

MINERAL POLICY AND LEGISLATION



Indian Minerals Yearbook 2016

(Part-I : General Reviews)



55th Edition

MINERAL POLICY AND LEGISLATION

(FINAL RELEASE)

GOVERNMENT OF INDIA
MINISTRY OF MINES
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POLICY

Important Notifications during period under review are given below:-

Composition of the Geoscience Advisory Council(GAC)

Notification, New Delhi dated 29th April, 2016 F. No. 11/52/2010 (Pt. 3).— In continuation of the Ministry of Mines Resolution No. 11(52)2010-M.I dated 05th September, 2011 regarding Geoscience Advisory Council (GAC), the following changes in the composition of the GAC have been decided in the Ministry of Mines with immediate effect:

(a) In para 6 (iii), “Representation of the following Ministries/Departments not below the rank of Additional Secretary/Secretary” be replaced with “Representation of the following Ministries/Departments not below the rank of Joint Secretary”.

(b) In para 6 (iv), the following Scientific Institutions are included as Members:

- (1) Central Mine Planning & Design Institute (CMPDI)
- (2) Bhabha Atomic Research Centre (BARC)
- (3) National Remote Sensing Centre (NRSC)

and the following Scientific Institution is excluded as Member:

- (1) Central Arid Zone Research Institute.

Recognition of M/s. SGS India Private Limited for the inspection of Minerals and Ores Group-I under Export (Quality Control and Inspection) Rules, 1964.

Notification, Ministry of Commerce and Industry, the Gazette of India, Extraordinary, Part II, Section 3(ii), dated 12.01.2017, S.O.152(E).—In exercise of the powers conferred by the subsection (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with sub-rule (2) of rules 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. SGS India Private Limited, Door No. 45-56- 3/5/1, 1st Lane, Narasimha Nagar, NH 5, Visakhapatnam-530 024,

Andhra Pradesh, as an agency for a period of three years with effect from the date of Publication of this notification, for the inspection of Minerals and Ores Group-I, namely, Iron Ore, Manganese Ore, Ferromanganese Ore and Bauxite Ores specified in the Schedule to the notification of the Government of India in the Ministry of Commerce vide number S.O. 3975, dated 20th December, 1965, prior to export of said Minerals and Ores Visakhapatnam Port, Gangavaram Port and Kakinada Port, subject to the following conditions, namely: -

(i) M/s. SGS India Private Limited, Door No. 45-56-3/5/1, 1st Lane, Narasimha Nagar, NH 5, Visakhapatnam- 530 024, Andhra Pradesh, shall

give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965;

(ii) M/s. SGS India Private Limited, Door No. 45-56-3/5/1, 1st Lane, Narasimha Nagar, NH 5, Visakhapatnam- 530 024, Andhra Pradesh, in the performance of their function under this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

Recognition of M/s Reliable Analytical Laboratories Pvt. Ltd, Murgao Beach Tower, for the inspection of Minerals and Ores Group-I, under Export (Quality Control and Inspection) Rules, 1964.

Notification, Ministry of Commerce and Industry, the Gazette of India, Extraordinary, Part II, Section 3(ii), dated 12.01.2017, S.O. 153(E).— In exercise of the powers conferred by the subsection (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with sub-rule (2) of rules 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s Reliable Analytical Laboratories Pvt. Ltd, Murgao Beach Tower, Ground Floor, Shop No. 07, Opp. Busy Bee School, Desterro, Vasco-Da-Gama, Goa – 403 802, as an agency for a period of three years with effect from the date of publication of this notification, for the inspection of Minerals and Ores Group-I, namely, Iron Ore as specified in the Schedule to the notification of the Government of India in the Ministry of Commerce vide number S.O. 3975 dated the 20th December 1965, prior to export of said Minerals and Ores at Goa Port, subject to the following conditions, namely:—

(i) M/s Reliable Analytical Laboratories Pvt. Ltd, Murgao Beach Tower, Ground Floor, Shop No. 07, Opp. Busy Bee School, Desterro, Vasco-Da-Gama, Goa – 403 802, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965;

(ii) M/s Reliable Analytical Laboratories Pvt. Ltd, Murgao Beach Tower, Ground Floor, Shop No. 07, Opp. Busy Bee School, Desterro, Vasco-Da-Gama, Goa – 403 802, in the performance of their function under this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

Amendment in Para 4.44 of Chapter 4 of the Foreign Trade Policy (FTP) 2015-20

Notification Ministry of Commerce and Industry (Department of Commerce) (Directorate General of Foreign Trade), the Gazette of India, Extraordinary, Part II, Section 3(ii), dated 22.02.2017 S.O. 596(E). In exercise of powers conferred by Section 5 of FT (D&R) Act, 1992, read with paragraph 1.02 of the Foreign Trade Policy, 2015-2020, as amended from time to time, the Central Government hereby makes following amendments in para 4.44 of Chapter 4 of Foreign Trade Policy 2015-20.

1. The existing Para 4.44 of FTP 2015-20 reads as under:

4.44 Export of Cut & Polished Diamonds with Re-import Facility at Zero Duty “An exporter (with annual export turnover of ₹ 5 crore for each of the last three years) may export cut & polished diamonds (each of 0.25 carat or above) to any of the agencies/laboratories mentioned under paragraph 4.74 of Handbook of Procedures with re-import facility at zero duty within 3 months from the date of export. Such facility of export and subsequent re-import at zero duty will be subject to guidelines issued by Central Board of Customs & Excise, Department of Revenue”.

2. The amended Para 4.44 of FTP 2015-20 is to be read as under:

4.44 Export of Cut & Polished Diamonds with Re-import Facility at Zero Duty
 “An exporter (with annual export turnover of Rs. 5 crore for each of the last three years) or the authorised offices/agencies in India of laboratories mentioned under paragraph 4.74 of Handbook of Procedures may export cut & polished diamonds (each of 0.25 carat or above) to any of the agencies/laboratories mentioned under paragraph 4.74 of Handbook of Procedures 2015-20 with re-import facility at zero duty within 3 months from the date of export. Such facility of export and subsequent re-import at zero duty will be subject to guidelines issued by Central Board of Customs & Excise, Department of Revenue”.

3. Effect of Notification : The facility for export and re-import of cut and polished diamonds at zero duty for the purpose of certification and grading has been extended to the authorised offices/agencies in India of laboratories mentioned under paragraph 4.74 of Handbook of Procedures 2015-20.

Mineral Conservation and Development Rules, 2017.

Notification, Ministry of Mines, the Gazette of India, Extraordinary, Part II, Section 3(i), dated 27.02.2017.G.S.R. 169(E)—In exercise of powers conferred by Section 18 of the Mines of Minerals (Regulation and Development) Act,1957 (67 of 1957), and in supersession of the Mineral

Conservation Development Rules, 1988, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the Mineral Conservation and Development Rules, 2017.

In the said Rules definitions for various terms were defined under Rule 3, further, provisions were made for reconnaissance and prospecting operations, mining operations, plans a Sections, sustainable mining, notices and returns, employment of geologists and mining engineers, examination of minerals and issue of directives, revision and penalty, geological reports, mining regulation portal, etc. Further, in the attached schedule form – A, form – B, form – C, form – D, form – E, form – F, form – F1, form – F2, form – F3, form – G1, form – G2, form – G3, form – H, form – I, form – J, form – K, form – L, form – M and form – N also enclosed.

Amendments in Appendix 4J of Hand Book of Procedures 2015-20 and in General Notes for Chemicals and Allied Products of Standard Input Output Norms (SION) relating to Export Obligation Period under Advance Authorisations.

Public Notice, Ministry of Commerce and Industry (Department of Commerce)

The Gazette of India, Extraordinary, Part I, Section 1, dated 24.03.2017, Public Notice, 62 / 2015-2020 .

Amendments in Appendix 4J of Hand Book of Procedures 2015-20 and in General Notes for Chemicals and Allied Products of Standard Input Output Norms (SION) relating to Export Obligation Period under Advance Authorisations.

F. No. 01/94/180/115/AM 17/PC-4.—In exercise of powers conferred under Paragraph 1.03 of the Foreign Trade Policy 2015-2020, as amended from time to time, the Director General of Foreign Trade makes the following amendment in Appendix 4J of Hand Book of Procedures 2015-2020:

APPENDIX –4J

(Please see paragraph 4.42 of HBP)

Export Obligation Period for Specified Inputs with Pre-import Condition under Advance Authorisations. (Inputs/import items sourced under the Authorisation have to be processed and exported)

Serial No.	Import Item(s)	Export Obligation Period with pre-import condition from the date of clearance of each import consignment by Customs Authority
7.	Precious MetalGold/Silver/Platinum	120 days

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Amendment in para 2.54 of the Handbook of Procedures, 2015-2020

Ministry of Commerce and Industry (Department of Commerce) Public Notice 62/ 2015-2020 No. 01/89/180/53/AM-01/PC-2 (B).—

1. In exercise of powers conferred under paragraph 2.04 of the Foreign Trade Policy, (2015-2020), the Director General of Foreign Trade hereby amends

(i) para 2.54 (d) (iv) of the Handbook of Procedures, 2015-2020 detailing the names of the designated ports for import of un- shredded metallic scrap; and

(ii)(a) extends their validity for such imports, in supersession of the provision in para 2.54(d) (v) notified vide Public Notice No 38 (2015-20) dated 06/10/2016 as under:

Existing Paragraph	Revised Paragraph
<p>Import of scrap would take place only through following designated ports and no exceptions would be allowed even in case of EOUs, SEZs:- 1. Chennai, 2. Cochin, 3. Ennore, 4. JNPT, 5. Kandla, 6. Mormugao, 7. Mumbai, 8. New Mangalore, 9. Paradip, 10. Tuticorin, 11. Visakhapatnam, 12. ICD Loni, Ghaziabad, 13. Pipava, 14. Mundra, 15. Kolkata, 16. ICD Ludhiana, 17. ICD Dadri (Greater Noida), 18. ICD Nagpur, 19. ICD Jodhpur, 20. ICD Jaipur, 21. ICD Udaipur, 22. CFS Mulund, 23. ICD Kanpur, 24. ICD Ahmedabad, 25. ICD Pitampur and 26. ICD Malanpur.</p>	<p>Import of scrap would take place only through following designated ports and no exceptions would be allowed even in case of EOUs, SEZs:- 1. Chennai, 2. Cochin, 3. Ennore, 4. JNPT, 5. Kandla, 6. Mormugao, 7. Mumbai, 8. New Mangalore, 9. Paradip, 10. Thoothukudi, 11. Visakhapatnam, 12. Pipava, 13. Mundra and 14. Kolkata.</p>

(ii) (b) In continuation of amendment (ii) it is further extension of validity of import. The existing designated sea ports namely Chennai, Cochin, Ennore, JNPT, Kandla, Mormugao, Mumbai, New Mangalore, Paradip, Thoothukudi, Visakhapatnam, Pipava, Mundra and Kolkata will be further allowed to import unshredded scrap till 31st March, 2018 by which time they are required to install and operationalise Radiation Portal Monitors and Container Scanner. Such sea ports which fail to meet the deadline will be derecognised for the purpose of import of un-shredded metallic scrap w.e.f. 1.4.2018.

2. Effect of this Public Notice: Para 2.54(d)(iv) of the Handbook of Procedures, 2015-2020 has been amended to reflect the list of designated ports for imports of un-shredded metallic scrap and the period for installation and operationalisation of Radiation Portal Monitors and Container Scanner in these ports is extended up till 31.3.2018 .

**Press Information Bureau ,Government of India
Ministry of Mines published a Guidelines for Sand Mining on 15-December-2016. The Guidelines for Sand Mining are as follows:**

Sand is a minor mineral, as defined under section 3(e) of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Section 15 of the MMDR Act empowers state governments to make rules for regulating the grant of mineral concessions in respect of minor minerals and for purposes connected therewith. The regulation of grant of mineral concessions for minor minerals is, therefore, within the legislative and administrative domain of the state governments.

Under the power granted to them by Section 15 of the MMDR Act, State Governments have framed their own minor minerals concession rules.

Further, Section 23C of the MMDR Act, 1957 empowers state governments to frame rules to prevent illegal mining, transportation and storage of mineral sand for purposes connected therewith.

Control of illegal mining is, therefore, under the legislative and administrative jurisdiction of state governments.

Ministry of Environment, Forest and Climate Change has issued Sustainable Sand Mining Management Guidelines, 2016, which, inter-alia, addresses the issues relating to regulation of sand mining. The salient features of the Guidelines in this regard are as follows:

i. It provides for a detailed programme for ensuring that mining of river sand is done in a sustainable manner;

ii. Grant of Environment Clearance for minor minerals, including sand and gravel, for mining lease of area up to 5 hectares will be done by the District Environment Impact Assessment Authority headed by the District Collector/District Magistrate.

iii. Removal of sand accumulated on the agricultural field after cessation of flooding will not be considered as mining operation and its removal and selling can be allowed without the requirement of environment clearance till it is done only to the extent of reclaiming the agricultural land.

iv. Exemption of certain cases from being considered as mining for the purpose of requirement of environment clearance like:

(i) extraction of ordinary clay or ordinary sand manually by hereditary Kumbhars (Potter) who prepare earthen pots on a cottage industry basis;

(ii) extraction of ordinary clay or ordinary sand manually by earthen tile makers who prepare earthen tiles on a cottage industry basis;

(iii) removal of sand deposited on agricultural field after flood by owner farmers;

(iv) customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village;

(v) community works like desilting of village ponds /tanks, rural roads under taken in MGNREGS and other Government sponsored schemes;

(vi) dredging and desilting of dam, reservoirs, weirs, barrages, river, and canals for maintenance and upkeep and avert natural disaster provided the dredged material is used departmentally. If the dredging activities are under taken for the purpose of winning mineral and selling it commercially it will be considered mining.

This information was given by the Minister of State (IC) in the Ministry of Mines, Power, Coal

and New & Renewable Energy Shri Piyush Goyal in reply to a question in Lok Sabha on 15th December 2016.

Para No 3.47 of National Mineral Policy Report of the High Level Committee by (Anwarul Hoda) Member (Industry), Planning Commission.

Para No.3.47 : An EMP has to be prepared under the MCDR and got approved by IBM. However, this EMP is not acceptable to the MOEF. The miner has to prepare two EMPs separately—one for IBM and another for MOEF. The Committee suggests that IBM and MOEF should prepare guidelines for a composite EMP so that IBM can approve the same in consultation with MOEF's field offices. This will eliminate anomalous situations where increase of even a few tonnes in production requires project authorities to get a fresh EMP approved from the MOEF although the IBM allows a grace of ± 10 per cent, keeping in view the fluctuations in the market situation and process complexities. If a single EMP is accepted in principle such anomalies can be resolved in advance. The Committee feels the MOEF should also have a cushion of ± 10 per cent in production while giving EIA clearance that the 20% deviation from the approved mining plan in terms of production considered as reasonable.

Further, Technical Secretary's letter No.T-45010/CGBM/2001 dated 07.03.2003 also gives clarification regarding maximum deviation allowed under mining plan. It also states that deviation up to 20% of the production proposed in the mining plan may be generally ignored for the purpose of point out violation of Rule 13(1) of MCDR, 1988 provided that Ore : OB is not distorted.

National Mineral Policy 2018

The Hon'ble Supreme Court in its judgement dated 2.08.2017 in the Writ Petition (Civil) No.114 of 2014 inter-alia directed the union of India to revisit the National Mineral Policy 2008(NMP 2008) and announce a fresh and more effective and meaning ful and implementable policy before 31.12.2017.

In compliance with the directions given by the Hon'ble Supreme Court Ministry of Mines (MoM) vide its Order No.15/1/2017-MV dated 14.08.2017 had constituted a Committee.

The Committee have representatives from Central Ministries, State Government, Industry Associates, Professional Bodies and it also

consulted the NGOs and many other Stakeholders by co-opting them. The Committee adopted the consultative process with the problem solving approach and held four meetings wherein it held exhaustive discussions on the issue raised by the Stakeholders. The Committee also sought written comments/suggestions from Stakeholders.

The Committee submitted its report in the Ministry on 31.12.2017.

FDI Policy

(I) 100% FDI permitted via automatic Route for mining and exploration of metal and non-metal ores including Diamond, Gold, Silver and Precious Ores and the mining of Coal and Lignite for captive consumption for power projects Iron, Steel and Cement units.

(II) 100% FDI permitted through Government route for mining of titanium bearing minerals and its ores, its a value addition and integrated activities.

FDI Equity Inflow : As per DIPP "Mining Sector Achievement Report" the FDI Equity Inflow in the sector increased by 1606 % to US\$ 1.2 billion during August 2014-March 2016 compared to US\$ 70.62 million during April 2012-March 2014 .

National Mineral Exploration Policy (NMEP, 2016) encourages private sector participation through its revenue sharing model. It also emphasizes on generation and dissemination of baseline geo scientific data by the Government as public good and creation of National Geo science Data Repository to promote exploration activities. Implementation of this policy will promote the growth of the sector as currently India lags in baseline geophysical and geochemical Data Creation.

Hydrocarbon Exploration and Licensing Policy (HELP)

The Government recently approved Hydrocarbon Exploration and Licensing Policy (HELP) in March 2016 in order to attract desired level of investment in petroleum exploration. The Government is strategically moving away from cost-sharing model to revenue-sharing model with marketing and pricing freedom for crude oil and natural gas produced by contractors under HELP. The new policy regime is expected to attract more

investment to boost exploration and production of oil and gas from conventional and unconventional sources. Further, the HELP is designed to improve bidding for designated areas throughout the year in a very transparent manner.

Legislation

Minerals (Transfer of Mining Lease Granted Otherwise than through Auction for Captive Purpose) Rules, 2016.

Notification, New Delhi dated 18th May 2016 S.O. 560(E).— In exercise of the powers conferred by clause (qqja) of sub-section (2) of Section 13 read with the proviso to sub-section (6) of Section 12A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government, hereby, makes the following rules, namely:-

1. Short title and commencement: (1) These rules may be called the Minerals (Transfer of Mining Lease Granted Otherwise than through Auction for Captive Purpose) Rules, 2016.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions:- (1) In these rules, unless the context otherwise requires, -

(a) “**Act**” means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957); State Government as notified in accordance with the provisions of sub-rule (1) of rule 6;

(c) “**transferee**” means a person to whom a mining lease granted otherwise than through auction to be used for captive purpose is to be transferred;

(d) “**transferor**” means a person who holds the mining lease to be transferred, which was granted otherwise than through auction and is being used for captive purpose;

(e) “**used for captive purpose**” means the use of the entire quantity of mineral extracted from the mining lease in a manufacturing unit owned by the lessee;

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(f) “**value of mineral dispatched**” shall have the meaning as specified in sub-rule (2) of rule 8 of the Mineral (Auction) Rules, 2015. (2) The words and expressions used in these rules but not defined herein shall have the same meaning as assigned to them in the Act or rules made thereunder.

3. Applicability.- (1) These rules shall apply to transfer of a mining lease granted otherwise than through auction which is being used for captive purpose.

4. Conditions for transfer.- (1) No transfer of mining lease granted otherwise than through auction being used for captive purpose shall be permitted except in accordance with the provisions of these rules.

(2) The transfer of a mining lease granted otherwise than through auction shall be permitted only where the entire quantity of mineral extracted from such mining lease is being used in a manufacturing unit owned by the lessee.

(3) Any approval for transfer of a mining lease granted otherwise than through auction which is being used for captive purpose shall be subject to the following conditions, namely:-

(a) all consents, approvals, permits, no-objections and the like as may be required under applicable laws for conducting mining operations, and which were obtained by the transferor, shall stand transferred *mutatis mutandis* to the transferee;

(b) the transferee has accepted all the conditions and liabilities under any law for the time being in force which the transferor was subject to in respect of such mining lease;

(c) on and from the date of transfer of the mining lease, the transferee shall be liable to the Central Government and the State Government with respect to any and all liabilities relating to the mining lease.

(d) the transferee shall ensure that the entire quantity of mineral including rejects or tailings or slimes or dumps or overburden extracted from the mining lease shall be used exclusively for captive purpose and shall not be sold or exported;

and(e) on and from the date of transfer of the mining lease, the transferee shall be bound by the provisions of the Act and the rules made there under.

5. Transfer of mining lease.- (1) The holder of a mining lease granted otherwise than through auction which is being used for captive purpose, may apply to the State Government for transferring the mining lease to any person satisfying the conditions specified in sub-section (1) of Section 5 of the Act, in the format given in **Schedule I** appended to these rules.

(2) The State Government shall, within a period of ninety days of receipt of the application made under sub-rule (1), convey its decision to approve or reject such application for transfer to both the transferor and the transferee:

Provided that in case the State Government decides to reject the application, the State Government shall communicate to both the transferor and the transferee, the reasons for its decision to reject the application for transfer of the mining lease:

Provided further that if the State Government does not convey its decision for such transfer within a period of ninety days from the date of receiving an application under sub-rule (1), the State Government shall be deemed to have approved such transfer:

Provided also that no such transfer of a mining lease shall be made in contravention of any of the conditions subject to which the mining lease was originally granted.

(3) The State Government shall, within fifteen days of its approval of the application for transfer of mining lease in sub-rule (2), based upon an estimation of the value of estimated resources of the mining lease, raise a demand upon the transferee for making an upfront payment of an amount equal to 0.50 per cent of the value of the estimated resources.

(4) The upfront payment referred to in sub-rule (3) shall be made in one lump sum within a period of thirty days from the date of receipt of demand for making the upfront payment by the State Government.

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(5) The upfront payment shall be adjusted in full against the amount payable under sub-rule (1) of Rule(6).

(6) The transferee shall, within fifteen days of making the upfront payment in sub-rule (4), sign the Mine Development and Production Agreement in the format published by the Government of India in the Ministry of Mines, vide Part I, Section-I of the Gazette of India, dated the 2nd July, 2015 with the State Government.

(7) The transferee shall, within fifteen days of signing the Mine Development and Production Agreement in sub-rule (6), provide a **performance security** to the State Government in the form of a bank guarantee as per the format given in **Schedule II** appended to these rules or as a security deposit, for an amount equivalent to 0.50 per cent. of the value of estimated resources, and the performance security may be invoked by the State Government as per the terms and conditions of the Mine Development and Production Agreement.

(8) The performance security shall be adjusted every five years so that it continues to correspond to 0.50 per cent of the reassessed value of estimated resources.

(9) The transferor and the transferee shall jointly submit a duly registered deed for transfer of mining lease in the format given in **Schedule III** appended to these rules within a period of thirty days of fulfillment of the conditions specified in sub-rules (4), (6) and sub-rule (7).

(10) If a duly registered transfer deed is not submitted to the State Government as referred to in sub-rule (9), then the approval given by the State Government for transfer of mining lease in sub-rule (2) shall be deemed to have become null and void.

(11) The date of commencement of the transfer deed shall be the date on which a duly executed transfer deed is registered.

(12) The State Government shall execute a mining lease deed with the transferee in the format given in Schedule VII appended to the Minerals (Other than Atomic and Hydrocarbons Energy Minerals)

Concession Rules, 2016, within ninety days of registration of the deed for transfer of mining lease referred in sub-rule (9).

6. Transfer charges and other payments, – (1) Whenever royalty is payable in terms of the Second Schedule to the Act, the transferee shall in addition to the royalty, pay to the State Government as transfer charges the amount given in **Schedule IV** appended to these rules, as a per cent of the royalty.

(2) The transferee shall make payments of the transfer charges as referred to in sub-rule (1), to the State Government simultaneously with payments of royalty.

(3) The transferee shall pay royalty or dead rent to the State Government as specified in the Act and the rules made thereunder.

(4) The transferee shall contribute such amounts to the designated account of the National Mineral Exploration Trust as specified in rule 7 of the National Mineral Exploration Trust Rules, 2015, and the designated account of the District Mineral Foundation as specified in the Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015.

7. The State Government shall inform the Controller General, Indian Bureau of Mines in writing about the transfer made under rule 5.

8. The State Government may, by an order in writing, terminate the mining lease, if the holder of the mining lease has in the opinion of the State Government committed a breach of any of the provisions of these rule or has transferred such lease or any right, title, or interest therein otherwise than in accordance with the provisions of the Act or the rules made thereunder, as the case may be:

Provided that no such order shall be made without giving the holder of the mining lease a reasonable opportunity of stating his case.

The list of the Schedules of Minerals (Transfer of Mining Lease Granted Otherwise than through Auction for Captive Purpose) Rules, 2016 is as follows :-

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Sl. No.	Schedules No	Related Rule	Formats of the schedule	Reference
1	Schedule I	sub-rule (1) of rule 5	Format for Application for Transfer of Mining Leases	For details about the Schedules please see the Notification, S.O. 560 (E) of Ministry of Mines.
2	Schedule II	sub-rule (7) of rule 5	Format for Bank Guarantee for Performance security	
3	Schedule III	sub-rule (9) of rule 5	Format for Deed for Transfer of Mining Lease	
4	Schedule IV	sub-rule (1) of rule 6	Amount of Transfer Charges	

Offshore Areas Mineral (Development and Regulation) Act, 2002

Notification, New Delhi S.O. 2324(E) dated 30.06.2016 stated as : — Whereas, the Offshore Areas Mineral (Development and Regulation) Act, 2002 (No.17 of 2003) (hereinafter referred to as OAMDR Act) received the assent of the President of India on the 30th January, 2003.

Whereas in exercise of the powers conferred by Section 35 of the OAMDR Act, the Ministry of Mines, Government of India notified the Offshore Areas Mineral Concession Rules, 2006 (hereinafter referred to as OAMCR) on 3rd November, 2006.

Whereas the Ministry of Mines by notification in the Official Gazette dated 12th February, 2010 appointed 15th January, 2010 as the date on which the OAMDR Act and OAMCR shall come into force.

Whereas in exercise of the powers conferred under clause (a) of Section 4 of the OAMDR Act, the Central Government vide S.O.339 (E) dated 11th February 2010 notified the Controller General, Indian Bureau of Mines, Nagpur as the Administering Authority for the purposes of the said OAMDR Act.

Whereas in exercise of the powers conferred under sub-Section (1) of Section 10 of OAMDR Act, the Administering Authority notified 63 mineral bearing offshore blocks for grant of exploration licences, vide S.O.1341(E) dated 7th June 2010 which was published in the Official Gazette dated 9th June 2010.

And whereas 377 applications were received from 53 applicants and whereas, 16 applicants were shortlisted for grant of 62 exploration blocks (the bounding latitude and longitude of Block Nos. 3 & 32 falling in the Arabian Sea were same and therefore these were considered as a single block and granted as Block No. 3).

Whereas orders for grant of exploration licences were issued by the Administering Authority on 05.04.2011 to 16 successful applicants for the 62 exploration blocks.

And whereas as per the provisions of sub-rule (1) of rule 19 of the OAMCR, where an order has been made for the grant of exploration licence, a deed granting such license shall be executed within ninety days of the date of the communication of the said order.

Whereas the grant of exploration licences in 62 blocks was challenged in the judicature of various High Courts.

And whereas the Hon'ble High Court of Judicature of Bombay, Nagpur Bench, vide its Order dated 28.03.2011 in Writ Petition No. 1502 of 2011, directed that all subsequent actions be kept in abeyance till the final order of the Hon'ble High Court.

And whereas in keeping with the directions issued by the Hon'ble High Court of Judicature of Bombay, Nagpur Bench, vide its Order dated 28.03.2011, all the 16 applicants were informed that all subsequent actions are being kept in abeyance till the final order of the Hon'ble Court is received.

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Whereas the Hon'ble High Court of Judicature at Bombay, Nagpur Bench vide interim order dated 28.11.2011 in Writ Petition No. 1502 of 2011 clarified that the order dated 28.03.2011 should be confined to 17 blocks for which the petitioner has staked claim and the remaining blocks do not form the subject matter of consideration before the Court.

And whereas the Hon'ble High Court of Judicature at Bombay, Nagpur Bench vide order dated 17.09.2013 while disposing of the Writ Petition No. 1502 of 2011 ordered the continuance of the interim order dated 28.11.2011 for a period of ten days to enable the petitioner to move an appropriate application for further continuation of the interim order if so desired.

And whereas the Hon'ble High Court of Judicature at Bombay, Nagpur Bench vide Order dated 27.09.2013 extended the Order dated 28.03.2011 as modified on 28.11.2011 for a further period of six weeks.

Whereas the Hon'ble High Court of Judicature of Andhra Pradesh at Hyderabad vide interim order dated 22.06.2011 in Writ Petition No. 12835 of 2011 directed that "in the meanwhile, if any steps are taken for grant of exploration licences, the same shall be subject to further orders by this Court". Further, another order dated 11.07.2011 was issued by the Hon'ble Court in this regard directing that "the interim order dated 22.06.2011 granted earlier shall continue until further orders".

And whereas the Writ Petition No. 12835 of 2011 filed in the Hon'ble High Court of Judicature of Andhra Pradesh at Hyderabad has not been disposed as on the date of this order, and the offshore exploration licences granted have not been executed till date.

Whereas it has come to the notice of the Administering Authority that some of the exploration blocks notified for grant of offshore exploration licences vide notification dated

07.06.2010 overlap with areas other than offshore area, to which the OAMDR Act does not apply.

That the jurisdiction of OAMDR Act, applies exclusively to offshore areas which has been defined in the said Act as the territorial waters, continental shelf, exclusive economic zone and other maritime zones of India under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976.

And that the grant of mineral concessions over areas other than offshore areas is regulated by the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957).

Whereas the Central Government vide S.O.19 (E) dated 6th January, 2011, published in the Official Gazette by the Department of Environment, Forests and Wildlife, Ministry of Environment and Forests, has declared the extent of the Coastal Regulation Zone (CRZ) and has also imposed certain restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ.

And whereas the said statutory order dated 6.1.2011 states that CRZ shall also apply to the water and the bed area between the Low Tide Line to the territorial water limit (12 Nm) in case of seas and has prohibited in the area so identified as CRZ, inter alia, the mining of sand, rocks and other substrata materials except those rare minerals not available outside the CRZ area.

And whereas all the 62 offshore blocks which were notified for grant of exploration licences vide S.O.1341(E) dated 9th June 2010, lie within the area identified as CRZ, i.e. they lie within the territorial water limit of 12 nautical miles which attracts the prohibition of mining (which means any operation undertaken for the purpose of winning any mineral) imposed by the statutory order dated 6.1.2011 issued by the Central Government.

Whereas production lease is granted under the OAMDR Act for the purpose of winning any mineral from the offshore area.

MINERAL POLICY AND LEGISLATION

And whereas grant of production lease is consequential to the grant of exploration license as the OAMDR Act provides that the holder of an exploration license shall have the exclusive right to a production lease which is the operating right for winning of a mineral.

Whereas in view of the effect of the CRZ Notification dated 6.1.2011 the purpose of executing the 62 offshore exploration licences gets defeated as the applicants cannot undertake operations for winning of minerals subsequent to the grant of production lease after the successful completion of exploration operations.

Now, therefore, taking into consideration all the above stated facts, I hereby annul the Notification issued vide S.O.1341(E) dated 7th June 2010 with effect that all subsequent actions undertaken for grant of the 62 exploration licences hereby stand rescinded.

Mining Plan document accompanied by a non-refundable fee of Rs. 25000/-

Notification, New Delhi dated 18th May 2016 S.O. 1856(E). —In pursuance of clause (b) of sub-section (2) of Section 5 of Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (As amended up to 27th March 2015) and in accordance to the provision made in the Rule 16 (2) of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016 Mining Plan document accompanied by a non-refundable fee of Rs. 25000/- (Rupees Twenty Five Thousand only) per sq. km. or part thereof shall be submitted to the Indian Bureau of Mines for approval.

This order shall come into force with immediate effect from the date of notification in the Official Gazette of India.

This Service Order is also notified by Notification, New Delhi dated 18th May 2016 S.O. 1871(E).

Authorisation of Regional Controller of Mines & Deputy Controller of Mines, incharge of the Regional offices for approval of Mining Plans.

Notification, New Delhi dated 18th May, 2016 S.O. 1872(E).— In pursuance of clause (b) of sub-section (2) of Section 5 of Mines and Minerals (Development and Regulation) Act 1957 (67 of 1957) (As Amended up to 27th March 2015) and by virtue of powers vested in the Controller General, IBM under Rule 13(1)(a) of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016, I, hereby, authorise the (1) Regional Controller of Mines & (2) Deputy Controller of Mines, incharge of the Regional offices/Sub-Regional offices of Mineral Development and Regulation Division of Indian Bureau of Mines; to exercise the power specified under Rule 16 and Rule 17 of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016, for approval of Mining Plans.

This order shall come into force with immediate effect from the date of notification in the official Gazette of India.

Central Mine Planning and Design Institute Limited shall make over the data generated by it, in respect of the prospecting operations undertaken by it, to the State Government.

Notification, New Delhi dated 7th June, 2016 G.S.R. 578 (E). — In pursuance of the second proviso to sub-section (1) of Section 4 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby notifies the Central Mine Planning and Design Institute Limited for the purposes of the second proviso to sub-section (1) of Section 4 of the said Act :

Provided that Central Mine Planning and Design Institute Limited shall make over the data generated by it, in respect of the prospecting operations undertaken by it, to the State Government.

2. This notification shall come into force on the date of its publication in the Official Gazette.

Reservation of area for M/s National Aluminum Company Limited (NALCO),

Notification, New Delhi, the 27th April, 2017 G.S.R. 411(E) and [F. No. 4/16/2005-M.VI]—In exercise of the powers conferred by sub-section (1A) of Section 17A of the Mines and Minerals (Development and

Regulation) Act, 1957 (67 of 1957), the Central Government, in consultation with the State Government of Odisha, hereby reserves the area of **1738.04 hectares** specified below through M/s National Aluminum Company Limited (**NALCO**), a Public Sector Undertaking owned and controlled by the Central Government, for undertaking prospecting or mining operations in respect of bauxite deposits in the Taluk of Pottangi of Koraput District in the State of Odisha for a further period of five years with effect from 27th April, 2017, except the areas already held under prospecting licence or mining lease and declares that no other prospecting licence or mining lease shall be granted in the said area, during the said period of five years lying within the boundary of such reserved area and for the mineral specified below, namely:—

District: Koraput

Area: 1738.04 hectares, Pottangi Bauxite deposit in the Taluk of Pottangi of Koraput District—
Toposheet No. 65J/14.

Area demarcated by Latitude and Longitude:

Latitude 18° 34' 00" N to 18° 37' 15" N

Longitude 82° 56' 30" E to 83° 00' 00" E

Mineral: Bauxite

Beach sand minerals include ilmenite, rutile, leucoxene, garnet, monazite, zircon and sillimanite

Notification, New Delhi dated 30th June, 2016 S.O. 2356(E). — In exercise of the powers conferred by Section 11C of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government, hereby, makes the following further amendments to the First Schedule of the Act, namely:—

In the First Schedule, in Part B, after entry 11, the following entry shall be inserted, namely:— "**Beach sand minerals**, that is, economic heavy minerals found in the teri or beach sands, which include ilmenite, rutile, leucoxene, garnet, monazite, zircon and sillimanite”.

Amendment the Mineral (Auction) Rules, 2015

Notification, Ministry of Mines, New Delhi dated the 30th November, 2017 G.S.R.1469 (E).— In exercise of the powers conferred by Section 13 of the Mines and Minerals (Development and Regulation) Act,

1957 (67 of 1957), the Central Government, hereby, makes the following rules to amend the Mineral (Auction) Rules, 2015, namely:-

1. (1) These rules may be called the Mineral (Auction) Amendment Rules, 2017.

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

2. Application.— These amendment rules shall be applicable to cases where the preferred bidder has not been declared as on the date of publication of these rules, and shall not be applicable to cases where the preferred bidder has been declared before the date of publication of these rules.

3. In the Mineral (Auction) Rules, 2015 (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), in clause (m), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) the average price per tonne of such mineral as published by Indian Bureau of Mines for the relevant State for a period of twelve months immediately preceding the month of computation of the Value of Estimated Resources:

Provided that if for any mineral or mineral grade, the average sale price in respect of the relevant State for any month is not published by Indian Bureau of Mines, the all India average sale price published by Indian Bureau of Mines for such mineral or mineral grade for that month shall be used”.

4. In the said rules, for rule 3, the following rule shall be substituted, namely:—

“3. **Application.**— These rules shall apply to all minerals, except—

(i) minerals notified as minor minerals specified under clause (e) of Section 3;

(ii) minerals specified in Part A of the First Schedule to the Act; and

(iii) minerals specified in Part B of the First Schedule to the Act having grade equal to or more than the threshold value as specified and notified under the Atomic Minerals Concession Rules, 2016.”

5. In the said rules, in rule 6, in sub-rule (4), in clause (ii), the following proviso shall be inserted, namely:—

“Provided that quantity of mineral equivalent to twenty five per cent of total mineral excavated in the previous financial year, for which end use was specified can be sold in the current financial year.”

6. In the said rules, in rule 9, for sub-rule (4), the following shall be substituted, namely:-

‘(4) The auction shall be an ascending forward online electronic auction and shall comprise of attempts of auction with each attempt of auction consisting of a first round of auction and a second round of auction.

(5) In the first round of auction, the bidders shall submit,-

(A) a technical bid comprising amongst others, documentary evidence to confirm eligibility as per the provisions of the Act and the rules made thereunder to participate in the auction, bid security and such other documents and payments as may be specified in the tender document; and

(B) an initial price offer which shall be a percentage of value of mineral despatched.(6) Only those bidders who are found to be eligible in accordance with the terms and conditions of eligibility specified in rule 6 and whose initial price offer is equal to or greater than the reserve price,

referred to as “technically qualified bidders”, shall be considered for the second round of auction.

(7) The highest initial price offer amongst the technically qualified bidders shall be the floor price for the second round of online electronic auction.

(8) The technically qualified bidders shall be ranked on the basis of the descending initial price offer submitted by them and the technically qualified bidders holding the first fifty per cent of the ranks (with any fraction rounded off to higher integer) or the top five technically qualified bidders, whichever is higher, shall qualify as qualified bidders for participating in the second round of electronic auction:

Provided that if the number of technically qualified bidders is between three and five, then all the technically qualified bidders shall be considered as qualified bidders:

Provided further that in the event of identical initial price offers being submitted by two or more technically qualified bidders, all such technically qualified bidders shall be assigned the same rank for the purposes of determination of qualified bidders and in such case, the aforementioned fifty per cent shall stand enhanced to the extent of tie occurring within the first fifty per cent.

Illustration

In the event there are a total of ten technically qualified bidders, and each technically qualified bidder submits different initial price offer, then the technically qualified bidders holding the first fifty per cent of ranks shall be considered to be qualified bidders.

If three such technically qualified bidders submit the same initial price offer and are ranked in first fifty per cent of the total number of ranks, then, all the three technically qualified bidders shall be considered to be qualified bidders and the total number of qualified bidders shall stand increased by two.

(9) Where the total number of technically qualified bidders are three or more, the auction process shall proceed to the second round of auction which shall be held in the following manner, namely:-

(i) the qualified bidders may submit their final price offer which shall be a percentage of value of mineral despatched and greater than the floor price:

Provided that the final price offer may be revised till the conclusion of the auction as per the technical specifications of the auction platform;

(ii) The auction process shall be annulled if none of the qualified bidders submits a final price offer on the online electronic auction platform;

(iii) the qualified bidder who submits the highest final price offer shall be declared as the “preferred bidder” immediately on conclusion of the auction.

(10) Where the total number of technically qualified bidders is less than three, then no technically qualified bidder shall be considered to be qualified bidder and the first attempt of auction shall be annulled.

(11) On annulment of the first attempt of auction, the State Government may decide to-

(a) commence the auction process *de novo* with a separate set of terms and conditions and reserve price as it may deem fit and necessary; or

(b) conduct the second attempt of auction.

(12) In case the State Government decides to conduct the second attempt of auction as per clause (b) of sub-rule (11), the terms and conditions of the second attempt of auction shall remain the same as in the first annulled attempt of auction:

Provided that the highest initial price offer of the technically qualified bidders if any in the first annulled attempt shall be the reserve price in first round of the second attempt:

Provided further that the bidding shall continue to the second round even in case the number of technically qualified bidders is less than three.’

7. In the said rules, in rule 10, in sub-rule (6), the following provisos shall be inserted, namely:—

“Provided that no Mining Lease Deed shall be executed on expiry of a period of three years from the date of the letter of intent, and the letter of intent shall be invalidated leading to annulment of the entire process of auction:

Provided further that the State Government may allow a further period of two years for execution of the Mining Lease Deed if the reasons for delay were beyond the control of the preferred bidder.”

8. In the said rules, for the words and figures “Mineral Concession Rules, 1960” wherever they occur, the words, brackets and figures “Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016” shall be substituted.

9. In the said rules, in rule 11, in sub-rule (2), for the words, brackets and figures “adjusted in full against the amount paid under sub-rule (3) of rule 8 within the first five years of” the words, brackets and figures “adjusted in full at the earliest against the amount to be paid under sub-rule (3) of rule 8 on” shall be substituted.

10. In the said rules, in rule 12, in sub-rule (1),—

(a) for the word “successful”, the word “preferred” shall be substituted; and

(b) after the words “reassessed value of estimated resources” occurring at the end, the words “including the value of any newly discovered mineral that may be included in the mining lease deed on its discovery” shall be inserted.

11. In the said rules, in rule 19,—

(a) in sub-rule (2), after the words “value of estimated resources” occurring at the end, the words “established by the holder of the Composite Licence after completion of prospecting operations in accordance with sub-section (9) of Section 11 of the Act resulting in determination of evidence of mineral contents conforming to the Mineral (Evidence of Mineral Contents) Rules, 2015” shall be inserted; and
(b) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) The performance security shall be provided through bank guarantee in the format as specified in Schedule IV or through security deposit, which may be invoked as per the provisions of —

(i) the prospecting licence deed;

(ii) the Mine Development and Production Agreement;

(iii) the Mining Lease Deed:

Provided that the State Government on being satisfied that the holder of Composite Licence has completed prospecting operations in accordance with sub-section (9) of Section 11 of the Act but is unable to establish the existence of mineral contents even after making all possible efforts in accordance with sub-section (10) of Section 11 of the Act, and the Minerals (Evidence of Mineral Contents) Rules, 2015, shall return the bank guarantee or the security deposit provided by the holder of the Composite Licence as performance security.”.12. In the said rules, for Schedule I, the following Schedule shall be substituted, namely:—

SCHEDULE I

Terms and conditions of eligibility

[See rules 6(1) and 6(2)]

1. The following net worth requirements shall be applicable for an auction of mining lease depending on the Value of Estimated Resources, namely:—

(a) If the Value of Estimated Resources is equal to or more than one thousand crore rupees, the applicant, including an individual, shall have a net worth more than 2 per cent. of Value of Estimated Resources.

(b) If the Value of Estimated Resources is less than one thousand crore rupees but more than one hundred crore rupees, the applicant, including an individual, shall have a net worth more than 1 per cent of Value of Estimated Resources.

(c) If the Value of Estimated Resources is less than or equal to one hundred crore rupees, the applicant, including an individual, shall have a net worth more than 0.5 percent of Value of Estimated Resources.

2. In case of auction of Composite Licence, the applicant shall have a net worth of more than 1 per cent of the Value of Estimated Resources and where the value of Estimated Resources is equal or less than one hundred crore rupees, the applicant must have a net worth more than 0.5 percent of Value of Estimated Resources.

Explanation.

(1) In case an applicant is a subsidiary of another company incorporated in India, the net worth of such holding company may also be considered:

Provided that, in such case, the applicant shall continue to be a subsidiary of such holding company until such time the applicant meets the aforementioned net worth threshold.

(2) In case of a company, the net worth shall be the sum of paid up share capital and the free reserves as per the audited balance sheet of the financial year ended immediately preceding the date of issuance of notice inviting tender.

(3) In case the notice inviting tender is issued between 1st April to 30th September (both days inclusive) of a year, the audited balance sheet of the financial year before the immediately preceding financial year, from the date of issuance of notice inviting tender, may be submitted by the bidder, if the audited balance sheet of the immediately preceding financial year is not available.

(4) In case of an individual, the net worth shall be the closing cash balance on the last date for submission of application, and such amount may include amount in savings bank accounts in Scheduled Bank or Post Office, free and un-encumbered fixed deposits in Scheduled Banks, Post Office, Listed Companies or Government organisation or Public Sector Undertakings of a State and the Central Government, Kisan Vikas Patra, National Saving certificate, Bonds, Shares of Listed Companies, Listed Mutual Funds, Unit Linked Insurance Plan, Public Provident Fund, Surrender Value of Life Insurance policies, and un-encumbered immovable property in the name of Applicant.”.

13. In the said rules, in Schedule III,

(a) for paragraph A, the following paragraph shall be substituted, namely:–

“A. [Name of the Preferred Bidder] incorporated in India under the Companies Act, [1956/2013] with corporate identity number [CIN of the Preferred Bidder], whose registered office is at [address of registered office], India and principal place of business is at [address of principal place of business, if different from registered office] OR

[Name of individual] who is citizen of India, having income tax permanent account number [number], residing at [address] OR [partnership firm/association of individuals], all members of whom are Indian citizens and residents of India whose principal place of business is at [address of principal place of business] (the “Preferred Bidder”) is required to provide an unconditional and irrevocable bank guarantee for an amount equal to INR [figures] (Indian Rupees [words]) as a performance security valid until [date of expiry of performance bank guarantee] (“Expiry Date”).”;

(b) in paragraph C, for the word “Successful” occurring after words “at the request of the”, the word “Preferred”

shall be substituted.

14. In the principal rules, after Schedule III, the following Schedule shall be inserted, namely:–

‘SCHEDULE IV

Format of Performance Security for Composite Licence

[See rule 19(4)][Reference number of the bank] [date]

To

The Governor of [Name of State]

[address]

WHEREAS

A. [Name of the Preferred Bidder] incorporated in India under the Companies Act, [1956/2013] with corporate identity number [CIN of the Preferred Bidder], whose registered office is at [address of registered office], India and principal place of business is at [address of principal place of business, if different from registered office] OR [Name of individual] who is citizen of India, having income tax permanent account number [number], residing at [address] OR [partnership firm/association of individuals], all members of whom are Indian citizens and residents of India whose principal place of business is at [address of principal place of business] (the “Preferred Bidder”) is required to provide an unconditional and irrevocable bank guarantee for an amount equal to INR [figures] (Indian rupees [words]) as a performance security valid for an initial period of I% years from the date hereof (“Expiry Date”).

B. The Performance Security is required to be provided to the Governor of [Name of State], (the “State”) for discharge of certain obligations under the Tender Document dated, [date] with respect to auction of [particulars of auction] AND the deed for grant of a prospecting licence to be executed between the State and the Successful Bidder AND the Mine Development and Production Agreement to be executed between the State and the Successful Bidder (collectively) (the “Agreement”).

C. We, [name of the bank] (the “Bank”) at the request of the Preferred Bidder or Successful Bidder do hereby undertake to pay to the State an amount not exceeding INR [figures] (Indian Rupees [words]) (“Guarantee Amount”) to secure the obligations of the Preferred Bidder or Successful Bidder under the Agreement on demand from the State on the terms and conditions herein contained herein.

NOW, THEREFORE, the Bank hereby issues in favour of the State this irrevocable and unconditional payment bank guarantee (the “Guarantee”) on behalf of the Preferred Bidder or Successful Bidder in the Guarantee Amount:

MINERAL POLICY AND LEGISLATION

1. The Bank for the purpose hereof unconditionally and irrevocably undertakes to pay to the State without any demur, reservation, caveat, protest or recourse, immediately on receipt of first written demand from the State, a sum or sums (by way of one or more claims) not exceeding the Guarantee Amount in the aggregate without the State needing to prove or to show to the Bank grounds or reasons for such demand for the sum specified therein and notwithstanding any dispute or difference between the State and Preferred Bidder or Successful Bidder on any matter whatsoever. The Bank undertakes to pay to the State any money so demanded notwithstanding any dispute or disputes raised by the Preferred Bidder or Successful Bidder in any suit or proceeding pending before any court or tribunal relating thereto the Bank's liability under this present being absolute and unequivocal.

2. The Bank acknowledges that any such demand by the State of the amounts payable by the Bank to the State shall be final, binding and conclusive evidence in respect of the amounts payable by Preferred Bidder or Successful Bidder to the State under the Agreement.

3. The Bank hereby waives the necessity for the State from demanding the aforesaid amount or any part thereof from the Preferred Bidder or Successful Bidder and also waives any right that the Bank may have of first requiring the State to pursue its legal remedies against the Preferred Bidder or Successful Bidder, before presenting any written demand to the Bank for payment under this Guarantee.

4. The Bank further unconditionally agrees with the State that the State shall be at liberty, without the Bank's consent and without affecting in any manner the Bank's obligation under this Guarantee, from time to time to:

i) vary and/or modify and of the terms and conditions of the Agreement;

ii) extend and / or postpone the time for performance of the obligations of the Preferred Bidder or successful Bidder under the Agreement, or

iii) forbear or enforce any of the rights exercisable by the State against the Preferred Bidder or Successful Bidder under the terms and conditions of the Agreement,

and the Bank shall not be relieved from its liability by reason of any such act or omission on the part of the State or any indulgence by the State to the Preferred Bidder or Successful Bidder or other thing whatsoever which under the law relating to sureties would, but for

this provision, have the effect of relieving the Bank of its obligations under this Guarantee.

5. Any payment made hereunder shall be made free and clear of and without deduction for, or on account of, any present or future taxes, levies, imposts, duties, charges, fees, commissions, deductions or withholdings of any nature whatsoever.

6. The Bank agrees that State at its option shall be entitled to enforce this Guarantee against the Bank, as a principal debtor in the first instance without proceeding at the first instance against the Preferred Bidder or Successful Bidder.

7. The Bank further agrees that this bank guarantee and the guarantee obligations herein contained shall remain in full force and effect and shall continue to be enforceable till: (i) all the obligations of the Preferred Bidder or Successful Bidder under or by virtue of the said Agreement with respect to the Performance Security have been fully paid and its claims satisfied or discharged; or (ii) till the State certifies that the terms and conditions of the Agreement with respect to the Performance Security have been fully and properly carried out by the Preferred Bidder or Successful Bidder and accordingly discharges this guarantee; or (iii) on provision of a revised performance security under sub-rule (2) of rule 19 of the Mineral (Auction) Rules, 2015 whichever is later. Notwithstanding anything contained herein, unless a demand or claim under this guarantee is made on the Bank in writing on or before the Expiry Date the Bank shall be discharged from all liability under this guarantee thereafter.

8. The payment so made by the Bank under this Guarantee shall be a valid discharge of Bank's liability for payment thereunder and the State shall have no claim against the Bank for making such payment.

9. This Guarantee is subject to the laws of India. Any suit, action, or other proceedings arising out of this Guarantee or the subject matter hereof shall be subject to the exclusive jurisdiction of courts at the State of [respective State].

10. The Bank has the power to issue this Guarantee in favour of the State. This guarantee will not be discharged due to the change in the constitution of the Bank.

11. The Bank undertakes not to revoke this Guarantee during its currency except with the previous consent of the State in writing.

12. The State may, with prior intimation to the Bank, assign the right under this Guarantee to any other

departments, ministries or any governmental agencies, which may act in the name of the Governor.

Save as provided in this Clause 12, this Guarantee shall not be assignable or transferable.

13. Notwithstanding anything contained herein,

a) the liability of the bank under this bank guarantee shall not exceed the Guarantee Amount; and

b) this bank guarantee shall be valid up to the Expiry Date.

14. The Bank is liable to pay the Guaranteed Amount or any part thereof under this bank guarantee only and only if the State serves upon the Bank a written claim or demand on or before the Expiry Date.

Dated the [day] day of [month] [year] for the Bank.

In witness whereof the Bank, through its authorised officer, has set its hand and stamp.

(Signature)

(Name and Designation)

(Bank Stamp).’.

[F.No. 1/1/2017-M.VI]

BIPUL PATHAK, Jt. Secy.

Mines and Minerals (Development and Regulation) Removal of Difficulties Order, 2017.

Order, New Delhi the Gazette of India: Extraordinary, Part II, Section 3(ii) dt. 04.01.2017, S.O. 27(E).—Whereas difficulties have arisen in giving effect to the provisions of clause (c) sub-section (2) of Section 10A of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), in so far as it relates to fulfilment of conditions laid in the letter of intent (by whatever name called) issued by the State Governments within a period of two years from the date of commencement of the said Act.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 24 of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), the Central Government hereby makes the following order to remove the difficulties relating to fulfilment of conditions laid in the letter of intent, namely:—

1. Short title and commencement.—(1) This order may be called the Mines and Minerals (Development and Regulation) Removal of Difficulties Order, 2017.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Environmental Clearance.—Notwithstanding anything contained in clause (c) of sub-section (2) of Section 10A of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), it is clarified that where the condition of obtaining environmental clearance has not been complied with by the applicant on or before 11th January, 2017, but all other conditions specified in previous approval or the letter of intent have been fulfilled, the applications shall be considered under that Section and mining lease shall be granted by the concerned State Governments in accordance with the notifications issued under the Environment (Protection) Act 1986 (29 of 1986):

Provided that no mining activity shall commence unless and until the applicant obtains environmental clearance as laid down under the Environment (Protection) Act, 1986 and the rules made there under.

Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession (Amendment) Rules, 2016.

Notification, New Delhi the Gazette of India: Extraordinary, Part II, Section 3(i) dt. 08.12.2016, G.S.R. 1120(E)- In exercise of the powers conferred by Section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules to amend the Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016, namely:—

1. (1) These rules may be called the Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession (Amendment) Rules, 2016.

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

2. In the Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016, in rule 12, after sub-rule (5), the following sub-rule shall be inserted, namely:—

“(5A) Notwithstanding anything contained in sub-rule (5), the State Government may grant a mining lease for area less than five hectares in respect of a mining lease to be granted in pursuance of the provisions of clause (b) or clause (c) of sub-section (2) of Section 10A of the Act:

MINERAL POLICY AND LEGISLATION

Provided that no mining lease shall be granted for area less than one hectare, in respect of small deposits (not fragmented portions of larger ones), shallow in nature, isolated and not exceeding two hundred metres in strike length, which are small by virtue of either origin or mode of emplacement or dislocation due to geological disturbances; and small deposits shall also include float deposits (transported) formed due to mechanical weathering and deposition, alluvial or eluvial placers (buried or otherwise), which generally have peculiar configurations excepting beach sands or placers:

Provided further that no mining lease shall be granted for area less than two hectares, in respect of beach sands or placers, which are mono or multi mineral concentrations, including the dunes occurring on and off the coastal shore line deposited as a product of the ebb and flow of tides, waves and inshore currents, and at places semi-consolidated to consolidated in nature:

Provided also that no mining lease shall be granted for area less than four hectares in all other cases other than those specified in the first and second provisos.”

Territorial jurisdiction of the Controller of Mines (Central Zone), the Regional Controllers of Mines of Nagpur, Raipur and Jabalpur Regions, Indian Bureau of Mines.

Notification, Ministry of Mines, New Delhi dated 12.04.2016 No. T. 44027/ Raipur RO/CGBM/ 2015.— In exercise of the powers conferred by Rule 62 of the Mineral Conservation and Development Rules, 1988 and in partial modification to the Notification No.T-43010/ CGBM/97 dated 19th February, 1998 published in the Gazette of India, Part III Section I dated 7th March, 1998, the territorial jurisdiction of the Controller of Mines (Central Zone), Regional Controller of Mines, Nagpur Region, Regional Controller of Mines, Raipur Region and Regional Controller of Mines, Jabalpur Region shall be as given hereunder for the purpose of aforesaid rule:

Zonal Office	Regional Office	State/UT	Districts
Controller of Mines (Central Zone), Indian Bureau of Mines, Nagpur	Nagpur Region	MAHARASHTRA	Ahmednagar, Akola, Amravati, Aurangabad, Bhandara, Beed, Buldhana, Chandrapur, Dhule, Gadchiroli, Gondia, Greater Mumbai, Hingoli, Jalgaon, Jalna, Mumbai (Suburban), Nagpur, Nandurbar, Nashik, Palghar, Parbhani, Raigad, Thane, Wardha, Washim, Yavatmal
	Raipur Region All Jabalpur Region	CHHATTISGARH MADHYA PRADESH UTTAR PRADESH	Districts of Chhattisgarh State All Districts of Madhya Pradesh State Allahabad, Banda, Chatrapati Shahuji Maharaj Nagar, Hamirpur, Jhansi, Kaushambi, Lalitpur, Mahoba, Mirzapur, Sonbhadra.
	Bhubaneswar Region Kolkata Region (including Guwahati (Sub-Region) Ranchi Region	Same as that of prescribed in Gazette of India Part III Section I dated 7 th March, 1998, and Gazette of India Part III Section I dated Kolkata Region 11 th March, 1999.	

The above shall come into force with effect from the date of notification.

ORDER

Ordered that these territorial jurisdictions of the Controller of Mines (Central Zone), the Regional Controllers of Mines of Nagpur, Raipur and Jabalpur Regions, Indian Bureau of Mines, be published in the Gazette of India, Part III Section I for general information of all.

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Revised territorial jurisdiction

Notification, New Delhi dated 7.12.2016 No. T- 43010/CGBM/2014.— In exercise of the powers conferred by Rule 62 of the Mineral Conservation and Development Rules, 1988 and in partial modification to the Notification No. T-43010/CGBM/97 dated 19th February, 1998 published in the Gazette of India, Part III Section I dated 7th March, 1998, the following changes are being made to the territorial jurisdiction of the Zonal/ Regional offices of Indian Bureau of Mines:

i) The Office of the Controller of Mines (North Zone) is being shifted to Udaipur from Ajmer.

ii) A new Regional office is being opened at Gandhinagar (Gujarat).

iii) The Guwahati Sub-Regional office is being upgraded to Regional Office.

In view of above changes, the revised territorial jurisdiction of the concerned IBM offices is given as under:

Zonal Office	Regional Office	State/UT	Districts
Controller of Mines (North Zone), Indian Bureau of Mines, Udaipur	Ajmer Region	Rajasthan	All Districts.
	Gandhinagar Region	Gujarat	All Districts.
	Dehradun Region	Same as that of prescribed in Gazette of India, Part III, Section I, dated 7 th March, 1988	
Controller of Mines (Central Zone), Indian Bureau of Mines, Nagpur.	Guwahati Region	Arunachal Pradesh	All Districts
		Assam	All Districts.
		Manipur	All Districts.
		Meghalaya	All Districts.
	Mizoram	All Districts.	
Nagaland	All Districts.		
Sikkim	All Districts.		
Tripura	All Districts.		
Kolkata Region	Andaman & Nicobar Islands	All Districts.	
		Jharkhand	Saraikela-Kharsawan, Singhbhum (East), Singhbhum (West).
	Ranchi Region	West Bengal Bihar Jharkhand	All Districts. All Districts. All Districts except Saraikela-Kharsawan, Singhbhum (East), Singhbhum (West) districts.
Controller of Mines (Central Zone),	Ranchi Region	Same as that of prescribed in Gazette of India, Part III, Section I, dated 7 th March, 1998, and Gazette of India, Part III, Section I, dated 11 th March, 1999.	
	Bhubaneswar Region	Same as that of prescribed in Same as that of prescribed in Gazette of India Part III Section I dated 9 th May 2016. dated 7 th March, 1998, and Gazette of India	
Nagpur Region	Jabalpur Region prescribed in Gazette of India Raipur Region	Same as that of prescribed in Same as that of prescribed in Gazette of India Part III Section I dated 9 th May 2016. dated 7 th March, 1998, and Gazette of India	

MINERAL POLICY AND LEGISLATION

The office addresses of the offices of the Controller of Mines (North Zone) Regional Controller of Mines, Gandhinagar Region and Regional Controller of Mines, Guwahati will be as under:

1. Office of the Controller of Mines (North Zone)
Indian Bureau of Mines,
142-C, Sector-XI,
Hiranmagri Scheme
Udaipur – 313 001 (Rajasthan).
2. Office of the Regional Controller of Mines,
Indian Bureau of Mines,
C Wing, 4th Floor, Block No.-2,
Karmayogi Bhavan, Sector 10A,
Gandhinagar – 382 010 (Gujarat).
3. Office of the Regional Controller of Mines,
Indian Bureau of Mines,
House No. 216, 3rd Floor,
Post - Banunimaidan,
Distt. : Kamrup
Guwahati-781 021 (Assam).

The above shall come into force with effect from the date of publication of this notification in the Gazette of India.

ORDER

Ordered that these territorial jurisdictions of the Regional/Sub-Regional offices under the Controller of Mines (North Zone) and Controller of Mines (Central Zone), Indian Bureau of Mines, be published in the Gazette of India, Part III Section I for general information of all.

Revised territorial jurisdiction of the Regional offices under Central Zone and newly created East Zone of IBM

Notification, New Delhi, dated 4.02.2017 No. T-43010/CGBM/2014. In exercise of the powers conferred by Rule 62 of the Mineral Conservation and Development Rules, 1988 and in partial modification to following notifications, namely

1. Notification No.T-43010/CGBM/97, dated 19th February, 1998 published in the Gazette of India, Part III, Section I, dated 7th March, 1998,
2. Notification No. T-43010/CGBM/97, dated 11th March, 1999 published in the Gazette of India, Part III, Section I, dated 27th March, 1999,
3. Notification No. T-44027/Raipur RO/CGBM/2015, dated 12th April, 2016, published in the Gazette of India, Part-III, Section I, dated 9th May, 2016 and
4. Notification No. T-43010/CGBM/2014, dated 7th December, 2016 published in the Gazette of India, Part III, Section I, dated 13th January, 2017, The revised territorial jurisdiction of the Regional offices under Central Zone and newly created East Zone of IBM is given as under:

Zonal Office	Regional Office	State/UT	Districts
Controller of Mines (Central Zone), Indian Bureau of Mines, 6 th Floor, 'D' Block, Indira Bhavan, Civil Lines, Nagpur – 440 001.	Jabalpur Region	Madhya Pradesh Uttar Pradesh	All districts Allahabad, Banda, Chitrakoot, Hamirpur, Jhansi, Kaushambi, Lalitpur, Mahoba, Mirzapur, Sonbhadra.
	Nagpur Region	Maharashtra	All districts except Latur, Kolhapur, Nanded, Pune, Ratnagiri, Sangli, Satara, Sindhudurg , Sholapur & Usmanabad
	Raipur Region	Chhattisgarh	All districts

(Contd.)

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(Concl.)

Zonal Office	Regional Office	State/UT	Districts
Controller of Mines (East Zone), Indian Bureau of Mines, CP-13, Sector V, Salt Lake City, Kolkata – 700 091	Bhubaneswar Region Guwahati Region	Odisha	All districts
		Arunachal Pradesh	All districts
		Assam	All districts
		Manipur	All districts
		Meghalaya	All districts
		Mizoram	All districts
		Nagaland	All districts
		Sikkim	All districts
		Tripura	All districts
		Bihar	All districts
	Ranchi Region	Jharkhand	All districts
		West Bengal	All districts

The above shall come into force with effect from the date of publication of this notification in the Gazette of India.

ORDER

Ordered that these territorial jurisdictions of the Zonal/Regional offices of Indian Bureau of Mines, be published in the Gazette of India, Part III, Section 1, for general information of all.

Authorized Officer

Notification ,Nagpur, the 11th May, 2017 No. T-43010/CGBM/2014.—By virtue of powers vested in me under Rule 3(1)(c) of Mineral Conservation and Development Rules, 2017 to authorise officers of Indian Bureau of Mines as “Authorised Officer” to perform

functions under Mineral Conservation and Development Rules, 2017, I hereby authorise the officers of Indian Bureau of Mines as “Authorised Officer” to take action in respect of Mineral Conservation and Development Rules, 2017 and the matters relating to rule/rules as mentioned below:

Sl. No.	Authorised officer	Authorised for Rule(s) under MCDR, 2017
1.	Chief Controller of Mines	5(1), 5(2), 8(1), 8(2), 19(3), 48(1), 54(d), 59, 63(2), 64, 65(3), 67, 74
2	Controller of Mines	5(1), 5(2), 8(1), 8(2), 19(3), 30(2), 30(3), 30(4), 54(d), 59, 67, 74
3	Chief Mining Geologist	5(1), 5(2), 6, 7, 8(1), 8(2), 9(1), 9(3), 9(5), 19(3), 47, 48(1), 54(d), 59, 63(2), 67, 74
4	Chief Mineral Economist	49, 50, 51, 52
5	Regional Controller of Mines	8(1), 8(2), 9(3), 9(5), 19(3), 20(1), 21(1), 21(2), 21(3), 21(4), 27(2), 27(3), 27(4), 27(5), 27(6), 28(1), 28(2), 29, 30(2), 30(3), 33, 35(3), 46(c), 47, 49, 50, 54(d), 59, , 67, 74
6	Superintending Mining Geologist	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
7	Deputy Controller of Mines (Incharge of Regional Office).	4, 5(1), 5(2), 6, 7, 8(1), 8(2), 9(1), 9(3), 9(5), 19(3), 20(1), 21(1), 21(2), 21(3), 21(4), 27(2), 27(3), 27(4), 27(5), 27(6), 28(1), 28(2), 29, 30(2), 30(3), 33, 35(2), 35(3), 35(4), 45(5), 46(c), 47, 49, 50, 51, 52, 54(d), 59, 67
8	Deputy Controller of Mines	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
9	Regional Mining Geologist	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
10	Senior Asst. Controller of Mines	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
11	Senior Mining Geologist	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
12	Assistant Controller of Mines	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
13	Junior Mining Geologist	8(1), 8(2), 19(3), 35(3), 54(d), 59, 74
14	Assistant Mining Engineer	8(1), 8(2), 19(3), 54(d), 59, 74
15	Assistant Mining Geologist	8(1), 8(2), 19(3), 54(d), 59, 74

This order shall come into force with immediate effect.

RANJAN SAHAI, Controller General, Indian Bureau of Mines

MINERAL POLICY AND LEGISLATION

Authorise officers of Indian Bureau of Mines as “Competent Authority”

Notification Nagpur, the 11th May, 2017 No. T-43010/CGBM/2014.—By virtue of powers vested in me under Rule 10(1) of Mineral Conservation and Development Rules, 2017 to authorise officers of Indian Bureau of Mines as “Competent Authority” to

perform functions under Mineral Conservation and Development Rules, 2017, I hereby authorise the following officers of Indian Bureau of Mines as “Competent Authority” to take action in respect of Mineral Conservation and Development Rules, 2017 and the matters relating to rule/rules as mentioned below:

Sl. No.	Competent Authority	Rule(s) under MCDR, 2017
1	Chief Controller of Mines	10(1), 10(2), 32(2), 32(6), 32(7)
2	Controller of Mines	10(1), 10(2), 26(2), 30(1), 32(1)(d), 32(7)
3	Chief Mining Geologist	10(1), 10(2), 32(7)
4	Regional Controller of Mines	10(1), 10(2), 11(2), 11(4), 21(4), 23, 24(1), 24(2), 25(1), 25(2), 26(1), 26(2), 31, 32(7)
5	Deputy Controller of Mines (Incharge of Regional Office).	10(1), 10(2), 11(2), 11(4), 21(4), 10(1), 10(2), 11(2), 11(4), 21(4), 23, 24(1), 10(1), 10(2), 11(2), 11(4), 21(4), 23, 24(1), 24(2), 25(1), 25(2), 26(1), 26(2), 31, 32(7)

This order shall come into force with immediate effect.

RANJAN SAHAI, Controller General, Indian Bureau of Mines

Mineral Conservation and Development (Amendment) Rules, 2016.

Ministry of Mines, Notification, G.S.R. 430(E).—In exercise of the powers conferred by Section 18 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government, hereby, makes the following rules further to amend the Mineral Conservation and Development Rules, 1988, namely

- 1.(1) These rules may be called the Mineral Conservation and Development (Amendment) Rules, 2016.
- (2) They shall come into force from the date of their publication in the Official Gazette.
2. In the Mineral Conservation and Development Rules, 1988 (hereinafter referred to as the principal rules), in rule 45,—
 - (a) in sub-rule (2), for the words “for registration within one month from the date of commencement of these rules”, the words “for registration, in electronic form, within one month from the date of registration of lease deed or before the commencement of trading operation or storage or end-use or export of minerals, as the case may be” shall be substituted;(b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

“(3) The Indian Bureau of Mines shall allot and record the registration number in the register referred to in sub-rule (4).”

(c) in sub-rule (5),—

- (I) after the words “shall submit”, the word “online” shall be inserted;
- (II) for clause (a), the following shall be substituted, namely:-

“(a) a daily return which shall be submitted through the Mobile application of the Indian Bureau of Mines, latest by 1800 hours of the following day;

(aa) a monthly return which shall be submitted before the 10th day of every month in respect of the preceding month in electronic form, along with a print copy of the same if it is not digitally signed, in the respective Form as indicated below:-

- (i) for all minerals except copper, gold, lead, pyrite, tin, tungsten, zinc, precious and semi-precious stones, in Form F-1;
- (ii) for copper, gold, lead, pyrite, tin, tungsten, zinc, in Form F-2; and
- (iii) for precious and semi-precious stones, in Form F-3”;

(III) for clause (b), the following clause shall be substituted, namely:-

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“(b) an annual return which shall be submitted before the 1st day of July each year for the preceding financial year in electronic form, along with a print copy of the same if it is not digitally signed, in the respective Form as indicated below:-

- (i) for all minerals except copper, gold, lead, pyrite, tin, tungsten, zinc precious and semi-precious stones, in Form H-1;
- (ii) for copper, gold, lead, pyrite, tin, tungsten, zinc, in Form H-2; and
- (iii) for precious and semi-precious stones, in Form H-3:

Provided that in case of abandonment of a mine, the annual return shall be submitted within one hundred and five days from the date of abandonment.”

(d) in sub-rule (6), in the opening portion,—

- (i) after the words “shall submit”, the word “online” shall be inserted;
- (ii) after the word “returns”, the words “in electronic form, along with a print copy of the same if it is not digitally signed,” shall be inserted;

(e) in sub-rule (7), in the opening portion,—

- (I) for the words “monthly or special”, the words “daily or monthly” shall be substituted;
- (II) in clause (ii), the words “or export” wherever they occur and the words “or carrying out export” shall be omitted;
- (III) after clause (ii), the following clause shall be inserted, namely:-

“(iii) in the case of export of minerals, the Directorate General of Foreign Trade shall order suspension of permits for carrying out such exports of minerals of such person or company engaged in export of minerals, and may

revoke the order of suspension only after ensuring proper compliance.”;

(f) for sub-rule (8), the following sub-rule shall be substituted, namely:-

“(8) In case of mining of minerals by the owner, agent, mining engineer or manager of mine the –

- (a) sale value is the gross amount payable by the purchaser as indicated in the sale invoice, where the sale transaction is on an arms’ length basis and the price is the sole consideration for the sale, excluding taxes, if any.

Explanation-For the purpose of computing sale value, no deduction from the gross amount shall be made in respect of royalty, payments to the District Mineral Foundation and payments to the National Mineral Exploration Trust;

- (b) Ex-Mine price of mineral grade or concentrate shall be,

(I) where export has occurred, the total of, sale value on free-on-board (F.O.B) basis, less the actual expenditure incurred beyond the mining lease area towards

- (i) transportation charges by road;
- (ii) loading and unloading charges;
- (iii) railway freight (if applicable);
- (iv) port handling charges or export duty;
- (v) charges for sampling and analysis;
- (vi) rent for the plot at the stocking yard;
- (vii) handling charges in port;
- (viii) charges for stevedoring and trimming;
- (ix) any other incidental charges incurred outside the mining lease area as notified by the Indian Bureau of Mines from time-to-time, divided by the total quantity exported.;

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(II) where domestic sale has occurred, the total of sale value of the mineral less the actual expenditure incurred towards transportation, loading, unloading, rent for the plot at the stocking yard, charges for sampling and analysis and any other charges beyond mining lease area as notified by the Indian Bureau of Mines from time-to-time, divided by the total quantity sold;

(III) where sale has occurred, between related parties and is not on arms' length basis, then such sale shall not be recognised as a sale for the purposes of this rule and in such case, sub-clause (IV) shall be applicable;

(IV) where the sale has not occurred, the average sale price published monthly by the Indian Bureau of Mines for that mineral grade or concentrate for a particular State:

Provided that if for a particular mineral grade or concentrate, the information for a State for a particular month is not published by the Indian Bureau of Mines, the last available information published for that mineral grade or concentrate for that particular State by the Indian Bureau of Mines in the last six months previous to the reporting month shall be referred, failing which the latest information for All India for the mineral grade or concentrate, shall be referred;

(V) the cost of production in case of captive mines.

(g) for sub- rule (9), the following sub-rule shall be substituted, namely:-

“(9) In case of trading or storage or end use or export of minerals, for the purpose of filing of returns, the value of the mineral grade or concentrate shall be,-

(a) where the sale of the mineral grade or concentrate has occurred and the sale transaction is on an arms' length basis and the price is the sole consideration for the sale, the sale value of the mineral grade or concentrate recorded in the invoice;

(b) where the sale has not occurred, the product of average sale price published monthly by the Indian Bureau of Mines for a particular mineral grade or concentrate for a particular State and the quantity dispatched or procured:

Provided that if for a particular mineral grade or concentrate, the information for a State for a particular month is not published by the Indian Bureau of Mines, the last available information published for that mineral grade or concentrate for that particular State by the Indian Bureau of Mines in the last six months previous to the reporting month shall be referred, failing which the latest information for All India for the mineral grade or concentrate, shall be referred.”

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The list of the forms of Mineral Conservation and Development (Amendment) Rules, 2016 is as follows

:-

Sl.No	Form No	Related Rule	Type of the Forms	Form utilized for the minerals	Reference
1.	“FORM F-1	rule 45(5) (aa) (i)	MONTHLY RETURN	[To be used for minerals other than Copper, Gold, Lead, Pyrites, Tin, Tungsten, Zinc and precious and semi-precious stones]	For details about the Schedules please see the
2.	FORM F-2	[See rule 45(5) (aa) (ii)]	MONTHLY RETURN	To be used for minerals Copper, Gold, Lead, Pyrites, Tin, Tungsten and Zinc	Notification G.S.R. 430(E) dated 19.4.2016 of Ministry of mines
3.	FORM F-3	[See rule 45(5) (aa) (iii)]	MONTHLY RETURN	[To be used for precious and semi-precious stones]	
4.	FORM H-1	[See rule 45(5)(b)(i)]	ANNUAL RETURN	[To be used for minerals other than Copper, Gold, Lead, Pyrites, Tin, Tungsten, Zinc and precious and semi-precious stones]	
5.	FORM H-2	[See rule 45(5) (b)(ii)]	ANNUAL RETURN	To be used for minerals Copper, Gold, Lead, Pyrites, Tin, Tungsten and Zinc.	
6.	FORM H-3	[See rule 45(5)(b)(iii)]	ANNUAL RETURN	To be used for precious and semi-precious stones	
7	“FORM M	[See rule 45(1)]	for Forms M, N and , Form - O	The following Forms shall be substituted, as form M Application for registration under Rule 45 of MCDR for undertaking mining or trading or storage or end use or export of minerals	
8	FORM N	[See rule 45(6)(i)]	MONTHLY RETURN	For lessee/owner or to a trader/ stockist / end-use mineral based industry / exporter.	
9.	FORM O	[See rule 45(6)(ii)]	ANNUAL RETURN	For lessee/owner or to a trader/ stockist / end-use mineral based industry / exporter	