

# **The Haryana Minerals (Vesting of Rights) Rules, 1979**

HARYANA

India

## **The Haryana Minerals (Vesting of Rights) Rules, 1979**

### **Rule**

### **THE-HARYANA-MINERALS-VESTING-OF-RIGHTS-RULES-1979 of 1979**

- Published on 23 February 1979
- Commenced on 23 February 1979
- [This is the version of this document from 23 February 1979.]
- [Note: The original publication document is not available and this content could not be verified.]

The Haryana Minerals (Vesting of Rights) Rules, 1979 Published vide Haryana Government Notification No. GSR 19/CA48/73/S-8/79 dated 23.2.1979

## **Chapter I Preliminary**

### **1. Short title.**

- These rules may be called the Haryana Minerals (Vesting of Rights) Rules, 1979.

### **2. Definitions.**

- In these rules unless the context otherwise requires, -(a)"Act means the Haryana Minerals (Vesting of Rights) act, 1973;(b)"Director" means the Director of Industries, Haryana and includes any officer authorised by the Director to perform all or any of the functions of the Director under these rules;(c)"mineral bearing land" means such land in respect of which right to any minerals therein contained is acquired under section 3 of the Act;(d)"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;(e)"section" means a section of the Act;(f)words and expressions used herein but not defined in these rules, shall have the same meaning as are assigned to them in the Haryana Minerals (Vesting of Rights) Act, 1973.

## Chapter II

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

#### 3. Liability of pay.

(1)The Government shall be liable to pay to every person interested such amount as shall be payable under section 4.(2)The Director shall collect [-] [The words 'collate' omitted vide Haryana Government Notification No. SO 32/A.A.48/1973/S8/2002 dated 5th April 2002.] and tabulate the information in early April every year in of the form given below :-Particulars of Mineral Bearing Land Given on Lease or Contract

District	Tehsil	Village	Quarry (Specify name of the mineral)	Period of operation of quarry	Area exploited Khasra/Rectangle Numbers	Give Amount of royalty/contract paid from 1st April or from commencement of lease/contract which ever is later, to the following 31st March
1	2	3	4	5	6	7

#### 4. Furnishing of statement of Collector.

(1)The Director shall furnish to the Collector of the district concerned every year in the month of April, a statement in the form given below along with an extract from the notification issued under section 3 relevant to the mineral bearing land to which the statement pertains :-Particular of Mineral Bearing Land given on Lease or Contract

District	Tehsil	Village	Quarry (Specify name of quarry)	Period of operation of quarry	Area exploited (Give Khasra/rectangle numbers	Amount of royalty/contract paid from 1st April or from commencement of contract, whichever is later, to the following 31st March	Period of contract year ending on 31st March	Total amount payable for the
1	2	3	4	5	6	7	8	9

(2)The Director shall along with the statement mentioned in sub-rule (1) deposit in cash with the Collector, the amount indicated in column (2) of such statement for payment to the persons

interested.

## 5. Calculation of royalty or dead rent.

- In the case of the 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.

(1) On receipt of the information 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. (2) Every such notice shall be in the form as given in sub-rule (3), 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 such claim, after the expiry of the period prescribed in this sub-rule, if he is satisfied that the person interested was prevented by sufficient cause from submitting the claim by the prescribed date. (3) The notice mentioned in sub-rule (2) shall be in the form given below :- Notice for Filing Claims on Account of Minerals Acquired by Government "Whereas the State Government by notification No. \_\_\_\_\_ dated \_\_\_\_\_, published in Haryana Government Gazette, dated \_\_\_\_\_, has acquired the right to the minerals in the land specified below under section 3 of the Haryana Minerals (Vesting of Rights) Act, 1973, all persons interested are hereby called upon to attend personally or through an agent at \_\_\_\_\_ on the \_\_\_\_\_ at \_\_\_\_\_ O'clock to file a claim

(place) (date) (time)

showing the nature of their respective interest in such minerals and their claim to the amount on the basis of such interest and their objections, if any. The claim shall be in writing and signed by the claimant or his agent :- Particulars of the Mineral Bearing Land Demised By Government

District	Tehsil	Village	Area with	Name of the mineral in	Period of	Total
		with	Khasra/Rectangle	respect of which	contract/lease	amount
		Hadbast	numbers belonging	mining	with name of	payable to
		No.	to the claimant and	lease/contract granted	contractor/lessee	him or
			exploited during			payable
			the year ending on			for the
			31st March _____,			year
						ending
						on 31st
						March

1

2

3

4

5

6

7

This notice is issued under rule 6(2) of the Haryana Mineral (Vesting of Rights) Rules, 1979. Dated \_\_\_\_\_, Collector(4) 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 revenue district in which such land is situated. 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 member of his family. (5) In case any person so interested resides outside the revenue district in which such land is situated and has no such agent, [the notice under registered cover] [Substituted by Haryana Gazette GSR 56/CA 48/73/S. 8/Amd. (1)/82 dated 19.4.1982.] 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 time and place mentioned, 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.

- For the purpose of enquiries under these rules the Collector shall have power to summon and enforce the attendance of 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.

(1) The Collector shall proceed to enquire into the objections, if any, which any person interested has stated pursuant to notice given under rule 6, into the respective interests of the persons claiming the amount, and after making an award of -(i) the true area of the mineral bearing land of each person known or believed to be interested in such land; (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 as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

## 9. Payment of the amount awarded.

(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 one or more of the contingencies mentioned in the sub-rule (2) below. (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 :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.**

- In making the reference to the Court in terms of section 5, the Collector shall, for the information of the Court state in writing, the following particulars, namely :-(a)the situation and extent of the mineral bearing land with name of minerals acquired by the State Government;(b)the names of the persons whom he has reason to believe 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.**

- 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 claimed.