

8. HARYANA

8.1 TITLE

Punjab Minor Mineral Concession Rules, 1964 (As Adopted by Haryana Government).

8.2 ADMINISTERING AUTHORITY

The granting authority for the 'mining lease' or the 'contract' is the State Government. The 'short term permits' are granted by the Director of Mines and Geology or any other officer authorised by him in this behalf. The Director of Mines and Geology has been entrusted with several important functions and powers under these rules. Appeals against the orders of the Director of Mines and Geology lie with the State Government. The State Government may, by notification in the Official Gazette, direct that any powers exercisable by the Director of Mines and Geology may also be exercised, in such cases and subject to such conditions, if any, as may be specified in the notification, by an officer of the Directorate of Mines and Geology, as may be specified therein. Where the functions of the Director of Mines and Geology have been delegated to any other officer subordinate to him, any person aggrieved by any order of any such officer may appeal to the Director of Industries.

8.3 TYPES OF CONCESSIONS

Three types of mineral concessions namely 'mining lease', 'contract' and 'short term permit' are available under these rules. The 'mining lease' means a lease to mine, quarry, bore, dig and search for win, work and carry away any minor mineral specified therein. A 'contract' means a contract given on behalf of the Government to carry win, work and carry away any mineral specified therein through open auction or by inviting tenders for certain specified areas, notified by the Director of Mines and Geology. On the other hand a 'short term permit' means a permit granted to extract a certain quantity of mineral for the period specified in the permit.

8.4 PROCEDURE FOR GRANT

8.4.1 MINING LEASE

No mining lease may be granted :

- (i) in respect of land within a distance of 60 metres from any village or national highway;
- (ii) in respect of any such minor mineral as the Government may notify in this behalf; and
- (iii) to a person who does not hold a certificate of approval from the Director of Mines and Geology.

An application for a mining lease must be made to the State Government through the Director of Mines and Geology or any other officer authorised by the Government in this behalf, in the form prescribed in the rules accompanied by a fee of Rs.2,000/- an Income Tax Clearance Certificate from the Income Tax Officer concerned and a certificate of approval. The application should contain particulars about the status, nationality, profession and residence of the applicant; name of the minor mineral to be mined; a description illustrated by a map or plan showing as accurately as possible the situation, boundaries and area of the land in respect of which lease is sought; the period for which the lease is required and the purpose for which the mineral is to be used.

The application for the grant of the mining lease must be disposed of within a period of nine months from the date of its receipt, and if it is not disposed of within that period it is deemed to have been refused.

Priority in granting mining lease shall be given in the following order : (i) the discoverer of the new mineral; (ii) a person who intends to set up a mineral based industry in the State; and (iii) a co-operative society. Where two or more persons of the same category apply for a mining lease over the same land, the applicant whose application is received earlier has a preferential right for the grant over an applicant whose application is received later. Where such applications are received on the same day, the Government may grant the lease to such one of the applicants as it deems fit after taking into consideration their experience in mining, financial soundness, stability and special knowledge of geology and mining and the technical staff already employed or to be employed for the work. The Government, may for special reasons to be recorded in writing, grant a mining lease to an applicant whose application is received later in preference to an earlier applicant. These rules also empower the Government to give preference to one party over another for the grant of a mining lease or contract, as the case may be, in case it considers that the working of these deposits by that party will be beneficial in the public interest.

The application for the renewal of a mining lease must be made in the prescribed form before six months of the expiry of the lease and accompanied by a fee of Rs.1,000/-. The application for renewal of the mining lease is required to be disposed of within a period of three months from the date of its receipt, and if it is not disposed of within that period, it shall be deemed to have been refused.

The State Government may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a mining lease over the whole or part of the area applied for. If the application is refused or deemed to have been refused, the application fee must be refunded.

After the lease is granted, the applicant must deposit as security a sum of Rs. Five lacs for mining leases upto 50 hectares, 7.5 lacs for leases exceeding 50 hectares upto 75 hectares and Rs. Ten lacs for leases exceeding 75 hectares for due observance of the terms and conditions of the lease. Provided further that in addition to royalty, lessee shall also be liable to pay lease fee at the rates specified in the said rules. The lease is required to be executed in the prescribed form within three months of the order sanctioning the lease. After the lease is granted arrangements shall be made, if necessary, at the expense of the lessee for the survey and demarcation of the area granted under the lease.

8.4.2 CONTRACT

The contract is granted only in such cases as the government may, by general or special order, direct. The contract is granted either by public auction or tender. In either case the usual procedure in this regard is followed. When a bid is confirmed or a tender is accepted, the bidder or tenderer is required to execute a deed in the prescribed form within one month from the date of communication of acceptance of bid or tender.

The contractors are required to supply to consumers or allow them to excavate building stone, limestone, kankar and bajri at the rates specified in the Third Schedule for their bonafide personal use or for the construction of building meant for charitable or philanthropic purposes.

8.4.3 SHORT TERM PERMIT

Permits may be issued only in respect of those area for which no grant of lease or contract has been sanctioned by the Government.

An application for the grant of a permit must be made to the Director or any other officer authorised by him in this behalf. The application should bear the Court fee stamp of one rupee and contain the particulars regarding name, address and profession of the applicant; quantity of minor minerals for which permit is sought; name of the minor mineral which is to be extracted; description, i.e. name of village, area and Khasra Nos. of the land from which the minor mineral is to be extracted and the purpose for which the minor mineral is to be used. The application must be accompanied by a fee of Rs.100/-, which will be refunded if the permit is refused. If the lands from which the minor mineral is to be extracted are occupied lands, then the application should also be accompanied by a letter from the occupant of such lands to the effect that he has no objection to the extraction of the minor minerals by the applicant. The permittee has to pay permit fee alongwith royalty at the prescribed rate at item 7, Notification dated 11.11.1997.

The Director or any other officer authorised by him in this behalf may grant permit in the prescribed form for any specified land. In case of refusal, the reasons are required to be recorded in writing.

Every permit contains the condition that the depth of the pit below the surface shall not exceed three feet.

8.5 PERIOD AND AREA

8.5.1 MINING LEASE

The period for which a mining lease may be granted is five years at the first instance, unless the Government allows a longer periods not exceeding ten years. The mining lease may be renewed for one or two periods not exceeding the period for which the mining lease was originally granted.

A mining lease may be granted for such area as the Government may deem fit. No lessee by himself or with any person joint in interest with him may ordinarily hold in aggregate more than 5 sq.km. of area under lease in respect of one minor mineral within the State. The area under a mining lease shall be rectangular as far as possible and its length should not exceed four times its breadth. However, the Government may relax this condition in any particular case. The application for the grant of a mining lease should relate to a compact area.

8.5.2 CONTRACT

Each contract will ordinarily be auctioned for a period of three years unless the period is specifically stated. The maximum period for which a contract may be granted is five years after which no extension may be granted. Provided that if the contractor has fully executed the contract according to its terms and condition, the Government may extend the period not exceeding two years. No stipulation has been made regarding maximum area. It is, however, laid down that contract may be granted only in such cases as the Government may, by general or special order, direct.

8.5.3 SHORT TERM PERMIT

The maximum period within which the specified quantity should be extracted and removed under any one permit is 30 days. However, in case of brick earths, it is 2 years for kiln-owners.

8.6 TRANSFER, SURRENDER, TERMINATION

The lessee may, with the previous sanction of the Government, assign, sublet or transfer his lease or any right, title or interest therein, to any person holding a valid certificate of approval, on payment of a fee of Rs.100/- to the Government. The contractor shall not assign, sublet or transfer the contract without obtaining prior permission in writing of the Government.

The lessee may determine the lease at any time by giving not less than six calendar months notice in writing to the Government, after payment of all outstanding dues.

The State Government has the right to cancel the lease :

- (i) if the lessee does not allow entry or inspection by any officer authorised by the State or the Central Government; or
- (ii) by giving six months prior notice in writing if the State Government considers that the minor minerals under the lease is required for establishing an industry beneficial to the public; or
- (iii) after serving a notice on the lessee to pay the dues within 30 days from the date of receipt of the notice, or

- (iv) if the lessee ceases to work the mine for a continuous period of six months without obtaining the written sanction of the Government.

Likewise, the contract may be determined by the Government or by any officer authorised by it in this behalf by giving one month's notice, if :

- (a) the Contractor makes a default in due observance of the terms and conditions of the contract or in the payment of the contract money on the due date; or
- (b) it is considered by the Government to be in public interest.

Similarly, the Director of Mines and Geology may cancel a short term permit in case of breach by the permittee of any of the conditions subject to which the permit was granted.

8.7 RENTS AND ROYALTIES

Dead rent : The holder of a mining lease is required to pay dead rent for every year, at the rate fixed by the State Government within the limits specified in the Second Schedule. If the lease permits the working of more than one minor mineral in the same area the Government may charge separate dead rent in respect of each minor mineral, provided the mining of one mineral does not involve the mining of another. The lessee is liable to pay the dead rent or royalty in respect of each minor mineral whichever is higher in amount but not both.

The current rates of dead rent prescribed in the Second Schedule are :

Second Schedule (Rates of Dead Rent)

All minor minerals

Rs.500/- per hectare per annum

Surface rent : The lessee is required to pay surface rent for the surface area occupied by him at such rates not exceeding land revenue, water charges and cesses assessable on the land as may be fixed by the Government and specified in the lease deed.

Royalty : The lessee is liable to pay royalty on the minor minerals removed from the leased area at the rate specified in the First Schedule. The rates of royalty currently in force are given below :

First Schedule (Rates of Royalty)

(See Rule 20)

1. Building stones :	
Masonry stones including boulder, shingle, etc.	Rs.12 per tonne or Rs.17.30 per cubic meter.
2. Limestone and lime kankar	Rs.30 per tonne.
3. Marble :-	
(i) used for lime burning	Rs.1.10 per quintal;
(ii) dressed carved and rough and marble slabs.	Rs.10.70 per quintal;
(iii) marble chips, fine powder Khandas and ballast.	Rs.1.30 per quintal;
(iv) course powder of not more than plus 20 mesh.	Rs.0.70 per quintal;
(v) kumari marble	Rs.5.40 per quintal;
4. Bajri	Rs.8.00 per tonne.
5. Jhajra stone road metal and ballast	Rs.12.00 per tonne.
6. Brick earth	Rs.2.00 per tonne.
7. Fuller earth	Rs.98.00 per tonne.
8. Bentonite	Rs.102.00 per tonne.
9. Ordinary clay	Rs.1.00 per tonne.
10. Ordinary sand used for non-industrial purposes :	
(i) Ordinary sand associated with silica sand	Rs.30.00 per tonne.
(ii) Ordinary sand deposited due to alluvial action	Rs.10.00 per tonne.
11. Slab stone when used for building material	Rs.2.00 per tonne.
12. Slate when used for building material	Rs.80.00 per tonne.
13. Granite block	Rs.100.00 per tonne.
14. Saltpetre :	
(i) Bearing earth	Rs.100.00 per tonne.
(ii) Crude (semi- refined)	Rs.1,000.00 per tonne.
15. All other minor minerals not hereinafter specified	20 per cent of the sale value at pits mouth subject to a minimum of Rs.4/- per tonne.

8.8 DISPUTE SETTLEMENT PROCEDURE

Any person aggrieved by an order of the Director of Mines and Geology cancelling or terminating the mining lease or forfeiting any deposit thereunder in whole or in part, or refusing to permit transfer of mining lease, may appeal to the Government against such order within two months of the date of the order. Where the function of the Director of Mines and Geology have been delegated to any other officer subordinate to him, the appeal shall lie to the Director against any order of the nature described above made by the subordinate officer. The memorandum of appeal should be accompanied by a treasury receipt of Rs.500/- to the credit of the Government. Upon receipt of such application, the Government or the Director as the case may be, may call for the relevant records and other information and after considering his explanation and giving the appellant an opportunity of hearing and considering any comments that might be offered by the officer, may cancel or review the order against which the appeal has been preferred. The order of the Government or the Director, as the case may be, is final.