

# Orissa Minor Minerals Concession Rules, 2004

ODISHA

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### Rule ORISSA-MINOR-MINERALS-CONCESSION-RULES-2004 of 2004

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Orissa Minor Minerals Concession Rules, 2004Published vide Notification No. S.R.O. No. 421/2004, Orissa Gazette Extraordinary No. 1167, dated 31.8.2004S.R.O. No.421/2004. - In exercise of powers conferred by Sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the State Government hereby makes the following rules for regulating the grant of mineral concessions in respect of minerals and for purposes connected therewith, namely:-Chapter-I Preliminary

#### 1. Short title and commencement.

(1)These rules may be called the Orissa Minor Minerals Concession Rules, 2004.(2)They shall come into force on the date of their publication in the Orissa Gazette.

#### 2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Mines and Minerals (Development and Regulation) Act, 1957;(b)"auction" means auction sale of minor mineral source in any area in favour of highest bidder under the terms and conditions fixed by the Competent authority including auction sale of specified quantity of minor minerals under the terms and conditions fixed by the authority under these rules;(c)"Authorised Officer" means the Director of Mines or any officer of the Directorate of Mines duly authorised by the Government in writing for the purpose;(d)"Collector" means the Chief Officer-in-charge of the revenue administration of a district and also includes the Additional District Magistrate;(e)"Competent authority" means officers of the concerned Department of Government mentioned in columns (3) and (4) of Schedule IV for the purpose and jurisdiction specified against each of them in columns (2) and (1) respectively thereof;(f)"Controlling authority" means officers mentioned in the column (2) of Schedule-III for the purpose and jurisdiction specified against each of them in column (1) thereof;(g)"Director" means the Director of Mines, Orissa;(h)"Deputy Director" means the Deputy Director of Mines,

Orissa;(i)"Decorative stone" means all types of granites as defined in Granite Conservation and Development Rules, 1999 and any other rock suitable for decorative, industrial or export purpose including dimension stone;(j)"Form" means Form appended to these rules;(k)"Government" means the Government of Orissa;(l)"Granite" means dolerites, granite gneisses, migmatites, gabbros, anorthosites, rhyolites, syenites, leptynites, charnockites and other igneous and orthometamorphic rock types which are -(i)amenable to be recovered as dimensional stone;(ii)capable of taking polish; and(iii)commercially exploitable.(m)"Gram Panchayat" means the Executive Committee of the 'Grama Sasan' established under Section 7 of the 'Orissa Gram Panchayat Act, 1964;(n)"Joint Director" means Joint Director of Mines, Orissa;(o)"Mining lease" means a lease granted on tenure basis for a period not exceeding 30 years for extraction and/or removal of decorative stones over a compact area;(p)"Mining Plan" means a mining plan prepared under Granite Conservation and Development Rules, 1999 and under these rules;(q)"Prospecting License" means a license granted for the purpose of undertaking any operation for the purpose of exploring, locating or proving the deposits of decorative stones over a compact area;(r)"Quarry lease" means a lease granted on tenure basis for extraction, collection and/or removal of minor minerals other than decorative stones over a compact area;(s)"Quarry permit" means a permit granted for a period not exceeding one year for extraction, collection and/or removal of any specified quantity of minor minerals other than decorative stones not exceeding one thousand cubic meter;(t)"Quarrying operations" means any operation undertaken for the purpose of winning any minor mineral including decorative stones and shall include erection of machinery, laying of tramways, construction of roads and other preliminary operations for the purpose of quarrying;(u)"Recognised person" means a qualified person granted recognition by the authorized officer under Granite Conversation and Development Rules, 1999 and under these rules for preparation of mining plan;(v)"Sub-Collector" means the Officer-in-charge of a Revenue Sub-division;(w)"Schedule" means a Schedule appended to these rules;(x)"Scheduled Areas", means the Scheduled Areas as referred to in Clause (1) of Article 244 of the Constitution of India; and(y)"Tahasildar" means the officer so appointed by the Government and includes an Additional Tahasildar.(3)Words and expressions used herein but not defined in these rules shall have the meanings as respectively assigned to them in the Act, the Mineral Concession Rules, 1960 and Granite Conservation and Development Rules, 1999.

### **3. Restriction on prospecting/mining/quarrying operation.**

(1)No person shall undertake any prospecting or mining or quarrying operations for minor minerals in any area except under and in accordance with the terms and conditions of a prospecting licence or a quarry/mining lease or auction of source or a quarry permit, as the case may be, granted under these rules :Provided that extraction, collection and/or removal of minor minerals by a person from his own land for normal agricultural operations or other bona fide domestic consumptions shall not be construed as quarrying operations.Provided further that nothing in this sub-rule shall affect any quarrying operations undertaken in any area in accordance with the terms and conditions of a quarry lease or quarry permit or auction sale before commencement of these rules which is in force at such commencement.(2)No persons shall transport or store or cause to be transported or stored any minor minerals for the purpose of selling or trading otherwise than in accordance with these rules.(3)In the interest of mineral development, preservation of natural environment, prevention of pollution or to avoid danger to public health or communication or to ensure safety to building,

monuments or other structures, or for such other purposes, the competent/controlling authority may, by order in respect of any minor mineral, make premature termination of a prospecting license or mining/quarry lease after giving the holder of license or lease a reasonable opportunity of being heard. Provided that the Deputy Director, Mines/Mining Officer/Tahasildar/ Divisional Forest Officer having jurisdiction, may in an emergent situation or in case of irreparable loss, pass necessary orders as deemed proper in the interest of mineral development, preservation of natural environment, prevention of pollution or to avoid danger to public health or communication or to ensure safety to building, monuments or other structures, or for such other purposes.

#### **4. Restrictions on grant of prospecting licenses or mining/quarry leases or its renewal.**

(1) Notwithstanding anything contained in these rules, the Government may, by order, declare that no prospecting license or mining/quarry lease or renewal thereof or a quarry permit or auction of source shall be granted in any area or in respect of any minor minerals(s) except on such terms and conditions as may be specified from time to time. (2) No prospecting license or mining/quarry lease or a quarry permit or auction of source shall be granted to any person other than an Indian citizen without prior approval of the Government or in respect of any area included in the Rakhit or Sarbasadharan Khata of the village or any area reserved for communal purpose. (3) No prospecting license or mining/quarry lease or quarry permit or auction of source shall be granted over areas involving historical, cultural, archaeological and scientific importance. (4) No mining lease shall be granted unless it is satisfied that-(a) there is evidence to show that the area for which the lease is applied for has been prospected earlier for decorative stone or the existence of decorative stones therein has been established otherwise than by means of prospecting such area, and, (b) there is a mining plan duly approved by an authorized officer. (5) No prospecting license or mining/quarry lease or its renewal or auction of source shall be granted in Scheduled Areas without recommendation of the concerned Grama Panchayat. (6) No prospecting license or mining/quarry lease or quarry permit or auction of source shall be granted in any forest land without prior approval of Government of India as required under the Forest (Conservation) Act, 1980. (7) No quarry lease or quarry permit or auction of source of for brick earth shall be granted for manufacture of clay bricks or tiles or blocks for use in construction activity within a radius of fifty kilometres from local based thermal power plant unless an undertaking is furnished to the effect that-at least twenty-five percent of ash (fly ash, bottom ash or pond ash) shall be used with brick earth on weight to weight basis. (8) No prospecting license or mining/quarry lease or quarry permit or its renewal or auction of source shall be granted to a person who is a defaulter in payment of Government dues under the Act and the rules made thereunder unless recovery of such dues has been stayed by any Court or an Authority before whom an appeal is pending under Sub-rule (1) of Rule 64 of these rules. (9) No quarry lease/permit for road metals including ballast and ordinary boulders shall be granted within the area for which a license or lease has been granted for decorative stone.

#### **5. Maximum area for which a prospecting license, mining/quarry lease may be granted.**

(1) No person by himself or with any person having joint interest shall hold : (a) one or more prospecting license convening a total area of more than five hundred hectares for decorative stones: Provided that the area granted under a single prospecting license shall not exceed one hundred hectares; (b) one or more mining leases for decorative stones covering a total area of more than one hundred and fifty hectares; Provided that the area granted under a single mining lease shall not exceed fifty hectares; (c) one or more quarry lease covering a total area of more than one hundred hectares in respect of minor minerals: Provided that the area granted under a single quarry lease shall not exceed twenty hectares. (2) For the purpose of this rule, a person acquiring, by or in the name of another person, a (prospecting license or mining lease) which is intended for himself shall be deemed to be acquiring it himself. (3) For the purpose of determining the total area referred to in Sub-rule (1), the area held under a prospecting license or mining lease by a\* person as a member of a co-operative society, company or other corporation or a Hindu undivided family or a partner of a firm, shall be deducted from the area referred to in Sub-rule (1) so that the sum total of the area held by such person under a prospecting license or mining lease, whether as such member or partner of individually, may not, in any case, exceed the total area specified in Sub-rule (1).

## **6. Minimum area for which a prospecting license or mining lease may be granted or renewed.**

(1) The minimum area that may be granted under prospecting license or mining lease shall not be less than one hectare: Provided that the State Government, if it is satisfied on the basis of proposed production level, geological or topographical conditions, may for the reasons to be recorded in writing, grant or renew a lease over an area more than the maximum area or less than the minimum area specified in Rules 5 and 6.

## **7. Boundaries below the surface.**

- The boundaries of the area covered by a prospecting license or a mining lease or quarry lease shall run vertically downwards below the surface towards the center of earth.

## **8. Periods for which prospecting license, mining/quarry lease may be granted or renewed.**

(1) The period for which a prospecting license may be granted shall not exceed two years. (2) The maximum period for which a mining lease may be granted shall not exceed thirty years: Provided that the minimum period for which any such lease may be granted shall not be less than twenty years. (3) A mining lease may be renewed for a period not exceeding twenty years: Provided that no such renewal shall be granted unless the lessee has set up an industry for processing of decorative stones in the State. (4) Notwithstanding anything contained in Sub-rule (3), if the State Government are of the opinion that in the interest of development of decorative stones it is necessary to do so, it may, for reasons to be recorded in writing, authorize the renewal of a lease for a further period or periods not exceeding twenty years in each case. (5) A quarry lease may be granted for a period not exceeding five years for lessees referred to in Clauses (i), (ii) and (iii) of Sub-rule (3) of Rule 27 and

three years for lessees referred to in Clauses (iv) and (v) thereof.(6)The quarry lease may be renewed for one or more periods. The period of each renewal shall not exceed the original grant period.(7)An application for renewal of mining/quarry lease shall be made at least ninety days before the expiry of lease to the Competent authority. An application for renewal of mining/quarry lease shall be disposed of before expiry of the lease term.

Chapter-II Grant of Prospecting License for Decorative Stone

## **9. Application for prospecting license.**

(1)An application for prospecting license shall be made to the Director in Form-A in triplicate through the Deputy Director or the Mining Officer having jurisdiction and shall be accompanied by-(i)The Treasury Challan showing deposit of one thousand rupees towards the application fee (non-refundable),(ii)Plan, boundary description and land schedule which would facilitate easy identification of the area applied for.(iii)An affidavit stating the details of area held by the applicant or with any other person(s) having joint interest by way of prospecting license/mining lease for decorative stones within the State,(iv)Attested copies of up-to-date Income-tax and Sales tax Clearance Certificates or non-assessment certificates, as the case may be,Note - In case of non-availability of an up-to-date Income Tax clearance certificate, an affidavit that up-to-date Income Tax returns as prescribed under the Income Tax Act, 1961 and that tax due including the tax on account of self assessment has been paid, may be furnished.(v)A valid clearance certificate on payment of mining dues payable under the Act or the rules made there under issued by the Director,(vi)A Solvency certificate and a list of immovable properties from the concerned Revenue Authority.(vii)A certificate from his banker stating the extent of his credit worthiness,(viii)Where the land applied for belongs to private persons, consent of all such persons for grant of prospecting license,(ix)Attested copy of documents to establish that he has already set up or has definite plan for setting up an industry in the State for processing of decorative stone,(x)Attested copy of documents to establish that he is the Rayat of the land applied for,(xi)Any other information, which the applicant intends to furnish, such as, technical knowledge and experience in prospecting operation of the applicant, machinery under his possession, nature and quality of technical staff employed or to be employed and investment proposed to be made. (2)Every application received by the Deputy Director/Mining Officer shall be entered in the register of application for prospecting license in FORM-B.(3)Acknowledgement of application :-(a)Where an application for grant of prospecting license is(i)delivered personally, its receipt shall be acknowledged forthwith; or(ii)received by registered post, it shall be acknowledged on the same day.(b)In any other case, the receipt of such application shall be acknowledged within three days of the receipt and the receipt of every such application shall be acknowledged in FORM-C.

## **10. Disposal of the application.**

(1)No application shall be granted unless the applicant submits the income-tax clearance certificate and sales-tax clearance certificates or non-assessment certificates in original and no objection of the concerned Tahasildar on revenue point of view and the concerned Gram Panchayat for grant of prospecting license :Provided that the Mining Officer/Deputy Director of the respective jurisdiction shall seek a report from concerned Tahasildar on revenue point of view, Divisional Forest Officer on

forest point of view and in case of Scheduled Area, from the concerned Gram Panchayat in the interest of tribal development of the area before forwarding the application to the Director for his consideration: Provided further that in case the views of the Tahasildar and the concerned Gram Panchayat is not received within a period of two months of receipt of intimation, it would be deemed that the Tahasildar/Gram Panchayat has no objection for grant of prospecting license. (2) Where two or more persons have applied a prospecting license in respect of same land or area, the applicant whose applications was received earlier shall take precedence in consideration for the grant over an applicant whose application was received later. Provided that, if the Director is of the opinion that in the interest of mineral development, it is necessary to do so, he may for reasons to be recorded in writing, grant prospecting license in preference to the applications made earlier. In case two or more applications in respect of the same land have been received on the same day, priority shall be given to the applicants in the following order, namely (i) A person who has already set up an industry for processing of decorative stone in the State and does not have any quarry lease for decorative stone in the State. (ii) A person who has a definite plan for setting up of an industry in the State for processing of granites(s) if he has furnished a copy of his project report of the proposed processing industry and also letter from the financing institution, issued by the Chief Executive of the institution to the effect that his project report is being appraised by such financing institution; (iii) An unemployed Geologist/Mining Engineer; (iv) A person who is the rayat of the land; (v) Any other category; Provided that when more than one application relating to any of the categories mentioned under Clauses (i) and (ii) above is received for the same area, the interse priority shall be decided on the basis of the installed capacity, special knowledge or experience introspecting or quarrying operations, machinery under possession, financial resource, nature and quality of technical staff employed or to be employed, the proposed investment and prospecting license/mining lease for decorative stones already held in the State.

## **11. Refusal of application for a prospecting license.**

(1) The Director may, after giving an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a prospecting license over the whole or part of the area applied for. (2) An application for the grant of a prospecting license made under Rule 9 shall not be refused by the Director only on the ground that Form A is not complete in all material particulars, or is not accompanied by the documents referred to in Clauses (ii), (iii) and (iv) of Sub-rule (1) of the said rule. (3) Where it appears that the application is not complete in all material particulars or is not accompanied by the required documents, the Deputy Director/Mining Officer concerned, white acknowledging the receipt of application, shall require the applicant to supply the omission or, as the case may be, furnish the documents without delay and in any case not later than thirty days from the date of receipt of the application. (4) Where applications for the grant of prospecting license and applications for the grant of mining lease in respect of the same area are received on the same date or on different dates within a period of thirty days, the applications for grant of mining lease shall, if the area was previously held under a mining lease or there is evidence to show that the area has been prospected earlier or the existence of mineable decorative stones has been established otherwise; be disposed of before the applications for grant of prospecting license are considered.

## **12. Refusal of quarry lease/permit.**

- No quarry lease/permit for road metals including ballast and ordinary boulder shall be granted within the area for which license/lease has already been granted for decorative stones.

## **13. Report of prospecting operation.**

- The licensee shall submit to the Director and Deputy Director/Mining Officer concerned, reports of prospecting operations in FORM-ZA.

## **14. Conditions of a Prospecting License.**

(1)The licensee shall pay in advance prospecting fee at the rate of one hundred rupees per hectre of land or part thereof land covered by the license for each year or part of a year of the period for which the license is to be granted.(2)The licensee may win and carry for purposes other than commercial purposes ten cubic meter of decorative stones on payment of advance royalty with permission from the Deputy Director/Mining Officer for testing its suitability for processing and marketing:Provided that if any excess of the quantity specified above is won and carried away, the Deputy Director/Mining Officer concerned may recover the cost of such excess quantity.(3)With the written approval of the Director the licensee may carry away quantities of decorative stone in excess of the limits specified in Sub-rule (2) above, on payment of advance royalty for testing purposes.(4)The licensee shall report to the Director the discovery of any other mineral not specified in the license within a period of thirty days from the date of such discovery. Consequent upon such reporting, the newly discovered minor mineral shall be deemed to have been included in the prospecting license:Provided that if any mineral other than a minor mineral is discovered in course of prospecting of the area the licensee shall not be entitled to any preference for the purpose of obtaining a license or lease for such new mineral by reason only of the lands being included in his license for minor mineral and the license shall be terminated without payment of any compensation to the licensee.(5)The licensee shall not except with the previous sanction of the Director transfer his license:Provided that no prospecting license shall be transferred to any person who has not produced the documents mentioned in items (ii), (iv), (v), (vi), (vii) and of Sub-rule (1) of Rule 9 along with the treasury challan showing deposit of two thousand rupees towards transfer application fee (non-refundable) and who does not qualify to be a licensee under these rules.(6)The licensee shall not pay a wage less than the minimum wage prescribed by the Central Government or the State Government from time to time under the Minimum Wages Act, 1948.(7)The licensee shall observe the provisions of Mines Act, 1952.(8)The licensee shall take immediate measures for the planting the same area or any other area selected by the State Forest Department not less than twice the number of trees destroyed by prospecting operations.(9)The licensee shall pay to the occupier of surface of the land such just and reasonable compensations as may be agreed between the licensee and the owner of the land.(10)The licensee shall comply with the provisions of the Granite Conservation and Development Rules, 1999.(11)The licensee shall allow reasonable facilities of access to other bona fide concessionaires;(12)The licensee shall obtain prior permission of the competent authority of the Forest Department to carry on any operation in forest land as required under the provisions of the Forest (Conservation) Act, 1980.(13)The licensee shall pay to the State

Government compensation for all damages, injuries or disturbances which has been caused by him in the course of operating the license and shall indemnify Government against all claims which may be made third parties in respect of such damage, injury or disturbances.(14)Every holder of a prospecting license for decorative stones shall submit to the Director, Deputy Director/Mining Officer concerned within sixty days from the date of execution of the license, a scheme of prospecting indicating the manner in which he proposes to carry out the prospecting operation as per Rule 8 of the Granite Conservation and Development Rules, 1999. The scheme may be modified by the holder of the prospecting license as per the provisions of the said rules.(15)The licensee shall carry out the prospecting operations in accordance with the scheme of prospecting submitted or with such modifications as directed by the Director or any officer authorized by him in this behalf.(16)The licensee shall keep correct account of minor mineral raised during the course of prospecting operation and submit yearly report of prospecting operation carried out in FORM-A prescribed under Rule 11 of the Granite Conservation and Development Rules, 1999 to the Director and the Deputy Director/Mining Officer having jurisdiction.(17)The licensee shall afford reasonable facilities for inspection of the area licensed, accounts and records pertaining to prospecting, to the Controlling authority, Competent authority and Director or any other officer authorised by any of them. Such officer may issue directions to the licensee for systematic and scientific prospecting and to ensure observance of the provisions of rules and directions within a specified time limit not exceeding sixty days.(18)The licensee shall remove all machineries and other structure, if any, before end of the license period or its determination, if it is earlier or within such further time allowed by the State Government failing which the said properties including the minor mineral left in the area shall be deemed to be the property of the Government. Such property may be disposed off by public auction and the sale proceeds credited to Government account.(19)Licensees shall carry out prospecting activities with appropriate environmental safeguards.(20)The licensee shall not carry on or allowed to be carried on, any prospecting operation at any point within a distance of(a)one hundred meters from any railway line (except under and in accordance with the written permission of the Railway Administration concerned), National Highway, late Highway or any reservoir; or(b)within a distance of fifty meters from any tank, canal, road (other than a National or State Highway or other public works of buildings or inhabited sites), except under and in accordance with the previous permission of the Collector. The Railway Administration or the Collector, as the case may be, may grant such permission on such conditions as it or he may specify.(21)The State or Central Government shall have right to construct any road, railway or canal, reservoir or to lay electric or telephone lines or over the lands held under the license: Provided that the licensee shall be given at least thirty days prior notice before the right is exercised and the area thus utilised shall be excluded from the area held under license?(22)The licensee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the licensed area.(23)The licensee shall abide by the provisions of all laws for the time being in force, relating to working of license, matters affecting safety, health and convenience of the employees and public. He shall also obey all existing law of way, water and other easements; and shall not use power cutter or other machineries in litterate quarries.(24)All accidents involving injury or loss of life or loss or damage to property shall be reported forthwith to the Collector of the District and Director.(25)In the case of breach of any condition of a prospecting license by or under these rules, the Director may given notice of thirty days to the licensee to rectify the defects. If the licensee fails to rectify the defects within specified time, the Director may, by order in writing cancel the license,



and/or forfeit, in whole or part, the amount deposited by the licensee towards security deposit: Provided that no such order shall be made without giving the licensee a reasonable opportunity of stating his case. (26) The licensee may for good and sufficient reasons surrender the license at any time after giving not less than three months notice in writing to the Director. (27) The Director may, impose such further conditions in the license as it may think necessary in the interest of mineral development & protection of environment. Chapter-III Grant of Mining Lease for Decorative Stone

## **15. Application for mining lease and its renewal.**

(1) An application for a mining lease or its renewal shall be made to the State Government in FORM-F in triplicate through Deputy Director/Mining Officer having jurisdiction and shall be accompanied by (i) The Treasury Challan showing deposit of ten thousand rupees (non-refundable) towards application fee; (ii) Plan, boundary description and land schedule, which would facilitate easy identification of the area applied for; (iii) An affidavit stating the details of area(s) held by the applicant or with any other person(s) having joint interest by way of mining lease within the State; (iv) Attested copies of up-to-date Income-tax and Sales tax clearance certificates or non-assessment certificates, as the case may be; Note - In case of non-availability of an up-to-date Income Tax clearance certificate, an affidavit that up-to-date Income Tax returns as prescribed under the Income Tax Act, 1961 and that tax due including the tax on account of self assessment has been paid, may be furnished. (v) A valid clearance certificate of payment of mining dues payable under the Act or the Rules made there under issued by the Director; (vi) A solvency certificate and a list of immovable from the concerned Revenue Authority; (vii) A recent certificate from his banker stating the extent of his credit worthiness; (viii) Where the land applied for belongs to private persons, consent of all such persons for grant of lease; (ix) Attested copies of documents to establish that he has already set up or has definite plan for setting up an industry in the State for processing decorative stone; (x) Attested copies of documents to establish that he is the Rayat of the land applied for; (xi) A copy of the prospecting report if the area was prospected earlier; and (xii) Any other information which the applicant intends to furnish such as technical knowledge and experience in prospecting and quarrying of decorative stones of the applicant, machinery under his possession, nature and quality of technical staff employed or to be employed, investment proposed to be made in the mines and in the industry based on the decorative stones. (2) Every application received by the Deputy Director/Mining Officer shall be entered in the register of application for mining lease in FORM-G. (3) (a) Where an application for grant or renewal of mining lease is - (i) delivered personally, its receipt shall be acknowledged forthwith; or (ii) received by registered post, it shall be acknowledged on the same day; (b) In any other case the receipt of such application shall be acknowledged within three days of the receipt and the receipt of every such application shall be acknowledged in FORM-C.

## **16. Disposal of applications.**

(1) No application shall be granted unless the applicant submits the Income tax and Sales tax clearance certificates in original or non-assessment certificates in original and there is no objection of the concerned Tahasildar on revenue point of view, the concerned Divisional Forest Officer on

forest point of view and in case of Scheduled Areas from the concerned Gram Panchayat for grant of mining lease or its renewal; Provided that the Deputy Director/Mining Officer of the respective jurisdiction shall seek a report from the concerned Tahasildar on revenue point of view, from the concerned Divisional Forest Officer on forest point of view and in case of Scheduled Area, from the concerned Grama Panchayat in the interest of tribal development: Provided further that in case the views of the Tahasildar, Divisional Forest Officer and the Gram Panchayat is not received within a period of two months of receipt of intimation, it would be deemed that the Tahasildar/ Divisional Forest Officer/Gram Panchayat has no objection for grant of mining lease or its renewal. (2) Where two or more persons have applied for a mining lease in respect of same land or area the priority shall be in the following order, namely: (i) a person who has prospecting license over the area if he: (a) has undertaken prospecting operations to establish the mineral reserves in such land; (b) has not committed any breach of the terms and conditions of the license and; (c) has not failed to apply for grant of mining lease within three months after expiry of the prospecting license; (ii) the applicant whose application was received earlier shall take precedence in consideration for grant over an applicant whose application was received later; (iii) a person who has already set up an industry for processing of decorative stone in the State and does not have any quarry lease for decorative stone in the State; (iv) a person who has a definite plan for setting up of an industry in the State for processing of decorative stone if he has furnished a copy of his project report of the proposed processing industry and also a letter from the financing institution, issued by the Chief Executive of such institution to the effect that his project report is being appraised by such financing institution; (v) co-operative societies composed solely of Scheduled Tribe in case of Scheduled Areas; (vi) an unemployed Geologist/Mining Engineer; (vii) a person who is the rayat of the land; (viii) any other category: Provided that when more than one application relating to any of the categories mentioned in items (ii) and (iii) above are received for the same area, the interse priority shall be decided on the basis of the installed capacity, technical knowledge and experience in prospecting and quarrying of decorative stones of the applicant, machinery under his possession, nature and quality of technical staff employed or to be employed, investment proposed to be made in the mines and in the industry based on the decorative stones and prospecting license/mining lease for decorative stones already held in the State: Provided further that more than one application relating to any of the categories mentioned in items (iv) and (vi) above are received for the same area, the applicant whose application was received earlier shall take precedence in consideration for grant over an applicant whose application was received later. (3) Notwithstanding anything contained in Sub-rule (2), if the State Government are of the opinion that in the interest of mineral development, it is necessary to do so, it may for the reasons to be recorded in writing grant the mining lease in respect of land not held under prospecting license in preference to the applications made earlier.

## **17. Refusal of application for grant and renewal of mining lease.**

(1) The State Government may, after giving an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a mining lease over the whole or part of the area applied for. (2) An application for the grant or renewal of a mining lease made under Rule 15 shall not be refused by the State Government only on the ground that FORM-F is not complete in all material particulars, or is not accompanied by the documents referred to in

Sub-clauses (ii), (iii) and (iv) of Rule 15 of these rules. (3) Where it appears that the application is not complete in all material particulars or is not accompanied by the required documents, Deputy Director/ Mining Officer concerned, while acknowledging receipt of application, shall require the applicant to supply the omission or, as the case may be, furnish the documents, without delay and in any case not later than thirty days from the date of receipt of application.

## **18. Precise area for grant.**

- On receipt of application for grant of mining lease for decorative stone, the State Government shall take decision to grant the precise area for the said purpose and communicate such decision to the applicant for submission of Mining Plan.

## **19. Mining plan to be prepared by a recognised person.**

(1) No mining plan shall be approved unless it is prepared by a qualified person recognised in this behalf by the authorised officer under these rules or by a qualified person under Rule 22B of the Mineral Concession Rules, 1960. (2) No person shall be granted recognition for the purposes of Sub-rule (1) by the authorised officer unless he holds-(i) a degree in mining engineering or a post-graduate degree in geology granted by a university established or incorporated by or under an Act of Parliament or any institution recognized by the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956 (3 of 1956) or any qualification equivalent thereto; and (ii) possesses professional experience of five years of working in a supervisory capacity in the field of mining or mineral administration after obtaining a degree or qualification required under Clause (i).

## **20. Grant of recognition for preparation of mining plan.**

(1) Any person possessing the qualifications and experience required under Sub-rule (2) of Rule 19 may apply for recognition to the authorised officer for the purpose. (2) The authorised officer after making such enquiry, as it deems fit, may grant or refuse to grant recognition and where recognition is refused, the authorised officer shall record reasons in writing and communicate the same to the applicant. (3) A recognition shall be granted for an initial period of ten years and may be renewed for further periods not exceeding ten years at a time: Provided that the authorised officer may refuse to renew recognition for reasons to be recorded in writing after giving an opportunity of hearing to the person concerned.

## **21. Submission of Mining Plan to the authorised officer.**

(1) On receipt of communication from State Government of the precise area to be granted, the applicant shall submit a mining plan within a period of three months of the date of receipt of such communication, to the authorised officer for approval and the said plan shall incorporate-(i) the plan of the precise area showing the nature and extent of the granite body; spot or spots where the excavation is to be done in the first year and its extent; a detailed cross-section and detailed plan of

spots of excavation based on the prospecting data gathered by the applicant; a tentative scheme of mining for the first five years of the lease;(ii)details of the geology and lithology of the precise area including granite reserves of the area;(iii)the extent of manual mining or mining by the use of machinery and mechanical devices on the precise area;(iv)the plan of the precise area showing natural water courses, limits of reserved and other forest areas and density of trees, if any, assessment of impact of mining activity on forest, land surface and environment including air and water pollution; details of scheme for restoration of the area by afforestation, land reclamation, use of pollution control devices and of such other measures as may be directed by the Central or the State Government from time to time;(v)annual programme and plan for excavation on the precise area from year to year for five years;(vi)any other matter which the authorized officer may require the applicant to provide in the mining plan.(2)Every mining plan under Sub-rule (1) shall be accompanied with a non-refundable fee of one thousand rupees for every 10 hectares or part thereof of mining area covered' under the mining lease.

## **22. Submission of mining plan to the State Government.**

- The applicant shall submit the mining plan, duly approved by the authorised officer, within six months from the date of receipt of communication under Rule 18, to the State Government to grant the mining lease over that area.

## **23. Mining plan to be submitted by the existing lessee.**

- Where mining operation for decorative stone has been undertaken before the commencement of these rules without an approved mining plan the lessee shall submit a mining plan duly approved by authorised officer within a period of one year from the date of commencement of these rules and such operations shall be undertaken in accordance with the duly approved mining plan.

## **24. Liability for payment of Royalty, Dead Rent etc.**

- The holder of mining lease shall be liable to pay dead rent, surface rent, royalty and fees for compensatory afforestation at the following rates, namely:(i)The holder of a mining lease shall pay to the State Government every year the dead rent and surface rent at the rates specified in Scheduled I for all the areas included in the instrument of lease :Provided that the rates specified in Schedule I may be revised by Government from time to time by an amendment made to the said Schedule, but no such enhancement shall be made before the expiry of three years from the date when the rates were last fixed:Provided further that in case the rates of dead rent, royalty and surface rent specified in the Schedule I & the Schedule II are not revised after expiry of three years from the date when the rates were last fixed due to any reason, an increase of forty percent thereon shall be effective from the forth year:Provided also that where the holder of the mining lease becomes liable for payment of royalty for any minor mineral removed or consumed by him or his agent, manager and employees or the contractor from the leased area, he shall be liable to pay either such royalty or the dead rent in respect of that area, whichever is higher.(ii)Royalty shall be leviable on minor minerals removed from the leased area at the rates specified in Schedule II :Provided that the rates specified in Schedule II may be revised by the State Government from time to time by an

amendment made to the said Schedule but no such enhancement shall be made before the expiry of three years from the date when the rates were last fixed: Provided further that in case the rates of royalty specified in the Schedule II are not revised after expiry of three years from the date when the rates were last fixed due to any reason, an increase of forty percent thereon shall be effective from the fourth year. (iii) The lessee shall pay, in addition to the surface rent, dead rent or royalty, as the case may be, fees for compensatory afforestation at rates as may be specified by Government from time to time.

## **25. Conditions of mining lease.**

(1) The lessee shall pay to the State Government surface rent within a fortnight of the execution of the lease-deed for the remaining period of the year and thereafter pay such rent on or before 15th January of every year. (2) The lessee shall pay dead rent for the remaining period of year within a fortnight of the execution of the lease-deed and thereafter pay yearly dead rent on or before 15th January of every year. An account of the royalty payable by him shall be kept by the Deputy Director/Mining Officer and as soon as the royalty payable by him become equal to or in excess of the dead rent already paid by him, he shall remove the decorative stone only after payment of the royalty in advance. Advance dead rent paid by him shall be deemed to have been merged into the amount of royalty he was liable to pay. No permission for removal of decorative stone shall be issued unless all the Government dues in respect of the lease are paid. (3) The lessee shall pay to the Government compensation for all damages, injuries or disturbance which has been caused by him in the course of operating the lease and shall indemnify Government against all claims which may be made by third parties in respect of such damage, injury or disturbances. (4) Mining operations shall commence within two years from the date of execution of the lease. The lessee shall thereafter carry on mining in a proper, skillful and workman-like manner in accordance with the duly approved mining plan. (5) If the lessee does not work upon the lease for a continuous period of two years, the lease shall be liable to be cancelled, unless prior permission has been granted for such stoppage by the Competent authority on reasonable grounds. (6) The lessee shall allow reasonable facilities of access to other bonafide concessionaires. (7) The lessee shall undertake mining operation only in accordance with approved mining plan. (8) The lessee may modify the approved mining plan, in the interest of safe and scientific mining, conservation of decorative stone or for protection of environment and shall obtain the approval of the authorized officer for the purpose. (9) The authorized officer may suggest the lessee to make such modification in the mining plan or impose such conditions, as deemed necessary in writing. (10) The lessee shall not carry on or allow to be carried on, any mining operation at any point within a distance of (a) one hundred meters from any Railway line (except under and in accordance with the written permission of the Railway Administration concerned), National Highway, State Highway, monuments, heritage sites or any reservoir; or (b) within a distance of fifty meters from any tank, canal road (other than National or State Highway or other public works or buildings or inhabited sites), except under and in accordance with the previous permission of the Collector. The Railway Administration or the Collector, as the case may be, may grant such permission on such conditions as it and he may specify. (11) The State or Central Government shall have right to construct any road, railway or canal, reservoir or to lay electric or telephone lines in or over the lands held under the lease: Provided that the lessee shall be given at least thirty days prior notice before the right is exercised and the area thus utilised shall be

excluded from the area held under lease.(12)The lessee may erect on the area granted to him any building and structure required for the purpose of mining operations, provided he does not offend any lawful orders issued by the officer or authority competent to issue such orders.(13)The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area.(14)The lessee shall obtain permission of the competent authorities of the Forest Department, Orissa to carry on any operations in forest areas.(15)The lessee shall abide by the provisions of all laws for the time being in force, relating to the working of mines and matters affecting the safety, health and convenience of the persons employed for mining and of the public. He shall also obey all existing right of way, water and other easements, and shall not use power cutter and other machinery in laterite quarries.(16)The lessee shall keep correct accounts of decorative stone mined and dispatched and shall furnish a monthly and a half-yearly return in FORM-S and annual return in FORM-V to the Deputy Director/Mining Officer having jurisdiction and also to the Director every month.(17)The lessee shall afford reasonable facilities for inspection of the mines in the leased land, accounts and records pertaining to working of lease, to the competent authority and Director or any other officer authorized by any of them. Such officer may issue directions to prevent wasteful extraction of minerals and to ensure observance of the provisions of rules and specify the time limit within which the directions shall be complied with. If the lessee does not allow the inspecting officer reasonable facilities for inspection or fails to comply with the directions within the specified time-limit not exceeding sixty days, the Competent authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees ten thousand only and may cancel the lease and forfeit the security deposit.(18)All accidents involving injury or loss of life or loss or damage to property shall be reported forthwith to the Collector of the district and the Director.(19)If any Government dues payable under the lease agreement remain unpaid for one month beyond the date fixed in the lease agreement for such payment, the competent authority or any officer authorized by him may enter into the leased area and distrain all or any of the decorative stone or other movable property and may dispose of such of the distrained minor mineral or property as will sufficient for satisfaction of the Government dues and all costs and expenses occasioned by the non-payment thereof. If any such government dues remain unpaid Over two months beyond the date fixed in the lease agreement for such payment, the Competent authority may determine the lease, and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provisions of the Orissa Public Demands Recovery Act, 1962 for recovery of such dues.(20)The controlling authority shall have the right to pre-emption at current market rates over all decorative stones extracted or collected by the lessee and shall be indemnified by the lessee against the claims of any third parties in respect of such minerals.(21)The lessee shall remove all decorative stone mined before the end of the lease period or its determination, if it is determined earlier, and all other materials and structures within such reasonable period not exceeding two months or as the competent authority may allow. All minor minerals, machineries, buildings and other structures, left in the leased area after the date-line fixed or time allowed by the competent authority shall be deemed to be the property of the government. Such property may be disposed of by public auction and the sale-proceeds credited to Government account.(22)If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall report it forthwith to the competent authority and the Director. The lessee shall not win or dispose of any such minor mineral without obtaining a proper lease or permit or permission of the competent authority in writing. If he fails to apply for a

lease or permit to extract the newly discovered minor mineral within three months from the date of discovery or if he declares his intention not to work upon the minor mineral, the competent authority may grant lease or permit in respect of that minor mineral to any other person after observing the procedure prescribed under these rules for the purpose: Provided that if the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new mineral, by reason only of the lands being included in his earlier lease for extraction of minor mineral. (23) If any mineral other than minor minerals is found in the area in course of mining operations for decorative stones, the lessee shall intimate in writing the fact to the Competent authority forthwith and the lease shall be terminated without payment of any compensation to the lessee. (24) The lessee shall ensure proper maintenance of hill slopes so as to prevent major erosion and observe all such safeguards as provided in the Mines Act, 1952, and the Rules and Regulations framed thereunder and the Granite Conservation and Development Rules, 1999. (25) A lessee may dispose of waste material generated in course of mining operations for decorative stone on payment of royalty and other government dues prescribed for road metals including ballast-ordinary boulders as the case may be. (26) The lessee shall carry out mining activities with appropriate environmental safeguards and shall take such steps for reclamation and raising of plantations in the lease areas as prescribed in the Granite Conservation and Development Rules, 1999. (27) The lessee shall keep the government indemnified from any liabilities, compensation damage etc. arising out of his acts or omissions as a lessee during the subsistence of the lease. (28) If the land leased out is a private land, the lessee shall pay such just and reasonable compensation as may be agreed upon between the lessee and the owner of the land. (29) The lessee shall submit all returns and notices to Indian Bureau of Mines and Director as provided under provisions of the Granite Conservation and Development Rules, 1999. (30) The lessee shall not without any previous consent of the State Government (a) assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right title or interest therein or, (b) enter into or make any agreement, contract or understanding whereby the lessee will or may be directly or indirectly financed by, any person or body of persons other than the lessee. (31) Every holder of a mining lease for decorative stone shall employ a Mining Engineer accordance with provisions of Rule 38 of the Granite Conservation and Development Rules, 1999 and he shall perform the duties as provided under the said rules. (32) The State Government may impose such further conditions in the lease as it may think necessary in the interest of mineral development & protection of environment.

**Chapter-IV**  
**Grant of Quarry Leases**

## **26. Application for quarry lease and its renewal**

(1) An application for quarry lease or its renewal shall be made to the competent authority in FORM-J in triplicate and shall be accompanied with the following documents and particulars: (i) Treasury Challan showing deposit of one thousand rupees (non-refundable) towards the application fee; (ii) Plan, boundary description and land schedule, which would facilitate easy identification of the area applied for; (iii) An affidavit stating the details of area held by the applicant or with any other person(s) having joint interest by way of quarry lease within the State; (iv) Attested copies of up-to-date Income-tax and Sales tax clearance certificates or non-assessment certificates, as the case may be; Note - In case of non-availability of an up-to-date Income Tax clearance certificate, an affidavit that up-to-date Income Tax returns as prescribed under the Income Tax Act,

1961 and that tax due including the tax on account of self assessment has been paid, may be furnished.(v)An affidavit stating that no mining due payable under the Act and the Rules made thereunder is outstanding against the applicant;(vi)Where the land applied for belongs to Government (Revenue Department) a no objection certificate from the Tahasildar for grant of quarry lease;(vii)Where the land applied for belongs to private persons, consent of all such persons for grant of quarry lease;(viii)Where the land applied for is of forest kissam, a clearance from Forest Department for grant of quarry lease;(ix)A solvency certificate and a list of immovable properties from the Revenue Authority;(x)In case of claims of preference because of industry, attested copies of documents to establish that he has already set up or has definite plan for setting up an industry based on minor mineral in the state;(xi)Any other information which the applicant intends to furnish, such as, technical knowledge, experience, machinery under possession, financial position and the like.(2)Every application received by the competent authority shall be entered in the register of application for quarry lease and its renewal in FORM-K.(3)(a)Where an application for grant or renewal of quarry lease is-(i)delivered personally, its receipt shall be acknowledged forthwith; or(ii)received by registered post, it shall be acknowledged on the same day;(b)In any other case, the receipt of such application shall be acknowledged within three days of receipt and the receipt of every such application along with plan, boundary description and land schedule, which would facilitate easy identification of the area applied for shall be acknowledged in FORM-C.

## **27. Disposal of the applications.**

(1)No application shall be granted unless the applicant submits the Income-tax and Sales tax clearance certificates in original or non-assessment certificates in original and there is no objection of the concerned Gram Panchayat for grant of quarry lease or its renewal;Provided that the Tahasildar shall seek report from the concerned Deputy Director/Mining Officer on geological point of view with regard to the suitability of the rock for decorative purpose in case of applications for stone quarry and in case of Scheduled Areas from the concerned Gram Panchayat in the interest of tribal development:Provided that in case the views of the Deputy Director/Mining Officer concerned and the Gram Panchayat is not received within a period of two months of receipt of intimation, it would be deemed that the Deputy Director/Mining Officer/Gram Panchayat has no objection for grant of quarry lease its renewal.(2)Where two or more persons have applied for a quarry lease in respect of same land or area, the applicant whose application was received earlier shall take precedence in consideration:Provided that the Competent authority may, for any special reason to be recorded in writing, grant a quarry lease with prior approval of next higher authority whose application was received later in preference to an applicant whose application was received earlier.(3)In case two or more applications in respect of same land or area have been received on the same day, priority shall be given to the applicants in the following order, namely :(i)co-operatives of artisans using the minor minerals as raw material;(ii)co-operative societies solely composed of Scheduled Tribes for Scheduled Areas;(iii)a person who has been operating an industry based on the minor mineral applied for or, having complied all other formalities, would be able to operate it if the lease is granted;(iv)unemployed graduates of any discipline and Diploma Engineers;(v)a person who is the rayat of the land;(vi)any other category.



## **28. Liability for payment of Royalty, Dead Rent etc.**

- The lessee shall be liable to pay dead rent, surface rent, royalty and fees for compensatory afforestation at the following rates, namely-(i)The holder of a quarry lease shall pay to the State Government every year the dead rent and surface rent at the rates specified in Schedule I for all the areas included in the instrument of lease:Provided that the rates specified in Schedule I may be revised by Government from time to time by an amendment made to the said Schedule, but no enhancement shall be made before the expiry of three years from the date when the rates were last fixed;Provided further that in case the rates of dead rent and surface rent specified in Scheduled I are not revised after expiry of three years from the date when the rates were last revised due to any reason; an automatic increase of forty percent thereon shall be effective from the fourth year.Provided also that where the holder of the quarry lease becomes liable for payment of royalty for any minor mineral removed or consumed by him or his agent, manager and employees or the contractor from the leased area, he shall be liable to pay either such royalty or the dead rent in respect of that area, whichever is higher.(ii)Royalty shall be leviable on minor minerals removed from the leased area at the rates specified in Schedule II:Provided that the State Government, may, by notification in the official gazette, amend the Schedule II as to enhance or reduce the rate at which royalty shall be payable In respect of any mineral but no enhancement shall be made before expiry of three years from the date when the rates were last revised;Provided further that in case the rate of royalty specified in Schedule II are not revised after expiry of three years from the date when the rates were last fixed due to any reason; an automatic increase of forty percent thereon shall be effective from the fourth year.(iii)The lessee shall pay, in addition to the surface rent, dead rent or royalty, as the case may be, fees for compensatory afforestation at rates as may be specified by Government from time to time.

## **29. Conditions of quarry lease.**

(1)The lessee shall pay to the State Government surface rent within a fortnight of the execution of the lease-deed for the remaining period of the year and thereafter pay such yearly rent on or before the 15th January of every year.(2)The lessee shall pay dead rent for the remaining period of the year within a fortnight of the execution of the lease-deed and thereafter pay yearly dead rent on or before the 15th January of every year. An account of the royalty payable by him shall be kept by the competent authority and as soon as the royalty payable by him becomes equal to or in excess of the dead rent already paid by him, he shall remove the minor minerals only after payment of the royalty. Advance dead rent paid by him shall be deemed to have been merged into the amount of royalty he was liable to pay.(3)The lessee shall pay to the government compensation for all damages, injuries or disturbance which has been caused by him in the course of operating the lease and shall indemnify government against all claims which may be made by third parties in respect of such damage, injury or disturbances.(4)Quarrying operations shall commence within three months from the date of execution of the lease agreement. The lessee shall thereafter carry on quarrying in a proper, skillful and workman-like manner.(5)If the lessee does not work upon the quarry for a continuous period of six months, the lease shall be liable to be cancelled, unless prior permission has been granted for such stoppage by the competent authority on reasonable grounds.(6)The lessee shall allow reasonable facilities of access to other bona fide concessionaires.(7)If any minor mineral

not specified in the lease is discovered in the leased area, the lessee shall report it forthwith to the competent authority and the Director. The lessee shall not win or dispose of any such minor mineral without obtaining a proper lease or permit or permission of the competent authority in writing. If he fails to apply for a lease or permit to extract the newly discovered minor mineral within three months from the date of discovery or if he declares his intention not to work upon the minor mineral, the competent authority may grant lease or permit in respect of that minor mineral to any other person after observing the procedure prescribed in these rules for the purpose: Provided that if the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new mineral, by reason only of the lands being included in his earlier lease for extraction of minor mineral. (8) The lessee shall not carry on or allow to be carried on, any quarrying operation at any point within a distance of—(a) one hundred meters from any Railway line (except under and in accordance with the written permission of the Railway Administration concerned), National Highway, State Highway, monuments, heritage sites, or any reservoir; or (b) within a distance of fifty meters from any tank, canal, road (other than a National or State Highway or other public works or buildings or inhabited sites), except under and in accordance with the previous permission of the Collector. The Railway Administration or the Collector, as the case may be, may grant such permission on such conditions as it or he may specify. (9) The State or Central Government shall have right to construct any road, railway or canal, reservoir or to lay electric or telephone lines in or over the lands held under the lease: Provided that the lessee shall be given at least sixty days prior notice before the right is exercised and the area thus utilised shall be excluded from the area held under lease. (10) The lessee may erect on the area granted to him any building and structure required for the purpose of quarrying operations, provided he does not offend any lawful orders issued by the office or authority competent to issue such orders. (11) The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area. (12) The lessee shall obtain permission of the competent authorities of the Forest Department, Orissa to carry on any operation in forest area. (13) The lessee shall abide by the provisions of all laws for the time being in force, relating to the working of quarries and matters affecting the safety, health and convenience of the persons employed for quarrying and of the public. He shall also obey all existing law of way, water and other easements; and shall not use power cutters and other machinery in case of laterite quarries. (14) The lessee shall keep correct accounts of minor minerals quarried and dispatched and shall furnish a quarterly return in FORM-T and annual return in FORM-W to the competent authority and the Director. (15) The lessee shall afford reasonable facilities for inspection of the quarries in the leased land, accounts and records pertaining to working of lease, to the competent authority and Director or any other officer authorized by any of them. Such officer may issue directions to prevent wasteful extraction of minerals and to ensure observance of the provisions of rules and specify the time limit not exceeding thirty days within which the directions shall be complied with. If the lessee does not allow the inspecting officer reasonable facilities for inspection or fails to comply with the directions within the specified time limit, the competent authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees five thousand only and may cancel the lease and forfeit the security deposit. (16) All accidents involving injury or loss of life or loss or damage to property shall be reported forthwith to the Collector of the District. (17) If any Government dues payable under the lease agreement remain unpaid for one month beyond the date fixed in the lease agreement for such payment, the competent

authority or any officer authorized by him may enter into the leased area and distrain all or any of the minor minerals or other movable property and may dispose of such of the distrained minor minerals or property as will be sufficient for satisfaction of the Government dues and all costs and expenses occasioned by the non-payment there. If any such government dues remain unpaid over two months beyond the date fixed in the lease agreement for such payment, the competent authority may determine the lease, and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provisions of the Orissa Public Demands Recovery Act, 1962 for recovery of such dues.(18)The controlling authority shall have the right to pre-emption at current market rates over all minor minerals extracted or collected by the lessee and shall be indemnified by the lessee against the claims of any third party in respect of such minerals.(19)The lessee shall remove all minor minerals quarried before the end of the lease period or of its determination, if it is determined earlier, and all other materials and structures within such reasonable period not exceeding two months or as the competent authority may allow. All minor mineral materials, machineries, buildings and other structures, left in the leased area after the date-line fixed or time allowed by the competent authority shall be deemed to be the property of the government. The competent authority may dispose of such property by public auction and credit the sale-proceeds to government account with the approval of controlling authority.(20)If any major mineral is found in the area in course of quarrying of minor minerals the lessee shall intimate in writing the fact to the competent authority forthwith and the lease shall be terminated without payment of any compensation to the lessee.(21)The lessee shall ensure proper maintenance of hill slopes so as to prevent major erosion and observe all such safeguards as provided in the Mines Act, 1952 and the Rules and Regulations framed there under from time to time.(22)The quarry owner shall carry out mining activities with appropriate environmental safeguards and shall take such steps for reclamation and raising of plantations in the lease area as prescribed in Rules 29 to 37 of the Granite Conservation and Development Rules, 1999.(23)The lessee shall keep the government indemnified from any liability, compensation damage etc, arising out of his acts or omissions as a lessee during the subsistence of the lease.(24)No rejected/off grade major mineral shall be removed on payment of royalty as minor mineral, under this rule.(25)If the land leased out is a private land, the lessee shall pay such just and reasonable compensation as may be agreed upon between the lessee and the owner of the land.(26)The competent authority may include such other conditions in the lease agreement with the approval of the controlling authority.

Chapter-V Grant of Quarry Permits

### **30. Application for quarry permit.**

- An application for grant of quarry permit for minor mineral other than decorative stone shall be made to the competent authority in FORM-N and shall be accompanied by-(a)Treasury Challan showing deposit of rupees two hundred only (non-refundable) towards application fee,(b)Description of the land shown in a plan from which the mineral is to be extracted and removed,(c)Consent of the owners of the land if a private land permitting diversion of his land for extraction of minor mineral is proposed to be removed.(d)An undertaking by the applicant to the effect that he agrees to abide by the conditions governing extraction and removal of minor mineral under a quarry permit.

### **31. Authority to grant permit.**

(1)The competent authority or any officer authorised by him may grant permit in FORM-O for extraction and removal from any specified land, any minor mineral not exceeding one thousand tones under any one permit on payment of dues such as surface rent, royalty and compensatory afforestation fees as assessed by the competent authority, in advance, calculated at the rates specified in the Schedule I and II; Provided that the competent authority may grant permit in excess of one thousand tones for any minor mineral when used for public work.(2)If any application is rejected, the competent authority shall inform the applicant, stating the reasons of such rejection.

### **32. Duration of permit.**

- The period of a permit shall not exceed three months.

### **33. Conditions of quarry permit.**

(1)The depth of the quarry below the surface shall not exceed six meters;(2)The permit is non-transferable;(3)Minor mineral, other than for which permit is granted, shall not be excavated or removed without prior approval of the competent authority;(4)If any major mineral is found during quarrying operations, the permit holder shall report the matter to the competent authority and the Director forthwith and the permit shall be terminated without payment of any compensation to the permit holder;(5)The permit holder shall maintain complete and correct accounts of the minor mineral excavated and quantity removed from the area;(6)The permit holder shall immediately report all accidents to the competent authority and the Collector of the district;(7)The permit holder shall have no right over the quarried material and other property lying in the permit area after expiry of the permit;(8)The permit holder shall not undertake any operation in forest area without obtaining the permission from the competent authority of the Forest Department, Orissa. He shall be liable for payment of fees and royalty as admissible under the rules or as may be prescribed by the said authority before taking up any operation in the forest area;(9)The permit holder shall not carry on the quarrying operation within a distance of fifty meters from any public roads, public buildings, temples, reservoirs, dams, burial ground, railway track monuments, heritage sites, etc. and cause any damage to any public and private properties;(10)The permit holder shall allow the Director, controlling authority and competent authority or any officer authorized by any of them to inspect the quarrying operations and to check the accounts and verify the details of dispatches from the registers maintained by him;(11)If any minor mineral is removed in excess of the quantity permitted, such material shall be confiscated and the permit holder shall be liable for punishment under the provisions of the Indian Penal Code and these rules.(12)As soon as removal of the mineral granted under this permit is completed, the permit holder shall surrender the permit to the competent authority and furnish to him particulars of permit in FORM-U indicating the quantities of minor minerals removed and other information as may be required by the competent authority.

### **34. Register of quarry permit.**

- The competent authority shall maintain a register of quarry permits in Form-P. Chapter-VI Auction

### **35. Auction of minor minerals**

- Notwithstanding anything mentioned in these rules, sources of minor minerals specified in item 1 (i) of Schedule III shall be sold or disposed of by public auction on such terms and conditions as may be specified in the auction sale notice by the competent authority.

### **36. Validity of auction.**

- The auction shall be valid for a maximum period of one year from the date of execution of auction agreement.

### **37. Upset price.**

- The upset price to be fixed may, ordinarily be based on average price obtained during the last three years or the price obtained during the last year, whichever is higher, increased by ten percent of the average price of the last three years or the last year's price, as the case may be. In case of sources that did not exist during the last three years or the last year, the upset price shall be fixed by the competent authority on the basis of upset price of similar sources existing in the vicinity or on the basis of probable income to be derived from the sources with prior approval of Collector or the Conservator of Forest or the Director, as the case may be.

### **38. Notice.**

- When an area containing minor mineral is to be disposed of through public auction, the competent authority shall issue a notice giving reasonable publicity so as to obtain the best possible price. The notice shall be published in one local news paper(daily) on two consecutive issues at least thirty days ahead of the date fixed for auction sale. In case the upset price exceeds Rs.5,00,000/-, advertisement should be published in one Oriya and one English newspaper(daily) of wide circulation on two consecutive issues. In addition to publication of auction notice in newspaper, it shall be displayed at prominent public places and site of the auction.

### **39. Contents of notice.**

- The auction notice shall contain the date, time, venue for conduct of auction, earnest money to be deposited, area of auction, mineral to be auctioned and term of auction.

#### **40. Restriction on participation.**

- No person shall be allowed to participate in the auction who-(a)has been convicted for commitment of any offence under the provisions of Mines and Minerals (Development and Regulation) Act, 1957 and any Rules made thereunder or(b)has been found guilty for violation of the provisions of the Mineral Concession Rules, 1960 and these rules, or(c)is a defaulter in payment of Government dues under the Act and these rules.

#### **41. Earnest money.**

- Any person who intends to participate in auction sale shall deposit earnest money fixed by the competent authority.

#### **42. Mode of payment.**

- Ten percent of the upset price shall be fixed as the earnest money deposit and this shall be remitted through Demand Draft drawn in favour of the competent authority or in shape of cash as may be decided by the competent authority.

#### **43. Participation.**

- A person shall participate in the auction himself or through his power of attorney holder. The competent authority shall allow only such eligible persons to the venue fixed for auction after receipt of earnest money deposit.

#### **44. Bid.**

- The competent authority shall announce at the commencement of bidding the name of person or persons who are participating the auction and shall record the bid offered by participants from time to time. He shall ordinarily knock down the highest bid provided he is satisfied with the same. The competent authority concerned shall have the power to reject the highest bid on substantial ground to be recorded in writing at the time of auction and accept the next highest bid. He has to confirm the bid accepted by him. The auction proceeding shall be signed by all the participants as token of acceptance of the proceedings.

#### **45. Refund of earnest money.**

- Earnest money deposit made by the unsuccessful bidder(s) shall be refunded without any interest after closure of auction within a reasonable time not exceeding seven days from the closure of the auction proceedings.

#### **46. Lower auction price.**

- Where the auction price falls short of the upset price, the competent authority conducting the same, shall refer the matter to the next higher authority for approval before finalising the same. In such case, where the higher authority is satisfied with the bid amount according to local conditions prevailing at the time of sale, he may approve the sale. If he is of the view that the price is lower than what it ought to be, he may order resale/re-auction. In the latter case, the bid sheets shall again be submitted to the higher authority for confirmation.

#### **47. Successful bidder.**

- The successful bidder shall deposit twenty five percent of the bid amount immediately after the bid is knocked down by the competent authority. If the successful bidder fails to deposit the amount, the earnest money deposited shall be forfeited to Government and the bid offered by him shall be treated as null and void.

#### **48. Payment of bid amount.**

- The successful bidder on receipt of the confirmation shall deposit the balance seventy five percent of the bid amount within thirty days from the date of confirmation of the bid.

#### **49. Failure to deposit bid amount.**

- If the successful bidder fails to deposit the remaining seventy five percent of the bid amount within the specified time as mentioned in the confirmation order, the competent authority shall cancel the confirmation order and forfeit the amount so far deposited including the earnest money deposited by the successful bidder to the Government.

#### **50. Security deposit.**

- In case the bid is confirmed and the total bid amount is deposited, the earnest money deposited, before the auction agreement is executed shall be converted to security deposit by depositing the same through Postal Savings Account duly pledged in favour of the concerned competent authority. Security deposit would be refunded after expiry of the auction period if the auction holder has fulfilled all conditions of assignment. If any of the conditions of assignment is violated, the security deposit may be forfeited in whole or in part by the competent authority.

#### **51. Change of confirmation order.**

- In the event of default by the first successful bidder, the competent authority may issue confirmation order in favour of second or subsequent higher bidder in descending order directing him to deposit twenty five percent of the bid amount along with security deposit, if the bid amount is not less than the upset price.

## **52. Cancellation of auction sale.**

- The Collector or the Conservator of Forest, as the case may be, shall have the power to cancel the auction sale duly recording the reasons thereof if he is not satisfied with the publicity, participation of bidders, knocked down bid amount, etc.

## **53. Agreement.**

- An agreement containing the terms and conditions of auction sale, quarrying operations, etc, shall be executed by the successful bidder and the competent authority as per the provisions of the Registration Act, 1908 and the Stamp Act, 1899 within seven days from the date of payment of bid amount in full.

## **54. Compensation.**

- The successful bidder shall have no claim for compensation or extension of the period of auction for the delay caused by himself in paying the required amount and executing the agreement.

## **55. Death of bidder.**

- Where the bidder whose bid was accepted dies after deposit of bid amount or after execution of the auction agreement by him, such deposit or agreement shall be deemed to have been made or executed by the legal heir/representative.

## **56. Terms and conditions of auction.**

- The terms and conditions of the auction sale agreement shall be as follows,-(i)The auction agreement is not transferable.(ii)The minor mineral other than for which auction is confirmed shall not be removed from the auctioned area.(iii)If any major mineral is found during the quarrying operation, the auction holder shall report the matter to the competent authority and the Director forthwith and shall not work or remove the same.(iv)The auction holder shall immediately report all accidents to the competent authority and the Collector of the district.(v)The auction holder shall have no right over the quarried material and other properties lying in the auction area after expiry of the term of auction and shall be deemed to be the properties of Government and may be disposed of by public auction.(vi)The auction holder shall not undertake any operation in any forest area without obtaining prior permission from the concerned authority of the Forest Department.(vii)The auction holder shall pay to the occupier of the surface of the land just and reasonable compensation as may be agreed upon by the auction holder and owner of the land.(viii)The auction holder shall not carry on quarrying operation within a distance of 50 meters from any public road, public building, temple, reservoir, dam, burial ground, railway track, etc and nor cause any damage to public and private property.(ix)The auction holder shall, at his own expense, erect and at all time maintain and keep in good condition boundary marks and pillars necessary to delineate the auction area.(x)The auction holder shall abide by the provisions of Mines and Minerals (Development and



Regulation) Act, 1957; Mines Act, 1952; Explosives Act, 1884; Explosive Substances Act, 1908 and rules made thereunder and all other laws for the time being in force relating to the working of quarries and matters affecting the safety, health, and conveniences of persons working for quarrying operation and of public.(xi)The auction holder shall obey all existing rights of way, water and other easements.(xii)The auction holder shall keep correct monthly account of minor mineral quarried and dispatched and furnish a monthly return in FORM-Y to the Competent authority by 15th of succeeding month. He shall furnish an annual return in FORM-Z to the competent authority and the Director, Orissa for the financial year or part thereof within a week of the close of the financial year or expiry of the term of the auction.(xiii)The auction holder shall allow the Director, controlling authority and competent authority or any officer authorised by any of them to inspect the quarrying operation and to check the accounts of production and dispatches from the register maintained by him.(xiv)The auction holder shall not remove any minor mineral from the area without obtaining prior permission from the competent authority or any other officer authorised by him. No minor mineral shall be dispatched from the area without valid transit pass issued by such officer.(xv)In case laterite quarry, the auction holder shall not use power cutter or any such machinery for excavation of laterite.(xvi)The auction holder shall take all possible precautions for protection of environment and control of pollution including reclamation of the quarried out area.(xvii)If in any event the orders of the competent authority is revised, reviewed or cancelled by the concerned controlling authority or the auction holder fails to fulfill the terms and conditions of the auction sale due to force majeure such as act of God, war, insurrections, riot, civil commotion, strike, earth quake, storm, tidal wave, flood, lightning, explosion, fire, and any other happening beyond control of auction holder, delay in development of infrastructure, acquiring of land for quarrying operation and for use of land for public purposes; the auction holder shall not claim for any compensation.(xviii)The auction holder shall not use explosive in any manner without obtaining an explosive license from the appropriate authority.(xix)The auction holder shall pay a wage not less than the minimum wage prescribed by the State Government from time to time under the Minimum Wages Act, 1948.(xx)Competent authority may impose such further condition as he may think necessary in the interest of mineral development.

## **57. Status of mining/quarry lease**

- If an application for renewal of mining lease/quarry lease made within the time prescribed in the Sub-rule (7) of Rule 8 of these rules is not disposed of by the competent authority before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period till the competent authority passes order thereon, if the lessee has set up an industry for processing the decorative stone or an industry base on minor mineral extracted from the lease hold area in the State.

## **58. Status of grant on death of applicant for prospecting license, mining lease or quarry lease.**

- (i) Where an applicant for grant or renewal of prospecting license/mining lease or quarry lease dies before the order granting him a license/lease or its renewal is passed, the application for grant or renewal of a license/lease shall be deemed to have been made by his legal

heir/representative.(ii)Where an applicant in respect of whom an order granting or renewing a prospecting license, mining lease or a quarry lease is passed, dies before the deed is executed, the order shall be deemed to have been passed in the name of legal heir/representative of the deceased.

## **59. Survey of the area licensed/leased.**

- Arrangement shall be made by the Competent authority at the expense of the granite, for survey and demarcation of the area granted under prospecting license/mining lease/ quarry lease on receipt of fees for the purpose at the rate of rupees fifty per hectare or part thereof.

## **60. Security deposit.**

- An applicant for a prospecting license, mining lease or quarry lease shall, before the deed is executed, deposit rupees two thousand, rupees ten thousand or rupees two thousand as security for due observance of the terms and conditions of prospecting licence; mining lease or quarry lease as the case may be.

## **61. Execution and registration of license/lease.**

(1)A prospecting license, mining lease and quarry lease granted under these rules shall be executed in FORM-D. FORM-H and FORM-L as the case may be by the competent authority and in case of decorative stone by the Deputy Director/ Mining Officer concerned, as the case may be, within three months of the order sanctioning the license or lease or within any other period as may be allowed by the controlling authority.(2)The date of commencement of the period for which a license/ lease is granted shall be the date on which a duly executed deed is registered.(3)If no license/leased deed is executed within the time specified due to any default on the part of the granite, the controlling authority may revoke the grant order and forfeit the security deposit if any.(4)No minor mineral shall be extracted or removed before registration of the executed lease deed except with prior approval of the controlling authority.(5)Every competent authority and in case of decorative stone, the concerned Deputy Director/Mining Officer shall maintain register of prospecting license, mining lease, and quarry lease in FORM-E. FORM-I and FORM-M respectively.

## **62. Submission of report and information to Indian Bureau Mines.**

- A licensee or lessee shall furnish to Indian Bureau of Mines all reports, returns and information in respect of the area licensed or leased for decorative stone as specified under the Granite Conservation and Development Rules, 1999.

## **63. Transfer of license/lease.**

(1)The licensee/lessee may, with the prior approval of the competent authority, transfer the license/lease to any person subject to the following conditions, namely;-(i)The transferor and the transferee must belong to the same category, viz., the categories, referred to in Sub-rule (2) of Rule

10, Sub-rule (2) of Rule 16 and Sub-rule (3) of Rule 27; Provided that the controlling authority may, on reasonable grounds, allow such transfer to any other category. (ii) The transfer shall be valid only for the unexpired portion of the license/lease. (iii) The transferee shall make a fresh security deposit himself and the transferor shall agree that the deposit made by the later will be deemed to have been made by the former and the transfer shall be subject to fulfillment of conditions of submission of documents prescribed under Rule 9 and 15. (iv) The competent authority shall not give his consent to transfer of the license/lease unless the transferee has accepted all the conditions and liabilities, which the transferee was having in respect of such prospecting license/mining lease/quarry lease: Provided that prior approval of the competent authority/controlling authority shall not be necessary if the license/lease is mortgaged to a Nationalised Bank or Government Industrial/Financial Corporation/Institutions to obtain financial assistance for development of the quarry. However, the period of mortgage shall be co-terminus with the period of license/lease and right of the State Government to collect Government dues from the licensee/lessee shall be the first charge on the mortgaged property. (2) A transfer license/lease deed in a form as near to the original executed deed as possible shall be executed within three months from the date of consent and registered under the Registration Act, 1908.

#### **64. Procedure for filing appeal.**

(1) Any person aggrieved by an order of the competent authority, may, within one month from the date of communication of the order, prefer an appeal against such order to the Sub-Collector if the order is passed by the Tahasildar, to the Collector if the order is passed by the Sub-Collector, to the Revenue Divisional Commissioner if the order is passed by the Collector, to the Conservator of Forests if the order is passed by the Divisional Forest Officer and to the Joint Director if the order is passed by the Mining Officer or Deputy Director, to the Director if the order is passed by the Joint Director and to the State Government in the Department of Steel and Mines if the order passed by the Director : Provided that in case of matters related to decorative stones, the State Government may review its order on receipt of review petition from any aggrieved person or suo-moto within ninety days of communication of such order and correct and/or modify their order. (2) No appeal shall be admitted unless the amount, if any, assessed in accordance with the provisions of these rules as per the orders appealed have been deposited. (3) The appellate authority mentioned under Sub-rule (1) above may call for relevant records and other information from the concerned competent authority and may, if considered necessary, stay the operation of the order of the competent authority in any particular case till the appeal is finally disposed of or until further orders are passed, as the case may be. (4) Every application for appeal shall be made in FORM-Q and shall be accompanied with a non-refundable fee of rupees five hundred. (5) In the event of any dispute related to the area, conditions, the dues payable and other matters under the license/lease/permit between the licensee or lessee or permit holder and the lessor, the suits (or appeals) shall be filed only in the civil Courts in whose jurisdiction the area falls.

#### **65. Interest on delayed payment.**

- If the licensee/lessee/permit holder fails to make payment of royalty, rent, fee or any sum payable by him under these rules within the due time simple interest at the rate of twenty four percent per

annum on such dues shall be charged until payment of such dues are paid.

## **66. Disposal of minor mineral.**

- Any minor mineral raised illegally and seized, or deemed to be property of Government after expiry or termination of license/lease/permit or expiry of term of auction or raised in course of executing public work, shall be disposed off through public auction by the authority competent for grant of permit as prescribed in Schedule IV and in accordance with the rules and procedures prescribed by the State Government in this regard :Provided that in case of decorative stones, such stones shall be sold or disposed of by the Deputy Director/Mining Officer as the case may be having jurisdiction.

## **67. Revenue assessing authority.**

- The assessment and demand of rents, royalty, fee or any such due payable under these rules shall be made by the Deputy Director/Mining Officer, Tahasildar and Divisional Forest Officer having jurisdiction.

## **68. Penalties.**

(1)(i)Whenever any person is found extracting or transporting any minor mineral or on whose behalf such extraction or transportation is being made otherwise than in accordance with these rules, shall be presumed to be a party to the illegal extraction or removal of such minor minerals and every such person shall be punishable with simple imprisonment for a term which may extend to two years or with fine which may extend to Rs.25,000/- (Rupees twenty five thousand only) or with both and in case of a continuing contravention, with an additional fine which may extend to rupees five hundred only for every day during which such contravention continues after conviction for the first such contravention.(ii)The Collector/Sub-Collector/Tahasildar/Director/Joint Director/Deputy Director/Mining Officer/Assistant Mining Officer/Senior Inspector of Mines/ Divisional Forest Officer/Assistant Conservator of Forest/Range Officer or police officer not below the rank of Sub-Inspector of Police may seize the minor minerals and its products together with all tools, equipments and vehicles used in committing such offence within their respective jurisdiction.(iii)No Court shall take cognizance of any offence punishable under these rules except upon complaint in writing made by such officer/authority mentioned under Clause (ii) of Sub-rule (1) above having jurisdiction.(iv)Where the offender agrees in writing to compound the offence punishable under these rules, the Tahasildar, Deputy Director/Mining Officer or Divisional Forest Officer within their respective jurisdiction shall either before or after filing the complaint, compound the offence on payment of such sum as determined by the above mentioned authority not exceeding the maximum amount of fine prescribed under these rules and value of the mineral and other properties seized. On payment of such fine and value, the seized mineral and properties shall be released forthwith:Provided that the accused shall be liable to furnish an undertaking/ bond to the effect that he shall not commit such offence in future:Provided further that in case the offender fails to pay the value of mineral, and any other property such properties shall be confiscated to Government and disposed of through public auction.(v)Where an offence under these rules is compounded no

proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded and the offender, if in custody, shall be released forthwith.(vi) If no person claims the mineral and other property if any, so seized within a period of thirty days, the authority competent to compound the offence may confiscate the same to the State and dispose of the same through public auction.(2) Whenever any person trespasses into any land in contravention of the provisions of these rules such trespasser may be served with an order of eviction by the Tahasildar/Sub-Collector/Collector/Deputy Director/Mining Officer/Assistant Mining Officer/Divisional Forest Officer/Assistant Conservator of Forests/Range Officer within their respective jurisdiction and such Government Officer, if necessary, may obtain the help of the police to evict the trespassers from the land.(3) Any mineral, tool, equipment, vehicle or any other things seized under these rules in respect of which complaint has been filed under Sub-rule (1), shall be liable to be confiscated by an order of the Court competent to take cognizance of the offence and shall be disposed of in accordance with the directions of such Court.(4) Whenever any person raises, without any lawful authority, any mineral from any land, the Tahasildar/Mining Officer/Deputy Director/Divisional Forest Officer may recover from such person the mineral so raised, or, where such mineral has already been disposed of, the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority.(5) If the person committing an offence under these rules is a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished as per the provisions of the Act and these rules: Provided that nothing contained in this sub-rule shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.(6) Notwithstanding anything contained in Sub-rule (5), where an offence under these rules has been committed with the consent or connivance of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation-For the purposes of this rule, -(a) "Company" means any body, corporate and includes a firm or other association of individuals; (b) "Director" in relation to a firm means a partner in the firm.(7) In case of breach of any condition of the lease the competent authority may give notice of thirty days to the lessee to rectify the defects within the time specified. If the lessee fails to rectify the defects within the specified time, the competent authority may cancel the lease and/or levy a penalty not exceeding rupees five thousand only.(8) In case of breach of any condition mentioned in Rule 33 of these rules and other conditions which the competent authority might have specified while granting a quarry permit, the competent authority may impose a penalty which may extend to rupees five hundred only per day and in the event of continuing contravention, the competent authority may cancel the permit. The minerals lying on the land from which the same are extracted shall thereafter become the property of the Government and disposed of by public auction.

## **69. Search for mineral, document or thing.**

- If the Tahasildar/Sub-Collector/Collector/Mining Officer/Deputy Director/Assistant Mining Officer/ Director/Joint Director/Deputy Director (Head Qrs.)/Divisional Forest Officer/ Assistant

Conservator of Forest/Range Officer has reason to believe that any mineral has been raised in contravention of the provisions of these rules or any document or thing in relation to such mineral is kept in any place or vehicle he may search for such mineral, document or thing and the provisions of Section 100 of the Code of Criminal Procedure, 1973 shall apply to every such search.

## **70. Power to rectify apparent mistakes.**

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

## **71. Removal of minor mineral from an area leased out for major mineral.**

(1) If any minor mineral is found in an area leased out for major mineral, the minor mineral can be removed with permission of the Government in the Steel and Mines Department in the case of decorative stone and with the permission of the concerned Deputy Director or the Mining Officer in the case of other minor minerals, on payment of advance royalty and other dues prescribed for the said minor mineral. (2) In case of any doubt whether any particular mineral is a minor mineral or otherwise, the matter shall be referred to the Director for decision and in case of any doubt whether a minor mineral can be used as dimension stone/decorative stones or for industrial and prescribed purpose or for export, the competent authorities of Revenue and Forest Department would obtain the specific views of the concerned Mining Officer/Deputy Director of the District/Circle.

## **72. Power of entry and inspection.**

(1) The controlling authority, competent authority or any officer authorized by them shall have power to-(a) enter and inspect any area granted under a prospecting license or mining/quarry lease or quarry permit, (b) survey and take measurement in any such workings, (c) examine registers showing the quantities of minor minerals extracted and removed and other documents, records connected with grant of license or lease and/or permit and order production of any or all such records and take extracts from such documents records and registers; and (d) weigh and take measurements of the stocks of minor minerals lying in any quarry, in the process of removal and in transit. (2) The Director or any officer authorized by him shall have power to inspect any area/quarry licensed/leased out or permitted to be worked under these rules so as to-(a) ensure systematic, scientific and safe prospecting/mining, (b) prevent extraction and removal of major minerals in the guise of minor mineral, (c) ensure observance of rules and devices for storage and use of explosives, if any, (d) examine registers, documents, records and order production of any or all such records and take "extracts from such registers, documents, records connected with grant of license or lease or permit or auction. (3) In case any deficiency is observed as a result of inspection conducted as per Sub-rule (2) above, the licensee/lessee or permit holder or auction holder, as the case may be, on intimation, shall not operate the quarry unless the deficiencies are made good and the inspecting officer shall bring the matter to the notice of the competent authority, controlling authority and the

Director, as the case may be.

### **73. Miscellaneous.**

(1) No licensee/lessee or permit holder or auction holder or auction purchaser shall despatch any minor minerals from an area without a valid Transit Pass issued by-(a) the Deputy Director or the Mining Officer having jurisdiction in case of decorative stones; and (b) the competent authority in case of other minor minerals, in FORM-R. printed and machine numbered, which shall be supplied by the respective authority as aforesaid on payment of the cost thereof. (2) No authority in charge of execution of public work shall pass any bill for reimbursement of royalty paid on any minor mineral unless the person claiming such reimbursement produces the transit pass referred to in Sub-rule (1). (3) The provisions of Sub-rule (2) shall apply mutatis mutandis to cases where any bill claiming the reimbursement of the cost for purchase of any minor mineral is submitted before any authority in charge of execution of public work. Such authority shall not pass the bill unless the receipt of the amounts so paid is produced. (4) Where an authority referred to in Sub-rule (2) or Sub-rule (3) is requested by a competent authority or a controlling authority to furnish information on quantity of minor minerals supplied to him he shall furnish such information without delay. (5) The concerned Deputy Directors and the Mining Officers in the case of decorative stone and respective competent authorities in the case of other minor minerals shall send an annual return in FORM-X. showing mineral-wise production and despatch of minor minerals and the revenue earned therefrom to the controlling authority and the Director to enable him to assess the total income derived by the State and to furnish such information to the Indian Bureau of Mines.

### **74. Permit/license/lease obtained in contravention of the Act and rules.**

- Any permit, prospecting license or mining/quarry lease granted renewed or acquired in contravention of the provisions of the Act or any rules or orders made there under shall be void and of no effect.

### **75. Action taken in good faith.**

- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under these rules.

### **76. Head of Accounts for payments.**

- All payments made under these rules shall be credited to the following head of Account, namely-"0853-Non-Ferrous Mining and Metallurgical Industries-102-Mineral Concession Fees, Rents and Royalties".

## **77. Recovery of the amount due to Government.**

- All dues payable under these rules if remain unpaid shall be recoverable as an arrear of land revenue.

## **78. Power of Government to relax the rules.**

- The Government may in the interest of mineral development, relax any of the provisions of these rules in deserving cases in such manner as they deem proper.

## **79. Power to issue instructions.**

- The government may issue instructions not inconsistent with the provisions of the Act or these rules from time to time with a view to removing difficulties.

## **80. Repeal and savings.**

(1)The Orissa Minor Minerals Concession Rules, 1990, is hereby repealed.(2)Notwithstanding such repeal anything done, any action taken or order passed under the rules so repealed shall be deemed to have been done, taken or passed under the corresponding provisions of these rules, and shall be brought into conformity with the provisions of these rules within three months from such commencement or such further time as the Government may specify in this behalf.

Form-A "To be submitted in Triplicate"

Received At.....(place) on.....(Date) Initial of Receiving Officer

Government of Orissa

Application for Prospecting License [See Rule 9(1)]

Dated day of 200

To The Director, Orissa, Bhubaneswar

Through the Deputy Director/Mining Officer.....

Sir, I/We request that a prospecting license under the Orissa Minor Mineral Concession Rules, 2003 may be granted to me/us.

**2. A sum of Rs.1000/- (Rupees one thousand only) being application fee (non-refundable) under Rule 9(i) has been deposited in the Government Treasury.....and original receipted challan bearing No dated is enclosed.**

## **3. The required particulars are given below :-**

(i) Name of the applicant with complete address. (permanent and present) (ii) In case applicant is ; (a) an individual, his nationality, (nationality certificate shall be enclosed) (b) a company, an attested copy of the certificate of registration of the company along with copy of memorandum and article of association of the company shall be enclosed, (c) a partnership firm, the nationality of all partners and a copy of partnership deed shall be enclosed. (iii) Profession of the applicant. (iv) No. and date of valid mining due clearance certificate (copy attached) or affidavit to this effect (enclosed). (v) Mineral or minerals which the applicant intends to prospect. (vi) Period for which the prospecting license is required. (vii) Extent of the area the applicant wants to prospect. (viii) Details of the area supported by a plan in cadastral village map, boundary description and land schedule. (The plan should be on the



relevant portion of the cadastral village map with scale and should contain natural features, land marks or other features to enable identification of the area in the field, the nearest railway station or any other place of importance.) (ix) In case the area applied for comes within the notified area, recommendation of the concerned Gram Panchayat be enclosed. (x) Particulars of areas in the State duly supported by an affidavit for which the applicant or any person having joint interest with him (a) already holds under prospecting license, (b) has already applied for but not granted and, (c) being applied for simultaneously, (d) nature of joint interest, if any, (xi) Attested copies of up-to-date ITCC and STCC valid on the date of application to be attached. (xii) Where the land applied for belongs to private person(s) written consent of such tenant(s) for grant of prospecting license to be attached. (xiii) Have all the mining due payable under the Act or the Rules made thereunder been Paid to Government ? if so, copy of valid clearance certificate issued by the Director or in case the applicant does not hold and has not held any mineral concessions for major and minor minerals in the State, furnishing of an affidavit to that effect shall suffice. (xiv) Has the applicant possess any technical qualification and experience in prospecting and quarrying operations for decorative stone ? If so, details thereof along with documentary be furnished. (xv) (a) Has the applicant already set up an industry for processing of decorative stone or has a definite plan to put up such industry in the State ? If so, details thereof along with documentary evidences. (b) Is the applicant himself an unemployed Geologist/Mining Engineer ? If so the supporting documents to be enclosed. (c) If the applicant is the rayat of the land applied for, an attested copy of the patta of the land. (xvi) Financial resources of the applicant in support of which (a) copy of solvency certificate and list of immovable properties from the concerned Revenue Authority, and (b) certificate from the banker of the applicant stating the extent of his credit worthiness to be enclosed: (xvii) Total investment in operations anticipated- (xviii) Qualification, technical knowledge of, or experience in prospecting and mining operation for decorative stone, machinery the applicant possesses- (xix) Any other particular, if any such as. Nature and quality of the technical staff employed or to be employed by the applicant, etc. I/We do hereby declare that the particulars furnished above are correct and undertaken to furnish any other details including accurate plans, etc. as may be required by you. Yours faithfully Signature of the applicant. Place : Date : N.B. If the application is signed by an authorised agent of the applicant, the power of attorney shall be attached. Form-B Register of application for prospecting license [See Rule 9(2)]

Serial No.	Name of the applicant with full address	Time and date of receipt of application	Particulars of minerals applied for	Tahasil Subdivision/ district	Name of village/ Forest Range
1	2	3	4	5	6
Survey No./Nos.	Area in hectares	Letter no. and date in which the Application is forwarded to Director of Mines	Final disposal of the application and details thereof	Signature of Officer	Remarks
7	8	9	10	11	12

Form-CReceipt of Applications for grant/renewal of Prospecting License/Mining/Quarry Lease[See Rules 9(3)(b), 15(3)(b), 26(3)(b)]S.No.DatedReceived the application with the following enclosure

for a prospecting license/mining/quarry lease/renewal of quarry lease of Shri/M/s  
 .....(.....on dated....200... for about.....Hectare of land located  
 in.....village.....Government Forest in....Tahsil of.....District/for grant/renewal of  
 prospecting/mining/quarry for.....mineral/minerals.Enclosures :

1.

2.

3.

PlaceDateSignature and designation of Receiving OfficerMemo No...../ dated...../The  
 acknowledgement of the receipt of the application along with enclosures is sent to  
 Sri/M/s.....for information. He is requested to furnish the following wanting statutory  
 documents within 30 days of the date of issue of this acknowledgement failing which the application  
 shall be treated invalid.Signature and designation of Receiving OfficerForm-DForm of Prospecting  
 License[See Rule 61(1)]This Indenture made this ..... day of .....20 between the GOVERNOR OF  
 ORISSA (hereinafter called the "Lessor").(Name of person).....of (address and occupation)  
 (hereinafter called the "licensee" which expression shall where the context so admits be deemed to  
 include his heirs, executors, administrators, assignees) of the other part.WHEREAS the licensee has  
 applied to the competent authority concerned for a prospecting license for.....(minor mineral) in  
 accordance with the provisions of the Orissa Minor Minerals Concession Rules, 2003 in respect of  
 the lands described in Part I of the Schedule and has deposited a sum of Rs.....as security.AND  
 WHEREAS the competent authority has communicated his approval to the grant of license on the  
 terms, covenants and conditions hereinafter contained.NOW THIS INDENTURE withnessth as  
 follows :The lessor hereby demises to the licensee the land described in Part I of the Schedule  
 hereunder written and delineated in the map hereunto annexed.The said demised pieces of land  
 shall be held by the licensee for a term of.....years from the date on which this executed deed is  
 registered under Indian Registration act and Orissa Registration Manual, subject to the terms,  
 covenants, conditions hereinafter provided.IN WITNESS WHEREOF these presents have been  
 executed in manner hereunder appearing the day and year first above written.The schedule above  
 referred to

## Part I – Location and area of the license

Village Plot Nos.Village/Forest BlockTahasil/Forest RangeArea(in hectares)/As per plan annexed  
 and boundedOn the North byOn the South byOn the East byAnd on the West by hereinafter called  
 as "said laws".

## Part II – Terms and conditions of the lease

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

## **Part III – Liberties, powers and privileges to be exercised and enjoyed by the Licensee**

- 1. To enter upon and use the land, described in Part I of the Schedule during the term hereby demised to search for by quarrying, boring and digging or otherwise all or any.....(name of the decorative stone) lying or being within, under or through the said land.**
- 2. To make roads, tram ways, install machineries, lay electric and telephone line, on and over the said lands.**
- 3. To use water from streams, watercourses and springs in and upon the said lands in natural state or by means of impounding with the written permission of the Collector of the district**

## **Part IV – Restrictions and conditions as to the exercise of liberties, powers and privileges in Part II**

- 1. No land shall be used for surface operations if objection is raised by the competent authority or the Collector of the district to the effect that use of the land will be detrimental to public interest.**
- 2. The licensee shall not cut or injure any tree in the licensed area falling within Reserved/Protected forest without prior permission of the Divisional Forest Officer or the officer authorized by him in this behalf and upon payment of royalty and fees for compensatory afforestation as may be specified.**
- 3. The licensee shall undertake prospecting operation only in accordance with approved mining plan.**

## **Part V – Liberties, powers and privileges reserved to the State Government**

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

## **Part VI – Provisions regarding Rents and Royalties**

- 1. The licensee shall, during the subsistence of this license pay to Government advance prospecting fee at the rate of one hundred rupees per hectare or part thereof of land covered under license for each year or part of the year for the entire period of license and royalty in respect of any decorative stone removed by him from the licensed area at the rates prescribed in Schedule II and surface rent at the rate prescribed in Schedule I.**
- 2. All payments relating to rents, royalties, fees, etc, as provided under these rules shall be paid to the State Government free from all deductions, at the District Treasury/Sub-Treasury and in such manner as the competent authority may prescribe.**
- 3. For the purposes of computing the royalty, the lessee shall keep correct account of the mineral, produced, stacked and removed from the lease area and furnish such information and submit a monthly return to the competent authority and Director in FORM S and other relevant records to the concerned Deputy Director of Mines/Mining Officer.**
- 4. The licensee shall pay royalty in advance and the different amount, if any, on computation shall be paid within fifteen days of completion of transportation of permitted quantity of decorative stone.**
- 5. The lessee shall pay surface rent in advance and not later than the 15th January and the 15th July of each year.**

Signed by.....For and on behalf of Governor of Orissa, in the presence of

**1.**

**2.**

Signed byLicensee in the presence of

1.

2.

Form-ERegister of prospecting license[See Rule 61(5)]

Sl. No.	Name and address of the license	Date of application	No. and date of grant order	Date of execution	Date of registration	Period of license	Mineral/Minerals
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

S. No./ S. Nos.	Village/ Forest Ranges	Tahasil/ Subdivision/ District	Area in Hects.	Details of security deposit	Date of commencement of prospecting licence	Date of expiry/ surrender/ Determination of license	Details of refund of Security Deposit	Signature of Officer	Remark
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

Form-FApplication for Mining Lease and its renewal[See Rule 15(1)]ToThe.....to Government of OrissaSteel and Mines Department, Bhubaneswar.Through the Deputy Director/Mining Officer.....Sir,

**1. I/We submit an application for a mining lease for.....(mineral) as decorative stone under Orissa Minor Mineral Concession Rules, 2003 may be granted to me/us.**

**2. A non-refundable sum of Rs.10,000/-(Rupees ten thousand only) being the fees in respect of the application payable under Rule 15 (1) (i) of the said rules has been deposited (vide enclosed original receipt challan no dated of the State Bank of India/Treasury )**

**3. The required particulars are given below**

(i)Name of the applicant-(ii)Address-(Present).....(Permanent).....(iii)In case the applicant is(a)an individual, his nationality (nationality certificate to be enclosed)(b)a company, an attested copy of the certificate of registration of the company along with copy of Memorandum and Article of Association of the Company shall be enclosed.(c)a firm, nationality of all the partners and partnership deed to be attached.(d)a co-operative society solely formed by Scheduled Tribes for the scheduled area, a copy of certificate of registration of the society.(iv)(a)Qualification of the

applicant(b)Profession or nature of business of applicant.(v)Particulars of documents appended:(a)Valid mining due clearance certificate issued by the Director of Mines to be enclosed, or(b)An affidavit in lieu of mining due clearance certificate subject to its production within one month of making application, or(c)In case the applicant does not hold and has not held any mineral concession for major and minor minerals in the State, furnishing of an affidavit to that effect will suffice:(d)Attested copy of up to date ITCC and STCC.(vi)Period for which mining lease is required.(vii)Extent of area applied for mining lease.(viii)Details of the area applied for mining lease.

District Tahasil Village/ Forest Range Survey No. Area in hectares

(b)a plan in cadastral village map along with a key plan in Survey of India topo sheet in scale 1:50,000, boundary description and land schedule of the area applied for to be enclosed:(The plan should be on the relevant portion of the cadastral village map with scale and should contain natural feature, land marks or other feature to enable identification of the area in the field or any other place of importance).In case area applied for comes within the notified schedule area, recommendation of the concerned Gram Panchayat shall be enclosed.(ix)(a)If the applicant has surface right over the area or he is the owner of land applied for, document in support of surface right or patta of land, as the case may be, shall be attached.Or(b)Where the land applied for being to private persons(s) written consent of such tenants(s) for undertaking mining operation to be filed.Or(c)In case the applicant is the rayat of the land applied for, attested copies of documents to establish this.(x)An affidavit stating particulars of areas which the applicant himself or any person joint interest with him.(a)already holds under mining lease(b)has already applied for but not granted(c)being applied for simultaneously(xi)Nature of joint interest(xii)Financial resources of the applicant:(supported document to be enclosed)(a)Copy of solvency certificate and list of immovable properties from the concerned Revenue Authority,(b)A recent certificate from the banker of the applicant stating the extent of his credit worthiness.(xiii)Technical knowledge of, or experience in mining/quarrying operation for decorative stone/other minor minerals of the applicant (supporting document to be attached)(xiv)In case of Scheduled Area, is the applicant is a co-operative society composed solely of Scheduled Tribes ? If so, a copy of the Bye-law of the society.(xv)(a)Is the applicant himself an unemployed Geologist/Mining Engineer ? If so the supporting documents to be enclosed.(b)If the applicant is the rayat of the land applied for, an attested copy of the patta of the land.(xvi)Has the applicant already set up or has a definite plan to put up an industry for processing of decorative stone ? If so, the details thereof along with documentary evidences.(xvii)In case of application for mining lease for decorative stone over area held under prospecting license.Does the applicant hold a prospecting license over the area applied for ? If so,(a)number and date of grant order, date of execution and registration, date on which it is due to expire.(b)the report of prospecting operation carried out to be enclosed(c)broad parameters of granite body/bodies such as strike length, average width, dip, geological disturbance, (a geological plan of the area showing details of geology and lithology to be attached) suitability of rock as decorative stone and reserves of such decorative stone.(xviii)In case the application is made for mining over the area earlier held under mining lease for decorative stone by person other . than the applicant.(a)number of existing quarry pits with dimension.(b)dimension of the rock exposed in the pit (location of old working are to be shown on the geological plan)(c)details of rock exposed in the virgin area coming within area applied for.(d)whether information generated from the working pits and exposed rocks are sufficient to

established existence of decorative stone content therein and to prepare a mining plan.(xix)In case of application for renewal of mining lease:(a)number and date of grant order,(b)date of execution of lease,(c)date of registration of executed lease deed,(d)date on which lease is due to expire.(e)whether applied for a part or whole of leasehold area?(f)mining work done during last three years (furnish production and dispatches rock, etc).(g)details of existing pits:(h)present reserve of the area:(xx)If the application for mining lease is filed over the virgin area, which has not been prospected earlier,(a)Information on item xiv (c) above to be furnished.(b)Whether existence of decorative stone content in the area applied has been established otherwise.(c)Can a mining plan be prepared on the basis data generated from the field without any prospecting operation ? If so, a report in support of it to be enclosed.(xxi)Method of working of the area applied for in brief:(xxii)Anticipated yearly financial investment in mining operation.(xxiii)Manner in which the decorative stone raised to be utilized, (a) (i) if for captive use, the location of industry (ii) for sale for indigenous consumption.(b)if for export to foreign county, name of countries:(xxiv)Name, qualification and experience of technical personnel available or to be employed for supervision of the mines.(xxv)Any other information, if any:I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details including documents and security deposit as may be required by you before the grant of mining lease/ renewal of mining lease.Yours faithfully,Signature of the applicant.Place :Date :N.B.-If the application is signed by an authorized agent of the applicant, the power-of-attorney should be attached.Form-GRegister of application for mining lease and its renewal[See Rule 15(2)]

Serial No.	Name of the applicant with full address	Whether for Mining lease or renewal	Time and date of receipt of application	Particulars of minerals applied for	Tahasil Subdivision/ district	Name of village/Forest Range	Survey No./ Nos.	Area in hectares
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Whether held under prospecting license or mining lease				Letter no and date in which the Application is forwarded to Director of Mines/ Government		Final disposal of the application and detailsthereof	Signature of Officer	Remarks
(10)	(11)	(12)	(13)	(14)	(15)	(16)		

Form-HForm of mining lease[See Rule 61(1)]This Indenture made this.....day of.....20.... between the GOVERNOR OF ORISSA.....(hereinafter called the "Lessor").(Name of person) of (address and occupation) (hereinafter called the "lessee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, assignees) of the other part.WHEREAS the lessee has applied to the competent authority concerned for a quarry/mining lease for.....(minor mineral) in accordance with the provisions of the Orissa Minor Minerals Concession Rules, 2003 in respect of the lands described in Part I of the Schedule and has deposited a sum of Rs as security.AND WHEREAS the Competent authority has communicated his approval to

the grant of lease on the terms, covenants and conditions hereinafter contained. NOW THIS INDENTURE witnesseth as follows : The lessor hereby demises to the lessee the land described in Part I of the Schedule hereunder written and delineated in the map hereunto annexed. The said demised pieces of land shall be held by the lessee for a term of years from the date on which this executed deed is registered under Indian Registration Act and Orissa Registration Manual, subject to the terms, covenants, conditions hereinafter provided. IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written. The schedule above referred to

## **Part I – Location and area of the lease**

Village Plot Nos. Village/Forest Block Tahasil/Forest Range Area (in hectares)/As per plan annexed and bounded On the North by On the South by On the East by And on the West by hereinafter called as "said lands".

## **Part II – Terms and conditions of the lease**

This lease is subject to the conditions laid down in Rule 25 and also all other conditions pertaining to lease as provided in the Rules.

## **Part III – Liberties, powers and privileges to be exercised and enjoyed by the Lessee**

**3. To enter upon and use the land, described in Part I of the Schedule during the term hereby demised to carry on all operations necessary for extraction, collection, stacking, processing, transport and disposal of minor mineral/minerals (decorative stone) leased in natural or in processed/converted form.**

**4. To make roads, tram ways, install machineries, lay electric and telephone line, on and over the said lands.**

**5. To use water from streams, watercourses and springs in and upon the said lands in natural state or by means of impounding with the written permission of the Collector of the district.**

## **Part IV – Restrictions and conditions as to the exercise of liberties, powers and privileges in Part II**



- 1. No land shall be used for surface operations if objection is raised by the competent authority or the Collector of the district to the effect that use of the land will be detrimental to public interest.**
- 2. The lessee shall not cut or injure any tree in the leased area falling within Reserved/Protected forest without prior permission of the Divisional Forest Officer or the officer authorized by him in this behalf and upon payment of royalty and fees for compensatory afforestation as may be specified.**
- 3. The lessee shall undertake mining operation only in accordance with approved mining plan.**

## **Part V – Liberties, powers and privileges reserved to the State Government**

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

## **Part VI – Provisions regarding Rents and Royalties**

- 6. The lessee shall, during the subsistence of this lease pay to Government royalty in respect of any minor mineral removed by him from the leased area at the rates prescribed in Schedule II and surface rent at the rate prescribed in Schedule I.**
- 7. All payments relating to rents, royalties, fees, etc., as provided under these rules shall be paid to the State Government free from all deductions, at the District Treasury/Sub-Treasury and in such manner as the competent authority may prescribe.**
- 8. For the purposes of computing the royalty, the lessee shall keep correct account of the mineral, produced, stacked and removed from the lease area and furnish such information and submit a monthly return to the competent authority and Director in Form S and other relevant records to the concerned Deputy Director of Mines/Mining Officer.**

**9. The lessee shall pay royalty in advance and the differential amount, if any, on computation shall be paid by the end of the first fortnight of each half-yearly period during the subsistence of the lease.**

**10. The lessee shall pay surface rent in advance and not later than the 15th January and the 15th July of each year.**

Signed by.....For and on behalf of Governor of Orissa, in the presence of

**1.**

**2.**

Signed by.....Lessee in the presence of

**2.**

Form-IRegister of mining lease and its renewal[See Rule 61(5)]

Sl. No.	Name and address of the licensee	Date of application	Whether for mining lease or renewal	No. and date of grant order	Date of execution	Date of registration	Period of lease	Mineral/ Minerals	S. No/ S. Nos.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

  

Village/ Forest Ranges	Tahasil/ Sub-division/ District	Area in Hects.	Details of security deposit	Date of commencement of mining operations	Date of expiry/ surrender/ Determination of lease	Transfer of Mining Lease	Details of refund of Security Deposit	Signature of Officer	Rem
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

Form-JApplication for grant/renewal of quarry lease[See Rule 26(1)]To.....Dated the 20Sir,

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

**2. A sum of Rs payable as fee (non-refundable) for grant of such lease under Rule 26 (1)(i) of the Orissa Minor Mineral Concession Rules, 2003 has been paid in the Government Treasury at.....and the receipted challan bearing No.....dated.....is enclosed.**

**3. The required particulars are given below**

(1)(i)Name and address of the applicant.....(ii)Nationality of the applicant.....(iii)Profession of the applicant.....(iv)Approximate quantity of minor minerals expected to be raised annually.....(v)Particulars of the areas, mineral-wise, within the State for which the applicant any person having joint interest with him.....(a)already holds a quarry lease.....(b)has already applied for a quarry lease but not granted.....(c)being applied for simultaneously.....(d)nature of joint interest, if any.....(vi)Means by which the minor/minerals is/are to be raised, i.e., whether manual or mechanical.....(vii)Manner in which the minor mineral raised to be utilized-(a)for manufacture.....(b)for sale.....(c)any other purpose.....(viii)Details of the plan, boundary description and land schedule of the area applied for to be enclosed ;-(The plan should be on the relevant portion of the cadastral village map with scale and should contain natural features, land marks or other features to enable identification of the area in the field, the nearest railway stations, or any other place of importance)(ix)Has the applicant any previous experience in quarrying/miningIf yes, details should be given.....(x)If the applicant is(a)co-operative of artisans using the minor mineral as raw material;(b)a co-operative society composed of Scheduled Tribes(c)operating an industry based on minor mineral applied for(d)an unemployed graduate or a Diploma Engineer(e)the rayat of the landdocumentary evidence such as Bye-law of the society, operation of the industry, certificate of educational qualification, patta of the land.(xi)Financial Resources of the applicant.....(a)(b)(xii)Total investment in the operations anticipated.....(xiii)Attested copies of ITCC and STCC of the last financial year and valid on the date of application or non-assessment certificates, as the case may be,(xiv)Any other particulars which the applicant wishes to furnish:-(a)Name of the village/Forest Block(b)Whether the area belongs to Scheduled Area(c)Details of the area applied for in each Survey Number(d)Full description of the area applied for with regard to natural features(e)District.....

**2. In case of renewal-**

(i)Period for which the lease was granted.....(ii)Date of expiry of the lease.....(iii)Whether the are applied for is the whole or a part of the lease hold -(iv)In case it is for a part of the leasehold-(a)The area applied for.....(b)Description of the

area.....(v)Period for which the renewal is applied for :.....(vi)Details of output during the last three years and quantity expected to raised during next three years .....(vii)Have all dues on the existing quarry lease been paid to Government ?I/We hereby declare that the particulars furnished above are correct and undertake to furnish other details, plan, etc., as may be required by you.Yours faithfully,Signature of the applicantPlaceDateN.B.-If the application is signed by an authorized agent of the applicant, the power-of-attorney should be attached.Form-KRegister of application for quarry lease and its renewal[See Rule 26(2)]

Serial No.	Name of the applicant with full address	Whether for Quarry lease or renewal	Time and date of receipt of application	Particulars of minerals applied for	Tahasil Subdivision/ district
(1)	(2)	(3)	(4)	(5)	(6)

  

Name of Village/ Forest Range	Survey No./Nos.	Area in hectares	Whether held under mining lease	Date of expiry of lease
(7)	(8)	(9)	(10)	(11)

  

Letter no. and date in which the Application is forwarded to Director of Mines/Government	Final disposal of the application and detailsthereof	Signature of Officer	Remarks
(12)	(13)	(14)	(15)

Form-LForm of quarry lease and its renewal[See Rule 61(1)]This Indenture made this.....day of.....20...between the GOVERNOR OF ORISSA.....(hereinafter called the "Lessor").(Name of person).....of (address and occupation).....(hereinafter called the "lessee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, assignees? of the other part.WHEREAS the lessee has applied to the competent authority concerned for a quarry/mining lease for (minor mineral) in accordance with the provisions of the Orissa Minor Minerals Concession Rules, 2003 in respect of the lands described in Part I of the Schedule and has deposited a sum of Rs.....as security.AND WHEREAS the competent authority has communicated his approval to the grant of lease on the terms, covenants and conditions hereinafter contained.NOW THIS INDENTURE witnesseth as follows :The lessor hereby demises to the lessee the land described in Part I of the Schedule hereunder written and delineated in the map hereunto annexed.The said demised pieces of land shall be held by the lessee for a term of years from the date on which this executed deed is registered under Indian Registration Act and Orissa Registration Manual, subject to the terms, covenants, conditions hereinafter provided.IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.The schedule above referred to

## Part I – Location and area of the lease

Village Plot Nos. Village/Forest Block Tahasil/Forest Range Area (in hectares)/As per plan annexed and bounded On the North by On the South by On the East by And on the West by hereinafter called as "said lands".

## **Part II – Terms and conditions of the lease**

This lease is subject to the conditions laid down in Rule 25 and also all other conditions pertaining to lease as provided in the Rules.

## **Part III – Liberties, powers and privileges to be exercised and enjoyed by the Lessee**

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

## **Part IV – Restrictions and conditions as to the exercise of liberties, powers and privileges in Part II**

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

## **Part V – Liberties, powers and privileges reserved to the State Government**

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

## **Part VI – Provision regarding Rents and Royalties**

**1. The lessee shall, during the subsistence of this lease pay to Government royalty in respect of any minor mineral remove of by him from the leased area at the rates prescribed in Schedule II and surface rent at the rate prescribed in Schedule I.**

**2. All payments relating to rents, royalties, fees, etc., as provided under these rules shall be paid to the State Government free from all deductions, at the District Treasury/Sub-Treasury and in such manner as the competent authority may prescribe.**

**3. For the purpose of computing the royalty, the lessee shall keep correct account of the mineral produced, stacked and removed from the lease area and submit a return to the competent authority and Director in FORM O.**

**4. The lessee shall pay royalty in advance and the differential amount, if any, on computation shall be paid by the end of the first fortnight of each half-yearly period during the subsistence of the lease.**

**5. The lessee shall pay surface rent in advance and not later than 15th January and the 15th July of each year.**

Signed by.....For and on behalf of Governor of Orissa, in the presence of

**1.**

**2.**

Signed by.....Lessee in the presence of

1.

2.

Form-M Register of Quarry lease and its renewal [See Rule 61(5)]

Sl. No.	Name and address of the licensee	Date of application	Whether for mining lease or renewal	No. and date of grant order	Date of execution	Date of registration	Period of lease	Mineral/ Minerals	S. No./ S. Nos.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Details									
Village/ Forest Ranges	Tahasil/ Sub-division/ District	Area in Hects.	Details of security deposit	Date of commencement of mining operations	Date of expiry/ surrender/ Determination of lease	Transfer of Mining Lease	of refund of Security Deposit	Signature of Officer	Remarks
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

Form-N Application for quarry permit [See Rule 30] Dated

the.....20....To.....Sir,

**1. I/We submit an application for quarry permit for (mineral) a term of ..... months over.....hectares of land in the area specified in item 3(viii) below.**

**2. A sum of Rs.200/- (rupees two hundred only) (non-refundable) payable as fee for grant of such lease under Rule 29 of OMMC Rule, 2003 has been paid in the Government Treasury at and the receipted challan is enclosed.**

**3. The required particulars are given below.**

(i) Name and address of the applicant (ii) Nationality of the applicant (iii) Profession of the applicant (iv) Quantity of minor mineral required to be extracted and removed (in tones) : (v) Minor mineral is to be raised manually or mechanically (vi) Manner in which the minor mineral raised is to be utilised (vii) Particulars of the receipted treasury challan for the fee (viii) Plan in 16" = 1 mile scale (Cadastral village map) and Land Schedule of the area from which the minor mineral Are to be

extracted and removed are to be enclosed(ix)If the land applied for belongs to private land owners, written consent of the owners permitting diversion of his land for extraction of minor mineral under quarry permit to be enclosed(x)An undertaking by the applicant that he agrees to abide by the conditions governing extraction and removal of minor mineral under a quarry permit to be enclosed.(xi)Any other particulars which the applicant wishes to furnishI/We hereby declare that the particulars furnished above are correct and undertake to furnish any other details, plan, etc., as may be required by you.

Place Yours faithfully,

Date Signature of the applicant

N.B. - If the application is signed by an authorized agent of the applicant, the power-of-attorney should be attached.  
Form-OForm for grant of Quarry Permit[See Rule 31]Quarry Permit  
No.....Date.....Whereas, Shri.....applied for grant of quarry permit for extraction and removal of.....tonnes of.....(Minor Minerals) from Plot No.....of.....Village/Forest Division under Rule of the Orissa Minor Mineral Concession Rules, 2003 and has paid an application fee of Rs.....permission is hereby granted to quarry, collect and remove tones of (mineral) from the aforesaid area or areas indicated on the plan annexed hereto on the following condition and on payment of advance royalty amounting to Rs.....calculated at the rate of Rs.....per Cu.meter (as specified in Schedule I to the Orissa Minor Mineral Concession Rules,' 2003).(1)The permit shall be valid for days from to.....(2)The permit holders shall abide by the conditions provided in Rule 33 of the Orissa Minor Minerals Concession Rules, 2003.  
Signature of the competent authority/authorised officer.ToShri.....Copy to-The Director of Mines, Orissa, Bhubaneswar.The Collector.....district.The Divisional Forest Officer.....Form-PRegister of Quarry Permit[See Rule 34]

Sl. No.	Name and address of permit holder	Date of application	No. and date of order of grant	Mineral/ Minerals	S.No./ Nos.	S. Village/Forest Ranges	Tahasil
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

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

Form-QForm of Appeal[See Rule 64(4)](To be Submitted in Triplicate)

## 1. Name and address of individuals/firm/company .....



**2. (a) Full details of the order and the authority passing the order against which the appeal or revision application is made (certified copy to be enclosed).....**

(b) Date of communication of the above order.

**3. Minerals/Minerals forming the subject matter of the appeal.....**

**4. Details of the area in respect of which the appeal is filed (A plan of the area to be attached).**

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

**5. Is the appeal filed within one month of the date of the order of the competent authority/controlling authority ?**

**6. If not, the reasons for not presenting it within the prescribed time.**

**7. (a) Name and complete address of the party/parties impleaded.**

(b) Reasons for impleading him/them shall be mentioned. (c) An additional copy of the appeal application for each impleaded party is to be submitted.

**8. Has the applicant deposited the amount if any, assessed in accordance with provisions of these rules as per the orders appealed ? If so, the details thereon.**

**9. If the application is signed by an authorised agent of the applicant, an attested copy of power of attorney shall be attached.**

**10. Whether application fee of rupees five hundred has been deposited? If so, original receipted challan no.....dated.....of the State Bank of India/Treasury.....is enclosed.**

Place : Date : Signature and designation of the applicant  
Form-R Government of Orissa.....  
Department Transit Pass for Minor Minerals [See Rule 73(1)(b)]  
Book No.....  
Pass No.....  
Date.....  
Name of the Quarry/Lease/Source of Auction.....  
Name of the Licensee/Lessee/Permit Holder/Auction Holder/Auction Purchaser.....  
Destination.....  
Route.....  
Minor Mineral

Quantity Permitted (Cum./Tonnes)

Measurement of Mineral in the Carrier Length(m) Breadth (m) Height(m)

Cubic Content (Cum.)

Weight of the Vehicle (Tonnes)

Gross Fare

Weight of Mineral (Tonne)

Signature of the person issuing  
with date

Signature of the carrier driver  
with date

Signature of the checking staff  
with date

Signature of the person receiving with  
date

Signature of the supervising officer/competent authority  
with date

Office Seal Form-S Monthly/Half-Yearly Return [See Rule 25(16)] For the half-year  
ending.....20(i) Type of the granite works (ii) Name(s) of other minerals, if any :

### 1. Name and location of the Quarry/Mine :

Name of the Quarry/Mine : Village : Taluka/Tahasil : District : State :

### 2. Name and address of lessee/quarry/mine owner :

Name : Address :

### 3. Lease details

Area in hectares : Date of Execution : Period (Years) : Date of starting mining operations :

### 4. Number of days the quarry/mine worked during the half-yearly period :

5. Indicate reason(s) for work stoppage due to strike, lock-out, monsoon, non-availability of labour, less demand etc. and number of days of work stoppage for each of these factors.

### 6. Production, Despatches, Stock and Pit's Mouth Value :

### 7. Production of raw blocks, despatches, stocks and pit's mouth value (Unit : cubic meter) :

Items

Total Weight-wise/Size-wise break-up

Opening Stock

Production

Despatches

Direct Exports

Domestic Sale

Closing Stock

Pit's Mouth Value (Rs.)

Waste and Rejects (Unit : cubic meter)

Item During the half year

- (a) Quantity of waste generated as overburden
- (b) Quantity of waste generated incidental to mining of rawblocks
- (c) Quantity of waste generated as rejected blocks and dressing rejects
- (d) Despatches of waste and rejects (in accordance with above classification)

## **8. Mining Machinery used during the half-yearly period**

Type of Machinery   No. of units   Engine Horse power of each unit   No. of hours worked

- (a)
- (b)
- (c)
- (d)

## **9. Details of processing activity undertaken by the lessee from the quarry/mine, if any, :**

## **10. Export of Dimension Blocks :**

During the half-yearly period :Quantity (MT) Value (Rs.)

## **11. Domestic Sale of Dimensional Blocks :**

During the half-yearly period :Quantity (MT) Value (Rs.)

## **12. Reasons for increase/decrease in production during the current half year as compared to the preceding half-year:**

I certify that the information furnished above is correct and complete in all respects.

Place Signature

Date Name (in full):

Designation-Owner/Agent/ Mining Engineer/Manager.

Form-TQuarterly return for minor mineral other than decorative stone[See Rule 29(14)]For the quarter ending.....20Name of the mineral :

**1. Name and location of the Quarry :**

Name of the Quarry :Village :Post office :Taluka/Tahasil :District :

**2. Name and address of lessee/quarry owner :**

Name :Address :

**3. Lease details**

Area in hectares : Date of Execution :Period (Years) : Date of starting quarrying operations :

**4. Number of days the quarry worked during the quarterly period:**

**5. Indicate reason(s) for work stoppage**

Number of days :Reasons : (i)(ii)6. Production, despatches, stocks and pit's mouth value (Unit: cubic meter) :

Items	Total in the quarter
Opening Stock	
Production	
Despatches	
Closing Stock	
Pit's Mouth Value (Rs.)	

**12. Quantity of waste and rejects generated, if any. (Unit : cubic meter)**

**13. Quantity consumed in the quarry lease area, if any. (Unit: cubic meter)**

**14. Particulars of machineries and equipments used :**

**15. Particulars of explosives used, if any.**

**16. Average number of persons employed daily :**

Male : Female : Total :

**17. Rents and royalty paid (Rs.) :**

## **18. Dimension of the quarry (in meter)**

Length : Width : Depth (Maximum) :

## **14. Any other information :**

I certify that the information furnished above is correct and complete in all respects.

Place Signature

Date Name (in full):

Designation-Owner/Agent/Manager.

Note: The return shall be furnished by the 15th of the month succeeding the quarter. Form-U Form for furnishing particulars of quarry permit [See Rule-33(12)]

### **1. Quarry Permit No. Date**

### **2. Name of the Permit Holders with address :**

### **3. Name of mineral :**

### **4. Quantity of mineral permitted for extraction and removal in cubic meters :**

### **5. Period of validity of permit : From dated : To dated :**

### **6. Production of mineral in cubic meters :**

### **7. Despatch of mineral in cubic meters :**

### **8. Royalty and surface rent due for payment (in Rs.) :**

### **9. Details of payment of royalty with treasury challan No. and date :**

### **10. Number of man-days worked for production :**

### **11. Pit's Mouth Value (Rs. per cum.) :**

### **12. Sale Price at quarry site (Rs. per cum.) :**

### **13. Date of surrender of the permit to the competent authority:**

I/We declare that the above information are correct. Signature of the permit holder Place : Date : Note

:- The particulars shall be furnished to the competent authority and authorised officer on his behalf. Form-V Annual return [See Rule 25 (16)] (For the year 1st April, 20 to 31st March, 20...) (To be submitted before 1st July each year for the preceding year or within 90 days of the date of abandonment/surrender) (i) Type of the granite works (ii) Name(s) of other minerals, if any :

### **1. Name and location of the quarry/mine :**

Name of the quarry/mine : Village : Taluka/Tahasil : District : State :

### **2. Name and address of lessee/quarry/mine owner :**

Name : Address :

### **3. Lease details**

Area in hectares : Date of Execution : Period (Years) : Date of starting mining operations:

### **4. Number of days the quarry/mine worked during the year :**

### **5. Indicate reason(s) for work stoppage Reasons No. of days**

due to strike, lock-out, monsoon, non-availability of labour, less demand etc. and number of days of work stoppage for each of these factors.

### **6. Employment of Qualified Personnel and Labour :**

6.1 Number of Technical and Supervisory Staff :

Description	Fully Employed	Partly Employed
a.	Graduate Mining Engineer	
b.	Diploma Mining Engineer	
c.	Geologist	
d.	Other administrative, clerical and technical supervisory staff	

6.2 Labour Employment

Male : Female : Total :

a. Average Daily Employment b. Man-days worked c. Wages (Rs.)

### **7. Production, Dispatches, Stock and Pit's Mouth Value :**

7.1 Production of raw blocks during the year, dispatches, stocks and pit's mouth value (Unit : cum./tonnes) :

Items Total Weight-wise/Size-wise break-up

Opening Stock

Production

Despatches

Direct Exports

Domestic Sale

Closing Stock

Pit's Mouth Value (Rs.)

7.2 Cumulative Production : (Since opening of quarry in cum./tonnes) 7.3 Waste and Rejects (Unit : cum/tonnes)

Item	During the year	Cumulative Total
(a)	Quantity of waste generated as overburden	
(b)	Quantity of waste generated incidental to mining of raw blocks	
(c)	Quantity of waste generated as rejected blocks and dressing rejects	
(d)	Dispatches of waste and rejects (in accordance with above classification)	

## 8. Mining Machinery used during the year

Type of Machinery No. of units Engine Horse power of each unit No. of hours worked

(a)

(b)

(c)

(d)

## 9. Reserves (Proved, Probable, Possible) in situ and recoverable:

## 10. Quantity and cost of material consumed during the year :

Quantity Cost (Rs.) (i) Fuel (Lt.) (ii) Electricity (KWH) : (iii) Other Material :

## 11. Amount of rent and royalty paid (Rs.)

## 12. Annual Production (Last three years) (Quantity in cubic meters)

## 13. Exports (Last three years) (Separately for dimensional blocks in tonnes) :

## 14. Reasons for increase/decrease in production during the current year as compared to the preceding year :

I certify that the information furnished above is correct and complete in all respects.

Place Signature

Date Name (in full) :

Designation-Owner/Agent/Mining Engineer/Manager.

Note(a)In case there is stoppage of work indicate reasons for what stoppage and numbers of days of work stoppage.(b)Average daily employment is obtained by dividing the number of man-days worked by the number of working days.(c)Wage includes all cash payments including bonuses, employer's contribution to provident fund, welfare activities etc. Concessions in kinds should not be included in wages.(d)The Pit's Mouth Value should represent the sale value of the granite at the pit-head. In case of sales effected on F.O.B. or any other basis, pit head sale value should arrived at after deducting all the expenses incurred from quarry/mine to railway station or port or other point of sale, as the case may be (such as expenses on transportation, loading and unloading charges, railway freight, sampling and analysis, port handling, export duty and cess.)Form-WAnnual return for minor mineral other than decorative stone[See Rule 29(14)]For the year 1st April 20... to 31st March, 20...Name of the mineral :

### **1. Name and location of the Quarry :**

Name of the Quarry :Village :Post office :Taluka/Tahasil :District :

### **2. Name and address of lessee/quarry owner :**

Name :Address :

### **3. Lease details**

Area in hectares : Date of Execution :Period (Years) : Date of starting quarrying operations :

### **4. dumber of days the quarry worked during the year :**

### **5. Indicate reason(s) for work stoppage**

Number of days :Reasons : (i)(ii)6. Production, dispatches, stocks and pit's mouth value (Unit: cubic meter) :

Items	Total in the year
Opening Stock	
Production	
Despatches	
Closing Stock	
Pit's Mouth Value (Rs.)	



**7. Quantity of waste and rejects generated, if any : (Unit : cubic meter)**

**8. Quantity consumed in the quarry lease area, if any : (Unit : cubic meter)**

**9. Particulars of machineries and equipments used :**

**10. Particulars of explosives used, if any :**

**11. Number of technical and supervisory staff employed :**

Category Fully employed Partly employed(a)Graduate Mining Engineer(b)Diploma Mining Engineer(c)Geologist(d)Other administrative, clerical And technical supervisory staff

**12. Average number of persons employed daily :**

Male : Female : Total :

**13. Total man-days worked :**

**14. Rents and royalty paid (Rs.) :**

**15. Dimension of the quarry (in meter)**

Length : Width : Depth (Maximum) :

**16. Any other information :**

I certify that the information furnished above is correct and complete in all respect.

Place Signature

Date Name (in full) :

Designation-Owner/Agent/Manager.

Note: The return shall be furnished by the 15th January of the year. Form-X Annual Return of the Competent Authority and Deputy Director/Mining Officer[See Rule 73(5)] For the year, 1st April, 20... to 31st March. 20... District Sub-Division Tahasil Forest Division Mining Circle (For each revenue district separate forms shall be used)

Sl. No.	Item	Name of Minor Minerals (Use one column for each mineral)					
	Decorative Stone	Sand	Laterite				
1	2	3	4	5	6	7	8

1. No. of grant of
  - (a) Mining Leases
  - (b) Quarry Leases
  - (c) Auction of Sources
  - (d) Quarry permit
2. No. of subsisting
  - (a) Mining Leases
  - (b) Quarry Leases
  - (c) Auction of Sources
  - (d) Quarry permit
3. Production (cum.)
  - (a) Mining Leases
  - (b) Quarry Leases
  - (c) Auction of Sources
  - (d) Quarry permitTotal
4. Despatches (cum.)
  - (a) Mining Leases
    - (i) For export
    - (ii) For domestic use
  - (b) Quarry Leases
  - (c) Auction of Sources
  - (d) Quarry permitTotal
5. Revenue (Rs.)
  - (a) Mining Leases
    - (i) Dead Rent
    - (ii) Royalty
  - (b) Quarry Leases
    - (i) Dead Rent
    - (ii) Royalty
  - (c) Auction (Value)
  - (d) Quarry permit (Royalty)
  - (e) Surface Rent
  - (f) Application fee
  - (g) MiscellaneousTotal

6. Average number of persons employed daily during the year
  7. Pit's Mouth Value
- Signature of the Competent authority/Deputy Director/Mining Officer Form-Y Monthly return in respect of auction of source [See Rule 56 (xii)] For the month of 20..... (To be submitted to Competent authority by 15th of succeeding month)

**1. Name of the mineral :**

**2. Name and location of the minor mineral source :**

Name of the Quarry/Source : Village : Taluka/Tahasil : District :

**3. Name and address of auction holder :**

Name : Address :

**4. Minor mineral source details**

Area in hectares : Date of Execution : Period : From..... To..... Date of starting of quarry operations :

**5. Number of days the quarry worked during the month :**

**6. Indicate reasons(s) for work stoppage :**

**7. Production, Despatches, Stock and Pit's Mouth Value :**

Items	Total in the month
Opening Stock (cum.)	
Production (cum.)	
Despatches (cum.)	
Closing Stock (cum.)	
Pit's Mouth Value (Rs./cum.)	

**8. Waste and Rejects generated (Unit : cubic meter)**

**9. Manner of quarry operation : (Mechanised/Semi-Mechanised/Manual)**

**10. Particulars of machineries and equipments used :**

**11. Particulars of explosive used :**

**12. (a)Particulars of technical and supervisory staff employed:**

(b)Average number of persons employed and wage paid:Male : Female : Wages (Rs./Person) :

**13. Dimension of quarry :**

Length (m) : Breadth(m) : Maximum Depth (m) :

**14. Any other information :**

I certify that the information furnished above is correct and complete in all respects.

Place Signature

Date Name (in full) :

Designation-Auction Holder/Agent/Manager.

Form-ZAnnual return in respect of auction of source[See Rule 56(xii)]For the period from 1st April 20.... to 31st March 20.....(To be submitted to Competent .authority by 15th of April of the succeeding year or within 15 days of expiry of auction period)

**1. Name of the mineral :**

**2. Name and location of the minor mineral source :**

Name of the Quarry/Source :Village :Taluka/Tahasil :District :

**3. Name and address of auction holder :**

Name :Address :

**4. Minor mineral source details**

Area in hectares : Date of Execution :Period : From..... To..... Date of starting of quarry operations :

**5. Number of days the quarry worked during the year :**

**6. Indicate reason(s) for work stoppage :**

**7. Production, Despatches, Stock and Pit's Mouth Value :**

Items	Total in the month
Opening Stock (cum.)	
Production (cum.)	
Despatches (cum.)	
Closing Stock (cum.)	
Pit's Mouth Value (Rs./cum.)	

**8. Particulars of minor mineral permission :**

Permission No. and Date	Validity period	From	To	Quantity Permitted (cubic meter)	Remarks
1	2		3		4

**9. Waste and Rejects generated (Unit : cubic meter)**

**10. Manner of quarry operation : (Mechanised/Semi-Mechanised/Manual)**

**11. Particulars of machineries and equipments used :**

**12. (a)Particulars of technical and supervisory staff employed:**

(b)Average number of persons employed and wage paid:Male : Female : Wages (Rs./Person) :

**13. Dimension of quarry :**

Length (m) : Breadth(m) : Maximum Depth (m) :

**14. Auction Value (Rs.) :**

**15. Details of payment :**

T.C. No. Date Amount (Rs.)

**16. Any other information :**

I certify that the information furnished above is correct and complete in all respects.

Place Signature

Date Name (in full) :

Designation-Auction Holder/Agent/Manager.

Form-ZA Yearly report of prospecting operations carried out [See Rule 13]

- |    |   |                        |                                   |
|----|---|------------------------|-----------------------------------|
| 1. | Type of granite/decorative stone for which prospecting license has been granted : |                        |                                   |
|    | (a)   |                        |                                   |
|    | (b)   |                        |                                   |
| 2. | Name and address of the .license :  |                        |                                   |
| 3. | Particulars of the prospecting license :  |                        |                                   |
|    | (i) Date of execution :   |                        |                                   |
|    | (ii) Period :   | Years                  | From :To :                        |
|    | (iii) Area under license :  | Hectares               |                                   |
| 4. | Location of the area under prospecting license :                                  |                        |                                   |
|    | (i) Toposheet No .  |                        |                                   |
|    | (ii) Village :  |                        |                                   |
|    | (iii) Post office :   |                        |                                   |
|    | (iv) Tahasil :  |                        |                                   |
|    | (v) District :  |                        |                                   |
|    | (vi) Nearest railway station  | Distance (Km)          |                                   |
| 5. | Particulars of the Geologist or Mining Engineer employed, if any,                 |                        |                                   |
|    | (i) Name and address:   |                        |                                   |
|    | (ii) Qualification :  |                        |                                   |
|    | (iii) Date of appointment :   |                        |                                   |
|    | (iv) Status of employment :   | Whole time             | Part time                         |
| 6. | Status of prospecting operation-  | In progress :          |                                   |
|    |   | Completed :            |                                   |
|    |   | Abandoned:             |                                   |
| 7. | Total surface area covered by prospecting work (hectare) :                        |                        |                                   |
| 8. | Prospecting work completed during the year :                                      |                        |                                   |
|    | a. Geological mapping .Area (hectare) : Scale :                                   |                        |                                   |
|    | b. Pitting  | (i) Number of pits :   |                                   |
|    |   | (ii) Grid pattern :    |                                   |
|    |   | (iii) Depth (m)        | Average<br>:Maximum<br>:Minimum : |
|    | c. Trenching  | (i) Number of trenches |                                   |

(with interval) :

(ii) Length (m)

Average  
:Maximum  
:Minimum :

d. Number and size of samples

e. Drilling

(i) Number of boreholes completed during the year  
(with size of core) :

(ii) Number of boreholes in progress :

(iii) Total yearly drilling (m) :

f. Particulars of drilling machine-

Type :

Make :

Capacity :

Number of drills :

g. Details of samples tested :

(i) Number of samples tested :

(ii) Complete report :

(Testing the suitability as per market suitability)

Place : Signature

Date : Name in full :

Designation :

Note : Please enclose a geological report describing the prospecting operations undertaken so far accompanied by the detailed geological plans and Sections showing structural details such as joints, fractures, folds, faults, grain size, texture, etc and also showing location of (a) boreholes, (b) pits, (c) trenches, (d) sampling positions, etc. the report shall also contain borehole logs and the inferences drawn as a result of the study of the geology of the area and the interpretation of the borehole cores, pits, trenches, reserves of granite/decorative stone and complete report of at least two representative samples indicating stone quality and suitability as per market requirement and the blocks proposed for mining operations.

I

[See Rule-24(i) and 28(i)]

Surface  
rent

For all  
minerals Rs.100.00 per  
hectare per  
annum

Dead rent

Per hectare

	Per annum		
(a)	Decorative stone		
	(i)	Black granite	Rs.15,000.00
	(ii)	Coloured and multi-coloured granite	Rs.10,000.00
	(iii)	Other stones/rocks like khondalite, sandstone, limestone other than classified as major minerals used for decorative and monumental purposes	Rs.8,000.00
(b)	All other minor minerals except decorative stones		
	(i)	Boulders, metals, chips, ballast, sandstone, laterite, slab and other rocks and minerals used in civil construction and stone crushers for sizing; limestone limeshell and lime kankar other than classified as major mineral; bentonite, fuller's earth, stone used for household utensils	Rs.5,000.00
	(ii)	Ordinary clay, silt, ordinary sand, rehmatti, brick-earth, ordinary earth, moorum, quartzite, slate shale, shingles, gravels, pebbles and chalcedony	Rs.3,000.00

The above rates of dead rent and surface rent shall be increased by forth percent automatically with effect from fourth year in case these rates are not revised after expiry of three years from the date when the rates were last fixed, due to any reason.

## II

[See Rule-24(ii) and 28(ii)] Royalty

	Rate of Royalty per cubic meter
1. Ordinary sand	Rs. 10.00
2. Ordinary clay, silt, rehmatti, brick-earth, ordinary earth, moorum,	Rs. 10.00
3. Sandstone, laterite and slate in shape of slabs and tiles	Rs. 50.00
4. Bentonite, Fuller's earth	Rs. 125.00
5. Chalcedony, shingles, gravels, pebbles of all types	Rs. 50.00
6. Ordinary boulders used for road and civil constructions	Rs. 36.00
7. Road metals including ballast and chips	Rs. 36.00
8. Bajri and crusher fines	Rs. 10.00
9. Stones used for household utensils	Rs. 75.00
10. Limestone and lime kankar used in kilns for manufacture of lime used as building material and limeshell	Rs. 50.00



11.	Stone chips and bajri other than of marble used as mosaic inflooring	Rs. 60.00
12.	(a) Marble blocks and slabs	Rs. 450.00
	(b) Marble chips and powder	Rs. 75.00
13.	Decorative stone :	
	(i) Black granite exceeding 0.50 cum.	Rs. 1100.00
	(ii) Coloured and multi-coloured granite exceeding 0.50 cum.	Rs. 900.00
	(iii) Cut or dressed granite blocks useful for tiles for sizes less than 0.50 cum.	Rs. 400.00
	(iv) All other rocks when used for decorative and monumental purposes	Rs. 150.00
	(v) Limestone other than classified as major minerals	Rs. 300.00

The above rates of royalty shall be increased by forty percent automatically with effect from fourth year in case these rates are not revised after expiry of three years from the date when the rates were last fixed, due to any reason.

### III

[See Rule 2(f)]

Minerals	Controlling Authority
(i) Ordinary clay, silt, rehmatti, ordinary sand other than used for industrial and prescribed purposes, brick-earth, ordinary earth, moorum, laterite slabs,	
1. ordinary boulders, road metals including ballasts, chips, bajri and rock fines generated from stone crushers, gravels of ordinary stones and river shingles and pebbles	
(a) When occurring in non-forest land	Board of Revenue, Orissa
(b) When available in any forest area	Principal Chief, Orissa Conservator of Forest
(ii) Decorative stone	Government in Steel and Mines Department
Minor mineral other than those specified in Item I above regardless of	
2. location and all minor minerals occurring in areas granted under mining lease for major minerals	Director

### IV

[See Rule 2(e)]

Jurisdiction	Power to be	Competent	Department
--------------	-------------	-----------	------------

	(1)	Exercised (2)	Authority (3)	(4)
1.	Minor minerals specified in item 1(i) of Schedule III when occurring within village boundaries.	For(a) lease	Tahasildar	Revenue Department
2.	Minor Minerals specified in item 1(i) of Schedule III when occurring in all other areas.		Divisional Forest Officer	Forest Department
(b) permit	Mining officer/Deputy Director of Mines	Steel and Mines Department		
3.	Minor mineral other than those specified in item 1(i) of Schedule III regardless of location and all minor minerals, except decorative stones, occurring in areas granted under prospecting license and mining lease for major and minor minerals.	(c) auction	(i) Tahasildar when the upset price does not exceed rupees fifty thousand	Revenue Department
(ii) Sub-Collector when the upset price exceeds rupees fifty thousand				
(iii) Divisional Forest Officer	Forest Department			
(iv) Deputy Director of Mines/ Mining Officer	Steel and Mines Department			
4.	Decorative stones.	(a) For prospecting license	(a) Director of Mines	Steel and Mines Department
		(b) For lease	(b) Government in Steel Mines Department	Steel and Mines Department