

Rajasthan Minor Mineral Concession Rules, 1986

CONTENTS

CHAPTER 1 :- Preliminary

1. Short Title, Extent And Commencement
2. Repeal And Savings
3. Definitions
- 3A. Restrictions On Grant And Renewal Of Prospecting Licence
- 3B. Application For Grant And Renewal Of Prospecting Licence
- 3C. Disposal Of Application For Grant And Renewal Of Prospecting Licence
- 3D. Period For Which Prospecting Licence May Be Granted Or Renewed
- 3E. Area Of Prospecting Licence
- 3F. Refusal To Grant Prospecting Licence
- 3G. Grant Or Renewal Of Prospecting Licence On The Death Of The Applicant
- 3H. Security Deposit
- 3I. Performance Guarantee
- 3J. Execution Of The Deed Of Prospecting Licence And Its Renewal
- 3K. Report Of Information Obtained By Licensee
- 3L. Registers
- 3M. Conditions Of Prospecting Licence
- 3N. Preferential Right Of Certain Persons

CHAPTER 2 :- Grant of Mining Lease

4. Restriction On Grant And Renewal Of Mining Lease
5. Application For Grant Or Renewal Of Mining Lease
6. Acknowledgement Of Application
7. Preferential Rights Of Certain Persons
8. Disposal Of Applications For The Grants And Renewal Of The Mining Lease
9. Refusal Of Application Of Mining Lease
10. Register Of Mining Lease Applications And Mining Leases
11. Area Of Mining Lease
12. Length And Breadth Of Area Under A Mining Lease
13. Boundaries Below The Surface
14. Security Deposits
- 14A. Performance Guarantee
15. Transfer Of Mining Lease
16. Period Of Lease
17. Renewal Of Mining Lease

- 18. Conditions
- 18A. Lapsing Of Leases
- 18B. Reviving Of Leases
- 19. Execution Of Lease
- 20. Currency Of Lease
- 21. Grant Of Mining Lease By Auction Or Tenders

CHAPTER 3 :- Grant of Quarry Licence

- 22. Restriction On Grant Of Quarry Licence
- 23. Application For Grant Of Quarry Licence
- 24. Register Of Quarry Licence Applications And Quarry Licences
- 25. Area Under Quarry Licence
- 26. Procedure For Grant And Renewal Of Quarry Licence
- 27. Reservation And Preferential Right Of Certain Categories Of Persons
- 27A. Grant Of Quarry Licence For Marble And Its Associated Group Of Minerals
- 27B. Section 27B
- 27C. Availability Of The Area For Re-Grant
- 27D. Grant Of Quarry Licence For Plots Delineated And Notified Prior To Commencement Of These Rules
- 27E. Demarcation Of Quarry Licence Area
- 28. Licence Fee, Security Etc. For Quarry Licence
- 29. Conditions Of Quarry Licence
- 30. Cancellation Of Licence
- 31. Transfer Of Quarry Licences

CHAPTER 4 :-Grant of 1[Royalty Collection Contract / Excess Royalty Collection Contract with or without collection of Permit fee / other charges] and Mining Lease by auction or tender

- 32. Grant Of Royalty Collection Contract
- 32A. Registration Of Contractor
- 33. Presiding Officer
- 33A. Reserve Price
- 33B. Security
- 33C. Guarantee
- 33D. Bid / Tender Amount
- 34. Procedure For Auction
- 35. Procedure For Tender
- 35A. Procedure For E-Auction / E-Tender
- 36. Register Of Mining Lease Granted By Auction Or Tenders
- 37. Execution Of Contract
- 37A. Conditions Of Royalty Collection Contract And / Or Excess Royalty Collection Contract

CHAPTER 5 :- Assessment of Royalty

- 38. Assessment Of Royalty
- 39. Assessment On The Basis Of Best Judgment In Case Of Failure

To Submit Monthly And Annual Returns Or In Case Of Likely Evasion Of Royalty

40. Reopening Of Cases Of Best Judgment Of Assessment

41. Assessment Of Royalty Incorrectly Assessed

CHAPTER 6 :- Delegation of Powers, Appeal and Revision

42. Delegation Of Powers

43. Appeal

44. Form Of Appeal And Fees

45. Limitation

46. Procedure Of Appeal

47. Revision

CHAPTER 7 :- Offences Penalties and Prosecutions

48. Unauthorised Working

49. Contravention Of Certain Conditions Of Lease

50. Offence Cognizable Only On Written Complaint

51. Role Of Police

52. Investigation Of Offences

53. Power To Take Evidence On Oath

54. Powers Of Entry, Inspection Of Records And Seizure Of Books Of Accounts Of A Dealer / Lessee

CHAPTER 8 :- Miscellaneous

55. Application Of Rules To All Renewals

56. Register To Be Open For Inspection

57. Rectification Of Mistakes

58. Exemption

59. Availability Of The Area For Re-Grant

60. Premature Application

61. Rate Of Interest

62. Dues May Be Recovered As Arrears Of Land Revenue

63. Grant Of Short Term Permit

64. Acquisition Of Bapi And Proprietary Rights

65. Relaxation Of Rules

65A. Grant Of Mineral Concession By Adopting Procedure Different From The Given In The Rules

66. Special Mode Of Recovery

67. Refund

68. Establishment Of Check Posts And Barriers And Weighment And Inspection Of Goods In Transit

69. Power To Summon

70. Stoppage Of Mining Operations

71. Service Of Notice

72. Mining Operations To Be Under Lease Or Licence

73. Reservation Of Area For Prospecting Or Mining Operations By The Government

74. Status Of The Grant On The Death Of Applicant For Mining

Lease / Quarry Licence

75. Dead Rent On Reduction In Mining Lease Area

76. Amalgamation Of Mining Leases / Quarry Licences

77. Conversion Of Minor Mineral Lease Into Major Mineral Lease

SCHEDULE 1 :- SCHEDULE I

SCHEDULE 2 :- SCHEDULE II

SCHEDULE 3 :- SCHEDULE III

Rajasthan Minor Mineral Concession Rules, 1986

CHAPTER 1

Preliminary

1. Short Title, Extent And Commencement :-

(1) These rules may be called The Rajasthan Minor Mineral Concession Rules, 1986.

(2) They shall extend to the whole of the State of Rajasthan including the areas in which Bapi and proprietary rights are claimed.

(3) They shall come into force on the date of their publication in the Rajasthan Gazette.

2. Repeal And Savings :-

The Rajasthan Minor Mineral Concession Rules, 1977 are hereby repealed.

Provided that any thing done or any action taken under the provisions of the rules so repealed shall be deemed to have been done or taken under the provisions of these rules.

3. Definitions :-

(1) In these rules, unless the context otherwise requires:

(i) "Act" means the Mines and Minerals (Development & Regulation) Act, 1957 (Central Act 67 of 1957);

(ii) "Appellate Authority" means the Government or any other authority vested with such powers under these rules or any other authority empowered by the Government to perform such functions;

(iii) "Assessee" means a person holding a mining lease or a short term permit and includes any other person who has excavated, removed or used or is excavating, removing, processing or using

minor mineral or minerals save as exempted under rule 58;

(iv)"Assessing Authority" means Superintending Mining Engineer / Mining

Engineer or Assistant Mining Engineer and shall include Superintending Mining Engineer (Vigilance), 1[Mining Engineer (Vigilance) and Revenue Intelligence Officer of State Director of Revenue Intelligence (SDRI);]

1 . Substituted by Rajasthan Gazette Extra Ordinary dated 30/05/2011

1[(v) "Assessment Year" means the period beginning from the first day of April and ending on the thirty first day of March of the following year or part thereof];

(vi)"Assistant Mining Engineer" means Assistant Mining Engineer of the Department of Mines & Geology, Rajasthan having jurisdiction over the area concerned as may be fixed by the Government from time to time.

2[(vi-a) "Boundary Pillar" means cemented pillar of size 0.6m x 0.6 m. having one meter height and 0.5 meter foundation painted with the yellow paint and marked lease / licence / prospecting licence number and pillar number by black paint.]

(vii)"Brick earth" means earth used for making bricks. Kavelus and earthen pots and shall include all types of earth used for construction of dams, canals, roads, rail embankments and other identical purposes;

(viii)"Building stone" means any rock or mineral which is used as building or construction material and includes such Minerals as specified in the schedule-I;

(ix)"Competent Authority" means the Government or any other authority authorised by the Government to carry out the provisions of these rules;

(x)"Dead Rent" means the minimum guaranteed amount of royalty per year payable as per rules of agreement under a mining lease;

3[(x-a) "Dealer" means any person who carries on the business of buying, selling, supplying, distributing or processing of minerals directly or otherwise whether for cash or for deferred payment or for commission remuneration or other valuable consideration];

(xi) "Department" means the Department of Mines and Geology, Government of Rajasthan;

(xii)"Director" means Director of Mines & Geology, Rajasthan and includes Additional Director also;

1.Substituted by Rajasthan Gazette Extra Ordinary dated 16/09/2000

2.Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

3.Inserted by Rajasthan Gazette Extraordinary dated 29/08/96

1[(xii-a) "e-tender" or "e-auction" means the use of information and communication technology (specially the internet) for conducting the procurement of goods / works / services or tender or auction for mining lease or royalty collection contract or excess royalty collection contract. The complete tendering process including advertising, issuance of bidding document, receipt of bids, bid opening, clarification and modification, financial evaluation of bids and notification;

Note: For clarification of doubts, pre-qualification, pre-bid conference, technical evaluation and negotiation, if required and permitted under these rules shall be conducted manually.]

(xiii)"Excavation" means digging and / or collecting of minor minerals from any land;

2[(xiii-a) "Excess Royalty Collection Contract" means a contract for specified mineral(s) and area given to collect royalty in excess of annual dead rent, on behalf of the Government from the holder of mining lease(s) under the contract where under the contractor shall pay a fixed amount annually to the Government as per terms of the contract];

1[(xiii-b) "Family" means husband, wife and their dependent children;]

(xiv)"Mining Engineer" means Mining Engineer of the Department of Mines and Geology, Rajasthan having jurisdiction over the area concerned as may be fixed by the Government from time to time;

(xv)"Mining Engineer (Vigilance)" means the Mining Engineer (Vigilance) of the Department of Mines and Geology, Rajasthan having jurisdiction over the area concerned, as may be fixed by the Government from time to time;

(xvi)"Forms" means forms appended to these rules;

(xvii)"Government" means the Government of Rajasthan;

(xviii)"Mines Foreman Gr. I and Mines Foreman Gr. II" means Mines Foreman of the Department of Mines & Geology, Rajasthan having jurisdiction fixed by the Mining Engineer / Assistant Mining Engineer from time to time;

1.Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

(xix)"Quarry Licence" means a licence granted under these rules wherein a licensee is required to pay fixed annual licence fee exclusive or inclusive of royalty, as the case may be;

(xx)"Royalty" means the charge payable to the Government in

respect of the ore or mineral excavated, removed or utilized from any land as prescribed in schedule-I;

(xxi)"Royalty Collection Contract" means a contract for the specified mineral or minerals given to collect royalty 1[with or without permit fee as the case may be] on behalf of the Government from the quarry licensees and short term permit holders who excavate minor minerals from the lands specified under the contract where under the contractor undertakes to pay fixed amount annually to the Government save as exempted under rule 58;

(xxii)"Schedule" means the Schedule appended to these rules;

2[(xxii-a) "Scheduled Areas" means Scheduled area of Rajasthan as referred to in clause (i) of Article 244 of the Constitution of India;.

(xxii-b) "Scheduled Bank" means a Bank as defined in clause(e) of section 2 of the Reserve Bank of India Act, 1934 (Central Act No. 2 of 1934);]

(xxiii)"Short Term Permit" means a permit granted under these rules for excavation and removal of a specified quantity of a mineral within a specified period and from a specified area;

(xxiv)"Superintending Mining Engineer" means Superintending Mining Engineer of the Department of Mines & Geology, Rajasthan having jurisdiction over the area concerned as may be fixed by the Government from time to time;

(xxv)"Superintending Mining Engineer (Vigilance)" means the Superintending Mining Engineer (Vigilance) of the Department of Mines & Geology, Rajasthan having jurisdiction over the area as fixed by the Government from time to time;

2[(xxv-a) "Surveyor / Senior Surveyor" means Surveyor of the Department of Mines and Geology, Rajasthan having jurisdiction fixed by the Mining Engineer / Assistant Mining Engineer from time to time.]

1.Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

(xxvi) "Tenant" means the Tenant as defined in the Rajasthan Tenancy Act; 1955 (Rajasthan Act 3 of 1955) and includes agricultural worker and village artisan 1[; and]

2[(xxvii) "Unemployed Youth" means a person between 18-35 years of age having annual income of less than Rs.25,000/- from all sources.]

(2)Words and expressions used but not defined in these rules shall have the meaning respectively assigned to them in the Act and the Mineral Concession Rules, 1960 made by the Central Government under section 13 of the Act, provided that word "Mineral" wherever

used in these rules shall mean "Minor Mineral".

1.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Added by Rajasthan Gazette Extraordinary dated 28/01/2011

CHAPTER IA Grant of Prospecting Licence

3A. Restrictions On Grant And Renewal Of Prospecting Licence :-

(1)No prospecting licence shall be:

(i)granted for mineral / minerals except marble and granite unless it is notified by the Government in this behalf;

(ii)granted to a person who is not a citizen of India unless prior approval of the Government of India has been obtained;

(iii)granted or renewed in respect of lands notified by the Government as reserved for the use of Government or local authorities for any other public or special purposes;

(iv)granted or renewed in the forest area without obtaining clearance from the Government of India in accordance with the Forest (Conservation) Act, 1980 and the rules made there under;

(v)granted in the area in which quarry licences are in the process of being granted for a particular mineral;

(vi)granted in the "Scheduled Area" without obtaining prior recommendation of the Panchayati Raj Institutions at appropriate level as prescribed under Rajasthan Panchayati Raj (Modification of provisions in their application to the Scheduled Areas) Act, 1999 (Act No. 16 of 1999);

(vii)granted or renewed to a person against whom or any member of his / her family or against a firm of which he / she / any member of his / her family is or was a partner, the dues of the Department are outstanding;

(viii)granted in favour of a partnership firm or a private limited company unless a no dues certificate of Department is submitted by all partners of the partnership firm or all directors of the private limited company as the case may be;

Provided that where an injunction order has been issued by a court of law or any other competent authority staying the recovery of such dues, the non payment thereof shall not be treated as disqualification for the purpose of grant or renewal of any prospecting licence.

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

3B. Application For Grant And Renewal Of Prospecting Licence :-

(1)An application for the grant of a prospecting licence or its renewal shall be made to the concerned Mining Engineer / Assistant Mining Engineer in Form 1-D and Form 1-E respectively.

(2)Every such application shall be accompanied by:

(a)a non refundable fee of Rs. 5,000/- in the form of Demand Draft / Treasury Challan;

(b)a plan of the area together with description report connecting one of the corner pillars with a fixed reference point in the vicinity along with latitude and longitude of reference point as well as the corner pillars;

(c)a valid no dues certificate from the concerned Mining Engineer / Assistant Mining Engineer if the applicant holds or has held any mineral concession in the State;

Provided that it shall not be necessary for a Public Sector Company / Government

undertaking to produce no dues certificate but in case the applicant is a partnership firm or a private limited company, such certificate shall also be furnished by all partners of the partnership firm or all directors of the private limited company, as the case may be. In case of limited company, valid no dues certificate in favour of the company shall be required.

Provided further that a properly sworn affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above is furnished within 30 days from the date of application, failing which the application shall become invalid.

Provided also that no dues certificate shall not be required where the applicant / partners of a firm / directors of the private limited company / limited company has furnished an affidavit to the satisfaction of the Government, stating that he / she / it does not or did not hold any mineral concession in the State.

(d) an affidavit stating that no dues of the Mines Department are outstanding against any member of his / her family;

(e) an affidavit giving particulars of mineral-wise areas already held by the applicant or with any person having joint interest or already granted but not executed or registered or applied but not sanctioned;

(f) revenue details of the applied area with khasra / aaraji number, type of land and the exact area of the khasra / aaraji falling in the applied area along with the super imposed map;

Provided that revenue details shall not be required at the time of renewal if such details have already been provided at the time of grant of prospecting licence.

(g) an affidavit stating that the applicant where the land is not owned by him, has obtained surface rights over the area or has obtained the consent of the owner for starting prospecting operations;

Provided that such affidavit shall not be necessary where the land is owned by the Government.

Provided further that the consent of the owner for starting prospecting operations in the area or part thereof shall be furnished after execution of the prospecting licence but before entry into the said area.

Provided also that no such consent would be required in the case of renewal where consent has already been obtained during grant of the licence; and

(h) a self attested photo copy of PAN card or driving licence or passport or voter identification card or bank passbook of the applicant / all partners of firm / all directors of the private limited company, as the case may be, as an identity proof.

(3) Every application under sub-rule (1) shall be acknowledged in Form 2-A on the date of its receipt.

3C. Disposal Of Application For Grant And Renewal Of Prospecting Licence :-

(1) An application for grant or renewal of a prospecting licence shall be disposed of by the competent authority.

(2) An application for the renewal of a prospecting licence shall be made at least 90 days before the expiry of the prospecting licence and shall also be accompanied by:

(i) a report relating to the prospecting operations already undertaken by the applicant;

(ii) a statement showing the amount of expenditure incurred on prospecting work;

(iii) a statement showing the period which is required to complete the prospecting work; and

(iv) a draft of prospecting fee for the renewal period required at the rates prescribed in rules in addition to application fee.

(3) An application for the renewal of a prospecting licence shall be disposed of by the competent authority before the expiry of the prospecting licence.

Provided that if the application for renewal of a prospecting licence is not disposed of before expiry of the prospecting licence, period of prospecting licence shall be deemed to have been extended for a period till the date of disposal of the

application or the period for which renewal may have been granted, whichever is earlier.

(4)The competent authority may condone delay if an application for renewal of prospecting licence is made after the time limit prescribed in sub-rule (2) and made before the expiry of licence along with the late fee of five thousand rupees for each month or part thereof.

(5)Where the application for prospecting licence is not complete in all material particulars or is not accompanied by the documents as required in the application form, a 15 days notice shall be given by the concerned Mining Engineer / Assistant Mining Engineer, requiring the applicant to complete the application or provide the documents, as the case may be, failing which the application shall be rejected by the competent authority.

(6)The competent authority may refuse to grant or renewed a prospecting licence over the whole or part of the area applied for after recording the reasons in writing and same shall be communicated to the applicant.

3D. Period For Which Prospecting Licence May Be Granted Or Renewed :-

The period for which a prospecting licence may be granted shall be one year.

Provided that a prospecting licence may be renewed for a further period of one year if the competent authority is satisfied that such period is required to complete the prospecting operations.

3E. Area Of Prospecting Licence :-

No person shall acquire one or more prospecting licences for a particular mineral covering a total area of more than 50.00 hectares in the entire State.

Provided that the minimum area to be granted or renewed under a prospecting licence shall be 5.00 hectares.

Provided further that an area upto 100.00 hectares may be granted to an applicant who has already made an investment of Rs.5.00 crore in mining machineries and / or mineral based industry.

3F. Refusal To Grant Prospecting Licence :-

The competent authority may refuse to grant any application for prospecting licence after giving an opportunity of being heard on the following reasons:

(i)If the applied area has already been held and worked under prospecting licence / mining lease;

(ii)If the applied area has already been prospected by any agency and mineral existence has already been proved therein;

(iii)Where the application for the grant of prospecting licence and application for the grant of mining lease in respect of the same area are received on the same date or on different dates within a period of thirty days, the application for the grant of mining lease shall, if the area was previously held and worked under a mining lease or prospecting licence or existence of mineral has been proved otherwise, be given the priority over the application for the grant of prospecting licence.

3G. Grant Or Renewal Of Prospecting Licence On The Death Of The Applicant :-

(1)Where an applicant of the grant or renewal of a prospecting licence dies before

the disposal of application, the application for the grant or renewal of a prospecting licence shall be deemed to have been made by his legal heirs.

(2) In the case of an applicant in respect of whom an order, granting / renewing a prospecting licence, is passed but who dies before the deed, referred to in sub-rule (1) of rule 3-J, is executed, the order shall be deemed to have been passed in the name of the legal heir of the deceased applicant.

3H. Security Deposit :-

The grantee shall before the deed referred to in sub-rule (1) of rule 3-J is executed, deposit as security for the due observance of the terms and conditions of the licence, a sum of rupees ten thousand for first 5.00 hectare or part thereof and thereafter Rs.2000/- for every additional one hectare or part thereof, in the form of National Saving Certificate or a Fixed Deposit Receipt of a Nationalized Bank / Scheduled Bank duly pledged in favour of the concerned Assistant Mining Engineer / Mining Engineer.

3I. Performance Guarantee :-

The grantee shall submit performance guarantee in the form of Fixed Deposit Receipt of Nationalized Bank / Scheduled Bank or National Saving Certificate equivalent to 25% of existing licence fee for the due performance of the prospecting licence in favour of the concerned Mining Engineer / Assistant Mining Engineer before execution of the deed of prospecting licence. The performance guarantee shall be adjusted against Departmental dues of the licensee on expiry or cancellation of the licence, if any, otherwise it shall be refunded to him after expiry of the licence.

3J. Execution Of The Deed Of Prospecting Licence And Its Renewal :-

(1) Where on any application for a prospecting licence an order has been made for the grant or renewal of such licence, a licence deed in Form 5-A shall be executed within ninety days from the date of the order by the applicant or in such further period as the competent authority may allow in this behalf and if no such deed is executed within the said period due to any default on the part of the applicant, the competent authority may revoke the order granting or renewing the licence and in that event the prospecting fee paid shall be forfeited to the Government.

Provided that competent authority may extend the period for execution of deed if the delay in execution is not on the part of the grantee.

(2) The date of the commencement of the period for which a prospecting licence is granted shall be the date on which the deed is executed under sub-rule (1) and in case of renewal it shall be from the next day of expiry of original period.

3K. Report Of Information Obtained By Licensee :-

(1) The licensee shall submit to the Government or to any officer authorized in this behalf an annual report of the work done in Form No. 11-C stating the number of persons engaged and disclosing in full the geological, geophysical or other valuable data collected by him during the period. The annual report shall be submitted within three months from the expiry of the prospecting licence.

(2) Any deposit made under rule 3-H, if not forfeited under these rules, shall be refunded to the licensee after one month of the report, referred in sub-rule (1), is submitted.

3L. Registers :-

(1)A register for application for grant or renewal of prospecting licence shall be maintained by the Assistant Mining Engineer / Mining Engineer in Form No. 3-A.

(2)A register for prospecting licence granted or renewed shall be maintained by the Assistant Mining Engineer / Mining Engineer in Form No. 4-A.

3M. Conditions Of Prospecting Licence :-

Every prospecting licence granted under these rules shall, in addition to other conditions that may be specified therein, be subject to the following conditions, namely:

(i)the licensee shall pay prospecting fee of Rs.5,000/- per hectare or part thereof for each year or part thereof;

(ii)the licensee may win and carry away mineral for the purpose of cutting and polishing, testing and to search for market, a quantity up to 200 tonnes on payment of royalty at the applicable rates;

Provided that with the written approval of the Director, the licensee may carry away quantity of mineral in excess of 200 tonnes on payment of royalty for the above mentioned purposes but in no case it shall exceed 1000 tonnes.

(iii)save in the case of land in respect of which the licensee is granted a mining lease, he shall within three months after the determination of the licence or the date of abandonment of the prospecting operations, whichever is earlier, securely plug all bores and fill up or fence all excavations in the land covered by the licence;

(iv)the licensee shall report to the concerned Assistant Mining Engineer / Mining Engineer, the discovery of any mineral not specified in the licence within a period of 60 days from the date of such discovery and shall make an application for inclusion of such mineral in his prospecting licence simultaneously. The licensee shall not despatch the newly discovered mineral till it is included in his prospecting licence by the competent authority.

(v)the licensee shall not pay a wage less than the minimum wages prescribed by the Central or the State Government from time to time under the Minimum Wages Act, 1948;

(vi)the licensee of granite / marble shall observe the provisions of the Granite Conservation and Development Rules, 1999 and Marble Development and Conservation Rules, 2002 respectively;

(vii)the licensee shall:

(a)take immediate measures for the plantation in the sanctioned area or near by area approved by Assistant Mining Engineer / Mining Engineer not less than twice the number of trees felled as a result of prospecting operations and look after them during subsistence of the licence;

(b)restore, to the extent possible, other flora destroyed by prospecting operations;

(viii)the licensee shall pay to the occupier of surface of the land such compensation as may become payable as per law in force;

(ix)a prospecting licence may contain other conditions as the Government may think fit, namely:-

(a)Compensation for damage to land in respect of which the licence has been granted.

(b)Indemnity to the Government, against the claim of a third party for any damage, injury or disturbance caused to him, by the licensee.

(c)Restriction regarding felling of trees on unoccupied and unreserved Government land and other environmental conditions as may be decided from time to time.

(d)Restriction on prospecting operations in any area prohibited by any competent authority due to environmental or any other reasons as may be decided from time to time.

(e)Conditions regarding entry on occupied land.

(f)Facilities to be given by the licensee for working other minerals in the licensed

area or in adjacent areas.

(x) every holder of a prospecting licence shall submit to the Government or any other officer authorized in this behalf, within a period of 60 days, from the date of execution of deed of prospecting licence, a scheme of prospecting indicating the manner in which he proposes to carry out the prospecting operations. The licensee shall carry out the prospecting operations in accordance with the scheme submitted by him or as directed by the Government or any officer authorized in this behalf;

(xi) every licensee shall maintain a correct and faithful account of all the expenses incurred by him on prospecting operations and also the quantity and other particulars of all minerals obtained during such operations and their despatch;

(xii) The licensee shall:

(a) allow any officer authorized by the Central Government or the State Government in this behalf to examine at any time accounts maintained under sub-clause (xi) and furnish to the Central Government or to the State Government such information and returns as it or any officer authorized in this behalf may require.

(b) allow any officer, authorized by the Central Government or the State Government in this behalf, to inspect any prospecting operation carried out by him;

(xiii) The prospecting operations shall be carried out in such a manner so as to ensure systematic development and conservation of mineral deposits and protection of environment. In case of any breach on the part of the licensee of any covenant or condition contained in the licence deed or the rules made by the Central / State Government, the competent authority may determine the licence and take possession of the said land and forfeit the security deposited. Such action shall not be taken unless the licensee has failed to remedy the breach after serving a 15 days notice.

3N. Preferential Right Of Certain Persons :-

(1) Where a prospecting licence has been granted in respect of any land, the licensee shall have a preferential right for obtaining a mining lease in respect of that land over any other person if he applies for a mining lease within three months after the expiry of the prospecting licence, subject to the provisions of rule 11, if the State Government or officer authorized in this behalf, is satisfied that the licensee-

(a) has undertaken prospecting operations to establish mineral resources in such land;

(b) has not committed any breach of the terms and conditions of the prospecting licence; and

(c) is otherwise a fit person for being granted the mining lease.

(2) Subject to the provisions of sub-rule (1) where two or more persons have applied for a prospecting licence in respect of same land, the applicant whose application was received earlier shall have preferential right for the grant of the prospecting licence over an applicant whose application was received later.

Provided that where such applications are received on the same day the competent authority shall decide the priority in accordance with the provisions of rule 7 of these rules.]

CHAPTER 2

Grant of Mining Lease

4. Restriction On Grant And Renewal Of Mining Lease :-

(1) No mining lease shall be granted in respect of such mineral / minerals as Mining Engineer / Assistant Mining Engineer may notify in this behalf within his jurisdiction with the approval of the Director.

(2) No mining lease shall be granted to a person who is not a citizen of India unless prior approval of the Government of India has been obtained.

(3) 1[]

2[(4) (i) No mining lease shall be granted or renewed to a person against whom or any member of his / her family or against a firm of which he / she is or was a partner, the dues of the Department are outstanding.

(ii) No mining lease shall be granted in favor of a partnership firm or a private limited company unless a no dues certificate of Department is submitted by all partners of the partnership firm or all members of the private limited company as the case may be.

Provided that where an injunction order has been issued by a court of law or any other competent authority staying the recovery of such dues, the non payment thereof shall not be treated as disqualification for the purpose of grant or renewal of any mining lease.]

(5) No mining lease shall be granted or renewed in respect of lands notified by the Government as reserved for use of the Government or local authorities for any other public or special purposes.

(6) No mining lease shall be granted or renewed in the forest area without clearance from the Central Government in accordance with the Forest (Conservation) Act, 1980 and the rules made thereunder.

(7) Unless otherwise notified by the Mining Engineer / Assistant Mining Engineer no mining lease shall be granted in the area in which quarry licences are in the process of grant for a particular mineral. 2[The process of grant of quarry licences shall be deemed to have started from the date of entry made in the register of mining lease mentioned in rule 10(2).]

1.Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

(8) 1[]

(8) 2[No prospecting licence, mining lease or any other mineral concession in respect of a minor mineral shall be granted in the Schedule Area without obtaining prior recommendation of the Panchayati Raj Institutions at appropriate level as prescribed under Rajasthan Panchayati Raj (Modification of provisions in their Application to the Schedule Areas) Act, 1999 (Act No. 16 of 1999).]

3[(9) No fresh mining lease shall be granted to a person, who has committed offence under rule 48 and / or 68, for next five years

from the date of offence.

(10) No mining lease in Government 4[land shall] be granted on an application by the applicant unless the area is delineated and applications are invited by the Government.

Provided that applications pending on 4[27.01.2011] shall be disposed of as per the prevailing rules prior to this notification.]

5. Application For Grant Or Renewal Of Mining Lease :-

(1) Every application for grant of mining lease shall be made to the Mining Engineer / Assistant Mining Engineer concerned in Form No.1-A.

(2) Every application for renewal of mining lease shall be made to the Mining Engineer / Assistant Mining Engineer concerned in Form No.1-B.

(3) Every application made under sub rule (1) and (2) above shall be accompanied by:

(a) 5[a fee of Rs. 5000/- for marble, sandstone & Granite and Rs. 2000/- for other minerals which shall not be refunded;]

(b) a plan of the area together with description report connecting one of the corner pillars with a fixed reference point in the vicinity;

1.Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996

2.Added by Government Notification dated 12/04/2002

3.Added by Rajasthan Gazette Extraordinary dated 28/01/2011

4.Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

5.Substituted by Government Notification dated 18/12/2004

(c)(i) an attested copy of no dues certificate from the Mining Engineer / Assistant Mining Engineer concerned if the applicants holds or has held any mineral concession.

1[Provided that it shall not be necessary for a public sector company / public undertaking to produce no dues certificate but in case the applicant is a partnership firm or a private limited Company, such certificate shall be furnished by all partner of the partnership firm or all members of the private limited company, as the case may be.]

Provided further that a properly sworn affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above is furnished within 2[thirty] days of the date of application failing which the application shall become invalid.

Provided further also that where any injunction has been issued by

the Court or any other competent authority staying recovery of any dues, the non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the lease. Provided further also that no dues certificate shall not be required where a person has furnished an affidavit to the satisfaction of the State Government, stating that he does not or did not hold a mining lease or any other type of mineral concession.

(ii) An affidavit stating that no dues of the Department are outstanding against any member of his family;

(d) in case the applicant belongs to Schedule Caste / Schedule Tribe a certificate of being a member of Schedule Caste / Schedule Tribe from the officer not below the rank of Tehsildar, or Vikas Adhikari and affidavit of being a manual worker working in mines duly sworn and admitted before a notary public or oath commissioner.

3[(e) an affidavit giving particulars of mineral-wise areas already held under mining lease by the applicant or with any person having joint interest or already granted but not yet executed / registered or already applied but not yet granted]

1. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

3. Added by Rajasthan Gazette Extraordinary dated 12/08/1994

6. Acknowledgement Of Application :-

Every application under rule 5 shall be acknowledged in Form No. 2 on the date of its receipt.

7. Preferential Rights Of Certain Persons :-

(1) Where two or more persons have applied for a mining lease in respect of the same land, applicant whose application was received on earlier date shall have a preferential right for the grant of the lease over an applicant whose application was received later.

Provided that the competent authority may prefer an application received later from a Government company or Corporation owned by the Government over any other application received earlier for the same area.

(2) Where such applications are received on the same day the mining lease shall be granted in the following order of priority.

(i) A Government Company or Corporation owned by the Government;

1[(ii) A person who have installed or willing to install mineral based units in the State with weightage for all or any of the following criteria:-

State PSU

Central PSU

Quantum of Investment

Pioneering nature of the industry in the district;]

1[(iii) Unemployed Mining Engineer or Geologist;]

(iv)Disabled person;

(v)Sportsman, athlete or player of national repute;

2[(v-a) Persons identified as Below Poverty Line (BPL)]

1[(vi) Societies of unemployed youth; and]

(vii) Other applicant.

Provided that where applications are received from the same category of persons, the competent authority after taking into consideration the matters specified below may grant mining lease to such one of the applicants as it may deem fit:-

1.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

(a)Any special knowledge of or experience in mining operations possessed by the applicant;

(b)The financial resources of the applicant;

(c)The nature and quality of technical staff employed or to be employed by the applicant;

(d)Such other matters as may be specified.

1[(2A) (i) Notwithstanding anything contained in sub rule (1) and (2) all applications received within a period of 30 days from the publication of the notification issued under rule 59, for grant of mining lease, for any mineral for an area notified as "free" shall be considered by the competent authority on the same footing irrespective of date of submission of the applications.

(ii)The competent authority after taking into consideration the matters specified in the Proviso to sub rule (2), may grant mining lease to such one of the applicants as it may deem fit.]

2[(3) Notwithstanding anything contained in sub-rule (1) and (2) above, the area for mining lease in the Government land 1[shall be allotted] after delineation. 1[New System shall be effective from the date of issue of notification dated 28.01.2011 and the applications pending on 27.01.2011 shall be disposed off as per prevailing rules in force prior to notification dated 28.01.2011.] Prior to delineation all requisite NOCs shall be procured by the

department. Out of these delineated plots 50% shall be allotted by auction and the remaining 50% shall be allotted to the following categories of persons, as per percentage indicated against each category:-

(i) Persons who undertake to install a crusher / mineral based 10% industry;

(ii) Manual workers belonging to Scheduled Castes / 5% Scheduled Tribes / Other Backward Classes / Special Backward Class employed in Mines;

(iii) Manual workers other than Scheduled Castes / Scheduled 5% Tribes / Other Backward Classes/ Special Backward Class employed in mines;

1.Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

3.Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

(iv) persons belonging to Scheduled Castes / Scheduled Tribes / 20% Other Backward Classes / Special Backward Class

(v) Persons identified as Below Poverty Lines; 10%

(vi) 1[Freedom fighter / Ex-soldiers] including members of para 5% military forces belonging to Rajasthan, who have been permanently disabled or dependents of those who have died while in service;

(vii) Rajasthan State Government servants who have been 5% permanently disabled while on duty or the dependents of those who have died while in service;

(viii) Societies of Unemployed youth of Rajasthan; and 30%

(ix) Other persons. 10%

In the reserved area applications will be invited after 30 days of notification and the applications received within a period of 30 days after 30 days of notification shall be treated as received on the same day. The applications shall be disposed of by way of lottery.]

2[(4) Notwithstanding anything contained in sub rule (1) (2) and (3), the priority for grant of mining lease in the same slope area

may be given to the existing lessee of such slope area, if such existing lessee applies for the said area and deposits non refundable one time premium amount equivalent to yearly dead rent of the applied area, the concerned Mining Engineer / Assistant Mining Engineer shall issue a notice about such application, to the existing lessee of such slope area and if the existing lessee applies within 15 days from the date of receipt of such notice and deposits the premium amount, he shall be given priority.]

3[(5) If a short term permit application is received from a contractor who has been awarded work for National / State Highway (road construction project) shall be given priority over an application of mining lease received within a period preceding 3 months from date of short term permit application subject to following conditions:-

(a) short term permit application has been filed within 6 months from the date of award of contract;

1. Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

2. Substituted by Government Notification dated 10/10/2008

3. Added by Rajasthan Gazette Extraordinary dated 28/01/2011

(b) the National / State Highway (road construction project) is not more than 100 km. away from the short term permit area applied for; and

(c) short term permit shall be subject to the conditions of rule 63.

Provided that this sub rule (5) shall remain in force till 31st March, 2012 & thereafter it will be reviewed again by the Government.]

8. Disposal Of Applications For The Grants And Renewal Of The Mining Lease :-

(1) 1[An application for grant of mining lease shall be disposed of by the competent authority.]

(2) 2[An application for renewal of mining lease shall be made at least 12 months before the expiry of the mining lease and shall be disposed of before the expiry of lease and if the application is not disposed of within that period, the lease shall be deemed to have been extended by a further period till final orders are passed on the renewal application by the competent authority."]

9. Refusal Of Application Of Mining Lease :-

The Government or competent authority may refuse to grant or renew any mining lease subject to reasons to be recorded and to be

communicated to the applicant in writing.

10. Register Of Mining Lease Applications And Mining Leases :-

(1)A register of mining lease applications shall be maintained in the office of the Mining Engineer /Assistant Mining Engineer concerned in Form No. 3.

(2)A register of mining lease shall be maintained in the office of the Mining Engineer/Assistant Mining Engineer concerned in Form No. 4.

11. Area Of Mining Lease :-

(1)The mining lease shall be granted for such area as the Government may deem fit. The Director may fix the area for the grant of a mining lease for a particular mineral and for a particular area, but it shall not be less than 1[1 Hectare]. This limit shall however, not apply to the gap areas lying between two or more mining leases which are less than the minimum prescribed size.

1.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Substituted by Rajasthan Gazette Extraordinary dated 30/03/1995

3.Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

1[Provided that where the gap area available free for grant is 2[less than one hectare] and surrounded by three or more mining leases or by forest boundary or any other reserved land, such gap area shall be granted by auctions to any one of the surrounding lessees and the same shall be added in his lease.

Provided further that where the gap area is 2[one hectare or above], a separate mining lease shall be granted by way of open auction.

Provided further also that in the case where application for grant of a mining lease has been received for an area exceeding the prescribed size and the applicant having been informed by the concerned Mining Engineer / Assistant Mining Engineer to reduce the area fails to reduce the same within given time, the application may be rejected by the Mining Engineer / Assistant Mining Engineer.]

3[Provided also that 30 meter wide strip of Government land shall be kept reserved around the existing mining lease for allotment to

adjoining lessees to enhance size of lease for scientific and safe mining. The area of strip shall be allotted on an application submitted by the lessee to the Mining Engineer / Assistant Mining Engineer concerned, after considering its merit and obtaining prior approval of the Director (Mines), area of strip may be added to his existing mining lease. The existing lessee in whose lease, the strip is added shall pay, premium equivalent to four times of dead rent of the area to be added, in addition to dead rent as per rules".]

(2) No person shall acquire in respect of any mineral or prescribed group of associated minerals as prescribed in Schedule-III one or more mining leases covering total area of more than 10 Sq. Kms.

Provided that the maximum number of mining leases to be granted for a particular mineral or for a mineral of associated group under this rule to a person within direct jurisdiction of any Mining or Assistant Mining Engineer shall be restricted to two and the total number of leases in the entire State would not exceed three.

Provided further that if the Government is of the opinion that in the interest of mineral development it is necessary to do so, it may for reasons to be recorded permit grant of mining leases exceeding two or three in number as the case may be and / or covering an area in excess of 10 sq. Kms.

4[]

1. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

3. Added by Rajasthan Gazette Extraordinary dated 28/01/2011

4. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

(i) Notwithstanding anything contained in sub-rules (1) and (2) above, mining leases for specific projects approved by the Rajasthan State Industrial Investment Corporation, shall be granted on the recommendations of a committee appointment under the Chairmanship of the Mines Secretary.

(ii) For the purpose of determining the total area referred to in sub-rule (2) the area held under mining lease by a person as a member of a cooperative society, company or other corporation or a Hindu Undivided Family or a partner of a firm shall be deducted from the area referred to in sub-rule (2) above so that the total area held by such person under mining lease, whether as such member or partner or individually may not in any case exceed the total area specified in sub-rule (2).

12. Length And Breadth Of Area Under A Mining Lease :-

As far as possible area applied under mining lease shall be rectangular in shape and length shall not exceed four times of its width.

13. Boundaries Below The Surface :-

Boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

14. Security Deposits :-

(1) The lessee shall be required to deposit a sum equal to one fourth of the annual dead rent as security in cash or in the form of 1[a Fixed Deposit Receipt of a Nationalized Bank or] National Saving Certificates or National Plan Certificate or any other form of securities which may be notified by the

Government for the due performance of the term of the lease agreement. The Certificate 12[or the Fixed Deposit Receipt] shall be pledged with Mining Engineer / Assistant Mining Engineer, having jurisdiction over the area under lease.

2[(2) Whenever the dead rent of a mining lease is enhanced as per provisions of these rules, the lessee shall deposit a further sum so as to make the total security deposit equal to one fourth of the enhanced dead rent within 60 days of such enhancement.]

1.Inserted by Rajasthan Gazette Extraordinary dated 29/08/1996

2.Added by Rajasthan Gazette Extraordinary dated 12/08/1994

14A. Performance Guarantee :-

The grantee shall submit Performance Guarantee in the form of Fixed Deposit Receipt of Nationalized Bank / Scheduled Bank or National Saving Certificate equivalent to 25% of existing dead rent for the due performance of the lease in favour of the Mining Engineer / Assistant Mining Engineer before execution of the lease. At the time of enhancement of dead rent, the Performance Guarantee shall also stand revised proportionately and lessee shall deposit the difference of Performance Guarantee within a period of 30 days. The Performance Guarantee shall be adjusted against Departmental dues of the lessee on expiry or cancellation of the lease, if any; otherwise it shall be refunded to him after expiry of the lease.]

15. Transfer Of Mining Lease :-

(1) The lessee shall not without the previous consent in writing of the competent authority:-

(a) Assign, sublet, mortgage or in any other manner transfer the

mining lease or any right, title or interest therein, or

(b) Enter into or make any arrangement, contract or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by any person or body of persons other than lessee.

2[]

3[Provided that the lessee of masonry stone may, with the prior permission of concerned ME / AME and subject to such conditions as he may specify therein, allow any Government contractor to install and operate stone gitti crusher till the completion of construction work.

Provided further that such permission shall be given by ME / AME after obtaining registered consent of the lessee and also on the condition that the crusher owner shall use masonry stone produced from the concerned lease area only.

Provided also that wherever required, permission of Revenue and other Departments may also be taken before issuing such permission.]

1.Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

3.Added by Rajasthan Gazette Extraordinary dated 27/05/2011

1[(1A) Every application for transfer of Mining Lease shall be accompanied by a fee of 2[Rs. 5000/- for marble, sandstone & granite and Rs. 2000/- for other minerals] and shall be submitted to the Mining Engineer / Assistant Mining Engineer.

(1AA)The Government may subject to the condition specified in rule 11(2) transfer whole area of the lease to a person on payment to the Government transfer premium 2[equal to existing dead rent.]

Provided that the lease has remained in force for at least two years from the date of grant.

Provided further that such transfer shall not be made if there are any dues outstanding against the transferor or transferee. Provided further also that where the mortgagee is a State Institution or a Bank or a State Corporation, it shall not be necessary for the lessee to obtain the previous consent of the competent authority or previous sanction of the State Government. However lessee shall inform the competent authority about any mortgage in favour of any State Institution, Bank or State Corporation within a period of 3 months from the date of mortgage or assignment.]

(2) An application for transfer of mining lease shall be disposed of

by competent authority.

Provided that transfer of mining lease, granted to the category of persons mentioned in sub-rule (3) of rule 7 shall be made only to a person belonging to any of the categories mentioned in the clause of the said sub-rule.

(3) Transfer of mining lease shall not be considered as a matter of right and the Government may refuse for such transfer for the reasons to be recorded and communicated in writing to the lessee.

(4) Where on an application for transfer of mining lease under this rule the competent authority has given consent for such lease, a transfer lease deed in Form No.15 or a form as near thereto as possible, shall be executed within three months of the date of the consent, or within such period as the competent authority may allow in this behalf.

16. Period Of Lease :-

4[(1) The maximum period for which a mining lease may be granted shall not

exceed 5[thirty years.]

1.Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Substituted by Government Notification dated 18/12/2004

3.Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

4.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

5.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

Provided that the minimum period for which any such mining lease may be granted shall not be less than 1[twenty years.]]

(2) 2[Notwithstanding anything contained in the instrument of mining lease, the period of lease of existing mining leases at the time of commencement of these rules, may also be extended to a period falling short of 1[30 years] subject to the conditions that:-

(1) The mining waste / debris has been dumped at place(s) duly approved by the Mining Engineer / Assistant Mining Engineer.

(2) No case of illegal mining has been made out against the lessee during the last three years.

(3) The area held by the lessee does not exceed 10 sq. Kms.]

3[(4) The area held by the lessee does not fall in any type of Forest land.]

17. Renewal Of Mining Lease :-

(1) On an application being made in this behalf and where such application is found complete in all respect, the competent authority shall renew the mining lease for a period not exceeding 4[20] years and where the competent authority is satisfied that mines have been worked properly and that substantial investment in machinery and equipment have been made by the lessee, the competent authority may further grant subsequent renewals each for a period 4[up to 20] years 5[subject to the condition that total period of the lease shall not exceed 1[90 years.]]

Provided that second 5[and subsequent] renewal of mining lease each for a period 4[up to 20] years may be granted to a lessee if the authority competent to sanction the renewal is satisfied about the past performance of the applicant.

Provided further that where the lease is so renewed the dead rent shall be revisable after every five years from the date of renewal according to the formula given under rule 18 (3) for revision of dead rent.

Provided further that the competent authority while granting the renewal of mining lease may in its discretion reduce the area of the lease so that the area sanctioned to the lessee shall in no case exceed 10 sq. Kms. 6[]

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2. Substituted by Rajasthan Gazette Extraordinary dated 29/08/1996

3. Added by Rajasthan Gazette Extraordinary dated 28/01/2011

4. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

5. Added by Rajasthan Gazette Extraordinary dated 21/02/1992

6. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

1[Provided also that where lessee applies for renewal after reducing the original area in more than one blocks, in such cases renewal of reduced area in more than one block may be allowed subject to condition that every block to be renewed shall not be less than the prescribed size.]

2[(2) where the application for renewal has been received has after the period prescribed in rule 8(2), it shall be entertained on the payment of the following penalties:

[Period of delay Amount of penalty

(a) Up to one month 1% of the existing annual dead rent subject

to a minimum of Rs.500.00

(b) Up to two months 2% of the existing annual dead rent subject to a minimum of Rs.1000.00

(c) Up to three months 3% of the existing annual dead rent subject to a minimum of Rs. 1500.00

(d) Up to 6 months 10% of the existing annual dead rent subject to a minimum of Rs 3000.00

(e) More than 6 months but 25% of the existing annual dead rent before expiry of lease subject to a minimum of Rs. 10000.00]

2[(3) Notwithstanding anything contained in the instrument of the mining lease, if the application for renewal has not been disposed of before the expiry of the lease it shall be deemed to have been extended by a further period till the competent authority passes order thereon. The dead rent 4[after expiry of lease period shall be as per the revised dead rent referred to in sub rule (3) of rule 18.]]

(4)(a) In case of renewal of mining lease after the expiry of the lease period, the dead rent from date of expiry of the previous lease to the date of execution of the renewed lease deed shall be as per the sanction of renewal.

(b) In case of revocation of the sanction for renewal on failure of execution of the lease agreement by the lessee, the dead rent as per sanction for the renewal be charged from the date of expiry of the previous lease to the date of taking over possession.

4[(5) The competent authority may, while granting renewal of a mining lease, impose conditions relating to mechanization, development of mines and establishment of mineral based industry after obtaining prior approval of the Government by a general or specific order.]

1.Added by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

3.Substituted by Government Notification dated 18/12/2004

4.Substituted by Rajasthan Gazette Extraordinary dated 30/03/1995

18. Conditions :-

1[] The following conditions shall be included in every mining lease and if they are not so included shall be deemed to have been included therein:-

2[(1)] (a) The holder of a mining lease granted before the commencement of these rules, shall notwithstanding anything

contained in the instrument of lease or any law or rules in force at such commencement, pay royalty in respect of any mineral removed by him from and / or consumed within the leased area after such commencement at the rates for the time being specified in Schedule I in respect of that mineral.

(b)The holder of a mining lease granted on or after the commencement of these rules shall pay royalty in respect of any mineral removed by him from and / or consumed within the leased area at the rate for the time being specified in the Schedule I in respect of that mineral.

(c)The State Government may, by notification in the Official Gazette, amend the Schedule I so as to enhance the rate at which royalty shall be payable in respect of any mineral in accordance with the provisions of these rules with effect from such date as may be specified.

Provided that no enhancement in the rate of royalty shall be made before a period of 3[3] years from such previous enhancement.

(2)(a) The lessee shall pay for surface area used by him for the purpose of mining, surface rent to Revenue Department as per the rates prevalent in the area.

(b)The Government shall be entitled to charge certain amount per year or part thereof for the ecological restoration of mines and quarries from the lessee and this shall be the part of agreement. The amount may be fixed and revised by Government from time to time and may vary from place to place.

(3)The lessee shall also pay for every year such yearly dead rent as may be fixed by the Government in quarterly installments in advance and if the lease permits the working of more than one mineral, the State Government shall not charge separate dead rent in respect of each mineral.

Provided that the yearly dead rent at the time of initial grant shall be according to the rates specified in Schedule-II. The rates specified in Schedule-II shall, however, not be applicable at the time of revision of dead rent.

1.Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996

2.Added by Rajasthan Gazette Extraordinary dated 29/08/1996

3.Substituted by Rajasthan Gazette Extraordinary dated 10/12/1987

1[Provided further that the rate of annual dead rent shall stand revised after every five years from the date of initial grant or renewal of the mining lease in accordance with the following formula:-]

2[Revised dead rent = Existing dead rent + 40% of Existing dead rent.]

3[Provided further also that revised dead rent shall not exceed five times of the dead rent calculated as per schedule-II in force at time of revision of dead rent 4[or where mining lease has been granted by auction or tender five times of dead rent initially fixed as per the bid offered.]

Provided further also that the existing dead rent shall not be reduced if it is more than the dead rent calculated as aforesaid.]

Provided further also that the lessee shall be liable to pay either dead rent or royalty in respect of each mineral whichever is higher but not both.

(4)The lessee shall pay all dues in the office of such officer, in such manner and at such place as may be mentioned in the lease agreement or as notified by the Government from time to time.

(5)The lessee shall not cut or injure any tree in area of his lease without the previous sanction in writing of any officer authorised in this behalf under any law in force.

(6)The lessee shall at his own expense erect and at all time maintain and keep in repair boundary pillars and marks according to the plan and demarcation report annexed to the lease.

(7)The lessee shall not erect, set-up or place any building or thing and shall also not carry on surface operations in or upon any public pleasure ground, burning or burial ground or place held sacred by any class of persons or any house or village site, public road or other place which the Government may determine as public ground or in such a manner as to injure or prejudicially affect any building, works, property or rights of other persons.

(8)The lessee shall commence mining operations within, 1[six] months from the date of execution of the lease and thereafter carry on such operations effectively in a manner which will ensure safety of laborers, conservation of mineral, removal of sufficient over burden, careful storage, removal and drainage of waste and removal of all valuable minerals from the mines in accordance with lease.

1.Substituted by Rajasthan Gazette Extraordinary dated 29/08/1996

2.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

3.Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

4.Added by Rajasthan Gazette Extraordinary dated 29/08/1996

1[(8a) The lessee shall select site for dumping over burden or

waste of the mine and shall get the same approved by the Mining Engineer / Assistant Mining Engineer concerned.]

2[(8b) The lessee shall:

(i)take immediate measures for planting in the same area or any other area selected by the State Government not less than twice the number of trees destroyed by reasons of any mining operations;

(ii)Look after them during the subsistence of the lease after which these trees shall be handed over to the Mining Engineer / Assistant Mining Engineer concerned;

(iii)Restore to the extent possible the mined out areas and other flora destroyed by the mining operations;

(iv)Properly stack the topsoil recovered during surface operations and use the same for plantation.]

(9)(a) The lessee shall keep correct and regular accounts of all minerals excavated from the mines, the quantity lying in stock at the mines and the quantity dispatched and utilised there from as also the number of persons employed in Form No. 11 B. It shall contain particulars regarding the quantity of mineral sold/utilized, its value and name of persons or firms to whom sold. The accounts shall be produced before the assessing authority on such date as may be fixed by in this behalf for the purpose of assessment. The lessee shall maintain up to date plans of the mines and shall also allow any officer of the Department as may be authorized by the Director in this behalf to examine such accounts and plans at any time and shall furnish him other information as he may require.

(b)The lessee shall furnish monthly returns to the assessing authority in the Form No.11A by the 15th of the following month to which the returns relate.

Provided that the assessing authority may extend the period for submission of such returns by any lessee for a period not exceeding 15 days.

(c)The lessee or any other person shall not remove or despatch or utilize the mineral from the mines and quarry without Rawanna. The Rawanna shall be in Form No.12 appended to these rules and shall be duly sealed by the Department.

1.Substituted by Rajasthan Gazette Extraordinary dated 29/08/1996

2.Added by Rajasthan Gazette Extraordinary dated 29/08/1996

(10) The lessee shall abide by all existing Acts and Rules enforced by the Government of India or the State Government and all such other Acts or Rules as may be enforced from time to time in respect

of working of the mines and other matters affecting safety, health and convenience of the lessees employees or of the public.

(11)The lessee shall allow existing and future licensees or lease holders of any land which is comprised in or is reached by the land held by the lessee, reasonable facilities for access thereto.

(12)The lessee shall allow any officer of the Department to enter upon the premises comprised in the lease for the purpose of inspecting the same and abide by instruction issued by him from time to time regarding the conservation and development of minerals and the related matters.

(13)Subject to the provision of clause (7) above the lessee may erect on the area granted to him, any building required for bonafied purpose and such building shall be the property of the Government after the expiry of the lease or earlier determination or surrender of the lease.

(14)The lessee shall make reasonable satisfaction and pay such compensation as may be assessed by lawful authority in accordance with the law or rules or order in force on the subject for all damages, injuries or disturbances which may be done by him and shall indemnify and keep indemnified fully and completely, the Government against such damages, injury or disturbance and all cost and expenses in connection therewith.

1[(15) (a) The lessee shall forthwith report to the Director / Superintending Mining Engineer / Mining Engineer / Assistant Mining Engineer any accident which may occur at or in the said premises.

(b) The lessee shall report to the Director / Superintending Mining Engineer / Mining Engineer / Assistant Mining Engineer the discovery of any mineral not specified in the lease within thirty days of such discovery. 2[]

3[(16) If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall not win and dispose of such mineral unless such mineral is included in the lease or a separate lease is obtained for such mineral. In such case the dead rent shall be charged for the mineral whose dead rent is higher as specified in Schedule-II.

1.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Deleted by Rajasthan Gazette Extraordinary dated 28/01/2011

3.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

(16A) If any major mineral is discovered in the lease area, the

lessee shall not win and dispose of such mineral unless a separate lease of major mineral is obtained or permission to dispose of such mineral is obtained from competent authority on the terms and conditions prescribed by Government.]

(17) If the lessee intimates his intention not to work the newly discovered mineral(s) or fails to report to work the newly discovered mineral(s) within a period of three months from the date of discovery of new mineral then it shall be open to the Government to grant a lease for the working of the same to any other person, provided such working does not obstruct or interfere with the working of existing lease.

(18) The lessee may surrender the lease at any time by giving an application in writing to Mining Engineer / Assistant Mining Engineer, which shall be accepted with immediate effect, provided there are no dues against the lessee in respect of the lease. In case there are dues against the lessee, the surrender of lease shall be accepted after 6 months of the date of notice but where only one quarterly installment of dead rent is due against the lessee and where there are no other breaches of the term of lease, the security of the lease shall be adjusted against dues and surrender shall be accepted with immediate effect.

1[Provided that where the mineral deposit is not economically workable, the lessee may surrender a part of the lease area with immediate effect by submitting an application to the Mining Engineer / Assistant Mining Engineer which may be accepted by the competent authority subject to the following conditions:

(a) The area retained shall be rectangular and contiguous in shape, length being not more than 4 times the width;

(b) The extent of retained area shall not be less than the minimum prescribed size of the plot fixed for the mineral for that area;

(c) There shall be no dues against the lessee.]

(19) The lease shall be liable to be cancelled by the Director or Competent authority if the lessee ceases to work the mine for a continuous period of six months without obtaining sanction of the Government.

(20) The Government or competent authority shall from time to time and at all times during the term of lease have the right (to be exercised by notice, in writing to the lessee.) of presumption of the said minerals (and all products thereof) lying in or upon the said land hereby demised or elsewhere under the control of the lessee and the lessee shall deliver all minerals or products to the Government at current market rates in such quantities and in the

manner and at the place specified in the notice exercising the said right.

1. Added by Rajasthan Gazette Extraordinary dated 12/08/1994

(21)(a) In case of any breach on the part of the lessee of any covenant or condition contained in the lease, the competent authority may determine the lease and take possession of the said premises and forfeit the security money or in the alternative may impose payment of a penalty not exceeding twice the amount of annual dead rent of the lease. Such action shall not be taken unless the lessee has failed to remedy the breach after serving of 15 days notice;

(b)The Government may also at any time after serving the aforesaid notice enter upon the said premises and distain all or any of the minerals or movable property therein and may carry away, distain or order the sale of the property so distained or so much of it as will suffice for the satisfaction of the rent or royalty due and all cost and expenses occasioned by the non-payment thereof.

(22)(a) As soon as the lease is determined the lessee shall deliver up the said premises and all mines (if any) dug therein in a proper and workable state (save in respect of any working as to which the Government might have sanctioned abandonment) to the Mining Engineer / Assistant Mining Engineer having jurisdiction over the area or to any person authorised by him;

(b)The mineral left on expiry of lease period or on determination of lease or on surrender of lease shall be removed by the lessee with in 1[30] days of the date of expiry or surrender or receipt of the order of determination of lease;

Provided that if the mineral is not removed within the aforesaid period of 1[30] days the mineral shall belong to the State and the Mining Engineer / Assistant Mining Engineer of the area may dispose it of either by public auction, by beat of drum or by direct sale at the rate prevalent in the adjacent area.

2[(c) If on expiry or earlier determination of lease or after the date from which any surrender of a part or parts of the said lease under the provisions contained in clause (18) of this rule become effective, there remain in or upon the said land or the surrendered part or parts thereof, as the case may be, any engine, machinery, plant, structures, railways or other works, erections and conveniences or other property which are not required by the lessee in connection with his / their operations in those parts of the said lands, they shall become the property of the Government and may be sold or disposed of after a period of three months from the

date of expiry or surrender of part or whole of the lease in such manner as the Government may deem fit without liability to pay any compensation.]

1.Substituted by Rajasthan Gazette Extraordinary dated 29/08/1996

2.Added by Rajasthan Gazette Extraordinary dated 29/08/1996

(23)The Government may by six months prior notice in writing determine the lease if the Government considers that the mineral under the lease is required for establishing an industry beneficial to the public.

Provided that no such notice shall be necessary in the event of war or national emergency.

(24) For the purpose of carrying out mining operations in accordance with approved practices:-

1[(i) Every holder of mining lease who pays an annual dead rent or royalty above rupees one lac but below rupees five lacs shall employ a whole time Mines Foreman.

(ii)Every holder of mining lease who pays an annual dead rent or royalty above rupees five lacs shall employ a whole time Mining Engineer.]

Provided that a Mining Engineer or Mines Foreman employed by the lessee shall respectively possess the following qualifications, namely:-

(a)Mining Engineer - Diploma in Mining Engineering from The Indian School of Mines and Applied Geology, Dhanbad or a degree in Mining Engineering from any Recognized University;

(b)Mines Foreman - Diploma in Mining Engineering from any recognized Polytechnic Institute;

Provided further that the holders of such mining leases shall pay to the Mining Engineer or Mines Foreman as the case may be, emoluments not below what would have been admissible to them in Government Service.

(25)The Mining Engineer / Assistant Mining Engineer concerned may, by an order in writing prohibit further mining or quarrying in the leased area, if in his opinion such operation is likely to cause premature collapse of any part of the workings or otherwise endanger the mine or quarry or the safety of persons employed therein, or there is danger as regards to out break of fire or flooding or such operations may cause damage to any property.

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

(26)The lessee / lessees shall not work or carry on or allowed to be

worked or carried on at any point within a distance of 45 meters from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, canal or other public works or buildings or inhabited site except with the previous permission of the Collector or any other officer authorised by the Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions either general or special as may be attached to such permissions. The said distance of 45 meters shall be measured in the case of railway, reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof.

Explanation: for the purpose of this clause:

(1)The expression Railway, Administration shall have the same meaning as defined in the Indian Railway Act, 1890 by sub-section (4) of section 3 of that Act.

(2)"Public Road" shall mean a road which has been constructed or artificially surfaced as distinct from a track resulting from repeated use.

(27)If any area out of the leased area is declared as a protected area under the Ancient Monuments Preservation Act, 1904 the lessee shall have to deliver the possession back to the State Government without claiming any compensation for the area.

(28)The lessee / lessees shall deliver to or permit to be taken by the representative of the Government, a sample or samples of all rocks found on Mines or raised there from and all intermediate and finished products sold or intended for sale by the lessee / lessees.

(29)The Lessee / lessees shall abstain from entering upon the surface of any occupied Government land or of any private land comprised within the leased area without previously obtaining the consent of the occupant in writing.

1[(30) The lessee / lessees shall inform the Mining Engineer / Assistant Mining Engineer Concerned about opening any new quarry or depot in the leased area within 7 days of doing so.]

2[(31) The competent authority may with the prior approval of the Government impose such special conditions(s) as deemed necessary, in the interest of mineral development.

1.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Added by Rajasthan Gazette Extraordinary dated 12/08/1994

18A. Lapsing Of Leases :-

(1) Subject to the other conditions of this rule where mining operations are not commenced within two years from registration of the lease or is discontinued for a continuous period of two years after commencement of such operations, the Government shall, by an order, declare the mining lease as lapsed and communicate the declaration to the lessee.

(2) Where a lessee is unable to commence the mining operation within a period of two years from the date of registration of the lease, or discontinues mining operations for period exceeding two years for reasons beyond his control, he may submit an application to Mining Engineer / Assistant Mining Engineer explaining reasons of the same at least three months before expiry of such period.

(3) Every application under sub rule (2) shall be accompanied by a fee of Rs. 1[5000/-].

(4) The Government may on receipt of application made under sub rule (2) and on being satisfied about the adequacy and genuineness of reasons for the non-commencement of mining operations or discontinuance thereof, pass an order before the date on which the lease would have otherwise lapsed, extending or refusing to extend the period of the lease.

Provided that where the Government on receipt of an application under sub rule (2) does not pass an order before the expiry of the date on which the lease would have otherwise lapsed, the lease shall be deemed to have been extended until the order is passed by the Government or until a period of one year, whichever is earlier.

(5) Every application under sub rule (2) shall be entered in the register kept for this purpose and a receipt shall be given to the applicant.

18B. Reviving Of Leases :-

(1) Where a lessee is unable to commence the mining operations within a period of two years from the date of registration of the mining lease or discontinues mining operations for a period exceeding two years for reasons beyond his control, he may submit an application to the Mining Engineer / Assistant Mining Engineer explaining reasons for the same at-least within six months from the date of its lapse.

Provided that the lease shall not be revived under this provision for more than twice during the entire period of lease.

1. Substituted by Government Notification dated 18/12/2004

(2) Every application under sub rule (1) shall be accompanied by a fee of Rs. 1[10000/-].

(3) The application made under sub rule (1), shall be decided by the Government on its merits.]]

19. Execution Of Lease :-

(1) Where the lease has been granted or renewed under these rules the grantee shall pay demarcation fee, get the area demarcated, deposit the security along with one quarterly installment of annual dead rent and submit requisite stamps for execution of formal lease deed in form No. 5 within 45 days from the date of receipt of order for grant.

(2) The lease deed shall be executed within 3 months from 2[the date of receipt of order of grant] and the competent authority shall sign the agreement on behalf of Governor of Rajasthan as required

under Article 299 of the Constitution of India.

(3) The lease deed shall be got registered by the grantee within a period of 2 months from the date of receipt of the lease deed from the Mining Engineer / Assistant Mining Engineer for the purpose and shall be returned to the Mining Engineer / Assistant Mining Engineer after registration within the said period.

(4) Where the grantee fails to comply with the provisions of sub-rule (1) above within a period of 45 days from the date of receipt of the order for grant or he fails to execute the lease within 3 months from the date of receipt of order for grant or fails to return the registered lease documents within a period of 2 months provided under sub-rule (3) the order granting the lease may be revoked and amount of security and dead rent deposited by him may be forfeited.

3[Provided that if the grantee completes the formalities mentioned in sub-rule (1) before issue of revocation order in sub-rule (4), the competent authority may allow for execution the agreement mentioned in sub-rule (2) subject to payment of late fee @ 9% of annual dead rent for every month of delay or part thereof.]

1.Substituted by Government Notification dated 18/12/2004

2.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

3.Substituted by Government Notification dated 28/01/2011

Provided 1[further] that where the authority competent to grant the lease is satisfied that there are sufficient reasons to believe that the grantee is not 2[responsible for the delay in the execution / registration of lease deed, he may permit the execution / registration and return of the lease deed] 3[before issue of revocation order in sub-rule (4).]

3[Provided also that if the grantee returns registered lease deed before issue of the revocation order under sub-rule (4), then sanction shall not be revoked, if the grantee pay the late fee @ 9% of annual dead rent for every delay of a month or part thereof within 15 days of submission.]

(5) When a mining lease is granted by the State Government or the competent authority, arrangements shall be made at the expenses of the lessee for the survey and demarcation of the area granted under the lease.

Provided that where the Mining Engineer / Assistant Mining Engineer concerned feel it necessary to demarcate the area before issuing an order of grant for mining lease, he may ask the applicant to deposit the demarcation charges within time specified by him

and get the area demarcated.

Provided further that if the applicant fails to comply with such order the application for grant of mining lease shall be rejected.

4[Provided also that the lessee, after demarcation of the granted area, shall construct boundary pillars and maintain them throughout the period of lease.

Provided also that re-verification of boundary pillars shall also be carried out on the request of the lessee but the expenses of the re-verification shall be twice the amount of demarcation fee given in the Note below:]

5[Note: Expenses for demarcation shall be:-

(a)Rs. 1000/- per Hectare or part thereof for area up to one hectare.

(b)Rs. 800/- per Hectare or part thereof for area more than 1 hectare but up to 5 hectare.

(c)Rs. 200/- per Hectare or part thereof for the area more than 5 hectares subject to minimum Rs. 4000/- and maximum Rs. 20000/-]

1.Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

3.Substituted by Government Notification dated 28/01/2011

4.Added by Rajasthan Gazette Extraordinary dated 24/03/2011

5.Substituted by Government Notification dated 18/12/2004

20. Currency Of Lease :-

The currency of lease shall be from the date of execution of the lease agreement unless otherwise stated. The execution shall include registration of the document also. The lessee shall have no right to continue work on accumulate stock on or after the date of termination of lease or its earlier determination, unless otherwise permitted by the Government or the competent authority.

21. Grant Of Mining Lease By Auction Or Tenders :-

(1)Notwithstanding anything contained in these rules, any mineral deposit may be leased out by public auction or by inviting tenders to be submitted for acceptance by the authority competent to grant the lease.

1[(2) Notwithstanding anything contained in the Schedule-II, the minimum annual amount to be paid in excess of prescribed dead rent, as per Schedule-II, shall be determined by the auction or the

tender offered, as the case may be. Other terms and conditions of the lease shall be in accordance with rule 18. Provided that the minimum annual amount in excess of dead rent determined from auction or tender shall not be adjusted against royalty and shall be charged extra every year.]

(3) 2[]

(4)The State Government may discontinue grant of mining leases by auction or tender in a particular area by issuing a notice in the Official Gazette 3[or atleast one daily newspaper having wide circulation in the State as well as one news paper having wide circulation in the locality nearest to the area in question] in this regard.

1.Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

2.Deleted by Rajasthan Gazette Extraordinary dated 24/03/2011

3.Inserted by Rajasthan Gazette Extraordinary dated 13/07/1992

CHAPTER 3

Grant of Quarry Licence

22. Restriction On Grant Of Quarry Licence :-

(1)No quarry licence shall be granted for any 1[mineral deposits in Government land unless it is notified] in the Rajasthan Gazette 2[or at least one daily newspaper having wide circulation in the State as well as one news paper having wide circulations in the locality nearest to the area in question] by the Mining Engineer / Assistant Mining Engineer after due approval of the Director. Such notification shall be made after delineating the plots of quarries and shall mention the dimension of area for each licence.

3[]

4[Provided further that 50% of the plots delineated in Government land shall be allotted by open auction and remaining 50% shall be allotted by inviting applications as per the reservation provided in rule 27.]

(2)The maximum number of the licences which may be issued to a person in his individual capacity or jointly with any other person within jurisdiction of Mining Engineer / Assistant Mining Engineer shall not exceed two.

5[Provided that the above restriction shall not apply to those quarry licences which have been converted from Rent-Cum-Royalty Leases in accordance with these rules.]

6[(3) No quarry licence shall be granted or renewed to a person

against whom or any member of his / her family or against a firm of which he / she is or was a partner, the dues of the Department are outstanding.

Provided that where an injunction order has been issued by a court of law or any other competent authority staging the recovery of such dues, the non payment thereof shall not be treated as disqualification for the purpose of grant or renewal of the quarry licence.]

1.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Inserted by Rajasthan Gazette Extraordinary dated 13/07/1992

3.Deleted by Rajasthan Gazette Extraordinary dated 31/03/2011

4.Added by Rajasthan Gazette Extraordinary dated 28/01/2011

5.Added by Rajasthan Gazette Extraordinary dated 12/08/1994

6.Added by Rajasthan Gazette Extraordinary dated 29/08/1996

23. Application For Grant Of Quarry Licence :-

(1)Every application for grant of quarry licence shall be submitted to the Mining Engineer / Assistant Mining Engineer in Form No.1-C.

(2)Every application for grant of a quarry licence shall be accompanied by a fee of 1[Rs. 5000/- for marble and sandstone, if area of sandstone quarry is 4 hectare and above and Rs. 500/- for other minerals and sandstone if area of sandstone quarry is less than 4 hectares] either in the form of Bank Draft / Treasury Challan or in Cash at the office where application is submitted. The application fee shall not be refunded.

(3)Every application for a quarry licence shall be accompanied by an affidavit duly sworn and admitted before a Notary Public or Oath Commissioner stating as to which category out of those mentioned in rule 27, the applicant belongs.

2[(4) Every Application for a quarry licence shall be accompanied by an attested copy of no dues certificate from the Mining Engineer / Assistant Mining Engineer concerned, if the applicant holds or has held any mineral concession.

Provided that a properly sworn affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above is furnished within 60 days of the date of application failing which the application shall become invalid.

Provided further that no dues certificate shall not be required where a person has furnished an affidavit to the satisfaction of the Mining Engineer / Assistant Mining Engineer stating that he does not or did

not hold any type of mineral concession.]

24. Register Of Quarry Licence Applications And Quarry Licences :-

(1)A register of quarry licence application shall be maintained in the office of the concerned Mining Engineer / Assistant Mining Engineer in the Form No. 6.

(2)A register of quarry licences shall be maintained in the office of the concerned Mining Engineer / Assistance Mining Engineer in the Form No. 7.

25. Area Under Quarry Licence :-

In respect of a particular area and mineral deposit the dimension of each plot for the purpose of grant of quarry licence shall be fixed by the Mining Engineer.

1.Substituted by Government Notification dated 18/12/2004

2.Added by Rajasthan Gazette Extraordinary dated 29/08/1996

Provided that dimension of such plots shall not be smaller than 60 meters x 30 meters: 1[This limit shall however, not apply to the gap areas lying between two or more quarry licence which are less than the minimum prescribed size.]

1[Provided also that where the gap area available free for grant is 2[less than 0.25 hectare] and surrounded by three or more quarry licences or by forest boundary or any other reserved land, such gap area shall be granted by auctions to any one of the surrounding quarry licence and the same shall be added in his licence.

Provided also that where the gap area is 2[0.25 hectare or above], separate quarry licence shall be granted by way of open auction after delineation and notification as per the procedure provided in rule 22(1).]

Provided further that the dimension of one plot under such licence shall not exceed 400 m x 200 m for the marble and its associated minerals and 120m x 60m for any other mineral.

Provided further also that where quarry licence is granted on a fixed annual licence fee inclusive of royalty the dimension of such plots shall not exceed 10m x 10m.

3[Provided also that 30 meter wide strip of Government land shall be kept reserved around the existing quarry boundaries or licences for allotment to adjoining quarry licensee to enhance quarry size for scientific and safe mining, The area of strip shall be allotted on an application submitted by the licensee to the Mining Engineer /

Assistant Mining Engineer concerned, after considering its merit and obtaining prior approval of the Director (Mines), area of strip may be added to his existing quarry licence. The existing licensee in whose licence, the strip is added shall pay, premium equivalent to four times of rent of the area to be added, in addition to rent as per rules.]

26. Procedure For Grant And Renewal Of Quarry Licence :-

(1)A quarry licence shall be granted by the Mining Engineer/ Assistant Mining Engineer in Form No. 8 for a 2[period of fifteen years] or part thereof ending either on 30th June or 30th Sept. or 31st December.

2[(2) A quarry licence may be renewed on submission of application to the Mining Engineer / Assistant Mining Engineer along with Form No 1-K, for a period of 10years.

1.Substituted by Government Notification dated 10/10/2008

2.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

3.Added by Rajasthan Gazette Extraordinary dated 24/03/2011

(3)Where the competent authority is satisfied that the quarry has been worked properly, subsequent renewal may also be granted to the licensee.

Provided that the maximum period including the period of original grant and subsequent renewals of a quarry licence shall not exceed 90 years.

(4)The renewal application shall be accompanied by:

(a)a fee of Rs. 5000/- in the form of DD / Challan, for Marble;

(b)a fee of Rs. 5000/- in the form of DD / Challan, for Sandstone, if area of Sandstone quarry is 4 hectare and above and Rs. 1000/- for Sandstone, if area of Sandstone quarry is less than 4 hectares;

(c)a fee of Rs. 1000/- in the form of DD / Challan, for other minerals;

(d)licence fee applicable at the time of application for one year; and

(e)original licence of quarry.

(5)An application for renewal of quarry licence shall be submitted at least 30 days before the expiry of licence period.

Provided that in case the renewal application is not submitted 30 days before the expiry of licence period, the licensee may submit the application for renewal within a period of three months after

expiry of licence period along with a late fee @ 10% of the licence fee for delay of each period of one month or part thereof.

(6) In case renewal application is not submitted even after three months of expiry of licence period, licence may be terminated.

(7) In case licensee submits renewal application after issue of notice under sub-rule (6) but before termination of licence, licence may be renewed, subject to an additional late fee of 15% of the annual licence fee for delay of each period of one month or part thereof after the expiry of three months of licence period till the date of application.]

27. Reservation And Preferential Right Of Certain Categories Of Persons :-

(1) [Notwithstanding any thing contained in these rules, when a new block of quarries is delineated, quarry licences for minerals other than marble, dolomite, rhyolite, granite, serpentine, diorite and any other rock used for slab or tile making shall be kept reserved for the following categories of persons as per percentage indicated against each category:-]

1. Substituted by Rajasthan Gazette Extraordinary dated 06/04/1991

1[(i) Manual workers employed in mines, belonging to Schedule Caste. 5%

(ii) Manual workers employed in mines, belonging to Schedule 5% Tribes.

(iii) Manual workers employed in mines, belonging to Other Backward 5%
Classes / Special Backward Class

(iv) Manual workers employed in mines other than Schedule 20%
Caste/Schedule Tribes / Other Backward Classes / Special
Backward Class

(v) Persons belonging to Schedule Caste 5%

(vi) Persons belonging to Schedule Tribes 5%

(vii) Persons belonging to Other Backward Classes / Special

Backward 5%
Class

(viii) Persons identified as Below Poverty Line 10%

(ix) Village artisans and land-less labourers. 10%

(x) 2[Freedom fighter / Ex-soldiers] including members of para 10% military forces belonging to Rajasthan who have been permanently disabled and the dependents of those who have died while in service.

(xi) Rajasthan State Ex-Government servants, who have become 5% permanently disabled while on duty or the dependents of those who have died while in service.

(xii) Registered society for the unemployed youth. 10%

(xiii) Other applicants. 5%]

(2)Whenever a new block of quarries delineated the plots to be reserved for allotment to different categories of persons, shall be decided by the competent authority by the method of lottery and shall be notify accordingly for inviting applications.

1.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

Provided that when the total number of plots for allotment is less than 10, these shall be granted to persons belonging to the categories specified in sub-rule (1) in the descending order of priority. 1[]

2[Provided further that provisions of this rule shall not apply for plots delineated prior to these rules.]

3[(3) When two or more applications are received within the period notified for the purpose for any one plot, the competent authority may select and issue quarry licence to any one of the eligible applicants by the method of lottery which shall be drawn by any two of the following persons:-

(a) Representative of the Directorate not below the rank of Mining Engineer and

(b) MLA / Pradhan of the area; and

(c) Collector or his nominee not below the rank of Rajasthan Administrative Service.

Provided that in the case of newly delineated quarry block for which applications have been invited for the first time, if no application has been received for any plot within a period of three months from the date notified for the purpose from any person belonging to the category for which the plot was reserved, the plot shall be re-notified by inviting applications from the persons belonging to the same category for which it was reserved.

Provided further that if no application is received from eligible persons in response to the notification issued second time as provided above within a period of one month from the date notified for receipt of applications, the plot shall be deemed to have been de-reserved and free for allotment to any applicant whose application was received earlier in order of time.

Provided also that gap areas within the quarry block shall be allotted in the manner decided by the Government by a general or specific order.]

(4) 1[]

(5) 1[]

(6) 1[]

1.Deleted by Rajasthan Gazette Extraordinary dated 06/04/1991

2.Added by Rajasthan Gazette Extraordinary dated 12/08/1994

3.Substituted by Rajasthan Gazette Extraordinary dated 06/04/1991

27A. Grant Of Quarry Licence For Marble And Its Associated Group Of Minerals :-

When two or more applications have been received for a quarry licence in respect of the same plot within the period specified for receipt of applications for that plot, the competent authority after taking into consideration the matters specified below may grant quarry licence to such one of the applicants as it deems fit:-

(a)Any special knowledge or experience in mining operations possessed by the applicant;

(b)Financial resources of the applicant and the amount of investment proposed to be made in mechanisation of quarry;

(c)Proposal for setting up cutting and polishing plant for the mineral excavated; and

(d)Any matter as may be specified.

Provided that among applicants adjudged to be equally deserving with reference to the above criteria preference shall be given to manual workers belonging to Scheduled Castes / Scheduled Tribes 2[/ Other Backward Classes] working in mines, manual workers working in mines, persons belonging to the Scheduled Castes / Scheduled Tribes 2[/ Other Backward Classes], persons selected under Integrated Rural Development Program, ex-soldiers including members of Para military forces and the dependents of those who has been killed while on duty in

descending order of priority.

27B. Section 27B :-

When the licence has been granted by the competent authority for a particular plot to a person, all the remaining applications received for the grant of licence for the same plot shall be rejected.

27C. Availability Of The Area For Re-Grant :-

(1)When the quarry licence has been granted to an applicant and the applicant fails to deposit the licence fee, the plot shall be available for re-grant after affixing a 30 days notice on the notice board in the office of the concerning Mining Engineer / Assistant Mining Engineer and an entry to this effect shall be made on the same day in the register of quarry licences maintained for this purpose.

1.Added by Rajasthan Gazette Extraordinary dated 06/04/1991

2.Inserted by Rajasthan Gazette Extraordinary dated 28/06/2001

(2)When the quarry licence is determined earlier or when the period of Three months after the expiry of licence also expires and the licensee fails to deposit the licence / renewal fee as per rules, the plot shall be available for re-grant after affixing 30 days notice on the notice board in the office of the concerning Mining Engineer / Assistant Mining Engineer and an entry to this effect shall be made on the same day in the register quarry licences maintained for this purpose.

(3)The notice to be affixed as per provisions of sub-rule (1) and (2) above shall also be published at least 7 days before the date of receipt of the applications in one or more daily newspaper having wide circulation in the area.

(4)In all cases of re-grant the provisions of Rule 27(1) shall not apply regarding categorization of plots.]

27D. Grant Of Quarry Licence For Plots Delineated And Notified Prior To Commencement Of These Rules :-

(1)Where two or more persons have applied for a quarry licence in respect of the same plot, applicant whose application was received on earlier date shall have a preferential right for the grant of quarry licence over an applicant whose application was received later.

(2)Where two or more applications are received on the same day for any one plot, the competent authority may select and issue quarry licence to any one of the eligible applicant by the method of lottery which shall be drawn by any two of the following persons:-

a) Representative of the Directorate not below the rank of Mining Engineer; and

b)MLA / Pradhan of the area; and

c)Collector or his nominee not below the rank of Rajasthan Administrative Service.]

27E. Demarcation Of Quarry Licence Area :-

3[(1) When a quarry licence is granted by the State Government or the Competent authority, arrangements shall be made at the expenses of the licensee for the survey and demarcation of the area granted under the licence.

1.Added by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Substituted by Rajasthan Gazette Extraordinary dated 31/03/2011

3.Inserted by Rajasthan Gazette Extraordinary dated 24/03/2011

Provided that where the Mining Engineer / Assistant Mining Engineer concerned feel it necessary to demarcate the area before issuing an order of grant for quarry

licence, he may ask the applicant to deposit the demarcation charges within time specified by him and get the area demarcated.

Provided further that if the applicant fails to comply with such order the application for grant of quarry licence shall be rejected.

Provided also that the licensee, after demarcation of the granted area, shall construct boundary pillars and maintain them throughout the period of licence.

Provided also that re-verification of boundary pillar shall also be carried out on the request of the licensee but the expenses of the re-verification shall be twice the amount of demarcation fee given in the note below.

Note : Expenses for demarcation shall be-

(a) Rs. 500/- per Hectare or part thereof for area up to one Hectare.

(b) Rs. 800/- per Hectare or part thereof for area more than one hectare but up to 5 hectare.

(c) Rs. 200/- per Hectare or part thereof for the area more than 5 hectares subject to minimum Rs. 4,000/- and maximum Rs. 20,000/-.

28. Licence Fee, Security Etc. For Quarry Licence :-

(1) The Licence fee for a quarry licence shall be between 1[Rs. 1,000/- to

Rs. 2,00,000] per annum as may be fixed by the Mining Engineer 2[from time

to time]. The licence fee shall be paid annually in advance 3[] provided

that if the period of licence is less than one year at the time of initial grant as

provided in rule 26 (1) proportionate amount of licence fee for the calendar

months during which the licence remained in force shall be charged in the first

year.

2[provided that such licence fee once fixed shall not be revised more

than once during any period of 3 years.]

(2) Every licensee shall deposit a security which shall be equivalent to 25% of the annual licence fee with the Mining Engineer / Assistant Mining Engineer along with the licence fee, at the time of grant for due observance of the terms and conditions of the licence.

1.Substituted by Government Notification dated 18/12/2004

2.Inserted by Rajasthan Gazette Extraordinary dated 10/12/1987

3.Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996

Provided that security amount shall be refunded to the licensee on termination of the licence after deducting dues against the licensee, if any.

(3) The licensee or his agent, contractor, assignee, transporter etc. shall pay, in addition to the licence fee royalty at Departmental Naka or to the Royalty Collection Contractor as the case may be in

accordance with the Schedule-I.

1[Provided that the licence fee inclusive of royalty shall be Rs. 1,000/- per month in respect of areas which do not measure more than 10 X 10 meters in size. Amount of licence fee shall be payable annually in advance on the date specified by the Mining Engineer / Assistant Mining Engineer.]

2[Provided further that such licence fee inclusive of royalty shall not be revised more than once during any period of 3 years.]

29. Conditions Of Quarry Licence :-

(1)The licensee shall have the liberty at all times during the period of the licence in respect of the plot / land for which licence is sanctioned to enter upon the area and to mine, bore, dig, drill, win work, stock, dress, process, convert, carry away and dispose of the said mineral subject to the following conditions:-

(a)The licensee or his agent, contractor assignee, transporter etc. shall pay royalty on the quantity of the said mineral despatched from the said quarry at the rate specified in the Schedule-I to the Government or any royalty collection contractor appointed by the Government in this behalf.

(b)The licensee shall pay annual licence fee in advance to the Government on or before such date as specified by Mining Engineer / Assistant Mining Engineer. If the licence fee is not paid on the due date, the same

shall be recoverable along with a penalty equivalent to 10% of the licence fee 3[up to a period of 3 months from the due date of payment. Failing which licence may be terminated after giving a 15 days notice.]

(c)The licensee shall deposit a sum equal to 25% of the annual licence fee as security for the observance of the terms and conditions of the licence.

(d)The licensee shall pay such amount per year or part thereof to the Government for removal of dump from the quarry at such rate and at such time as may be fixed by Government from time to time.

1.Substituted by Government Notification dated 18/12/2004

2.Inserted by Rajasthan Gazette Extraordinary dated 10/12/1987

3.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

(e)The licensee shall start work in the quarry within one month of the grant of licence and shall thereafter continue to work effectively

in a proper skillful and workman like manner, both as regards conservation of mineral and as regards removal of all valuable minerals from within the mines.

(f)The licensee shall maintain and at all times keep in repair boundary pillars at the corners of the quarry according to the demarcation approved by the Mining Engineer / Assistant Mining Engineer.

(g)The licensee shall abide by the instructions of the Mining Engineer / Assistant Mining Engineer regarding the working of the quarry, removal of waste, drainage and other matter connected with the systematic development and working of the quarry.

(h)The licensee shall make reasonable satisfaction and pay such compensation as may be assessed by lawful authority in accordance with the law or rules or order in force on the subject for all damages, injuries or disturbances which may be done by him and shall indemnify and keep indemnified fully and completely the Government against all such damage, injury or disturbances and all costs and expenses in connection therewith; and

(i)The licensee shall without any delay report to the Director, Mining Engineer / Assistant Mining Engineer any accident which may occur at or in the said premises and also the discovery on or within any of the lands or mines demised by the licence of any mineral not specified in the licence.

(2)The licence may be cancelled by Mining Engineer / Assistant Mining Engineer without giving any notice if the licensee fails to start work at the said quarry or does not work it for a continues period of 3 months without obtaining his prior approval. However the Mining Engineer / Assistant Mining Engineer may refuse for such approval for reasons to be recorded.

(3)The mineral left on the expiry of licence period or cancellation of licence shall be removed by the licensee within 15 days of the expiry of licence or receipt of the order of cancellation of licence.

(4)The licensee may surrender the licence with immediate effect after giving a notice in writing to the Mining Engineer / Assistant Mining Engineer provided that the amount of licence fee for the balance period of the licence shall not be refunded but the security deposited by the licensee shall be refunded.

(5)The Mining Engineer may enhance or reduce the licence fee in respect of any particular area of block provided that the enhancement of licence fee shall not be made before a period of 3 years from any such previous enhancement.

(6). The State Government may by a notification in the official

Gazette amend from time to time the First Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral provided that any enhancement in the rate of royalty for a mineral shall not be made before a period of 3 years of any such previous enhancement. Provided further that this rule shall not be applicable in the case where licence is granted on a fixed annual licence fee inclusive of royalty.

(7) 1[The licensee shall confine his workings within the limits of the plot allotted to him and shall not undertake mining outside his plot. In case the licensee is found working outside the boundary of his allotted plot, the licence may be cancelled by the Mining Engineer / Assistant Mining Engineer.

Provided that no such action shall be taken against the licensee without giving him an opportunity of being heard.

(8)The licensee shall not obstruct approach to the adjoining licensee. In case of any dispute about the approach road, directions of the Mining Engineer / Assistant Mining Engineer shall be final and binding.]

2[(9) The licensee shall not work and carry on or allowed to be worked or carried on at any point within a distance of 45 meters from any National and State Highway. The said distance of 45 meters shall be measured from the outer toe of the road. In case of roads other than National and State Highways, the safe distance of 15 meter from the centre of the road on both sides shall be maintained by the licensee.]

30. Cancellation Of Licence :-

(1)The licensee shall abide by all terms and conditions of licence.

Provided that the Mining Engineer / Assistant Mining Engineer incharge of the area may issue directions in respect of Mining methods, removal and disposal or over burden, stacking of minerals, payment of royalties and other connected matters.

(2)If the licensee commits breach of any terms of licence or any provision of the rules or fails to comply with the directions given by the Mining Engineer / Assistant Mining Engineer within the period specified by him the competent

authority may after giving 15 days notice to remedy the breach or to comply the directions, impose penalty not exceeding 3[Rs. 10000/-] or in the alternative may cancel the licence with forfeiture of security deposits and licence fee for the remaining period of the licence.

- 1.Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994
- 2.Added by Rajasthan Gazette Extraordinary dated 28/01/2011
- 3.Substituted by Government Notification dated 18/12/2004

31. Transfer Of Quarry Licences :-

(1)A quarry licence may be transferred with prior approval of the competent authority after a period of one year from its commencement to a person

belonging to the same category as that of the licence, on payment of a transfer fee of 1[Rs. 5,000/- for marble and sandstone, if area of sandstone quarry is 4

hectare and above, and Rs. 2,000/- for other minerals and sandstone, if area of sandstone quarry is less than 4 hectares.]

Provided that transfer of a quarry licence shall not be allowed where the quarry has not been worked.

(2) 2[An application for transfer of quarry licence shall be disposed of by the competent authority.]

1.Substituted by Government Notification dated 18/12/2004

2.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

CHAPTER 4

Grant of 1[Royalty Collection Contract / Excess Royalty Collection Contract with or without collection of Permit fee / other charges] and Mining Lease by auction or tender

32. Grant Of Royalty Collection Contract :-

1[Royalty collection contract / Excess Royalty Collection Contract with or without collection of permit fee/other charges]:-

(1) 1[Royalty collection contract / Excess Royalty Collection Contract with or without collection of permit fee / other charges] may be 2[granted by auction, tender, e-auction or e-tender] only in respect of such area and mineral as the Director may by a general or special order, direct.

(2) 1[Royalty collection contract / Excess Royalty Collection Contract with or without collection of permit fee / other charges] may be granted by the competent authority 2[by auction, tender, e-auction or e-tender] for a maximum period of two years.

Provided that where it is necessary to do so, the period of contract may be further extended 2[for a period up to 90 days or till new contract comes into force, whichever is earlier] by the competent authority with the prior approval of the Director and with the

consent of contractor 1[and a rider agreement shall be executed before expiry of the original contract.]

1[Provided further that where it is necessary to do so, the period of contract may be further extended by the Government and a rider agreement shall be executed before expiry of the contract.]

3[Provided also that the extension of contract period shall be subject to the condition that the contractor shall pay 10% increased amount of the existing annual contract amount or the contract amount fixed by the Director keeping in view, the mineral despatch from the area concerned or the annual contract amount at which next contract comes into force, whichever is higher, for the period of extension. The security amount and Bank Guarantee for extended period shall remain the same as deposited by the contractor during the original contract period and shall not be refunded or adjusted in the dues or installments of the contract till next contract comes into force.]

1.Inserted / Added / Substituted / Deleted by Rajasthan Gazette Extraordinary dated 27/03/2003

2.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

3.Added by Rajasthan Gazette Extraordinary dated 28/01/2011

(3)The amount to be paid annually by the contractor to the Government shall be determined in 1[auction or e-auction or by tender or e-tender to be submitted] for acceptance by the authority competent to grant the contract.

2[Provided that in case of enhancement or reduction in the rate of royalty given in the schedule-I or permit fee / other charges, the royalty collection contractor shall be liable to pay an increased or reduced amount of contract money, security amount and guarantee amount in proportion to the enhancement or reduction for the remaining period of contract from the date of such enhancement or reduction, as the case may be. Provided further that on enhancement or reduction in the rate of royalty, the excess royalty collection contractor shall be liable to pay an enhanced or reduced amount of contract money, security amount and guarantee amount calculated according to the following formula:- Revised contract amount = [(Existing Contract amount + Total existing dead rent) x new royalty rate / existing royalty rate - Total existing dead rent.]]

3[] (4) 3[Only contractors registered with the Department as per norms and procedure laid down by the State Government from time to time shall be eligible to offer bid in auction or submit tender for collection or royalty / excess royalty / permit fee / other charges.]

Provided that no registration is required for the contracts having reserve price up to 1[Rs. 10.00 lacs.] 4[Provided further that it shall be compulsory for the existing royalty and / or excess royalty collection contractor to renew his registration, in case the same expires during the tenure of such contract.]

(5) 5[]

1.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Substituted by Government Notification dated 15/11/2010

3.Inserted / Added / Substituted / Deleted by Rajasthan Gazette Extraordinary dated 27/03/2003

4.Added by Rajasthan Gazette Extraordinary dated 28/01/2011

5.Deleted by Rajasthan Gazette Extraordinary dated 28/01/2011

32A. Registration Of Contractor :-

(1)Any person may apply for registration as contractor. The application for registration or its renewal shall be made in Form No. 1-J to any Zonal Office of the Additional Director (Mines). The registration shall be renewed by the same Zonal Officer by whom registration certificate was issued.

(2)The competent authority for fresh registration or renewal shall be Zonal Officer i.e. Additional Director (Mines).

(3)Every application made under sub-rule (1) for registration or its renewal shall be accompanied by:

(a)a fee (non- refundable) in cash or demand draft in favour of the competent authority, minimum net worth certificate and security amount as shown below:-

Class of Application Reserve price Minimum Net worth (Security

Contractor fee (in Rs.) (in Rs) (certificate issued by amount

application Chartered Accountant on (Rs. in

parameters mentioned in Lacs)

rule 3(d) (Rs. in Lacs)

A 10000.00 Any amount 50.00 2.00
above 100.00
lacs

B 5000.00 Above 50.00 10.00 1.00
lacs and up to
100.00 lacs

C 2000.00 Above 10.00 5.0 0.50
lacs and up to
50.00Lacs

(b)a valid no dues certificate issued from Assistant Mining Engineer / Mining Engineer concerned, if an applicant remained as contractor / mining lessee / quarry licensee or having a contract / mining lease / quarry licence in his favour or in the name of his family members;

(c)a properly sworn affidavit stating that no dues of the Department is outstanding against the applicant or his family members, partners of the firm, directors of the private limited company or members of association of persons, as the case may be;

1.Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

(d)a net worth certificate issued by a Chartered Accountant. Net worth certificate

shall be issued on the basis of his profit and loss account / turnover / assessed income as per income tax returns etc. Self attested copies of these documents shall be enclosed alongwith net worth certificate;

(e) copy of all relevant documents mentioned in Chartered Accountant certificate to explain its title;

(f) power of attorney in favour of a person, executed by a firm or association of persons and in case of a company resolution passed by the company, who is signing and submitting the application, if an applicant is a firm / company / association of persons;

(g) a properly sworn affidavit stating details regarding contract (s) / mining lease(s) / quarry licence(s) held in the name of the applicant or his family members;

(h) security amount in the form of a Fixed Deposit Receipt of a Nationalized / Scheduled bank or National Saving Certificate of amount as per clause (a). Fixed Deposit Receipt / National Saving Certificate shall be in the name of Additional Director (Mines) and made from the account of contractor to be registered.

(4) In case of the auction or tender for mining lease, no registration shall be required to participate in auction or tender.

(5) The application made under sub-rule (1) shall be disposed by the competent authority within 15 days from the date of receipt of application. The competent authority may refuse to issue registration certificate to an applicant after recording reasons and same shall be communicated in writing to the applicant.

(6) The contractor shall be registered with the Department for maximum two calendar years only, including the year in which he applies for the registration, irrespective of the date of application.

(7) The application for renewal of registration, as per sub-rule (1) shall be submitted to the competent authority before the date of expiry of registration. If an application is complete in all respect as per sub-rule (3) and past performance of the applicant as bidder / tenderer / contractor is satisfactory, the competent authority may renew the registration for further period of two years ending on 31st December.

(8) In case any information furnished by the applicant is found incorrect, at any time, the competent authority may cancel the registration and forfeit the security amount after giving 15 days notice to the contractor.

(9) If the contractor is debarred from participating in future contracts or is blacklisted under these rules, registration may be cancelled and the security shall be forfeited, after giving 15 days notice.

33. Presiding Officer :-

(1) In case of auction irrespective of reserve price, the Superintending Mining Engineer concerned or an Officer nominated by Director Mines & Geology shall be the Presiding Officer for auction for grant of mining lease and for royalty / excess royalty / permit fee / other charges collection contract in his jurisdiction and he may reject or accept any bid without assigning any reason to the bidders.

Provided that auction for grant of mining lease and for royalty collection contract / excess royalty collection contract with or without collection of permit fee / other charges shall be held in the office of Superintending Mining Engineer concerned or in the office as the Director may permit in specific cases.]

(2) In case of Tender-

(a) Tenders for grant of 2[royalty collection] contract / excess

royalty

collection contract with or without collection of permit fee / other charges having reserve price up to 2[Rs. 1.00 Crore] shall be received in the office of Assistant Mining Engineer / Mining Engineer / and Superintending Mining Engineer concerned simultaneously. Tenders received shall be opened in the office of Superintending Mining Engineer concerned in the presence of following committee.

- 1 Superintending Mining Engineer Concerned (Presiding Officer);
- 2 Mining Engineer / Assistant Mining Engineer Concerned; and
- 3 Assistant Accounts Officer / Accounts Officer / Any other officer Nominated by Director of Mines & Geology.

Provided that in case where office of Superintending Mining Engineer, Mining Engineer and Assistant Mining Engineer is situated in the same premises, tenders shall be received only in the office of Superintending Mining Engineer concerned or as per the direction of Director of Mines & Geology.

1. Inserted / Added / Substituted / Deleted by Rajasthan Gazette Extraordinary dated 27/03/2003

2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

(b) Tenders for 1[grant of royalty collection] contract / excess royalty collection contract with or without collection of permit fee / other charges having reserve price more than 1[Rs. 1.00 Crore and upto Rs 10.00 Crore] shall be received in the office of Assistant Mining Engineer / Mining Engineer, Superintending Mining Engineer and Additional Director Mines concerned simultaneously. Tenders received shall be opened in the office of Additional Director Mines concerned in the presence of following committee:-

1. Additional Director Mines (Presiding Officer);
2. Superintending Mining Engineer; and
3. Accounts Officer / Financial Advisor / Any other officer nominated by Director Mines & Geology.

Provided that in case where office of Additional Director Mines, Superintending Mining Engineer, Mining Engineer and Assistant Mining Engineer is situated in the same premises, tenders shall be received only in office of Additional Director Mines concerned or as per the direction of Director Mines & Geology.

(c) Tenders for 1[grant of royalty collection] contract / excess royalty collection contract with or without collection of permit fee / other charges having reserve price more than 1[Rs. 10.00 Crore] shall be received in the office of Additional Director (Mines)

concerned and in the office of Directorate simultaneously. Tenders received shall be opened in the Directorate in the office of Additional Director (Mines- Hqrs.) in the presence of following committee:-

1. Additional Director Mines -Hqrs. (Presiding Officer);
2. Superintending Mining Engineer concerned; and
3. Financial Advisor / Accounts Officer / Any other officer nominated by Director of Mines & Geology.]

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

1[(d) Tenders for grant of mining lease shall be received in the office of Superintending Mining Engineer concerned and shall be opened in the office of Superintending Mining Engineer concerned in the presence of following committee:-

- (1) Superintending Mining Engineer concerned;
- (2) Mining Engineer / Assistant Mining Engineer concerned; and
- (3) Any officer or official nominated by the concerned Additional Director (Mines).]

33A. Reserve Price :-

(1) Reserve Price for new contracts to be granted for first time or to be granted with revised area shall be evaluated by the concerned Assistant Mining Engineer / Mining Engineer keeping in view the following points:-

- (a) Physical quantities of mineral produced and dispatched from the area;
- (b) Last years collection of royalty from that area;
- (c) Expected increase in revenue in the proposed contract period due to increased demand of mineral; and
- (d) Any other relevant matter about the area.

(2) The approval of reserve price for new contract up to Rs. 1.00 Crore shall be given by the concerned Additional Director (Mines) and above Rs. 1.00 Crore by the Director.

(3) For existing contracts the reserve price for next contract shall be 10% higher than existing annual contract amount and in this respect no approval shall be required.

Provided that the total area of two or more existing contracts for the same mineral may be combined into one contract area and in such case the reserve price shall be 10% higher than the total existing annual contract amount of all the contracts to be amalgamated.

(4) In case if it is necessary to revise the existing reserve price of any contract for future contract, it shall be done with the prior approval of the concerned Additional Director Mines up to Rs.1 Crore and from Director for more than Rs.1 Crore.

1. Added by Rajasthan Gazette Extraordinary dated 28/01/2011

2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

(5) In case of mining lease reserve price shall be equivalent to the existing dead rent of the area to be allotted.]

33B. Security :-

(1) The Security deposit for the royalty and / or excess royalty collection contracts

shall be 10% of the bid / tender amount. The earnest money deposited by the provisionally selected bidder / tenderer shall be automatically converted into security amount of the contract on provisional selection of the bidder / tenderer. Provided that the excess amount of earnest money over and above 10% of the annual bid / tender amount, if any, shall be adjusted in the monthly / quarterly installments as the case may be.

(2) Provisionally selected bidder / tenderer may replace the security amount demand drafts / bankers cheque by Fixed Deposit Receipts of any Nationalized / Scheduled bank drawn in favour of the concerned Mining Engineer / Assistant Mining Engineer. Such Fixed Deposit Receipts shall be made from the bank account of the provisionally selected bidder / tenderer and valid for a period of at least 2 years, before the execution of the contract. In such case the earnest money shall be adjusted against monthly / quarterly installments of the contract as the case may be.

(3) The security shall be refunded by the competent authority, within 30 days of the completion of the contract, if the contract is completed without any lapse on part of the contractor.

(4) The security deposited for mining lease shall be in accordance with rule 14 of these rules.

(5) The contractor shall pay difference amount of security in proportion to the enhancement of contract amount due to change in rate of royalty or increase in permit fee / other charges.

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

33C. Guarantee :-

(1) The bidder / tenderer for the royalty and / or excess royalty collection contract in whose favour contract has been sanctioned by the competent authority, shall submit guarantee for due performance of the contract in the form of Bank Guarantee / Fixed Deposit Receipt of any Nationalized / Scheduled Bank or National Saving Certificate valid for at least 3 years and equal to 15% of annual contract amount in favour of the concerned Mining Engineer / Assistant Mining Engineer before execution of the contract. Guarantee shall be adjusted against Departmental dues of the contractor on expiry or cancellation of the contract, if any, otherwise it shall be refunded to him by the competent authority within 30 days of the completion of the contract.

(2) The Guarantee for mining lease shall be in accordance with rule 14-A of these rules.

(3) The contractor shall submit Guarantee for difference amount in proportion to the enhancement of contract amount due to change in rate of royalty or increase in permit fee / other charges.

33D. Bid / Tender Amount :-

(1) The bidder / tenderer for the mining lease or royalty and / or excess royalty collection contracts in whose favour contract has been sanctioned by the competent authority, shall deposit bid / tender amount before execution of the lease / contract as the case may be, as follows:-

(i) If the yearly bid / tender amount does not exceed Rs.10 Lacs, 25% of the bid / tender amount shall be deposited as first quarterly installment. Remaining quarterly installments shall be deposited in advance on the dates specified in the agreement. In case, due date is a Government holiday then the due date shall be the next working day;

(ii) If the yearly bid / tender amount exceed Rs.10 Lacs, it shall be recovered in equal monthly installments but the first installment shall be deposited before execution of the agreement. The remaining monthly installments shall be deposited in advance on the dates specified in the agreement. In case, due date is

Government holiday then the due date shall be the next working day.

(2)The monthly / quarterly installment shall be paid in advance before the due date. In case the monthly / quarterly installment is not deposited upto the due date then interest shall be payable @ 15% per annum from the due date on unpaid amount.

(3)In case contractor fails to deposit monthly / quarterly installments on due date, the concerned Mining Engineer / Assistant Mining Engineer maycancel the contract with forfeiture of the security amount. Such action shall not be taken without giving a 15 days show cause notice to the contractor.

(4)Where mining lease is granted by auction, 25% of the bid amount shall be deposited as first quarterly installment before the execution of agreement. Other quarterly installments shall be deposited in advance on the dates specified in the agreement.

34. Procedure For Auction :-

The following shall be the procedure for holding auction of mining lease under rule 21 and for royalty collection contract / excess royalty collection contract with or without collection of permit fee / other charges under rule 32 of these rules:-

(i)Notice for auction shall be published by the Superintending Mining Engineer or any other officer authorized by the Director, in one daily newspaper having wide circulation in the State. The notice shall also be published in one newspaper having wide circulation in the locality nearest to the area in question. Such notification shall be published at least 15 days before the date of auction indicating the place, date and time of auction.

Provided that in case date of auction is declared holiday by the Government then the auction shall be conducted on the next working day.

(ii) A copy of such notification for wide publicity shall be displayed on Departmental web site as well as on the notice board of concerned Additional Director (Mines) / Superintending Mining Engineer / Mining Engineer / Assistant Mining Engineer offices. A copy of such notification shall also be sent to the Panchayat Samities or Municipal Boards having jurisdiction over the area in question.

(iii)The terms and conditions as approved by the Director and particulars of the royalty and / or excess royalty collection contract or mining lease shall be affixed on the notice board in the office of Superintending Mining Engineer, Mining Engineer / Assistant Mining Engineer concerned and shall also be read out to the intending bidders at the time of auction and their signatures or thumb impressions shall be obtained in token thereof.

(iv)The terms and conditions of the contract / mining lease shall also be made available to intending tenderers on payment of

Rs.10/-.

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

(v) The intending bidder shall be allowed to participate in the auction on the following conditions:-

(A)The intending bidder for royalty and / or excess royalty collection contract shall submit form No. 1-F and for mining leases form No.1-G appended to these rules, before participating in auction.

(B)The bidder shall submit an attested copy of registration of contractor as provided in Rule 32(4) for royalty collection contract / excess royalty collection contract.

(C)The bidder shall submit an affidavit stating that no dues of the Department are out standing against the bidder / all partners of the firm / all directors of the company or family members of the bidder / partners / directors, as the case may be along with the form. Such affidavit should not be older than 15 days from the date of its submission.

(D)The bidder shall submit power of attorney in case of partnership firm / association of persons and resolution of board of directors in case of company along with the form 1-F or 1-G as the case may be.

(E)Where the intending bidder fails to enclose all or any one of the documents as per sub clause (B) to (D) above along with form, in such case he / she shall not be allowed to participate in the auction.

(F)The bidder shall deposit the earnest money as mentioned below in the form of Demand Draft or Bankers Cheque drawn in favour of the Assistant Mining Engineer / Mining Engineer concerned or in any other mode as notified by the Government from time to time:

(a) For bid up to Rs. 1 Lac 10,000/-

(b) For bid above Rs.1 Lac & up to 50,000/-
Rs.5 Lacs

(c) For bid above Rs. 5 Lacs & up 1,00,000/-
to Rs. 10 Lacs

(d) For bid above Rs.10 Lacs 1,00,000/- + one Lac for each additional bid of
Rs.10 Lacs or part thereof.

Provided that no interest shall be paid by the Government on the

earnest money deposited as above.

(G) In case the intending bidder does not sign or put thumb impression as per clause (iii) or fails to deposit earnest money as mentioned in sub-clause (F), shall not be allowed to offer the bid.

(vi) On completion of auction, the presiding officer shall declare the highest bidder as provisionally selected bidder and the earnest money deposited by the bidders other than the provisionally selected bidder shall be refunded immediately.

(vii) The competent authority shall take decision for sanction or rejection of the provisionally selected bid and no bid shall be regarded as accepted unless competent authority issues sanction for the same.

(viii) No bid for mining lease or royalty and / or excess royalty collection contract

below reserve price shall be accepted by the presiding officer.

(ix) Misbehaviors by any person during auction may be punished by his removal or if necessary by debarring him for a period up to three years for any future auction / tender under these rules at the discretion of presiding officer.

(x) After provisional selection if any dues of the Department is found outstanding against bidder / partners of the firm / directors of the company or family members of the bidder / partners / directors, in such case his bid shall be rejected / sanction shall be revoked with forfeiture of earnest money / security deposited as the case may be, by the competent authority without further notice and the advance installment deposited, if any, shall be adjusted against such dues.]

35. Procedure For Tender :-

The following shall be the procedure for inviting the tenders for mining lease under rule 21 and for royalty collection contract / excess royalty collection contract with or without collection of permit fee or other charges under rule 32 of these rules:-

(i) Notice for inviting tenders shall be published by the Superintending Mining Engineer or any other officer authorized by the Director, in one daily news paper having wide circulation in the State. The notice shall also be published in one newspaper having wide circulation in the locality nearest to the area in question. Such notification shall be published at least 15 days before the date on which tenders are to be received indicating the place / places, date and time.

Provided that where no tender is received or received below reserve price, the tender shall be invited afresh and notification in such cases shall be published at least seven days before the date on which tenders are to be received as mentioned above.

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

Provided further that in case date of receiving tender is a holiday, declared by Government, then the tender shall be received on the next working day.

(ii) A copy of such notification for wide publicity shall be displayed on Departmental web site as well as on the notice board of concerned Additional Director (Mines) / Superintending Mining Engineer / Mining Engineer / Assistant Mining Engineer offices. A copy of such notification shall also be sent to the Panchayat Samities or Municipal Boards having jurisdiction over the area in question.

(iii) The terms and conditions as approved by the Director and particulars of the mining lease or royalty and / or excess royalty collection contract shall be affixed on the notice board in the office of concerned Superintending Mining Engineer and Mining Engineer / Assistant Mining Engineer and shall also be made available to intending tenderers on payment of Rs.10/-.

(iv) Tender for royalty and / or excess royalty collection contract shall be submitted in form No. 1-H and for mining lease in form No. 1-I appended to these rules in sealed cover super scribed with relevant details of the royalty and / or excess royalty collection contract or the mining lease, as the case may be.

(v) Tenders dropped in tender box kept at the notified place / places, date and time shall only be considered for provisional selection by tender opening committee and for award of contract by competent authority.

(vi) Every tender shall be accompanied by:

(a) earnest money equal to 10% of yearly tender amount in the form of Demand Draft or Bankers Cheque drawn in favour of the Assistant Mining Engineer / Mining Engineer concerned or in any other mode as notified by the Government from time to time.

Provided that no interest shall be paid by the Government on the earnest money deposited as above.

(b) an attested copy of registration of contractor as provided in sub-rule (4) of rule 32 for royalty collection contract / excess royalty collection contract.

(c) an affidavit stating that no dues of the Department are

outstanding against the tenderer / all partners of the firm / all members of association of persons / all directors of the company or family members of the tenderer / partners / members of association of persons / directors, as the case may be. Such affidavit should not be older than 15 days from the date of its submission.

(d) power of attorney in case the tenderer is a partnership firm / association of persons and resolution of board of Directors in case of company as the case may be.

(e) in case tenderer fails to enclose all or any one of the documents as per sub clause (a) to (d) above along with tender form, his tender shall be treated as invalid and shall not be considered by the tender opening committee.

(f) tender document shall be signed by proprietor in case of individual tenderer, all the partners of the firm / all the members of association of persons or power of attorney holder of all the partners of the firm / all the members of association of persons in case of firm / association of persons and authorized person of the company by the resolution in case of company as the case may be. Tender document signed by a person other than mentioned above shall be treated as invalid and shall not be considered by tender opening committee.

(vii) Annual tender amount shall be written clearly in figures and words separately and in case of any discrepancy, amount written in words shall be considered only.

(viii) The tenders shall be opened in the presence of tenderers who are present at the notified place, date and time.

(ix) The tender opening committee shall select the highest valid tenderer as provisionally selected tenderer and presiding officer shall declare the same.

(x) The earnest money, deposited by the tenderers other than the provisionally selected tenderer shall be refunded immediately after the declaration of the provisionally selected tenderer.

(xi) No tender for mining lease or royalty / excess royalty collection contract below reserve price shall be selected by tender opening committee or accepted by the competent authority.

(xii) The competent authority shall take decision for sanction or rejection, of the provisionally selected tender and no tender shall be regarded as accepted unless competent authority issues sanction for the same.

(xiii) Misbehavior by any person during the course of offering tender can be punished by rejection of his tender or, if necessary by debarring him for a period of three years from the date of offering

tender in future under these rules.

(xiv)Notwithstanding anything given above, the Director, Mines and Geology can invite tenders in two separate envelopes i.e. Technical and Financial. In such a case the financial bids shall be opened only in case of those bidders who are technically suitable.]

35A. Procedure For E-Auction / E-Tender :-

Director Mines and Geology shall issue detailed guidelines regarding the procedure for e-auction / e-tender. The guidelines so issued shall not be in consistent with the provisions of the rules.

36. Register Of Mining Lease Granted By Auction Or Tenders :-

A register of mining leases granted by auction or by inviting tenders shall be maintained in the office of Mining Engineer / Assistant Mining Engineer for their respective jurisdiction in Form No. 9.

37. Execution Of Contract :-

(1)When a bid / tender for mining lease is accepted by the competent authority, the bidder / tenderer shall execute the lease deed as per the provisions and procedure laid down in rule 19.

(2)Where the royalty and / or excess royalty collection contract has been sanctioned, the grantee shall submit Guarantee and bid / tender amount as per rule 33C and 33D respectively within 15 days from the date of sanction.

(3)When a bid / tender for royalty collection contract and / or excess royalty collection contract has been sanctioned by the competent authority, the bidder / tenderer shall execute an agreement in form No.10 within a period of fifteen days from the date of sanction. The terms and conditions included in the notification issued under rule 34 or 35 shall be treated as part of the agreement.

(4)Where the bidder / tenderer fails to comply with the provisions of sub-rule (2) or fails to execute the agreement within the prescribed time limit, the order of sanction shall be revoked and the amount deposited as security under rule 33B shall be forfeited and fresh auction shall be conducted or tenders shall be invited as the case may be.

Provided that in case all requisite formalities have been completed by the bidder / tenderer within fifteen days from the date of

sanction and agreement could not be executed with no fault of bidder / tenderer in such case, Director may extend the period of execution with reasons to be recorded in writing.

1.Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

Provided further that before revocation of sanction if the contractor after completing the formalities as per sub rule (2) applies in writing for execution of contract enclosing a Demand Draft / Bankers Cheque amounting 9% of yearly bid / tender amount for delay of every one month or part thereof as penalty, the period of execution can be extended by the Director. The delay shall be calculated after 15 days of sanction.

(5)The contract agreement shall be signed by the competent authority on behalf of the Governor of Rajasthan as required under the provision of Article 299 of the Constitution of India.]

37A. Conditions Of Royalty Collection Contract And / Or Excess Royalty Collection Contract :-

The following conditions shall be included in every royalty collection contract and / or excess royalty collection contract and if they are not so included shall be deemed to have been included therein, namely:-

(i)The contractor shall make his own arrangements for collection of royalty.

(ii)The contractor shall arrange to print royalty receipt books in form No. 12A / 12 B, as the case may be, at his own expenses and get stamped from the concerned Assistant Mining Engineer / Mining Engineer office.

(iii)The contractor shall collect the royalty near mining leases / at the quarry mouth and if the royalty is not collected near mining leases / at the quarry mouth then at any other place near the lease / quarry but within the jurisdiction of contract area.

Provided that such place shall be fixed after prior approval in writing from the concerned Mining Engineer / Assistant Mining Engineer. Such permission shall be given by the Mining Engineer / Assistant Mining Engineer on an application made by the contractor with a payment of Rs. 1,000/- (non- refundable) for every place for which permission is required. The Mining Engineer / Assistant Mining Engineer may refuse to grant permission for reasons to be recorded for any particular place, applied by the contractor.

(iv)The contractor shall issue printed receipts duly stamped and issued by the concerned Mining Engineer / Assistant Mining Engineer in form No. 12A /12B, as the case may be, for the amount of royalty / excess royalty / permit fee / other charges collected for every despatch of the said mineral and shall fill all the columns of the receipt. The contractor shall, give first copy of receipt to the incharge of the vehicle, submit second copy of the receipt to the concerned Mining Engineer / Assistant Mining Engineer alongwith monthly statement and retain third copy with him.

1.Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

(v) In case of excess royalty collection contract, the contractor shall collect amount only from such vehicles having valid rawannas issued by Mining Engineer / Assistant Mining Engineer concerned to the lessee in form No. 12. The contractor shall retain second copy of the rawannas with him and return first copy after

stamping to vehicle owner. The contractor shall deposit second copy of rawanna with second copy of receipt issued by him with monthly statement in Form No.11-D to the concerned Mining Engineer / Assistant Mining Engineer.

(vi)The contractor shall not recover any royalty from the vehicles having royalty paid Departmental rawannas issued against yearly dead rent. However, upon weighment if any quantity of mineral is found in excess of weight mentioned in such rawanna, contractor may recover the royalty of such difference weight.

(vii)In case the mineral specified in the contract is used by the State Government Departments themselves under a valid short term permit granted by concerned Assistant Mining Engineer / Mining Engineer, the contractor shall not charge any royalty from such permit holders, if the mineral is excavated from lands other than working pits of a lessee or licensee.

(viii)Separate short term permit under rule 63 shall be issued to the contractors of the various Works Departments of the State or Central Government / Autonomous bodies by the concerned Assistant Mining Engineer / Mining Engineer. The royalty and / or permit fee received by the Department from such works shall not be adjusted against the contract amount and the contractor shall not recover royalty and / or permit fee from such short term permit holders.

(ix)The contractor shall not recover royalty and / or permit fee from the minerals used in construction / renewal of Mega Highways / Four / Six lane roads, lying and repair of Railway Tracks. For construction / repair of such works separate short term permit shall be issued and if the mineral / minerals are obtained from existing leases, separate paid rawanna for the aforesaid purpose shall be issued by the concerned Assistant Mining Engineer / Mining Engineer to the lessee. Royalty / Excess royalty and / or permit fee received from such works shall not be adjusted against the contract amount.

(x)No royalty shall be charged on the minor minerals removed by a Tenant from the areas which are not working pits of a lessee or licensee as provided in rule 58 of these rules.

(xi)The contractor shall not recover any royalty and / or permit fee from the minerals used in Famine Works.

(xii)The royalty shall be collected on the despatch of minor minerals from the area, specified in the contract, during the contract period and not on minor minerals brought from outside the contract area or from the major mineral leases.

(xiii)The contractor shall submit monthly statement of excess royalty collection and royalty and / or permit fee collection in the Form No. 11-D and 11-E respectively within 15 days from the month end.

(xiv)In case it is found that the contractor is recovering the royalty in excess of the actual royalty calculated as per the mineral quantity under transit or recover permit fee in excess of prescribed rates, the contract shall be terminated after giving 15 days notice and the contractor may be blacklisted or debarred for further royalty collection contract or excess royalty collection contract for a period of next three years and excess amount so collected shall be recovered from the contractor.

(xv)The contractor shall not have any other right regarding leases / quarries in the contract area except realization of royalty / permit fee / other charges mentioned in the contract for the actual weight of the mineral transported at the scheduled rates for which contract has been awarded on behalf of the Government.

(xvi)1[Cancellation / surrender of leases / quarry licences or sanctioning of new leases / quarry licences or revision of dead rent of existing leases or temporary / permanent closure of leases / quarry licences by Government / Court or due to any other reason in the area concerned shall not have any impact on yearly contract amount.]

(xvii)The Contractor shall pay the installment of contract money according to the stipulations laid down in the contract and if any amount is not paid on due date it shall be collected as an arrears of land revenue and an interest @ 15% shall be charged from due date irrespective of any other action being taken for cancellation of contract or imposition of penalty under relevant rules.

(xviii)The contractor shall not transfer the contract as a whole or in part and shall

also not grant any sub-contract to or in the name of any other person.

(xix) In case of default in the due observance of the terms and conditions of the contract, the contract may be terminated by the Assistant Mining Engineer / Mining Engineer after giving 15 days notice with forfeiture of security deposit or may impose penalty not exceeding security amount.

(xx) The contract may be terminated by the State Government if considered by it to be in public interest, after giving 15 days notice.

1. Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

(xxi) Contractor shall issue Photo Identity Card duly signed and stamped by the concerned Mining Engineer / Assistant Mining Engineer to all Nakedars or persons employed by him for royalty collection. For this purpose the contractor shall submit list of Nakedars / persons to be engaged for royalty collection alongwith Photo Identity Card and a fee of Rs.100/- for each card to the concerned Mining Engineer / Assistant Mining Engineer. Such identity cards shall be valid during the currency of the contract only. All the Nakerdar / persons collecting royalty shall keep the identity card with them during collection of royalty.

(xxii) No conditional tender shall be accepted.

(xxiii) The Contractor shall abide by the orders and instructions issued by the Government or any officer of the Department and shall also abide by all other terms and conditions of these rules.

CHAPTER 5

Assessment of Royalty

38. Assessment Of Royalty :-

(1) Assessment and determination of royalty due from an assessee during an assessment year or as required shall be made by assessing authority after the returns in respect of that year have been filed by the assessee as required under terms and conditions of the lease deed or the statement of production, despatches or consumption has been submitted by the person concerned or upon checking the stock of the mineral dealer.

Provided that the assessing authority may make provisional assessment for a particular period during the assessment year after the receipt of statistical returns in respect of that period.

1[(1A) Notwithstanding anything contained in sub-rule (1) an assessment of royalty covered under the "Scheme of Self Assessment" approved from time to time by the Government shall be deemed completed without being called for the records of the assessee and without being passed of a formal assessment order by the assessing authority on the basis of the returns filed, statements submitted and amount of royalty or other sum(s) deposited.]

(2) For the purpose of assessment of royalty as mentioned in sub-rule (1) the assessee shall submit monthly returns in Form No. 11A by 15th of the following month and annual returns in Form No. 11 within one month from the date of expiry of the assessment year.

Provided that for purpose of this sub-rule, the assessing authority may fix a date on which, the place at which the assessee shall

produce such records as may be required by it in respect of production, removals, consumption and stocks bills of sales, labour attendance, payments and any other account books connected with these matters.

(3) If the assessee fails to submit returns as required under sub-rule (2) or the returns filed appear to be incorrect, the assessing authority may hold such inquiry as it may deem fit and assess royalty for the assessment year to the best of its judgment.

Provided that the assessing authority shall give reasonable opportunity of being heard to an assessee before taking any action under this sub-rule.

1. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

(4) For the purpose of sub-rule (3) the assessing authority may serve a 15 days notice upon the assessee requiring him to appear in person or by an agent duly authorised in writing on a date and at place specified in the notice and to produce or cause to be produced any evidence on which the assessee relies in support of the correctness of the returns or statements and records furnished by him or produce or cause to be produced such accounts or documents pertaining to the assessment year and the last five years proceeding the assessment year as the assessing authority may require.

(5) On the day specified in the notice given in sub-rule (4) or on any other day thereafter which the assessing authority may fix, the assessing authority, after hearing and considering the evidence as may be produced by the assessee in this behalf and such other evidence and documents as the assessing authority may require, shall make an order in writing of assessment of royalty payable by the assessee.

(6) 1[]

39. Assessment On The Basis Of Best Judgment In Case Of Failure To Submit Monthly And Annual Returns Or In Case Of Likely Evasion Of Royalty :-

If the assessee fails to submit the returns within the period prescribed in sub rule (2) of rule 38 or the returns submitted are incorrect or the assessing authority has reasons to believe that the assessee had evaded or avoided any royalty, the assessing authority may after giving to assessee a reasonable opportunity of being heard and after making such inquiry, as it considers necessary, assess the royalty for the period to the best of its

judgment. The amount so assessed shall be payable by assessee forthwith and in case of default in payment, the amount so assessed shall be recoverable as an arrear of land revenue.

Provided that no such royalty assessment shall be made on best judgment basis without obtaining prior approval of the next higher authority.

40. Reopening Of Cases Of Best Judgment Of Assessment :-

Where an assessment has been made to the best of judgment of the assessing authority and the assessee makes an application to the assessing authority within 30 days from the date of service of notice of demand in consequence of assessment for the cancellation of the assessment on the ground:

(a) That he did not receive the summons or notice issued to him for the purpose of assessment; or

(b) That he was prevented by sufficient cause for complying with any summons or notices.

1. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

The assessing authority shall if satisfied about the existence of such ground cancel the assessment and proceed to make a fresh assessment in accordance with the provisions of rules 38 and 39 as the case may be.

Provided that the assessing authority of its own motion may also reopen the assessments made on the basis of best judgment if it has sufficient reasons to do so.

41. Assessment Of Royalty Incorrectly Assessed :-

(1) If for any reason, the whole or any part of despatches of mineral from the leased area or consumption of mineral within the leased area, escaped royalty or was assessed at a low rate in any year, the assessing authority may serve a notice upon the assessee in the Form No. 13 and may proceed to assess or reassess the correct amount of royalty.

Provided that nothing in this sub-rule shall be deemed to prevent the assessing authority from making an assessment to the best of its judgment.

(2) No notice under sub-rule (1) above shall be issued in respect of despatch and consumption of mineral for any year after expiry of five years from the date of relevant assessment.

Provided that this rule shall not apply for any assessment or re assessment made in consequence of or to give effect to any finding or direction contained in an order of appeal or revision or in an order of any competent court.

CHAPTER 6

Delegation of Powers, Appeal and Revision

42. Delegation Of Powers :-

The State Government may, by notification in the official Gazette direct that any power exercisable by it under these rules may in relation to such matters and subject to such conditions, if any, as may be specified in the notification be exercisable also by such officer or authority subordinate to the State Government.

43. Appeal :-

1[(1) Any person aggrieved by any order of the Superintending Mining Engineer, Superintending Mining Engineer (Vigilance), Mining Engineer (Vigilance), Mining Engineer or Assistant Mining Engineer passed under these rules shall have the right of appeal to the Director.]

(2) Any person aggrieved by any order passed in appeal under sub-rule (1) or any other order passed by the Director under these rules shall have the right of appeal to the Government.

(3) Any person aggrieved by any order of the Director by virtue of the powers delegated or otherwise exercised under these rules on the matters mentioned in sub-rule (1) shall have the right of appeal to the Government.

(4) The orders passed by the Government in appeal shall be final.

44. Form Of Appeal And Fees :-

(1) An appeal under rule 43 shall be in the form of memorandum of appeal in duplicate numbered in paragraphs stating concisely and precisely the grounds of objection and relief demanded.

(2) The memorandum of appeal shall be accompanied by a challan of 2[Rs.2000/-] deposited as fee in the Government treasury under the 3[relevant] head of Account.

4[]

1.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Substituted by Government Notification dated 18/12/2004

3.Inserted by Rajasthan Gazette Extraordinary dated 29/08/1996

4.Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996

45. Limitation :-

An appeal under rule 43 shall be filed within three months of the date of 1[communication of] the order appealed against.

Provided that an appeal may be admitted after the said period if the appellant satisfies the appellate authority that he has sufficient cause for not filing the appeal within the said period.

46. Procedure Of Appeal :-

(1)Upon receipt of memorandum of appeal satisfying requirement of rules 44 and 45 the appellate authority shall fix a date for hearing. It may, if it thinks fit, call for the relevant records and other information from the officer whose order is the subject of appeal.

2[Provided that the concerned Mining Engineer / Assistant Mining Engineer shall send the parawise comments, factual report and relevant record of the case within 30 days from the receipt of intimation of appeal in his office.]

(2)The appellate authority may confirm / modify or set aside the order under appeal, after giving the appellant an opportunity of being heard and considering any comments that might be offered by the officer who gave the order under appeal.

47. Revision :-

(1)The State Government in respect of any order, whether in appeal or otherwise passed under these rules by the Director, 1[/ Additional Director (Mines),] / Superintending Mining Engineer, 3[Superintending Mining Engineer (Vigilance), Mining Engineer (Vigilance),] Mining Engineer, or Assistant

Mining Engineer may on an application by an aggrieved party made within 3 months of 1[communication of] such order in this behalf or of its own motion call for and examine the connected records for the purpose of satisfying itself as to the correctness, legality or propriety of the order and may confirm, modify or rescind such order.

4[]

1.Inserted by Rajasthan Gazette Extraordinary dated 29/08/1996

2.Added by Rajasthan Gazette Extraordinary dated 28/01/2011

3.Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

4.Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

Provided that an application for revision may be admitted by the Government after the said period of 3 months if the Government is satisfied that the applicant had sufficient cause for not filing the revision application in time.

(2)Every application for revision shall be made in Form No. 14 in duplicate and shall be accompanied by a treasury challan of 1[Rs. 2000/-] deposited as fee in the Government Treasury under the 2[relevant] head of Account.

3[]

1.Substituted by Government Notification dated 18/12/2004

2.Substituted by Rajasthan Gazette Extraordinary dated 27/12/1999 (effective from 01/01/2000)

3.Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996

CHAPTER 7

Offences Penalties and Prosecutions

48. Unauthorised Working :-

(1)No person shall undertake any mining operations except in accordance with the terms 1[and conditions of the prospecting licence, mining lease], quarry licence, short term permit or any other permission granted under these rules.

1[(2) The lessee or any other person shall not remove or despatch mineral from the mines (except from the quarry licence area) without rawanna. Rawanna shall be in Form No. 12 appended to these rules and duly stamped by the concerned office.]

2[(2A) No person shall transport or store or cause to be transported or stored any mineral otherwise than in accordance with the provisions of these rules.]

1[(3) Who ever contravenes the provisions of sub-section (1) or sub-section (1A) of section 4 of the Act, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to twenty-five thousand rupees, or with both.

Provided that the Additional Director (Mines) / Superintending Mining Engineer / Superintending Mining Engineer(Vigilance) / Mining Engineer / Mining Engineer (vigilance) / Assistant Mining Engineer or any other officer / official authorised by the Director in this behalf may either, before or after the institution of the prosecution compound the offence committed in contravention of

the sub-rule (1) on payment of such sum as he may specify.

Provided further that the amount specified under the above proviso shall not be less than Rs. 5,000/- and shall be in addition to the cost of mineral if recoverable.]

(4) Where any person trespasses on any land on contravention of the provisions of sub-rule (1) such trespasser may be served with an order of eviction by the 1[Additional Director (Mines)], Superintending Mining Engineer, Superintending Mining Engineer (Vigilance), Mining Engineer, Mining Engineer (Vigilance) or Assistant Mining Engineer concerned or any other officer / official authorised by the 1[Additional Director (Mines)] in this behalf.

1.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

(5)Whenever any person without a lawful authority or in contravention of the terms and conditions of the mining lease / quarry licence, short term permit or

any other permit raises any mineral from any land and for that purpose bring on the land any tool, equipment, vehicle or other thing 1[such mineral, tool, equipment like wire saw, crane, excavator, loader, power hammer, compressor, drilling machine, crusher etc., vehicle like dumper, tractor trolly, half body trucks, full body trucks, trolla etc.] or other thing may be seized by the authorities mentioned in sub-rule (4).

Provided that where mineral so raised has already been despatched or consumed, the authorities mentioned in sub-rule (4) may recover cost of the mineral along with rent, royalty or the tax chargeable on land occupied or mineral excavated which will be computed as 2[10] times the royalty payable at the prevalent rates.

Provided further that every officer seizing any property or mineral under this rule shall give a receipt of the property so seized to the person from whose possession the property or mineral is so seized and make a report of such seizure to his superior officer and to the Magistrate having jurisdiction over the area to try offence.

(6)The property other than the mineral seized under sub-rule (5) may be released by the officer who seized the property in the execution of a bond by the trespasser or the owner of the property or any other person to the satisfaction of such officer that the property so released shall be produced at the time and at the place when such production is required by such officer.

Provided that where a report has been made to the Magistrate

under sub-rule (5) the property shall be released only under the orders of the Magistrate.

(7) All property seized under this rule shall be liable to be confiscated by an order of Magistrate trying the offence if the rent, royalty or tax or / and cost of the mineral as mentioned above are not paid by the trespasser within a period of 3 months from the date of commission of such offence or when the recoveries are not effected by that time.

Provided that on payment of these dues within the said period of 3 months all properties seized shall be ordered to be released and shall be handed over to the trespasser or the owner of the property.

1. Substituted by Rajasthan Gazette Extraordinary dated 17/01/2011

2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

49. Contravention Of Certain Conditions Of Lease :-

Any lessee or his transferee or his assignee, who commits a breach of any of the conditions of the lease mentioned in clauses 1[(9) or (12)] of rule 18 shall be punished with imprisonment for a term which may 2[extend to one year] or with fine which may 2[extend to Rs. 5,000/-] or fine which may extend to 2[five hundred rupees] for every day during which such contravention continues after conviction for the first such contravention.

50. Offence Cognizable Only On Written Complaint :-

No court shall take cognizance of any offence punishable under these rules except upon a complaint in writing made by a person 2[not below the rank of Mines Forman, (Grade-II) / Surveyor.]

Provided that 2[Mines Forman, Grade-I / Grade-II or Sr. Surveyor / Surveyor] shall obtain prior approval of the Mining Engineer / Assistant Mining Engineer before filing any complaint.

51. Role Of Police :-

The authorities empowered to take action under rule 48 and rule 68 shall, if necessary, request in writing for the help of the local police or request for registration of F.I.R. and the police authorities shall render such assistance, as may be necessary and also register F.I.R. under relevant law or theft of public property to enable the

officers to exercise the powers conferred on them by these rules to stop unauthorized mining and movement of minerals.

52. Investigation Of Offences :-

(1) Subject to such conditions as may be specified, the Director may authorise

either generally or in respect of a particular case or class of cases, any officer not below the rank of 2[Mines Forman / Surveyor to investigate] all or any of the offences punishable under these rules.

(2) Every officer so authorised shall in the conduct of such investigations, exercise the powers conferred by the Code of Criminal Procedure, upon an officer in-charge of a police station for the investigation of a cognizable offence.

53. Power To Take Evidence On Oath :-

The assessing authority or investigating officer not below the rank of an Assistant Mining Engineer and the appellate authority shall for the purpose of these rules have the same powers as are vested in a court under the Code of Civil Procedure when trying a suit in respect of the following matters namely:-

1. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

(a) Enforcing the attendance of any person and examining him on oath or affirmation;

(b) Compelling production of documents; and

(c) Issuing commission for examination of witnesses and any proceedings before the appellate authority, the assessing authority and investigating officer shall be deemed to be a "Judicial Proceedings" within the meaning of Section 193, 196 and 228 of the Indian Penal Code.

54. Powers Of Entry, Inspection Of Records And Seizure Of Books Of Accounts Of A Dealer / Lessee :-

(1) An assessing authority or investigating officer not below the rank of an Assistant Mining Engineer authorised by Director in this behalf may for the purposes of these rules, require any dealer / lessee to produce before him the accounts, registers and other documents and to furnish any other information relating to mining

operations or business.

(2) All accounts, registers and other documents pertaining to the business of a dealer / lessee, the minerals in his possession or in the possession of his agent, or broker for the time being on his behalf and their office, godown, factory, vehicle or any other place where the business is done or accounts are kept shall be open for inspection and examination of any such authority or person at all reasonable time.

(3) If any such authority or person has reason to suspect that any dealer / lessee is attempting to evade payment of royalty or other dues under these rules, he may, for the reasons to be recorded in writing, seize such accounts, registers or other documents of the dealer / lessee as he may consider necessary and shall give receipt to the dealer / lessee or any other person from whose custody such accounts, registers and documents are seized. The accounts, registers and documents so seized shall be retained by such officer only for their examination or for any inquiry or proceedings under these rules or for prosecution.

Provided that the accounts, registers and documents so seized shall not be retained by such officer beyond a period of 3 months from the date of seizure without the written order of the Director for reasons to be recorded in writing.

Provided further that before returning the accounts, registers and documents, such officer may require that the dealer / lessee shall give a written undertaking that the accounts, registers and documents, shall be presented whenever required by any competent authority for proceedings under these rules and that such undertaking shall be supported by a security in such form as may be specified for a sum not exceeding Rs. 5000/-.

(4) For the purpose of sub-rule (2) and (3) any such authority or person shall have powers to enter and search at all reasonable times any offices, godown, factory or vehicle or any other place of business or any building or place where any such authority or person, has reason to believe that the dealer/lessee keeps or for the time being keeping any minerals accounts, registers or other documents pertaining to his business or mining operations and also to search

the body of any other person found in such office, godown, factory, vehicle, building or place about whom any such authority or person 1[has reason to suspect that he may have in his personal] possession any such minerals, books of accounts registers or documents.

(5) Such authority or person may, when it is not practicable to seize any books or accounts, registers, documents or mineral, serve upon the dealer / lessee or the person who is in immediate possession or control thereof, an order that he shall not remove, part with or otherwise deal with them except with the previous permission of such authority or person who may take such steps in accordance with rules, as may be necessary for ensuring compliance of this sub-rule.

(6) The power conferred by sub-rule (4) and (5) shall include the power to break open any box or receptacle in which any mineral, accounts, registers or documents of dealer / lessee may be contained or to break open the door of any premises where any such mineral, accounts registers or documents may be kept or to place marks of identification on his books of accounts, registers or documents for to make or cause to be made extracts or copies thereof.

Provided that the power to break open the door shall be exercised only after the dealer / assessee or any other person in occupation of the premises, if he is present therein, fails or refuses to open the door on being called upon to do so.

(7). Any such authority or person shall have power to seize any mineral, the removal or sale of which is liable to payment of royalty or cost and which are found in possession of a dealer / lessee or in the possession of his agent or broker or of any other person for the time being on his behalf or in any office, godown, factory, Vehicle or any other place of business or building of the dealer / lessee or of the agent, the broker or of any other person holding the said mineral on his behalf but not accounted for by the dealer / lessee in his accounts, registers and other documents maintained in the course of his business or any mining operations.

Provided that list of minerals / documents seized under this sub-rule shall be prepared by such authority or person and signed by two respectable witnesses.

1. Substituted by Rajasthan Gazette Extraordinary dated 26/04/1986

8. An officer not below the rank of an Assistant Mining Engineer authorised under sub-rule (1) or the assessing authority may after giving the dealer / lessee an opportunity of being heard and holding such further inquiry as he may consider fit, realize from him, for the possession of mineral not accounted for, the cost of mineral at 1[10] times of royalty.

9. Such officer or authority may release the mineral or documents

seized under these rules on payment of cost of mineral or on furnishing 2[such security in the form of Bank Guarantee for a minimum period of six months equivalent to the cost of mineral for payment] thereof as he may consider necessary.

10. Any such authority or person may require any person:-

(a) Who transports or holds in custody for delivery to or on behalf of any dealer / lessee, any mineral to give any information likely to be in his possession in respect of such mineral or to permit inspection thereof as the case may be;

(b) Who maintains or has in his possession any accounts, books or documents relating to the business / mining operations, to produce such accounts, books or documents for inspection.

11 The provisions of Code of Criminal Procedure relating to searches shall apply, so far as may be, to the searches made under these rules.

1. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

CHAPTER 8

Miscellaneous

55. Application Of Rules To All Renewals :-

(1) These rules shall apply to the renewal of the leases granted or renewed before the commencement of these rules, as they apply in relation to renewal of mining lease granted after such commencement.

(2) Where Rent-Cum-Royalty-Leases have been granted before the commencement of these rules they shall be converted to quarry licences as per provisions of these rules.

56. Register To Be Open For Inspection :-

All registers maintained in the office of the Mining Engineer / Assistant Mining Engineer under these rules shall be open for inspection by any person who holds or intends to acquire a mining lease or a quarry licence under these rules on payment of a fee of Rs. 10/- for each inspection.

57. Rectification Of Mistakes :-

Any clerical or arithmetical mistake in any order passed by

Government or any other officer under these rules and any error arising therein from accidental slip or omission may be corrected by the Government or officer, as the case may be.

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

58. Exemption :-

Notwithstanding anything contained in these rules no rent, royalty or fee shall be charged for:-

(a)Excavation of ordinary clay including brick making clay, bajri, sand and masonry stone from areas, which are not working pits of a lessee, by a tenant for bonafide purpose of construction or repairs of:-

(i)Irrigation tanks, channels and drains;

(ii)Wells;

(iii)Compound walls for fields; or

(iv)Residential house including compound walls and cattle sheds in rural areas.

1.Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

Provided that:-

(1)Such excavation and removal of aforesaid mineral shall be on the basis of the permits issued by the Panchayat or Patwari of the village, where the tenant resides. The permit shall contain the details of the total quantity of mineral, period or its excavation and removal and name and address of the tenant.

(2)Excavation of lime stone or lime kankar for lime burning from the areas which are not occupied by a lessee may be made by a tenant for

bonafide use under a permit valid for two months issued on payment of 1[Rs. 50/-] as permit fee by the Mining Engineer or Assistant Mining Engineer, having jurisdiction over the area.

(3)Nothing in this sub-rule shall abridge the rights of cultivators under section 36 of the Rajasthan Tenancy Act, 1955.

2[(b) Excavation of clay used by the potters for earthen-ware pots and for making bricks and kawelus baked through the process of Ava and Kajawa.

Explanation:- Baking of bricks / kawelus in open non continuous bhattas without using any form of chimney will be considered as baked through the process of Ava and Kajawa.]

(c)Excavation and use of clay or earth in construction of houses except earth used for brick making.

(d)Search for and obtaining the samples of minerals on the surface by chipping of outcrops without involving any disturbance of the soil by way of bore hole, pit, trench or otherwise.

(e)Excavation of mineral by any person from his private land for personal use at the spot itself.

(f)Excavation of mineral from river or stream bed and use of protection works of the same river or stream at or near the same spot, and

(g)Excavation of masonry stone, morrum and bajri from areas which are not the working pits of a lessee by any person or institution, for construction of such public utility buildings as schools and hospitals in the rural areas from donation or contribution.

1.Substituted by Government Notification dated 18/12/2004

2.Substituted by Government Notification dated 10/01/1991

Provided that such excavation and removal of aforesaid minerals, shall be under a permit granted by the Mining Engineer or Assistant Mining Engineer, having jurisdiction over the area and only after a certificate from the Sarpanch / Pradhan in this behalf has been produced.

59. Availability Of The Area For Re-Grant :-

(1)No area, which was previously held or which is being held under a mining lease or in respect of which order of grant has been made but the same has been revoked under sub-rule (4) of rule 19 or previously reserved under rule 73 by the Government or restricted for grant of mining lease under sub-rule (1) of rule 4, shall be treated as available for grant unless a 30 days notice, declaring it as free area, is affixed on the notice board in the office of the concerning Mining Engineer / Assistant Mining Engineer and an entry to this effect is made on the same day in the register of mining leases maintained for this purpose.

Provided that nothing in this rule shall apply to the renewal of a lease in favour of the original lessee or his legal heirs notwithstanding the fact that the lease has already expired.

(2) The notice to be affixed as per provisions of sub-rule (1) shall also be published at least 15 days before the date of receipt of the applications in one or more daily news paper having wide circulation in the State as well as one news paper having wide

circulation in the area in question.

60. Premature Application :-

Application for grant of mining lease or quarry licence in respect of areas whose availability for grant is required to be declared as free under rule 59 or 27C shall, if:-

- (a) No notice has been issued under rules 59 or 27C; or
- (b) Where such notice has been issued, the period specified in the notice has not expired, shall be deemed to be premature and shall be rejected by the competent authority with forfeiture of application fee.]

61. Rate Of Interest :-

Interest at the rate of 2[15%] shall be charged on all dues in respect of dead rent, royalty, quarry licence fee and royalty collection contract 3[or excess royalty collection contract amounts from the due date.]

- 1. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
- 2. Substituted by Government Notification dated 18/12/2004
- 3. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

62. Dues May Be Recovered As Arrears Of Land Revenue :-

Notwithstanding anything contained in these rules, Government may recover any dues in respect of dead rent, royalty, quarry licence fee royalty collection contract amount, cost of mineral, penalties and any other dues under these rules together with interest as arrears of Land Revenue under the law in force relating to such recovery.

63. Grant Of Short Term Permit :-

(1) Notwithstanding anything contained in these rules the Mining Engineer or Assistant Mining Engineer may grant short-term-permit to a person on payment of a fee as laid down in sub-rule (4) and such person may excavate and take away mineral on payment of advance royalty from the area specified in the permit. The conditions under which the permit holder shall work and safety precautions which he must take shall be as specified in the permit. Provided that:-

- (a) Unless otherwise specified the dimensions of the area for which a short term permit may be granted shall not exceed 50x50 mt.;
- (b) In case of private land, Short-term-permit may be granted to the owner thereof; and
- (c) In case where the lease has been granted but the same has not been executed or registered though no fault on the part of the applicant, short-term-permit may be granted to such applicant pending the execution or registration of lease agreement.

(2) Short term permit shall not be granted for the following minerals:-

- (i) Sandstone and limestone used as (dimensional stone, Patti Katla, mill stone, ashler and flooring stone);
- (ii) Limestone used for burning and chips making;
- (iii) Marble and dolomite;
- (iv) Granite used for making blocks, slabs and tiles;
- (v) Serpentine used as block and for chips making;
- (vi) Rhyolite and chert used for chips making;
- (vii) Fullers earth, bentonite, salt-petre and slate stone; and
- (viii) Other mineral notified by the Government.

(3) Every application for short term permit shall be accompanied by the description of the land giving approximate location of the area from where excavation of mineral shall be made.

Provided where vehicles carrying Bajari pass through the Departmental Check Post or Naka, no application should be necessary and permit fees together with royalty shall be charged at the Check Post or Naka.

1[(4) The permit fee required to be paid under sub rule (1) shall be charged as under: -

(a) For a short- term-permit up to 2 tonnes Rs. 5/-

(b) For a short term permit exceeding 2 Rs. 20/- tonnes and upto 8 tonnes of mineral.

(c) For a short term permit exceeding 8 Rs. 50/- tonnes and upto 30 tonnes of mineral

(d) For a short term permit exceeding 30 Rs. 100/- tonnes and upto 200 tonnes of mineral

(e) For a short term permit exceeding 200 Rs. 200/- tonnes and upto 500 tonnes of mineral

(f) For a short term permit exceeding 500 Rs. 200/- + Rs. 50/- for tonnes of mineral every additional 100 tonnes or part thereof

(5) No short term permit shall be granted for quantities exceeding 500 tonnes except in case of contract of Works Department of State Government / Central Government / Autonomous bodies / Government undertaking, on recommendation of concerned Department.

(6) Period for which a short term permit may be granted shall not exceed four months.

Provided that in case of Works Department of the Government, short term permits may be granted for a period longer than four months depending upon the period of work contracts.

Provided further that the period of short term permit shall be deemed to have been extended by 25% of the original period of short term permit if the permit holder fails to excavate and remove the quantity stipulated in the short term permit within the period originally sanctioned.

1. Substituted by Government Notification dated 18/12/2004

Provided further also that if a permit holder has excavated and carried mineral to the extent of 10% over and above the quantity specified in the permit within the stipulated time of the permit, only single royalty 1[and more than 10% but up to 25% over and above the quantity specified in the permit, two times royalty] will be charged from the permit holder. The permit holder shall be responsible for submission of his record within 15 days of the expiry of permit. However, if the permit holder excavated and carried a quantity more than 25% of the quantity sanctioned in the permit, entire quantity excavated and removed over and above the quantity sanctioned in the permit shall be treated as unauthorised excavation and permit holder shall be liable to pay the cost of such excess material.

Provided also that any excess quantity of mineral carried away by the permit holder after the expiry of time limit specified in the permit or any quantity of mineral removed after the extended period of short term permit under first provision to this sub-rule 7 shall be treated as unauthorised excavation.

(7) The Mining Engineer / Assistant Mining Engineer may refuse to grant a short permit for any mineral in any area.

64. Acquisition Of Bapi And Proprietary Rights :-

The Government shall not recognise any Bapi or proprietary right in or any land wherein such a right is claimed by any person over any mineral bearing land, quarry or mine unless declared so by a court of competent jurisdiction. The Government may acquire such Bapi or proprietary rights so declared after payment of reasonable compensation in accordance with the provisions of law for the time being in force.

65. Relaxation Of Rules :-

The Government may relax any provision of these rules for reasons to be recorded in writing.

65A. Grant Of Mineral Concession By Adopting Procedure Different From The Given In The Rules :-

any thing contained in these rules, Government may, by notification in Rajasthan Gazette 4[or at least one daily news paper having wide circulation in the State as well as one news paper having wide circulation in the locality nearest to the area in question] adopt any method or procedure different from that provided in the rules for leasing out mineral deposit in the interest of mineral development]

1.Inserted by Rajasthan Gazette Extraordinary dated 31/03/2011

2.Inserted by Rajasthan Gazette Extraordinary dated 23/01/1992

3.Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

4.Inserted by Rajasthan Gazette Extraordinary dated 13/07/1992

66. Special Mode Of Recovery :-

(1)Notwithstanding anything contained in these rules or contract to the contrary, the assessing authority may at anytime, by notice in writing (a copy of which shall also be sent to the assessee at his last known address) require any person from whom any amount is due or may become due to an assessee who has failed to pay any rent, royalty, penalty, interest or any sum due to the Government to pay such amount limiting to total dues on demand by the assessing authority.

(2)The assessing authority issuing a notice under sub-rule (1) may at any time amends or revoke such notice or extend the period for making any payment in pursuance of the notice.

(3)Any person making any payment in compliance of a notice issued under sub- rule (1) shall be deemed to have made the payment under the authority of the assessee and the treasury receipt for payment shall constitute a good and sufficient discharge of the liability of such person to the assessee to the extent of the amount specified in such receipt.

(4)Any person discharging any liability to the assessee after service

of the notice upon him under sub-rule (1) shall be personally liable to the State Government to the extent of the discharge of the liability to the assessee in respect of any other sum due from the assessee to the Government.

(5) Any amount which a person is required to pay or for which he is personally liable to pay to the State Government under sub-rule (1) shall if such amount remains unpaid, be recoverable as an arrears of land revenue from such person.

67. Refund :-

(1) The assessing authority shall, on an application made in this behalf and after satisfying the correctness of the claim made by the applicant, refund to an assessee any amount paid by him in excess of the amount due from him under these rules, either by cash payment or by adjustment of such excess against the amount due from the assessee in respect of any other period.

Provided that no claim for refund shall be allowed unless it is made within two years from the date on which the order of assessment was made or within 12 months of the final order passed in appeal whichever may be the later.

(2) Any sum refundable under sub-rule (1) if not refunded within sixty days from the date of receipt of the assessee application shall carry simple interest @ 4% per annum after expiry of aforesaid period of sixty days.

68. Establishment Of Check Posts And Barriers And Weighment And Inspection Of Goods In Transit :-

(1) If the State Government, Director, Superintending Mining Engineer or 1[Mining Engineer / Assistant Mining Engineer considers it necessary] to do so, with a view to prevent or check the evasion of royalty under these rules at any place or places within the State he may direct the setting up of check post or erection of a barrier or both at such place or places by an order in writing.

Provided that the 1[Mining Engineer / Assistant Mining Engineer concerned may not direct] setting up of check post or barrier for a period exceeding 6 months, the Superintending Mining Engineer for a period is exceeding 1 year, and the Director for a period exceeding 2 years.

Provided further that the setting up of check post or erection of a barrier for a period exceeding 2 years shall be notified in the

Official Gazette and in other cases display of the notice at the place of establishment of check-post or erection of a barrier and on the Notice Board of the office of the concerned Mining Engineer and Assistant Mining Engineer may suffice.

(2) 1[The Director, Additional Director (Mines), Superintending Mining Engineer], Mining Engineer, Superintending Mining Engineer (Vigilance), Mining Engineer (Vigilance), Assistant Mining Engineer or any other officer authorised by any of them in this behalf may check a vehicle carrying the mineral at any place and the owner or the person in charge of the vehicle shall furnish a valid Rawanna 2[or transit pass or Royalty Receipt issued by Department of Mines and Geology in the prescribed form and other documents / particulars] as demanded by the officer.

(3) At every check post or barrier set up under sub-rule (1) or at any other place when so required by the officer incharge of the check post or barrier or any other officer empowered by the Director / State Government in this behalf, the driver or any other person incharge of the vehicle shall stop the same, get the minerals contained therein weighed, shall pay weighing charges as fixed by the Government from time to time and shall keep the vehicle stationed so long as may reasonably be necessary and allow officer in charge of the check post or the barrier or such other officer as aforesaid to examine the minerals in transit and also inspect all records relating to the minerals in possession of such driver or other person. The driver or other person shall, if so required by the officer in charge of the check post or the barrier or any other officer so empowered give his name and addresses as also that of the owner of the vehicle and the name and address of the consignor and the consigned. After checking the minerals and vehicle the officer incharge of the check post of the barrier or such other officer as aforesaid shall put his signature on the rawanna so as to avoid any further checking at another check post.

1.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2.Substituted by Rajasthan Gazette Extraordinary dated 17/01/2011

(4) Every owner or person incharge of a vehicle shall carry with him a valid rawanna or 1[Royalty Receipt or transit pass issued by Department of Mines and Geology] in respect of the materials carried and shall produce the same before any officer incharge of a check post or barrier or other officer empowered under sub-rule (3).

(5) If the officer incharge of the check post or any other officer mentioned in sub-rule (2) above has a reason to believe that royalty is likely to be evaded in respect of any mineral liable to assessment for royalty, such officer may require the owner or person incharge of the vehicle to pay an amount equal to

2[10] times the amount of royalty payable on the mineral 1[in accordance with Schedule-I along with compounding fee as specified by the officer authorized under section 22 of the Act.]

3[]

Provided 3[] that where on weightment or by measurement at the check post it is found that the entire quantity of mineral is not covered by the rawanna, the amount of royalty on such difference, shall be recovered by the officer incharge of the check-post.

(6)(i) The officer incharge of the check post or the barrier or the officer

empowered under sub-rule (2) shall have the power to seize and confiscate 1[mineral along with vehicle which is not covered by a valid rawanna, or transit pass issued by Department of Mines and Geology, if the owner or person incharge of the vehicle refused to make payment as required under sub-rule (5), the seized vehicle along with mineral shall be handed over to SHO / incharge of nearest Police Station.]

(ii) The officer incharge of the check post or the barrier or any officer empowered in this behalf shall give a receipt of 1[such mineral along with vehicle seized by him] to the person from whose possession or control it is seized.

(iii) The officer incharge of the check post or any officer empowered under sub-rule (3) may direct the person incharge of the vehicle or animal to carry the mineral to the nearest police station or check post or barrier of the department.

Provided that if the person incharge of the vehicle or animal refuses to carry the vehicle or animal to the nearest police station or check post / barrier of the Department, officer incharge or any other officer empowered under sub-rule (3) may seize the vehicle or animal as the case may be, and take the same in his possession.

1. Substituted by Rajasthan Gazette Extraordinary dated 17/01/2011

2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

3. Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996

Provided that if the person incharge of the vehicle or animal refuses

to carry the vehicle or animal to the nearest police station or check post / barrier of the Department, officer incharge or any other officer empowered under sub-rule (3) may seize the vehicle or animal as the case may be, and take the same in his possession.

(7) Whenever an order of confiscation 1[in respect of mineral along with vehicle seized] under sub-rule (6) is made by an officer empowered by the

Government in this behalf such officer shall give an option to the owner or incharge of the vehicle to pay an 2[amount as per sub-rule (5)] in view of such confiscation. In case of failure of the owner or person incharge of the vehicle to exercise such option the confiscated material may be disposed of by the confiscating officer or any other officer authorised in this behalf by public auction by beat of drum or he may sell in directly at the rate prevalent in the adjacent area.

Provided 1[that no such mineral along with vehicle] confiscated under sub-rule (6) shall be disposed of by the confiscating officer or any other officer authorised in this behalf before 48 hours of such confiscation and till that time option shall remain with the owner or person incharge of the vehicle to carry the mineral after paying 3[an amount as per sub rule (5).]

4[Explanation: The word check post" wherever occurs in this rule shall include "Naka."]

69. Power To Summon :-

(1) The assessing authority for the observance of these rules and for reasons to be recorded may summon any of the parties using and or dealing in the mineral in the State and may demand necessary information and sources from where the mineral has been procured and the assessing authority may also depute any official by a general or special order in writing to collect such information and thereafter assess the royalty or the cost of mineral recoverable as the case may be.

(2) Any person who is engaged in trading of minerals shall maintain a correct account of mineral purchased stocked and sold by him and these records shall be produced for inspection if required by assessing authority or a person authorised by assessing authority in this behalf.

1. Substituted by Rajasthan Gazette Extraordinary dated 17/01/2011

2.Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

3.Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

4.Added by Rajasthan Gazette Extraordinary dated 29/08/1996

Provided that if such trader fails to produce record for mineral purchased by him, the assessing authority may enter into any place where the mineral is stored and, measure or count it and assess cost of mineral which shall be recovered from the trader.

70. Stoppage Of Mining Operations :-

The Director / Superintending Mining Engineer or Mining Engineer / Assistant Mining Engineer or any other officer authorised by the Director in this behalf may prohibit mining and seize minerals, equipment, tools and vehicle in case the mining operations are being carried out not in accordance with the terms and conditions of the mining lease quarry licence or short term permit granted under these rules or without any lease or permit irrespective of that such minerals, tools, equipment and vehicles are lying at site or are in transit.

71. Service Of Notice :-

(1)Every notice under these rules required to be given to the lessee / licensee shall be given in writing in person or by registered post addressed to him at the address recorded in his lease deed / licence or such other address as the lessee or licensee may from time to time intimate in writing to the concerned authorities having jurisdiction.

(2)The service of such notices on any adult male member of the family, his agent or any other person purporting to be his agent or any other person maintaining his books of accounts or issuing rawanna or filing monthly statistical returns shall be deemed to be proper and valid service upon the lessee / licensee and shall not be questioned or challenged by him. An endorsement by postal employee that the lessee / licensee or any of the aforesaid persons refused to take the delivery or non-availability of the person at the last known address may be deemed to be prima facie proof of service.

72. Mining Operations To Be Under Lease Or Licence :-

No mining lease, quarry licence, short-term-permit or any other permit shall be granted otherwise than in accordance with the provisions of these rules and if granted shall be deemed to be null and void.

73. Reservation Of Area For Prospecting Or Mining Operations By The Government :-

Where the Government proposes to undertake prospecting or mining operations of any mineral, it shall issue a notification reserving the area, in at least one daily new paper having wide circulation in the State as well as on such daily newspaper having wide circulation in the locality nearest to the area in question. The notification shall give details of area and the period for which such operations are proposed to be undertaken. Such reservation shall be effective from the date of its entry in the register of mining lease kept under rule 10.

74. Status Of The Grant On The Death Of Applicant For Mining Lease / Quarry Licence :-

(1)Where an applicant for grant or renewal of mining lease / quarry licence dies before the order granting him a mining lease / quarry licence or its renewal is passed the application for the grant or renewal of a mining lease / quarry licence shall be deemed to have been made by his legal representative.

(2)In the case of an applicant in respect of whom an order granting or renewing a mining lease / quarry licence is passed, but who dies before the deed referred to in sub-rule (2) of rule 19 is executed, 2[or before quarry licence is issued] the order shall be deemed to have been passed in the name of the legal representative of the deceased.

75. Dead Rent On Reduction In Mining Lease Area :-

Notwithstanding anything contained in these rules or in mining lease agreement, if an area of mining lease is reduced in size consequent to part surrender or otherwise, the competent authority may 3[] proportionately reduce the dead rent of such lease.

76. Amalgamation Of Mining Leases / Quarry Licences :-

The Additional Director (Mines) concerned may, in the interest of

mineral development and with reasons to be recorded in writing, permit amalgamation of two or more adjoining leases / quarry licences held by a lessee/licensee:

Provided that the period of amalgamated lease / licence shall be co-terminus with the lease / licence whose period expires first."

1.Added by Rajasthan Gazette Extraordinary dated 12/08/1994

2.Inserted by Rajasthan Gazette Extraordinary dated 29/08/1996

3.Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996

4.Added by Rajasthan Gazette Extraordinary dated 28/01/2011

77. Conversion Of Minor Mineral Lease Into Major Mineral Lease :-

In case minor mineral produced from minor mineral lease can be used as a major mineral, in such cases the State Government may convert the minor mineral lease on an application by the lessee into major mineral lease subject to the following conditions, namely:-

(i)If it is recommended by a committee comprising Superintending Geologist, Mining Engineer /Assistant Mining Engineer and Geologist concerned.

(ii)There is no revenue loss to the State Government.

(iii)The lease area converted shall not be the less than the prescribed size of lease area for major minerals provided in rule 22-D of Mineral Concession Rules 1960.

(iv)Prior to conversion, the lessee shall obtain all requisite consents from the concerned Departments required for allotment of a major mineral lease.

SCHEDULE 1

SCHEDULE I

RATE OF ROYALTY

(See rule 18(1) (b))

S. No.	Name of Mineral	Quality/Shape and size of mineral	Rate of royalty Rs. Per tonne	Conversion factor in Tonnes / Cum	w.e.f.
1	2	3	4	5	6
1.	Sandstone	Dimensional stones – (i) Dressed, polished or cut slabs, patti Katla, ashlar, tiles, flooring & roofing stones and blocks.(ii) Undressed, irregular or rough slabs, patti Katla, ashlar, tiles,	200.00		11.01.11

		flooring & roofing stones and blocks.		2.4	
		(a) Bharatpur, Dholpur, Karoli districts	115.00		11.01.11
		(b) Kota & Bundi districts	95.00		11.01.11
		(c) Bhilwara & Chittorgarh districts	75.00		11.01.11
		(d) All other districts	62.00		11.01.11
2.	Limestone	Dimensional stone		2.7	
		(a) used as flooring, roofing & pillaring stone etc.:-			
		(i) Kota & Jhalawar district	90.00		11.01.11
		(ii) Jaisalmer district	120.00		11.01.11
		(iii) All other districts	75.00		11.01.11
		(b) Mineral waste of Limestone (Dimensional) used for purposes other than raw material by an industry.	15.00		11.01.11
3.	Limestone & lime	Suitable for lime making	65.00	1.4	01.01.11
		Lime	100.00	1.4	01.01.11
4.	Marble, serpentine & other decorative stone	1. (a) Slabs & tiles having one dimension (width) 35 cm and above and other finished products:-		2.7	
		(a-i) For Makrana Area	300.00		18.03.10
		(a-ii) For All other Area of Rajasthan	350.00		01.01.11
		(b) Tiles having one dimension (width) less than 35 cm:	290.00		01.01.11
		2. Blocks	195.00		01.01.11
		3. Irregular blocks processed by single wheel cutters whose diameter is not more than 60 cm located within the State of Rajasthan:	110.00		11.01.11
		Provided that such blocks are not processed in the factory premises where other wheel cutters			

		having diameter more than 60 cm or Gangsaw of any design are installed.			
		4. Khanda and Karezi having no dimension of more than 35 cm.	65.00		11.01.11
5.	Granite, Diorite & other igneous rock types suitable for sawing & polishing	(i) Blocks having any dimension more than 70 cm.	175.00	3	11.01.11
		(ii) Blocks having no dimension more than 70 cm.	65.00	2	11.01.11
6.	Chips and powder making minerals like Marble, Dolomite, Serpentine, Rhyolite, Chert, Limestone, Quartzite etc.	Used for making chips and powder.	65.00	2.7	11.01.11
	Provided that no royalty shall be payable on marble slurry / marble powder				26.03.10
7.	(a) Masonary Stone (Sandstone, Limestone, Granite, Rhyolite, Quartzite, Schist, Phyllites etc.)	(a) Used as Khanda, ballast, road metal, fatchere, gitty/grit, papada, crusher dust, gravel, jhajhara etc. -		1.4	
	(b) Sand Stone, Limestone or any other rock.	(i) Alwar, Bharatpur, Jaipur, Jhuhujhunu and Sikar district.	22.00		11.01.11
		(ii) Other districts	17.00		11.01.11
		(b) Used for making cobbles.	75.00		11.01.11
	Bajri, Kanker and				

8.	ordinary sand	(a) Bajri, Kankar -		1.4	
		(i) Bharatpur, Jhunjhunu, Dholpur, Tonk and Sikar District.	25.00		11.01.11
		(ii) Other districts(b) Ordinary sand / ordinary earth used for -	20.00		11.01.11
		(i) Manufacturing of Earthenwares, tiles etc.	10.00		01.01.11
		(ii) Filling or leveling purposes in construction of embankment, roads, railways, buildings etc.	2.50		01.01.11
9.	Brick earth, Murram, Surkhi		18.00	1.4	11.01.11
10.	Lime Kanker, Jhajhara Kanker	Lime Kanker & Jhajhara Kanker	15.00	1.4	01.01.11
11.	Phyllite and Schist	Dimensional Stone used as Pati, kattla, roofing, flooring etc.	40.00	2.2	11.01.11
12.	Fuller's earth		80.00	1	11.01.11
13.	Bentonite		90.00	1.2	11.01.11
14.	Slate stone		80.00	2	11.01.11
15.	Salt petre		1800.00	-	11.01.11
16.	Ordinary clays used for colour washing		13.00	1.5	11.01.11
17.	(a) Bricks earth, Phyllite & Schist, Sand (including Bajri)	Used for special purposes in industry	90.00	1.4	11.01.11
	(b) Shale, Gneisses, Quartzite, Clay and any other rocks/minerals used for special purposes.		80.00		

18.	All other minerals not herein before specified.		10% of pits mouth value	-	04.03.86
-----	---	--	-------------------------	---	----------

SCHEDULE 2

SCHEDULE II

Dead rent on Minor Minerals

(See Rule 18 (3))

S. No.	Name of Mineral	Rate of Dead rent in Rs. Per ten square metre or part thereof
1	2	3
1	Dimensional stone:	
	(a) Sandstone, Limestone, Slate stone and other	50.00
	Dimensional stones which have not been mentioned	
	anywhere in this schedule.	
	Phyllite and schist	25.00
2	Mineral used for lime making:	
	(a) Limestone	40.00
	(b) Lime Kanker, Dhandhla and jhajhara Kankar	15.00
3	Mineral used for making chips and powder:	
	Limestone, Marble, Chert, Serpentine, Rhyolite, Quartzite	40.00
	and other rocks	
4	Mineral used as Blocks and sawn as slabs and tiles:	
	(a) Marble, Serpentine and other rocks	70.00
	(b) Granite, Diorite, Rhyolite, Dolorite and other rocks	40.00
5	Masonry stone and mineral used in construction works	21.00
	such as ballast, road metal, brick earth, murrum, kankar,	
	bajri of surkhi etc.	
6	Other Minerals:	
	(a) Fuller's earth	15.00
	(b) Bentonite	30.00
	(c) Saltpetre	8.00

	(d) Ordinary white/yellow/red clays	12.00
7	Other minerals not specified above	35.00

Note: In the cases where mineral is used for captive purpose in the industry set up by the lessee the rate of dead rent will be reduced by 25%

1. Government Notification No. 14(9)Mines/Gr.2/2004 dated 18.12.2004

2. Government Notification No. 14(9)Mines/Gr.2/2004 dated 11.03.2010

SCHEDULE 3

SCHEDULE III

List of Associated Minerals

[See rule 11 (2)]

The Following minerals shall be treated as associated minerals within their respective groups:

1. Dimensional Stones

- (a) Sandstone;
- (b) Limestone;
- (c) Phyllite and schist;
- (d) Slate stone used as dimensional stones.

2. Mineral used as blocks and sawn as slabs and tiles.

- (a) Marble;
- (b) Dolomite;
- (c) Rhyolite;
- (d) Granite;
- (e) Serpentine;
- (f) Diorite and Dolorite;
- (g) Any other rock used for slab or tile making.

3. Minerals used for lime burning.

- (a) Limestone;
- (b) Dolomite, Limestone;
- (c) Marble fragments suitable for burning.

4. Minerals used for chips and powder burning.

- (a) Limestone;
- (b) Marble;
- (c) Rhyolite;
- (d) Chert;
- (e) Serpentine;
- (f) Dolomite and other rocks used for similar purpose.

5. Minerals used as masonry stone, road metals, ballast etc.