

4. DAMAN & DIU

4.1 TITLE

Goa, Daman and Diu Minor Mineral Concession Rules, 1985.

4.2 ADMINISTERING AUTHORITY

The granting authority for a quarrying lease or quarrying permit is the 'Competent Officer'.

4.3 TYPES OF CONCESSIONS

There are two types of concessions in vogue, viz. 'quarrying lease' and 'quarrying permit'. The quarrying lease is similar in nature to the mining lease granted under MCR, 1960. On the other hand, the quarrying permit is granted to extract and remove any specified quantity of a minor mineral. The quarrying permit is issued only to traditional extractors of sand.

4.4 PROCEDURE FOR GRANT

4.4.1 QUARRYING LEASE

No quarrying lease shall be granted :

- (i) to a person who is not an Indian citizen, except with the prior approval of the Government;
- (ii) in respect of any land notified by the State Government as reserved for use by the State Government or for any other public or special purpose;
- (iii) in respect of a specified minor mineral except with the prior approval of the Government; and
- (iv) in case of the minor mineral within a distance of 500 metres from the high water mark on all the beaches, as may be specified by the Government by a notification.

Every application for a quarrying lease in respect of any land in which the minerals belong to the Government shall be made to the Competent Officer in the prescribed form and shall contain, apart from the particulars about the applicant, description illustrated by a map or plan showing as accurately as possible the situation, boundaries and area of the land in respect of which lease is sought, minor mineral or minerals which the applicant intends to extract, purpose for which the minor minerals are to be used, period for which lease is required and the areas and minor minerals within the Union Territory in respect of which the applicant or any person joint in interest with him already holds a quarrying lease.

Every application shall be accompanied by a fee of Rs.100/- and certified copies of the relevant extracts of the Record of Rights, Revenue Register or property Register or any other legal document, as the case may be, pertaining to persons or Government in respect of the land for which the quarrying lease is applied for. Such application shall be accompanied with a no objection certificate from such authority as may be required by the Competent Officer.

On receipt of the application for the grant of a quarrying lease, the Competent Officer may, after making such inquiries as he deems fit, grant a quarrying lease to the applicant for the whole or part of the area applied for or refuse to grant it. The application must be disposed of within a period of 12 months from the date of its receipt and if it is not disposed of within this period it shall be deemed to have been refused. When an application is refused, the Competent Officer shall inform in writing the applicant and refund the application fee.

If more than one application for quarrying lease in respect of the same area are received, preference shall be given to the application in the order of date of receipt unless the Competent Officer, for reasons to be recorded, decides otherwise. In case the applications are received on the same date the Competent Officer may grant the lease to any one of the applicants as he deems fit, after taking into consideration the special knowledge of or experience in quarrying possessed by the applicant, financial resources of the applicant and nature and quality of technical staff employed by the applicant.

Where a quarrying lease is granted, the formal lease shall be executed within three months of the order of granting the lease and if the lease is not executed within the aforesaid period, the order granting the lease shall be deemed to have been revoked. However, in case the Competent Officer is satisfied that the applicant was prevented by sufficient cause in executing the lease, he may permit the execution of the lease after the expiry of the aforesaid period of three months. When a quarrying lease is granted, arrangements shall be made, at the expense of the lessee, for the survey and demarcation of the area granted under lease.

The applicant shall, before the quarrying lease is executed, deposit as security a sum equal to 50 per cent of the annual dead rent fixed for the lease, for due observance of the terms and conditions of the lease.

An application for the renewal of a quarrying lease must be made at least 90 days before the expiry of the lease. It should be in the prescribed form addressed to the Competent Officer. The renewal application must be disposed of within 6 months from the date of its receipt and if it is not disposed of within this period, it shall be deemed to have been refused.

4.4.2 QUARRYING PERMIT

The quarrying permit is issued only to the traditional extractors of sand. The term 'traditional extractor' means 'a person who immediately preceding the 21st February, 1974, was carrying on the extraction of sand and whose annual income from all sources does not exceed Rs.5,000/-'. The legal heir of such person shall also be deemed to be a traditional extractor provided he actually extracts the sand by himself without any labour

or agent. The status of traditional extractor is decided, on application by the desirous person, by the Mamlatdar within whose jurisdiction the person normally resides.

A traditional extractor may, with the permission of the Competent Officer, extract and despatch sand annually up to 500 cu.m., on payment of 50 per cent of the royalty prescribed in Schedule-I. An application for permission must be accompanied by the certificate issued by the Mamlatdar about the status of the applicant as traditional extractor. The Competent Officer while granting the permission may impose such terms or conditions as he may deem fit.

Grant by public auction : Apart from the procedure described above, it is lawful for the Competent Officer to sell by a public auction or otherwise dispose of the right to remove any minor mineral in such cases or class of cases and on such terms and conditions as the State Government may, by a general or special order, specify.

4.5 PERIOD AND AREA

Except with the approval of the Government the period for which a quarrying lease may be granted shall not exceed : (a) two years in case of river sand, and (b) ten years in case of other minor minerals. The lease may be renewed for one or more period, the period of each renewal not exceeding the duration of the original lease. Where more than one mineral is found in an area and lease is granted for two or more minerals, the period of lease shall be coterminus with that for which the first lease was granted.

Except with the prior approval of the State Government no quarrying lease shall be granted for an area exceeding 5 hectares. No lessee by himself or with any persons joint in interest with him shall hold in the aggregate more than 50 hectares of area under lease in respect of the minor mineral or a group of minor minerals within the Union Territory of Daman and Diu.

The area under a quarrying lease shall be a compact block, unless the Competent Officer directs otherwise. Besides, the length of the area under a quarrying lease shall not exceed four times its breadth. The Competent Officer may relax this conditions after taking into account the circumstances of a particular case.

4.6 TRANSFER, SURRENDER, TERMINATION

The lessee may, with the previous sanction of the Competent Officer and subject to the conditions regarding limitations on the total area and its shape describe earlier, transfer his lease or any right, title or interest therein to any person on payment of a fee of Rs.250/- to Government.

The lessee may surrender the lease at any time by giving not less than six months notice in writing to the Competent Officer and delivering possession of the leased area. At the time of renewal of the lease the lessee shall be entitled to surrender any part of the leased area.

The lease shall be liable to cancellation if the lessee ceases to work the leased area for a continuous period of six months, without the prior permission of the Competent

Officer. If the lessee does not allow any entry or inspection by Competent Officer or Inspecting Officer or fails to carry out the directions within the specified period, the Competent Officer shall give notice in writing to the lessee requiring him to show cause within such time as may be specified in the notice, and if the lessee fails to show cause within the aforesaid time to the satisfaction of the Competent Officer, the Competent Officer may determine the lease and forfeit the whole or part of the security deposit. Likewise, if the lessee makes any default in payment of royalty or dead rent or any other dues or commits breach of any other condition of the lease, the Competent Officer shall give notice to the lessee requiring him to pay the royalty or dead rent or any other dues or remedy the breach, as the case may be, within 30 days from the date of receipt of the notice and if the dues are not paid or breach is not remedied within such period, the Competent Officer may determine the lease and forfeit the whole or part of the security deposit. The Competent Officer may also terminate the lease any time by giving to the lessee 6 months notice in writing, if the area of the lessee or any part thereof is required by the Government for any public purpose.

4.7 RENT AND ROYALTIES

Dead rent : The holder of a quarrying lease is liable to pay for every year of the lease, dead rent specified in Schedule-II. If the lease permits the working of more than one mineral in the same area, the Competent Officer may charge separate dead rent in respect of each mineral. However, the lessee is liable to pay the dead rent or royalty in respect of each mineral, whichever is higher in amount, but not both. The current rates of dead rent are as follows :

Schedule-II (Limits of Dead Rent)

	Per hectare or portion thereof,
All minor minerals	... Rs.250/- maximum

Surface rent : The lessee is required to pay, for the surface area leased to him for the purpose of quarrying, surface rent at the rate prescribed by the State Government.

Royalty : The holder of a quarrying lease is required to pay to the Government at such times and in such manner as the Government may prescribe royalty on minor mineral despatched from the leased area, at the rates specified in Schedule-I of these rules.

The traditional extractor is liable to pay royalty at 50 per cent of the royalty prescribed in Schedule-I.

The current rates of royalty are as follows :

Schedule-I (Rates of Royalty)

Minerals	Rates of Royalty
I. (a) Limestone and its varieties including limeshells. (b) Kankar when used for lime burning.	(i) When used for lime burning either Rs.2.00 per cu.m. of stone utilised or Rs.1.50 per cu.m. of prepared lime. (ii) When used as building stone, ballast metal, grit, etc. Rs.2.00 per cu.m. of stone utilised. Either Rs.2.00 per cu.m. of stone utilised or Rs.1.50 per cu.m. of prepared lime.
II. (a) All building stones including laterite when used for building and constructional, masonry stones, blocks, metal grit, basalt, blocks, chiras, grit, etc.	Rs.2.00 per cu.m. of raw stone utilised.
III. (a) Boulder, shingle, gravel, murrum, kankar all used for constructional purpose either by excavation or collection. (b) Ordinary sand used for construction purpose either by extraction or collection. (c) Pebbles and nodules of chalcedony quartzite stone or flint.	Rs.1.50 per cu.m. Rs.1.50 per cu.m. Rs.5.00 per cu.m.
IV. Ordinary sand when used as core moulding or bend sand.	Rs.1.50 per cu.m.
V. Ordinary clay when used for manufacture of tiles.	Rs.2.00 per cu.m.
VI. Matti and other coloured matties (not amounting to ochres)	Rs.1.50 per cu.m.
VII. Slate and shales when used for building purposes.	Rs.2.00 per cu.m.
VIII. Brick earth	Rs.1.50 per cu.m.

4.8 DISPUTE SETTLEMENT PROCEDURE

Any person aggrieved by an order of the Competent Officer may within two months from the date of the such order, apply to the Government for revision of such order. An application for such revision must be accompanied by a fee of Rs.25/- upon receipt of such application, Government may call for the records of the case and comments of the Competent Officer and after hearing the petitioner, may confirm, modify or set aside the order or pass such order in relation thereto, as it may deem just and proper.