

## 5. DELHI

### 5.1 TITLE

Delhi Minor Minerals Rules, 1969.

### 5.2 ADMINISTERING AUTHORITY

The Director of Industries is the granting authority for mining lease. The mining permit is granted by the 'Collector'. The term 'Collector' is defined to mean the Director of Industries and includes any other officer of the rank of Joint Director of Industries and above, authorised by the Director of Industries to perform all or any of the functions of the 'Collector'.

The State Government is the appellate authority against the orders of the Director of Industries.

### 5.3 TYPES OF CONCESSIONS

There are two types of concessions in vogue, namely, the mining lease and the mining permit. The mining lease is similar in nature to the mining lease granted under MCR, 1960. On the other hand, the mining permit means a permit to extract a specified quantity of minor minerals within the period stipulated therein which should not exceed three months at a time.

### 5.4 PROCEDURE FOR GRANT

#### 5.4.1 MINING LEASE

No mining lease shall be granted to any person who is not an Indian national. An application for the grant of a mining lease must be in the prescribed form, in quadruplicate, addressed to the Director of Industries. It should be handed over to the Director of Industries or to the officer duly authorised in this behalf by him. Such officer shall endorse the receipt of the application in all the four copies, entering the place, time and date of its receipt. One copy shall be returned immediately to the person presenting the application.

Every application for grant of the mining lease shall be accompanied by a fee of Rs.150/-; a deposit of Rs.500/- for meeting the preliminary expenses in connection with the grant of the lease; and three copies of the survey map on the scale to be specified by the Director of Industries on which the area applied for is clearly and accurately marked.

The Director of Industries shall cause an enquiry to be made into all relevant matters. He may grant or refuse to grant the mining lease for the whole or part of the area applied for. If the lease is refused, the application fee shall be refunded to the applicant.

Where two or more persons apply for a mining lease in respect of the same area, a Government agency, public sector undertaking and a company which is controlled and/or

owned partly or wholly by the Government, engaged in the mining activities, shall have a preferential right for the grant of the lease over any other applicant. Where two or more Government agencies, public sector undertakings and/or companies referred to above, apply for the same area, the applicant whose application was received earlier shall have a preferential right for the grant of the lease over an applicant whose application was received later. The rule of 'first come, first served' applies where two or more individuals apply for a mining lease in respect of the same area. Where the applications are received on same day, the Director of Industries may, after taking into consideration the past experience, financial resources, nature and quality of technical staff employed and such other matters as may be considered necessary by him, grant the mining lease to such one of the applicants as he may deem fit. In spite of the above, the Director of Industries may, for reasons to be recorded in writing in public interest grant mining lease to an applicant whose application was received later in preference to an applicant whose application was received earlier.

The lease must be executed within 30 days of the communication of the grant order or within such further period as may be extended by the Director of Industries. Before the lease is executed, the applicant must deposit, as security for the due observance of the terms and conditions of the lease, a sum calculated at the rate of Rs.10/- per acre of land to be leased.

#### 5.4.2 MINING PERMIT

Every application for a permit shall be made to the Collector in the prescribed form. The application should contain particulars regarding name, parentage and residence of the applicant; name and quantity of minor minerals to be quarried; specified purpose for which the mineral is required; particulars as given in the last jamabandi/khatauni of revenue estate about the land for which the material is to be quarried and the period during which the quarrying operations will be carried on. The application should be accompanied by a fee of Rs.10/- and a written consent from the land owner if it is privately owned or a lease deed if it belongs to the Government or a local authority. The written consent of the land owner is not necessary in case of any Government agency, local authority, public sector undertaking and a company which is controlled and/or owned partly or wholly by the Government. The application must also be accompanied by a plan of the land showing the exact location and area for which permit is required together with the relevant extract from the jamabandi/khatauni. The application may be presented personally, through an authorised agent or may be sent by registered post. The applicant is required to deposit in advance the royalty and security at the rates specified in the Schedule.

On receipt of an application, the Collector may make such enquiry as he deems necessary and may either issue the permit or reject the application. The Collector's decision is final.

The permit is valid only in respect of the mineral, period and the area specified therein. If the permit holder is unable to complete the quarrying operations within the period specified in the permit, he may make an application in writing for extension of the period before 10 days of the expiry of the permit. Such an application must be

accompanied by a fee of Rs.2/-. The Collector may refuse to extend the permit without assigning reasons therefor.

### 5.5 PERIOD AND AREA

The period for which the mining lease may be granted shall not exceed 10 years. The period of validity of a mining permit shall not exceed 3 months at a time. This period may be extended by the Collector.

No person shall acquire in respect of any minor mineral one or more mining leases covering a total area of more than 30 acres. However, if the State Government is of the opinion that in the interest of mineral development it is necessary so to do, it may, for reasons to be recorded in writing, allow any person to acquire one or more mining leases covering an area in excess of the aforesaid maximum of 30 acres. The holder of a mining permit is not allowed to do quarrying at one place in excess of the following dimensions or such lesser dimensions as the Delhi Development Authority (for development areas) and the Municipal Corporation of Delhi or other local body (for areas other than development areas) may fix from time to time for any particular area of quarries :

Length	30 metres
Width	10 metres
Depth	5 metres

### 5.6 TRANSFER, SURRENDER, TERMINATION

The holder of a mining lease shall not, without the written consent of the Director of Industries, assign, sublet, mortgage or in any other manner transfer the mining lease or any right title or interest therein or enter into or make any arrangements, contract or understanding whereby the lessee, will or may be directly or indirectly financed to a substantial extent or where under his mining operation or undertaking may be substantially controlled by any person or body of persons other than himself. The mining permit is not transferable.

The holder of mining lease may surrender his lease by giving a notice in writing of at least 12 calendar months to the Director of Industries.

If the lessee has, in the opinion of the Director of Industries, committed a breach of any of the provisions or conditions of the rules or of the lease deed, the Director of Industries may, by an order in writing, suspend or terminate the mining lease. However, no such order shall be made by the Director of Industries without giving the lessee a reasonable opportunity of stating his case. Likewise, the Collector may suspend or cancel the permit for contravention of the rules or for any breach of any of the conditions of the permit. However, before an order for cancellation is made, the permit holder shall be given an opportunity to show cause why his permit may not be cancelled.

## 5.7 RENTS AND ROYALTIES

**Dead rent** : The holder of a mining lease shall pay for every year, except the first year of the lease, yearly dead rent as may be specified in the lease. However, the lessee shall be liable to pay the dead rent or royalty in respect of each mineral, whichever is higher in amount, but not both. The State Government may revise the rates of dead rent. The dead rent shall be payable within one month of the completion of the lease year.

**Royalty** : The holder of a mining lease shall pay royalty in respect of any minor mineral removed by him for the leased area, at the rates for the time being specified in the Schedule. The lessee shall pay by the 10<sup>th</sup> of each month, the amount of royalty equivalent to the royalty payable on the quantity of mineral removed by him during the preceding month. Assessment of royalty and adjustments are made on a quarterly basis.

The permit holder is required to pay royalty in advance at the rates specified in the Schedule. If a Government Department or a local authority sells stones by auction after forming blocks of hills, the rates of royalty shall be charged on measurement or on a certain percentage of the auction money, as the Collector may decide.

The Schedule giving the rates of royalty and security is reproduced below:

	Mineral	Rate of royalty	Security
1.	Stone	Rs.4/- per 5 cubic metres or a fraction thereon.	Rs.2/- for 5 cubic metres or a fraction thereof.
2.	Sand	Rs.4/- per 5 cubic metres or a fraction thereon.	Rs.2/- for 5 cubic metres or a fraction thereof.
3.	Bajri, Badarpur, Murrum	Rs.6/- per 5 cubic metres or a fraction thereon.	Rs.3/- for 5 cubic metres or a fraction thereof.
4.	Brick-clay	Rs.0.50 per metric ton or Rs.2/- per 1000 prepared Bricks.	Rs.0.25 per metric ton or Rs.1/- per 1000 Prepared bricks.

In addition to the above charges, the permit holder may be required by the Collector to deposit conservancy charges at the rate of Re.0.50 per 5 cubic metres or part of the mineral quarried. These charges are levied on account of the sanitary arrangements or other amenities to be provided by the Local Authority or the Government at the quarries. The Collector should pay the charges so recovered to the Government Department or the Local Authority making these arrangements.

## 5.8 DISPUTE SETTLEMENT PROCEDURE

Any person aggrieved by an order of the Director of Industries, may appeal to the State Government against that order within 30 days from the date of the order. The State Government may, after hearing the parties to the appeal, either allow or dismiss the appeal or reverse or vary any part of the order.