

GOVERNMENT OF PUNJAB  
DEPARTMENT OF INDUSTRIES AND COMMERCE  
NOTIFICATION

The 8th March, 2013

No.G.S.R. 14/C.A.67/1957/Ss.15 and 23-C/2013.- In exercise of the powers conferred by section 15 and section 23-C of the Mines and Minerals (Development and Regulation) Act, 1957, (Central Act 67 of 1957), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules for regulating the grant of various forms of mineral concessions in respect of minor mineral and for the purposes connected therewith, namely:-

**CHAPTER-I  
PRELIMINARY**

- 1. Short title, extent and commencement.** - (1) These rules may be called the Punjab Minor Mineral Rules, 2013.
  - (2) These rules shall be applicable throughout the State of Punjab.
  - (3) They shall come into force on and with effect from the date of their publication in the Official Gazette.
- 2. Definitions.** - In these rules, unless the context otherwise requires,-
  - (a) **'Act'** means the Mines and Minerals (Development and Regulation) Act, 1957;
  - (b) **'Assessee'** means a Mineral Concession Holder and includes a person who raises any minor mineral from any land without permission from the Department;
  - (c) **'Assessing Authority'** means a Mining Officer and includes any authorized officer assigned to make assessment under these rules;
  - (d) **'Assessment Year'** means a period of twelve months commencing on the first day of April, every year;
  - (e) **'Auction'** means a system of competitive bidding by way of open auction including electronic auction and any other competitive bidding process including calling of tenders;
  - (f) **'Authorised Officer'** means any Gazetted Officer of the Government authorised to perform such functions under these rules and for such area as may be specified in the notification; and include any other official to carry out such functions as specified by the Director;
  - (g) **'Boundary Pillar'** means a cemented pillar of size, colour and other specifications given by the Director;

- (h) **'Building Stone'** include sand-stone, quartzite, schists, limestone, bajri, marble, dolomite, slate and shale when used as building material;
- (i) **'Carrier'** means any conveyance or any other mode by which minerals are transported from one place to another;
- (j) **'Competitive Bid'** means an amount offered in an auction by the participant;
- (k) **'Competent Authority'** means the authority for exercise of such powers and carrying out of such functions as specified by the Government;
- (l) **'Contractor'** means a person holding a contract under these rules;
- (m) **'Contract Money'** means the amount to be paid by the contractor(s) to the Department for raising the mineral(s) from the area granted on contract;
- (n) **'Dead Rent'** means the minimum amount payable in a year by the person to whom a mining lease is granted under these rules irrespective of the fact as to whether or not he operates/ could operate the area fully or partly;
- (o) **'Department'** means the Department of Industries and Commerce, Government of Punjab;
- (p) **'Director'** means the Director of Industries and Commerce, Government of Punjab;
- (q) **'District Level Committee'** means a committee constituted by the Government for each district in the State to approve the environment management plan of small quarries and to monitor and ensure the compliance of conditions imposed in the environment clearance and mineral concession in the district;
- (r) **'Final Acceptance of Bid'** means a letter issued to the successful bidder with the approval of Government after fulfilment of conditions contained in the provisional acceptance of bid for the grant of mineral concession under these rules;
- (s) **'Form'** means a form appended to these rules;
- (t) **'Government'** means the Government of the State of Punjab in the Department of Industries and Commerce;
- (u) **'Lessee'** means a person holding a valid grant of lease for raising the minerals from the area granted to him on lease(s);
- (v) **'Mineral Concession'** means a mining lease including a mining contract or short term permit in respect of minor mineral ;

- (w) **'Mineral Concession Holder'** means any person to whom mineral concessions are granted under these rules;
- (x) **'Mining Dues'** means any of the dues on account of royalty, dead rent, contract money, amount payable towards the Mines and Mineral Development, Restoration and Rehabilitation Fund, interest on delayed payments or any fee or any other amount in respect of a mineral concession granted under these rules;
- (y) **'Mining Plan'** means a plan for scientific mining prepared by a recognised person on behalf of Mineral Concession Holder of minor mineral and includes progressive and final mine closure plans;
- (z) **'Mineral Products'** means minerals in any raw or processed form, bricks, dressed stone, rock aggregates, chips, ballast, stone dust, sand, or any product to be prepared from minerals without involving any chemical changes;
- (za) **'Mining Officer'** means an officer appointed by the Government for the purpose of these rules;
- (zb) **'Officer in-charge'** means an officer of the Government holding charge of one or more sub-divisions or one or more districts, as the case may be, and by whatever designation known such as the General Manager-cum- Mining Officer or Sub-Divisional Mining Officer;
- (zc) **'Presiding Officer'** means the Director or any other officer authorised by him for holding auction;
- (zd) **'Processing'** means all physical processes such as pulverizing and/ or grinding and/ or powdering or washing of minerals in such a way that no chemical change takes place by that process and includes cutting and polishing process of slate, granite blocks or marble blocks or blocks of any other types of rocks;
- (ze) **'Producer'** means any person carrying on the business of extracting/producing/collecting minerals or mineral aggregates in raw or processed form including the licensee of a registered metal mineral unit, as the case may be, in accordance with the provisions of the Act or the rules made there under;
- (zf) **'Provisional Acceptance of Bid'** means a conditional letter issued to the successful bidder with the approval of Government after the acceptance of bid for the grant of mineral concession under these rules;
- (zg) **'Research Work'** means any work done for the benefit and up-gradation of the mineral and for examining its suitability for utilization in the industry, for the purpose of scientific study without any commercial motive;

- (zh) **'Schedule'** means a Schedule appended to these rules;
- (zi) **'Scheme of Mining'** means a scheme prepared by a recognised person on behalf of Mineral Concession Holder for systematic and scientific mining of minor mineral;
- (zj) **'Scientific Mining'** means mining operations consistent with the approved Mining Plan, clearances/permissions granted by the competent authority;
- (zk) **'Scientific Test'** means any test conducted for chemical or mineralogical analysis of mineral and assessment of its chemical and mineralogical constituents and properties for the purpose of scientific study without any commercial motive;
- (zl) **'Short Term Permit'** means a permit granted by the Director to extract a certain quantity of minor mineral for the period specified in the permit but not more than one year in any case;
- (zm) **'State Level Environment Management Cell'** means a cell constituted under rule 66 to ensure the compliance of conditions imposed in the environment clearance and mining contract in the State;
- (zn) **'State Geologist'** means the State Geologist appointed by the Government;
- (zo) **'Sub-Divisional Mining Officer'** means Sub-Divisional Magistrate of the Sub-Division concerned;
- (zp) **'Un-Authorised Mining'** means any mining operation undertaken without any valid mineral concession granted under these rules or in violation of or non-compliance of the terms and conditions of a mineral concession;
- (zq) **'Un-Scientific Mining'** means mining operations not consistent with the Mining Plan approved, clearances/ permissions granted by the competent authority; and
- (zr) **'Weighment Slip'** means Form 'T', duly authenticated by the authorised officer and issued for lawful transportation of any mineral raised in accordance with the provisions of the Act and the rules in this regard, by the carrier.

**3. Exemptions. -** (1) Notwithstanding anything contained in these rules, no rent, royalty or permit fee shall be charged or weighment slip required for,-

- (i) extraction of ordinary clay or ordinary sand by hereditary 'Ghumiards', who prepare earthen pots on a cottage industry basis, whose turnover during a year does not exceed two lac rupees;

- (ii) excavation of masonry stones and ordinary clay from areas which are not occupied by lessee or contractor, for bona-fide personal requirements of the inhabitants of the local area;

**Explanation:** Local area means the village habitations falling within a radial distance of five kilometers of the site;

- (iii) levelling of any agricultural fields by a land owner or possessor, as the case may be, within land in his possession where no disposal of ordinary earth outside the area is involved;
- (2) No royalty shall be charged for removal of any ordinary earth by the owner or the possessor, as the case may be, from the land in his possession for meeting personal land-filling requirements either in another agricultural field or for meeting his personal bona-fide requirements;
  - (3) The contractor shall supply to consumers inhabiting the local area, or allow them to excavate building stone, lime stone, kankar and bajri at the rates specified in the Schedule for their bona fide personal use or for the construction of buildings meant for charitable or philanthropic purposes:

Provided that the exemptions under this rule shall not be applicable to excavation of minerals in any area where use of explosives is inevitable:

Provided further that excavation of limestone or 'kankar' from an area, which is not occupied by a contractor or lessee, may be made by the members of Scheduled Castes, Scheduled Tribes and Backward Classes whose monthly income does not exceed the minimum wages per month of an unskilled worker, or by persons who require such material for the purpose of building a *Dharamsala*, *Piao* or other building for charitable or philanthropic purposes, under a permit, valid for two months issued by the Director or any person authorised by him in this behalf on payment of one thousand rupees.

Note. – The Mining Officer concerned shall be competent to decide whether any person(s) excavating the minor minerals are eligible under these exemptions or not.

- 4. Procedure for quarrying of minor minerals by the Government.** - (1) An application for the grant of a permit for quarrying of any minor mineral by any department of a State Government or Central Government, from land belonging to Government, for the construction of any work by engaging its own labour, shall be made by any officer of the department concerned, not below the rank of a Group-B officer, to the Director or any other officer authorised by him in his behalf.

(2) No application fee or court fee shall be payable on an application made under sub-rule (1) and no royalty shall be charged for the removal of any minor mineral for which a permit has been granted on such application.

**5. Site Appraisal Committee.** - There shall be a Site Appraisal Committee constituted in every sub-division of the State of Punjab for the purpose of the appraisal of quarry sites. The aforesaid Site Appraisal Committee shall consist of the following, -

Sub-Divisional Magistrate;	-Chairperson
Executive Engineer, Irrigation;	-Member
Executive Engineer, Buildings and Roads;	-Member
Executive Engineer, Drainage;	-Member
Divisional Forest Officer;	-Member
Chief Agriculture Officer;	-Member
Block Development and Panchayat Officer; and	-Member
Mining Officer	-Member Secretary

The committee shall appraise all mineral prone sites including self-identified quarries and send its detailed observations to the Director through the Deputy Commissioner of the district concerned.

**6. Self Identification of Quarries of Sand/Gravel/Boulders for Mining.** - (1) The proposals for self identification of quarries shall be invited by way of advertisement in the press media in the prescribed format.

(2) Such applications shall be submitted to the Mining Officer/Sub-Divisional Mining Officer concerned.

(3) The applications shall be appraised by the Site Appraisal Committee.

(4) After obtaining environment clearance, the process of auction of the quarries shall be initiated by the Director.

**7. Certificate of approval.** - (1) Any person who is an Indian National shall, on payment of a processing fee as specified in the Schedule be entitled to obtain a certificate of approval from the Director. The application for certificate of approval shall be submitted to the Director in Form 'A'.

(2) The Director may, with the previous approval of the Government, grant a certificate of approval to any person, who is not an Indian National, on payment of fee, specified in Schedule.

- (3) A certificate of approval shall be in Form 'B' and shall be valid up to 31st day of December of the year in which it is granted:

Provided that a certificate granted in the last quarter of a year shall be valid until the 31st day of December of the year next following.

- (4) A certificate of approval shall be renewed by the Director, if a renewal fee as specified in the Schedule is paid and an application for its renewal is submitted before the date of expiry of the certificate.

**Explanation:** For the purposes of sub-rule (1), a person shall be deemed to be an Indian National, -

- (i) in the case of a public company as defined in the Companies Act, 1956, only if a majority of the Directors of the company are citizens of India and not less than fifty-one per cent of the share capital thereof is held by persons who are either citizens of India or companies as defined in the said Act;
- (ii) in the case of private company as defined in the said Act, only if all the members of the company are citizens of India;
- (iii) in the case of a firm or any other association of individuals, only if all the partners of the firm or members of the association are citizens of India; and
- (iv) in the case of an individual, only if he is a citizen of India;

and if any question arises as to whether a person is an Indian National or not, it shall be referred to the Central Government whose decision shall be final.

## CHAPTER II

### GRANT OF MINING LEASE/ CONTRACTS / SHORT TERM PERMITS IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT

#### A. Grant of Mining Leases

- 8. Restriction on grant of Mineral Concession:** - (1) No Mineral Concession shall be granted in respect of land within a distance of sixty meters from any village or national highway.
- (2) No Mineral Concession shall be granted in respect of any such minor mineral as the Government may notify in this behalf. Such notification may be for the whole State of Punjab or any part thereof.
- (3) No Mineral Concession shall be granted to a person who does not hold a certificate of approval from the Director.

- 9. Application for mining lease.** - An application for a mining lease shall be made to the Government through the Director or any other officer, authorised by Government in this behalf, in Form 'C' and shall contain the following particulars, -
- (i) if the applicant is an individual, his name, nationality, profession and residence;
  - (ii) if the applicant is a partnership firm, a company or an association or body of individuals, whether incorporated or not, its name, nature and place of business and place of registration or incorporation;
  - (iii) name of the minor mineral(s) for which the applicant intends to obtain the lease; and
  - (iv) a description, illustrated by a map or plan showing as accurately as possible the situation, boundaries and area of the land in respect of which the lease is required and where the area is un-surveyed, the location of the area should be shown by some permanent physical feature, roads, tanks, etc., the period for which the lease is required and the purpose for which the extracted minor minerals are to be used.
- 10. Application fee.** - Every application for the mining lease shall be accompanied by, -
- (i) a processing fee as specified in the Schedule ;
  - (ii) an income-tax clearance certificate from the Income-tax Officer concerned; and
  - (iii) a certificate of approval in Form 'B'.
- 11. Acknowledgement of application.** - (i) Where an application for grant or renewal of a mining lease is delivered personally, its receipt shall be acknowledged forthwith;
- (ii) when such application is received by registered post, its receipt shall be acknowledged within three days of the receipt; and
  - (iii) the receipt of every such application shall be acknowledged in Form 'D'.
- 12. Disposal of application for mining lease.** - (1) An application for the grant of mining lease shall be disposed of within a period of six months from the date of its receipt and if it is not disposed of within that period, it shall be deemed to have been refused.
- (2) An application for the renewal of a mining lease shall be disposed of within a period of three months from the date of its receipt, and if it is not disposed of within that period, it shall be deemed to have been refused.
- 13. Priority.** - (1) Priority in granting a mining lease shall be given to the following, -
- (i) First to the discoverer of the new mineral; and
  - (ii) Second to a person, who intends to set up a mineral- based industry in the State of Punjab:



Provided that where two or more persons of the same category have applied for a mining lease in respect of the same land, the applicant whose application is received earlier shall have a preferential right for the grant of the lease over an applicant, whose application is received later:

Provided further that where such applications are received on the same day, the Government after taking into consideration the matters specified in sub-rule (2), may grant the mining lease to such one of the applicants as it may deem fit.

- (2) The matters referred to in the second proviso to sub-rule (1), shall be the following, namely, -
    - (i) experience of the applicant in mining;
    - (ii) financial soundness, stability and special knowledge of geology and mining of the applicant; and
    - (iii) special knowledge of geology and mining of the technical staff already employed by the applicant.
  - (3) The Government may, for special reasons to be recorded in writing, grant a mining lease to an applicant whose application is received later in preference to an applicant whose application is received earlier.
  - (4) The Government may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a mining lease over the whole or the part of the area applied for.
- 14. Register of mining leases.** - A register for mining leases shall be maintained in the office of the Mining Officer concerned in Form 'E' and shall be uploaded on the website specified by the Director for this purpose.
- 15. Inspection of register.** - The register of applications of mining leases shall be open to inspection by any person.
- 16. Area of mining lease.** - (1) A mining lease may be granted for such area as the Government may deem fit.
- (2) No lessee by himself or with any person joint in interest with him shall ordinarily hold in aggregate more than five square kilometres of area under lease in respect of one minor mineral within the State of Punjab:

Provided that at the time of the renewal of the lease, the lessee shall be entitled to surrender any part of the area.

**17. Length and breadth of the area leased.** - (1) An area held under a mining lease, shall be rectangular as far as possible and its length shall not normally exceed four times its breadth:

Provided that the Government may in any particular case relax the provisions of this rule.

(2) An application for a mining lease shall relate to one compact area only.

**18. 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.

**19. Security Deposit and Refund.** - (1) The applicant shall, before the lease is granted, deposit as security as specified in the Schedule, for due observance of the terms and conditions of the lease.

(2) On such date as the Government may select within twelve calendar months after the determination of mining lease or any renewal thereof, the amount of the security deposit paid in respect of a mining lease and then remaining in deposit with the Government and not required to be applied to any purpose mentioned in the mining lease shall be refunded to the lessee(s). No interest shall run on the security deposit.

**20. Transfer of mining lease.** - The lessee, may, with the previous sanction of the Government, assign, sub-let or transfer his lease or any right, title or interest therein, to any person holding a valid certificate of approval, on payment of fee as specified in the Schedule to the Government.

**21. Period of lease.** - (1) The period for which a mining lease may be granted shall be maximum upto five years. The mining lease may be renewed for a maximum of two periods, each period not exceeding the period for which the mining lease was originally granted.

(2) The application for renewal of the mining lease shall be made in Form 'C' before six months of the expiry of the lease and upon payment of a fee as specified in the Schedule. Government may renew a lease, if, it is satisfied that the mines have been developed and operated scientifically by the lessee and required investments in machinery and equipments have been made by him in this regard.

(3) When a renewal is granted, dead rent, royalty and surface rent shall be charged at the rates in force at the time of renewal.

**22. Lease to be executed within three months.** - Where a mining lease is sanctioned, the lease deed in Form 'F' shall be executed within three months of the order sanctioning the lease and if the lease is not executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked:

Provided that where the Government is satisfied that the applicant for the lease is not responsible for the delay in the execution of the lease deed, the Government may permit the execution of the lease deed after the expiry of the aforesaid period of three months.

- 23. Royalties in respect of mining lease.** - (1) The holder of a mining lease granted before the commencement of these rules, shall notwithstanding anything contained in the instrument of lease or in any law in force at such commencement, pay royalty in respect of any mineral removed by him from the leased area after such commencement, at the rates for the time being specified in the Schedule in respect of that minor mineral.
- (2) The Government may, by notification in the Official Gazette, amend the Schedule so as to enhance or reduce the rate at which the royalty shall be payable in respect of any minor mineral with effect from such date as may be specified in the notification, either in respect of the whole State or any specified area.
- 24. Conditions of mining lease.** - (1) Every mining lease shall be subject to the following conditions: -
- (i) The lessee shall pay royalty on minor minerals dispatched from the leased area at the rates specified in the Schedule:  
  
Provided that the lessee shall pay royalty at such revised rates as may be notified from time to time;
  - (ii) For calculating the royalty, the lessee shall submit half-yearly returns for periods ending 30th September, and 31st March, in Form 'G';
  - (iii) The lessee shall pay for the surface area occupied by him water charges and cesses assessable on the land as may be fixed by the Government and specified in the lease deed;
  - (iv) The lessee shall also pay for every year, such yearly dead rent within the limits specified in the Schedule as may be fixed by the Government and if the lease permits the working of more than one minor mineral in the same area, the lessee shall be liable to pay the dead rent or royalty in respect of each minor mineral, whichever is higher in amount but not both;
  - (v) If any mineral not specified in the lease is discovered in the leased area, the lessee shall report the discovery without delay to the Government and shall not win or dispose of such mineral without obtaining a lease thereof. If he fails to apply for such a lease within six months from the discovery of the mineral, the Government may give the lease in respect of such mineral to any other person;

- (vi) Unless the Government, for sufficient reasons permits otherwise, the lessee shall commence mining operations within six months from the date of execution of the lease and shall thereafter conduct such operations in a proper, skilful and workman like manner;

**Explanation.** - For the purpose of this clause 'mining operation' shall include the erection of machinery, lying of a tramway or construction of a road in connection with the working of the mine;

- (vii) The lessee shall at his own expense, erect and at all times maintain and keep in good repair boundary marks and pillars according to the plan annexed to the lease;
- (viii) The lessee shall not carry on, or allow to be carried on any mining operations at any point within a distance of seventy five meters from any railway line, except under and in accordance with the written permission of the railway administration concerned, or bridge, or sixty meters from any national highway or fifty meters from any reservoir, tank, canal, road or other public works or building or inhabited site except under and in accordance with the previous permission of the Government, as the case may be, the Railway Administration or the Government may, in granting such permission, impose such conditions as it may deem fit;
- (ix) The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein, and a complete plan of the mine and shall allow any officer authorised by the Government and/or Central Government in that behalf, to examine at any time any accounts and records maintained by him, and shall furnish to the Government and/or Central Government with such information and returns as it may require;
- (x) The lessee shall allow existing and future licensees or lease-holders or contractors of any land, which is comprised in or adjoins or is reached by the land held by the lessee, reasonable facilities for access thereto;
- (xi) The lessee shall allow any officer, authorised by the Government and/or the Central Government to enter upon any building, excavation or land comprised in the lease for the purpose of inspecting the mines;
- (xii) The lessee shall, -
- (a) submit by the 10th of every month to the Director and also to other officer(s) specified in the lease deed, a return in Form 'H', giving the total

quantity of minor mineral(s) raised and dispatched from the leased area in the preceding calendar month and its value; and

- (b) also furnish by the 15th April, every year to the Director and the other officer, specified in the lease deed, a statement giving information in Form 'I' regarding quantity and value of minor mineral(s) obtained during the last financial year, average number of regular labourers employed (men and women separately), number of accidents, compensation paid and number of days worked separately;
- (xiii) The lessee shall strengthen and support to the satisfaction of the Railway Administration or the Government, as the case may be, any part of the mine which in its opinion requires such strengthening or support for the safety of any railway, bridge, national highway, reservoir, tank, canal, road or any other public works or building;
- (xiv) If the lessee does not allow entry or inspection under clause (xi), the Government may cancel the lease and forfeit in whole or in part the security deposit, paid by the lessee under rule 19;
- (xv) The Government shall from time to time and at all times during the term of the lease have the right (to be exercised by notice in writing to the lessee) of pre-emption of the said minor minerals and all products thereof lying in or upon the said lands hereby demised or elsewhere under the control of the lessee and the lessee shall deliver all minor minerals or products thereof to the Government at current market rates in such quantities and in the manner at the places, specified in the notice exercising the said right;
- (xvi) The Government may, by giving six month's prior notice in writing, determine the lease, if the Government considers that the minor mineral(s) under the lease is required for establishing an industry beneficial to the public:

Provided that in a state of national emergency or war, the lease may be determined without giving such notice;

- (xvii) The Government shall have the right to determine the lease after serving a notice on the lessee to pay the dues within thirty days from the date of receipt of the notice, if the dead rent or royalty or surface rent reserved or made payable by the lessee is not paid within fifteen days next after the date fixed in the lease for payment of the same. Government or any other officer authorised by it in this behalf may also at any time after serving the aforesaid notice, enter upon the said premises and distrain all or any of the minor minerals or movable property therein and may carry away, detain or order the sale of the property so distrained, or so

much of it as will suffice for the satisfaction of the rent or royalty due and all costs and expenses occasioned by the non-payment thereof;

(xviii) The lessee shall immediately give to:

- (A) The Chief Inspector of Mines, Government of India, Dhanbad.
- (B) The Director, Indian Bureau of Mines, Government of India, Nagpur.
- (C) The District Magistrate of the District in which the mine is situated.

a notice in writing in Form 'J' as soon as, -

- (a) the workings in the mine extend below superjacent ground; or
- (b) the depth of any open cast excavation measured from its highest to the lowest point reaches six meters; or
- (c) the number of persons employed on any day is more than fifty; or
- (d) any explosives are used.

(xix) When mining lease is granted by the Government, arrangements shall be made, if necessary, at the expense of the lessee, for the survey and demarcation of the area granted under the lease. The lessee shall have also to bear actual expenses of the staff deputed for the work. Actual expenses shall include travelling allowance, daily allowance and salary of the staff plus fifty per cent as instruments charges.

**Explanation.** - For the purpose of sub-rule (1) of rule 24, the lessee includes its transferee or assignee, as the case may be.

(2) The mining lease may contain such other conditions as the Government may deem necessary in regard to the following namely:-

- (i) the time limit, mode and place of payment of rents and royalties;
- (ii) the compensation for damage to the land covered by the lease;
- (iii) the felling of trees;
- (iv) the restriction of surface operations in any area prohibited by any authority;
- (v) the notice by lessee for surface occupation;
- (vi) the facilities to be given by the lessee for working other minor minerals in the leased area or adjacent areas;
- (vii) the entering and working in a reserved or protected forest;
- (viii) the securing of pits and shafts;
- (ix) the reporting of accidents;

- (x) the indemnity to Government against claims of third parties;
  - (xi) the maintenance of sanitary conditions in the mining area;
  - (xii) the forfeiture of property left after determination of the lease;
  - (xiii) the delivery of possession over lands and mines on the surrender, expiration or determination of the lease; and
  - (xiv) the power to take possession of plant, machinery, premises and mines in the event of war or emergency.
- (3) The mining lease may contain any other special conditions as may be specified by the Government. These shall include the conditions of the approved Environment Management Plan and Environmental Clearance granted by the competent authority.
- 25. Rights of lessee.** - Subject to the conditions mentioned in rule 24 the lessee, with respect to the land leased to him, shall have the right for the purposes of mining operations on that land to -
- (i) work the mines;
  - (ii) sink pits and shafts and construct buildings and roads;
  - (iii) erect plant and machinery;
  - (iv) quarry and obtain building and road materials and make bricks but not for sale;
  - (v) use water and dispose/treat it scientifically;
  - (vi) use land for stacking purposes; and
  - (vii) do any other thing specified in the lease.
- 26. Right to determine lease.** - The lessee may determine the lease at any time by giving not less than six calendar month's notice in writing to the Government after paying all outstanding dues of the Government.

### **B. Grant of Short Term Permits.**

- 27. Grant of Permit for Brick Earth.** - (1) Notwithstanding anything contained in these rules, the Director or any other officer authorised by him in this behalf, may grant a permit in Form 'K' from any specified land for mining a minor mineral for such period not exceeding one year as specified therein:
- Provided that for the purpose of brick manufacturing, the quarrying permit for brick earth shall be for a period of three years on payment of such royalty as given in the Schedule.
- (2) In case the number of persons applying for the grant of a permit in respect of any particular area is more than one, the permit shall be given to the person, who offers to excavate the largest quantity of the mineral:

Provided that in case the quantity is also the same, all parties shall give their bid through sealed cover tender and the permit shall be given to the highest bidder:

Provided further that the grant of such permit can be refused without assigning any reason.

- 28. Grant of Permit for extraction of Ordinary Clay/ Earth.** - (1) Notwithstanding anything contained in these rules, the Director or any other officer authorised by him in this behalf, may grant a permit in Form 'K-1' for any specified land not already leased to anybody for mining or extraction of ordinary clay/earth.
- (2) The permit for extraction of ordinary earth shall be granted only up to a maximum depth of three meters measured from the natural ground level of the leased area.
- (3) The permit for extraction of ordinary clay/earth in respect of any land of which the management or ownership vests in a Gram Panchayat shall be granted only if a resolution is passed to that effect by the Gram Panchayat and approved by the Deputy Commissioner concerned.
- (4) The royalty shall be charged on lump-sum basis and it shall be calculated on quantity/ volume of the earth for which the permit is granted as per rates specified in the Schedule. The payment of royalty in these cases shall be made in advance for the complete financial year or part thereof.
- (5) A permit for extraction of ordinary earth shall not be granted for excavation beyond a depth of one and half meter for areas where 'sand deposits' are available below the ordinary clay/earth.
- 29. Grant of Mineral Disposal Permit for minerals encountered in the process of construction of Buildings/Structures/Development Projects.** - Notwithstanding anything contained in these rules, the Director or any other officer, authorised by him in this behalf, may grant a permit in Form 'K-2' for any specified land not already leased to anybody for mining, where any mineral is encountered in the process of construction of any building or a development project.
- 30. Grant of Mineral Disposal Permits for minerals excavated in the process of maintenance of Canal and Drainage System by the Department of Irrigation.** - Notwithstanding anything contained in these rules, the Director or any other officer authorised by him in this behalf, may grant a permit in Form 'K-3' for any specified land not already leased to anybody for mining, where any silt or sand or ordinary earth or any other minor mineral is extracted in the process of maintenance and upkeep of a canal or drainage system or clearance of drains. The Executive Engineer concerned shall obtain a permit in Form 'K-3' for disposal of the said mineral. The Executive Engineer concerned



shall deposit the royalty amount in respect of mineral disposed of, in the relevant account of the Department of Industries and Commerce (Geology Section), Punjab.

**31. Application for Short Term Permits.** - An application for grant of quarrying permit shall be made to the Director or any other officer authorised by him in this behalf, alongwith the application fee as specified in the Schedule, and shall contain the following particulars and documents: -

- (i) Name of applicant:
- (ii) Address:
- (iii) Profession of the applicant:
- (iv) Name of the minor mineral to be extracted and removed:
- (v) Quantity of the minor mineral for which permit is required:
- (vi) Description of the land from which the minor mineral is to be extracted and removed:
  - (a) Name of the Village/Town with Hadbast Number/Plot No.
  - (b) Tehsil
  - (c) District
  - (d) Khasra no. of the land alongwith a copy of Jamabandi
- (vii) Purpose for which the minor mineral is to be used:
- (viii) Agreement between the applicant and land owner:
- (ix) in case of renewal of permit, copy of last permit, alongwith proof of payment towards applicable royalty:
- (x) Existing status of land from which Brick earth is to be excavated:\*
- (xi) Layout Plan of the area:\*
- (xii) No. of 'Ghories' and Category of the Brick Kiln:\*
- (xiii) Advance Royalty:
- (xiv) Undertaking by the applicant that:
  - (a) area is free from Section 4 and/or 5 of the Punjab Land Preservation Act, 1900 and any kind of forest;

- (b) digging of the earth at the site is not prohibited by any court of law or any authority or otherwise;
- (c) brick earth will be used only for manufacturing of the bricks\*;
- (d) he will abide by all relevant provisions for excavation of earth; and
- (e) compensation has been settled with the land owner mutually and a copy of the agreement signed between the applicant and the landowner qua mutual settlement of the compensation is attached (in case land is owned by the applicant himself, the proof thereof).

\* applicable in the case of BKO.

**32. Conditions on which the short term permit shall be granted including the Environmental Conditions.** - (1) Every quarrying permit granted under these rules shall contain a condition that the depth of the pit below the surface shall not exceed three meters.

(2) Any quarrying permit granted under these rules may contain such other conditions as the authorised officer granting the permit may deem necessary in regard to the following:-

- (i) The mode and place of payment of rates and royalties;
- (ii) Compensation of damage to the land covered by the permit;
- (iii) Ban on felling of trees;
- (iv) Restriction of surface operations in any area, prohibited by any authority;
- (v) Entering and working in any reserved or protected forest;
- (vi) Reporting all accidents;
- (vii) Indemnity to Government against claim of third parties;
- (viii) Period within which the minor mineral shall be extracted and removed and delivery of possession over lands on the expiry of such period or on removal of the quantity of the minor mineral for which the permit is valid;
- (ix) Deposit of security under Head 'Revenue Deposits-Security' for due fulfilment of the conditions of the permit; and
- (x) Release of security by the authority, issuing permit after having satisfied that the permit holder has fulfilled all the conditions of the permit satisfactorily.

- (3) In case the permit holder has not been able to remove for any reasons whatsoever, the whole or any part of the mineral for which he obtained permit; he shall not be entitled to claim the refund of royalty or any part thereof.
- (4) Every permit holder shall comply with the environmental conditions namely:-
- (i) Ensure that no natural watercourse and /or water resources are obstructed due to any mining operation. Adequate measures shall be taken for protection of the older-streams, if any, emanating / passing through the mining lease, quarry license or short term permit area during the course of mining operation;
  - (ii) Keep mine working restricted to above ground water level;
  - (iii) Ensure that Ambient Air Quality parameters conforming to the norms prescribed by the State Pollution Control Board is maintained throughout. For this purpose, keep vehicular emissions under control and regularly monitor the same, take measures, for maintenance of vehicles used in mining operations and in transportation of mineral, the vehicles shall not be overloaded and take effective safeguards such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter;
  - (iv) Take all mitigative measures during the mining operation to ensure that the buildings /structures in the nearby areas shall not be affected;
  - (v) Ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;
  - (vi) Ensure no losses to the agriculture crops due to mining operations and undertake to compensate suitably in case of loss/damage to crops; and
  - (vii) Abide by the conditions of approved Environment Management Plan.

**33. Forfeiture of property left after cancellation of the permit.** - In case of breach of any of the conditions subject to which the permit is granted, the Director may cancel it after giving notice as provided in these rules. On cancellation of the permit, the quarried materials lying on the land from which they are extracted shall become absolute property of the Government.

### **C. Grant of Contracts**

**34. Grant of contracts by auction.** - (1) Contracts may be granted by the Government by auction for a maximum period of five years.

- (2) No contract shall be renewed or extended beyond the maximum period of five years.
- (3) No contract shall be granted to a person, who does not hold a certificate of approval in Form "B".
- (4) The contract shall be granted for a quantity of the mineral to be excavated per annum as specified in Form 'L'.
- (5) If the contractor excavates excess quantity of mineral during the period for which the advance payment has been made, then he shall make advance payment for subsequent quarter(s) also before further excavation.

**35. Powers of the Presiding Officer.** - The Presiding Officer may reject or accept any bid without assigning any reason to the bidders. Where, the highest bid is rejected, the reason shall, however, be reported to the Government.

**36. Notice of Auction.** - The auction shall be notified, -

- (i) on the notice-board of the Director, the Mining Officers and at least in two newspapers with a wide circulation in the area where the mine is situated, at least one newspaper being in Punjabi;
- (ii) in the Punjab Government Gazette at least fifteen days before the date of auction. A copy of the auction notice shall be sent to the local authority having jurisdiction over the area where the mine is situated, for giving wide publicity;
- (iii) on a website specified by the Director;
- (iv) the notice of auction shall contain a brief description regarding the place, time and method of auction (including electronic auction), the mines/quarries to be auctioned, the periods of concessions, reserve values, earnest moneys and main terms and conditions of auction; and
- (v) the detailed description, terms and conditions of the auction and the intended concessions shall be available in the offices of the Director and the Mining Officers concerned and on the website specified by the Director.

**37. Procedure of Auction.** - (1) The intending bidders shall deposit such earnest money, in such manner, as may be fixed by the Director.

- (2) In case of e-auction, the earnest money shall be deposited prior to auction and intending bidder shall register himself on the portal as specified prior to the auction.
- (3) On completion of bidding process, the successful bidder shall be offered a provisional acceptance of bid to deposit the required amount including security within two working days from the issue of such provisional acceptance.
- (4) In the event of non payment of the requisite amount as stipulated, the earnest money deposited by the highest bidder, shall be forfeited.

- (5) In case a bidder does not succeed in a particular auction, he shall be eligible to participate in the other auctions notified under the same notification in which he has already participated, or is participating, with the same earnest money, he has already deposited. However, if the earnest money required for any of the other auctions is higher than the amount he has already deposited, he will have to deposit the difference, for the quarry he intends to bid, prior to participate in such auction.
  - (6) The earnest money of the successful bidder shall be adjusted against the first payment(s) due from him.
  - (7) The earnest money shall be refunded within seven working days of final acceptance of bid to all unsuccessful bidders.
  - (8) Misbehaviour or violation of rules or procedures of auction by any bidder during auction shall make him liable for forfeiting his earnest money, removal from the place of auction, cancellation of certificate of approval and debarring him for a period up to three years from any future auction under these rules.
- 38. Contract Money.** - (1) The contract money shall be specified for each year of the contract. Payment of the contract money shall be made by the contractor in advance for every quarter or for such period as specified by the Director.
- (2) Security deposit at the rate of twenty five percent of annual contract amount shall be paid in advance in addition to the contract money.
  - (3) Environmental performance guarantee shall be executed by the successful bidder in the manner and for the purposes specified and this shall be a pre-condition for executing the agreement.
  - (4) The contract money shall be deposited by the Contractor in the following manner:-
    - (i) In the case of contracts, where the annual amount of contract money is not more than rupees ten lacs, the entire balance amount for the first year shall be deposited by the contractor within two working days of provisional acceptance of bid;
    - (ii) In other cases, the annual amount shall be divided into four equal quarterly instalments and each quarterly instalment shall be deposited in advance on the due date as prescribed in agreement in Form 'L'. The first quarterly instalment shall be paid within two working days of provisional acceptance of bid.
- 39. Surrender of a Mining Contract.** - The Government may accept the contractor's request for surrender of a contract or part thereof, in cases where it is established that it has not been found feasible to operate the contract granted for whatsoever reasons subject to the condition that the contractor,-

- (i) has been regular in furnishing the production returns as required in terms of the contract agreement;
- (ii) has been taking the requisite steps for the progressive mine closure plan as per the conditions of the contract granted; and
- (iii) is not in default of payment of any dues of the Government as on the date of making such application and undertakes to pay all such dues till the date of expiry of the notice period either in cash in advance or by way of adjustment of the security or both:

Provided that in case the contractor makes an application for surrender the contract or part thereof, it shall not result in any pro rata reduction of the contract money and the rate of contract amount payable and applicable for the entire area at the time of making such application shall remain intact.

- 40. Execution of contract.** - (1) When a bid is confirmed as accepted, the bidder shall execute a deed of agreement in Form 'L'. The execution of the deed shall be made within one month from the date of communication of confirmed acceptance of bid to the bidder and if no such contract is executed within the aforesaid period, the order accepting the bid shall be deemed to have been revoked and the amount paid under rule 37 shall be forfeited to the Government:

Provided that where the Government or an authorised officer by it, is satisfied that the bidder is not responsible for the delay in the execution of the contract, the Government or authorised officer, as the case may be, may permit the execution of the contract within a reasonable time after the expiry of the aforesaid period of one month.

- (2) After the expiry of the term of the contract, where the Government or authorised officer is satisfied that the contractor has fulfilled all the terms of the agreement, the amount of security shall be refunded to the contractor by the authorised officer.

- 41. General Restrictions for Grant of Mineral Concession.** - (1) No person shall undertake any reconnaissance, prospecting or mining operation activity in respect of any mineral(s) in any part of the state, except under and in accordance with the terms and conditions of a reconnaissance permit or a prospecting license or a mining lease or a mining contract or a permit, or a concession in any other form, as the case may be, granted under the Act and these rules:

Provided that nothing in this sub-rule shall apply to any prospecting operations undertaken by the Geological Survey of India, the Indian Bureau of Mines, the Director Atomic Minerals, the Directorate for Exploration and Research of the Central Government, the Department or a Government Company within the meaning of section 617 of the Companies Act, 1956.

- (2) The Government shall decide the mode and nature of grant of Mineral Concession under these rules in different areas i.e. lease, contract, permit etc. from time to time.
- (3) No Mineral Concession shall be granted in respect of any such minor mineral or in respect of any specific or general area which the Government may by notification declare.
- (4) No Mineral Concession shall be granted in an area, which has been declared/notified as an urban area under the Punjab Apartment and Property Regulation Act, 1995, except with prior consultation of the Department of Housing and Urban Development, and the renewal of any concession granted earlier in such area shall be considered only in consultation with the Department of Housing and Urban Development.
- (5) Wherever, any area situated outside an urban area notified under the Punjab Apartment and Property Regulation Act, 1995, has either been used for mining in the past or has been surveyed or earmarked for grant of any mining concession in future, such area will not be allowed to be used by any authority for any other purpose (except the purpose for which it is being used traditionally) without prior consultation with the Director.
- (6) The Department of Housing and Urban Development shall consult the Director to the extent any area falling in a proposed development plan or part thereof, of the said Department, which comprises of any mineral bearing area, at the time of preparation of such development plan.
- (7) Wherever a Mineral Concession is granted in respect of a large area (e.g. a district or block or cluster of quarries as a unit) for mining of stone, boulder, gravel and sand etc., such concession holder shall have no rights qua the mining permits granted for excavation of brick earth, ordinary earth, silt from canals/drains, and mineral excavated in the process of construction of any buildings/development projects etc.
- (8) No quarrying operations or mining shall be carried on or permitted to be carried on by a Mineral Concession holder to ensure the safety of river beds, river embankments, roads, railways, bridges, structures and adjoining areas, as follows,-
  - a) within a distance of five hundred meters upstream/downstream of any high level bridge and two hundred and fifty meters upstream/downstream of other bridges;
  - b) within a distance of one hundred meters inside/outside any flood protection embankment (Bundh);
  - c) seventy five meters from any railway line (except with the previous permission in writing of the Railway Administration concerned);
  - d) sixty meters from any bridge or national highway;

- e) fifty meters from any reservoir, tank, canal or other public works such as public roads and buildings or inhabited sites (except with the previous permission in writing of the Government or such other authorised officer, by it in this behalf) otherwise than in accordance with such instructions, restrictions and conditions either general or special which may be attached to such permission; and
- f) In the case of village roads, no mining shall be carried on within a distance of ten meters except with the previous permission in writing of the Government or any authorised officer, by it in this behalf;

Note: The said distances shall be measured in the case of a railway, reservoir, drain or canal horizontally from the outer toe of the bank or the outer edge of the cutting, as the case may be, in the case of a bridge, road or highway from the outer edge of the right of way, and in the case of a building horizontally from the plinth thereof.

- (9) No quarrying operations or mining shall be carried on or permitted to be carried on by a Mineral Concession holder up to any point within seven and a half meters from the outer periphery of adjoining private/Government land;
- (10) The depth of mining in the river bed shall not exceed three meters or water level whichever is less, measured from the un-mined bed level at any point in time with proper bench formation;
- (11) The depth of mining in plain areas shall not exceed three meters or water level whichever is less, measured from the un-mined adjoining ground level.
- (12) No mining shall be carried out without formation of benches as specified in regulation 106 of the Metalliferous Mines Regulations, 1961:

Provided that the Government may relax the above distance parameters, wherever required in the interest of mining, mineral conservation or for any unforeseen reasons subject to such conditions as may be imposed under the said relaxation.

**42. Exemptions in certain cases. - (1) In the case of the Department of Irrigation,-**

- (i) channelization of any river system for containing any incidence of inundation or flooding, provided the mineral extracted in the process is used alongside at the same place for creation of safety embankments and is not disposed of outside such area; and
- (ii) Regular operation and maintenance of the scheduled and non-scheduled canal distribution network and drainage system as notified by the Department of



Irrigation where any mineral extracted in the process is used alongside at the same place for strengthening of embankments and is not disposed of outside such area:

Provided that the Department of Irrigation shall obtain a permit from the Director or an authorised officer for undertaking any works covered under clause (ii) indicating the estimated quantity of silt proposed to be removed from the system and the usage thereof giving sectional plans and estimates:

Provided further that while no royalty shall be payable in respect of the mineral extracted from its canal and drainage system and used by the Department of Irrigation for its own requirements, it shall pay the royalty in respect of the mineral extracted and disposed of otherwise.

(2) In other cases,-

(i) construction of any building by the public or private sector, or road or any other development project under the authority of any government department or its agencies involving any digging or excavation for a purpose other than winning a mineral:

Provided that where any minor mineral comprising construction sand and stone is excavated and extracted in the process of execution of such projects, the same shall be disposed of or consumed only after obtaining a permit from the Department and payment of the applicable royalty and other fees as specified in the Schedule; and

(ii) breaking of land involving excavation of ordinary earth only for construction (including laying of foundation, basement etc.) of residential houses of any size or for any other building on a plot size up to five hundred square yards.

### **CHAPTER- III REVIEW AND DELEGATION OF POWERS**

**43. Delegation.** - The Government may, by notification in the official Gazette, direct that any powers exercisable by the Director under these rules may also be exercised, in such cases and subject to such conditions, if any, as may be specified in the notification, by an officer of the Government, as may be specified therein.

**44. Appeal when allowed.** - (1) Any person aggrieved by an order of the Director,-

(i) cancelling or terminating of mineral concession or forfeiting any deposit there under in whole or in part; or

(ii) refusing to permit transfer of a mineral concession;

may appeal to the Government against such order within two months of the date of the order:

Provided that any such application may be entertained after the said period of two months, if the applicant satisfies the Government that he had sufficient cause for not making the application within time. The orders of the Government shall be final.

(2) Where the functions of the Director have been delegated to any other officer subordinate to him under rule 43, any person aggrieved by an order of any such officer of the nature described in sub-rule (1), may appeal to the Government:

Provided that the appeal is filed within two months of the date of the order appealed against.

**45. Fees for appeal and review.** -The memorandum of appeal or application for review shall be accompanied in every case by a treasury receipt of fee as specified in the Schedule to the credit of the Government under the head “128—Receipt from Royalty and other Fee Concession”.

**46. Review.** -The Government or the Director, as the case may be, may call for the relevant records and other information in any case, and after giving the parties concerned an opportunity of being heard and considering any comments that might be offered by the officer concerned, may cancel or review the orders in any such case. The orders of the Government under this rule shall be final.

#### CHAPTER-IV

#### SCIENTIFIC AND SYSTEMATIC MINING AND ENVIRONMENTAL SAFEGUARDS

**47. Mining Plan.** - No Mineral Concession shall be granted unless a mining plan has been duly approved by the competent authority:

Provided that the Government may exempt certain specified mining activities from the requirements of preparation and approval of a mining plan.

**48. Requirements of Mining Plan.** - (1) The mining plan shall be prepared by a recognised person. It shall be in accordance with regulation 106 of Metalliferous Mines Regulations, 1961 and relevant guidelines issued by the Indian Bureau of Mines, Ministry of Mines, Government of India and shall incorporate the following :-

(i) the plan of the precise area showing the nature and extent of the mineral deposit, spot or spots, where the excavation is to be done in the first year and its extent, a

detailed cross-section and detailed plan of spots of excavation based on the prospecting data gathered by the applicant and a tentative scheme of mining for the first two years of the grant of Mineral Concession;

- (ii) details of the geology and lithology of the precise area including mineral reserves of the area;
  - (iii) the extent of manual mining or mining by the use of machinery and mechanical devices on the precise area;
  - (iv) the plan of the precise area showing natural water courses, limits of reserved and other forest areas and density of trees, if any, the impact of mining activity on forest, land surface and environment including air and water pollution, details of scheme for restoration of the area by afforestation, land reclamation, use of pollution control devices and of such other measures as may be directed by the Government from time to time;
  - (v) annual program and plan for excavation on the precise area from year to year;
  - (vi) progressive mine closure plan;
  - (vii) any other matter which the Director or authorised officer may require from the applicant to provide in the mining plan;
  - (viii) every mining plan shall contain all plans, sections serially numbered or suitably indexed. The tracings or copies of such plans and sections duly certified for its correctness by the Mineral Concession holder or the agent, mining engineer or manager or geologist, appointed by the concession holder, shall be kept at the site office of the minor mineral mine/ concession area; and
  - (ix) in addition to the requirements stipulated in clause (viii), every mining plan shall delineate the approach in respect of environmental safeguards and restoration and rehabilitation measures of the area with regard to the conditions imposed in the environment clearance obtained from competent authority wherever applicable.
- (2) For small quarries up to five hectare an environment management plan shall be prepared and approved. It shall incorporate the following:-
- (i) the plan of the precise area showing the nature and extent of the mineral deposit, spot or spots where the excavation is to be done in the first year and its extent, a detailed cross-section and detailed plan of spots of excavation based on the prospecting data gathered by the applicant and a tentative scheme of mining for the first two years of the grant of Mineral Concession;

- (ii) the extent of manual mining or mining by the use of machinery and mechanical devices on the precise area;
- (iii) a simplified mining plan comprising,-
  - a) the plan of the precise area showing natural water courses, limits of reserved and other forest areas and density of trees, if any, the impact of mining activity on forest, land surface and environment including air and water pollution, details of scheme for restoration of the area by afforestation, land reclamation, use of pollution control devices and of such other measures as may be directed by the Government from time to time; and
  - b) annual programme and plan for excavation on the precise area from year to year;
- (iv) mine closure plan;
- (v) any other matter which the Director or the authorised officer may require the applicant to provide in the mining plan;
- (vi) every mining plan shall contain all plans, sections serially numbered or suitably indexed. The tracings or copies of such plans and sections duly certified for its correctness by the Mineral Concession holder or the agent, mining engineer or manager or geologist, appointed by the concession holder, shall be kept at the site office of the minor mineral mine/ concession area;
- (vii) in addition to the requirements stipulated in clause(vi), every mining plan shall delineate the approach in respect of environmental safeguards and restoration and rehabilitation measures of the area with regard to the conditions imposed in the environment clearance obtained from competent authority wherever applicable; and
- (viii) for cluster of small quarries, a single consolidated environment management plan shall be prepared, however, full detail of closure plan shall be provided.

**49. Recognised Person. -** (1) No mining plan as required in rule 47, shall be approved unless it is prepared by a recognised person.

(2) No person shall be recognised for preparation of mining plan unless he holds,-

- (i) a degree in mining engineering or a post-graduate degree in geology granted by a University established or incorporated by or under a Central Act, or a State Act, including any institutions recognised by the University Grants Commission established under section 4 of the

University Grants Commission Act, 1956 (3 of 1956) or any equivalent qualification granted by any University or institution outside India and possessing professional experience of two years of working in a supervisory capacity in the field of mining after obtaining a degree; or

(ii) a three year full time diploma certificate in mining engineering awarded by a State Technical Education Board or a University or Authority recognised by the Government of India, and possessing professional experience of five years of working in a supervisory capacity in the field of mining after obtaining the diploma.

(3) A recognised person to prepare a Mining Plan may also carry out modifications of existing mining plans.

**50. Grant of recognition by the Government.** - (1) Any person possessing the qualifications and experience required under sub-rule (2) of rule 49 may apply alongwith a non-refundable fee as specified in the Schedule, for recognition to the Director or any authorised officer in this behalf:

Provided that if a recognised person is already registered with the Indian Bureau of Mines, Government of India under the Mineral Concession Rules, 1960, then he need not apply to the Director.

(2) The Director or any authorised officer, after making such enquiry as he deems fit, may grant or refuse to grant recognition. Where recognition is refused, the authority shall record reasons of refusal in writing and communicate the same to the applicant.

(3) The recognition shall be granted for an initial period of five years and may be renewed for further periods not exceeding five years at a time. The Director or authorised officer may refuse to renew recognition for reasons to be recorded in writing after giving an opportunity of being heard to the applicant.

**51. Submission and approval of Mining Plan.** - After the grant of Mineral Concession, the Mineral Concession Holder shall submit to the competent authority a mining plan / scheme of mining, as the case may be, alongwith a non-refundable fee as specified in the Schedule within a period of three months from the date on which such communication is received or such other period as may be allowed by the competent authority for approval. The Mining Plan, once approved, shall be valid for the mineral concession period or period of environment clearance, whichever ends first.

**52. Officer Authorised for approval/ modification of the Mining Plan.** - The Director may authorise any of his officers to function as a competent authority for approval or

modification of Mining Plans fulfilling the following qualifications. -

- (i) a degree in mining engineering or post-graduate degree in geology from a university established or incorporated by or under a Central Act, or a State Act, including any institution recognised by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956), or any equivalent qualification granted by any university or institution outside India; and
- (ii) professional experience of eight years in the field of mining in the case of a Mining Engineering and twelve years in the field of mining/geological survey in case of a Geologist.

**53. Modification in the approved Mining Plan. -** (1) The competent authority may require the Mineral Concession Holder to make such modifications in the mining plan referred to in rule 47 or impose such conditions as it considers necessary by an order in writing.

- (2) A Mineral Concession Holder desirous of seeking modifications in the approved mining plan in the interest of safe and scientific mining, conservation of minerals, or for protection of the environment, shall apply alongwith a non-refundable fee as specified in the Schedule to the competent authority, setting forth the intended modifications and explaining the reasons for the same.
- (3) The competent authority may approve the modifications under sub-rule (2) or approve with such alterations as it may consider necessary.

**54. Mining Plan to be submitted by the existing Mineral Concession Holder. -** (1) In case of existing mining lease/contract/short term permit with an area more than five hectares granted before the commencement of these rules without an approved mining plan, the Mineral Concession Holder shall submit a mining plan alongwith a non-refundable fee as specified in the Schedule within a period of six months from the date of commencement of these rules to the competent authority for its approval.

- (2) In case of existing mining lease/contract/short term permit with an area up to five hectares, the Mineral Concession Holder shall submit a scheme of mining alongwith a non-refundable fee as specified in the Schedule within a period of one year from the date of commencement of these rules to the competent authority for its approval.
- (3) If a Mineral Concession Holder is unable to submit the mining plan or scheme of mining within the time specified in sub-rule (1) or sub-rule (2), as the case may be, for reasons beyond his control, he may apply to the competent authority for extension of time stating the reasons of delay.

- (4) The competent authority on receipt of an application submitted under sub-rule (3) may, on being satisfied, extend the period, for submission of the mining plan or scheme of mining, which may not exceed six months.
- (5) The competent authority may approve the mining plan or scheme of mining submitted by the Mineral Concession Holder, or may require modifications to be carried out in the mining plan or scheme and the Mineral Concession Holder shall carry out such modifications and resubmit the modified mining plan or scheme, as the case may be, for approval to the competent authority.
- (6) The competent authority shall within a period of ninety days from the date of receipt of the mining plan or scheme of mining or the modified plan or scheme, convey its orders approving or rescheduling the plan/scheme to the applicant. In case of rejection, the competent authority shall convey, in writing, the reasons, thereof.
- (7) If no decision is conveyed within the period stipulated under sub-rule (6), the mining plan or scheme of mining or the modified mining plan or scheme, as the case may be, shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

**55. Review of mining plan.** - (1) Every mining plan duly approved under these rules shall be valid for the entire duration of the mineral concession.

- (2) For every mineral concession of more than two years, the Mineral Concession Holder, or the agent or mining engineer or manager of every mine or quarry shall review the mining plan / scheme as referred to in sub-rule (1) and submit a scheme of mining for the next two years of the mineral concession to the competent authority for approval.
- (3) Every scheme of mining submitted under sub-rule (2) shall be prepared by a recognised person, as described in rule 49.
- (4) The scheme of mining shall be submitted to the concerned authority at least one hundred and twenty days before the expiry of the two year's period, for which it was approved on the last occasion:

Provided that the mining operations by the Mineral Concession Holder shall not be carried out or allowed to be carried out till the approval of scheme of mining, if the same is not submitted for approval within aforesaid time.

- (5) The competent authority shall convey its orders within ninety days from the date of receipt.
- (6) If approval or refusal of the scheme of mining is not conveyed to the holder of the mineral concession within the stipulated period, the scheme of mining shall be deemed to

have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

**56. Mining operations to be in accordance with mining plan. -**

- (1) Every Mineral Concession Holder shall carry out mining operations in accordance with the approved mining plan with such conditions as may have been imposed under rule 48 or with such modifications, if any, as approved under rule 53 or in accordance with the mining plan submitted or approved under rule 51, as the case may be.
- (2) If the mining operations are not carried out in accordance with the mining plan as referred to in sub-rule (1), the Mining Officer concerned may pass an order for suspension of all or any of the mining operations and permit continuance of only such operations as may be necessary to restore the conditions in the quarry or mine as envisaged under the said mining plan.

**57. Environmental Performance Guarantee. -** (1) An environmental performance guarantee will be furnished by every Mineral Concession Holder. The amount of environmental performance guarantee shall cover all costs required to be incurred for complete implementation of the approved environment management plan. This amount shall not be less than rupees fifteen thousand per hectare or part thereof. Mineral concessions with area less than two hectare may be exempted from furnishing the environmental performance guarantee.

- (2) The environmental performance guarantee shall be submitted in the form of Bank Guarantee/Fixed Deposit Receipt/Cash/Demand Draft from any Scheduled Bank for a period at least six months after the date of expiry of the mineral concession.
- (3) The Mineral Concession Holder shall have to submit the environmental performance guarantee to competent authority, before grant.
- (4) If the Mining Officer concerned has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the approved mine closure plan or environment clearance or environment management plan (as applicable) has not been or shall not be carried out as required, either fully or partially, the Mining Officer shall give the mineral concessions holder a thirty day's written notice of his intention to issue the orders to encash the amount of environmental performance guarantee alongwith interest accrued thereon
- (5) After thirty days of the issue of notice referred to in sub-rule (4), if no satisfactory reply has been received in writing from the mineral concessions holder, or the Mining Officer concerned is satisfied that the Mineral Concession Holder is not in a position to comply



with the conditions of the notice, he shall pass an order to encash the environmental performance guarantee amount alongwith the interest accrued thereon.

- (6) Upon the issuance of order referred to in sub-rule (5), the Mining Officer concerned may realize the amount of performance guarantee together with the interest accrued thereon for the purpose of environmental performance of protective, reclamation, rehabilitation and environmental conservation measures and shall carry out those measures.
- (7) The environmental performance guarantee shall be released by the authorised officer only after such officer is satisfied upon a site inspection conducted by him or on his behalf or by the District Level Committee, that the contractor has completely and fully satisfied all his obligations and responsibilities under the terms and conditions contained in the environmental clearance and in the approved environmental management plan as applicable.
- 58. Cluster of Small Quarries.** - Individual quarries having area less than or equal to five hectare each and in total not more than one hundred hectare in a development block may be clubbed and declared a "Cluster" by the Director.
- 59. Environmental Management Plan for a cluster of Mineral Concessions.** - For a cluster of mineral concessions, an Environment Management Plan shall be prepared collectively by the Mineral Concession Holders of the cluster through a recognised person and submitted to the District Level Committee for approval.
- 60. Association of Cluster(s).** - Mineral Concession Holders falling in a cluster may be directed by the District Level Committee to form an association of persons for the implementation of common activities as may be required in the approved environment management plan. Membership of such an association shall be compulsory for all Mineral Concession Holders in the cluster, and each of them shall be jointly and severally liable for the proper implementation of all common activities under the environment management plan:

Provided further that any Mineral Concession Holder, who is granted a mineral concession within the boundary of a cluster, after the formation of such an association shall have to enroll as a member of the association.

- 61. District Level Committee.** - The District Level Committee shall consist of the following, namely:-

Deputy Commissioner;	-Chairman
SDM-cum- Sub Divisional Mining Officer concerned;	- Member
Environment Engineer, Punjab Pollution Control Board;	- Member

Divisional Forest Officer;	- Member
Executive Engineer, Department of Irrigation;	- Member
Executive Engineer, Drainage;	- Member
Executive Engineer, Public Works Department, Buildings and Roads;	- Member
Executive Engineer, Department of Water Supply and Sanitation;	- Member
Mining Officer Concerned; and	-Member Secretary
Any other officer nominated by the Government;	- Member

Four members shall make the quorum for the meeting.

- 62. Functions of the District Level Committee.** - (1) To approve the Environment Management Plan for the quarries having area of five hectare or less than that and/or a cluster of the same within the district concerned.
- (2) To ensure compliance of guidelines under rule 64 and 65 while approving the Environment Management Plan.
- (3) To monitor the Environment Management Plan and to ensure the compliance of conditions of mineral concession and conditions of environment clearance laid down by the competent authority.
- (4) The District Level Committee may use the services of any authorised officer in connection with its functions.
- 63. Implementation of common issues of Environment Management Plan in a cluster.** - Each Mineral Concession Holder shall be individually and jointly responsible for implementation of Environment Management Plan.
- 64. Environmental Conditions.** - (1) Every Mineral Concession Holder shall, -
- (i) obtain consent to establish and consent to operate from the Punjab Pollution Control Board prior to start of mining operation and implement the conditions of consent to operate strictly;
- (ii) ensure that no natural watercourse and/or water resources are obstructed due to any mining operation. Adequate measures shall be taken for protection of the older-streams, if any, emanating/passing through the mining lease, quarry license or short term permit area during the course of mining operation;
- (iii) keep mine working restricted to above ground water level;
- (iv) temporarily store the top soil, at the place earmarked in environment management plan;

- (v) dump over burden generated during the mining operations at earmarked dump site/s in environment management plan;
  - (vi) ensure that ambient air quality parameters conforming to the norms prescribed by the Punjab Pollution Control Board is maintained throughout. For this purpose keep vehicular emissions under control and regularly monitor the same, take measures, for maintenance of vehicles used in mining operations and in transportation of mineral, the vehicles shall not be overloaded and take effective safeguards such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter;
  - (vii) practice controlled blasting and implement mitigative measures for control of ground vibrations and to arrest fly rocks and boulders. Blasting shall be done only by a person holding the blaster certificate from Director General of Mines Safety. Deep hole blasting shall be carried out only after approval of Director General of Mines Safety;
  - (viii) take all mitigative measures during the mining operation to ensure that the buildings/structures in the nearby areas are not affected;
  - (ix) ensure that all machinery and equipment are as per environmental norms and are operated in accordance with thereof;
  - (x) ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;
  - (xi) undertake that no losses to the agriculture crops due to mining operations and also undertake to contribute suitably for compensation in case of loss/damage to the crops;
  - (xii) maintain the bench height and slope as per approved mine plan;
  - (xiii) maintain the overall slope of mine below forty five degrees; and
  - (xiv) take measures for control of noise levels below the prescribed limits.
- (2) The conditions in sub-rule (1) shall be enforced inter-alia, under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.
- (3) Failure to comply with any of the conditions mentioned in sub-rule (1) may result in cancellation of mineral concessions.

- (4) Mine working shall be strictly as per the conditions of approved environment management plan.
- (5) Every Mineral Concession Holder in addition to deposit of royalty/contract money and submission of environmental performance guarantee shall also deposit contribution towards environment management fund to meet the financial requirement of association/agency for carrying out environmental protection work described in chapter VI of these rules.

**65. Cluster Level Environmental Conditions. -**

**(1) Precaution against Air Pollution,-**

- (i) air pollution due to dust, exhaust emissions or fumes during mining or processing operations for mineral and related activities shall be controlled and kept within permissible limits as specified under any environmental law for the time being in force. Main haulage roads of mine shall be kept wet by sprinkling of water; and
- (ii) periodical examination of air quality shall be monitored by the association of the cluster and results shall be intimated to Mining Officer concerned as well as regional officer of the Punjab Pollution Control Board.

**(2) Discharge of Effluents,-**

All possible precautions shall be taken to prevent or reduce to a minimum, the discharge of toxic and objectionable liquid effluents from quarry or mine, workshop or processing plant, into surface or ground water bodies and useable lands. These effluents shall conform to the standards laid down in this regard.

**(3) Precaution against Noise,-**

- (i) noise arising out of mining and processing operations for mineral at the source shall be controlled so as to keep it within the permissible limit; and
- (ii) periodical examination of noise pollution shall be monitored by the association of the cluster and results shall be intimated to Mining Officer concerned as well as regional officer of the Punjab Pollution Control Board.

**(4) Restoration of Flora,-**

- (i) effective measures shall be taken for plantation in the area earmarked in environment management plan of the cluster. It shall be ensured that plantation shall be done at least five percent of the total land of the cluster as specified every year;

- (ii) the earmarked site(s) for plantation shall be fenced and proper planning of watering and caring the plants shall be implemented. The same shall be looked after during the subsistence of the cluster;
- (iii) suitable trees shall be planted along cluster boundary, on both sides of the major roads, near site office of the mine and over the inactive dumps;
- (iv) the Mineral Concession Holder shall not cut or injure any tree in area of his concession without the previous sanction in writing of any authorised officer in this behalf under any law in force; and
- (v) take all precautionary measures during mining operation for conservation and protection of endangered flora and fauna.

**(5) Water Management,-**

- (i) water collected shall be analysed and if found potable then it shall be diverted for drinking purpose in consultation with the Department concerned;
- (ii) accumulated un-potable rain water shall be dewatered and diverted to nearby pond / aquifer / river / nallah, catchment area by providing suitable pipe line or drains or link canals, as the case may be, in consultation with the Department concerned;
- (iii) the procedure of water harvesting shall be adopted to recharge the ground water table;
- (iv) effective steps shall be taken for setting up of a water treatment plant wherever required to treat the effluents collected in the working pits; and
- (v) for working below ground water level the Mineral Concession Holder shall carry out a detailed hydro-geological study taking into account the mine water discharge, management of discharged water and shall obtain prior approval of the Department concerned;.

**(6) Corporate Social Responsibility,-**

- (i) regular health check-up camps for the workers engaged in mines shall be organized;
- (ii) occupational health surveillance program of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed;
- (iii) insurance cover to all workers engaged in mines shall be provided;
- (iv) common vocational training centre shall be setup at district level; and
- (v) local needs of habitants like school, creche, hospital, veterinary hospital, sanitation, drinking water etc. shall be considered positively.

**CHAPTER- V**  
**REGULATION AND CONTROL OF MINING OPERATIONS**

**66. Mining to be undertaken in a scientific and systematic manner.** - (1) The mining operations shall be undertaken in a scientific and systematic manner i.e. mining operations consistent with the approved Mining Plan, clearances/permissions granted by the competent authority, -

(A) State Level Environment Management Cell shall be constituted by the Government to ensure the compliance of environment conditions. State level environment management cell shall consist of the following, -

- (a) Secretary and Director, Department of Industries and Commerce, Punjab;
- (b) Member Secretary, Punjab Pollution Control Board or his nominee in the rank of Chief Engineer;
- (c) Chief Engineer, Drainage, Department of Irrigation and Drainage, Punjab;
- (d) State Geologist, Department of Industries and Commerce, Punjab; and
- (e) Deputy Director/Joint Director of Department of Industries and Commerce, Punjab, concerned.

(B) District Level Environment Management Cell shall be constituted for each District by the Director to monitor and ensure the compliance of conditions imposed in the environment clearance and Mining Plan approved by the competent authority. District level environment management cell shall consist of the following, -

- (a) Deputy Commissioner;
- (b) SDM-cum-Mining Officer of the Sub Division Concerned;
- (c) General Manager-cum Mining Officer of the District Industries Centre;
- (d) Functional Manager/Project Manager/Block Level Extension Officer in the office of General Manager-cum Mining Officer of the District Industries Centre; and
- (e) Sub Divisional Engineers in the Department of Irrigation, Public Works Department (Buildings and Roads) and Water Supply and Sanitation Department in the District concerned.

(2) Any un-scientific operation or contravention of the terms of concession or approval (excepting the conditions relating to payment of Government dues) to operate the quarry/mine by the Mineral Concession Holder shall amount to violation of the grant.

**67. Non-compliance with or violation of the terms and conditions of the mineral concessions.** - Wherever non-compliance of terms and conditions of the mineral concession or violation thereof is observed, the Director shall be competent to take any or all of the following actions:

- (i) suspension of the mining operations and lifting of mineral from the concession area. He would be holding the inventory of stocks, duly assessed at the time of suspension of operation, until the suspension order is revoked. The period of suspension may continue up to a period of three months or till such time the breach condition is rectified, whichever is earlier;
- (ii) temporary seizure of the stocks of the mineral excavated in raw or processed form until the stocks are reconciled with the records and established to have been accepted from legal sources;
- (iii) termination of the concession with forfeiture of the security in whole or in part and also forfeiture of the mineral lying in the area and its disposal by the competent authority; and
- (iv) de-barring the individuals/firms/companies for grant of a fresh mineral concession in the state for a period of up to five years.

**68. /Procedure for dealing with violation of any conditions and the penalties.-**

- (1) The violation of any of the conditions relating to permission or clearance to undertake mining by any authority shall be dealt as under,-
  - (i) the Director shall, upon inspection by himself or any authorised officer of the department or on reporting of any violation by any other authority, issue a notice to the Mineral Concession Holder to show cause within the period specified therein as to why the mineral concession be not prematurely terminated alongwith forfeiture of the amount of security, in full or part thereof, and forfeiture of the mineral already excavated while undertaking said operations;
  - (ii) on receipt and examination of the reply of the Mineral Concession Holder, the Director may, on his satisfaction that the violation was either not entirely due to fault on the part of the concession holder or was beyond his control or the same had actually not been committed, settle the notice with such caution as deemed appropriate with or without any further directions;
  - (iii) where the Mineral Concession Holder admits to the violation having been committed on his part and promises to remedy the violation in his reply and requests for grant of time, and the Director is satisfied with such promise, he may grant time as deemed proper for implementation of the remedial measures with or without a surety;
  - (iv) in case the Director prima facie forms an opinion on examination of the reply of the Mineral Concession Holder that the violation is of a recurring or continuing nature, he may order suspension of the mining operations with immediate effect

alongwith a ban on lifting of the mineral from the site or any other related activity in the mine; and

- (v) in case the Director is not satisfied with the reply submitted by the Mineral Concession Holder, he may terminate the mineral concession with or without forfeiture of the security amount in whole or part thereof alongwith forfeiture of the mineral already excavated while undertaking said operations. However, no such order shall be passed without affording an opportunity of show cause and representation to the Mineral Concession Holder.
- (2) Wherever an order is passed under clause (iv) or (v) of sub-rule (1), against a mineral concession holder, he or the partnership firm in which he may be a partner, or the company in which he may be a Director, may be de-barred for the grant of a fresh mineral concession for a period of five years from the date of passing such order.

## **CHAPTER- VI**

### **ENVIRONMENT MANAGEMENT FUND**

**69. Environment Management Fund.** - The environment management fund shall be utilized for following objects:

- (i) restoration, repair, reclamation and rehabilitation work required to be undertaken for adjoining/external damage, outside the quarry, caused by mining activities. However, any such casualty by Mineral Concession Holder due to his negligence or due to non compliance of conditions of mineral concession shall be compensated/ rehabilitated by the Mineral Concession Holder concerned;
- (ii) provision of common facilities for the benefit of community in and around areas where mining activities are undertaken;
- (iii) development of infrastructure facilities for orderly growth of the mining operations and allied activities e.g. roads, stone crusher estates, water supply etc.;
- (iv) funding of the studies commissioned or activities related to the mining sector e.g. survey, exploration and prospecting of minerals, procurement of equipment and machinery required to support such activities;
- (v) education, awareness and training of the Mineral Concession Holders and the staff of the Department through field visits and exposure to the best mining practices;
- (vi) funding of expenditure incurred on implementation of any scheme of incentives that the Government may frame for recognition and awards for scientific mining



undertaken with highest regard to mineral conservation, rehabilitation measures alongwith environmental safeguards and other measures; and

(vii) any other objects which the Government may consider appropriate.

- 70. Contributions to the Fund.** - (1) An additional amount equal to ten percent of the dead rent or royalty or contract money payable shall be charged from the Mineral Concession Holder and credited to the fund in the appropriate head of account in the treasury.
- (2) The said contribution shall be remitted by the Mineral Concession Holder in instalments alongwith the instalments of dead rent or royalty or contract money, as the case may be. Such amount shall be reconciled at the end of the financial year and any differential amount due shall be adjusted or paid on reconciliation.
- (3) The Department shall maintain complete account of receipts to the fund and the expenditure there from.
- 71. Restoration and Rehabilitation works to remain the first charge on the Fund.** - The expenditure on restoration and rehabilitation of the mining sites shall remain the first charge on the fund.

## CHAPTER-VII

### TRANSPORTATION OF MINERALS AND PREVENTION OF ILLEGAL MINING

- 72. Prohibition on transportation of minerals.** - No person shall transport or carry or cause to transport or carry any mineral by any means from the place of raising to another place without being in possession of valid “Weighment Slip” in Form 'T' issued by the competent authority under these rules. The Government shall specify the system for issue and verification of weighment slip.
- 73. Transportation of Minerals.** - (1) The Mineral Concession Holder shall maintain a register of all receipts and dispatches alongwith the particulars of weighment slips and used by him and furnish such details in the monthly production and dispatch reports.
- (2) All carriers of mineral(s) by a holder of a mineral concession shall be accompanied with weighment slip in triplicate. The person in-charge of the carrier shall produce the weighment slip at the check post enroute or on demand by the authorised officer in this behalf.
- (3) The Mineral Concession Holder shall issue weighment slip to all the carriers in triplicate.

- (4) The Mining Officer may refuse to issue of the weighment slip further and may stop the transportation of mineral from the quarry in case, a complete account of weighment slip is not provided to him by the Mineral Concession Holder.
- (5) All relevant details such as the source of dispatch, the registration number of the carrier, the weight (in metric tonne) or quantity (in cubic feet) of mineral dispatched from the source, the name of the transporter and the destination of consignment shall necessarily be filled-up in a legible manner in the weighment slip, which shall be liable to be presented on demand by an authorised officer.
- (6) All carriers carrying mineral(s) shall stop at the check post/gate and proceed after having been cleared by the said post/check gate authorities, who shall make necessary endorsement on the triplicate copy in the possession of the in-charge of the carrier.
- (7) Every Mineral Concession Holder shall provide all reasonable facilities to the authorised officer to inspect, verify and check the stocks and accounts of minerals and any other documents pertaining thereto.

**74. Check-post, barrier, weighment and inspection of minerals in transit. -**

- (1) If the Government considers it necessary to do so with a view to checking the transportation and storage of minerals raised without lawful authority, it may set up check-posts at any place in the State of Punjab.
- (2) Any authorised officer may check any carrier at any place, whether it is a check post or not, and the person in-charge of the carrier shall furnish weighment slip in Form 'T' and other particulars such as bill or receipt or delivery note on demand by him.
- (3) At every check-post set up under sub-rule(1), when so required by an authorised officer concerned, the person in-charge of the carrier shall stop for examination of the mineral in transit and inspection of all records and documents relating to the mineral in his possession. The person in charge of the carrier shall, if so required by an official, furnish his name and address and also that of the Mineral Concession Holder and the name and address of the consignor and the consignee. The authorised official after checking the mineral and carrier shall put his signatures on the weighment slip.
- (4) The authorised official shall seize the mineral alongwith the carrier in transit, if it is not mentioned in a valid weighment slip or if the description or quantity is clearly at variance with the weighment slip.
- (5) The authorised official shall give a receipt of such mineral and carrier seized by him to the person from whom the mineral and the carrier has been seized.

- (6) In case the person in-charge of the carrier carrying the mineral not covered by weighment slip has been intercepted at any place other than a check post, then authorised officer/official shall direct the person in charge of the carrier to carry the mineral to the nearest police station or check-posts as the case may be:

Provided that if the person in charge of the carrier refuses to carry the mineral and the carrier to the nearest police station or check-post, the authorised officer/official may seize the mineral and the carrier and take the same in his possession and transport it at the risk and cost of the carrier to the nearest police station or check post.

- (7) The person in-charge of any carrier entering the State limits or passing through the State and bound for any place outside the State shall furnish proof to the effect that the minor minerals have been raised in some other State. In case he fails to furnish proof to that effect, action shall be taken for unlawful transportation of minor minerals as per the provisions of the Act and these rules.
- (8) Where the authorised officer has reason to believe that the weight recorded in the weighment slip is not correct, he may direct the person in charge of the carrier to take such carrier to the nearest electronic weigh bridge and take recourse to action for under-weighment.
- (9) Where any person is found transporting any mineral and/or mineral products in contravention of the provision of these rules, any authorised officer may seize the mineral or its products alongwith any tool, equipment, carrier or any other things used in committing such offence and the person in-charge and/ or the owner of the carrier shall be liable for action under these rules.
- (10) An authorised officer seizing illegally extracted, transported or stored mineral or its products, tools, equipments and carrier under these rules shall give a receipt of the same to the person from whose possession such things are seized.
- (11) If the amount of fine and other sum imposed under these rules are not paid within the specified time, all properties seized shall be liable to be confiscated by an order of the court trying the offence.

**75. Un-authorised Transportation of Minerals.** - Wherever a carrier is found being used for transporting any mineral in whatever form, without a valid weighment slip as required under sub-rule (2) of rule 74 or any excavation equipment is found being used or is found having been used for excavating any mineral in an unauthorised way, the same would be dealt with as under, -

- (i) where the carrier/excavation equipment is involved in violation of these rules for the first time, the said mineral would be liable to be seized alongwith the

impounding of the carrier/excavation equipment which may be released by the authorised officer only upon realization of payment from the owner or person in-charge or person in possession of the carrier/excavation equipment, of applicable royalty as well as compounding fee at a rate specified in the schedule. In case of failure to deposit such compounding fee by the owner or person in-charge or person in possession of carrier, action shall be taken under sub-section (1) of section 21 and section 22 of the Act; and

- (ii) wherever a carrier/excavation equipment is involved in violation of these rules subsequently, the authorised officer shall take action as per sub-section (1) of section 21 and section 22 of the Act.

**76. Illegal Mining of Minerals.** - (1) No person shall undertake any mining operations in any area, except under and in accordance with the terms and conditions of the mining lease, contract or permit granted under these rules and any violation thereof shall make such person liable for action under the Act and these rules.

- (2) In a case where the action is taken under sub-section (5) of section 21 of the Act, the authorised officer may, if required, make an assessment as per sub-rule 5 of rule 85.

**77. Exemptions:** The Government may, by notification in the Official Gazette, exempt any person or class of persons from the purview of these rules, provided the mineral is stored/carried for the purpose of scientific test.

## **CHAPTER - VIII MISCELLANEOUS**

**78. Power to rectify apparent mistakes.** - The Government may, at any time within six months from the date of the order passed by it under these rules, on its own motion rectify any mistake or error apparent on the face of the record, and shall within the like period rectify any such mistake or error which has been brought to its notice by an applicant for the grant of the minor mineral concession:

Provided that no such rectification having or purporting to have a prejudicial effect on another applicant for the grant of the mining lease shall be made unless the Government has given such applicant a notice of its intention to do so, and has allowed him reasonable opportunity of being heard.

**79. Premature application.** - Application for grant of Mining Lease in respect of areas which have been previously held under a mining lease but in respect of which there is no entry in the register as provided under rule 14 shall be deemed to be premature and shall be disposed of by the Government accordingly and the application fee paid shall be refunded.

**80. Recovery of Government dues as arrears of land revenue.** - Any rent, royalty, fee contract money or other sum due to the Government under these rules or under the terms and conditions of any mining lease or contract, on a certificate in Form 'M' of such officer as may be specified by the Government in this behalf by general or special order, be recovered in the same manner as arrears of land revenue.

**81. Prohibition of undertaking quarrying or mining operation.** - No person shall undertake quarrying or mining operation unless he holds a certificate of approval in Form "B":

Provided that no such certificate shall be necessary for undertaking quarrying or mining operation by a person exempted under rule 3 and 42 of these rules.

**82. To provide weighing machine.** - The Mineral Concession Holder shall provide and at all times keep at or near the pit head or each of the pit heads at which the said minerals shall be brought, install to bank a properly constructed and efficient weighing machine/ weigh bridge and shall weigh or caused to be weighed thereon all the said minor minerals. from time to time, brought to bank, sold, exported and converted products and shall at the close of each day cause the total weights, ascertained by such means of the said minerals, ores products raised, sold, exported and converted during the previous twenty-four hours to be entered in the aforesaid books of accounts. The Mineral Concession Holder shall permit the Government at all times during the said term to employ any person or persons to be present at the weighing of the said minor minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the Mineral Concession Holder.

**83. To allow test of weighing machine.** - The Mineral Concession Holder shall allow any person or persons appointed in that behalf by the Government at any time or times during the said term to examine and test every weighing machine to be provided and kept as aforesaid and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order and if upon any such examination or testing any such weighing machine or weights shall be found incorrect or out of repair or order the Government may require that the same be adjusted, repaired and put in order by and the expense of the Mineral Concession Holder and if such requisition be not complied with within fourteen days after the same shall have been made, the State Government may cause such weighing machine or weights to be adjusted, repaired, and put in or order and the expense of so doing shall be paid by the Mineral Concession Holder to the Government on demand and if upon any such examination or testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the Government such error shall be regarded as having existed for three calendar months, previous to the discovery thereof or from the last occasion of so examining and testing the same weighing machine and weights in case such occasion,

shall be within such period of three months and the said rent and royalty shall be paid and accounted for accordingly.

- 84. Returns.** - Every assessee shall for each month furnish a return in Form 'N' about the production and disposal of minor minerals during that month by the 10th day of the month following to which the return relates.
- 85. Assessment of royalty.** - (1) If the assessing authority is satisfied without requiring the presence of the assessee or the production by him of any evidence that the returns furnished in Form 'N' in respect of any period are correct and complete, he shall assess the amount of royalty due from the assessee on the basis of such returns and record assessment order in Form 'O'.
- (2) If the assessing authority is not satisfied without requiring the presence of the assessee who furnished the returns in Form 'N' or production of evidence that the returns furnished in Form 'N' in respect of any period are correct and complete, he shall serve on such assessee a notice in Form 'P', requiring him on a date and at a place specified therein, to attend in person or to cause to be produced any evidence (on which such assessee may rely) in support of such returns.
- (3) In case the assessee having furnished the returns in respect of a period in Form 'N' fails to comply with the terms of the notice in Form 'P' issued under sub- rule (2), the assessing authority shall within three years after the expiry of such period proceed to assess to the best of his judgment, the amount of the royalty due from the assessee and record the assessment order in Form 'O'.
- (4) If an assessee does not furnish the returns in respect of any period by the due date, the assessing authority shall serve a notice upon the assessee in Form 'Q' and after giving the assessee a reasonable opportunity of being heard shall, within a period of three years after the expiry of the said period, proceed to assess to the best of his judgment the amount of royalty if any due from the assessee and record the assessment order in Form 'O'.
- (5) If upon information, which has come into his possession the assessing authority is satisfied that any person has raised, without any lawful authority, any minor mineral from any land and has not paid the royalty due therein to the Government, the assessing authority shall within three years after the expiry of the period during which the land was occupied by such person serve on such person a notice in Form 'R' and after giving such person a reasonable opportunity of being heard, proceed to assess to the best of his judgment the amount of royalty due from him. The assessing authority may also pass an order for recovery from such person of the minor minerals so raised or where such minor mineral has already been disposed of, the price thereof.

- (6) The amount of royalty due and the price of minor mineral, if any shall be paid by the assessee into the Government treasury by such date as may be specified in the notice in Form 'S' issued by the assessing authority for this purpose and the date so specified shall not be less than thirty days from the date of service of such notice:

Provided that the assessing authority may in respect of any particular assessee and for reasons to be recorded in writing extend the date of such payment or allow the payment of royalty and price, if any, by instalments not exceeding four.

- (7) If in consequence of definite information which has come into his possession the assessing authority discovers that an assessee has been under assessed or escaped assessment of royalty in any year, the assessing authority may, at any time within three years after the expiry of that year re-assess the royalty in Form 'O' after giving the assessee a reasonable opportunity of being heard.
- (8) The assessing authority may, at any time, within one year from the date of any order passed by him of his own motion, rectify any clerical or arithmetical mistake apparent from the record and within a like time period rectify any such mistake which has been brought to his notice by any person, affected by such order.

- 86. Refunds.** - The assessing authority shall refund to an assessee, royalty paid by such assessee under these rules, if the amount of royalty so paid is in excess of the amount due from him under these rules:

Provided that no refund under this rule shall be allowed unless a claim of refund is made within a period of three years from the date on which such claim becomes due.

- 87. Appeals.** - (1) An appeal from every original order of assessment of royalty under these rules shall lie -

- (i) if the order is made by an assessing authority, to the State Geologist;
- (ii) if the order is made by the State Geologist, to the Director; and
- (iii) if the order is made by the Director, to the Government.

- (2) No appeal shall be entertained, unless it is filed within sixty days from the date of communication of the order appealed against or such longer period as the appellate authority may allow for reasons to be recorded in writing.
- (3) No appeal shall be entertained, by the appellate authority unless such appeal is accompanied by satisfactory proof of payment of the royalty and the price of minor minerals:

Provided that if such authority is satisfied that the assessee is unable to pay the royalty or the price of the minor minerals, or both, he may for reasons to be recorded in writing entertain the appeal without the royalty or the price of the minor minerals or both having been paid.

- 88. Relaxation of terms and conditions in special cases.** - In any case or class of cases in which the Government is of the opinion that public interest so requires, it may grant mineral concession on the terms and conditions other than those prescribed in these rules.
- 89. Preference.** - Notwithstanding anything contained in these rules, the Government may, after recording the reasons in writing give preference to one party over another for the grant of mineral concession, in case it considers that the mining of these deposits by that party will be beneficial in the public interest.
- 90. Relaxation of rules.** - The Government may relax any provision of these rules in public interest.
- 91. Commencement of the Mineral Concession.** - The Mineral Concession shall come into force from the date of execution of the agreement unless otherwise specified therein.
- 92. Permission to start mining operations.** - The Government may permit the lessee or the contractor, as the case may be, to start mining operations, pending execution of the agreement.
- 93. Acquisition of land of third parties and compensation thereof.** - In case the occupier or Mineral Concession Holder of a land in respect of which minor minerals rights vest in the Government, refuses his consent to the exercise of the right and powers, reserved to the Government and demised to the lessees or contractors, as the case may be, the lessees or contractors shall report to the Government and shall deposit with it the amount offered as compensation and if the Government is satisfied that the amount of compensation offered is fair and reasonable or if it is not so satisfied and the lessee shall have deposited with it such further amount as the Government shall consider fair and reasonable, the Government shall order the occupier to allow the lessee to enter the land and to carry out such operations as may be necessary for the purposes of this lease. In assessing the amount of such compensation, the Government shall be guided by the principles of the Land Acquisition Act, 1894.
- 94. Repeal and Savings.** - The Punjab Minor Mineral Concession Rules, 1964 and Punjab Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2012 are hereby repealed:

Provided that anything 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:



Provided further that where any mineral concession has been awarded or the process of auction or award of concession has commenced under the Punjab Minor Minerals Rules, 1964, the same shall continue to be governed under the rules so repealed.

## SCHEDULE

### A. Rates of Royalty

[See rules 23, 24(1)(i), 27, 28 and 42 ]

1.	Building Stones :		
	(a)	Ashlar and sized dimensional stones ..	Rs. 72 per tonne.
	(b)	Masonry stones including Khandas Boulders, etc. ..	Rs. 72 per tonne.
2.	Lime Stone and Lime Kankar	..	Rs .180 per tonne.
3.	Marble :		
	(a)	Used for lime burning ..	Rs. 66 per tonne.
	(b)	dressed, carved and rough and slabs ..	Rs.646 per tonne.
	(c)	Marble chips, fine powder, Khandas and ballast ..	Rs. 78 per tonne.
	(d)	Coarse powder of not more than plus 20 mesh ..	Rs. 42 per tonne.
	(e)	Kumari Marble ..	Rs.324 per tonne.
4.	Gravel (Bajri)	..	Rs. 60 per tonne.
5.	Kankar, Jhajra-Stones, road metal and ballast	..	Rs. 72 per tonne.
6.	Brick earth	..	Rs. 12 per tonne.

The rate of royalty on bricks manufactured in case of brick kilns shall be as under :-

Category of brick kiln	Annual royalty (Rs.)	Number of bricks for which permit is to be issued
1	2	3
A. Brick kiln of capacity 28 ghoris or more of kachi bricks	36,000	20 lakhs
B. Brick kiln of capacity 22 to 27 ghoris or more of kachi bricks	30,000	16.66 lakhs
C. Brick kiln of capacity below 22 ghoris of kachi bricks	24,000	13.33 lakhs
D. Not covered by any of the above category	7,500	3.66 lakhs

Note.-1. The rate of royalty for brick earth to be charged for purposes other than the manufacture of bricks shall be as per entry at serial No. 6 of the first schedule.

**Explanation.-** ‘Ghori’ is a vertical column of bricks of width equaling to the length of a brick separated from the next similar vertical column by a distance about 4 to 5 inches and “number of ghoris” is the number of vertical column of bricks capable of being accommodated between the inner and outer wall of the vessel of a brick kiln along its width”

7.	Fuller’s earth	..	Rs. 300 per tonne.
8.	Bentonite	..	Rs. 300 per tonne.
9.	(a) Ordinary clay	..	Rs. 10 per tonne.
	(b) Ordinary earth	..	Rs. 10 per tonne.
10.	Ordinary sand used for non-industrial purpose	..	Rs. 60 per tonne.
11.	Slab stone when used for building Material	..	Rs. 6 per tonne.
12.	Slate when used for building material	..	Rs. 240 per tonne.
13.	Saltpetre:		
	(a) bearing earth	..	Rs. 300 per tonne.
	(b) crude (semi-refined)	..	Rs. 3000 per tonne.
14.	All other minor mineral not hereinafter specified	..	20% of the sale value at pit’s mouth subject to minimum of Rs.12 per tonne.

### **B. Rate of Dead Rent**

[See rule 24(1)(iv)]

All Minor Minerals ..... Rs. 2000 per hectare per annum.

### C. Schedule of Fees applicable

Sr. No.	Description	Fees (In Rs.)
1.	Application fees for Certificate of Approval	10,000/-
2.	Fees for Renewal of Certificate of Approval	5,000/-
3.	Application Fees for Mining Lease	1,000/-
4.	Security Deposit for Mining Lease	50,000/- per hectare
5.	Transfer of Mining Lease	1,000/-
6.	Renewal of Mining Lease	5,000/-
7.	Application fees for Short Term Quarrying Permit	500/-
8.	Fees for Appeal & Review	500/-
9.	Application fees for Grant of Recognition by the Government	10,000/-
10.	Fees for approval of Mining Plan	5,000/-
11.	Fees for Modification of Mining Plan	5,000/-
12.	Fees for approval of Mining Plan/ Scheme of Mining for existing Mineral Concession Holder (1) For Area above 5 ha (2) For Area up to 5 ha	25,000/- 1,000/-

### D. Rate of compounding fee to be charged in the cases of Illegal Transportation of Minerals

[See rule 75(i)]

Sr. No.	Mode of carrier	Ordinary Erath/Clay/ Brick Earth (In Rs.)	Sand/Ordinary Sand (In Rs.)	Boulder/Stone/ Gravel/Bajri (In Rs.)
1	Tractor trolley and other small carrier	Rs 5,000	Rs 10,000	Rs 15,000
2	Truck	Rs 10,000	Rs 15,000	Rs 20,000
3	Multi Axle Truck	Rs 15,000	Rs 20,000	Rs 25,000

FORM 'A'  
[See rule 7 (1)]  
Application for Certificate of Approval

To

The Director of Industries and Commerce, Punjab.

Through:

Sir,

I/We \_\_\_\_\_ have the honour to request that a Certificate of Approval under the The Punjab Minor Mineral Rules, 2013, be granted to enable me/us to acquire Mining Leases under the said Rules.

2. The fee of Rs. 10000/- payable for the grant of the certificate is remitted herewith through Demand Draft No.\_\_\_\_(Name of the Bank) dated \_\_\_\_\_, on \_\_\_\_\_/or has been deposited in the Government Treasury under Head “128-Mines and Minerals –concession fee and Royalty” and receipted challan where for is enclosed.

3. The required particulars are given below:-

- (i) Name and address of the Individual / firm / company :
- (ii) Nationality of the individual/ Members of the firm/company :
- (iii) Place of registration or incorporation of the firm or company :
- (iv) Profession of the individual or nature of Business of the firm or company :
- (v) Details of technical qualifications and Mining experience of the individual, firm or Company, if any :
- (vi) The amount of capital that the individual, Firm or company can command to carry on a well planned mining operation :
- (vii) Bank references (At least one) :
- (viii) The amount of income tax or land revenue paid annually, if any :
- (ix) Any other particulars which the applicant wishes to furnish :

Yours faithfully,

Place:\_\_\_\_\_

Dated:\_\_\_\_\_

Signature and designation of the applicant.

Enclosures:

1. Statement of Account duly stamped and signed by the bank
2. Income Tax Returns for last three years alongwith assessment order (if any)
3. Copy of PAN card
4. Undertaking that:
  - (i) Applicant/Firm is not black listed by any State Government/Government of India
  - (ii) Applicant/Firm is not defaulter in the payment of any dues of State Government / Government of India
  - (iii) Applicant/Firm is not involved in any criminal case.

FORM 'B'

[See rule 7(3), 34(3) and 81]

GOVERNMENT OF PUNJAB  
(Department of Industries and Commerce)

CERTIFICATE OF APPROVAL

No. \_\_\_\_\_

Dated: \_\_\_\_\_

This is to certify that \_\_\_\_\_  
is approved as a person who is qualified to acquire mining lease of minor minerals in the State of  
Punjab under the Punjab Minor Mineral Rules, 2013

\*This certificate shall be valid up to 31st December, \_\_\_\_.

\*This certificate already granted and which expired on the 31st December, 20\_\_\_\_ is  
renewed up to 31st December, 20\_\_\_\_.

Director of Industries and Commerce, Punjab.

\* Cancel portion not applicable.

FORM 'C'

[See rule 9 and 21 (2)]

Application for Grant/ Renewal of Mining Lease

Received at \_\_\_\_\_ (Place at) \_\_\_\_\_ (hour) \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_.

Here affix Court fee stamp  
\_\_\_\_\_

From

\_\_\_\_\_  
\_\_\_\_\_

Through:

To

The \_\_\_\_\_  
\_\_\_\_\_

Dated the \_\_\_\_\_ 20

I. I/We beg to apply for a mining lease for \_\_\_\_\_ for a term of \_\_\_\_\_ years over hectares of land in the area specified in the Schedule.

II. A sum of Rs. .... as application fee payable under rule 7 of the The Punjab Minor Mineral Rules, 2013 has been deposited in the Government treasury and the receipted challan therefore is enclosed.

III. The required particulars are given below:-

PARTICULARS

- (1) Name of applicant individual/s firm, company or Society.
- (2) Nationality of the individual/s or place of registration or Incorporation of firm, company or society.
- (3) Profession of individual/s nature of business of firm or company and place, of business.
- (4) Address of the individual/s firm,



company or society.

- (5) Whether the application is for a fresh lease or For a renewal of a lease previously granted.
- (6) Minor Mineral for which the applicant intends to mine.
- (7) Period for which the, original lease is required.
- (8) Approximate quantity of minor mineral expected to be raised during the first year.
- (9) Manner in which the minor minerals raised is to be utilized-

In case of manufacture, the industries in connection with which it is required should be specified.

- (10) A description, illustrated by a map or plan (in triplicate) showing as accurate as possible the situation, boundaries and area of the land in respect of which the lease is required and where the area is un/surveyed, the location of the area should be shown by some permanent physical features, i.e. road, tanks, etc.
- (11) A statement showing all the areas within the jurisdiction of the Government-
  - (i) already held by me/us in my/our name/ names (and jointly with others) under quarrying leases specifying the names of minor minerals.
  - (ii) already applied for but not yet granted, and
  - (iii) applied for simultaneously or being applied for in other districts of this State, is appended.

*Note:-* No application will be held to be complete for purposes of priority unless it furnishes correctly the particulars required by paragraphs I, II and III and is properly signed and stamped.

- (12) Period for which renewal of mining lease is required.
- (13) Whether renewal is applied for the whole or part

of the lease held.

(14) In case the renewal applied for is only for part of the lease held:-

- (a) the area applied for renewal.
- (b) Description of the area applied for renewal.
- (c) Map (in triplicate) of the lease held with area applied for renewal clearly marked on it (attached).

(15) Means by which the minor mineral is to be raised, i.e., by hand labour or mechanical or electric power.

(16) Any other particulars which the applicant wishes to furnish.

### Description of the area applied for

(1) Name of village or in the case of Government forest, the name of the range or sub-range\_\_\_\_\_

(2) Khasra Number and area of each field or part thereof:-

Khasra Number	Area in
---------------	---------

(3) Full description of the area applied for with regard to its natural features:-

(4) Tehsil and number, felling series and working circle, if any\_\_\_\_\_.

(5) District\_\_\_\_\_

Yours faithfully

Place\_\_\_\_\_

Dated\_\_\_\_\_

(Signature of applicant)

N.B—If the application is signed by an authorized agent of the applicant, power of Attorney should be attached.

\*This is not necessary if whole village or a well defined portion thereof is applied for or if the area lies in Government Forest. If all the numbers cannot be entered on this form they should be continued on a separate sheet attached to it and signed. Where a portion of a Khasra number only is for Forest area only.

FORM 'D'  
[See rule 11(iii)]

Receipt of application for mining lease or renewals in respect of Minor Minerals.

GOVERNMENT OF PUNJAB

Sr. No. \_\_\_\_\_

Dated: \_\_\_\_\_

Received the application with the following enclosures for a mining lease/renewal of mining lease in respect of minor minerals of Shri/ Sarvshri \_\_\_\_\_ at \_\_\_\_\_ a.m. /p.m. on \_\_\_\_\_ 20\_\_ for about \_\_\_\_\_ hectares \_\_\_\_\_ in village/forest block, range \_\_\_\_\_ tehsil \_\_\_\_\_ district \_\_\_\_\_ for mining \_\_\_\_\_ (Name of minor mineral (s)).

Place \_\_\_\_\_

Dated \_\_\_\_\_

Signature and designation of the receiving officer.

Enclosures: \_\_\_\_\_

FORM 'E'  
[See rule 14]  
Mining Lease Register

1. Serial number.
2. (a) Date of application.  
(b) Date of receipt of the application.
3. Name and address of the applicant.
4. Situation and boundaries of the land.
5. The mineral under mining lease.
6. The total area.
7. Date of grant of the lease.
8. Period for which granted, renewed or extended.
9. Application fee paid.
10. Amount of security deposit.
11. Particulars of disposal or refund of security deposit.
12. Date of assignment or transfer of the lease, if any,  
and fees paid therefore and the names of the parties  
thereto.
13. Date of expiry or relinquishment or cancellation.
14. Date from which the area is available for regrant.

Signature of the Officer, In-charge,  
In token of attestation.

FORM 'F'

Form of Mining Lease for Minor Minerals

[See rule 22]

**(1) When the lessee is an individual**

THIS INDENTURE made this..... day of..... 20.....between the Governor of Punjab (hereinafter referred to as the "Government" which expression shall where the context so admits, include the successors and assigns) of the one part and (1) .....(Name of person with address and occupation) (hereinafter referred to as the lessee which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns (1).

**(2) When the lessees are more than one individual**

.....(Name of person with address and occupation) and..... (Name of person with address and occupation) (hereinafter referred to as "the lessee" which expression shall where the context so admits, include their respective heirs, executors, administrators, representatives and their permitted assigns (2).

**(3) When the lessee is a registered firm.**

.....(Name and address of partner), son of.....of..... son of.....of.....all carrying on business in partnership. under the firm name and style of..... (name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at.....in the town of, hereinafter referred to as "the licensee" which expression where the context so admits, include all the said partners their respective heirs, executors, legal representatives and permitted assigns (3).

**(4) When the lessee is a registered company.**

.....(Name of company) a company registered under.....(Act under which incorporated) and having its registered office at..... (Address) ..... hereinafter referred to as "the lessee" which expression shall where the context so admits, include its successors and permitted assigns (4), of the other part.

WHEREAS THE lessee/lessees has/have applied to the State Government in accordance with The Punjab Minor Rules, 2013 (hereinafter referred to as the said Rules) for a mining lease for..... in respect of the lands described in clause 1(b) of the Schedule hereunder written

and has/have deposited with the State Government the sum of Rs.....as security. And WHEREAS the lessee is in possession of a valid certificate of approval and Income-tax clearance certificate.

Now, therefore, this deed witnesses and the parties hereto hereby agree as follows:-

1. (a) In consideration of the rents and royalties, covenants and agreements hereinafter contained and on the part of the Lessee/Lessees to be paid, observed and performed, the Government hereby grants and demises upto the Lessee/Lessees all those mines/beds/veins/seams of ..... (hereinafter referred to as the said minor minerals) situated lying and being in or under the lands which are referred to in clause 1(b) together with the liberties, powers and privileges to be executed or enjoyed in connection herewith which are hereinafter mentioned in Part I subject to the restrictions and conditions as to the exercise and enjoyment of such liberties, powers and privileges which are mentioned hereinafter in Part II and subject to other provisions of this lease.

(b) The area of the said lands is as follow:-

All that tract of lands situated at ..... in tehsil..... District..... Bearing Khasra Nos. ...., containing an area of .....or thereabouts delineated on the plan hereto annexed and bounded as follows:-

On the North by \_\_\_\_\_;

On the South by \_\_\_\_\_;

On the East by \_\_\_\_\_;

On the West by \_\_\_\_\_ and

(hereinafter referred to as "the said lands" or the leased area')

(c) The lessee/lessees shall hold the premises hereby granted and demised from the \_\_\_\_\_ day \_\_\_\_\_ for the term of year thence next ensuing.

## **PART –I**

Liberties, Powers and Privileges to be exercised and enjoyed by the lessee(s)

The following liberties, powers and privileges may be exercised and enjoyed by the lessee/ lessees subject to the other provisions of this lease:

**1. To enter upon land and search for win, work etc :** Liberty and power at all times during the term hereby demised to enter upon the said lands and to search for mine, bore, dig, drill for win work, dress, process, covert, carry away and dispose of the said minerals.

**2. To sink, drive and make pit, shafts and inclines etc.:** Liberty and power for or in connection with any of the purpose mentioned in this clause to sink, drive, make, maintain and use in the said land and pits, shafts, inclines, drifts, levels waterways, airways and other works (and to use, maintain, deepen or extend and existing works of the line nature in the said lands).

**3. To bring and use machinery equipment etc.:** Liberty and power for or in connection with any of purposes mentioned in this part to erect, construct, maintain and use on or under the said lands any engines, machinery, plant, dressing floors, furnaces, coke ovens, brick-kilns, workshops, store-houses, bungalows, godowns, sheds, and other buildings and other works and conveniences of the like nature on or under the said lands.

**4. To use waterfront streams etc:** Liberty and power for or in connection with any of the purpose mentioned in this part but subject to the right of any existing or future lessees and with the written permission of Deputy Commissioner/Collector to appropriate and use water from any streams water-courses springs or other sources in or upon the said lands and to divert step up or dam any such stream or water course and collect or impound any such water and to make construct and maintain any watercourse culverts, drains or reservoirs but not as so to deprive any cultivated lands, villages, buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any stream or springs.

Provided that the lessee/lessees shall not interfere with the navigation in any navigable stream nor shall divert such stream without the previous written permission of the State Government.

**5. To fell undergrowth and utilize timber and trees, etc.:** Liberty and power for or in connection with any of the purposes mentioned in this part and subject to the existing rights of others and save as provided in clause 3 of Part III of this Schedule to clear undergrowth and brushwood and to fell and utilize any trees or timber standing or found on the said lands provided that the State Government may ask the lessee/lessees to pay for any trees or timber felled and utilized, by him/her at the rates specified by the Deputy Commissioner/Collector or the State Government.

**6. To get building and roads, material etc.:** Liberty and power for or in connection with any of the purposes, mentioned in this lease deed, to quarry and get stones, gravel and other

building and road materials and ordinary clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks, tiles but not to sell any such material, bricks, tiles.

**7. To use land for stacking purposes:** Liberty and power to enter upon and use a sufficient part of the surface of the said lands for the purpose of stacking, heaping, storing or depositing therein any produce of the mines or works carried on and any tools, equipment, earth and materials and substances dug or raised under the liberties and powers mentioned in this part.

## **PART II**

Restrictions as to the exercise of the Liberties by the lessee

1. **No mining operations within the limit of public works etc:-** The lessee/lessees shall not carry on or allow to be carried on any mining operations at any point within a distance of 75 metres from any railway line except under and in accordance with the written permission of the Railway Administration concerned or bridges or 60 meters from National Highways or 50 meters from any reservoir, tank, canal, roads or other public works or buildings or inhabited sites except under and in accordance with the previous permission of the Government. The Railway Administration or the Government may in granting such permission, impose such conditions as it may deem fit.

Provided that except in cases of sand, no mining operations shall be carried on within 50 meters of river banks.

*Explanation:-*For the purposes of the clause the expression 'Railway Administration' shall have the same meaning as it is defined to have in the Indian Railways Act. 1890 by sub-section (4) of section 3 of that Act.

2. **Permission for surface operations in a land not already in use:-** Before using for surface operations any land which has not already been used for such operations, the lessee/lessees shall give to Deputy Commissioner/Collector of the District, the Director of Industries & Commerce, Punjab and the Mining Officer concerned two calendar months previous notice in writing specifying the the situation and the extent of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used, if objection is issued by the Deputy Commissioner/Collector within two months after the receipt by him of such notice unless the objections so stated shall on reference to the State Government be annulled or waived.

3. **Not to use the land for other purposes:-** The Lessee/Lessees shall not cultivate or use the land for purposes other than those specifies in the lease deed.



### **PART III**

#### **Covenants of the Lessee**

The lessee/lessees hereby covenant(s) with the Government as follows:

**1. Rate of Royalty:** (a) The lessee/lessees shall pay royalty on the quantity of the said minor mineral dispatched from the leased area at the following rate of :-

**(b) Mode of determination of sale price at the Pit's mouth:** The sale price of the minor mineral at the pit's mouth shall be the current market price for the mineral of the same grade less

- (i) transport charges from the mine head to the nearest rail head;
  - (ii) railway freight from the rail head to the market; and
  - (iii) estimated handling charges and other incidental expenditure not exceeding 5 percent of the market price.
- (c) For calculating the royalty, the lessee/lessees shall submit half yearly return for the period ending 30<sup>th</sup> September and 31<sup>st</sup> March in form 'G' to the Director and the Mining Officer Concerned.

**2. Surface rent:-** The lessee/lessees shall pay for the surface area occupied by him/them surface rent at the rate of Rs. \_\_\_\_\_.

**3. Dead rent:-** The lessee/lessees shall also pay for every year, yearly dead rent at the rate of Rs. \_\_\_\_\_ per acre per annum, and if the lease permits the working of more than one minor mineral in the same area, the Government may charge separate dead rent in respect of each minor mineral:

Provided that the mining of one mineral does not involve the working of another mineral:

Provided further that the Lessee/Lessees shall be liable to pay the dead rent or royalty in respect of each mineral, whichever be higher but not both.

**4. Working of newly discovered minerals:-** If any minor mineral, not specified in the lease, is discovered in the leased area, the lessee shall report the discovery without delay to the Government and shall not win or dispose of such minor mineral without obtaining a lease thereof. If he fails to apply for such a lease within 6 months from the discovery of the minor mineral, the Government of the Authorized Officer may give the lease in respect of such mineral to any other person.

**5. To commence mining operations within six months and carry them on properly:-** Unless the Government for sufficient cause permits otherwise the lessee shall commence

mining operations within six months from the date of execution of the lease and shall thereafter conduct such operation in a proper skilful and workman like manner.

**Explanation:** For the purpose of this clause 'Mining Operation' shall include the erection of machinery, laying of a tram way or construction of a road in connection with the working of the mine.

**6. To erect and maintain boundary pillars:-** The lessee/lessees shall at his/their own expense erect and at all times maintain and keep in good repair boundary marks and pillars according to plan annexed to this lease

**7. Accounts:-** The lessee/lessees shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein with a complete plan of the mine and shall allow any officer authorized by the Punjab Government or the Central Government in that behalf to, examine at any time any accounts and records maintained by him and shall furnish to the Punjab Government or the Central Government with such information and returns as it may require.

**8. To allow facilities to other lessees, etc.:-** The lessee shall allow existing and future licensees or lease-holders/contractors of any land which comprised in or is reached by the land held by the lessee, reasonable facilities for access thereto.

**9. To allow entry to officers:-** The lessee shall allow any officer authorized by the Punjab Government and the Central Government to enter upon any building, excavation or land comprised in the lease for purpose of inspecting the mines.

**10. Returns:** The Lessee shall:-

(a) Submit a return in form 'H' by the 10<sup>th</sup> of every month to the Director and also to other officer(s), specified in that form giving the total quantity of minor mineral(s) raised and dispatched from the leased area in the preceding calendar month and its value;

(b) also furnish a statement giving information in 'T' by the 15<sup>th</sup> April, every year to the Director and other officer, specified in that form regarding quantity and value of minor mineral(s) obtained during the financial year, average number of regular labourers employed (men and women separately), number of accidents, compensation paid and number of days works separately.

**11. To strengthen and support the mines:-** The lessee/lessees shall strengthen and support to the satisfaction of the Railway Administration or the State Government, as the case may be any part of the mine which in its opinion requires such strengthening or support for the safety of any railway, bridge, national highway, reservoir, tank, canal, road and any other public works or buildings.

**12. Notice for use of Explosives etc.:-** The Lessee shall immediately give to :-

- (i) The Chief Inspector of Mines, Government of India, Dhanbad;
- (ii) The Director, Indian Bureau of Mines, Government of India, Nagpur;
- (iii) The District Magistrate of the District in which the mine is situated;

A notice in writing in form 'J' as soon as :-

- (a) The working in the mine extend below superjacent ground; or
- (b) The depth of any open cast excavation measured from its highest to the lowest point reaches six meters; or
- (c) The number of persons employed on any day is more than 50; or
- (d) Any explosive is used.

**13. Mode of payment of royalty/dead rent and surface rent:-** The Lessee/Lesseees shall pay in the office of the officer authorized by the Director of Industries & commerce, Punjab, in his behalf dead rent/royalty and surface rent in two half-yearly installments on the 15<sup>th</sup> April, and 15<sup>th</sup> October, each year, during the subsistence of the lease.

In case the installment is not paid by the due date the lessee/lesseees shall be liable to pay interest on such installment at the rate 18 percent per annum for the period payment is delayed by the lessee/lesseees.

**14. Maintenance of Sanitary Conditions:-** The Lessee/Lesseees shall maintain sanitary conditions in the area held by him/them under the lease.

**15. To pay compensation for damage and indemnify the Government:-**The lessee/lesseees shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him/them in exercise the powers granted by the lease and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.

**16. Abiding by the rules:-** The Lessee/Lesseees shall abide by all existing Acts and Rules enforced by the Government of India or the Punjab Government and all such Acts or Rules as may be enforced from time to time in respect of working o mine and other matters affecting safety, health and convenience of the employees of the Lessee/Lesseees or of the public.

**17. To report accident:-**

The lessee/lesseees shall without delay report to the Deputy Commissioner of the District concerned and the Director or any other officer authorized by him, any accident causing death or

serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of the operations under this lease.

**18. Delivery of possession of land and mines on the surrender or sooner determination of the lease:**

At the end or sooner determination or surrender of the lease, the Lessee/Lessees shall deliver up the said lands and all mines (if any dug therein) in a proper and workable state, in respect of any working as to which the Government might have sanctioned abandonment.

**19. To provide weighing machine:-** The lessee/lessees shall provide and at all times keep at or near the pit head or each of the pit heads at which the said minerals shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or caused to be weighed thereon all the said minor minerals, from time to time, brought to bank, sold, exported and converted products and shall at the close of each day cause the total weights, ascertained by such means of the said minerals, ores products raised, sold, exported and converted during the previous twenty-four hours to be entered in the aforesaid books of accounts. The lessee/lessees shall permit the State Government at all times during the said term to employ any person or persons to be present at the weighing of the said minor minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the lessee/lessees. The lessee/lessees shall give 15 days previous notice, in writing to the Mining Officer concerned of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

**20. To secure Pits Shafts not fill them up:** The Lessee/Lessees shall well and properly secure pits and shafts and will not without permission in writing willfully close, fill up or choke any mine or shaft.

**21. Not to enter upon or to commence operations in the reserved or protected Forest:**

The Lessee/Lessees shall not enter upon or commence any mining operations in any reserved or protected forest comprised in the leased area except after previously obtaining permission in writing of the Chief Conservator of Forests, Punjab.

**22. To respect water rights and not injure adjoining property:** The Lessee/Lessees shall not injure or cause to deteriorate any sources of water, power or water-supply and shall not in any other way render any spring or stream of water unfit to be used or do anything to injure adjoining land, villages or houses.

**23. Stocks lying at the end of the lease:** The Lessee/Lessees shall on the termination or sooner determination of the lease, remove all extracted minerals from the premises of the leased areas. All extracted minerals in the said lands left over un-disposed after the termination or determination of lease shall be deemed to be property of the Government.

**24. Payment of taxes:** The lessee/lessees shall duly and regularly pay to the appropriate authority all taxes, cesses and local dues in respect of the leased area, said minor minerals or the working of the mines.

### **To allow test of weighing machine:-**

The lessee/lessees shall allow any person or persons appointed in that behalf by the State Government at any time or times during the said term to examine and test every weighing machine to be provided and kept as aforesaid and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order and if upon any such examination or testing any such weighing machine or weights shall be found incorrect or out of repair or order the State Government may require that the same be adjusted, repaired and put in order by and the expense of the lessee/lessees and if such requisition be not complied with within fourteen days after the same shall have been made, the State Government may cause such weighing machine or weights to be adjusted, repaired, and put in or order and the expense of so doing shall be paid by the lessee/lessees to the State Government on demand and if upon any such examination or testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the State Government such error shall be regarded as having existed for three calendar months, previous to the discovery thereof or from the last occasion of so examining and testing the same weighing machine and weights in case such occasion, shall be within such period of three months and the said rent and royalty shall be paid and accounted for accordingly.

## **PART IV**

### **RIGHTS OF THE STATE GOVERNMENT**

**1. Termination upon default by contractor:** The Government shall have the right to prematurely terminate the contract

- (a) If the lease money in the shape of royalty or any other amount due to the Government are not paid;
- (b) if any of the terms and conditions of the lease agreement or conditions of grant or permission to undertake mining by any other statutory authority/Competent authority is violated;
- (c) if any of the provisions of these rules and other laws both Central and State as are applicable to mines and minerals, are not complied with:

Provided that no orders of suspension/termination of the lease shall be passed by the Director or an officer authorised by him without giving reasonable opportunity to show cause and following the procedure prescribed in the rules:

Provided that in case of default in payment of Government dues such as lease money/royalty, dead rent or any other dues payable under these presents, the lease may be terminated by the Director or any officer authorised by him without affording hearing to the contractor after serving upon a notice to make good the payment within thirty days :

Provided further that the authorised officer may also at any time after issuance of the notice for default on account of non payment of dues, enter upon the said premises and detain all or any of the mineral or movable property therein and may carry away, detain or order the sale of the property so detained, or so much of it as will suffice for the satisfaction of the lease money or rent or royalty or both dues and all costs and expenses occasioned by the non-payment thereof.

**18. Determination of lease in public interest:** The Government may by giving one month prior notice in writing determine the lease if the Government considers it to be in public interest: Provided that in the State of National Emergency or war, the lease may be determined without giving such notice.

**3. Right of pre-emption:** The Government shall from time to time and at all time during the term of lease have the right (to be exercised by notice in writing to the lessee) of pre-emption of the said minerals and all products thereof lying in or upon the said lands hereby demises or elsewhere under the control of the lessee and the lessee shall deliver all minerals or products thereof to the Government at current market rates in such quantities and in the manner, at the place specified in the notice exercising the said right.

**4. Penalty for not allowing entry to officers:** If the lessee or his transferee or assignee does not allow any entry or inspection under clause (9) of part III, the Government may cancel the lease and forfeit in whole or in part the security deposit paid by the lessee under rule 19 of the Punjab Minor Mineral Rules, 2013.

**5. Suspension of Mining Operations:** The Director may order to suspend the mining operations after serving a notice to the lessee, in case, the following violations are noticed:-

- (a) unsafe and unscientific mining;
- (b) non operations of weighbridge;
- (c) non providing of safety appliances to the workers;
- (d) non payment of compensation to the surface owners;
- (e) non submissions of monthly returns;

In case of violations of the aforesaid conditions and also any other terms and conditions of the agreement deed and the provisions of the rules, the Director may give a notice to the lessee to remedy the violations within a period of 15 days from the date of issue of the notice. In case, the violations pointed out through notice, are not remedied within the stipulated period of 15 days, the Director may after affording an opportunity of being heard to the lessee, order the suspension of the mining operations till such time, the defaults/ defected are removed by the lessee within the time frame (within a maximum period of six months) granted by the Director. During the period of suspension of mining operations, the lessee will be allowed only to

undertake rectification work for removal of the defects and shall not dispose off the mineral. During the suspension period, the lessee shall be under the obligation to deposit the amount of the dead rent on the due dates.

On satisfactory removal of the defects, the Director may revoke the suspension orders with or without any modification. Non removal of the defects/ defaults during the suspension period and within the time allowed by the Director, shall lead to premature termination of lease.

**6. Acquisition of land of third parties and compensation thereof:** In case the occupier or owner of the said land refuses his consent to the exercise of the rights and powers reserved to the Government and demised to the lessee/lessees under these presents, the lessee/lessees shall report the matter to the Government who shall ask the collector of the District concerned to direct the occupier or owner to allow the lessee/lessees to enter the said lands and to carry out such operations as may be necessary for working the mine, on payment in advance of such compensation to the occupier or owner by the lessee/lessees as may be fixed by the collector under the Land Acquisition Act, 1894.

## **PART V GENERAL**

**1. Cancellation:-** The lease shall be liable to be cancelled by the Director if the Lessee/Lessees ceases to work the mine for a continued period of six months without obtaining written sanction of the Government.

**2. Notices:-** Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee/lessees by registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India as the lessee/lessees may from time to time in writing to the Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the lessee/lessees and shall not be questioned or challenged by him/them.

**3. Recovery under the Public Demands Act:-** Without prejudice to any other mode of recovery authorized by any provision of this lease or by any law, all amounts, falling due hereunder against the lessee/lessees may be recovered as arrears of land revenue under the law in force for such recovery.

**4. Forfeiture of property left more than three months after expiry or determination of lease:** -The lessee/lessees should remove his/their property lying in the said lands within three months after the expiry or sooner determination of the lease or after the date from which any surrender by the lessee/lessees of the said lands under rule 26 of the Punjab Minor Mineral Rules, 2013 becomes effective, as the case may be, the property left the aforesaid period of three months shall become the property of the Government and may be sold or disposed of in such

manner as the Government shall deem fit without liability to pay any compensation therefore, to the lessee/lessees.

**5. Security and forfeiture thereof:** (a) The Government may forfeit the whole of any part of the amount of rupees two hundred deposited by the lessee/lessees as security under this lease, in case the lessee/lessees commits/commit a breach of any covenant to be performed by the lessee/lessees under this lease.

(b) Whenever the said security deposit or any part thereof or any further sum hereafter deposited with the Government in replenishment thereof shall be forfeited under sub clause (a) or applied by the Government under this lease (which the Government is hereby authorized to do) the lessee/lessees shall immediately deposit with the un-appropriated part thereof to bring the amount in deposit with the Government up to the sum of Rs. 5000/-.

(c) The rights conferred by this clause shall be without pre-judice to the rights conferred on State Government by any other provision of this lease or by any law.

(d) On such date as the Government may elect within twelve calendar months after the determination of this lease or any renewal thereof, the amount of security deposit paid in respect of this lease and then remaining in deposit with the Government and not required to be applied to any of the purpose mentioned in this lease shall be refunded to the lessee/lessees. No interest shall run on the security deposit.

**6. Survey and demarcation of the area:-** When a mining lease is granted by the Government arrangements shall be made, if necessary, at the expense of the lessee, for the survey and demarcation of the area granted under the lease. The lessee shall have to bear actual expenses of the staff deputed for the work. Actual expense will include travelling allowances and daily allowances and salary of staff plus 40 percent as instruments charges.

**7. Right of the lessee/lessees to determine the lease:-** The lessee may determine the lease at any time by giving not less than six calendar months notice in writing to the Government after paying all outstanding due of the Government

IN WITNESS WHEREOF these presents have been executed in the manner hereunder appearing the day and year first above written.

Signatures of the Authorised Signatory  
on behalf of the lessee

Witness:

1.  
2.

For and on behalf of the  
Governor of Punjab

Witness:

1.  
2.



FORM-‘G’

[See rule 24-(1)(ii)]

HALF YEARLY ROYALTY STATEMENT

1. Name of the Lessee
2. Name of the Mine
3. Area  
date of its
4. Rate of Royalty
5. Rate of Surface Rent.
6. Rate of Dead Rent.
7. Period of Lease with  
Commencement.

Sr. No.	Name of the Minor Mineral	Balance brought forward from the previous half year	During the half year under report		Amount fell due during the half year under report			Remarks
			Production	Dispatches from Mine Head	Royalty/ Dead Rent	Surface Rent	Total	
1	2	3	4	5	6	7	8	9

Date:.....

Signature of the Lessee or his  
Authorised Agent.

- Note:
1. Royalty is chargeable on the minerals dispatched from the leased area.
  2. This statement should be submitted to the Director and the Mining Officer concerned by the 10<sup>th</sup> of April and 10<sup>th</sup> of October, Positively.

FORM- 'H'

[See rule 24 (1) (xii)(a)]

MONTHLY RETURN FOR THE MONTH OF .....20

- |                          |  |
|--------------------------|--|
| 1. Name of the Mine:     | 3. Name and Address of Lessee:                                   |
| 2. Location of the Mine: | 4. Name of Minor Mineral(s)<br>for which lease has been granted: |
| a. Village:              |  |
| b. District:             |  |
| c. State:                |  |

Name of Mineral(s)	Closing Stock brought forward from the previous month (tonnes)	Production during the month (tonnes)	Dispatch during the month (in tonnes)				Closing Stock (tonnes)	Average Daily number of Labourers employed				Wages Paid			
			By Truck	By Railway	By other means of Transport	Total		Male	Female	Adolescent	Total	Male	Female	Adolescent	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Signature of the Lessee or his Authorized Agent.

Date:.....

- Note: 1. Please furnish on the reverse of this form reasons for rise or fall in production, dispatches and labour employed etc. as compared with the previous month.
2. Please send this report to
- (i) The Director of Industries & Commerce and
  - (ii) The Mining Officer concerned by the 10<sup>th</sup> of month following the month under report.

FORM-‘I’

[See rule 24 (1) (xii)(b)]

Annual Statement of Minor Mineral obtained, Labourers employed etc. for the Financial Year ending .....20

1. Name of the Lessee:.....
2. Area of Lease:.....
3. Village:.....
4. Tehsil:.....
5. District:.....

Name of the Minor Mineral	Output	Value	Average number of persons employed daily			Average No. of Days Worked	No. of Accidents	Consumption Paid		No. of Days Worked	Remarks
			Male	Female	Total			Rs.	P.		
1	2	3	4	5	6	7	8	9		10	11

Date:.....

Signature of the Lessee or his  
Authorised Agent.

Note: 1. This return is to be submitted by the 15<sup>th</sup> of April of each year for the proceeding financial year, i.e. from 1<sup>st</sup> of April to 31<sup>st</sup> of March.

FORM-‘J’  
[See rule 24(1)(xviii)]

1. (a) Name of mine :
- (b) Name of Minor Mineral Worked :
- (c) Situation of mine (villages, Thana, Sub-Division, District, State) :
- (d) Date when work has first started :
2. (a) Name and postal address of present Owner(s) :
- (b) Name and postal address of agent (if any) :
3. (a) Name and postal address of Manager (if any) :
- (b) His Age :
- (c) His Qualification :
- (d) His Experience in Mining :
4. Whether workings are likely to be extended below superjacent grounds :
5. (a) Maximum depth of open cast Excavation measured from its lowest point. :
- (b) Date when depth first exceeded six meters. :
6. (a) Nature, amount and kind of Explosives used, if any. :
- (b) Date when explosives were first Used. :

7. Date(s) on which the number of  
Persons employed on any day  
exceeded 50 :

Signature of Owner/Agent/Manager

Date: .....

To be sent to:-

1. The Chief Inspector of Mines, Government of India, Dhanbad (Eastern Railway);
2. The Director, Indian Bureau of Mines, Government of India, Nagpur;
3. The District Magistrate of the District where the mine is situated;
4. The Director of Industries & Commerce, Punjab, Chandigarh;
5. The Mining Officer concerned.

**FORM- K**  
**(See rule 27)**

***Standard form for quarrying permits for brick earth***

Whereas Shri/M/s. \_\_\_\_\_ owner(s) of Brick Kiln falling in category \_\_\_\_\_ has/ have applied for quarrying permit for removal of the “Brick Earth”, for a period of two years from the land measuring \_\_\_\_\_ acres/hectares bearing khasra numbers \_\_\_\_\_ in the revenue estate of \_\_\_\_\_ Tehsil \_\_\_\_\_ District \_\_\_\_\_ under rule 27 of the Punjab Minor Mineral Rules, 2012. The applicant has paid requisite application fee of Rs. \_\_\_\_\_ and has/have also paid security amounting to Rs. \_\_\_\_\_ (25% of the annual royalty amount). Further the applicant has also deposited the permit fee of \_\_\_\_\_ for \_\_\_\_\_ category of Brick Kiln.

The permission is hereby granted for removal of brick earth and manufacture of bricks from the aforesaid area during the period from ..... to..... (upto 31st March, ..... ) Subject to the conditions given below:—

1. The holder of the permits shall keep the Government indemnified from third party claim relating to the extraction of brick earth from the land for which quarrying permit is given.
2. The holder of the permit shall excavate the brick earth in such a manner that the same shall not disturb or damage any road, public ways, buildings, premises of public grounds.
3. The holder of the permit shall not use the brick earth excavated from the land granted on permit for any other purpose than that of manufacturing of bricks. In case the brick earth is to be transported up to brick kiln from the site of the excavation, the permit holder transport the same only by issuing a weighment slip.
4. The holder of the permit shall on expiry of the permit either fill up the excavation or suitably fence it for safety as instructed by the Mining Officer concerned as per the approved environment Management plan.
5. Every permit holder shall-
  - (i) ensure that no natural watercourse and /or water resources are obstructed due to any mining operation. Adequate measures shall be taken for protection of the older-streams, if any, emanating / passing through the mining lease, quarry license or short term permit area during the course of mining operation;
  - (ii) keep mine working restricted to above ground water level;
  - (iii) ensure that Ambient Air Quality parameters conforming to the norms prescribed by the State Pollution Control Board is maintained throughout. For this purpose keep vehicular emissions under control and regularly monitor the same, take measures, for maintenance of vehicles used in mining operations and in transportation of mineral, the vehicles shall

- not be overloaded and take effective safeguards such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter.
- (iv) take all mitigative measures during the mining operation to ensure that the buildings / structures in the nearby areas shall not be affected;
  - (v) ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;
  - (vi) undertake no losses to the agriculture crops due to mining operations and undertake to contribute suitably for compensation in case of loss / damage to the crops;
6. That the holder of the permit shall not fell any tree standing on the land without obtaining prior permission in writing from the competent authority in the Forest Department or Collector of the district concerned, as the case may be. In case such permission has been granted, he shall abide by the terms and conditions stipulated in such permission.
  7. The permit holder shall not carry on surface operations in any area prohibited by any authority, without obtaining prior permission in writing from the concerned authority.
  8. The permit holder shall not enter and work in any reserved demarcated or protected Forest without obtaining prior written permission of the Forest Department.
  9. The permit holder shall report immediately all accidents to the Deputy Commissioner and the Officer-in-Charge, concerned.
  10. The depth of the pit below surface shall not exceed three meters.
  11. The quarterly installment of royalty shall be paid on the following dates during the year:-  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In case the advance quarterly royalty is not paid on the date specified above, the permit holder shall be liable to pay an interest at the rate of 15% per annum on the due amount, till the amount is paid.

12. The brick Kiln owner shall be liable to make payment of lump-sum royalty for the whole of the year not with standing the operation of the Kiln for any part of the year.
13. In case of any default in due observance of the terms and conditions of this permit or in payment of the installment on due date, the permit may be cancelled by the Director or by any officer duly authorized by him in this behalf by giving one month's notice. Any sum

due from the permit holder on account of royalty and interest thereon shall be recovered from him/ them as an arrear of land Revenue.

Signature \_\_\_\_\_

Designation \_\_\_\_\_



**Form K-1**  
**(See rule 28)**

Standard form for excavation of ordinary clay or earth

Whereas Sh./ M/s. \_\_\_\_\_ has applied for the grant of a permit under Rule 28 of The Punjab Minor Mineral Rules, 2013 for excavation of \_\_\_\_\_ tonnes/ cubic meter/ quintals of \_\_\_\_\_ ordinary clay/earth, a minor minerals for excavation/removal from \_\_\_\_\_ (details of area). The applicant has/have paid royalty in advance amounting to ` \_\_\_\_\_ and Rs. \_\_\_\_\_ on account of Mines and Mineral Development, Rehabilitation and Restoration Fund (10% of the amount of royalty) and Rs. \_\_\_\_\_ on account of security (50% of the amount of royalty).

The permission is hereby granted for disposal of the mineral \_\_\_\_\_ (name of minor minerals) tonnes/ cubic meter/ quintals excavated/removed from the aforesaid area for the period from ----- to ----- subject to following conditions:-

1. The holder of the permits shall keep the Government indemnified from third party claim relating to the extraction of ordinary clay/earth from the land for which quarrying permit is given.
2. The holder of the permit shall excavate the ordinary clay/earth in such a manner that the same shall not disturb or damage any Road, Public ways, buildings, premises of public grounds.
3. That the holder of the permit shall not fell any tree standing on the land without obtaining prior permission in writing from the competent authority in the Forest Department or Collector of the district concerned, as the case may be. In case such permission has been granted, he shall abide by the terms and conditions stipulated in such permission.
4. The permit holder shall not carry on surface operations in any area prohibited by any authority, without obtaining prior permission in writing from the concerned authority.
5. The permit holder shall not enter and work in any reserved demarcated or protected forest without obtaining prior written permission of the Forest Department.
6. The holder of the permit shall on expiry of the permit either fill up the excavation or suitably fence it for safety as instructed by the Mining Officer concerned as per the approved environment Management plan.
7. Every permit holder shall-
  - (i) ensure that no natural watercourse and /or water resources are obstructed due to any mining operation. Adequate measures shall be taken for protection of the older-streams, if

- any, emanating / passing through the mining lease, quarry license or short term permit area during the course of mining operation;
- (ii) keep mine working restricted to above ground water level;
  - (iii) ensure that Ambient Air Quality parameters conforming to the norms prescribed by the State Pollution Control Board is maintained throughout. For this purpose keep vehicular emissions under control and regularly monitor the same, take measures, for maintenance of vehicles used in mining operations and in transportation of mineral, the vehicles shall not be overloaded and take effective safeguards such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter.
  - (iv) take all mitigative measures during the mining operation to ensure that the buildings / structures in the nearby areas shall not be affected;
  - (v) ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;
  - (vi) undertake no losses to the agriculture crops due to mining operations and undertake to contribute suitably for compensation in case of loss/damage to the crops;
8. The permit holder shall report immediately all accidents to the Deputy Commissioner and the Officer-in-Charge, concerned.
  9. The depth of the pit below surface shall not exceed nine feet and in case where sand deposits are found, the depth of the pit below surface shall not exceed three feet.
  10. The permit holder shall not excavate any other mineral than that of ordinary clay/earth found in the area. Any breach in this regard will entail immediate suspension of the workings by the Officer-in- Charge and followed by termination of permit along with forfeiture of security amount, after affording opportunity of show cause. In case any mineral is illegally disposed off, the Officer-in-Charge shall also recover amount of penalty in accordance with the provisions of Mines and Mineral (Development & Regulation) Act 1957 and Rules framed thereunder.
  11. The permit holder shall ensure that any mining operations below a depth of 1.5 meters shall necessarily be undertaken by formation of benches for safe mining. The benches would be formed in a manner that the width of the bench is not lesser than the height of the bench or as permitted by the Director, Mines Safety, Government of India.
  12. The permit holder shall transport/disposed off the ordinary clay/earth from the site of the excavation, only by issuing a weighment slip.
  13. The permit holder shall restore and rehabilitate the area of excavation within fifteen days from the date of expiry of the permit and shall submit compliance report to the Officer-in-Charge.

14. In case of any default in due observance of the terms and conditions of this permit or in payment of the installment on due date, the permit may be cancelled by the Director or by any officer duly authorized by him in this behalf by giving one month notice where the remaining period of permit is more than sixty days. In other cases the period of permit is less than sixty days, notice of ten days shall be given before taking decision on cancellation of permit.
15. The amount of security deposit shall entail no interest. The security amount shall be refunded within a period of three months in case the same is not forfeited or required to be detained for any other purpose under this permit.
16. Any sum due from the permit holder shall be recovered from him as an arrear of land Revenue.

The permission shall be valid up to \_\_\_\_\_.

Signatures \_\_\_\_\_

Designation \_\_\_\_\_

**FORM K-2**  
**(See rule 29)**

Standard for permit form the grant of permission for disposal of mineral extracted incidental to developmental activities

Whereas Sh./ M/s. \_\_\_\_\_ has applied for the grant of a short term permit under rule 29 of the The Punjab Minor Mineral Rules, 2013 for disposal of \_\_\_\_\_ tonnes/ cubic meter/ quintals of \_\_\_\_\_ (name of minor minerals) from excavated/ removed from \_\_\_\_\_ (details of area) incidental to their developmental project namely \_\_\_\_\_ or digging of foundation/basement. The applicant has/have paid royalty in advance amounting to Rs. \_\_\_\_\_ and security of Rs. \_\_\_\_\_ (50% of the amount of royalty).

2. The permission is hereby granted for disposal of the mineral \_\_\_\_\_ (name of minor minerals) tonnes/ cubic meter/ quintals excavated/removed from the aforesaid area subject to the conditions that the permit holder will abide by the safety guards for such excavation or removal.
3. The holder of the permit shall on expiry of the permit either fill up the excavation or suitably fence it for safety as instructed by the Mining Officer concerned.
4. Every permit holder shall-
  - (i) ensure that no natural watercourse and /or water resources are obstructed due to any mining operation. Adequate measures shall be taken for protection of the older-streams, if any, emanating / passing through the mining lease, quarry license or short term permit area during the course of mining operation;
  - (ii) keep mine working restricted to above ground water level;
  - (iii) ensure that Ambient Air Quality parameters conforming to the norms prescribed by the State Pollution Control Board is maintained throughout. For this purpose keep vehicular emissions under control and regularly monitor the same, take measures, for maintenance of vehicles used in mining operations and in transportation of mineral, the vehicles shall not be overloaded and take effective safeguards such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter.
  - (iv) take all mitigative measures during the mining operation to ensure that the buildings / structures in the nearby areas shall not be affected;
  - (v) ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;

5. The permit holder shall transport/dispose of the minor mineral from the site of the excavation, only by issuing a weighment slip.
6. The amount of security deposit shall entail no interest. The security amount shall be refunded within a period of three months in case the same is not forfeited or required to be detained for any other purpose under this permit.
7. Any sum due from the permit holder shall be recovered from him as an arrear of land Revenue.

The permission shall be valid up to \_\_\_\_\_.

Signatures \_\_\_\_\_

Designation \_\_\_\_\_

**FORM K-3**  
**(See rule 30)**

Model Form for grant of Permit for disposal of minor mineral excavated in the process  
of in the maintenance of canal and drainage system by the Irrigation Department

Whereas Executive Engineer-In-Charge \_\_\_\_\_ Irrigation Department has submitted an application informing that in the process of operation and maintenance/process of disilting of Canal /Drainage system \_\_\_\_\_ (name of canal/drainage) \_\_\_\_\_ meter tonne of the \_\_\_\_\_ (name of the minor mineral) is to be removed. The mineral excavated incidental to above said incidental developmental activities is to be removed/disposed off. The Executive Engineer Incharge has applied for the grant of a permit under rule 30 of The Punjab Minor Mineral Rules, 2013 for disposal of \_\_\_\_\_ tonnes/ cubic meter \_\_\_\_\_ (name of minor minerals) from excavated/ removed from \_\_\_\_\_ (details of area).

2. The amount of due royalty on account of above said mineral amounting to Rs. \_\_\_\_\_ has been paid in advance or shall be deposited by the Executive Engineer In-charge into the Government head by \_\_\_\_\_ (date)
3. The holder of the permit shall on expiry of the permit either fill up the excavation or suitably fence it for safety as instructed by the Mining Officer concerned.
4. Every permit holder shall-
  - (i) ensure that no natural watercourse and /or water resources are obstructed due to any mining operation. Adequate measures shall be taken for protection of the older-streams, if any, emanating / passing through the mining lease, quarry license or short term permit area during the course of mining operation;
  - (ii) keep mine working restricted to above ground water level;
  - (iii) ensure that Ambient Air Quality parameters conforming to the norms prescribed by the State Pollution Control Board is maintained throughout. For this purpose keep vehicular emissions under control and regularly monitor the same, take measures, for maintenance of vehicles used in mining operations and in transportation of mineral, the vehicles shall not be overloaded and take effective safeguards such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter.

- (iv) take all mitigative measures during the mining operation to ensure that the buildings / structures in the nearby areas shall not be affected;
  - (v) ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;
  - (vi) undertake no losses to the agriculture crops due to mining operations and undertake to contribute suitably for compensation in case of loss / damage to the crops;
5. The permission is hereby granted for disposal of the mineral \_\_\_\_\_  
(name of minor minerals) tonnes/ cubic meter/ quintals excavated/removed from the aforesaid area subject to the conditions that the permit holder will abide by the safety guards for such excavation or removal.
6. The permit holder shall transport/dispose of the minor mineral from the site of the excavation, only by issuing a weighment slip.

The permission shall be valid up to \_\_\_\_\_.

Signatures \_\_\_\_\_

Designation \_\_\_\_\_

**FORM 'L'**  
**[See rule- 34(4), 40]**

This Indenture made this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_\_ between the Governor of Punjab acting through \_\_\_\_\_

(hereinafter called the 'government' which expression shall, where the context so admits, be deemed to include his successors in office and assigns) of the one part;

**Where the Contractor is an individual:-** \_\_\_\_\_ (Name and address of the person)(hereinafter referred to as the "Contractor" which expression shall where the context so admits, includes his heirs, executors, administrator, representatives and permitted assigns)

**Where the Contractor is more than one individual:-** \_\_\_\_\_ (Name and address of persons)(hereinafter referred to as the "Contractor" which expression shall where the context so admits include their respective heirs, executors, administrators, representatives and permitted assigns)

**Where the Contractor is registered firm:-** \_\_\_\_\_ (Name and address of all the partners or members, where the "Contractor" are a firm or society) all carrying on business in partnership under the firm name and style of \_\_\_\_\_(name of the firm and address) registered under Indian partnership Act 1932 and having their registered office at ..... (hereinafter referred to as the "Contractor" which expression shall where the context so admits include all partner of the said firm, their representatives, heirs, executors/Administrators and permitted assigns).

**When the Contractor is a registered company:-** \_\_\_\_\_ (Name of the company) a company registered under \_\_\_\_\_ (Act under which company incorporated) and having its registered office at \_\_\_\_\_ (address) (hereinafter referred to as the "Contractor" which expression shall where the context so admits, include its successors and permitted assigns) of the other part.

And

Whereas, the Contractor has offered the highest bid/tender for the contract of

\_\_\_\_\_ (Name of the quarry)  
\_\_\_\_\_ (hereinafter referred to as the said lands) in \_\_\_\_\_  
\_\_\_\_\_ District \_\_\_\_\_.

And

whereas, the Contractor has paid Rs. \_\_\_\_\_ as first quarterly instalment/contract money for the first year in full and a security of Rs. \_\_\_\_\_ and has provided performance guarantee of Rs. \_\_\_\_\_ for the due fulfillment of the terms and covenants



hereinafter mentioned and the Government has agreed to grant him a mining lease by way of contract.

Now these presents witness as follows:-

**1.** The provisions of Mines and Minerals (Development & Regulation) Act, 1957 and the Punjab Minor Mineral Rules, 2013 and in particular the conditions of Environment Management Plan, Environment Clearances issued by competent authorities, other relevant acts and rules may be read as part of this contract.

**2. Period of the contract.**-The period of the contract shall be \_\_\_\_\_ years commencing on 1st April, 20\_\_\_\_\_ and ending on the 31st March, 20\_\_\_\_\_.

**3. Mode of payment of contract money.**-In the case of contracts where the annual amount of contract money is not more than Rs.10,00,000/- the entire balance amount for the first year shall be deposited by the contractor within two working days of issue of provisional acceptance of bid.

In the case of contracts where the annual contract amount exceeds Rs. 10,00,000/- the Contractor shall deposit the balance contract money for the first year of the contract with the Mining Officer \_\_\_\_\_ is equal quarterly installments in advance in equal quarterly installments on the 15th July, 15th October and 15th January. The Contract money for the subsequent years of the contract shall be paid by the contractor/s in advance in quarterly installments on the 15th April, 15th July, and 15th January in each year. In the case of contracts where the contract money does not exceed Rs. 10,00,000 the annual contract money for each of the subsequent years shall be paid by the Contractor in advance on or before the 15th of April each year. [See Rule 38 (4)]

**3-A.** In case any amount is not paid by the due date and no action is taken under clause 16, the contractor shall be liable to pay interest on such amount at the rate of 18 per cent per annum for the period payment is delayed by the Contractor.

The quantity of minerals to be removed shall be \_\_\_\_\_MT. per quarter and \_\_\_\_\_ MT per annum of \_\_\_\_\_ during the tenure of this contract and further "If the contractor excavates excess quantity of mineral during the period for which the advance payment has been made, then he shall make advance payment for subsequent quarter(s) also before excavating as per sub-rule (v) of rule 34 of the Punjab Minor Mineral Rules, 2013.

**3-B.** A Performance Guarantee will be furnished by every Mineral Concession Holder as per rule 56 of the Punjab Minor Mineral Rules, 2013.

**3-C.** An amount equal to 10% of the dead rent or royalty or contract money paid to the state shall be charged from the Mineral Concession Holder as a contribution towards Environment Management Fund.

**4. No quarrying operations in certain areas:-** No quarrying operations or workings shall be carried on or permitted to be carried on by a Mineral Concession Holder to ensure safety of river beds, river embankments, roads, railways, bridges, structures and adjoining areas as follows:

- a) within a distance of 500 meters upstream/downstream of any high level bridge and 250 meters upstream/downstream of other bridges.
- b) within a distance of 100 meters inside/outside any flood protection embankment (Bundh).
- c) 75 meters from any railway line (except with the previous permission in writing of the Railway Administration concerned)
- d) 60 meters from any bridge or 60 meters from national highway.
- e) 50 meters from any reservoir, tank, canal or other public works such as public roads and buildings or inhabited sites (except with the previous permission in writing of the Government or such other Officer, authorized by it in this behalf) otherwise than in accordance with such instructions, restrictions and conditions either general or special which may be attached to such permission.
- f) In the case of village roads no workings shall be carried on within a distance of 10 meters except with the previous permission in writing of the government or any officer, duly authorized by it in this behalf;

The said distances shall be measured in the case of a railway, reservoir, drain or canal horizontally from the outer toe of the bank or the outer edge of the cutting, as the case may be, in the case of a bridge, road or highway from the outer edge of the right of way, and in the case of a building horizontally from the plinth thereof.

- (i) 7.5 meters from the outer periphery of adjoining Government/Private land;
- (ii) The depth of mining in the river bed shall not exceed 3 meters or water level whichever is less, measured from the un-mined bed level at any point in time with proper bench formation;
- (iii) The depth of mining in plane areas shall not exceed 3 meters or water level whichever is less, measured from the un-mined adjoining ground level.
- (iv) No mining shall be carried out without formation of benches under regulation 106 of metalliferous mines regulations, 1961.
- (v) No mining shall be carried out in violation of approved environment management plan/mining plan/scheme of mining.

**5. To allow entry to Central Government and State Government Officer for inspection, etc:-** The Contractor shall at all reasonable times allow the Director of Industries & Commerce, Punjab, and any other Officer, authorized by the Central government or by the Punjab Government in that behalf to inspect the said lands and the buildings and plant erected thereon and the contractor shall assist such person(s) in conducting the inspection and afford them all information they may reasonably require, and shall conform to and observe all orders which the Central and the Punjab government as the result of such inspection or otherwise, may from time to time pass.

**6. Assign, sublet or transfer of the contract:-** The Contractor shall not assign, sublet or transfer the contract to any person without obtaining prior permission in writing from the Government.

**7. Fencing and safety of working place:-** The provisions of regulation 106 of metalliferous mines regulations, 1961 and sub-rule (x) of rule 62 shall be adhered to and If a working place is found to be unsafe all persons shall be withdrawn by the contractor immediately from the dangerous areas and all access to such working place except for the purpose of removing the danger or saving life shall be prevented by securely fencing the full width of all entrances to the place, at his own accord.

**8. To keep Government indemnified from third party claims:-** The Contractors shall keep the Government indemnified from any third party claim and shall settle such claim of his own accord.

**9. Fencing of excavations after termination or sooner determination of the contract:-** The closure of mine shall be as per the approved mining plan/scheme of mining. The contractor, on termination or sooner determination of the contract, shall at his own cost, suitable fence the excavations for safety as instructed by the Director of Industries and Commerce, Punjab, or the Mining Officer.

**10. Payment of compensation to landowners:-** The contractor shall pay compensation of damage to the owner of the land wherefrom the minor minerals will be extracted/quarried at the rate fixed by the Collector under the Land Acquisition Act, 1894.

**11. Felling of trees:-** The contractor shall not fell or cut any tree, standing on the land wherein the quarry is located without obtaining prior permission in writing from the Deputy Commissioner of the District concerned or Department of Forests, Punjab, in respect of Forest areas as the case may be and paying its price fixed by him.

**12. Not to carry on surface operation in prohibited areas:-** The contractor shall not carry on surface operations in any area, prohibited by any authority, without obtaining prior permission in writing from the concerned authority.

**13. Not to enter and work in the reserved or protected Forest:-** The contractor shall not enter and work in any reserved or protected forest without obtaining prior permission in writing from the Department of Forests, Punjab by him in this behalf.

**14. Application of all rules and regulations to this Contract:-** This contract is subject to all rules and regulations which may from time to time be issued by the Government regulating the working of quarries and other matters affecting the safety, health and convenience of the contractor employees or of the public, whether under the Indian Mines Act, Mines and Mineral (Development and Regulation) Act, 1957 or any other law.

**15. To report accident:** The contractor shall without delay send the Deputy Commissioner concerned and the Mining Officer \_\_\_\_\_, a report of any accident, causing loss of life or serious bodily injuries or seriously affecting or endangering life or property which may at any time occur at or in the said lands in the course of operations under this contract.

**16. To submit reports and returns:** The contractor shall furnish such reports and returns relating to output, labourers employed and other matters as the Government may prescribe.

**17. Termination upon default by contractor:** The Government shall have the right to prematurely terminate the contract

(a) If the contract money in the shape of royalty or any other amount due to the Government are not paid;

(b) if any of the terms and conditions of the contract agreement or conditions of grant or permission to undertake mining by any other statutory authority/Competent authority is violated;

(c) if any of the provisions of these rules and other laws both Central and State as are applicable to mines and minerals, are not complied with:

Provided that no orders of suspension/termination of the contract shall be passed by the Director or an officer authorised by him without giving reasonable opportunity to show cause and following the procedure prescribed in the rules:

Provided that in case of default in payment of Government dues such as contract money/royalty, dead rent or any other dues payable under these presents, the contract may be terminated by the Director or any officer authorised by him without affording hearing to the contractor after serving upon a notice to make good the payment within thirty days :

Provided further that the authorised officer may also at any time after issuance of the notice for default on account of non payment of dues, enter upon the said premises and detain all or any of the mineral or movable property therein and may carry away, detain or order the sale of the property so detained, or so much of it as will suffice for the satisfaction of the contract money or rent or royalty or both dues and all costs and expenses occasioned by the non-payment thereof.

**17 A. Penalty for default:** In the event of termination of the contract the security deposit shall be forfeited and performance guarantee shall be liable to be encashed by the Government.

**18. Determination of contract in public interest:** The Government may by giving one month' prior notice in writing determine the contract if the Government consider it to be in a public interest:

Provided that in the State of National Emergency or war, the contract may be determined without giving such notice.

**19. Surrender of Contract:** The Government may accept the contractor's request for surrender of a contract or part thereof in cases where it is established that it has not been found feasible to operate the contract granted for whatsoever reasons subject to the condition that the contractor:

- (i) Has been regular in furnishing the production returns as required in terms of the contract agreement;
- (ii) Has been taking the requisite steps for the progressive mine closure plan as per the conditions of the contract granted;
- (iii) Is not in default of payment of any dues of the Government as on the date of making such application and undertakes to pay all such dues till the date of expiry of the notice period either in cash in advance or by way of adjustment of the security or both.

Provided that in case the contractor makes an application for surrender of part of the contract area, it shall not result in any prorated reduction of the contract money and the rate of contract amount payable and applicable for the entire area at the time of making such application shall remain intact.

**20. Recovery of contract money as arrears of land revenue:** Any sum due from the contractor on account of contract money in respect of the contract, shall be recovered from him as arrears of land revenue.

**21. Security Deposit shall carry no interest:** The security deposited by the contractor shall not carry any interest .It shall be refunded to the contractor within three months from the date of expiry or sooner determination of the contract.

**22. Delivery of possession of the quarry as per closure plan:** The contractor shall deliver the possession of the quarry to the Mining Officer \_\_\_\_\_ as per closure plan duly approved by competent authority.

**23. Opening of new quarry:** The contractor shall not open new quarry without obtaining prior permission writing from the Director of Industries and Commerce, Punjab.

**24. To allow facilities to other contractors etc:** The contractor shall allow existing and further contractors/mining lease holders/permit holders of any land which is compromised in or adjoins or is reached by the land, held by the contractor, reasonable facilities for access thereto.

**25. Stocks Lying at the end of the contract:** The contractor shall on termination or sooner determination of the contract, remove all extracted minerals from the premises of the quarry. All extracted mineral in the said lands, left over un-disposed after seven days from the date of termination or determination of the contract, shall be deemed to be the property of Government who may dispose it of any manner it may like, without paying anything therefore to the contractor.

**26. State Government not responsible for loss to Contractor:** The Government shall not be responsible for any kind of loss to the contractor.

**27. Notices:** Every notice by these required to be given to the contractor shall be given in writing to such person, resident on the said lands, as the contractor may appoint for the purpose of receiving of such notices and if there shall have been no such appointment, then every such notice shall be sent to the contractor at the address, may from time to time in writing to the Government Designate for the receipt of notices and every such service shall be deemed to be proper, and valid service upon the contractor and shall not be questioned or challenged by him.

**28. To Supply Minerals to the consumers:** The contractor shall supply to consumers or allow them to excavate building stones, lime stone, kankar, bajri at the rates specified in the third schedule appended to the Punjab Minor Mineral Concession Rules, 1964, for their bonafide personal use or for the construction of buildings charitable or philanthropic purposes.

**29. Suspension of Mining Operations:** The Director may order to suspend the mining operations after serving a notice to the contractor, in case, the following violations are noticed:-

- (a) unsafe and unscientific mining;
- (b) non operations of weighbridge;
- (c) non providing of safety appliances to the workers;

- (d) non payment of compensation to the surface owners;
- (e) non submissions of monthly returns;

In case of violations of the aforesaid conditions and also any other terms and conditions of the agreement deed and the provisions of the rules, the Director may give a notice to the contractor to remedy the violations within a period of 15 days from the date of issue of the notice. In case, the violations pointed out through notice, are not remedied within the stipulated period of 15 days, the Director may after affording an opportunity of being heard to the contractor, order the suspension of the mining operations till such time, the defaults/ defected are removed by the lessee within the time frame (within a maximum period of six months) granted by the Director. During the period of suspension of mining operations, the contractor will be allowed only to undertake rectification work for removal of the defects and shall not dispose off the mineral. During the suspension period, the contractor shall be under the obligation to deposit the amount of the dead rent on the due dates.

On satisfactory removal of the defects, the Director may revoke the suspension orders with or without any modification. Non removal of the defects/ defaults during the suspension period and within the time allowed by the Director, shall lead to premature termination of contract.

**30. Acquisitions of land of third parties and compensation thereof:** In case the occupier or owner of the said lands refuses his consent to the exercise of the rights and powers reserved to the Government and demised to the contractor under these presents, Contractor shall report the matter to the government who shall ask the Collector of the District concerned to direct the occupier or owner to allow the Contractor to enter the said lands and to carry out such operation as may be necessary for working the mine, on payment in advance, of such compensation to the occupier or owner by the contractor as may be fixed by the Collector under the Land Acquisition Act, 1984.

**31. To provide weighing machine:-** The lessee/lessees shall provide and at all times keep at or close to the pit head or each of the pit heads at which the said minerals shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or caused to be weighed thereon all the said minor minerals, from time to time, brought to bank, sold, exported and converted products and shall at the close of each day cause the total weights, ascertained by such means of the said minerals, ores products raised, sold, exported and converted during the previous twenty-four hours to be entered in the aforesaid books of accounts. The lessee/lessees shall permit the State Government at all times during the said term to employ any person or persons to be present at the weighing of the said minor minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the lessee/lessees. The lessee/lessees shall intimate the route of vehicles from quarry to weighbridge to the Mining Officer concerned before commencement of mining operations.

**32. To allow test of weighing machine:-**

The lessee/lessees shall allow any person or persons appointed in that behalf by the State Government at any time or times during the said term to examine and test every weighing machine to be provided and kept as aforesaid and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order and if upon any such examination or testing any such weighing machine or weights shall be found incorrect or out of repair or order the State Government may require that the same be adjusted, repaired and put in order by and the expense of the lessee/lessees and if such requisition be not complied with within fourteen days after the same shall have been made, the State Government may cause such weighing machine or weights to be adjusted, repaired, and put in or order and the expense of so doing shall be paid by the lessee/lessees to the State Government on demand and if upon any such examination or testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the State Government such error shall be regarded as having existed for three calendar months, previous to the discovery thereof or from the last occasion of so examining and testing the same weighing machine and weights in case such occasion, shall be within such period of three months and the said rent and royalty shall be paid and accounted for accordingly.

In witness whereof these presents have been executed in the manner there under the day and year above written:

Signatures of the Authorised Signatory  
on behalf of the contractor

For and on behalf of the  
Governor of Punjab

Witness:

- 1.
- 2.

Witness:

- 1.
- 2.



FORM-‘M’  
[See rule 80]

CERTIFICATE

In exercise of the powers conferred by rule 80 of the Punjab Minor Mineral Rules, 2013, read with Punjab Government Order No. ....Dated ....., I ....., hereby certify that a sum of ₹. .... (₹.....)

(In Words)

Is recoverable as arrears of land revenue from ..... on account of the following in respect of lease or contract of .....deposits village(s) ..... in .....District:-

	₹
(i) Royalty/ Dead Rent	
(ii) Surface Rent	
(iii) Contract Money	
Total	<hr/> <hr/>

Place:

Signature of the Issuing  
Authority with Designation.

Date:

FORM-‘N’  
[See rule 84]

RETURN OF ACTUAL PRODUCTION OF MINOR MINERALS DURING THE MONTH

Name of Owner of Mine/Quarry \_\_\_\_\_

Month of Production \_\_\_\_\_ Year 20 \_\_\_\_\_

Full Address \_\_\_\_\_

Sr. No.	Opening Stock on the 1 <sup>st</sup> day of the month to which the return pertains (MTs)	Output of the Minerals during the Month (MTs)	Total (In MTs)	Details of Dispatch during the Month	Closing Stock on the Last day of the Month	Calculation of Royalty
1	2	3	4	5	6	7

Certified that the above statements are true to the best of my knowledge and belief and are based on the record maintained in mine/quarry.

No. ....Date

Signature

Place

Owner/Partner/Director/Agent/Manager

FORM-‘O’  
[See rule 85(1)]

ORDER OF ASSESSMENT

District in which the mine/quarry is situated \_\_\_\_\_

Assessment case No. \_\_\_\_\_ of \_\_\_\_\_ 20

1. Year of assessment \_\_\_\_ Month in which the assessment is made
2. Name of the Mine/ quarry assessed
3. Location of the Mine/Quarry
4. Full Postal Address
5. Account books etc. produced, if any.
6. Rule and sub-rule under which assessment is made.
7. Total tones of minerals produced as per return furnished by the assessee.
8. Total tones of mineral produced as determined on the basis of books of account produced or to the best judgment of the assessing authority (reasons to be recorded).
9. Amount of Royalty assessed at the rate \_\_\_\_\_ per tonne of mineral produced on the basis of item-3 above \_\_\_\_\_.

Assessment order in brief.

Seal of the Assessing Authority

Assessing Authority

No. \_\_\_\_\_

Date \_\_\_\_\_

Place \_\_\_\_\_

Certified copies of the assessment order may be obtained from the office of the assessing authority on payment to him a fee of Rs. 100/- for each copy. The amount will be deposited in “0853-Non-Ferrous Mining and Metallurgical Industrial 102- Mineral Concession Fee Rent and Royalties.”

FORM-‘P’  
[See rule 85(2)]

To

\_\_\_\_\_  
\_\_\_\_\_

Whereas I desire to satisfy myself that the return in form ‘N’ filed by you for the month \_\_\_\_\_20\_\_\_\_\_, is correct and complete.

You are hereby directed to appear in person or through a duly authorized representative before \_\_\_\_\_ and to produce on \_\_\_\_\_ at \_\_\_\_\_ or cause to be produced at that time the accounts and documents specified below, together with any objection which you may wish to prefer and to produce any evidence you may wish to do in support thereof.

In the event of your failure to comply with this notice, I shall proceed to assess the royalty to the best of my judgment under rule 85(3) of the Punjab Minor Mineral Rules, 2013 without further reference to you.

Seal of the Assessing Authority

Assessing Authority

No. \_\_\_\_\_

Date \_\_\_\_\_

Place \_\_\_\_\_

**Particulars of accounts and documents required.**

1. Books of accounts for the month(s) in question in general and records of production together with records in support to the figures entered therein.
2. Any other subsidiary record showing production of mineral(s) during the month(s).

FORM-‘Q’  
[See rule 85(4)]

NOTICE

To

\_\_\_\_\_  
\_\_\_\_\_

Whereas you have not furnished a return in form ‘N’ in respect of the month(s) \_\_\_\_\_ 20\_\_\_\_, by the due date.

You are therefore required to submit a return within one calendar month from the date of issue of this notice for the month(s) of \_\_\_\_\_20\_\_\_\_, in form ‘N’ of the Punjab Minor Mineral Rules, 2013.

In the event of your failure to comply with this notice, I shall proceed to assess the royalty to the best of my judgment under rule 85(4) of The Punjab Minor Mineral Rules, 2013 and you will also be liable to prosecution under rule 76.

Seal of the Assessing Authority

Assessing Authority

No. \_\_\_\_\_

Date \_\_\_\_\_

Place \_\_\_\_\_

FORM 'R'  
[See rule 85(5)]  
NOTICE

To,

\_\_\_\_\_  
\_\_\_\_\_

Where it appears that you have raised \_\_\_\_\_ Minor Mineral without lawful authority and have removed \_\_\_\_\_ during the month \_\_\_\_\_ to \_\_\_\_\_ from the land situated in village \_\_\_\_\_.

You are, therefore directed to appear, in person or through a duly authorized representative before \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ (time) and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer in support thereof and produce any evidence in this regard.

In the event of your failure to comply with this notice, I shall proceed to access the royalty to the best of my judgment under Rule 85 (5) of the Punjab Minor Mineral Rules, 2013 and furthermore you will be liable to prosecution under Rule 76.

Assessing Authority

Seal of the Assessing Authority

No \_\_\_\_\_

Date \_\_\_\_\_

Place \_\_\_\_\_

**Particulars of accounts and documents required.**

1. Particulars of Accounts and Documents required book of account for the month(s) in question in general and records of production together with records in support of the figures entered therein.
2. Any other records showing the production of minerals.

FORM 'S'  
[See rule 85(6)]  
DEMAND NOTICE

To,

\_\_\_\_\_  
\_\_\_\_\_

In continuation to notice \_\_\_\_\_ issued to you per registered post on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, you are hereby informed that total production of mineral during the month(s) of \_\_\_\_\_ 20\_\_\_\_, has been finally determined at \_\_\_\_\_ tones and accordingly royalty amounting to Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) and price of Rs \_\_\_\_\_ only is payable by you.

You are hereby directed to pay the sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) only as detailed below into the nearest Government Treasury on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and to produce before the under signed a copy of the relevant Treasury Challan as proof of payment not later than the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, failing which the said sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) only will be recoverable from you as an arrear of land revenue.

**Details of assessed amount**

1. Amount of royalty payable \_\_\_\_\_
2. Deduct amount already paid \_\_\_\_\_
3. Net amount payable \_\_\_\_\_

Assessing Authority

Seal of the Assessing Authority

No \_\_\_\_\_

Date \_\_\_\_\_

Place \_\_\_\_\_

**FORM 'T'**  
[See rule 72]  
**Weighment Slip**

No.....

Date.....

1. Permit No. and date/date of contract or lease.
2. Date of expiry of the permit/contract lease.
3. Name of the quarry/mine.  
(Source of Dispatch of Mineral)
4. Name and address of the permit/ contract/ lease holder.
5. Name and address of the consignee.
6. Truck No. and name of the driver carrying the material.
7. Description and weight of the material dispatched.  
{the weight (in MT) or quantity (in cubic feet)}
8. Time of departure of the truck from the quarry/ mine site

Signature of the permit/contract/ lease holder.

Stamp of the Mining Officer concerned.

KARAN AVTAR SINGH,  
Principal Secretary to the Government of Punjab,  
Department of Industries and Commerce.