

## INTRODUCTION

Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957, empowers the State Governments to make rules for regulating the grant of quarry leases, mining leases, or other mineral concessions in respect of minor minerals and for purposes connected therewith. The Minor Mineral Concession Rules are not uniform like the Mineral Concession Rules, 1960 and differ from state to state in many aspects. The granting authority not only differs for different concessions, but also on the nature of the land, whether forest land or other govt. land. Generally in case of forest land, either the responsibility of granting concessions is entrusted to the officials of the forest deptt. or they are consulted before concessions are granted in respect of forest land.

The appellate authorities vary depending upon who the granting authority was. In states where the granting authorities are the officials of Directorate of Geology and Mining or the Director of Industry, the appellate authority usually is the Director/Joint Director of these departments, against orders passed by his sub-ordinate. In some states which provide for second appeal or review, the State Govt. is the final appellate authority.

The rules provide for grant of mining lease/quarry lease for a particular period of years in all the states. This lease is akin to ML granted under MCR 1960. Similarly in all the states except Punjab and Chandigarh, the rules provide for grant of quarry permit/mining permit/short term permit to extract the specified quantity of minor mineral from the specified area within specified time.

In all the states the right to extract and dispose of minor minerals is granted through applications. In some states concessions are granted through auction or tender and such concessions constitute a separate category with distinct names like contract or auction lease. All the minor mineral concession rules provide for renewal of mining/quarry leases for one or more periods.

Period of the lease vary from state to state depending on type of concessions, minerals and its enduse. The minimum lease period is one year and maximum 20 years. Minerals like granite where huge investment is required, a period of 20 years is generally given with the provisions for renewal. Permits are generally granted for short periods which vary from one month to a maximum of 5 years (as in Rajasthan, for brick earth).

Area for one or more mining leases to be granted varies from state to state. Maximum area which can be held under one or more mining leases is 10 sq. miles in Jammu & Kashmir. Rajasthan prescribes a minimum limit of one hectare for a lease. Maximum area prescribed for permit is 4 hect. In most of the states area of permit is not specified in the rules.

Royalty rates for the same minerals vary from state to state. There is no provision to pay dead rent in Gujarat and in the Marathwada region of Maharashtra. In all the other states the lessee has to pay either dead rent or royalty whichever is higher in amount, but not both. Surface rent is payable in all the states except the Marathwada region of Maharashtra.

In Pondicherry and Uttar Pradesh the rules prohibit the lessee to assign, sublet or transfer the lease or any right, title or interest therein. In all the other states the lessee is allowed to transfer the lease with the previous permission of the State Government or any other specified authority subject to conditions. In Delhi, Tamil Nadu, Gujarat, Madhya Pradesh and Orissa, permit is non-transferable. In other states there is no provision regarding transfer of permit.

In all the states the lessee is empowered to surrender the lease after giving notice of specified period to the State Governments. The specified period varies from state to state.

A lease may be terminated for one or more reasons such as non-payment of rents and royalty, stoppage of work in the lease area for a continuous period of six months without permission of the State Government; prevention of entry and inspection by authorised officers, breach of other terms and conditions of the lease, etc.

Except in the Union Territory of Pondicherry, there is provision for appeal or revision against the orders passed by the authorities administering the rules. The appeal must be made to the designated authority within the specified time limit as mentioned in the respective minor mineral concession rules.