

The Maharashtra Land Revenue (Extraction and Removal of Minor Minerals) Rule, 1968

MAHARASHTRA

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Rule

THE-MAHARASHTRA-LAND-REVENUE-EXTRACTION-AND-REMOVAL of 1968

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The Maharashtra Land Revenue (Extraction and Removal of Minor Minerals) Rule, 1968Published vide Government Notification No. UNF. 1567-(J) R, dated 29.10.1968, (M.G., part 4B, page 1776)

1. Short title.

- These rules may be called the Maharashtra Land Revenue (Extraction and Removal of Minerals) Rules, 1968.

2. [Removal of Minor Minerals by villagers for their own use. [Substituted by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals)(Amendment) Rules, 1984, Section 2 dated 20th September, 1984.]

- Subject to the provisions of these rules with the previous permission in writing of the officers mentioned in column 1 of the Table below, but without payment of any fees, any inhabitant of any village, town or city, may, for this domestic or agricultural purpose, remove from the area within the jurisdiction of such officer any earth, bank, stone, kankar, gravel, sand or murum or any other material (each of which is a minor mineral) the value of which does not exceed the amount specified against each such officer in column 2 of the said Table, from the bed of the sea or from the bed of creek, river or nalla or from any unassessed Government waste land not assigned under Section 22, or any tank the right to which vests in the State Government, within the limits of village, city or town in which he resides or in which the land for the benefit of which the materials are required is situated.]

Officer granting permission	Limit of value of minerals
Talathi	Not exceeding rupees one hundred.
Circle Inspector or Circle officer	Not exceeding rupees two hundred fifty.

Provided that, no stone from any tank which may have fallen in it from its bank shall be removed and no excavation shall be made within 4.5 metres of the foot of the embankment of any such tank: Provided further that where the Talathi, Circle Inspector or Circle Officer, as the case may be, fails to give previous permission within a period of 7 days, from the date of receipt of the application, the permission applied for shall, subject to provisions of Rule 6, be deemed to have been granted.

3. [Removal of stones etc., for building well etc. [Substituted by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals)(Amendment) Rules, Section 2, dated 27th September, 1977.]

- Subject to the provisions of these rules the stone, kankar, sand, murum or any other material (each of which is a minor mineral) may with the previous permission in writing of the Tahsildar or Naib-Tahsildar within whose jurisdiction such material is situated and without payment of any fee, be removed from any of the sources specified in Rule 2 -(a) by any inhabitant of a village, town or city for the purpose of building a well or for his domestic or agricultural purpose (but not for sale or personal gain). [(a-i) by any inhabitant of a village, town or city whose individual income from all sources does not exceed two thousand and four hundred rupees per annum for the purpose of building his own house,] [Inserted by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals)(Amendment) Rules, 1980 by No. MMR, 1078/16431/505-G, dated 10.3.80.] and (2) in proviso, after clause (i), the following shall be inserted, namely:- [(i-a) the value of the material to be removed by the person referred to in clause (a-i) shall not exceed five hundred rupees in the case of any other material.] [Added by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals)(Amendment) Rules, 1977, Section 2, dated 29th September, 1977.] (b) by any backward class cooperative housing society on behalf of its members for the purpose of building a house or houses for its members; or (c) by any other cooperative housing society on behalf of such of its members, whose individual income from all sources is not more than Rs. 2,400/- per annum (hereinafter referred to as the qualified members) for the purpose of building a house or houses for its members: Provided that :- (i) [the value of laterite stone to be removed by the person in clause (a) shall not exceed one thousand rupees and the value of any minor mineral or material other than laterite stone to be removed by him shall not exceed five hundred rupees if such minor minerals is required for domestic or agriculture purposes or for the purpose of building a well.] [Substituted by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals)(Amendment) Rules, 1984, Section 2, dated 20th September, 1984.] (ii) the value of the material to be removed by any society referred to in Clause (b) shall not exceed five hundred rupees per member if the material required is laterite stone and two hundred and fifty rupees per member in the case of any other material. (iii) the value of the material to be removed by any society referred to in Clause (c) shall not exceed, where the material required is laterite stone, five hundred rupees per qualified member on whose behalf the material is per removable by it and in any other case two hundred and fifty rupees per qualified member. Explanation. - For the purpose of this sub-rule, "backward class cooperative

housing society" means a cooperative housing wherein not less than eighty percent of the total number of members are persons having an individual income of Rs. 2,400/- or less per annum, from all sources.(2)If any such material lies in a Taluka other than the Taluka in which the person resides, or in which the land for the benefit of which the material is required is situated, then the permission under sub-rule (1) shall be granted only with the concurrence of the Tahsildar in whose jurisdiction such person resides or in which such land is situated.(3)[Where on receipt of any application for previous permission under sub-rule (1), the Tahsildar, or as the case may be, the Naib Tahsildar fails to inform the applicant of his decision within a period of thirty days from the date of receipt of the application, the permission applied for shall subject to the provisions of Rule 6, deemed to have been granted.] [Added by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals)(Amendment) Rules, 1969.]

4. Excavations for brick manufacture etc.

- Subject to the provisions of Rule 5, with the previous permission in writing of the Tahsildar or Naib-Tahsildar and without payment of any fee, any potter or maker of bricks of tiles may, for the purposes of his profession, remove earth, kankar, sand, murum or any other material (each of which is a minor mineral) from bed of the sea or from the bed of any creek, river and nalla or from any unassessed Government waste land not assigned under Section 22, within the limits of the village in which he resides:Provided that if the Tahsildar or Naib-Tahsildar is of opinion that other occupation carried on by any potter or maker of brick or tiles is sufficiently extensive or lucrative and that such potter or brick maker should not be allowed to remove such material free of charge, he shall refuse permission for removal of such materials, and may refer the case for disposal under rules made under the Mines and Minerals (Regulation and Development) Act, 1957, for the time being in force in any part of the State.[Explanation. [Added by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals)(Amendment) Rules, 1969.] - For purposes of this rule, an occupation carried out by any potter or maker of bricks or tiles shall be deemed to be sufficiently extensive or lucrative if the value of the turn over of goods manufactured through such occupation is not less than twenty thousand rupees per annum.]

5. Excavation within port limits.

- Subject to the provisions of Rule 7 no Talathi [Circle Inspector, Circle Officer] [Inserted by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals)(Amendment) Rules, 1984, Section 4, dated 20th September, 1984.], Tahsildar or Naib-Tahsildar may permit any removal under Rule 2, 3 or 4 from land within port limits, or on the banks or shore of any port without the written concurrence of the Salt Commissioner and under such conditions, if any, as he may impose.Explanation. - For the purposes of this rule the "Salt Commissioner" means the Salt Commissioner who is empowered to exercise the powers of the Collector in relation to salt under the Central Excise Rules, 1944, made under the Central Excise and Salt Act, 1944.

6. Collector's sanction necessary in certain cases.

- Notwithstanding anything contained in Rule 2, 3, 4 or 5 the Collector may, in such cases or localities as he thinks fit, prohibit a Talathi [a Circle Inspector, a Circle Officer] [Inserted by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals)(Amendment) Rules, 1984, Section 5, dated 20th September, 1984.], a Tahsildar or as the case may be, a Naib-Tahsildar from giving permission without obtaining the previous sanction and in any such case, all applications for permission shall be referred to the Collector for orders.

7. Excavations prohibited in certain cases.

- Notwithstanding anything contained in these rules, where in any case excavation of soil permitted under the provisions of the Code for these rules, is in the opinion of the Tahsildar on any information received or any inquiry made, likely to damage or destroy any building or land (not being land permitted to be excavated) or any boundary mark, he shall inform the permit-holder to that effect and require him to carry out excavation of the soil in such a way as not to damage the building, land or as the case may be, boundary-mark, and report the matter to the Collector.

8. Penalty for breach of rules.

- Any person committing a breach of any of the provisions of these rules, in addition to any other consequences would ensue from such breach, be punishable with such fine not exceeding one thousand rupees as the Collector may, after giving such person an opportunity to be heard, deem fit to impose:[Provided that a person who, without obtaining the [permission of Talathi, Circle Inspector or Circle Officer as required by Rule 2, removes mines or minerals of the value not exceeding the amount specified in said rule] [Added by the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals) Rules, 1969.], will be punishable with fine equal to the amount of the royalty chargeable of the material so removed under the provisions of rules made under the Mines, Minerals (Regulation and Development) Act, 1957.]