

KARNATAKA (MINERAL RIGHTS) TAX ACT, 1984

32 of 1984

[8th June, 1984]

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SCHEDULE 1 :- SCHEDULE

KARNATAKA (MINERAL RIGHTS) TAX ACT, 1984

32 of 1984

[8th June, 1984]

An Act to provide for the levy and collection of tax on mineral rights of holders of mining leases in respect of certain minerals in the State of Karnataka. Whereas, it is expedient to provide for the levy and collection of tax on mineral rights of holders of mining leases in the State of Karnataka and for the purposes hereinafter appearing; Be it enacted by the Karnataka State Legislature in the Thirty-fifth year of the Republic of India as follows:

1. Short title, extent, application and commencement :-

- (1) This Act may be called the Karnataka (Mineral Rights) Tax Act, 1984.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall apply to every mineral specified in the Schedule.
- (4) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed in relation to different minerals.

2. Definitions :-

In this Act, unless the context otherwise requires,

- (1) "Appointed" means the date specified by notification under sub-section (4) of Section 1 in relation to a mineral;
- (2) "Government" means the State Government;
- (3) "Mineral" means any mineral specified in the Schedule;
- (4) "Mining lease" shall have the meaning assigned to it in the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act LXVII of 1957) and includes as quarry lease;
- (5) "Quarry lease" means a lease granted for the purpose of quarrying operations and includes a sub-lease granted for such purpose;
- (6) "Schedule" means the Schedule to this Act.

3. Levy and collection of tax on mineral rights :-

(1) With effect on and from the appointed date and subject to any limitations which may be imposed by Parliament by law relating to mineral development and the rules made thereunder, there shall be levied and collected by the Government a tax on the mineral rights of every holder of a mining lease in respect of any mineral at such percentage of the amount of royalty payable by him under the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act LXVII of 1957) as the Government may by notification fix and different percentages may be fixed in respect of different minerals:

Provided that the tax levied shall not exceed five times the amount of royalty payable by the holders of the mining lease.

(2) The tax levied under this section shall be payable by the holder of a mining lease and shall be in addition to the royalty payable by him.

4. Determination of tax :-

(1) The tax payable under this Act shall be determined in accordance with the provisions of Section 3 by the prescribed officer.

(2) Before levying the tax, the prescribed officer shall cause a notice of demand to be served upon the holder of a mining lease in

such manner as may be prescribed specifying the amount of tax payable by him.

(3) The amount of tax specified in the notice of demand shall be paid within thirty days from the date of service of the said notice.

5. Appeal :-

Any person aggrieved by the levy of tax under Section 4 may, within thirty days from the date of service of the notice referred to in sub-section (2) of that section, appeal to such authority as the Government may, by notification, appoint in this behalf, and the said authority may pass such orders on the appeal as it thinks fit, which shall, subject to the provisions of Section 6, be final.

6. Revision :-

The Government may, either suo motu or on an application, call for and examine the record relating to any order passed or proceedings taken by any officer or authority under this Act, for the purpose of satisfying themselves as to the correctness, legality or propriety of such order or proceedings and if in any case it appears to the Government that such order or proceeding should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that no order adversely affecting any person shall be passed unless such person has been given an opportunity of making a representation.

7. Tax to be recovered as arrear of land revenue :-

The tax payable under this Act shall also be recovered as an arrear of land revenue.

8. Power to make rules :-

(1) The Government may after previous publication, by notification, in the Official Gazette make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it made, before each House of the State Legislature while it is in session for total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should

not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be so however, that any such modification or annulment shall be, without prejudice to the validity of anything previously done or committed to be done under that rule.

SCHEDULE 1

SCHEDULE

[See Section 2(6)]

SCHEDULE

[See Section 2 (6)]

1. Asbestos
 2. Bauxite
 3. Calcite
 4. China clay
-
- (a) Crude
 - (b) Washed

- | | |
|-----|---------------------------------|
| 5. | Chromite |
| 6. | Copper |
| 7. | Corundum |
| 8. | Dolomite |
| 9. | Felsite |
| 10. | Felspar |
| 11. | Fire clay |
| 12. | Euller's Earth
and Bentonite |
| 13. | Gold |
| 14. | Green Quartz |
| 15. | Iron Ore |
| 16. | Iron Ore |

Fines

17. Kyanite

18. Lime shell

19. Lime stone

(a) known as
'Shahabad Stone'

(b) used for
the lime burning and
building purposes,
hydrated

lime including coloured lime stone for
manufacture of chips and other such materials

(c) others.

20.

Manganese Ore

21. Magnesite

22. Moulding
sand/Silica sand

23. Ornamental and
decorative building
stones

24. Quartz

25. Silver

26. Soapstone/Steatite/Talc

27. Vermiculite

28. Yellow

clay/Red oxide

29. Yellow

ochre/Red ochre

30. All other

minerals not

hereinbefore specified.