments in the Bihar Minor Mineral Concession Rules, 1972 published with Notification No. B/M-109/72-4275-M., of the 22nd June 1972. Amendment(i)After Rule 2(v) the following shall be inserted:-(v) (a)"Additional Director of Mines" means "Additional Director of Mines appointed as such by the State Government."(ii)In Rule 33 (4), the words between "the Competent Officer" and "or any other officer authorised by the Collector" shall be omitted and in their place the following words shall be substituted:-"or Director of Mines, or Additional Director of Mines or Deputy Director of Mines"(iii)In Rules 38 and 40(7), the words between "the Competent Officer" and "or Collector" shall be omitted and in their place the following words shall be substituted:-"or Director of Mines or Additional Director of Mines or Deputy Director of Mines"(iv)Clauses (1) and (8) of Rule 40 shall be omitted and the following provision shall be substituted as clause (1):-"(1) No minor mineral shall be removed from the lease hold area without payment of royalty and in case of removal of minor mineral from the lease hold area without payment of royalty, the holder of mining lease, his agent, manager, employee, contractor or sub-lessee shall be presumed to be parties to the illegal removal of the minor mineral and every such person shall be liable to pay royalty due and shall be punished with simple imprisonment for a term which may extend to six months or with fine, which shall not be less than three times of the royalty due, or with both".(v)Sub-rule (1) of Rule 45 shall be substituted by the following:-"(1) (a) The Commissioner at any time for reasons 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.(b)The application for revision as aforesaid shall be accompanied by a treasury receipt showing that a fee of Rs. 50 has been paid into the Government treasury or in any branch of the State Bank of India doing treasury business, to the credit of the State Government, under the head of account "XXXII-C-Miscellaneous Social and Developmental Organisation-Miscellaneous" (i) fee for grant and renewal of Mineral Concession (ii) Rent and royalties from mining leases and licences: Provided that an application for revision may be entertained even after the time specified as above if the applicant satisfies the Commissioner that he had sufficient cause for not making the application within time".(vi)In sub-rule (2) of Rule 45 the word "application" shall be substituted by the word "proceeding".(vii)Sub-rule (4) of Rule 45 shall be substituted by the following:-"(4) On receipt of the application and copies thereof under sub-rule (2), 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".(viii)In sub-rule (1) of Rule 46 after the word "copies thereof" and before the words "shall

be sent" the words "and where proceeding is started by the Commissioner on his own motion notices thereof" shall be inserted.(ix)In sub-rule (2) of Rule 46 the following words be added at its end:- "or in respect of which a proceeding has been started by him".(2)This notification shall come into force with effect from the date of publication of the notification in the Bihar Gazette.Department of Mines and Geology Notification No. S. O. 33, dated 14th January, 1985-Published in Bihar Gazette Extraordinary No. 26, dated January 14, 1985. - In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957), the Governor of Bihar is pleased to make the following amendments in the Bihar Minor Mineral Concession Rules, 1972:-AmendmentsFor Rule 11-A. the following Rule, shall be substituted namely-"(11 -A) Notwithstanding anything contained in these Rules the settlement of sand as minor mineral will be done by public auction by the Collector to the highest bidder on annual basis.Explanation. - Existing leases shall not be renewed nor fresh lease/ permits for sand shall be granted."After Rule 26 the following new Rule shall be inserted:-"26. Compounding of royalty on brick-earth - Notwithstanding anything contained in these Rules, (i) the Competent Officer shall assess a compounded amount of royalty on brick-earth used in a brick-kiln after adding 15 per cent on the maximum mining revenue (inclusive of royalty and cess) in the last three years, or mining revenue calculated on the basis of quantity of production on three rounds of the kiln in a year on its full capacity, whichever is higher, (ii) as far a new brick-Kilns, which are working for less than three years, the compounding shall be done on the mining revenue (inclusive of royalty and cess) on the production of bricks in three rounds in a year at full capacity: Provided that the compounding of royalty shall be optional for the brick-kiln owner, not compulsory."S.O. 305, dated 26th March, 1985-Published in Bihar Gazette Extraordinary No. 206, dated 26.3.1985. - In exercise of the powers conferred by Section 15, of the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957), the Governor of Bihar is pleased to make the following amendments in the Bihar Minor Mineral Concession Rules, 1972, published with Notification No. P/M-109/72-4275/M of the 22nd June, 1972:-Amendment

- 1. In Rule 2 (iii) (b) the words after the words "Assistant Mining Officer of the District or Circle" shall be omitted.**
- 2. In Rule 3-A wherever word "authority" occurs it shall be substituted by the word "officer".**
- 3. In Rule 3-B wherever word "authority" occurs it shall be substituted by the word "officer".**
- 4. In Rule 3D wherever word "authority" occurs it shall be substituted by the word "officer".**
- 5. In Rule 6 in place of word and figure "250 acres" the word and figure "100 Hectares" shall be substituted.**

6. In the proviso to sub-rule (1) of Rule 8 after the words "the provision of this Rule" the words "for reasons to be recorded in writing" shall be added.

7.

(1) In sub-rule (4) of Rule 9 the words after the words "last financial year" shall be omitted and in their place "in respect of all mineral concessions held in the State of Bihar" shall be substituted. (2) Sub-rule (5) of Rule 9 shall be numbered as sub-rule (6) and sub-rule (6) of Rule 9 shall be numbered as sub-rule (5). (3) In sub-rule (5) numbered as sub-rule (6) after the bracket and number "(4)" and before the bracket and number "(5)" the bracket and number "(5)" shall be inserted.

8. In Rule 10 after the words "the Collector" and before the words "shall initial" the words "Competent Officer or any other Officer authorised by the Collector" shall be inserted.

9.

(1) In Rule 11 in place of figure "90" the figure "120" shall be substituted. (2) Proviso to Rule 2 shall be omitted. (3) After sub-rule (2) the following sub-rule shall be added:- "(3) In case an applicant does not hold mining lease in certain districts of the State, he shall, with an application for the grant or renewal of the lease, file an affidavit to that effect".

10.

(1) In Rule 14 after the words "to the annual dead rent" and before the words "fixed for the lease" the words "at the maximum rate" shall be inserted. (2) The word "less" in the Rule shall be substituted by the word "more".

11. In Rule 18 the figure "2" shall be substituted by the figure "10".

12. Sub-rule (5) of Rule 21 shall be omitted.

13.

(1) In sub-rule (1) of Rule 22 the word "90 days" shall be substituted by the words "90 days but not earlier than 180 days". (2) In sub-rule (2-B) the words "after last financial year" shall be substituted by the words "in respect of all the mineral concessions held in the State of Bihar",

14.

(1)In sub-rule (2) of Rule 23 after the words and figure "of Rs. 1,000" the words "and production of royalty clearance certificate by lessee and transferee", shall be added.(2)In proviso 2 to sub-rule (2) of Rule 23 the figure and word "200 feet" shall be substituted by the figure and word "60 meters".

15. After Rule 23 the following Rule shall be inserted:-

"23-A. Application for the transfer of mining lease. - The transferor and transferee interested in the transfer shall produce valid clearance certificate of payment of mining dues such as royalty, dead rent, surface rent and/or cess etc".

16. After the words "of its own" in explanation to sub-rule (2) of Rule 24, the following shall be added:-

"In Rule 24 "or when the Government is satisfied that the continuance of mining or quarrying operation is likely to cause grave injury to health or the property and injury is of such nature and magnitude that it cannot be reasonably compensated and that the risk of injury is so imminent that the lessee cannot be allowed to run its course until it expires naturally".

17.

(1)Rule 25 after the word, figure and bracket "Rule 9(1)" and before the words "the formal lease" the words "or mining lease renewed under 22" shall be inserted.(2)In sub-rule (2) after the words "lease deed is executed" and before the words "the lessee shall be liable" the words 'in case mining lease is granted under Rule 9(1)".(3)After sub-rule (2) the following shall be added;-(3) In the case of renewal of lease the date of commencement of the mining lease shall be the date on which the previous lease is expired, and the lessee shall be liable to pay rent/royalty/cess from that date".

18.

(1)In sub-rule (5) of Rule 28A the words after "have been rejected" and before "may be considered" shall be omitted.(2)The proviso to sub-rule (2) shall be omitted.

19. After sub-rule (3) of Rule 29 the following shall be added:-

"(4) The Competent 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".

20. In Rule 32A the words after the words "at least 60 days in advance" shall be omitted and in their place "specifying a date not earlier than 30 days from the date of such notification in the Gazette from which areas shall be

available for re-grant" shall be substituted.

21.

(1)The heading of Rule 33 shall be amended as under:-"Challans, Registers, Returns and Signboard".(2)In sub-rule (1) at the end, the following words shall be added:-"Or Collector or Deputy Director (Mines) or Additional Director (Mines) or Director of Mines or any other officer authorised by them".(3)In sub-rule (2) he shall also have to display a signboard exhibiting following information (i) name of kiln-owner, (ii) mauza and plot no. of the land on which kiln is situated, (iii) volume of Brick earth excavated so far (iv) Date of starting bricklaying, (v) Date of firing the kiln (vi) No of rounds already completed by kiln, (vii) stock of bricks on site on the day.(4)In sub-rule (4) after the words and bracket "Deputy Director (Mines)" and before "or Director (Mines)" "Additional Director (Mines)" shall be inserted.After sub-rule 4 the following shall be added. -(5) If the accounts, returns and other evidence produced by the lessee, permit holder or any other person who has removed minerals, are in the opinion of any of the officers authorised under Rule 33(1) incorrect, incomplete or unreliable either wholly or partly, the officer concerned, shall report to the Competent Officer who shall proceed to assess to the best of his judgement, the amount of royalty due from the assessee:Provided that if the Competent Officer himself has formed the opinion he shall proceed forthwith to assess to the best of his judgement, the amount of royalty due from the assessee:Provided further that the purchaser of minor mineral who intends to obtain royalty/cess clearance certificate from the Competent Officer shall retain the challan in Form 'F' issued to the carrier. The Competent Officer on production of challan in Form 'F' shall issue royalty/cess clearance certificate of the quantity shown as despatched in challan".

22.

(1)In Sub-rule (1) of Rule 39 of the words after "penalty of a sum upto" and before the words "and shall also be liable" shall be omitted and in their place "Rs. 2,000" shall be substituted.(2)In sub-rule (2) in place of figure "10" figure "20" shall be substituted.(3)Proviso to sub-rule (2) shall be deleted.(4)After sub-rule (2) the following shall be added:-"(3) If any lessee/permit-holder fails to display signboard as prescribed in Rule 33 (5) he shall be liable to penalty of a sum of Rs. 1,000".

23.

(1)Sub-rule (1) of Rule 40 shall be substituted by the following:-"(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 to six months or with fine, which may extend to rupees five thousand or with both".(2)After sub-rule (7) the sub-rule 8 shall be substituted by the following:- "(8) 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 royalty or penalty which may extend upto four times the rate of royalty specified for the minor mineral in Schedule II without prejudice to other action being taken against him under these Rules or any other law for the time being in force".(3)In sub-rules (2), (3), (4), (5) and (6) in place of "Competent Officer" the following shall be inserted:-"Competent Officer, or Deputy Director (Mines) or Additional Director (Mines) or Director of Mines".

24. In Rule 41 after the words "Deputy Director of Mines" and before the words "or any other officer", the words "Additional Director of Mines" shall be inserted.

25. In Rule 42 after the words "Deputy Director of Mines" and before the word "may" the word "he" shall be omitted and in its place the words 'of Additional Director of Mines or Director of Mines or any other officer empowered by the Government' shall be inserted.

26. Rule 45(i) (b) shall be omitted. For proviso to sub-rule (i) (b) of Rule 45, proviso to sub-rule (i) (a) of Rule 45 shall be substituted.

27. After Rule 46 and before Rule 47 the following Rule shall be inserted:-

"46-A. The Commissioner, may at any time but before the expiry of six years from the date of the order either on his own motion or on an application filed before him, call for and examine the record of any proceeding in which any order has been passed by any Competent Officer appointed under Rule 2(iii) or a Deputy Director of Mines, appointed under Rule 2(vi), for the purpose of satisfying as to the legality or propriety of such order and may, after examining the records and making or causing to be made such enquiry as he may deem to be necessary, pass any order which he thinks proper. The Commissioner may delegate this power to any subordinate officer whom he thinks fit:Provided that no order under this Rule shall be passed without giving the applicant as also the authority whose order is sought to be revised or their representative, a reasonable opportunity of being heard:Provided further that where an application is filed seeking revision of any order, such an application shall be entertained only if it is made within ninety days of the date of communication of the order sought to be revised. The application should be accompanied by a treasury receipt showing that a fee of Rs. 50 has been paid into the Government Treasury or in any branch of the State Bank of India doing treasury business to the credit of the State Government under the head of Account "XXXII-C. - Miscellaneous-Social and Development Organisation-Miscellaneous (i) Fees for grant and renewal of mineral concession (ii) Rent and Royalties from mining leases and licences."

28. (a) In Rule 47 (3) in place of figure and bracket "26(7)" figure and bracket "26(6)" shall be substituted.

(b)After sub-rule (4) the following shall be added:- (5) If the Appellate Authority modifies an order passed by the Competent Officer which has the effect of giving relief in the matter of Rent Royalties, he shall forthwith forward one certificate copy and three true copies of the order to the Mines Commissioner.

29. After Rule 48 the following shall be added:-

"49. (1) Every person who carried business of minor minerals beyond any lease hold area shall obtain a licence from the Competent Officer in Form 'L' and shall maintain proper accounts of purchase and sale of all such minerals in a register in Form 'G' which shall be produced before the Commissioner, Director of Mines and Additional Director of Mines or Deputy Director of Mines or Competent Officer or any other officers authorised by the Government, for inspection. (2) Every such person as mentioned in (1) shall issue a transport challan in Form 'F' to every carrier, truck, tractor or bullock cart while despatching minerals for his stock. (3) If any person as mentioned in (i) fail to maintain a register in Form 'G' or fail to issue a challan in Form 'F' shall be punishable with a simple imprisonment which may extend to one year or with fine which may extend upto Rs. 1,000 (one thousand) or with both".

30. (a) In clause 4 of Part III, Form D, of Schedule III in place of figure "45.7" the figure "50" and in place of figure "9.14" the figure "10" shall be substituted.

(b) In clause 2 of Part VII, Form D of Schedule III after the words "and pillars according to" and before the words "the demarcation shown in the plan" the words "the specification prescribed" shall be inserted. (c) In clause 2 LVII Form D of LIII shall be renumbered as "2(i)". (d) After clause 2 of Part LVII, Form D, of Schedule III and before clause 3 the following shall be inserted:- "2-A. To maintain and keep boundary marks and signboards in good order. - The lessee/lessees shall at his/their/own expense display signboards within the lease hold area showing the name of the lessee/ name of the minerals/details of the area and period of the lease and shall always maintain and keep them in good order".

31. After Form 'K' of Schedule III the following forms shall be added:-

Form-'L' Form-'G' Form-'F' Licence In Form 'L' [See Rule 33(5)] Sri/S. Sri..... is approved to be a person to stock minor minerals at..... (name of place) P.S..... District..... and he will abide by the provisions of B.M.M.C. Rule, 1972. Seal and signature of Competent Officer. Form 'G' [See Rule 33(5)] Register to be maintained by Stockist

1. Name of stockist Form-'L

2. Location of stock Form-'L

Mauza.....Thana No.....Mohalla Police Station..... District

3. Mineral-

4. Month-

Date Opening balance Quantity received Total Name of lessee/ permit-holder from whom received
1 2 3 4 5

Details of Challan under which received	Total quantity sold, deposited	Challan under which sold/ despatched	Closing balance	Remarks
6	7	8	9	10

Form F[See Rule 23(5)]No.....Date

1. Name and address of stockist

2. Site of stock

3. Name of Minor Mineral

4. Name and address of persons to whom material has been applied/ sold.

5. Quantity

6. Truck/Tractor/Carrier no.

7. Name and address of Driver

8. Place of delivery of material

9. Date and time of despatch

Signature of Stockist Seal of Competent Officer Regarding Brick Kilns S.O. 279, dated 2nd April, 1987.
- In exercise of the powers conferred by Rule 26-A of the Bihar Minor Mineral Concession Rules, 1972, and having regard to location, population, state of civil construction, state of industrial

construction, state of urbanisation and place of industrial growth in different areas of the State, the Governor of Bihar is pleased to classify such different areas in different categories and to determine the number of bricks (equivalent brick earth) and a consolidated amount of royalty to be paid thereon by the Brick kiln owner/Bricks earth remover per annum to the State Government for different categories of areas as shown in the table below:-Table

Serial No.	Categories of area	Areas Included in shown categories in column (2)	Fixed No. of Bricks (equivalent Brickearth) per kiln situated in area shown in column 3	Consolidated amount of royalty payable per kiln per annum on number of Bricks shown in column 3
1	2	3	4	5
1.	I	Urban area of Patna, Phulwari Sharif, Danapur, Khagual and Fatwah.	12 Laks	7,500
2.	II	Urban area of Jamshedpur, Ranchi, Dhanbad, Bokaro, Muzaffarpur, Dharbhanga and Bhagalpur.	10 Lakhs	6,250
3.	III	Other urban area	1 Lakh	5,000
4.	IV	Rural areas	6 Lakhs	3,750.

* This S.O. and the contents herein have been modified by S.O. 400M dated 17.8.1991 and again it is revised by S.O. 27 dated 24.3.2001. Every brick kiln owner/brick earth remover shall pay 40 per cent of consolidated amount of royalty as shown in the table herein before in one instalment before starting the business to the State Government and the balance amount of 60 percent shall be paid in one instalment within 90 days from the date of the start of the business. Note I. - "Urban area" means the area within the local limits of Corporation or Municipal Corporation or Municipality or Notified Area Committee and also includes the areas falling within 4 (four) Kms. from the boundary of such Corporation or Municipal Corporation or Municipality as the case may be and in case of Notified Area 'Committee the area so notified except that in respect of Fatwah Notified Area Committee" Urban area" shall also include the area falling within 4 (four) Kms. from the boundary of the Notified Area. Note II. - For the purpose of determining the consolidated amount of royalty on Bangala Bhatha used for Commercial purpose the number of bricks shall be fixed at one lakh per Bangala Bhatha per annum equivalent to Rs. 625 as consolidated amount of royalty. No royalty shall be payable on brick/brick earth manufactured in Bangala Bhatta for non-commercial personal consumption. S.O. 281 dated 2nd April, 1987. - In exercise of the powers conferred by Rule 26-A of the Bihar Minor Mineral Concession Rules, 1972, the Governor of Bihar is pleased to authorise the Sub-divisional Officers and the Circle Officers to function in manner provided by rule 26-A, aforesaid, within their respective jurisdiction. S.O. 199, dated the 3rd March, 1988. - In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957), the Governor of Bihar is pleased to make the following amendments in the Bihar Minor Mineral Concession Rules, 1972:-

1. In Rule 11-A after the words "the highest bidder on annual basis" the following provision shall be added:

"Before the auction, the bidders shall produce royalty clearance certificate required under Rule 9(4) or an affidavit to the effect that he is/was not a lessee or permit-holder and that he does not owe any mining dues."After explanation of Rule 11-A following proviso shall be added. - "Provided that in isolated and far flung areas of sand deposits which reasonably and conveniently cannot be settled by auction shall be identified by the Collector and on their being approved as such by the Commissioner the Competent Officer may issue permits for removal of sand from such areas for such period not exceeding one year in respect of any one individual permit-holder:Provided further that such isolated and far flung areas can also be settled through public auction as and when so declared by the Commissioner."

2. After sub-rule (4) of Rule 21 following new sub-rule shall be inserted; namely:-

"If the lessee makes default in payment of rent/royalty as required by Rule 26 or commits breach of any of the conditions referred to in this Rule or embodied in the mining lease "From D", the Competent Officer shall give notice to the lessee requiring him to pay the rent/royalty or remedy the breach as the case may be within 30 days from the date of the receipt of the notice and if the rent/royalty is not paid or the breach is not remedied within such period, the Collector may without prejudice to any proceeding that may be taken against the lessee, determine the lease and forfeit the whole or part of the security deposit."

3. In sub-rule (e) of Rule 39 after the words and figure "for every day" the words and figure "subject to maximum of rupees two thousand and five hundred" shall be inserted.

4. In sub-rule (8) of Rule 40 "for the words" royalty or penalty which may extend upto four times the rate of royalty specified for the Minor Minerals in Schedule II "the words" 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" shall be substituted.

5. In Clause 4 of Part VI of Form "D" of Schedule III for the figure "6" the figure "15" shall be substituted.

6. In Clause 13 of Part VII of Form 'D' of Schedule III for the figure "Rs.50" the figure "Rs. 1000" shall be substituted.

The 16 September, 1989 S.O. 1063 dated the 16th October, 1989. - In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957), the Governor of Bihar is pleased to make the following amendments in the Bihar Minor Mineral Concession Rules, 1972. - (1) Rule 3A. - Rule 3A shall be omitted. (2) Rule 3B. - Rule 3B shall be omitted. (3) Rule 3C. - Rule 3C shall be omitted. (4) Rule 3D. - Rule 3D shall be omitted. (5) Rule 3E. - Rule 3E shall be omitted. (6) Rule 7. - In Rule 7 in place of the words "five years", the words "ten years" shall be substituted. After that the words "but if the Collector a periods exceeding ten years with the prior approval of Government" shall be deleted. (7) Rule 9. - In sub-rule (3) of Rule 9 in place of the word and figure "Rs. 500", "Rs. 200" shall be substituted. The sub-rule (5) of Rule 9 shall be omitted. After sub-rule (5) of Rule 9, the following clauses as sub-rules (6), (7), (8) shall be inserted and existing sub-rule (6) shall be renumbered as sub-rule (9) of Rule 9 and in the existing sub-rule (6) of Rule 9, after the figure (4) in place of figure (5), the figures (6), (7) and (8) shall be added. - "(6) Every application shall be accompanied by an affidavit stating that the applicant has-(i) filed income-tax return 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." (7) Every application shall be accompanied by an affidavit showing particulars of 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." (8) Every application shall be accompanied by statement in writing that the applicant has, where the land is not owned by him, obtained surface rights over the area or has obtained the consent of the owners for starting prospecting operation: Provided that no such statement shall be necessary where the land is owned by the Government." (8) Rule 11A. - In Rule 11, after the second proviso the following proviso shall be inserted: - "Provided further that anything contained herein before in this Rule shall not prevent the Collector from exercising his power u/r 9 in cases covered by Rule 12 (i) hereinafter." (9) Rule 12. - (1) In sub-rule (1) of Rule 12 in place of word "and" used after the word "Central Government", "(comma)" shall be substituted and after the word "local body" the words, "and Co-operative Society" shall be inserted. (2) In the end of sub-rule (1) of Rule 2, the following shall be appended: - "However, the Collector may give preference to such Co-operative Society all the members/share-holders of which belong to Scheduled Tribe and which has duly been registered under Bihar and Orissa Cooperative Societies Act, 1935." (10) Rule 21. - (1) In place of the clause (b) of sub-rule (3) of Rule 21, following clause shall be substituted as clause "(b) The lessee shall pay to the occupier of the surface of the land such compensation as may become payable under these Rules". (2) In place of the clause (c) of sub-rule (3) of Rule 21 the following shall be substituted: - "(c) The lessee 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 reason of any mining operation or to the extent possible, the restoration of flora and other vegetation destroyed by such operations". (3) After clause (n) of sub-rule (3) of Rule 21, a new sub-clause (o) shall be added: - "(o) 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". (11) Rule 22. - The sub Rule (2) (e) of Rule 22 shall be omitted and sub-rule (2) (f) shall be re-numbered as sub-rule (2) (e). In sub-rule (2) (a) of Rules 22 in place of "Rs. 500" "Rupees 2,000" shall be substituted, After

re-numbered sub-rule (2) (e) of Rule 22, the following clauses shall be inserted as sub-rules (f) and (g):-"(f) Every application for the grant of renewal of mining lease shall be accompanied by an affidavit showing that he has-(i)filed upto date income-tax returns(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".(g) Every application for grant of renewal of mining lease shall be accompanied by an affidavit showing-Particulars of area Mineral-wise in the 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 a mining lease; and(iii)being applied for simultaneously."(12)Rule 40 (9). - After Rule 40 sub-rule (8), the following new sub-rules 40(9) and 40 (10) shall be added, namely:-

40.

(9)Notwithstanding anything contained in Rule 40 (8) hereinbefore, whosoever, under the terms of an agreement other than an agreement under these Rules at any time has received or receives cost of minor mineral/material including royalty under the terms of the said agreement shall deposit that royalty which is included in such cost of mineral/ material in the manner prescribed in Rule 43 hereinafter, within seven days from the date of receipt of such cost of mineral/material.Any royalty received as such by such person before the commencement of this Rule shall be deposited by him within fifteen days from the date of commencement of this Rule:Provided that if a sum equal to the royalty included in the cost of mineral/material so received has already been paid or deposited prior to receipt of cost of the mineral/material including royalty by him he shall not be required to deposit the royalty said above:Provided further that any royalty payable under this Rule, if not paid when due be recovered with interest @ 15 per cent per annum as an arrear sum of public demand".(13)Rule 40 (10) To prevent evasion of royalty it is provided that works contractor shall purchase the minerals from lessee/permit holder and authorised dealers only and no Works Department shall receive the bill which the works contractors submit to recover cost etc. of mineral used by them in completion of the works of the Works Department under any agreement from the works contractor if the said bill is not accompanied by an affidavit in Form 'M' with particulars in Form 'N' of these Rules alongwith a photo copy of the said affidavit and particulars. It shall be the duty of the officer who receives or on whose behalf the said bill is received to send the photo copy of the Affidavit and particulars to the District Mining Officer/Assistant Mining Officer within whose jurisdiction the mineral was allegedly purchased, for verification.If contents of the said affidavit on verification by the concerned District Mining Officer/Assistant Mining Officer is found to be false either wholly or partly it shall be presumed that the concerned mineral was obtained by illegal mining and in that event the said District Mining Officer/Assistant Mining Officer shall take action as prescribed in the Rules against the maker of the said affidavit:Provided that if the works contractor deposits or pays the royalty in respect of the mineral so consumed/supplied by him as shown in the aforesaid affidavit and particulars the said District Mining Officer/ Assistant Mining Officer in his discretion may not take action as prescribed in this Rule".Explanation. - For the purposes of this Rule-(i)"Works Department" means departments of the Central or State Government including Company, Corporation Undertaking, Autonomous body of the Government engaging works contractors for any kind of construction on its behalf.(ii)"Works Contractor" means an individual, a firm, a company, an association or body of individuals who under an agreement with Works Department work for the said Department".(14)Rule 43 A. - After Rule 43 a new Rule as

Rule 43-A shall be added:-"43(A). 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 of 15 per cent per annum on any rent royalty or fee (other than the fee payable under Rule 46 (A) or other sum due of the Government."(15)Rule 49 (1)-At the end of Rule 49 (1) the following shall be added:-Every application for obtaining licence in Form "L" shall be accompanied with a fee of Rs. 100." After the words "in Form L" in Rule 49 (1) the words "which shall be displayed at a conspicuous place of business" shall be inserted.In sub-rule 49 (3) after the words "fails to" the words "obtain Form 'L' or" shall be inserted.(16)After Rule 49 a new chapter VII consisting of new Rules be added:-

Chapter VII

"Rule 50. - Payment of compensation to owner of surface rights, etc. - (1) The holder of a prospecting licence or a mining lease shall be liable to pay to the occupier of the surface of the land over which he holds the prospecting licence or as the case may be the mining lease, such annual compensation as may be determined by an officer appointed by the State Government by Notification in this behalf in the manner provided in sub-rules (2) to (4);(2)In case of agricultural land other than the land referred to in sub-rule (4) 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 State Government in this behalf.(17)"Rule 51. - Assessment of compensation for damage. - (1) After termination of prospecting licence or mining lease, the State Government shall assess the damage, if any, done to the land by the prospecting or mining operations and -shall determine the amount of compensation payable by the licensee or as the case may be the lessee to the occupier of the surface land.(2)Every such assessment shall be made within a period of one year from the date of termination of the prospecting licence or mining lease and shall be carried out by an officer appointed by the State Government by Notification in this behalf."(18)Schedule I under Rule 26 (i) (a). - The schedule I under Rule 26 (i)(a) shall be substituted by the following new Schedule I."Schedule I[See Rule 26 (i) (a)]Dead Rent

Period of the mining leas	Rate of dead rent per acre
	Rupees
1. 1st Year	... 250.00
2. 2nd year and onwards	... 1,000.00

(19)In Form D, Part VII, Clause 11 A. - In Form D in part VII after clause 11 the following clauses shall be inserted, namely:-"11 (A). The lessee shall pay a wage not lesser than the minimum wages prescribed by the Central or State Government from time to time.

11.

(B). The lessee shall comply with provisions of the Mines Act, 1952.

11.

(C). The lessee shall take measures, at his own expense for the protection of the environment like planting of trees, reclamation of mined land, use of pollution control device and such other measures as may be prescribed by the Central or State Government from time to time.

11.

(D). The lessee shall pay compensation to the occupier of the land on the date and in the manner laid down in these Rules."(20)Schedule III, Form K under Rule 3 (B) (3). - Form 'K' shall be omitted.(21)Schedule III, Form M under Rule 40 (10). -Form-M[See Rule 40 (10)]AffidavitIn the court of Executive MagistrateI,.....Son of.....resident of Moh.....,P.O....., PS.....District.....do hereby solemnly affirm and declare as follows:-

2. That I am a registered Contractor of the Department of Government of Bihar/Union of India and have taken works of Construction of.....

3. That in the course of aforesaid work I have supplied/consumed the following quantity of minerals-

(a)sand on.(dates) which was purchased by me from.....(full address of a lessee/permit holder/other person).(b)Stone on (dates) which was purchased by me from (full address of a lessee/permit holder/other person).(c).....mineral on.....which was purchased by me from (full address of lessee/permit holder/other person).* 4. That the materials described in the paragraph 3 above were purchased by me in good faith and after due inquiry that the sell thereof was authorised to deal with that and the details of which is given below:-(i)Name and address of the seller, if the seller is a lessee/permit holder the details of the mine from which the mineral so sold was extracted.....If the seller is not a permit holder/lessee then the name and address of other person from whom the seller has purchased.....(ii)The quantity of the purchased mineral with dates.....

5. That the certificate issued by the seller from whom the minerals consumed/ supplied by me was purchased is attached herewith which I believe to be true.

6. That the contents of this affidavit are true to the best of my knowledge and belief.

Signature of Deponent.*This paragraph will not apply if the Contractor submits a certificate in the prescribed form issued by the seller of the mineral.Form-'N'[See (Rule 40 (19))Form N under Rule 40(10). - Specimen of the certificate which the works Contractor will obtain from the sellers which he will enclose with the bill alongwith the affidavit.(1)Name and address of the seller, if the seller is a lessee/permit holder the details of the mine from which the concerned mineral was extracted.(2)If

the seller is not a lessee/permit holder then the name and address of that person from whom the said seller had purchased the minor mineral which was subsequently purchased by works contractor with the date of such purchase by the seller.(3)Name and address of the purchaser/contractor.(4)Quantity of mineral purchase by the Contractor with date.Certified that the aforesaid particulars are true to my knowledge and belief.Signature of Seller.DateRegarding Brick KilnsS.O.400-M, the 17th August, 1991-In exercise of the powers conferred by Rule 26-A of the Bihar Minor Mineral Concession Rules, and having regard to location, population state of Civil Construction, state of Industrial Construction, state of urbanisation and place of industrial growth in different areas of the State, the Governor of Bihar is pleased to amend the previous notification no. S.O. 279, dated the 22nd April, 1987 and to re-classify such different areas in different categories and to determine again the number of bricks (equivalent to brick earth) and a consolidated amount of royalty to be paid thereon by bricks Kiln owner/Brick-earth remover per kiln per annum to the State Government for different categories of areas as shown in the table below-Table

Sl. No.	Categories of area	Areas included in categories as shown in column(2)	Fixed no. of (equivalent Brickearth) per kilnsituated in areas shown in column (3).	Consolidated amount of royalty payable per kilnper annum on the no. of brick shown in column (4).
1	2	3	4	5
1.	I	Brick manufactured by Mechanised kiln set-up	25 lakhs	62,500
2.	II	Urban areas of Patna, Phulwari Sharif, Danapur, Khagaul andFatwah.	12 lakhs	30,000
3.	III	Urban areas of Jamshedpur Ranchi, Dhanbad, Bokaro,Muzaffarpur, Darbhanga and Bhagalpur.	10 lakhs	25,000
4.	IV	Other urban areas,	8 lakhs	20,000
5.	V	Rural area,	6 lakhs	15,000
6.	VI	Single Bricks kiln (excluding serial no. 1) is being run inthe areas of any categories.	Half number of bricks out of fixed quantity forthe category.	Half amount of consolidated royalty for area.
7.	VII	Bangla Bhatta (For Commercial use.)	1 lakh	2,500

Every brick kiln owner/brick earth remover shall pay 40 percent of the consolidated amount of royalty as shown in the table herein before in one instalment before starting the business, to the State Government and the balance amount of 60 percent shall be paid in one instalment within 90 days from the date of start of the business.Note I. - "Urban area" means the areas within the local limits of Corporation or Municipal Corporation or Municipality or Notified Area Committee and also includes the areas falling within 4 (four) Kms. from the boundary of such Corporation or Municipal Corporation or Municipality as the case may be, and in case of Notified Area Committee, the area is

so notified except that in respect of Fatwah Notified Area Committee, "Urban area" shall also include the areas falling within 4 (four) Kms. from the boundary of the Notified Area. Note. II. - For the purpose of determining the consolidated amount of royalty on the "Bangla Bhatta" used for Commercial purpose, the number of bricks shall be fixed at one lakh per Bangla Bhatta per annum equivalent to Rs. 2500 as consolidated amount of royalty. No royalty shall be payable on brick/brick-earth manufactured in Bangla Bhatta for non-commercial personal consumption. Notification. No. 1126 dated 27.3.92-In exercise of the powers conferred by Rule 26-A of the Bihar Minor Mineral Concession Rules, 1972, and having regard to location, population, state of construction, state of industrial construction, state of urbanisation and place of industrial growth in different areas of the State, the Governor of Bihar is pleased to amend the previous notification No. S.O. 400/M, dated 17 August, 1991, and substitute to re-classify such different areas in different categories and to determine again the number of bricks equivalent to brick-earth and consolidated amount of royalty to be paid thereon by bricks kiln owner/brick earth remover per kiln per annum to the State Government for different categories of the areas as shown below. -

Sl. No.	Categories of area	Areas included in categories as shown in column(2)	Fixed no. of (equivalent Brickearth) per kilnsituated in areas shown in column (3).	Consolidated amount of royalty payable per kilnper annum on the no. of brick shown in column (4).
1	2	3	4	5
1.	I	Brick manufactured by Mechanised kiln set-up	25 lakhs	62,500
2.	II	Urban areas of Patna, Phulwari Sharif.	12 lakhs	30,000
3.	III	Urban areas of Jamshedpur Ranchi, Dhanbad, Bokaro, Muzaffarpur, Darbhanga and Bhagalpur.	10 lakhs	25,000
4.	IV	Other urban areas,	8 lakhs	20,000
5.	V	Rural area,	6 lakhs	15,000
6.	VI	Single Bricks kiln (excluding serial no. 1) is being run in the areas of any categories.	Half number of bricks out of fixed quantity for the category.	Half amount of consolidated royalty for area.
7.	VII	Bangla Bhatta (For Commercial use.)	1 lakh	2,500

Every brick kiln owner/brick earth remover shall pay all amount of consolidated royalty in one instalment as shown in the table here in before issue of the permit. Note I. "Urban area" means the areas within local limits of Corporation or Municipal Corporation or Municipality or Notified Area Committee and also includes the area falling within 4 (four) kilometres from boundary of such Corporation of Municipal Corporation or Municipality as the case may be, and in case of Notified Area Committee, the area is so notified except that in respect of Fatwah Notified Area Committee, "Urban area" shall also include the areas falling within 4 (four) kms. from the boundary of the Notified area. Note II. For the purpose of determining the consolidated amount of royalty on the

"Bangla Bhatta" used for commercial purpose the number of bricks shall be fixed at one lakh per Bangla Bhatta per annum equivalent to Rs. 2,500 as consolidated amount of royalty. No royalty shall be payable on brick/brick-earth manufactured in Bangla Bhatta for non-commercial personal consumption. S.O. 27, dated 24 March, 2001. - In exercise of the power conferred by Rule 26(A) of the Bihar Minor Mineral Concession Rules, 1972 and having regard to state of civil construction, state of industrial construction, state of situated population, state of urbanisation and place of industrial growth in different areas of the State, the Governor of Bihar is pleased to amend the previous notification S.O. No. 0367, dated 6th October, 1994 and reclassify such areas to deter, fine the number of bricks per fixed kiln and Bangala Bhatta and the 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 districts and areas	Capacity Fixed no. for the manufactured bricks per fixed kiln and Bangla Bhatta situated in areas shown in column 3	Royalty Amount of royalty payable per kiln per annum on number of bricks fixed in column 4 (In Rupees)
1	2	3	4	5
1.	I	Urban areas of Patna, Muzaffarpur, Gaya, Darbhanga district.	45 lakh bricks	Rs. 90,000/-
2.	II	Other Urban area	35 lakh bricks	Rs. 70,000/-
3.	III	Rural area	25 lakh bricks	Rs. 50,000/-
4.	IV	Bangla Bhatta	1 (One) lakh bricks	Rs. 3,000/-

2. This order will come into force from 1.4.2001.

Note. I-Consolidated royalty shall be paid in two instalments, namely:-(i)First instalment-50% of the total payable royalty amount before commencement, of kiln and(ii)Second instalment-Rest 50% of the total amount before the month of March.If the payment of total amount of payable royalty is made in one lump sum by a kiln owner then 5% rebate shall be given on the total payable royalty.Note II. - "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 III. - No royalty shall be payable on bricks/brick earth manufactured in Bangla Bhatta for non-commercial, personal consumption.Number of bricks per fixed kiln & Royalty[S.O.27, dated 24 March, 2001. - In exercise of the power conferred by Rule 26(A) of the Bihar Minor Mineral Concession Rules, 1972 and having regard to state of civil construction, state of industrial construction, state of situated population, state of urbanisation and place of industrial growth in different areas of the State, the Governor of Bihar is pleased to amend the previous notification S. O. No. 0367, dated 1. Substituted by S.O. 259 dated 26.3.1987. 6th October, 1994 and reclassify such areas to determine the number of bricks per fixed kiln and Bangala Bhatta and the 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:-

Sl. No.	Categories of area	Name of districts and areas	Capacity Fixed no. for the manufactured bricks per fixed kiln and Bangla Bhatta situated in areas shown in column 3	Royalty Amount of royalty payable per kiln per annum on number of bricks fixed in column 4 (In Rupees)
1	2	3	4	5
1.	I	Urban areas of Patna, Muzaffarpur, Gaya, Darbhanga district.	45 lakh bricks	Rs. 90,000/-
2.	II	Other Urban area	35 lakh bricks	Rs. 70,000/-
3.	III	Rural area	25 lakh bricks	Rs. 50,000/-
4.	IV	Bangla Bhatta	1 (One) lakh bricks	Rs. 3,000/-

2. This order will come into force from 1.4.2001.

Note I-Consolidated royalty shall be paid in two instalments, namely (i) First instalment-50% of the total payable royalty amount before commencement, of kiln and (ii) Second instalment-Rest 50% of the total amount before the month of March. If the payment of total amount of payable royalty is made in one lump sum by a kiln owner then 5% rebate shall be given on the total payable royalty. Note II-"Urban Area" means the areas within the local limits of a 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 III-No royalty shall be payable on bricks/brick earth manufactured in Bangla Bhatta for non-commercial, personal consumption.