

Marble Policy, 2002

RAJASTHAN

India

Marble Policy, 2002

Rule MARBLE-POLICY-2002 of 2002

- Published on 27 January 2011
- Commenced on 27 January 2011
- [This is the version of this document from 27 January 2011.]
- [Note: The original publication document is not available and this content could not be verified.]

Marble Policy, 2002

005.

[In exercise of the powers conferred by Rule 65A of the Rajasthan Minor Mineral Concession Rules, 1986, the State Government in the interest of mineral development, hereby Notification the procedures for grant of prospecting licence and mining lease/quarry licence for marble (including serpentine/green etc.) as under, namely] [G.S.R. 108; Notification No. F. 15(20)Khan/Grade-11/94, dated 1-3-2002 -Published in Rajasthan Gazette- 4(Ga)(1)-dated 1-3-2002, page 185 (1 to 70).]:

1. Grant of mining lease in Government land :

[(1) Mining lease or quarry licence in the Government land shall be granted after ensuring the availability of Marble deposit and delineating the area by Government. Availability of Marble deposit is to be ensured by a team consisting of Superintending Geologist and Superintending Mining Engineer and then the plots for Mining lease/quarry licence shall be delineated. Provided that the applications pending on Government land on 27th January, 2011 shall be disposed off in accordance with the provisions of Notification No. 12(78) Khan/Gr-2/91 Dated 1st March, 2002 as amended from time to time, and applications received from 28th January, 2011 on Government land shall be rejected.] [G.S.R. 113; Notification No. F15(20)MinesiGrII/94 part dated 24-3-2011 Published in Rajasthan Gazette Part (c) dated 24-3-2011.](2)[50% of the delineated plots under sub-clause (1) shall be granted by auction and remaining 50% shall be allotted to the persons as mentioned in clause 14 of this Notification. The plots delineated under sub-clause (1) shall be Notification for grant of mining lease/quarry licence by the Superintending Mining Engineer in at least two daily newspapers having wide circulation in the State and same shall be published at least 30 days before the date of receipt of applications.] [G.S.R. 113; Notification No. F15(20)MinesiGrII/94 part dated 24-3-2011 Published in Rajasthan Gazette Part (c) dated 24-3-2011.](3)The size of plot shall be 4.00 hectares but it may be changed by the Director for

reasons to be recorded in writing.

2. Restrictions on grant and renewal of mining lease/quarry. licence :

(1) Restrictions provided under rule 4 of the Rajasthan Minor Mineral Concession Rules, 1986 shall apply in respect of a mining lease or quarry licence granted or renewed under this Notification. (2) No mining lease shall be granted unless it is satisfied that there is evidence to show that the area for which the lease is applied for has been prospected earlier for marble or the existence of marble therein has been established otherwise. (3) Mining lease or Quarry Licence shall be granted only in favour of such applicant who undertakes to deploy the mine machinery prescribed under [Sub rule 21 of the Marble Development and Conservation Rules, 2002] [Substituted & Deleted by G.S.R. 113; Notification No. F15(20)Mines/Gr.11/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.] within one year from the commencement of the lease/quarry licence : [Proviso Deleted] [Substituted & Deleted by G.S.R. 113; Notification No. F15(20)Mines/Gr.11/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.] [Provided that if mine machinery prescribed under Sub rule (3) of rule 21 of the Marble Development and Conservation Rules, 2002] [Substituted & Deleted by G.S.R. 113; Notification No. F15(20)Mines/Gr.11/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.] has not been deployed within the prescribed period of one year, the competent authority may allow a further period of six months on payment of a penalty equal to 50% of the annual dead rent. (4) No person shall acquire area(s) exceeding 8.00 hectares in the entire State : Provided that where mining lease(s)/quarry licence(s) have already been granted for area(s) exceeding the aforesaid limit, it shall not be reduced : Provided further that where any person has installed in the State two or more diamond gangsaws capable of sawing marble block of 2.5m x 1.5m x 1.5m or automatic tiling plants having main motor capacity of 150 HP or more, may be granted area upto limits specified below :

No. of gangsaws/automatic tiling plants	Maximum Area (Hectares)
Two	12
Three	16
Four or more	20

Provided further also that an area upto [50.00] [Substituted for 28 by G.S.R. 37; Notification No. F15(20) Mine/group-2/94 part dated 23-5-2008.] hectarea may be granted by State Government to a person who has made an investment exceeding Rs. 10.00 crores in mine mechanisation/processing plant or taken effective steps for mechanization of mine and/or installation of processing plant(s) in the State. [Provided also that the area limit prescribed in this sub-clause shall be irrespective of number of mining leases/quarry licences.] [Substituted & Deleted by G.S.R. 113; Notification No. F15(20)Mines/Gr.11/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.] Explanation: A person who has acquired land and has made atleast 50% of the capital investment envisaged in installation of gang saw/tiling plant shall be deemed to have taken effective steps for the installation of such plant(s). (5) For the purpose of determining the total area referred to in sub-clause (4) the area already held under a mining lease/quarry licence by an applicant or by any member of his/her family individually or as a partner of a firm shall be reduced from the maximum

area which could be granted.

3. Prospecting Licence :

3. [Provisions regarding grant of Prospecting Licence shall be in Accordance with the provisions of Chapter - I A of the Rajasthan Minor Mineral Concession Rules. 1986.] [Substituted & Deleted by G.S.R. 113; Notification No. F15(20)Mines/Gr.11/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.]

4. to 10.

[Clause 4 to clause 10 Deleted] [Clause 4 to 10. Deleted by G.S.R. 113 dated 24-3-2011]

11. Suitability of person for grant of mining lease or quarry licence :

(1) Where applications are invited for grant of a mining lease or quarry licence in new area, all applications received within 30 days from the date of notification in the news papers shall be considered on the same footing irrespective of date of submission of the applications; provided that during aforesaid period of 30 days all applications shall be received in a sealed cover and opened after completion of the said period. (2) Separate application shall be made for each plot. (3) Where two or more applications referred to in sub-clause (1) or otherwise are received for the same plot/area from eligible persons, the competent officer may grant mining lease/quarry licence to one of the applicants by the method of lottery; Provided that where the applicant selected for grant of mining lease or quarry licence fails to comply with the provisions of rule 19 or 28 of the Rajasthan Minor Mineral Concession Rules, 1986 as the case may be, the order of grant shall be revoked and the mining lease/quarry licence shall be granted to the applicant next in the panel of three applicants drawn in the lottery.

12. Grant of a mining lease or quarry licence in Khatedari or other private land :

In case of Khatedari or other private land mining lease/quarry licence shall be granted or renewed in favour of Khatedar or private land holder or such other person having acquired surface rights from the khatedar or land owner on the basis of mutual legal agreement and subject to the conditions that the applicant agrees to undertake mining operations by deploying the mine machinery prescribed in the [Sub-rule (3) of Rule 21 of the Marble Development and conservation Rules- 2002] [Substituted by G.S.R. 113; Notification No. F15(20)Mines/Gr.II/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(C) dated 24-3-2011.]. Provided that in case of khatedari and other private land, the area which was previously held or which is being held under a

mining lease/quarry licence or in respect of which the order of grant has been made but the same has been revoked shall be treated as available for grant after the date of termination or surrender or revocation of the mining lease/quarry licence without a Notification issued under the provisions of rule 59 or 27C of the Rajasthan Minor Mineral Concession Rules, 1986 as the case may be, for declaring the area free for re-grant. Provided further that the size of area granted in the Khatedari or other private land shall as far as possible be 4.00 hectares subject to the condition that if the applicant is Khatedar or land holder himself where the size of area may be upto the extent of land holdings in his favour but in no case it shall be less than 0.50 hectares. Provided also that where the available area is less than 2.00 hectare and surrounded by two or more existing lease/quarry licence as provided in rule 11 of the Rajasthan Minor Mineral Concession Rules, 1986, it shall be granted to any one adjoining lessee/quarry holder on the basis of NOC of the Khatedar/land holder to such person and the new area shall be added to the existing lease quarry licence.

13. Grant of a mining lease or quarry licence in the existing areas

:-[(1) In the existing areas of mining lease/quarry licence, the area available shall be granted as per sub-clause (2) and (3) of this clause with the condition that mine machinery, as prescribed in sub-rule (3) of rule 21 of the Marble Development and Conservation Rules, 2002, shall be deployed.] [Substituted by G.S.R. 113; Notification No. F15(20)Mines/Gr.II/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(C) dated 24-3-2011.](2)Where the size of Plot/area available for grant is less than 2.00 hectares, the lease/licence shall be granted to any one adjoining lease/licence holder by auction amongst them and it shall be added to the existing lease/licence.(3)Where the size of a plot/area available for grant is 2.00 hectare or more, the lease licence shall be granted by open auction.(4)Wherever possible the size of a plot/area shall be increased up to 4.00 hectares by combining two or more plots. [Deleted] [Substituted by G.S.R. 113; Notification No. F15(20)Mines/Gr.II/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.].Provided that two or more existing mining lease/quarry licences may be combined to make an area upto 28.00 hectares to facilitate scientific and mechanized mining.(3)Where Government land is available, a strip of land 2[upto 30 meters] wide shall be kept reserved around the existing mining boundaries for allotment to the adjoining lessees/quarry licensees to facilitate increase in the size of existing mining lease/quarry licence. [The area of the strip shall be allotted by mining Engineer/Assistant Mining Engineer concerned after prior approval of the Director to the adjoining lessees/licensees] [Substituted by G.S.R. 113; Notification No. F15(20)Mines/Gr.II/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.] by application on merit and may be added to their existing mining lease/quarry licence.[Provided that the existing lessee/licencee in whose lease/licence the strip is added shall pay, premium equivalent to four times of dead rent/rent of the area to be added, in addition to dead rent/rent as per rules.] [Added by G.S.R. 113; Notification No. 1715(20)Mines/Gr11/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.]

14. Reservation for grant of mining lease/quarry licence :

(1) Fifty percent of the plots delineated in the Government land shall be kept reserved as under : (i)Fifteen percent of the plots delineated in the Government land shall be kept reserved for

applicants who have installed marble processing plant or tilling plant or have taken effective steps to install such plant(s), as mentioned in the second proviso to sub-clause (4) of clause 2 of the Notification. Explanation : A person, who has acquired land and has made atleast 50% of the total capital investment envisaged in installation of gangsaws/tiling plants(s), shall be deemed to have taken effective steps for the installation of such plant(s). (ii) Five percent of the delineated plots shall be kept reserved for persons who undertake to invest a minimum of Rs. 10.00 crores for mechanization of mines and/or installation of export oriented unit/processing plant(s) in the State and undertake to export atleast 50% of the total produce. The applicant shall submit satisfactory proof of his capability in this regard. Allotment of such plots shall be made by the State Government. (iii) Thirty percent of the plots shall be kept reserved for persons belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes etc. as under :

21. S.No. Category Percentage

[S. No.] [Substituted by G.S.R. 113; Notification No.

F15(20)Mines/Gr.II/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.]

	Category	Percentage
(a)	Scheduled Castes	7.50%
(b)	Scheduled Tribes	7.50%
(c)	Other Backward Classes	4.00%
(d)	Special Backward Classes	1.00%
(e)	Unemployed graduates	3.00%
(f)	Dependant of the Martyres of Defense Forces, Freedom fighter	2.00%
(g)	General	5.00%

Provided that mining lease/quarry licence granted under this proviso i shall not be transferred to a person belonging to the other category. Provided further that before transfer the mining lease/quarry licence has remained in force for atleast five years from its commencement.

15.

The benefit of reservation under clause 14 shall be given to an applicant only once.

16. Conditions of the mining lease/quarry licence

:- (1) Conditions applicable in lease/licence granted under the Rajasthan Minor Mineral Concession Rules, 1986 shall be applicable to the lease/licence granted under this Notification. (2) Following conditions shall also be included in every lease/licence granted under this Notification : (i) The sides of the open cast pit shall be kept benched as per provisions of the Metalliferous Mines Regulations, 1961 and the other provisions in these regulations relating to safety of mines and the persons employed therein shall also be complied with. (ii) The provisions relating to the health, sanitation,

first-aid, medical appliances, welfare amenities and the conditions of labour employment as provided in the Mines Rules, 1955 and provisions of any other law applicable to the labour employed in mines shall be complied with.(iii)Top soil recovered during surface operations shall be properly stacked and used for plantation.(iv)Overburden shall be dumped on suitable land devoid of any mineral deposit and the site of waste land shall be identified before grant of mining lease/quarry licence :Provided that overburden/mine waste shall not be dumped anywhere other than the prescribed site. In case of breach of this condition, penalty upto 100% of the security shall be imposed.(ii)Mined out area shall be regularly reclaimed at the cost of lease/quarry holder as per the scheme approved by the Director or any officer authorised for this purpose.(iii)Every lease/licence holder shall take immediate measures for plantation of trees in such a way that it will create a "green belt" around mining activities so that dust, smoke, gaseous emission etc. shall be controlled and kept within "permissible limits" under environmental laws.(iv)At the time of renewal of a mining lease/quarry licence, due weightage of environmental angle shall be given. Any accident taken place in the lease/quarry areas shall also be given due consideration at the time of renewal.[Clause 17 deleted] [Deleted by G.S.R. 113; Notification No. F15(20)Mines/Gr.11/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.](3)The suitability of applicants for grant of mining lease or quarry licence shall be adjudged as per provisions of Clause - 11[18. Every holder of a lease/licence shall carry out mining operations for Marble in accordance with- Mining Plan/Mining Scheme as prescribed in Marble Development and Conservation Rules, 2002] [Substituted by G.S.R. 113; Notification No. F15(20)Mines/Gr.11/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.]

19. Mining plan as a pre-requisite to a grant of lease :

No mining 2[lease/licence] shall be granted or renewed unless there is a mining plan duly approved by the state Government or any person authorised in this behalf for development of marble deposit in the area concerned.[19A. When a suitable person under this Notification is selected/decided by competent authority for grant of precise area for marble and for the said purpose communicate such decision to the applicant and on receipt of the communication from the competent authority of the precise area to be granted, the applicant shall submit a mining plan within a period of three months from the date on which such communication is received or such other period as may be allowed by the competent authority for approval.] [Inserted & Added by G.S.R. 113; Notification No. F15(20)Mines/Or.11/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part d(c) dated 24-3-2011.]

20. 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 State/Central Government or any person authorised under Rule 22B of the Mineral Concession Rule, 1960.(2)No person shall be granted recognition for the purpose of sub clause (1) by the state Government or any person authorised unless he holds :(i)a degree in mining engineering or a post graduate degree in geology from a university or authority or any other prescribed qualification: and(ii)professional experience of 5 years of working in a supervisory capacity in the field of mining or geology, mineral administration after obtaining a degree or qualification required

under_ sub clause(i)(iii)a person recognised to prepare a mining plan may also carry out modification of an existing mining plan.(iv)The State Government or any person authorised in this behalf shall convey his approval or disapproval to the applicant as the case may be.

21. Mining plan to be submitted by existing lessee :

in case of lease where mining operation for marble have been undertaken before commencement of this provision without an approved mining plan, the holder of such lease having an area more than [1.00 hectare] [Substituted by G.S.R. 113; Notification No. F15(20)MinesiGr.I1/94 Part dated 24-3-2011 Published in Rajasthan Gazette Part 4(c) dated 24-3-2011.] shall submit a mining plan within a period of one year from the date of commencement of this provisions to the State Government or any person authorised in this behalf for approval.Provided that the state Government or any person authorised in this behalf may extend the period of submission of mining plan if it is satisfied that the delay is for reasons beyond his control.[Provided further that in case of existing mining leases/quarry licences upto 1 hectare. the Director shall specify a simplified scheme of mining and every lessee/licensee shall submit such scheme of mining to the State Government or any person authorized in this behalf by State Government for its approval.] [Substituted by by G.S.R. 113 dated 24-3-2011.]

22. Grant of Marble Leases within the existing Major Mineral Leases :

The procedure for grant of mining lease of marble found to occur within an existing lease of major mineral is as under, namely :(1)On discovery of marble within an existing lease of major mineral(s) held and worked for atleast five years by the lease holder of major minerals) may be considered for grant of mining lease for marble on the condition that mine machinery as per clause 2 shall be deployed.(2)No major lease holder shall acquire an area exceeding the area as prescribed in the policy for mining of marble in the entire State.(3)A lessee of major mineral(s) may be considered for grant of leases of marble after the lessee gives No Objection Certificate to the Government for allotment of rest of the Marble bearing area to other persons as per Marble Policy in force and the lessee shall surrender the excess Marble area. In case the lessee fails to deploy machineries as per [Sub rule (2) of Rule 21 of the Marble Development and Conservation Rules, 2002] [Substituted by by G.S.R. 113 dated 24-3-2011.] within the prescribed period, the Mining Lease(s) for marble shall be cancelled.(4)The lessee of major mineral shall be liable to pay separate dead rent and royalty in respect of the lease of marble sanctioned to him within the existing lease of major mineral in accordance with the provisions of the Rajasthan Minor Mineral Concession Rule, 1986 as amended from time to time.(5)No transfer of mining lease(s) for Marble sanctioned to a lessee of major mineral shall be permitted. In case the lessee does not want to operate the lease(s) of marble, it may be surrendered to the State Government and the said area may be regranted as per the provisions of the Rajasthan Minor Mineral Concession Rules. 1986.(6)In case the occurrence of major mineral is discovered while working for marble, the right to excavate such major mineral, shall vest with the original major mineral lessee and the marble lease holder will have no claim on the major mineral.(7)All other provisions of the Rajasthan Minor Mineral Concession Rules 1986 shall be applicable.

23. Pending applications :

Applications which have not been disposed of till the date of publication of this Notification shall be rejected and application fee shall be refunded.[23A. Applicability of provisions of Marble Development and Conservation Rules, 2002 : The provisions of the Rajasthan Minor Mineral Concession Rules. 1986 and Notification No. 12(78) Khan/Gr-2/91 Dated 1st March, 2002. as amended from time to time, shall be applicable to the extent they are not repugnant to or inconsistent with the provisions of the Marble Development and Conservation Rules, 2002] [Clause '23A' Inserted by G.S.R. 113 dated 24-3-2011.].

24. Supersession :

This Notification shall supersede all earlier Notifications. circulars Or any other directions what so ever issued in the matter of grant of mining lease or quarry licence for marble.

25. This Notification shall come into force from the date of its publication in the Official Gazette.

[Annexure-1, Form A, Form B, Form C, Form D, Form E, Form F, & Form G Deleted by GSR 113 dated 24-3-2011]Notification No. F7(17)MinesiGr.I1/2001-1 dated 10-10-2(108 Published in Rajasthan Gazette Part IV(C)(1) dated 13-10-2008.