

# The Punjab Minerals (Vesting of Rights) Rules, 2003

PUNJAB

India

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### Rule

## THE-PUNJAB-MINERALS-VESTING-OF-RIGHTS-RULES-2003 of 2003

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The Punjab Minerals (Vesting of Rights) Rules, 2003 Government of Punjab Department of Industries Notification dated The 25th February, 2003 No. G.S.R.12/P.A.9/96/Section 8/2003. - In exercise of the powers conferred by Section 8 of the Punjab Minerals (Vesting of Rights) Act, 1994 (Punjab Act 9 of 1996), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely :-

## Chapter I

### Preliminary

#### 1.

(1) These rules may be called the Punjab Minerals (Vesting of Rights) Rules, 2003. (2) They shall come into force on and with effect from the date of their publication in the official gazette.

#### 2.

In these rules, unless the context otherwise requires, -(a) "Act" means the Punjab Minerals (Vesting of Rights) Act, 1994 (Punjab Act No. 9 of 1996); (b) "Director" means the Director of Industries, Punjab and includes any officer authorised by the Director to perform all or any of the functions of the Director under these rules; (c) "Form" means a Form appended to these rules; (d) Section 3(1). "mineral bearing land" means such land in respect of which right to any minerals therein contained, is acquired under section 3; (e) "person interested" includes all persons claiming an interest in the amount to be paid on account of the acquisition of right to minerals in any land under the Act; (f) "section" means a section of the Act; and (g) words and expressions used in these rules, but not

defined shall have the same meaning as assigned to them in the Act.

## **Chapter II**

Liability to pay the amount in lieu of acquisition of right to minerals.

### **3. Liability to pay.**

- Section 3 and 8. - (1) The State Government shall be liable to pay to every person interested such amount, as shall be payable under section 4.(2)The Director shall collect, collate and tabulate the information in the month of April, every year in Form 'A'.

### **4. Furnishing of statement to Collector.**

- Sections 3 and 8. - (1) The Director shall furnish to the Collector every year in the month of April, a statement of Form 'B' alongwith an extract from the notification, issued under Section 3 relevant to the mineral bearing land to which the statement pertains.(2)The Director shall alongwith the statement mentioned in sub-rule (1) deposit in cash with the Collector, the amount specified in column (9) of Form 'B' for payment to the persons interested.

### **5. Calculation of royalty or dead rent.**

- Sections 3 and 8. - In the case of mineral bearing land, which had been exploited by the State Government itself in the preceding year ending on 31st March, the State Government shall calculate the royalty or dead rent, whichever is higher, on the quantity of mineral or minerals, actually raised and removed from the mine or quarry and furnish the statement, mutatis mutandis, to the Collector in the Form and manner laid down in rule 4.

### **6. Public notice.**

- Sections 3 and 8. - (1) On receipt of the statement mentioned in rules 4 and 5, the Collector shall cause public notice to be given at convenient places on or near the mineral bearing land concerned and shall also have a copy thereof affixed at the Panchayat Ghar of the village concerned.(2)Every notice referred to in sub-rule (1), shall be given in Form 'C' and shall require all persons interested to appear personally or through an agent before the Collector at a time and place mentioned therein (such time not being earlier than thirty days after the date of issue of notice), and to file a claim showing the nature of their respective interest and their claim to the amount on the basis of such interest and objection, if any :Provided that the Collector may entertain the claim, after the expiry of the stipulated of thirty days period, if he is satisfied that the person interested was prevented by sufficient cause from submitting the claim by the prescribed date.(3)The Collector shall also serve a notice to the same effect on the owner and occupier of such land and on all such persons known or believed to be interested or their agents authorised to receive service on their behalf, within the district in which such land is situated.(4)Where the person on whom notice is to be served, cannot

be found, a copy of such notice shall, in addition to any other manner of service, be affixed in a conspicuous place of business of such person or be delivered to some adult members of his family.(5)In case any person so interested resides outside the district, in which such land is situated and has no such agent, the notice under registered cover, shall be sent to him at his last known residence or address.(6)The Collector may, also require any such person to make or deliver to him at the specified time and place (such time not being earlier than thirty days after the date of requisition), a statement containing, so far as may be practicable, the names of every other person possessing any interest in the mineral bearing land or any part thereof as a co-proprietor, sub-proprietor, mortgagee or otherwise and of the nature of such interest.

## **7. Summoning of witnesses.**

- Sections 6 and 8. - For the purpose of enquiries under these rules, the Collector shall have power to summon and enforce the attendance of the witnesses, including the persons interested or any of them and to compel the production of documents by the same means, and so far as may be, in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908).

## **8. Enquiry regarding objections and making of award.**

- Sections 4 and 8. - (1) The Collector shall proceed to enquire into the objections, if any, which any person interested has stated pursuant to the notice given under rule 6, to the respective interests of the persons claiming the amount, and after making such enquiry, make an award of :-(i)the true area of the mineral bearing land of each person known or believed to be interested in such land; and(ii)the quantum of the amount payable to each of the persons known or believed to be interested in the mineral bearing land, of whose claim he has information whether or not they have respectively appeared before him.(2)Where there are several persons interested, if such persons agree in the apportionment of the amount, the particulars of such apportionment shall be specified in the award, and the award shall be conclusive evidence of the correctness of the apportionment between such persons.

## **9. Payment of the amount awarded.**

- Section 4. - (1) On making an award under rule 8, the Collector shall tender payment of the amount awarded by him to the persons interested according to the award, and shall pay it to them unless prevented by any of the contingencies, mentioned in the sub-rule (2).(2)If the persons interested do not consent to receive it, or if there is no person competent to sell out the minerals in their land or if there be any dispute as to the title to receive the amount or as to the apportionment of it, the Collector shall not pay the same :Provided that any person admitted to be interested, may receive such amount under protest :Sub-section (3) of section 5. - Provided further that no person, who has received the amount otherwise than under protest, shall be entitled to make any application under section 5 :Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole, or any part of any amount awarded under these rules to pay the same to the person or persons lawfully entitled thereto.

## **10. Reference to court.**

- Sections 5 and 8 Sub-section (3) of section 5. - In making the reference to the court in terms of Section 5 of the Collector shall, for information of the Court, state in writing, the following particulars, namely :-(a)the situation and extent of the mineral bearing land with names of minerals acquired by the State Government ;(b)the names of the persons, whom he has reason to believe that they are interested in minerals in such land ;(c)the amount of money awarded under rule 8 ; and(d)if there is an objection to the quantum of amount or regarding the persons to whom it is payable, the documents on the basis whereof such amount was determined or such persons were found entitled, as the case may be.

## **11. Limit of amount to be awarded.**

- Sections 4 and 8. - Subject to the limits of the quantum of the amount payable under Section 4, if the applicant has made a claim to any amount pursuant to a notice under rule 6, the amount awarded to him by the Court, shall not exceed the amount so claimed.