VOLUME 6

Mines & Minerals: Acts and Rules

MMDR Act · MCDR · OMMC Rules · Coal Mines Act · auction rules

06

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odisharevenuelaws.com

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(12) On completion of work or on expiry of lease, the CBA lands would be returned to the land-owning PSU/ Central Government without any claim and free from all encumbrances without the infrastructure built thereon by the lessee/ beneficiary organization.

(13) Existing washeries, if any, which were established by the PSUs and private entities on allotment/ auction basis and have not completed the maximum lease period are also included in the instant policy regarding land use.

(14) Right of Way permission shall include non-coal uses such as laying pipelines/ conveyors and other miscellaneous public utility uses such as gas pipelines, drinking water pipelines, railway lines, telephone lines, transmission lines, roads and highways, etc. on rent basis to other PSUs, State Governments (including its PSUs) and private entities.

(15) All the applicable terms and conditions mentioned in the instant Policy Guidelines shall be necessarily included in the MoU/ agreement.

(16) Right of Way shall not be transferable or inheritable right. It shall not constitute any right or title in favour of beneficiary organization/ lessee, except as specified in the MoU.

(17) In case, a land owning PSU (Government company) invites investment in related infrastructure for providing services to the coal company itself, a lease rent may be charged for allowing use of land from the lessee. In such case, the coal company may allow some flexibility to the lessee for providing surplus services to entities other than the land owning coal company.

(18) In those cases where the infrastructure is not being created at the instance/ invitation of the coal company but sought to be created by a coal consumer, then annual rent for the 'Right of Way' may be decided by the Board of the concerned coal company keeping in mind the commercial advantage of such arrangements. It shall not constitute or create any right of easement.

(19) The lease may include mortgageable rights for the PSU/ State Governments/ private entities only over the assets of the lessee and rights, title or interest created in favour of the lessee under the MoU/ agreement in order to make the project viable. The basis for lease rental may be clearly provided by the PSU in the bidding document. The financial decisions with regard the PSU shall be taken by the Board of the PSU, which shall take into consideration above mentioned conditions and guidelines issued by the Central Government.

(20) The Memorandum of Understanding (MoU)/ agreement signed between beneficiary organization/ lessee and concerned land owning PSU shall clearly specify the following:

(a) Ownership of the land shall always remain vested with the land owning PSU and any creation of charge or mortgage over the assets of the lessee and on the lease rights shall not affect the ownership of the land owning PSU over such land.

(b) The MoU/ agreement or rights, title or interest created in favour of the lessee under the MoU/ agreement shall not be assigned by the lessee to any person save and except with the prior consent in writing of the land owning PSU, which

consent the land owning PSU shall be entitled to decline without assigning any reason.

(c) Mortgages/ pledges/ hypothecation over the goods/ assets or rights, title or interests of the lessee may be created by the lessee in the ordinary course of business and as security for securing Financial Assistance, provided that such charge shall not be effective before Financial Close and shall not continue for a period exceeding the period of lease.

(21) While setting up of coal washeries, the beneficiary organization/ lessee shall make adequate provision for proper management/ treatment of waste water generated from them and its reuse, wherever possible, should be made. Further, the mechanism for washing of coal should be such that there is no contamination/ pollution of ground water or surface water.

(22) In the case of Rehabilitation and Resettlement projects for Affected families, provisions of adequate sanitation facilities (including Community Sanitary Complexes) may be essentially made to ensure that such habitations/ colonies are always Open Defecation Free, and that No One is Left Behind in having access to a toilet. Along with sanitation facilities, individual household tap connections may be provided in pursuance of Jal Jeevan Mission objective.

(23) While finalizing the land use planning, adequate provisions for ensuring drinking water security by way of rainwater harvesting/ groundwater recharge by utilizing existing natural detention basins in the area by executing adequate drainage works shall be ensured by the beneficiary organization/ lessee.

(24) The area being planned to be leased should not have overlap with any of the existing CBM/ PSC/ DSF/ OALP blocks granted by Ministry of Petroleum & Natural Gas, except in case where lease is being granted for CBM extraction.

(25) The directions/ conditions contained in the vesting order issued under section 11(1) of the CBA Act will be suitably amended to empower the Government Companies to grant lease for coal and energy related developmental activities in accordance with these Policy Guidelines issued by the Ministry of Coal, Government of India.

5. This is issued with the approval of the Competent Authority.

22/4/22

(M. Nagaraju)
Additional Secretary to the Government of India
Tel: 011-23383356

To,

1. Chairman, Coal India Limited, Coal Bhawan Premise No. 4 MAR, Plot No. AF-III, Action Area – 1A, Newtown, Rajarhat, Kolkata – 700156.
2. Director Technical, Coal India Limited, Coal Bhawan Premise No. 4 MAR, Plot No. AF-III, Action Area – 1A, Newtown, Rajarhat, Kolkata – 700156.
3. Chairman-cum-Managing Director, Bharat Coking Coals Limited, Kolya Bhawan, Koyla Nagar, Dhanbad – 826005.

4. Chairman-cum-Managing Director, Central Coalfields Limited, Darbhanga House, Kutchery Road, Ranchi – 834 029.
5. Chairman-cum-Managing Director, Eastern Coalfields Limited, Sanctoria, P.O. Dishergah – 713 333.
6. Chairman-cum-Managing Director, Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Odisha – 768 020.
7. Chairman-cum-Managing Director, Northern Coalfields Limited, Singrauli, Madhya Pradesh.
8. Chairman-cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh – 495 006.
9. Chairman-cum-Managing Director, Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur – 440 001.
10. Chairman-cum-Manging Director, Central Mine Planning & Design Institute Limited (CMPDIL), Gondwana Place, Kanke Road, Ranchi – 834031.
11. Coal Controller, Coal Controller's Organization, Ministry of Coal, Scope Minar, 5th Floor, Core-II, Laxmi Nagar, Delhi - 110092.
12. CMDs/MDs of all other Central Public Sector Undertakings/ State Public Sector Undertakings who has acquired/ is being acquired land for coal mining purposes under CBA (A&D) Act, 1957.
13. Senior Technical Director (NIC), Ministry of Coal – with request to upload this OM on website of Ministry of Coal.

Copy for information to:

i. Shri S.G.P. Verghese, Joint Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
ii. Shri R. Vyasan, Director, Prime Minister's Office, South Block, New Delhi.
iii. PSO to Secretary (Coal), Ministry of Coal, Shastri Bhawan, New Delhi.
iv. PPS to Additional Secretary and Nominated Authority, Ministry of Coal, Shastri Bhawan, New Delhi.
v. Joint Secretary & Financial Adviser, Ministry of Coal, Shastri Bhawan, New Delhi.
vi. Chief Secretaries of Assam, Arunachal Pradesh, Chhattisgarh, Gujarat, Jharkhand, Meghalaya, Madhya Pradesh, Maharashtra, Nagaland, Odisha, Rajasthan, Uttar Pradesh and West Bengal.

22/4/22

(M. Nagaraju)
Additional Secretary to the Government of India
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STEEL & MINES DEPARTMENT

NOTIFICATION

The 14th December, 2016

ODISHA MINOR MINERAL CONCESSION RULES, 2016

S.R.O. No. 601/2016**—** In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and in supersession of the provisions contained in the Odisha Minor Mineral Concession Rules, 2004, except as respects things done or omitted to be done before such supersession, the State Government hereby makes the following rules for regulating the grant of mineral concessions in respect of minor minerals and for the purposes connected therewith, namely:—

CHAPTER-I
PRELIMINARY

1. Short title and commencement:— *(1)* These rules may be called the Odisha Minor Mineral Concession Rules, 2016.

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

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

(a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957;

(b) "Additional charge" means the amount payable by a successful bidder on unit quantity of minerals towards auction money in addition to other charges leviable under these rules;

(c) "Authorized Officer" means the Director of Mines or Director of Geology or any officer of the Directorate of Mines or Directorate of Geology duly authorized by the Government in writing for the purpose;

(d) "Captive use" means use of the entire quantity of mineral(s) extracted from the mining lease in a mineral processing unit or mineral beneficiation unit owned by the lessee excluding the mineral of substandard quality or mineral rejects;

(e) "Collector" means the Chief Officer-in-Charge of the revenue administration of a district and also includes the Additional District Magistrate;

(f) "Competent Authority" means officer of the concerned Department of Government mentioned in columns (3) and (4) of Schedule IV for the purpose and jurisdiction specified against each of them in Columns (2) and (1) respectively thereof;

(g) "Controlling Authority" means officers mentioned in the column (2) of Schedule III for the purpose and jurisdiction specified against each of them in column (1) thereof;

(h) "Decorative Stone" means all types of granites as defined in the Granite Conservation and Development Rules, 1999 and any other rock suitable for decorative or export purpose including dimension stone;

(i) "Deputy Director" means the Deputy Director of Mines, Odisha;

(j) "Director" means the Director of Mines, Odisha;

(k) "Form" means Form appended to these rules;

(l) "Government" means the Government of Odisha;

(m) "GramaPanchayat" means the Executive Committee of the "GramaSasan" established under section 7 of the Odisha Gram Panchayat Act, 1964;

(n) "Granite" means dolerites, granite gneisses, migmatities, gabbros, anorthosites, rhyolites, syenites, leptynites, charnockites and other igneous and orthometamorphic rock types which are —

(i) amenable to be recovered as dimensional stone,

(ii) capable of taking polish, and

(iii) commercially exploitable;

(o) "Joint Director" means the Joint Director of Mines, Odisha;

(p) "Minimum guaranteed quantity" means,in respect of sources for which the mining plan has been approved, the quantity of extraction approved for the year concerned as per the mining plan and in respect of sources for which mining plan has not been prepared and approved, such extractable quantity as may be assessed by the Competent Authority with approval of the Controlling Authority as the reasonable quantity that may be extracted from the source considering its potential.

(q) "Mining lease" means a lease granted under these rules for specified minor minerals over a compact area;

(r) "Mining Plan" in relation to specified minor minerals means a mining plan prepared under the 'Granite Conservation and Development Rules, 1999' and in relation to all other minor minerals means a mining plan prepared under these rules;

(s) "Own Industry" means an industry of which the lessee is the owner or in which he holds not less than fifty percent of controlling interest.

(t) "Prospecting license-*cum*-mining lease" means a two stage concession granted for the purpose of undertaking prospecting operation in respect of specified minor minerals followed by mining operation over a compact area;

(u) "Quarry lease" means a lease granted on tenure basis for extraction, collection and/ or removal of minor minerals other than specified minor minerals over a compact area;

(v) "Quarrying operation" means any operation undertaken for the purpose of winning any minor mineral other than specified minor minerals and shall include erection of machinery, laying of tramways, construction of roads and other preliminary operations for the purpose of quarrying;

(w) "Quarry permit" means a permit granted for extraction, collection and/ or removal of any specified quantity of minor minerals other than specified minor minerals under Chapter V of these rules;

(x) "Recognised person" means a qualified person granted recognition under these rules for preparation of mining plan;

(y) "Schedule" means a Schedule appended to these rules;

(z) " Scheduled Areas" means the Scheduled Areas as referred to in Clause (1) of Article 244 of the Constitution of India;

(aa) "Specified minor minerals" means all minor minerals including decorative stones other than the minor minerals listed at serial No. 1(ii) of Schedule-III;

(bb) "Sub-Collector" means the officer-in-charge of a Revenue Sub-division; and

(cc) "Tahasildar" means the officer so appointed by the Government and includes an Additional Tahasildar.

(2) Words and expressions used herein but not defined in these rules shall have the meanings as respectively assigned to them in the Act, and rules made thereunder.

3. Restriction on prospecting or mining or quarrying operation:— *(1)* No person shall undertake any prospecting operation or mining operation or quarrying operation for minor minerals in any area except under and in accordance with the terms and conditions of a prospecting license-*cum*-mining lease or a mining lease or a quarry lease or a quarry permit, as the case may be, granted under these rules:

Provided that extraction, collection and/or removal of minor minerals by a person from his own land for normal agricultural operations or other bonafide domestic consumptions shall not be construed as mining or quarrying operation:

Provided further that nothing in this sub-rule shall affect any prospecting or mining or quarrying operation undertaken in any area in accordance with the terms and conditions of a

prospecting license or mining lease or quarry lease or quarry permit before commencement of these rules which is in force at such commencement:

Provided also that nothing in this rule shall apply to prospecting operations undertaken by any agency or organization of the State or the Central Government.

(2) No person shall transport or store or cause to be transported or stored any minor mineral for the purpose of selling or trading otherwise than in accordance with these rules.

(3) In the interest of mineral development, preservation of natural environment, prevention of pollution or to avoid danger to public health or communication or to ensure safety to buildings, monuments or other structures or to protect national security or for such other purposes, the Competent/Controlling Authority may, by an order in respect of any minor mineral, make premature termination of prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit after giving the holder of license or lease or permit a reasonable opportunity of being heard:

Provided that the Deputy Director of Mines or Mining Officer or Tahasildar or Divisional Forest Officer having jurisdiction, may in an emergent situation or in case of irreparable loss, pass necessary orders as deemed proper in the interest of mineral development, preservation of natural environment, prevention of pollution, protection of national security, or to avoid danger to public health or communication or to ensure safety to buildings, monuments or other structures or for such other purposes.

4. Restriction on grant of prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit:– *(1)* Notwithstanding anything contained in these rules, the State Government may, by an order, declare that no prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit shall be granted in any area or in respect of any minor mineral(s) except on such terms and conditions as may be specified from time to time.

(2) No prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit shall be granted to any person other than an Indian citizen and without prior approval of the Competent Authority.

(3) No prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit shall be granted over areas which, in the opinion of the State Government are of historical, cultural, archaeological and scientific importance.

(4) No prospecting license-*cum*-mining lease shall be granted for a specified minor mineral over any area unless it is satisfied that the reconnaissance survey (G4 level) has been carried out over the area applied for to establish availability of mineral therein or evidence of mineral in the area has been established otherwise:

Provided that this provision shall not be applicable for areas in which mining has been carried out in the past under a mining lease.

(5) No mining lease shall be granted over any area for a specified minor mineral unless it is satisfied that the prospecting operations (G3 level) has been carried out over the area applied for to establish availability of mineral therein or evidence of mineral in the area has been established otherwise.

(6) No prospecting license-*cum*-mining lease or mining lease or quarry lease shall be granted in Scheduled Areas without recommendation of the concerned Grama Panchayat.

(7) No prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit shall be executed in any forest land without prior approval of the Government of India as required under the Forest (Conservation) Act, 1980.

(8) No quarry lease or quarry permit for brick earth shall be granted for manufacture of clay bricks or tiles or blocks for use in construction activity within a radius of fifty kilometers from coal based thermal power plant unless an undertaking is furnished to the effect that at least twenty-five percent of ash (fly ash, bottom ash or pond ash) shall be used with brick earth on weight to weight basis.

(9) No prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit shall be granted to a person who is a defaulter in payment of Government dues under the Act and the rules made thereunder, unless recovery of such dues has been stayed by any Court or an Authority, before whom an appeal is pending under sub-rule (1) of rule 46 of these rules.

(10) No quarry lease or quarry permit for road metals including ballast and ordinary boulders shall be granted within the area for which a license-*cum*-lease or lease has been granted for specified minor minerals.

(11) No prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit shall be granted to any person over any private land unless consent of the land owner in the form of a duly sworn in affidavit is obtained by the Controlling Authority before initiating the procedure for grant of such concession.

(12) All applications for prospecting license and mining lease for specified minor minerals received prior to the date of commencement of these rules shall become ineligible.

(13) Notwithstanding anything contained in sub-rule (12), the following applications shall remain eligible for grant of mining lease under these rules:

(a) Where before the commencement of these rules, a prospecting licensee has been granted in respect of any land for any specified minor mineral, the licensee shall have the right to obtain mining lease in respect of that mineral in that land, if the State Government is satisfied that the licensee,

(i) has undertaken prospecting operations to establish the existence of mineral contents in such land in accordance with the provisions applicable during the period of license,

(ii) has not committed any breach of the terms and conditions of the license,

(iii) has not become ineligible for grant of mining lease,

(iv) has not failed to apply for grant of mining lease within a period of three months after the expiry of prospecting license or such further period as may be extended by the State Government.

(b) Where the State Government has communicated order (terms and conditions) to grant a mining lease before commencement of these rules, the mining lease shall be granted subject to fulfillment of terms and conditions of the grant order within the time stipulated in the grant order or such further time, not exceeding two years, as may be extended by the State Government.

5. Maximum area for which a prospecting license-*cum*-mining lease or amining lease may be granted:– No person by himself or with any person having joint interest shall hold:—

(a) one or more prospecting license-*cum*-mining lease covering a total area of more than five square kilometers(five hundred hectares) for specified minor minerals:

Provided that the area granted under a single prospecting license-*cum*-mining lease shall not exceed one square kilometer (one hundred hectares);

(b) one or more mining leases for specified minor minerals covering a total area of more than five square kilometers (five hundred hectares):

Provided that the area granted under a single mining lease shall not exceed one square kilometer (one hundred hectares).

(2) For the purpose of this rule, a person acquiring, by or in the name of another person, a prospecting license-*cum*-mining lease or mining lease which is intended for him shall be deemed to be acquiring it himself.

(3) For the purpose of determining the total area referred to in sub-rule (1) the area held under a prospecting license-*cum*-mining lease or mining lease by a person as a member of a co-operative, society, company or other corporation or a Hindu Undivided Family or a partner of a firm shall be deducted from the area referred to in sub-rule(1) so that the sum total of the area held by such person under a prospecting license-*cum*-mining lease or mining lease, whether as such member or partner of individually, may not, in any case, exceed the total area specified in sub-rule (1).

6. Minimum area for which a prospecting license-*cum*-mining lease or mining lease may be granted:—The minimum area that may be granted under prospecting license-*cum*-mining lease or mining lease shall not be less than one hectare:

Provided that the State Government, if it is satisfied on the basis of proposed production level, geological or topographical conditions may, for the reasons to be recorded in writing, grant prospecting license-*cum*-mining lease or mining lease over an area more than the maximum area as specified in rule 5 or less than the minimum area as specified in this rule.

7. Boundaries below the surface:— The boundaries of the area covered by a prospecting license-*cum*-mining lease or a mining lease or quarry lease shall run vertically downwards below the surface towards the centre of earth.

8. Periods for which prospecting license-*cum*-mining lease, mining lease and quarry lease be granted for the specified minor minerals –

(1) On and from the commencement of these rules, all prospecting license-*cum*-mining leases for specified minor minerals shall be granted in two stages, namely, prospecting license for one year followed by mining lease for thirty years.

(2) On and from the commencement of these rules, all mining leases for specified minor minerals shall be granted for a period of thirty years.

(3) On the expiry of the lease period, the lease shall be put up for auction as per the procedure specified under these rules.

(4) The maximum period for which a quarry lease may be granted shall not exceed ten years and shall be subject to such terms and conditions as may be specified by the Competent Authority:

Provided that the minimum period for which any such lease may be granted shall be five years.

CHAPTER-II

GRANT OF PROSPECTING LICENSE-*CUM*-MINING LEASE FOR SPECIFIED MINOR MINERALS

9. Procedure for grant of prospecting license-*cum*-mining lease:—*(1)* The State Government shall notify the areas over which prospecting license-*cum*-mining lease shall be granted for any specified minor mineral, the terms and conditions subject to which such prospecting license-*cum*-mining lease shall be granted and any other relevant conditions.

(2) The State Government shall invite applications in Form-A for grant of prospecting license-*cum*-mining lease while issuing notification under sub-rule (1) and the notification shall be published in two daily newspapers, at least one of which is of State level and the other having wide publicity in the area where the area is located and such notification shall be published at least thirty days before the intended date of receipt of application and shall contain the date and time within which the application shall be received. The State Government shall prescribe the terms and conditions and procedure subject to which the auction shall be conducted. The terms and conditions may include parameters such as extent of value addition, captive use and such other conditions as the State Government may consider necessary for mineral development.

(3) The persons selected through competitive bidding shall execute the prospecting license deed in Form B or in a form as near thereto as circumstances in his case may require, within three months of the order issued by the State Government or within such further period as the State Government allow in this behalf.

(4) If no such deed is executed within the said period due to any default on the part of the person selected, the State Government may revoke its decision for grant of prospecting license-*cum*-mining lease and in that event the earnest money as deposited by the auction holder shall be forfeited to the State Government.

(5) The holder of prospecting license shall be required to complete the prospecting operations satisfactorily within a period of one year or such other period as may be allowed by the State Government.

(6) The holder of prospecting license shall send to the Government, Director of Mines and Deputy Director of Mines or Mining Officer concerned under whose jurisdiction, the area is located, an intimation in Form-C of the commencement of prospecting operation so as to reach them within a period of fifteen days from the date of such commencement.

(7) The holder of a prospecting license, who completes the prospecting operations successfully and establishes the existence of mineral contents in the area (up to at least G3 level) in conformity with the United Nations Framework Classification (UNFC) system, shall be required to

apply for a mining lease in Form D for such area and shall have the right to get the mining lease and thereafter undertake mining operations.

(8) On receipt of the application for mining lease the Government shall take decision to grant precise area for the said purpose and communicate such decision to the applicant and on receipt of communication from the Government of the precise area to be granted, the applicant shall submit a duly approved mining plan within a period of six months or such other period as may be allowed by the Government.

(9) On being satisfied with the submissions made by the applicant in respect of approved mining plan and such other documents or clearances or approvals, as desired by the Government, the mining lease shall be granted in favour of the applicant and a deed to that effect shall be executed in Form E**.**

10. Procedure for auction of prospecting license-*cum*-mining lease:—*(1)* The State Government may auction a prospecting license-*cum*-mining lease over an area where general exploration up to G4 level (as per UNFC guidelines) has been carried out.

(2) For the purpose of granting prospecting license-*cum*-mining lease, the State Government shall select, through auction by a method of competitive bidding, including e-auction, an applicant who fulfils the conditions prescribed under this rule.

(3) The auction shall be conducted as per the terms and conditions, as specified under sub-rule (1) and (2).

(4) The applicant having a net worth of less than 10% of the value of mineral resource shall not be eligible for participating in the auction process for grant of a prospecting license-*cum*-mining lease.

Explanation:—

(i). The net worth of an individual shall be the value of the immovable property as reflected in the solvency certificate.

(ii). In case of a company the net worth shall be the sum of the paid up share capital and the free reserves as per the audited balance sheets of the immediately preceding financial year.

(iii).In case of a partnership firm the net worth will be the sum of net worth of all partners individually.

(5) The value of estimated mineral resource under sub-rule (4) shall be calculated by multiplying the quantity of estimated mineral resource with the average ex-mine price of the mineral for the preceding one year as fixed by the Director of Mines.

(6) The quantity of the estimated mineral resource for the purpose of sub-rule (5) shall be the quantity of mineral resource as assessed through geological investigation, or in the case of an area covered under the proviso to sub-rule (4) of rule 4, the actual average annual production of the

area during the period in which the mine was in operation (in any year in past covering a period of ten years) multiplied by thirty.

(7) The minimum amount of additional charge for the auction shall be specified by the State Government in the notice inviting applications for grant of prospecting license-*cum*-mining lease and in case the prospecting license-cum-mining lease is considered for more than one mineral, uniform minimum additional charge shall be applicable for all the minerals in the lease area.

(8) The additional charge as mentioned in sub-rule (7) shall be bid as a percentage of actual sale value during the relevant time of actual sale of mineral (s).

(9) The intending applicants participating in the auction shall submit the following documents in a sealed cover along with the Form specified for the purpose duly filled in:—

(i) treasury challan showing deposit of the application fee as decided by the State Government;

(ii) an affidavit stating that no mining due payable under the Act and the rules made thereunder, is outstanding against the applicant;

(iii) proof of payment of earnest money as to be specified by the Government;

(iv) a solvency Certificate reflecting a minimum net worth of the amount prescribed in sub-rule (4).

(v) an affidavit stating that the applicant is not convicted for any offence committed for violation of any of the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and rules made thereunder.

(10) Subject to the provisions of these rules, the prospecting license-*cum*-mining lease shall be granted in favour of the applicant who has quoted the highest rate of additional charge:

Provided that if more than one applicant have quoted the highest rate of additional charge, then the applicant shall be selected by draw of lots.

(11) The selected bidder shall be intimated by the Government within seven days in Form-F about the selection and terms and conditions of the prospecting license-*cum*-mining lease.

(12) The selected bidder shall, convey his acceptance of the terms and conditions within fifteen days from the date of such intimation and deposit one lakh rupees towards part of security deposit which along with the earnest money, shall be held as, interest-free security deposit for due observance of the terms and conditions of the prospecting license-*cum*-mining lease.

(13) In the event of default by the selected bidder, the Competent Authority may issue an intimation as specified in sub-rule (11) to the next highest bidder who shall then be required to convey his acceptance and to make the security deposit as specified in sub-rule (12).

(14) If the second highest bidder does not convey the acceptance within the time stipulated for such acceptance, fresh notice inviting applications for auction shall be issued by the Government.

(15) Immediately after compliance of the selected bidder, the earnest money of the unsuccessful bidders shall be refunded.

(16) Security deposit shall be refunded after expiry of the license-*cum*-lease period, if the applicant has fulfilled all conditions of prospecting license-*cum*-mining lease and in case of violation of any of the conditions of prospecting license-*cum*-mining lease, the security deposit shall be forfeited in whole or in part, as directed by the Competent Authority.

(17) The State Government shall have power to cancel the bid duly recording the reasons thereof, if it is considered expedient to do so.

(18) Where the applicant, who quoted the highest rate of additional charge, dies after deposit of the amount specified under sub-rule (12) or after execution of prospecting license-*cum*-mining lease deed by him, such deposit or agreement shall be deemed to have been made or executed by the legal heir or legal representative, if they so like.

(19) Notwithstanding anything contained in these rules, the State Government may earmark an area for grant of prospecting license-*cum*-mining lease to be allocated only to such applicants who have set up value addition facilities for processing the minerals won from the area for a particular end-use as may be specified in the auction notice or who undertake to set up such facilities within a stipulated time period and only such applicants who satisfy these conditions shall be eligible to participate in the auction.

(20) The prospecting license-*cum*-mining lease granted under sub-rule (19) shall be liable to be determined if the selected bidder fails to set up the value addition facility for the specified end-use within the stipulated period for which he has submitted an undertaking under sub-rule (19).

*(21)*The selected bidder who has been granted prospecting license-*cum*-mining lease for the area earmarked under sub-rule (19) shall not be allowed to sell or dispose or transfer directly or indirectly any unprocessed mineral obtained from the area and shall utilize the entire production only for captive use.

11. Prospecting operation:— *(1)* Every holder of a prospecting license-*cum*-mining lease shall submit to the Director of Mines and concerned Deputy Director of Mines or Mining Officer under whose jurisdiction the area is located, a scheme of prospecting within a period of sixty days from the date of execution of the prospecting license-*cum*-mining lease indicating the manner in which he proposes to carry out the prospecting operation in the area.

(2) The Scheme shall incorporate the following, namely:—

(i) particulars of the area;

(ii) the scale of the plan and the area of geological mapping;

(iii) the number of pits, trenches and boreholes which he proposes to put in the area and the locations thereof;

(iv) the particulars of the machines to be used;

(v) the details of the exploratory mining, if any, proposed to be undertaken;

(vi) the number of samples proposed to be drawn and analyzed or tested;

(vii) baseline information of prevailing environmental conditions before the beginning of the prospecting operations;

(viii) the beneficiation studies, if any, proposed to be undertaken;

(ix) steps proposed to be taken for protection of environment which will include prevention and control of air and water pollution, progressive reclamation and rehabilitation of the land disturbed by the prospecting operations, a scheme for plantation of trees and such other measures, as may be directed by the Director of mines from time to time for minimizing the adverse effect of prospecting operations on the environment;

(x) any other matter relevant for the preparation of a scheme as directed by the Director of Mines or any officer authorized by him from time to time.

(3) The holder of a prospecting license-*cum*-mining lease shall submit to the State Government within two months of expiry of prospecting period or abandonment of operations or termination of prospecting license-*cum*-mining lease, whichever is earlier, a full report of work done by him and all information relevant to mineral resources acquired by him in course of prospecting operation.

(4) The final prospecting report shall be evaluated by the State Government or any officer authorized in this behalf and if it is found satisfactory, the holder of the prospecting license-*cum*-mining lease will be required to prepare a mining plan based on the prospecting report and in case the report is found unsatisfactory, the prospecting license-*cum*-mining lease shall be cancelled:

Provided that no such order will be passed without giving the holder of prospecting license-*cum*-mining lease an opportunity of being heard.

*(5)*The holder of prospecting license-*cum*-mining lease shall submit to the Director and Deputy Director or Mining Officer concerned reports of prospecting operations in Form G**.**

12. Mining operation:— *(1)* The holder of prospecting license-*cum*-mining lease shall commence mining operation in the area, if he has obtained:—

(a) Mining plan duly approved by the authorised officer,

(b) Clearance under the Forest (Conservation) Act, 1980 in case the area contains forest land;

(c) Environment Clearance as applicable under the provisions of the Environment (Protection) Act, 1986 and rules made thereunder;

(d) Consent to establish and consent to operate such mine under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 and the rules made therender; and

(e) Permission for surface operations from the concerned District Collector.

(2) No mining plan shall be approved, unless it is prepared by a qualified person recognized in this behalf as specified under rule 19.

(3) Grant of recognition of qualified person for preparation of mining plan shall be in accordance with rule 20:

(4) Submission of mining plan to the authorised officer for approval shall be undertaken by the holder of prospecting license-*cum*-mining lease in accordance with rule 22.

(5) Submission of approved mining plan to the State Government shall be in accordance with rule 23.

(6) The holder of a prospecting license-cum-mining lease shall send to the Director and Deputy Director of Mines or Mining Officer concerned, under whose jurisdiction the area is located and Director of Mines Safety, Bhubaneswar an intimation in Form-H of the opening or reopening of the mine so as to reach them within a period of fifteen days from the date of such commencement.

13. Termination or surrender of prospecting license-*cum*-mining lease:— *(1)* (a) Where the State Government is of the opinion that it is expedient in the interest of regulation of mines and minerals development, preservation of natural environment, control of floods, prevention of pollution, or it is felt necessary to avoid danger to public health or communications or to ensure safety of building, monuments or other structures or for such other purposes, as the State Government may deem fit, it may, by an order, in respect of any minor mineral, make premature termination of prospecting license-*cum*-mining lease with respect to the area or any part thereof covered thereunder.

(b) If the holder of a prospecting license-*cum*-mining lease makes any default in the payment of royalty or dead rent as required under rule 32 or commits a breach of any of the conditions of the prospecting license-*cum*-mining lease, the State Government shall give notice to the lessee requiring him to pay the royalty or dead rent or remedy the breach, as the case may be, within sixty days from the date of the receipt of the notice and if the royalty or dead rent is not paid or the

breach is not remedied within the said period, the State Government may, without prejudice to any other proceedings that may be taken against him, determine the prospecting license-*cum*- mining lease and forfeit whole or part of the security deposit.

(c) No order making a premature determination of a prospecting license-*cum*-mining lease shall be made without giving the holder of the prospecting license-*cum*- mining lease a reasonable opportunity of being heard.

(2) The lessee shall not surrender the prospecting license-*cum*-mining lease or part thereof except after notice in writing of not less than six calendar months to the State Government.

(3) The State Government may, by an order, allow such surrender subject to the following conditions, namely:—

(i) the area is barren or the deposits of minerals have since exhausted or depleted to such an extent that it is no longer economical to work such area;

(ii) the leasehold area to be surrendered has been properly surveyed and demarcated and is contiguous;

(iii) the lessee has adopted closure of the mine or part thereof in line with the provisions prescribed for major minerals and obtained a certificate to this effect from the authority competent to approve the mining plan;

(iv) the lessee has paid all dues payable by him to the Government under the prospecting license-*cum*- mining lease up to the date of application; and

(v) the application for surrender is accompanied by a document showing deposit of Rs.1000/- for meeting the expenditure of survey and demarcation of the area to be surrendered.

14. Conditions of a prospecting license-*cum*-mining lease:— *(1)* The holder of a prospecting license-*cum*-mining lease shall pay in advance, the prospecting fee at the rate of one thousand rupees per hectare of land or part thereof covered by the prospecting license-*cum*-mining lease for each year or part of a year of the period for which the holder of the prospecting license-*cum*-mining lease shall carry out prospecting operation.

(2) The holder of a prospecting license-*cum*-mining lease may win and carry for the purpose other than commercial purposes ten cubic meter of decorative stones or ten metric tonne of specified minor minerals other than decorative stones during the period of prospecting on payment of advance royalty with permission from the Deputy Director or Mining Officer:

Provided that if the quantity of the minor minerals won, is in excess of the quantity specified above and is carried away, the Deputy Director or Mining Officer concerned may recover from the holder of the prospecting license-*cum*-mining lease the value of such excess quantity.

(3) With the written approval of the Director, the holder of a prospecting license-*cum*-mining lease may carry away quantities of specified minor mineral(s) in excess of the limits specified in sub-rule (2), on payment of advance royalty for testing purposes during the period of prospecting.

*(4)*The holder of prospecting license-*cum*-mining lease shall report to the Director, the discovery of any other specified minor mineral not specified in the license-cum-lease within a period of thirty days from the date of such discovery and consequent upon such reporting, the newly discovered specified minor minerals shall be allowed to be included in the prospecting license-*cum*-mining lease;

Provided that, if any major minerals other than the specified minor mineral is discovered in course of prospecting of the area, the holder of prospecting license-*cum*-mining lease shall not be entitled to any preference for the purpose of obtaining a prospecting license-*cum*- mining lease or mining lease for such major mineral by reason only of the lands being included in his prospecting license-*cum*- mining lease for specified minor minerals and in such cases the prospecting license-cum- mining lease shall be determined without payment of any compensation to the holder of prospecting license-*cum*-mining lease:

Provided further that, if any minor mineral other than the specified minor minerals is discovered in course of prospecting operation of the area, the holder of prospecting license-*cum*-mining lease shall be preferred for grant of a quarry lease in respect of such newly discovered minor minerals and in such case if the holder of prospecting license-*cum*-mining lease refuses to avail a quarry lease for the said minor mineral, then a quarry lease for the newly discovered minor mineral may be granted by the Competent Authority in accordance with rule 34, subject to the condition that neither of the lessees shall cause any hindrance to the other lessee in respect of mining operations therein.

*(5)*The holder of prospecting license-*cum*-mining lease shall not pay a wage less than the minimum wage prescribed by the Central Government or the State Government from time to time under the Minimum Wages Act, 1948.

*(6)*The holder of prospecting license-*cum*-mining lease shall observe the provisions of the Mines Act, 1952.

*(7)*The holder of prospecting license-*cum*-mining lease shall take immediate measures for planting in the same area or any other area selected by the State Forest Department not less than ten times the number of trees destroyed in course of prospecting operation, and will ensure survival of at least eighty per cent of the trees planted at the end of three years from planting.

*(8)*The holder of prospecting license-*cum*-mining lease shall comply with the provisions of the Granite Conservation and Development Rules, 1999 in respect of decorative stone.

*(9)*The holder of prospecting license-*cum*-mining lease shall allow reasonable facilities of access to other bona fide concessionaires;

*(10)*The holder of prospecting license-*cum*-mining lease shall obtain prior permission of the Competent Authority of the Forest Department to carry on any operation in forest land as required under the provisions of the Forest (Conservation) Act, 1980.

(11) The holder of prospecting license-*cum*-mining lease shall pay to the State Government compensation for all damages, injuries or disturbances which have been caused by in the course of operating the prospecting license-*cum*-mining lease and shall indemnify Government against all claims which may be made by third parties in respect of such damages, injuries or disturbances.

(12) The holder of prospecting license-*cum*-mining lease shall carry out the prospecting operations in accordance with the scheme for prospecting operation submitted or with such modifications in the scheme as directed by the Director or any officer authorized by him in this behalf.

(13) The holder of prospecting license-*cum*-mining lease shall keep correct account of specified minor mineral raised during the course of prospecting operation and submit yearly report of prospecting operation carried out in Form-I to the Director and the Deputy Director or Mining Officer having jurisdiction within two months of the closure of the period to which it relates or abandonment of prospecting operations whichever is earlier.

(14) The holder of prospecting license-*cum*-mining lease shall afford reasonable facilities for inspection of the area, accounts and records pertaining to prospecting operation to the Controlling Authority, Competent Authority and Director or any other officer authorized by any of them and such authority or officer may issue directions to the holder of the prospecting license-*cum*-mining lease for systematic and scientific prospecting operation and shall ensure observance of the provisions of the rules and directions, within a period not exceeding sixty days from the date of issue of such direction.

(15) The holder of prospecting license-*cum*-mining lease shall carry out prospecting operations with appropriate environmental safeguards.

(16) The holder of prospecting license-*cum*-mining lease shall not carry on or allow to be carried on, any prospecting operation at any point within a distance of —

(a) one hundred meters from any railway line except under and in accordance with the written permission of the Railway Administration concerned, and in case of National Highway, State Highway or any reservoir; except in accordance with the previous permission of the Collector.

(b) fifty meters from any tank, canal, road (other than a National or State Highway or other public works of buildings or inhabited sites), except in accordance with the previous permission of the Collector.

(17) The Railway Administration or the Collector, as the case may be, may grant the permission as required under clause (a) or (b) of sub-rule (16) on such conditions as may be specified.

(18) The State Government or Central Government shall have the right to construct any road, railway, canal, reservoir or to lay electric or telephone lines or over the lands held under the prospecting license-*cum*-mining lease:

Provided that the holder of the prospecting license-*cum*-mining lease shall be given at least thirty days prior notice before the right is exercised and the area thus utilized shall be excluded from the area held under the prospecting license-*cum*-mining lease.

(19) The holder of prospecting license-*cum*-mining lease shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the area.

(20) The holder of prospecting license-*cum*-mining lease shall abide by the provisions of all laws for the time being in force, relating to prospecting and mining operations, matters affecting safety, health and convenience of the employees and public and shall also obey all existing laws of way, water and other easement and shall not use power cutter or other machineries in laterite quarries.

(21) All accidents involving injury or loss of life or loss or damage to property shall be reported forthwith to the Collector of the District and the Director.

(22) In the case of breach of any condition of prospecting license-*cum*-mining lease, the Government may give notice of sixty days to the holder of the prospecting license-*cum*-mining lease to rectify the defects and if the holder of the prospecting license-*cum*-mining lease fails to rectify the defects within the specified time, the Government may, by order in writing, cancel the prospecting license-*cum*-mining lease, and forfeit, in whole or part, the amount deposited by the holder of the prospecting license-*cum*-mining lease towards security deposit:

Provided that no such order shall be made without giving the holder of the prospecting license-*cum*-mining lease a reasonable opportunity of being heard.

(23) The Government may, impose such further conditions in the prospecting license-*cum*-mining lease, it may think necessary, in the interest of mineral development and protection of environment.

(24) The holder of prospecting license-*cum*-mining lease shall abide by the provisions prescribed under rule 17 and Rules 19 to 26.

CHAPTER-III

GRANT OF MINING LEASE FOR SPECIFIED MINOR MINERALS

15. Procedure for grant of mining Lease:— *(1)* In areas where existence of specified minor minerals is established, the State Government shall notify such areas for grant of mining lease indicating the terms and conditions subject to which such mining lease shall be granted.

(2) For the purpose of granting a mining lease in such areas, the State Government shall select, through auction by the method of competitive bidding, including e-auction, an applicant who fulfils the specified eligibility conditions.

(3) The State Government shall specify the terms and conditions, and procedure, subject to which the auction shall be conducted, including the bidding parameters for the selection which may include any payment linked to the royalty payable, size and area of mineral deposits, or any other relevant parameters.

(4) The Government shall grant a mining lease for specified minor mineral to an applicant selected in accordance with the procedure laid down in this rule in any notified area subject to submission of mining plan duly approved by the authorized officer and forest clearance under the provisions of the Forest (Conservation) Act, 1980, if required.

(5) The persons selected through competitive bidding shall execute the mining lease deed in Form-E, within three months from the date of the issue of the order by the State Government or within such further period as the State Government allow in this behalf and if no such deed is executed within the said period due to any default on the part of the person selected, the State Government may cancel the mining lease and in that event the earnest money shall be forfeited to the State Government.

(6) Any holder of a mining lease granted, where mineral is used for captive purpose, shall have the right of first refusal at the time of auction held for such lease after the expiry of the lease period.

(7) Notwithstanding anything contained in this rule,

(a) where before the commencement of these rules a prospecting license has been granted in respect of any land for any specified minor mineral, the holder of the prospecting license shall have a right for obtaining a mining lease in respect of that minor mineral in that land, if the Government is satisfied that the licensee,—

(i) has undertaken prospecting operations to establish the existence of mineral contents in such land in accordance with such parameters as was prescribed by the Government;

(ii) has not committed any breach of the terms and conditions of the prospecting license;

(iii) has not become ineligible under the provisions of the rules which were in force before commencement of these rules; and

(iv) has not failed to apply for grant of mining lease within a period of three months after expiry of the prospecting license;

(b) where order for grant of mining lease has been issued by the Government for grant of mining lease, before the commencement of these rules, the mining lease may be granted subject to the condition that the applicant has fulfilled all conditions for the grant in terms of the said grant order within the period specified therein, or such further period as may be allowed for the reasons to be recorded in writing.

16. Procedure for auction of mining lease:— *(1)* The State Government may auction a mining lease over an area where general exploration up to G3 level (as per UNFC guidelines) has been carried out.

*(2)*The State Government shall invite applications to be submitted in Form D for grant of mining lease while issuing notification under sub-rule (1) of rule 15 and the notification shall be published in two daily newspapers, at least one of which shall be State level and the other having wide publicity in the area where the area is located and such notification shall be published thirty days before the intended date of receipt of application and shall contain the date and time within which the application shall be received.

(3) The applicant having a net worth of less than ten percentum of the value of estimated mineral resources shall not be eligible for participating in the auction process for grant of a mining lease.

Explanation:—

(a) In case of an individual, the net worth shall be the value of the immovable property as reflected in the solvency certificate.

(b) In case of a company, the net worth shall be the sum of the paid up share capital and the free reserves as per the audited balance sheets of the immediately preceding financial year.

(c) In case of a partnership firm, the net worth shall be the sum of net worth of all partners individually.

(4) The value of estimated mineral resource under sub-rule (3) shall be calculated by multiplying the quantity of estimated mineral resources as per exploration report with the average ex-mine price of the mineral for the preceding one year as fixed by the Director of Mines.

Explanation:—Ex-mine price should represent the sale value of the mineral at the pit head. In case of sale affected on F.O.R or F.O.B or any other basis, the Ex-mine price should be arrived at after deducting all the expenses incurred from mine to railway station or port or other point of sale, as the case may be (such as expenses on transportation, loading and unloading, railway freight, sampling and analysis, port handling, export duty, cess etc.).

(5) The quantity of the estimated mineral resource for the purpose of sub-rule (4) shall be the quantity of mineral resource as assessed through geological investigation, or, in the case of an area covered under the proviso to sub-rule (4) of rule 4, the actual average annual production of mineral in the area during the period in which the mine was in operation (in any year in past covering a period of ten years) multiplied by thirty.

(6) (a) The minimum amount of additional charge for the auction shall be specified by the State Government in the notice inviting applications for grant of mining lease.

(b) In case the mining lease is considered for more than one mineral, uniform minimum additional charge shall be applicable for all the minerals in the lease area.

(c) The additional charge shall be bid as a percentage of sale value during the relevant time of actual sale of mineral.

(7) The intending applicants participating in the auction shall submit the following documents in a sealed cover along with the specified form duly filled in, namely:—

(i) treasury challan showing deposit of the application fee as decided by the State Government;

(ii) an affidavit stating that no mining due payable under the Act and the rules, made thereunder, is outstanding against the applicant;

(iii) proof of payment of earnest money as to be specified by the Government;

(iv) a solvency Certificate reflecting a minimum net worth of the amount prescribed in sub-rule (3); and

(v) an affidavit stating that the applicant is not convicted for any offence committed for violation of any provision of the Act, and the rules made thereunder.

(8) Subject to the provisions of these rules, the mining lease shall be granted in favour of the applicant who has quoted the highest rate of additional charge, as a percentage of sale value during the relevant time of actual sale of mineral.

Provided that, if more than one applicant have quoted the highest rate of additional charge, then the applicants shall be selected by draw of lots.

(9) The selected bidder shall be intimated by the State Government within seven days in Form-F about the selection and terms and conditions of the mining lease.

(10) The selected bidder shall, convey his acceptance of the terms and conditions within fifteen days of such intimation and deposit two lakh rupees towards part of security deposit and such deposit along with the earnest money, shall be held as, interest-free security deposit for due observance of the terms and conditions of the mining lease.

(11) In the event of default by the selected bidder, the Competent Authority may issue intimation as specified in sub-rule (9) to the next highest bidder who shall then be required to convey his acceptance and to make the security deposit as specified in sub-rule (10).

(12) If the second highest bidder does not convey the acceptance within the time stipulated for such acceptance, fresh notice inviting applications for auction shall be issued by the State Government.

(13) Immediately after compliance of the selected bidder, the earnest money of the unsuccessful bidders shall be refunded.

(14) Security deposit shall be refunded after expiry of the lease period if the lessee has fulfilled all conditions of mining lease and in case of violation of any of the conditions of mining lease, the security deposit shall be forfeited in whole or in part, as directed by the Competent Authority.

(15) The State Government shall have power to cancel the bid duly recording the reasons thereof, if it is considered expedient to do so, on the grounds that the publicity, participation of bidders and amount of additional charge quoted is less than the minimum additional charge.

(16) Where the applicant, who quoted the highest rate of additional charge, dies after deposit of the amount specified under sub-rule (10) or after execution of lease deed by him, such deposit or the lease deed shall be deemed to have been made or executed by the legal heir or legal representative, if they so like.

(17) Notwithstanding anything contained in these rules, the State Government may earmark an area for grant of a mining lease to be allocated only to such applicants who have set up value addition facilities for processing the minerals won from the area for a particular end-use as may be specified in the auction notice or who undertake to set up such facilities within a stipulated time period and only such applicants who satisfy these conditions shall be eligible to participate in the auction.

(18) The mining lease granted under sub-rule (17) shall be liable to be determined, if the selected bidder fails to set up the value addition facility for the specified end-use within the stipulated period for which he has submitted an undertaking under sub-rule (17).

*(19)*The selected bidder who has been granted a mining lease for the area earmarked under sub-rule (17) shall not be allowed to sell or dispose of any unprocessed mineral obtained from the area and shall utilize the entire production only for captive use.

17. Mining operation:— *(1)* No mining operation shall be undertaken by the holder of a mining lease unless he obtains:

(a) Mining plan duly approved by the authorized officer;

(b) Forest clearance under the provisions of the Forest (Conservation) Act, 1980; if applicable,

(c) Environmental clearance as applicable under the provisions of the Environment (Protection) Act, 1986 and rules made thereunder,

(d) Order of consent to operate issued by the State Pollution Control Board under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974; and

(e) Permission for surface operations from the concerned District Collector.

(2) The holder of a mining lease shall send to the Director and Deputy Director of Mines or Mining Officer concerned, under whose jurisdiction the area is located and Director of Mines Safety, Bhubaneswar, an intimation in Form H of the opening/reopening of the mine so as to reach them within a period of fifteen days from the date of such commencement.

18. Termination or surrender of mining lease:— *(1)* (a) Where the State Government is of the opinion that it is expedient in the interest of regulation of mines and minerals, development, preservation of natural environment, control of floods, prevention of pollution, or, to avoid danger to public health or communications or to ensure safety of buildings, monuments or other structures or for such other purposes, as the State Government may deem fit, it may, by an order, in respect of any minor mineral, make premature determination of mining lease with respect to the area or any part thereof.

(b) If the holder of a mining lease makes any default in the payment of royalty or dead rent as required under rule 25 or commits a breach of any of the conditions of the mining lease, the State Government shall give notice to the lessee requiring him to pay the royalty or dead rent or remedy the breach, as the case may be, within sixty days from the date of the receipt of the notice and if the royalty or dead rent is not paid or the breach is not remedied within the said period, the State Government may, without prejudice to any other proceedings that may be taken against him, take steps to determine the mining lease and forfeit the whole or part of the security deposit.

(c) No order making a premature determination of a mining lease shall be made without giving the holder of the mining lease a reasonable opportunity of being heard.

(2) (a) The lessee shall not surrender the lease or part thereof, except after notice in writing of not less than twelve calendar months to the State Government.

(b) The State Government may, by an order, allow such surrender subject to the following conditions, namely:—

(i) the area is barren or the deposits of minerals have been exhausted or depleted to such an extent that, it is no longer economical to work such area;

(ii) the leasehold area to be surrendered has been properly surveyed and demarcated and is contiguous.

(iii) the lessee has adopted closure of the mine or part thereof in line with the provisions prescribed for major minerals under rule 23C, 23D, 23E & 23F of the Mineral Conservation and Development Rules, 1988;

(iv) the lessee has paid all dues payable by him to the Government under the lease up to the date of application; and

(v) the application for surrender is accompanied by a document showing the deposit of Rs.1000/- for meeting the expenditure of survey and demarcation of the area to be surrendered.

19. Mining plan to be prepared by a recognized person:— *(1)* No mining plan shall be approved, unless it is prepared by a qualified person recognized in this behalf by the Director under these rules.

(2) No person shall be granted recognition for the purpose of sub-rule (1) by the Director unless the person holds:—

(i) a degree in mining engineering or a post graduate degree in Geology granted by a university established or incorporated by or under an Act of Parliament or any institution recognized by the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956 (3 of 1956) or any qualification equivalent thereto; and

(ii) possesses professional experience of five years of working in a supervisory capacity in the field of mining or mineral administration after obtaining the qualification required under clause (i).

(3) A person recognized to prepare a mining plan may also carry out modifications of an existing mining plan.

20. Grant of recognition for preparation of mining plan:—

(1) Any person, possessing the qualification and experience required under sub-rule (2)of rule 19, may apply for recognition to the Director for the purpose.

(2) The Director, after making such enquiry, as it deems fit, may grant or refuse to grant recognition and where recognition is refused, the Director shall record reasons in writing and communicate the same to the applicant.

(3) Recognition shall be granted for an initial period of ten years and may be renewed for further periods not exceeding ten years at a time:

Provided that the Director may refuse to renew the recognition for reasons to be recorded in writing, after giving an opportunity of hearing to the person concerned.

21. Preparation of mining plan:— (1) The mining plan shall incorporate:—

(i) the plan of the area showing the nature and extent of the ore body, spot or spots where the excavation is to be done in the first year and its extent, a detailed cross-section and detailed of spots of excavation based on the prospecting data gathered by the applicant, a tentative scheme of mining for the first five years of the lease;

(ii) details of the geology and lithology of the area including ore reserves of the area;

(iii) the extent of manual mining or mining by the use of machinery and mechanical devices;

(iv) the plan of the area showing natural water course, limits of reserved and other forest areas and density of trees, if any, assessment of impact of mining activity on forest, land surface and environment including air water pollution, details of scheme for restoration of the area by afforestation, land reclamation, use of pollution control devices and of such other measures as may be directed by the Central or the State Government from time to time;

(v) annual programme and plan for excavation on the precise area from year to year for five years;

(vi) annual plan and programme for stacking of non-saleable or sub-grade minerals from year to year for five years;

(vii) progressive mining closure plan in line with the provisions of rule 23B of the Mineral Conservation and Development Rules, 1988 with financial assurance for rupees twenty-five thousand for every hectare of area or part thereof proposed to be put to use subject to a minimum amount of two lakh rupees; and

(viii) any other matter which the authorized officer may require the applicant to provide in the mining plan.

(2) Every mining plan under sub-rule (1) shall be accompanied by a non-refundable fee of one thousand rupees for every ten hectares or part thereof of mining area covered under the mining lease.

(3) The Director may issue guidelines from time to time, prescribing the procedure for site inspection, format for mining plan or scheme of mining and procedure for approval in respect of specified minor minerals.

22. Procedure for approval of mining plan and scheme of mining and modifications thereof:— *(1)* On receipt of communication from the State Government of the precise area to be granted, the applicant shall submit mining plan for specified minor minerals within a period of one month of the date of receipt of such communication to the officer authorized in this behalf for approval.

(2) The authorized officer may approve the mining plan submitted under sub-rule (1) or may require modification to be carried out in the plan after due scrutiny and the applicant shall resubmit the mining plan after carrying out necessary modifications, so desired, for approval.

(3) The authorized officer shall, within a period of ninety days from the date of receipt of the mining plan or the modified mining plan, convey approval or disapproval to the applicant and in case of disapproval, the authorized officer shall also convey the reasons for disapproving the mining plan or the modified mining plan.

(4) If no decision is conveyed within the period stipulated under sub-rule (3), the mining plan or the modified mining plan, as the case may be, shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

(5) The owner, agent, mining engineer or manager of every mine shall review the approved mining plan and submit a scheme of mining for the next five years of the lease to the authorized officer at least one hundred twenty days before the expiry of the five years period, for which it was approved on the last occasion.

(6) The provisions of sub-rule (2), (3) and (4) shall apply to the scheme of mining in the same way as they are applicable to the mining plan.

(7) A holder of a prospecting license-*cum*-mining lease or a mining lease, desirous of seeking modifications in the approved mining plan or scheme of mining as are considered expedient, in the interest of safe and scientific mining, conservation of minerals or for protection of environment, shall apply to the authorized officer setting forth the intended modifications and explaining the reasons for such modifications.

(8) The authorized officer may approve the modifications or with such alteration as he may consider expedient within a period of ninety days and in case the authorized officer disapproves the modifications so intended, he shall convey the reasons for such disapproval to the holder of a prospecting license-*cum*-mining lease or a mining lease, as the case may be.

23. Submission of mining plan to the State Government:— The applicant shall submit the mining plan, duly approved by the authorized officer, within six months from the date of

receipt of the communication under sub-rule (8) of rule 9, to the State Government to grant the mining lease over that area.

24. Mining plan to be submitted by the existing lessee:— Where mining operation for specified minor minerals has been undertaken before the commencement of these rules without an approved mining plan, the lessee shall submit a mining plan duly approved by the authorized officer within a period of six months from the data of commencement of these rules and such operations shall be undertaken in accordance with the duly approved mining plan.

25. Liability for payment of royalty, dead rent, amount for District Mineral Foundation, additional charge etc.:— *(1)* The holder of prospecting license-*cum*-mining lease or a mining lease shall be liable to pay dead rent, surface rent, royalty, additional charge, amount for District Mineral Foundation, an amount towards Environment Management Fund and fees for compensatory afforestation.

(2) The holder of a prospecting license-*cum*-mining lease or a mining lease shall pay to the State Government every year the dead rent and surface rent at the rates specified in Schedule-I for all the areas included in the lease deed.

(3) The rates specified in Schedule I may be revised by the Government from time to time by an amendment made to the said Schedule, but no such revision shall be made before the expiry of three years from the date when the rates were last fixed.

(4) Where the holder of the prospecting license-*cum*-mining lease or a mining lease becomes liable for payment of royalty for any minor mineral removed or consumed by him or his manager and employees or the contractor from the leased area, he shall be liable to pay either such royalty or the dead rent in respect of that area, whichever is higher.

(5) Royalty shall be liveable on minor minerals removed from the leased area at the rates specified in Schedule-II.

(6) The rates of royalty may be revised by the State Government, from time to time, by amendment made to the said Schedule but no such revision shall be made before the expiry of three years from the date when the rates were last fixed.

(7) The lessee shall pay, in addition to the surface rent, dead rent, or royalty, as the case may be, an amount towards the fund for District Mineral Foundation of the District as specified in sub-rule (6) of rule 26 in which the mining operations are carried on.

*(8)*The lessee shall pay an amount towards Environment Management Fund as stipulated in sub-rule (2)of rule 49 and fees for compensatory afforestation at rates as may be specified by the State Government from time to time.

(9) The lessee shall pay the additional charge for each unit quantity of mineral removed or consumed by him or his manager and employees or the contractor from the leased area at the rate finalized in the auction process along with the royalty payable by him.

(10) Every mine owner, his agent, manager, employee, contractor or sub-lessee shall compute the amount of royalty on minor minerals as mentioned in sub-rule (11), where such royalty is charged on *ad valorem* basis.

(11) The sale price of the minor minerals sold in the domestic market or consumed in captive plants or exported by the mine owners shall be the sale price as published by the Director every month which shall be the basis for computation of royalty in respect of any minor mineral dispatched anytime during a month and the royalty shall be computed as per the formula given below:—

Royalty = Sale price of minor mineral (grade-wise, wherever applicable) published by the Director X Rate of Royalty (in percentage) X Total quantity of mineral (grade-wise, wherever applicable) dispatched.

26. Conditions of mining lease:— *(1)* The lessee shall pay to the State Government surface rent within a fortnight of the execution of the lease-deed for the remaining period of the year and thereafter pay such rent on or before 15th January of every year.

(2) The lessee shall pay dead rent for the remaining period of year within a fortnight of the execution of the lease-deed and thereafter pay yearly dead rent on or before 15th January of every year.

(3) An account of the royalty payable by the lessee shall be kept by the Deputy Director or Mining Officer concerned and as soon as the royalty payable by him becomes equal to or in excess of the dead rent already paid by him, he shall remove the specified minor minerals only after payment of the royalty in advance.

(4) Advance dead rent paid by the lessee shall be deemed to have been merged into the amount of royalty he was liable to pay.

(5) No permission for removal of specified minor minerals shall be issued unless all the Government dues in respect of the lease are paid.

(6) The lessee shall pay an amount for District Mineral Foundation of the District in which the mining operations are carried on as prescribed under rule 9 of the Odisha District Mineral Foundation Rules, 2015.

(7) The lessee shall pay to the Government compensation for all damages, injuries or disturbance which has been caused in course of mining operation and shall indemnify Government against all claims which may be made by third parties in respect of such damage, injury or disturbances.

(8) The lessee shall commence mining operations within two years from the date of execution of the lease deed which shall be carried on in a proper, skillful and workman-like manner in accordance with the duly approved mining plan which shall remain valid for the entire lease period.

(9) If the lessee does not work upon the lease for a continuous period of two years, the lease shall be liable to be cancelled, unless prior permission has been granted by the Competent Authority for such stoppage on reasonable grounds:

Provided that the Competent Authority may, on an application made by the lessee, before it is cancelled and on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue such operations for reasons beyond his control, make an order within a period of three months from the date of receiving such application and subject to such conditions as may be specified, to the effect that such lease shall not be cancelled:

Provided further that the State Government may, on an application made by the lessee within a period of six months from the date of its cancellation and on being satisfied that such stoppage of mining operation was due to reasons beyond the control of the lessee, revive the lease within a period of three months from the date of receiving the application from such prospective or retrospective date as it thinks fit, but not earlier than the date of cancellation of the lease:

Provided also that no lease shall be revived for more than twice during the entire lease period.

(10) The lessee shall allow reasonable facilities of access to other bonafide concessionaires.

(11) The lessee shall not carry on or allow to be carried on, any mining operation at any point within a distance of —

(a) one hundred meters from any Railway line, except in accordance with the written permission of the Railway Administration concerned and in ease of National Highway, State Highway, monuments, heritage sites or any reservoir; except in accordance with the previous permission of the Collector.

(b) fifty meters from any tank, canal, road, other than National or State Highway or other public works or buildings or inhabited sites except in accordance with the previous permission of the Collector.

(12) The Railway Administration or the Collector, as the case may be, may grant permission as required under clause (a) or (b) of sub-rule (11) on such conditions as may be specified.

(13) The State or Central Government shall have the right to construct any road, railway or canal or reservoir or to lay electric or telephone lines in or over the lands held under the lease:

Provided that the lessee shall be given at least thirty days prior notice before the right is exercised and the area thus utilized shall be excluded from the area held under the lease.

(14) The lessee may erect on the area granted to him any building and structure required for the purpose of mining operations, without violating any lawful orders issued by the officer or authority competent to issue such orders.

(15) The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area.

(16) The lessee shall obtain permission of the Competent Authorities of the Forest Department, Odisha to carry on any operations in forest areas.

(17) The lessee shall abide by the provisions of all laws for the time being in force, relating to the working of mines and matters affecting the safety, health and convenience of the persons employed for mining and of the public and he shall also obey all existing laws of way, water and other easements and shall not use power cutter and other machinery in laterite quarries.

(18) The lessee shall keep correct accounts of specified minor minerals mined and dispatched and shall furnish a monthly and a half-yearly return in Form-J and annual return in Form-K to the Deputy Director or the Mining Officer having jurisdiction and also to the Director.

(19) The lessee shall afford reasonable facilities for inspection of the mines, accounts and records pertaining to the mining operation to the Competent Authority and Director or any other officer authorized by any of them and such officer may issue directions to prevent wasteful extraction of minerals and to ensure observance of the provisions of rules and specify the time limit within which the directions shall be complied with.

(20) If the lessee does not allow the inspecting officer reasonable facilities for inspection or fails to comply with the directions within the specified time-limit not exceeding sixty days, the Competent Authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees fifty thousand and may cancel the lease and forfeit the security deposit.

(21) The lessee shall report about all accidents involving injury or loss of life or loss or damage to property forthwith to the Collector of the District and the Director.

(22) If any Government dues payable under the lease deed remain unpaid for one month beyond the date fixed in the lease deed for such payment, the Competent Authority or any officer authorized by him may enter into the leased area and seize all or any of the specified minor minerals or other movable properties and may dispose of such seized minor minerals or properties towards sufficient satisfaction of the Government dues and all costs and expenses occasioned by the non-payment thereof and if any such government dues remain unpaid over two months beyond the date fixed in the lease deed for such payment, the Competent Authority may determine the

lease and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provisions of the Odisha Public Demands Recovery Act, 1962 for recovery of such dues.

(23) The Controlling Authority shall have the right to pre-emption at current market rates over all specified minor minerals extracted or collected by the lessee and shall be indemnified by the lessee against the claims of any third parties in respect of such minerals.

(24) The lessee shall remove all specified minor minerals extracted before the end of the lease period or its determination, if it is determined earlier, and all other materials and structures within such reasonable period not exceeding two months or as the Competent Authority may allow.

(25) All minor minerals, machineries, buildings and other structures, left in the leased area after the date-line fixed or time allowed by the Competent Authority shall be deemed to be the property of the Government and such property may be disposed of by public auction and the sale proceeds shall be credited to the Government account.

(26) If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall report it forthwith to the Competent Authority and the Director and the lessee shall not win or dispose of any such minor mineral unless such minor mineral is included in the lease or a separate prospecting license-*cum*-mining lease or mining lease or quarry lease, as the case may be, is granted in favour of the lessee.

(27) If he fails to apply for a prospecting license-*cum*-mining lease or mining lease or quarry lease, as the case may be, to extract the newly discovered minor mineral within three months from the date of discovery or if he declares his intention not to work upon the discovered minor mineral, the State Government or the Competent Authority, as the case may be, may grant prospecting license-*cum*-mining lease or mining lease or quarry lease in respect of that minor mineral to any other person after observing the procedure prescribed under these rules for the purpose.

(28) If the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new mineral, by reason only of the lands being included in his earlier lease for extraction of minor mineral.

(29) If any mineral other than the minor minerals is found in the area in course of mining operations for specified minor minerals, the lessee shall intimate in writing the fact to the Competent Authority and the Director within thirty days of such discovery and the lease shall be determined without payment of any compensation to the lessee.

(30) The lessee shall ensure proper maintenance of hill slopes so as to prevent major erosion and observe all such safeguards as provided in the Mines Act, 1952, and the rules and regulations framed thereunder.

(31) The lessee may dispose of waste materials generated in course of mining operations for specified minor minerals on payment of royalty and other Government dues prescribed for road metals including ballast-ordinary boulders, as the case may be.

(32) The lessee shall carry out mining activities with appropriate environmental safeguards and shall take such steps for reclamation and raising of plantations in the lease area.

(33) The lessee shall keep the Government indemnified from any liabilities, compensation, damage etc. arising out of his acts or omissions as a lessee during the subsistence of the lease.

(34) The lessee shall submit all returns and notices to Director as provided under provisions of the Granite Conservation and Development Rules, 1999 in respect of decorative stones and for specified minor minerals other than decorative stones, as prescribed under these rules.

(35) The lessee shall not without any previous consent of the State Government –

(a) assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right, title or interest therein; or

(b) enter into or make any agreement, contract or understanding whereby the lessee will or may be directly or indirectly financed by any person or body of persons other than the lessee.

(36) In case the lessee, selected through auction by the method of competitive bidding, is a person other than the holder of prospecting license over the area, the lessee shall pay to the holder of the prospecting license, the amount spent by the licensee for carrying out prospecting operation before execution of mining lease.

(37) The lessee shall furnish financial assurance as specified under clause (vii) of sub-rule (1) of rule 21 to the authorized officer in the form of a Bank Guarantee before approval of the mining plan.

(38) All mineral transaction within the State in respect of specified minor minerals shall be carried out as per the provisions of the Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.

(39) The owner, agent or manager of every mine shall send a notice in Form-L to the Government and the Director intimating of any change in the name of mine within thirty days of such change:

Provided that no change in the name of owner of the mine shall be effected without prior permission from the State Government.

(40) The State Government may impose such further conditions in the lease as it may think necessary in the interest of mineral development and protection of environment.

CHAPTER – IV
GRANT OF QUARRY LEASES

27. Grant of quarry lease:— *(1)* The area of the quarry lease shall be delineated and notification inviting application(s)for grant of quarry lease(s) through auction shall be published in two daily newspapers, at least one of which shall be a State level and other having wide publicity in the area, where the lease is located and such notification shall be published at least fifteen days before the intended date of inviting applications and shall contain the date and time within which applications shall be received.

(2) The notice inviting applications for grant of quarry lease shall be issued by the Competent Authority and shall specify the minimum guaranteed quantity of the minor mineral to be extracted in a year by the applicant and the minimum amount of additional charge payable for the same as determined under sub-rule (14).

(3) In case the mining plan or Environment Clearance for the proposed lease has been obtained by the Competent Authority, this fact, along with the cost of obtaining thereof shall be recoverable from the selected bidder which shall also be mentioned in the notice.

(4) Subject to other provisions of these rules for settlement of quarry lease, the intending applicant may apply to the Competent Authority in a sealed cover for grant of quarry lease for such area or areas in Form-M in triplicate accompanied by the following documents and particulars, namely:—

(i) Treasury challan showing deposit of one thousand rupees (non-refundable) towards the application fee;

(ii) An affidavit stating that no mining due payable under the Act and the rules made thereunder, is outstanding against the applicant;

(iii) Proof of payment of earnest money equivalent to five percentum of the minimum amount of additional charges specified in the notice and the amount of royalty, both calculated on the basis of minimum guaranteed quantity for one whole year for the minimum guaranteed quantity of minor mineral to be extracted in one full year; and

(iv) a solvency Certificate or Bank guarantee valid for a period of eighteen months for an amount not less than the amount of additional charge offered and the royalty payable for the minimum guaranteed quantity for one whole year and a list of immovable properties from the Revenue Authority.

(5) Subject to the provisions of these rules, the quarry lease shall be granted in favour of the applicant who has quoted the highest rate of additional charge:

Provided that, if more than one applicant have quoted the highest rate of additional charge, then the applicant shall be selected by draw of lots.

(6) The selected bidder shall be intimated by the Competent Authority within seven days in Form-F about the selection and terms and conditions of the lease.

(7) Within fifteen days of such intimation, the selected bidder shall be required to convey his acceptance of the terms and conditions and to deposit an amount which shall be calculated in such a way that it shall be equivalent to one-fourth of the total amount of royalty and additional charge and the amount of contribution payable to the District Mineral Foundation on the annual minimum guaranteed quantity, taken together, reduced by the amount of earnest money, which, along with the earnest money, shall be held as interest-free security deposit.

(8) The selected bidder shall also deposit the costs of obtaining the mining plan and environmental clearance approvals, in case those have been obtained by the Competent Authority (non-refundable) before executing the lease deed.

(9) In the event of default by the selected bidder, the Competent Authority may issue intimation as specified in sub-rule (6) to the next highest bidder who shall then be required to convey his acceptance and to make the security deposit calculated in the manner mentioned in sub-rule (7).

(10) If the second highest bidder has quoted unusually low price in comparison to the highest bidder of the same source or other sources in the vicinity, the competent authority may bring it to the notice of the Controlling Authority, who after proper verification and with due justification may cancel the bid and direct for fresh auction.

(11) If the second highest bidder does not convey the acceptance within the time stipulated for such acceptance, or if the Controlling Authority has cancelled the bid under sub-rule (10), fresh notice inviting application for grant of quarry lease shall be issued with the approval of the next higher authority.

(12) Immediately after compliance of the foregoing provisions by the selected bidder, the earnest money of the unsuccessful bidders shall be refunded and the bank guarantees, if any, furnished by them, shall stand discharged.

(13) The selected bidder shall be required to execute quarry lease in Form-N within three weeks from the date of intimation of his selection, if the approval of the mining plan and environment clearance has been obtained before auction, and in other cases, three months from the date of intimation, failing which, the intimation shall stand cancelled and the security deposit shall stand forfeited:

Provided that the Controlling Authority may, for genuine and sufficient reasons, extend the said period, if it is satisfied that the delay in execution of lease deed is not due to reasons attributable to the selected bidder.

(14) Security deposit shall be refunded after expiry of the lease period if the lessee has fulfilled all conditions of lease and in case of violation of any of the conditions of lease, the security deposit shall be forfeited in whole or in part by the Competent Authority.

(15) The minimum amount of additional charge to be quoted shall be such as the Competent Authority, in consultation with the Controlling Authority, decide and specify in the notice inviting applications for grant of quarry lease:

Provided that the minimum amount of additional charge so fixed should not be less than 5% of the rate of royalty.

(16) The Collector or the Conservator of Forest, as the case may be, shall have power to cancel the bid duly recording the reasons thereof, if he is not satisfied with the publicity, participation of bidders and amount of additional charge quoted.

(17) Where the lessee, who has quoted the highest rate of additional charge, dies after deposit of the amount specified under rule 42 or after execution of lease deed by him, such deposit or deed shall be deemed to have been made or executed by the legal heir or legal representative, if they so like.

28. Mining plan as a pre-requisite to the grant of quarry lease:— *(1)* No quarry lease shall be granted by the Competent Authority unless there is a mining plan prepared by the recognized person and duly approved by the authorized officer for the development of the mineral deposits in the area concerned.

Provided that the recognized person shall not charge any amount in excess of the ceiling on fees specified by the Director.

(2) The Competent Authority may cause the mining plan to be prepared and approved.

(3) In case the approval under sub-rule (2) has not been obtained by the Competent Authority, the selected bidder shall cause a mining plan to be prepared from a recognized person and approved by the authorized officer having jurisdiction.

(4) The recognized person shall prepare the mining plan in Form-O within thirty days from the date of receipt of communication from the selected bidder or Competent Authority and submit the same to the authorized officer for approval.

(5) The authorized officer shall, after receipt of the mining plan from the recognized person, approve the same within thirty days from the date of receipt of the mining plan or its modification (s), if any, desired by him.

(6) The mining plan for quarry lease shall contain,—

(i) the plan of area showing the nature and extent of the mineral body, spot or spots where the mining operations are proposed to be carried out by the applicant;

(ii) details of mineral reserve of the area;

(iii) the extent of manual mining or mining by the use of machinery and mechanical devices on the area;

(iv) the plan of the area showing natural water course, limits of reserve and other forest areas and density of trees, if any, assessment of impact of mining activities on forest, land surfaces in the vicinity of the spot of mining, details of the scheme of restoration of the area by afforestation, if required, land reclamation and use of pollution control devices;

(v) annual programme and plan for excavation on the area; and

(vi) a progressive mines closure plan.

(7) The selected bidder shall bear the cost for preparation of the mining plan.

*(8)*A holder of a quarry lease desirous of seeking modification in the approved mining plan for quarry lease as considered expedient in the interest of safe and scientific mining, conservation of minerals, or for the protection of the environment, shall apply to the authorized officer, setting forth the intended modifications and explaining the reasons for such modifications.

*(9)*The authorized officer may approve the modifications under sub-rule (8) within a period of thirty days from the date of receipt of the application.

*(10)*The modification of the mining plan for quarry lease shall remain valid for the remaining period of the quarry lease.

29. Environment clearance for grant of quarry lease: –

(1) No quarry lease for minor minerals other than the specified minor minerals shall be granted without the approval of the appropriate authority under the provisions of the Environment (Protection) Act, 1986.

(2) The Competent Authority may apply for and obtain the environmental clearance.

(3) In case the clearance under sub-rule (2) has not been obtained by the Competent Authority, the selected bidder shall obtain the environmental clearance before executing the lease deed.

(4) The lessee shall be responsible for obtaining environment clearance and implementing the environment management plan.

30. Grant of quarry lease for river bed sand mining:— *(1)* In case of grant of quarry leases for river bed sand mining, specific river stretches shall be identified and quarry lease shall be granted stretchwise.

(2) The depth of the quarry shall be restricted to three meters or water level, whichever is less.

(3) The Competent Authority, in consultation with the local official not below the rank of Assistant Engineer of Water Resources Department shall work out appropriate safety zone taking into account the structural parameters, locational aspects, flow rate etc. for carrying out mining operation in proximity with any bridge or embankment.

(4) No mining operation shall be carried out in the safety zone so worked out.

31. Adoption of cluster approach in small quarries:— *(1)* Individual quarries covering an area less than five hectares and in total not more than one hundred hectare in a development block may be clubbed and declared as cluster by the Competent Authority.

(2) For a cluster of mineral concession, an environment management plan shall be got prepared by the Competent Authority and submitted to the appropriate authority authorized to grant the environmental clearance under the provisions of the Environment (Protection) Act, 1986.

(3) After obtaining environmental clearance for the entire cluster of sources, the whole source may be leased out as a single source or individual sources within a cluster may be leased out separately, as will be decided by the Competent Authority. However, the terms and conditions provided in the environmental clearance have to be obeyed by all the lessees.

32. Liability for payment of royalty, dead rent, surface rent, additional charge, amount of contribution payable to the District Mineral Foundation, amount of contribution payable to the Environment Management Fund:—

(1) All the lessees for minor minerals other than specified minor minerals shall be liable to pay royalty or dead rent, surface rent, additional charge, amount of contribution payable to the District Mineral Foundation, amount of contribution payable to the Environment Management Fund and fees for compensatory afforestation.

*(2)*The lessee shall pay to the State Government every year dead rent and surface rent at the rates specified in Schedule-I for all the areas included in the lease deed and royalty at the rates specified in Schedule-II:

Provided that the rates specified in Schedule-I and Schedule-II may be revised by the Government, from time to time, by an amendment made to the said Schedules, but no revision shall be made before the expiry of three years from the date when the rates were last fixed:

Provided further that where the lessee becomes liable for payment of royalty for any minor mineral removed or consumed by him or his agent, manager and employees or the contractor from the leased area, he shall be liable to pay either such royalty or the dead rent whichever is higher.

(3) In addition to the surface rent, dead rent or royalty, as the case may be, the lessee shall be liable to pay additional charge, amount of contribution payable to the District Mineral

Foundation and an amount of contribution payable to the Environment Management Fund in advance, on annual basis on the minimum guaranteed quantity of minor minerals even if the actual extraction falls short of such quantity.

(4) In case the actual extraction exceeds the minimum guaranteed quantity, such mineral may be removed from the lease area only after payment of royalty, additional charge, amount of contribution payable to the District Mineral Foundation and an amount of contribution payable to the Environment Management Fund on pro-rata basis.

(5) The royalty, additional charge, amount of contribution to the District Mineral Foundation and amount of contribution payable to the Environment Management Fund for the period up to commencement of the next year shall be paid on a pro-rata basis before the execution of lease deed.

(6) For the purpose of determination of minimum guaranteed quantity in the cases where the lease has been executed on or after the 1st April, the minimum guaranteed quantity for the first financial year shall be equal to the minimum guaranteed quantity divided by twelve and multiplied by the number of months remaining in the first year of the lease, treating part of any month as full month.

(7) The lessee shall pay, in addition to the surface rent, dead rent or royalty, additional charge, amount of contribution payable to the District Mineral Foundation and to the Environment Management Fund, fees for compensatory afforestation at rates as may be specified by the Government from time to time.

33. Conditions of quarry lease:— *(1)* The lessee shall pay to the State Government surface rent before the execution of the lease-deed for the remaining period of the year and thereafter pay such yearly rent on or before the 15th January of every year.

(2) The lessee shall pay dead rent for the remaining period of the year before the execution of the lease deed and thereafter pay yearly dead rent on or before the 15th January of every year and an account of the royalty payable by him shall be kept by the Competent Authority and as soon as the royalty payable by him becomes equal to or in excess of the dead rent already paid by him, he shall remove the minor minerals only after payment of the royalty and in such cases advance dead rent paid by him shall be deemed to have been merged into the amount of royalty he was liable to pay.

(3) The lessee shall pay to the Government, compensation for all damages, injuries or disturbance which has been caused by him in the course of mining operation and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbances.

(4) The lessee shall commence quarrying operations within three months from the date of execution of the lease deed which shall be carried on in a proper, skilful and workman-like manner and the lessee shall send to the Director and Deputy Director or Mining Officer concerned, under whose jurisdiction the area is located and to the Director of Mines Safety, Bhubaneswar an intimation in Form H of the opening or reopening of the quarry so as to reach them within a period of fifteen days from the date of such commencement.

(5) If the lessee does not work upon the quarry for a continuous period of six months, the lease shall be liable to be cancelled, unless prior permission has been granted by the Competent Authority for such stoppage on reasonable grounds:

Provided that the Competent Authority may, on an application made by the lessee before it is cancelled and on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue such operations for reasons beyond his control, make an order within a period of one month from the date of receiving such application and subject to such conditions as may be specified to the effect that such lease shall not be cancelled.

(6) The lessee shall allow reasonable facilities of access to other concessionaires of major and minor minerals, as may be directed by the competent authority.

(7) If any minor mineral not specified in the lease deed is discovered in the leased area, the lessee shall report it forthwith to the Competent Authority and the Director and the lessee shall not win or dispose of any such minor mineral unless such minor mineral is included in the lease deed or a separate prospecting license-*cum*-mining lease or mining lease or quarry lease, as the case may be, is granted in favour of the lessee. If he fails to apply for a prospecting license-*cum*-mining lease or mining lease or quarry lease, as the case may be, to extract the newly discovered minor mineral within three months from the date of discovery or if he declares his intention not to work upon the discovered minor mineral, the State Government or the Competent Authority, as the case may be, may grant prospecting license-cum-mining lease or mining lease or quarry lease in respect of that minor mineral to any other person after observing the procedure specified under these rules for the purpose:

Provided that, if the mineral discovered is not a minor mineral, the lessee shall not be entitled to any preference for the purpose of obtaining a lease for the new mineral, by reason only of the lands being included in his earlier lease for extraction of minor mineral.

(8) The lessee shall not carry on or allow to be carried on, any quarrying operation at any point within a distance of:—

(a) one hundred meters from any Railway line (except under and in accordance with the written permission of the Railway Administration concerned) and in case of

National Highway, State Highway, monuments, heritage sites, or any reservoir; except in accordance with the previous permission of the Collector.

(b) fifty meters from any tank, canal, road(other than a National or State Highway or other public works or buildings or inhabited sites), except under in accordance with the previous permission of the Collector.

(9) The Railway Administration or the Collector, as the case may be, may grant such permission as required under clause (a) or (b) of sub-rule (8) on such conditions as may be specified.

(10) The State or Central Government shall have right to construct any road, railway or canal or reservoir or to lay electric or telephone lines in or over the lands held under the lease:

Provided that the lessee shall be given at least sixty days prior notice before the right is exercised and the area thus utilized shall be excluded from the area held under lease.

(11) The lessee, with prior written permission of the competent authority, can erect at his own cost, temporary structures including buildings required for the purpose of quarrying operation within the leased area, without violating any law or obstructing any natural flow, community access or without causing damage to any embankment or public property, which shall be dismantled by the lessee at his own cost on completion of the lease term or on determination of the lease. The competent authority can pass orders to dismantle such structures if found erected illegally or causing damage to public.

(12) The lessee shall, at his own expense, erect and at all times maintain and keep in good condition boundary marks and pillars necessary to delineate the leased area.

(13) The lessee shall obtain permission of the competent authorities of the Forest Department, Odisha to carry on any operation in forest area.

(14) The lessee shall abide by the provisions of all laws for the time being in force, relating to the working of quarries and matters affecting the safety, health and convenience of the persons employed for quarrying and of the public and he shall also obey all existing laws of way, water and other easements and shall not use power cutters and other machinery in case of laterite quarries.

(15) The lessee shall keep correct accounts of minor minerals other than specified minor minerals quarried and dispatched and shall furnish a quarterly return in Form-P and annual return in Form-K to the Competent Authority and the Director.

(16) The lessee shall afford reasonable facilities for inspection of the quarries, accounts and records pertaining to quarrying operation, to the Competent Authority and Director or any other officer authorized by any of them and such officer may issue directions to prevent wasteful extraction of minerals and to ensure observance of the provisions of rules and specify the time limit not exceeding sixty days within which the directions shall be complied with.

(17) If the lessee does not allow the inspecting officer reasonable facilities for inspection or fails to comply with the directions within the specified time limit, the Competent Authority may forfeit the whole or part of the security deposit paid by the lessee or impose penalty not exceeding rupees fifty thousand and may cancel the lease and forfeit the security deposit.

(18) The lessee shall report about all accidents involving injury or loss of life or loss or damage to property forthwith to the concerned Competent Authority and Collector of the District.

(19) If any Government dues payable under the lease deed remain unpaid for one month beyond the date fixed in the lease deed for such payment, the Competent Authority or any officer authorized by him may enter into the leased area and seize all or any of the minor minerals or other movable properties and may dispose of such seized minor minerals or properties towards sufficient satisfaction of the Government dues and all costs and expenses occasioned by the non-payment thereof and if any such government dues remain unpaid over two months beyond the date fixed in the lease agreement for such payment, the Competent Authority may determine the lease, and take possession of the leased area on re-entry without prejudice to such action as may be taken under the provisions of the Odisha Public Demands Recovery Act, 1962 for recovery of such dues.

(20) The Controlling Authority shall have the right to pre-emption at current market rates over all minor minerals extracted or collected by the lessee and shall be indemnified by the lessee against the claims of any third party in respect of such minerals.

(21) The lessee shall remove all minor minerals extracted before the end of the lease period or of its determination, if it is determined earlier, and all other materials and structures within such reasonable period not exceeding two months or as the Competent Authority may allow.

(22) All minor minerals, materials, machineries, buildings and other structures, left in the leased area after the date-line fixed or time allowed by the Competent Authority shall be deemed to be the property of the Government and the Competent Authority may dispose of such property by public auction and the sale-proceeds shall be credited to Government account with the approval of Controlling Authority.

(23) If any mineral other than minor mineral is found in the area in course of quarrying of minor minerals, the lessee shall intimate in writing the fact to the Competent Authority and the Director forthwith and the lease shall be determined without payment of any compensation to the lessee.

(24) The lessee shall ensure proper maintenance of hill slopes so as to prevent major erosion and observe all such safeguards as provided in the Mines Act, 1952 and the rules and regulations framed thereunder from time to time.

(25) The lessee shall carry out quarrying operation with appropriate environment safeguards and shall take such steps for reclamation and raising of plantations in the lease area in line with the prescriptions under rules 29 to 37 of the Granite Conservation and Development Rules, 1999.

(26) The lessee shall keep the Government indemnified from any liability, compensation damage etc., arising out of his acts or omissions as a lessee during the subsistence of the lease.

(27) No rejected/off grade major mineral shall be removed on payment of royalty as minor mineral, under this rule.

(28) The Competent Authority may include such other conditions in the lease deed with the approval of the Controlling Authority.

(29) The lessee shall abide by the provisions of the Mines Act, 1952 and rules and regulations framed thereunder, the Explosives Act, 1884 and rules made thereunder for development of the source of minor minerals in workman like manner and for avoidance of any danger arising out of such winning of minor mineral.

CHAPTER – V

GRANT OF QUARRY PERMITS

34. Application for quarry permit:— An application for grant of quarry permit shall be made to the Competent Authority in Form-Q and shall be accompanied by:–

(a) treasury challan showing deposit of rupees two hundred (non-refundable) towards application fee;

(b) description of the land shown in a plan from which the mineral is to be extracted and removed;

(c) consent of the owners of the land, if a private land permitting diversion of his land for extraction of minor mineral is proposed to be removed; and

(d) an undertaking by the applicant to the effect that he agrees to abide by the conditions governing extraction and removal of minor minerals under a quarry permit:

Provided that no quarry permit shall be granted to anybody other than the State Agencies or Project Proponents for public purposes.

Explanation I.-"State Agency" shall mean any Department of the State or Central Government or company or corporation under the control of the State or Central Government and shall include any Government organization as defined in sub-rule (3) of rule 39.

Explanation II. - "Project Proponent for public purposes" shall mean any person or firm or company executing any Government project and shall include schematic beneficiaries under Government scheme like IAY, RAY etc.

35. Authority to grant quarry permit:— *(1)* The Competent Authority or any officer authorized by him may grant quarry permit in Form-R for extraction and removal from any specified land, any minor mineral not exceeding one thousand cubic meters under any one permit on payment of dues such as surface rent and royalty calculated at the rates specified in Schedule-I and Schedule-II and compensatory afforestation fees, contribution to District Mineral Foundation and Environmental Management Fund, as prescribed, in advance.

Provided that the Competent Authority may grant quarry permit in excess of one thousand cubic meters for any minor mineral when used for public work.

(2) If the application is rejected, the Competent Authority shall inform the applicant, stating the reasons of such rejection.

36. Duration of quarry permit:—The period of a quarry permit shall not exceed three months at a time.

37. Conditions of quarry permit:— (1) The holder of a quarry permit shall obey the following conditions, namely:—

(a) The depth of the quarry below the surfaces shall not exceed six meters;

(b) The quarry permit shall be non–transferable;

(c) Minor mineral, other than that for which quarry permit has been granted, shall not be excavated or removed without prior approval of the Competent Authority;

(d) If any mineral other than minor mineral is found during quarrying operations, the holder of the quarry permit shall report the matter to the Competent Authority and the Director forthwith and the quarry permit shall be determined without payment of any compensation to the holder of the quarry permit;

(e) The holder of the quarry permit shall maintain complete and correct accounts of the minor mineral excavated and quantity removed from the area;

(f) The holder of the quarry permit shall immediately report all accidents to the Competent Authority and the Collector of the district;

(g) The holder of the quarry permit shall have no right over the quarried material and other properties lying in the permit area after expiry of the validity of the quarry permit;

(h) The holder of the quarry permit shall not undertake any operation in forest area without obtaining the permission from the Competent Authority of the Forest Department, Odisha;

(i) The permit holder of the quarry permit shall not carry on the quarrying operation within a distance of fifty meters from any public roads, public buildings, temples, reservoirs, dams, burial grounds, railway track monuments, heritage sites, etc. and shall not cause any damage to any public and private properties.

(2) The holder of the quarries shall allow the Director, Controlling Authority and Competent Authority or any officer authorized by any of them to inspect the quarrying operations and to check the accounts and verify the details of dispatches from the registers maintained by him.

*(3)*If any minor mineral is removed in excess of the quantity permitted, such material shall be confiscated and the holder of the quarry shall be liable for punishment under the provisions of the Indian Penal Code 1860, Act and these rules.

(4) As soon as removal of the mineral granted under the permit is completed, the holder of the quarry permit shall surrender the permit to the Competent Authority and furnish the particulars of permit contained in Form-S indicating the quantities of minor minerals removed and other information as may be required by the Competent Authority.

38. Register of quarry permit:—The Competent Authority shall maintain a register of quarry permits in Form-T.

CHAPTER – VI

SPECIAL PROVISIONS FOR GOVERNMENT ORGANISATIONS

39. Reservation of mines for Government organizations:— *(1)* Notwithstanding anything contained in these rules, the State Government may, by a written order, reserve any area for prospecting operation or mining operation or quarrying operation by a Government organization, subject to such terms and conditions as may be specified in the said order.

(2) Upon such reservation, prospecting license-*cum*-mining lease or mining lease or a quarry lease as the case may be, for the area so reserved, shall be granted to the Government organization in whose favour the reservation has been made subject to such terms and conditions, as may be decided by the Government.

(3) Government organization, for the purpose of these rules, shall mean Government, a Corporation established by any Central, State or Provincial Act or a Government Company within the meaning of Clause (45) of Section 2 of the Companies Act, 2013 and includes State level apex cooperatives, such other agencies, authorities or organization controlled substantially by the Government, as may be decided by the Government.

(4) The prospecting license-*cum*-mining lease or the mining lease, as the case may be, granted under this rule shall be granted for a period not exceeding thirty years and may be renewed for such period not exceeding twenty years at a time, as may be decided by the Government.

(5) The lessee, to whom a lease has been granted under this rule, shall pay to the Government all amounts payable by a lessee under these rules and such additional charges as may be decided by the Government from time to time.

CHAPTER – VII

MISCELLANEOUS

40. Status of grant on death of applicant for prospecting license-*cum*-mining lease or mining lease or quarry lease:— *(1)* Where a successful bidder, for grant of prospecting license-*cum*-mining lease or mining lease or quarry lease, dies before the order of such grant is passed, such order shall be passed in the name of his legal heir or representatives.

(2) Where a successful bidder, in respect of whom an order granting a prospecting license-*cum*-mining lease or mining lease or quarry lease is passed, dies before the lease deed is executed, the order shall be deemed to have been passed in the name of legal heir or representative of the deceased and such legal heir or representative shall have the right to execute the deed required for the purpose.

41. Survey of the area licensed or leased:— Arrangement shall be made by the Competent Authority at the expense of the grantee for survey and demarcation of the area granted under prospecting license-*cum*-mining lease or mining lease or quarry lease, on receipt of fees for the purpose at the rate of rupees one hundred per hectare or part thereof.

42. Security deposit:— The successful bidder shall deposit rupees fifty thousand for a prospecting license-*cum*-mining lease, fifty thousand for mining lease and ten thousand for quarry lease before the deed is executed as security for due observance of the terms and conditions of prospecting license-*cum*-mining lease, or mining lease, or quarry lease, as the case may be.

43. Execution and registration of license or lease:— *(1)* A prospecting license-*cum*-mining lease, mining lease and quarry lease shall be executed in its specified form as mentioned in sub-rule (3) of rule 9, sub-rule (9) of rule 9, sub-rule (5) of rule 15 and sub-rule (13) of rule 27 respectively within three months of the order for granting such lease or within such further period as may be allowed by the Controlling Authority.

(2) The date of commencement of the period for which a prospecting license-*cum*-mining lease or mining lease or quarry lease is granted shall be the date on which a duly executed deed is registered.

(3) If no deed for prospecting license-*cum*-mining lease or mining lease or quarry lease is executed within the time specified, due to any default on the part of the selected bidder, the Controlling Authority may revoke the grant order and forfeit the security deposit, if any.

(4) No minor mineral shall be extracted or removed before registration of the lease deed except with prior approval of the Controlling Authority.

(5) The Director shall maintain register for prospecting license-*cum*-mining lease in Form-U, for mining lease in Form-V and the Competent Authority shall maintain register for quarry lease in Form-W**.**

44. Submission of report and information to Indian Bureau of Mines:— The holder of prospecting licensee-*cum*-lessee or the holder of a mining lease for decorative stone shall furnish to the Indian Bureau of Mines, all reports, returns and information, in respect of the areas as specified under the Granite Conservation and Development Rules, 1999.

45. Transfer of license or lease:— *(1)* Where a prospecting license-*cum*-mining lease or mining lease or quarry lease has been granted through auction, the holder thereof may transfer the same in the manner mentioned hereinafter.

(2) Any transfer as mentioned in sub-rule (1) may be made with prior approval of the Controlling Authority, to any person eligible to hold a prospecting license-*cum*-mining lease or mining lease or quarry lease in accordance with the Act and these rules, subject to the following conditions, namely:—

(i) The transfer shall be valid only for the unexpired portion of the validity of the prospecting license-*cum*-mining lease or mining lease or quarry lease, as the case may be.

(ii) The transferee shall make a fresh security deposit himself for the purpose of transfer.

(iii) The Controlling Authority shall not give the approval for such transfer of the prospecting license-*cum*-lease or mining lease or quarry lease unless the transferee has accepted all the conditions and liabilities, which the transferor was having in respect of such prospecting license-*cum*-mining lease or mining lease or quarry lease, as the case may be:

Provided that prior approval of the Controlling Authority shall not be necessary, if the prospecting license-*cum*-mining lease or mining lease or quarry lease is mortgaged to a Nationalized Bank or Government Industrial Corporation or Government Financial Corporation or Government Financial Institutions to obtain financial assistance, and such period of mortgage shall be co-terminus with the period of prospecting license-*cum*-mining lease or mining lease or quarry lease and right of the State Government to collect Government dues from the lessee shall be the first charge on the mortgaged property.

(3) A transfer deed for the prospecting license-*cum*-mining lease or mining lease or quarry lease, in a form as near to the original executed deed as possible, shall be executed within three months from the date of approval of the Controlling Authority registered under the Registration Act, 1908.

(4) The Controlling Authority may, by an order in writing, terminate any prospecting license-*cum*-mining lease or mining lease or quarry lease, as the case may be, at any time if the lessee has transferred any lease or any right, title or interest therein otherwise than in accordance with sub-rule (2).

46. Procedure for filing appeal:— *(1)* Any person aggrieved by an order of the Competent Authority, may, within one month from the date of communication of the order, prefer an appeal in Form-X against such order, to the Sub- Collector, if the order is passed by the Tahasildar, to the Collector, if the order is passed by the Sub-Collector, to the Revenue Divisional Commissioner, if the order is passed by the Collector, to the Conservator of Forests, if the order is passed by the Divisional Forest Officer, to the Joint Director, if the order is passed by the Mining Officer or Deputy Director, to the Director, if the order is passed by the Joint Director and to the State Government in the Department of Steel and Mines, if the order is passed by the Director:

Provided that in case of matters related to specified minor minerals, the State Government may review its order on receipt of review petition from any aggrieved person or *suo moto* within ninety days of communication of such order and correct or modify their order.

(2) No appeal shall be admitted unless the amount, if any, assessed in accordance with the provisions of these rules as per the orders, has been deposited.

(3) The Appellate Authority mentioned under sub- rule(1) may call for relevant records and other information from the concerned authority and may, if considered necessary, stay the operation of the order of the authority in any particular case till the appeal is finally disposed or until further orders are passed, as the case may be.

(4) Every application for appeal shall be accompanied by a non-refundable fee of rupees one thousand.

(5) In the event of any dispute relating to the area, conditions, the dues payable or any other matters under the prospecting license-*cum*-mining lease or mining lease or quarry lease executed for the purpose, the suits or appeals shall be filed only in the civil courts in whose jurisdiction such area falls.

47. Interest on delayed payment:— If the holder of prospecting license-*cum*-mining lease or mining lease or quarry lease fails to make payment of royalty, rent, fee or any sum payable by him under these rules within the due time, simple interest at the rate of twenty four percentum per annum on such dues shall be charged until payment of such dues is made.

48. Disposal of minor mineral:—Any minor mineral won illegally and seized, or deemed to be property of the Government after expiry or termination of prospecting license-*cum*-mining lease or mining lease or quarry lease or won in course of executing public work, shall be disposed of through public auction by the authority competent for grant of permit as specified in Schedule-IV and in accordance with the provisions of the Code of Criminal Procedure, 1973.

49. Environment Management Fund:— *(1)* The Environment Management Fund shall be created at the State level for reclamation, and rehabilitation of mined out areas of minor minerals and conservation of environment thereof.

(2) An amount equal to five percentum of the royalty payable shall be collected from the lessee and shall be paid to the Environment Management Fund in such manner, as may be specified in the notification, issued by the Government and such amount shall be realized along with the royalty.

(3) The Environment Management Fund shall be utilized for following objects, namely:—

(i) restoration;

(ii) repair, reclamation and rehabilitation work required to be undertaken for adjoining or external damage, outside the quarry, caused by mining activities:

Provided that any casualty by the lessee due to his negligence or non-compliance of conditions made in the lease deed shall be compensated or rehabilitated by the lessee;

(iii) provision of common facilities for the benefit of community in and around the areas where mining activities are undertaken;

(iv) development of infrastructure facilities for orderly growth of the mining operations and allied activities e.g. roads, stone crusher estates, water supply etc;

(v) funding of the studies commissioned or activities related to the mining sector e.g. survey, exploration and prospecting operation of minerals, procurement of equipment and machinery required to support such activities;

(vi) education, awareness and training of the lessees and the Staff of the Department through field visits and exposure to the best mining practices;

(vii) funding of expenditure incurred on implementation of any scheme of incentives that the Government may frame for recognition and awards for scientific mining operation undertaken with the highest regard to mineral conservation, rehabilitation measures, along with environment safeguards and other measures; and

(viii) any other objects which the Government may consider appropriate.

(4) The Environment Management Fund shall be managed by such officer, authority or organization as may be specified in the notification issued by the Government.

50. Revenue assessing authority:— The assessment and demand of rents, royalty, fee or any such due payable under these rules shall be made by the Deputy Director or Mining Officer, or Tahasildar or Divisional Forest Officer having jurisdiction.

51. Penalties:— *(1)* (i) Whenever any person is found extracting or transporting any minor mineral or on whose behalf such extraction or transportation is being made otherwise than in accordance with these rules, shall be presumed to be a party to the illegal extraction or removal of such minor minerals and every such person shall be punishable with simple imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees or with both and in case of a continuing contravention, with an additional fine which may extend to five

thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

(ii) The Collector or Sub-Collector or Tahasildar or Director or Joint Director or Deputy Director or Mining Officer or Senior Inspector of Mines or Divisional Forest Officer or Assistant Conservator of Forest or Range Officer or Police Officer not below the rank of Sub-Inspector of Police may seize the minor minerals and its products together with all tools, equipments and vehicles used in committing such offence within their respective jurisdiction.

(iii) No court shall take cognizance of any offence punishable under these rules except upon complaint in writing made by such officer or authority mentioned under clause (ii) of this sub-rule having jurisdiction.

(iv) Where the offender agrees in writing to compound the offence punishable under these rules, the Tahasildar or Deputy Director or Mining Officer or Divisional Forest Officer, within their respective jurisdiction, shall, either before or after filing the complaint, compound the offence on payment of such sum, as determined by the officers mentioned under clause (ii), not exceeding the maximum amount of fine prescribed under these rules and value of the mineral and other properties seized and on payment of such fine and value, the seized mineral and properties shall be released forthwith:

Provided that the accused shall be liable to furnish an undertaking or bond to the effect that he shall not commit such offence in future:

Provided further that, in case the offender fails to pay the value of mineral and any other property, such properties shall be confiscated to Government and disposed of through public auction.

(v) Where an offence under these rules is compounded, no proceeding or further proceeding, as the case may be, shall be initiated against the offender in respect of the offence so compounded and the offender, if in custody, shall be released forthwith.

(vi) If no person claims the mineral and other property, if any, so seized within a period of thirty days, the authority competent to compound the offence may confiscate the same to the State and dispose of the same through public auction.

(2) Whenever any person trespasses into any land in contravention of the provisions of these rules, such trespasser may be served with an order of eviction by the Tahasildar or Sub-Collector or Collector or Deputy Director or Mining Officer or Assistant Mining Officer or Divisional Forest Officer or Assistant Conservator of Forest or Range Officer within their respective jurisdiction and

such Government Officer, if necessary, may obtain the help of the police to evict the trespassers from the land.

(3) Any mineral, tool, equipment, vehicle or any other things seized under these rules in respect of which complaint has been filed under clause (iii) of sub-rule (1), shall be liable to be confiscated by an order of the court competent to take cognizance of the offence and shall be disposed of in accordance with the directions of such court.

(4) Whenever the person wins, without any lawful authority, any mineral from any land, the Tahasildar or Mining Officer or Deputy Director or Divisional Forest Officer, as the case may be, may recover from such person the mineral so won, or, where such mineral has already been disposed of, the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority.

(5) If the person committing an offence under these rules is a company, every person, who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished as per the provisions of the Act and these rules:

Provided that nothing contained in this sub-rule shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(6) Notwithstanding anything contained in sub-rule (5), where an offence under these rules has been committed with the consent or connivance of any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: – For the purposes of this rule –

(a) "Company" means anybody, corporate and includes a firm or other association of individuals;

(b) "Director" in relation to a firm means a partner in the firm.

(7) In case of breach of any condition of the lease deed, the Competent Authority may give notice of sixty days to the lessee to rectify the defects within the time specified and if the lessee fails to rectify the defects within the specified time, the Competent Authority may cancel the lease and/or levy a penalty not exceeding rupees fifty thousand.

(8) In case of breach of any condition mentioned in rule 37 of these rules and other conditions which the Competent Authority might have specified while granting a quarry permit, the Competent Authority may impose a penalty which may extend to rupees five thousand per day and in the event of continuing contravention, the Competent Authority may cancel the permit and in

such case the minerals lying on the land from which the same are extracted shall thereafter become the property of the Government and be disposed of by public auction.

52. Payment of compensation to owner of surface rights etc.:— *(1)* The holder of a prospecting license-*cum*-mining lease or mining lease or quarry lease shall be liable to pay to the occupier of the surface of the land over which he holds the prospecting license-*cum*-mining lease or mining lease or quarry lease, as the case may be, such annual compensation as may be determined by an officer appointed by the State Government by notification in this behalf in the manner provided in sub-rules (2) to (4).

(2) In the case of agricultural land, the amount of annual compensation shall be worked out on the basis of the average annual net income from the cultivation of similar land for the previous three years.

(3) In the case of non-agricultural land, the amount of annual compensation shall be worked out on the basis of the average annual letting value of similar land for the previous three years.

(4) The annual compensation referred to in sub-rule (1) shall be payable on or before the 1st July of every year.

53. Assessment of compensation for damage:— *(1)* After the termination of a lease, the State Government shall assess the damage, if any done to the land by the prospecting or mining or quarrying operations, as the case may be, and shall determine the amount of compensation payable by the lessee, as the case may be, to the occupier of the surface land.

(2) Every such assessment shall be made within a period of one year from the date of determination of the lease and shall be carried out by an officer appointed by the State Government, by notification, in this behalf.

54. Search for mineral, document or thing:— If the Tahasildar or Sub-Collector or Collector or Mining Officer or Deputy Director or Assistant Mining Officer or Director or Joint Director or Deputy Director (Head Qrs.) or Divisional Forest Officer or Assistant Conservator of Forest or Range Officer has reasons to believe that any mineral has been won in contravention of the provisions of these rules or any document or thing in relation to such mineral is kept in any place or vehicle, he may search for such mineral, document or thing and the provisions of the Section 100 of the Code of Criminal Procedure, 1973 shall apply to every such search.

55. Power to rectify apparent mistakes:—Any clerical or arithmetical mistake in any order passed by the Government or any other authority under these rules and any error arising therein from accidental slip or omission, may, within six months from the date of issue of the order, be corrected by the Government or the authority, as the case may be:

Provided that no order prejudicial to any person shall be passed unless such person has been given a reasonable opportunity of being heard.

56. Removal of minor mineral from an area leased out for major mineral:— *(1)* If any minor mineral is found in an area leased out for major mineral, the minor mineral can be removed with permission of the Government in the Steel & Mines Department in the case of specified minor minerals and with the permission of the concerned Deputy Director or the Mining Officer in the case of other minor minerals, on payment of advance royalty and other dues prescribed for the said minor mineral.

(2) In case of any doubt whether any particular mineral is a minor mineral or otherwise, the matter shall be referred to the Director for the decision and in case of any doubt whether a minor mineral can be used as decorative stone or for industrial and prescribed purpose or for export, the Competent Authorities of the Revenue & Disaster Management Department and the Forest & Environment Department would obtain the specific views of the concerned Mining Officer or Deputy Director of the District or Circle.

57. Power of entry and inspection:— *(1)* The Controlling Authority, Competent Authority or any officer authorized in this behalf, shall have the power to –

(a) enter and inspect any area granted under a prospecting license-*cum*-mining lease or mining lease or quarry lease;

(b) survey and take measurements in any such workings;

(c) examine the registers showing the quantity of minor minerals extracted and removed and other documents, records connected with grant of license-*cum*-lease or lease or permit and order production of any or all such records and take extracts from such documents, records and registers; and

(d) weigh and take measurements of the stocks of minor minerals lying in any quarry, in the process of removal or transit.

(2) The Director or any officer authorized by him shall have the power to inspect any area held under a prospecting license-*cum*-mining lease or mining lease or quarry lease so as to –

(a) ensure systematic, scientific and safe prospecting operation or mining operation;

(b) prevent extraction and removal of major minerals in the guise of minor mineral;

(c) ensure observance of rules and devices for storage and use of explosives, if any; and

(d) examine registers, documents, records and order production of any or all such records and take extracts from such registers, documents, records connected with grant of the lease.

(3) In case any deficiency is observed as a result of inspection conducted as per sub-rule (2), the lessee shall be intimated, not to carry out any operation in the area under lease unless the deficiencies are made good which shall be brought to the notice of the Competent Authority, Controlling Authority or the Director, as the case may be by the Inspecting Officer.

58. Miscellaneous:— *(1)* No holder of prospecting license-cum-mining lease or mining lease or quarry lease or quarry permit or auction purchaser shall despatch any minerals from an area without a valid transit pass in Form-Y issued by –

(a) the Deputy Director or Mining Officer having jurisdiction in case of specified minor minerals; and

(b) the Competent Authority in case of other minerals.

(2) The transit pass should be printed and machine numbered in the Government Press and supplied by the respective authority as aforesaid on payment of the cost thereof as fixed by the Director of Mines with the approval of the Government.

(3) The Government may impose such restrictions on sale of minor minerals to places outside the State as it may consider expedient in the public interest.

(4) No authority in charge of execution of public work shall pass any bill for reimbursement of royalty paid on any minor mineral unless, the person claiming such reimbursement produces the transit pass referred to in sub-rule (1).

(5) The provisions of sub-rule(2) shall apply *mutatis mutandis* to cases for any bill claiming the reimbursement of the cost for purchase of any minor mineral and is submitted before any authority in charge of execution of public work and such authority shall not pass the bill unless the receipts of the amount so paid is produced.

Provided that in case the executant fails to produce transit pass and money receipt in support of payment of royalty, the public works authority shall deduct the royalty and the cost of mineral and remit it to Government account in the Government Treasury.

(6) Where an authority referred to in sub-rule (4) or sub-rule (5) is requested by a Competent Authority or Controlling Authority to furnish information on quantity of minor minerals supplied to him, he shall furnish such information without delay.

(7) The concerned Deputy Directors and Mining Officers in case of specified minor minerals, and respective Competent Authorities in case of other minor minerals, shall send an annual return in Form-Z showing mineral-wise production and despatch of minor minerals and the revenue earned there from to the Controlling Authority and the Director to enable him to assess the total income derived by the State and to furnish such information to the Indian Bureau of Mines.

(8) With a view to check illegal mining, transportation and storage of minor mineral, the State Government may impose restrictions on such activity, if necessary, and may also issue guidelines for the purpose.

59. Prospecting license-*cum*-mining lease or mining lease or quarry lease obtained in contravention of the Act and rules:— Any prospecting license-*cum*-mining lease or mining lease or quarry lease granted, renewed or acquired in contravention of the provisions of the Act or any rules or orders made thereunder shall be void and of no effect.

60. Action taken in good faith:— No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith, done or intended to be done under these rules.

61. Head of accounts for payments:—All payments made under these rules shall be credited to the following Head of Account, namely:—

"0853-Non-ferrous Mining and Metallurgical Industries-102-Mineral Concession Fees, Rents and Royalties-"

62. Recovery of the amount due to Government:—All dues payable to the Government under these rules, if remain unpaid, shall be recoverable as an arrear of land revenue.

63. Refund of revenue:—Any amount paid in excess of the amount payable by the holder of a prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit under these rules shall be refunded to him within the following financial year by the Competent Authority with prior approval of the Controlling Authority.

Provided that the holder of a prospecting license-*cum*-mining lease or mining lease or quarry lease or quarry permit under these rules claiming such refund shall submit an application for the said refund to the Competent Authority within a period of six months from the date of such excess payment failing which the prayer for refund of such excess payment shall not be entertained.

Provided further that in case the holder of a prospecting license-*cum*-mining lease or mining lease or quarry lease prays for refund of any excess payement made by him, the Competent Authority may adjust such excess payment towards the dues payable by him during subsequent period of mining/quarrying operations.

64. Power of the Government to relax the rules:—The Government may, in the interest of mineral development, relax any of the provisions of these rules in deserving cases in such manner as they deem proper.

65. Power to issue instructions:— The Government may issue instructions not inconsistent with the provisions of the Act and these rules from time to time, with a view to remove difficulties.

66. Transitory provisions:—*(1)* Notwithstanding anything contained in these rules, the existing lessees of such of the specified minor minerals which were major minerals on the date of coming into force of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (11 of 2015) shall be eligible for extension of the validity period of lease for such period and subject to such conditions as provided in Section 8A of the Mines and Minerals (Development and Regulation) Act, 1957.

(2) Notwithstanding anything to the contrary contained in these rules, the applicants for mineral concessions in respect of such of the specified minor minerals, which were major minerals on the date of coming into force of the Mines and Minerals (Development and Regulation)

Amendment Act, 2015 (11 of 2015), and whose applications have remained eligible under the provisions of the sub-section (2) of Section 10A of the Act, shall remain eligible for grant of mineral concession for such period as prescribed under rule 8 of these rules subject to satisfaction of conditions prescribed in sub-rule (13) of rule 4 of these rules.

67. Special provisions:—-Notwithstanding anything to the contrary contained in these rules, the applicants who have been granted prospecting license-*cum*-mining lease or mining lease or quarry lease, shall be entitled to execute the deed of license, or as the case may be, lease within the period specified in the grant order or within such further period as may be allowed by the Controlling Authority.

* * * *

FORM - A

"To be submitted in Triplicate"

Received
At……..
(place) on…….
(Date)
Initial of Receiving Officer

GOVERNMENT OF ODISHA
Application for Prospecting license-*cum*-Mining lease
[*See* rule 9(2)]

Dated day of 200

To

The …….. to Government of Odisha,
Steel & Mines Department, Bhubaneswar.
Through the Deputy Director/Mining Officer…….

Sir,

1. With reference to the Government of Odisha, Steel & Mines Department Notification No…… dated……, I/We request that a prospecting license-*cum*-mining lease under the Odisha Minor Mineral Concession Rules, 20….. may be granted to me/us.

2. A sum of Rs……/- (Rupees …….. only) being application fee (non-refundable) under rule 10 (9) (i) has been deposited in the Government Treasury……. and original receipted challan bearing No. …….. dated…… is enclosed.

3. The required particulars are given below:

(i) Name of the applicant with complete address:
(Permanent and present)

(ii) In case the applicant is:
- (a) an individual, his nationality,
(Nationality Certificate shall be enclosed)
- (b) a company, an attested copy of the Certificate of Registration of the company along with a copy of Memorandum and Article of Association of the company shall be enclosed,
- (c) a partnership firm, the nationality of all partners and a copy of Partnership Deed shall be enclosed.

(iii) Profession of the applicant:

(iv) No. and Date of valid Mining Dues Clearance Certificates (copy attached) or an affidavit to this effect (enclosed):

(v) Mineral or minerals which the applicant intends to prospect:

(vi) Period for which the prospecting operation is intended:

(vii) Extent of the area the applicant wants to prospect:

(viii) Details of the area supported by a plan in cadastral village map, boundary description and land schedule (The plan should be on the relevant portion of the cadastral village map with scale and should contain natural features, landmarks or other features to enable identification of the area in the field, the nearest railway station or any other place of importance):

(ix) Particulars of the area in the State duly supported by an affidavit for which the applicant or any person having joint interest with him:

(a) already holds under prospecting license-*cum*-mining lease,
(b) has already applied for but not granted and,
(c) being applied for simultaneously,
(d) nature of joint interest, if any,

(x) Attested copy of the document showing payment of earnest money:

(xi) An affidavit stating that the applicant is not convicted for any offence committed for any violation of any provision of Mines and Minerals (Development & Regulation) Act, 1957 and rules made thereunder:

(xii) Where the land applied for belongs to private person(s) written consent of such tenant(s) for grant of prospecting license-*cum*-mining lease to be attached.

(xiii) Has the applicant possess any technical qualification and experience in prospecting and quarrying operations for specified minor minerals? If so, details thereof along with documentary be furnished.

(xiv) Has the applicant already set up an industry for processing of specified minor minerals or has a definite plan to put up such industry in the State? If so, details thereof along with documentary evidences.

(xv) Financial resources of the applicant in support of which:
(a) Copy of solvency Certificate and list of immovable properties from the concerned Revenue Authority in case the applicant is an individual:
(b) Copy of audited balance sheet of the immediately preceding financial year in case the applicant is a company:
(c) Copy of the documents showing net worth of all partners individually in case the applicant is a partnership firm:

(xvi) Total investment in operations anticipated—

(xvii) Qualification, technical knowledge of, or experience in prospecting and mining operation for specified minor minerals, machinery the applicant possesses—

(xviii) Any other particular, if any such as nature and quality of the technical staff employed or to be employed by the applicant, etc.

4. Additional charge quoted (higher than the minimum additional charge fixed vide Govt. Notification No…….dt……):

I/We do hereby declare that the particulars furnished above are correct and undertaken to furnish any other details including accurate plans, etc. as may be required by you.

Place:
Date:

Yours faithfully,

Signature of the applicant.

N.B.:— If the application is signed by an authorized agent of the applicant, the power of attorney shall be attached.

FORM - B

Form of Prospecting license

[*See* rule 9(3)]

THIS INDENTURE made this……..day of…….20…..between the Governor of Odisha …… (hereinafter called the "Lessor") of the one part and (Name of person)……...of (address and occupation)…….. (hereinafter called the "licensee-*cum*-lessee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, assignees) of the other part.

WHEREAS, the licensee-*cum*-lessee has applied to the Competent Authority concerned for a prospecting license-*cum*-mining lease for…… (specified minor mineral) in accordance with the provisions of the Odisha Minor Minerals Concession Rules, 20…… (hereinafter called the "Rules"), in respect of the lands described in Part-I of the Schedule and has deposited a sum of Rs……..as security.

WHEREAS, the licensee-*cum*-lessee shall be required to carry out and complete prospecting operation satisfactorily within a period of …… (year / month) under the provisions of sub-rule (5) of rule 9 of Odisha Minor Mineral Concession Rules, 20….

AND, WHEREAS, the Competent Authority has communicated his approval to the grant of license-cum-lease on the terms, covenants and conditions hereinafter contained.

NOW THIS INDENTURE witnesse as follows:

The less or hereby demises to the licensee-*cum*-lessee, the land described in Part-I of the Schedule hereunder written and delineated in the map hereunto annexed.

The said demised piece(s) of land shall be held by the licensee-*cum*-lessee for a term of……. (year / month) for carrying out prospecting operations from the date on which this executed deed is registered under Indian Registration Act and Odisha Registration Manual subject to the terms, covenants hereinafter provided.

IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.

The schedule above referred to

PART-I

Location and area of the prospecting license-*cum*-mining lease

Village Plot Nos.
Village/Forest Block
Tahasil/Forest Range
Area (in hectares)/

As per plan annexed and bounded
On the North by
On the South by
On the East by

And on the West by hereinafter called as "said laws"

PART II

Terms and conditions of the prospecting license-*cum*-mining lease

This prospecting license-*cum*-mining lease is subject to the conditions laid down in rule 14 and also all other conditions pertaining to the license-*cum*-lease as provided in the Rules.

PART III

Liberties, powers and privileges to be exercised and enjoyed by the licensee-*cum*-lessee

1. To enter upon and use the said lands, described in Part-I of the Schedule during the term hereby demised to search for,bore, dig, drill for, dress, process or otherwise work all or any……..…(name of the specified minor minerals) lying within, under or through the said lands.
2. To make roads, tram ways, install machineries, lay electric and telephone line, on and over the said lands.
3. To use water from streams, watercourses and springs in and upon the said lands in natural state or by means of impounding with the written permission of the Collector of the district.

PART IV

Restrictions and conditions as to the exercise of liberties, powers and privileges in Part-III

1. No land shall be used for surface operations if objection is raised by the Competent Authority or the Collector of the district to the effect that use of the land will be detrimental to public interest.
2. The licensee-*cum*-lessee shall not cut or injure any tree in the licensed-*cum*-leased area falling within Reserved/Protected forest without prior permission of the Divisional Forest Officer or the officer authorized by him in this behalf and upon payment of royalty and fees for compensatory afforestation as may be specified.

3. The licensee-*cum*-lessee shall undertake prospecting operation only in accordance with the scheme of prospecting or modifications thereof.

PART-V

Liberties, powers and privileges reserved to the State Government

The State Government or any officer or persons authorized by it in that behalf has the liberty and power to enter into and upon the licensed-*cum*-leased area to carry on any operation in connection with survey, sampling, testing, quarrying, processing, stacking and transportation of mineral, as may be, deemed necessary.

PART-VI

Provisions regarding Rents and Royalties

1. The licensee-*cum*-lessee shall, during the subsistence of this license-*cum*-lease pay to Government advance prospecting fee at the rate of one thousand rupees per hectare or part thereof of land covered under license-*cum*-lease for each year or part of the year for the entire period of license-*cum*-lease and royalty in respect of any specified minor mineral removed by him from the license-*cum*-leased area at the rates prescribed in Schedule-II and surface rent at the rate prescribed in Schedule-I.
2. All payments relating to rents, royalties, fees, etc., as provided under these rules shall be paid to the State Government free from all deductions, at the District Treasury/ Sub-Treasury and in such manner as the Competent Authority may prescribe.
3. For the purposes of computing the royalty, the licensee-*cum*-lessee shall keep correct account of the mineral, produced, stacked and removed from the license-*cum*-lease area and furnish such information and submit a monthly return to the Competent Authority and Director in FORM-J and other relevant records to the concerned Deputy Director of Mines/ Mining Officer.
4. The licensee shall pay royalty in advance and the different amount if any, on computation shall be paid within fifteen days of completion of transportation of permitted quantity of specified minor minerals.
5. The lessee shall pay surface rent in advance and not later than the 15th January and the 15th July of each year.

Signed by…….

For and on behalf of Government of Odisha, in the presence of

1.

2.

Signed by……Licensee in the presence of

1.

2.

FORM – C

Intimation for commencement of Prospecting operation

[*See* rule 9(6)]

To

1. (a) The Deputy Director of Mines/ Mining Officer…… (location).
   (b) The Director of Mines, Odisha, Bhubaneswar.
   (c) The Collector ……. (District).
   (d) The Director of Mines Safety, Bhubaneswar/ Chainbasa.
2. Name of the mineral or minerals for which the prospecting license-*cum*-mining lease has been granted.
   (a)..... (b).....
   (c)..... (d).....
3. Name and address of the licensee-*cum*-lessee.
   .....
   PIN.....
4. In case of licensee-*cum*-lessee is a company or partnership firm or Co-operative, please indicate:

   (i) Name and address of the Director-in-charge
   .....
   PIN.....
   (ii) Address of the Registered Office
   .....
   PIN.....
5. Particulars of prospecting license-*cum*-mining lease:
   (i) Date of Execution: .....
   (ii) Period: ……. Years, From..... To.....
   (iii) Area under Licence: .....hectares.
6. Location :
   (i) Topo Sheet Number: .....
   (ii) Cadastral Survey of Khasra Number: .....
   (iii) Village: .....
   (iv) (a) Post Office: .....
   (b) Police Station: .....
   (v) (a) Tahasil: .....
   (b) District: .....
   (c) State: .....
   (vi) (a) Nearest Railway Station: .....
   (b) The distance there from: .....
   (vii) (a) Nearest Rest House / DakBunglow: .....
   (b) Its distance from
   (1) The Railway Station: ..... (kilometres)
   (2) The Prospecting Area: ..... (kilometres)
7. Particulars of Geologists or Mining Engineer employed
   For the prospecting license-*cum*-mining leasearea:
   (i) Name and Address

   .....

   PIN.....

(ii) Qualifications: .....

(iii) Date of Appointment: .....

(iv) Nature of Appointment: Whole time or Part time: ……..

8. Date of commencement of prospecting operation: .....

Place..... Signature.....

Date..... Name in Full.....

Designation.....

Owner/Agent/Mining Engineer/Manager

N.B:— This Form, duly filled in must reach the concerned authorities within fifteen days of the commencement of prospecting operations.

FORM – D

Application for Mining Lease

[*See* rule 9(7), 16(2)]

To

The……..to Government of Odisha

Steel & Mines Department, Bhubaneswar.

Through the Deputy Director/Mining Officer……

Sir,

1. I/We submit an application for a mining lease for …….. (mineral) under Odisha Minor Mineral Concession Rules, 20……. may be granted to me/us.
2. A non-refundable sum of Rs…… (Rupees……. only) being the fees in respect of the application payable under rule 16 (7) (i)of the said rules has been deposited (vide enclosed original receipt challan no……dated……..of the State Bank of India/Treasury……..)
3. The required particulars are given below:-
   i. Name of the applicant-
   ii. Address-(Present)……
   (Permanent)……..
   iii. In case the applicant is
      (a) An individual, his nationality
      (Nationality certificate to be enclosed)
      (b) A company, an attested copy of the certificate of registration of the company along with copy of Memorandum and Article of Association of the Company shall be enclosed.

(c) A firm, nationality of all the partners and partnership deed to be attached.

iv. Profession or nature of business of the applicant.

v. Particulars of documents appended:

(a) Valid mining due clearance certificate issued by the Director of Mines to be enclosed, or

(b) An affidavit in lieu of mining due clearance Certificate subject to its production within one month of making application, or

(c) In case the applicant does not hold and has not held any mineral concession for major and minor minerals in the State, furnishing of an affidavit to that effect will suffice:

(d) Attested copy of up to date VAT clearance Certificate

vi. Period for which mining lease is required.

vii. Extent of area applied for mining lease.

viii. Details of the area applied for mining lease.

(a)

District	Tahasil	Village/Forest Range	Survey No.	Area in hectares

(b) A plan in cadastral village map along with a key plan in Survey of India topo sheet in scale 1:50,000, boundary description and land schedule of the area applied for to enclosed:

(The plan should be on the relevant portion of the cadastral village map with scale and should contain natural feature. Land marks or other feature to enable identification of the area in the field or any other place of importance).

ix. (a) If the applicant has surface right over the area or he is the owner of land applied for, document in support of surface right or patta of land, as the case may be, shall be attached.

Or

(b) where the land applied for being to private persons written consent of such tenant(s) for undertaking mining operation to be filed.

Or

(c) In case the applicant is the rayat of the land applied for, attested copies of documents to establish this.

x. An affidavit starting particulars of areas which the applicant himself or any person joint interest with him.

a) Already holds under mining lease.

b) Has already applied for but not granted.

c) Being applied for simultaneously

xi. Attested copy of the document showing payment of earnest money:

xii. An affidavit stating that the applicant is not convicted for any offence committed for any violation of any provision of Mines and Minerals (Development & Regulation) Act, 1957 and rules made thereunder:

xiii. Nature of joint interest

xiv Financial resources of the applicant:
(supported document to be enclosed)

a) Copy of the solvency Certificate and list of immovable properties from the concerned Revenue Authority,

b) A recent certificate from the banker of the applicant stating the extent of his credit worthiness.

xv. Technical knowledge or experience in mining operation for specified minor minerals of the applicant (supporting document to be attached).

xvi. If the applicant is the rayat of the land applied for, an attested copy of the patta of the land.

xvii. Has the applicant already set up or has a definite plan to put up an industry based on specified minor minerals? If so, the detail thereof along with documentary evidences.

xviii. In case of application for mining lease of specified minor minerals over the area held under prospecting license-*cum*-mining lease:

Does the applicant hold a prospecting license-*cum*-mining lease over the area applied for ? If so,

i) Number and date of grant order, date of execution and registration, date on which it is due to expire.

ii) The report of prospecting operation carried out to be enclosed.

iii) Broad parameters of ore body/ bodies such as strike length, average width, dip, geological disturbance (a geological plan of the area showing details of geology and lithology to be attached) and related geological, economical and feasibility parameters of the deposit:

xix. In case of application is made for mining over the area earlier held under mining lease for specified minor minerals by person other than the applicant:

a) Number of existing quarry pits with dimension:

b) Dimension of rock exposed in the pit (location of old working are to be shown on the geological plan)

c) Details of rock exposed in the virgin area coming within area applied for.

d) Whether information generated from the working pits and exposed rocks are sufficient to establish the existence of specified minor minerals content therein and to prepare a mining plan.

xx. Method of working of the area applied for in brief:

xxi. Anticipated yearly financial investment in mining operation.

xxii. Manner in which the specified minor minerals raised to be utilized.

a) i) If for captive use, the location of the industry

ii) If for sale for indigenous consumption

b) If for export to foreign country, name of the countries:

xxiii. Name, qualification and experience of technical personnel available or to be employed for supervision of the mines.

xxiv. Any other information, if any:

4. Additional charge quoted (higher than the minimum additional charge fixed vide Govt. Notification No…….dt……):

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details including documents and security deposit as may be required by you before the grant of mining lease.

Yours faithfully

Signature of the applicant

Place:

Date:

N.B.:— If the application is signed by an authorized agent of the applicant, the power of attorney should be attached.

FORM - E

Form of Mining Lease

[*See* rule 9(9), 15(5)]

THIS INDENTURE made this……day of……..20…….between the GOVERNOR OF ODISHA (hereinafter called the "Lessor") of the one part and …… (Name of the person) ……..….. of (Address and occupation)…… (hereinafter called the "Lessee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, assignees) of the other part.

WHEREAS, the lessee has applied to the Competent Authority concerned for a mining lease for…… (specified minor mineral) in accordance with the provisions of Odisha Minor Mineral Concession Rules, 20……. (hereinafter referred to as 'Rules') in respect of the lands described in Part I of the Schedule and has deposited a sum of Rs……as security.

AND, WHEREAS, the Competent Authority has communicated his approval to the grant of lease on the terms, covenants and conditions hereinafter contained.

NOW THIS INDENTURE witnesseth as follows:—

The lessor hereby demises to the lessee the land described in Part I of the Schedule hereunder written and delineated in the map hereunto annexed.

The said demised pieces of land shall be held by the lessee for a term of……years from the date on which this executed deed is registered under Indian Regulation Act and Odisha Registration Manual , subject to terms, covenants, conditions hereinafter provided.

IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.

The schedule above referred to

PART-I

Location and area of the lease

Village Plot Nos.
Village/Forest Block
Tahasil/Forest Range
Area (in hectares)/

As per plan annexed and bounded
On the North by
On the South by
On the East by
And on the West by

hereinafter called as "said lands"

PART-II

Terms and conditions of the lease

This lease is subject to the conditions laid down in rule 26 and also all other conditions pertaining to lease as provided in the Rules.

PART-III

Liberties, powers and privileges to be exercised and enjoyed by the lessee

1. To enter upon and use the land, described in part I of the Schedule during the term hereby demised to carry on all operations necessary for extraction, collection, stacking, processing, transport or disposal of specified minor mineral/ minerals leased in natural or in processed/converted form.
2. To make roads, tram ways, install machineries, lay electric and telephone line, on and over the said lands.
3. To use water from streams, watercourses and springs in and upon the said lands in natural state or by means of impounding with the written permission of the Collector of the District.

PART-IV

Restrictions and conditions as to the exercise of liberties, powers and privileges in Part-II

1. No land shall be used for surface operations if objection is raised by the Competent Authority or the Collector of the District to the effect that use of the land will be detrimental to public interest.
2. Before using for surface operations any land which has not already been used for such operations, the lessee/lessees shall give to Deputy Commissioner/Collector of the District two calendar months previous notice in writing specifying the name or other description of the situation and the extent of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used if objection issued by the Deputy Commissioner/Collector within two months after the receipt by him of such notice unless the objections so stated shall on reference to the State Government be annulled or waived.
3. The lessee shall not cut or injure any tree in the leased area falling within Reserved/Protected forest without prior permission of the Divisional Forest Officer or the officer authorized by him in this behalf and upon payment of royalty and fees for compensatory afforestation as may be specified.
4. The lessee shall undertake mining operation only in accordance with approved mining plan or scheme of mining, as the case may be.
5. The lessee shall not transport or store or cause to be transported or stored any specified minor mineral for the purpose of selling or trading otherwise than in accordance with these Rules and as may be specified under Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.

PART-V

Liberties, powers and privileges reserved to the State Government

1. The State Government or any officer, or persons authorized by it in that behalf has the liberty and power to enter into and upon the leased area to carry on any operation in connection with survey, sampling, testing, mining, beneficiation/ processing, stacking and transportation of mineral, as may be, deemed necessary.

2. Liberty and power for the State Government, or to any lessee or persons authorised by it on that behalf to enter into and upon the said lands and to search for, win, dig, raise, dress, process, convert and carry away minerals other than the said minerals and any other substances and for those purposes carry out any operation as may be deemed necessary or convenient.

Provided that in the exercise of such liberty and power, no substantial hindrance or interference shall be caused to or with the liberties, powers and privileges of the lessee/lessees under these presents and that fair compensation (as may be agreed upon and in the event of disagreement as may be decided by the Government) shall be made to the lessee/lessees for all loss or damage sustained by the lessee/lessees on such account.

PART -VI

Provisions regarding Rents and Royalties

1. The lessee shall, during the subsistence of this lease pay to Government royalty in respect of any minor mineral removed by him from the leased area at the rates prescribed in Schedule II and surface rent at the rate prescribed in Schedule I.
2. All payments relating to rents, royalties, fees, etc., as provided under these rules shall be paid to the State Government free from all deductions, at the District Treasury/Sub-Treasury and in such manner as the Competent Authority may prescribe.
3. For the purposes of computing the royalty, the lessee shall keep correct account of the mineral, produced, stacked and removed from the lease area and furnish such information and submit a monthly return to the Competent Authority and Director in Form-J and other relevant records to the concerned Deputy Director of Mines/Mining Officer.
4. The lessee shall pay royalty in advance and the differential amount, if any, on computation shall be paid by the end of the first fortnight of each half-yearly period during the subsistence of the lease.
5. The lessee shall pay surface rent in advance and not later than the 15th January and the 15th July of each year.

Signed by……..

For and on behalf of Governor of Odisha, in the presence of

1.

2.

Signed by…….Lessee in the presence of

1.

2.

FORM - F
Intimation to Successful Bidder
[*See* rule 10(11), 16(9), 27(6)]

Letter No._____ Dated_____

From

_____
_____
_____

To

_____
_____
_____

Sub: Intimation to successful bidder.

Sir/Madam,

This is to intimate that you have been selected as the successful bidder for the prospecting license-*cum*- mining lease/mining lease/ quarry lease (strike off the lease not intended for) described below, namely:—

_____
_____
_____

(Name of lease, area, period of lease) based on your application for the said lease. The amount of additional charge bid by you and accepted is Rs._____ per tonne/cubic metre (strike off whichever is not applicable).

The mining plan and the environment clearance for the said lease has been obtained/ has not been obtained (strike-off whichever is not applicable). The tentative selection is subject to the provisions of the OMMC Rules, 20……. and to the terms and conditions annexed with this letter.

You are directed to convey your acceptance to the terms and conditions and to deposit an amount as prescribed under rule 10(12) & (13)/ 16(10) & (11)/ 27(7) & (9) (strike-off whichever is not applicable). Proof of deposit of the aforesaid amount along with acceptance should reach the undersigned within fifteen days of the date of issue of this letter failing which this intimation shall stand automatically revoked without any further notice and the earnest money shall stand forfeited.

You are also directed to execute deed in respect of the prospecting license-*cum*-mining lease/ mining lease/ quarry lease (strike-off whichever is not applicable) for the aforesaid area within the period specified in sub-rule (1) of rule 43 of the Odisha Minor Mineral Concession Rules, 20…….

Yours faithfully

_____

_____

(Name/ Designation)
(Competent Authority)

FORM – G

Final Report of Prospecting operation

[*See* rule 11(5)]

To

1. (a) The Deputy Director of Mines/ Mining Officer…… (location).
   (b) The Director of Mines, Odisha, Bhubaneswar.
   (c) The …….. (Secretary) to Government, Department of Steel & Mines, Odisha, Bhubaneswar.
2. Name of the Mineral or minerals
   For which prospecting licence has been granted.
   (a).....(b).....
   (c)..... (d).....
3. Name and address of the Licensee
   .....
   .....
   PIN.....
4. Particulars of prospecting license-*cum*-mining lease:
   (i) Date of Execution: .....
   (ii) Period: .....Years, From..... To.....
   (iii) Area under Licence: .....hectares.
5. Location :
   (i) Topo Sheet Number: .....
   (ii) Cadastral Survey of Khasra Number: .....
   (iii) Village: .....
   (iv) (a) Post Office: .....
   (b) Police Station: .....
   (v) (a) Tahasil: .....
   (b) District: .....
   (c) State: .....
6. Number and date assigned by State Government to prospecting license-*cum*-mining lease.
   (a) Number.....
   (b) Date .....
7. Particulars of the Geologists /Mining Engineer-in-charge of prospecting operations:
   (i) Name and Address.....
   .....PIN.....
   (ii) Qualifications.....
   (iii) Date of Appointment .....
   (iv) Nature of Appointment …… (Whole time/ Part time)
8. Date of completion of prospecting operation or abandonment .....
9. Total surface area covered by prospecting work ……. (hectares).
10. Completion of prospecting work:
    (a) Pitting
    (i) Number of Pits .....
    (ii)Depth (metres): Average.....
    Maximum.....
    Minimum.....
    (b)Trenching
    (i) Number of Trenches.....
    (ii) Length (metres): Average.....

Maximum.....
Minimum.....

		Surface	Underground
(c)	Drilling:		
(i)	Number of boreholes completed	.....	.....
(ii)	Total Drilling (metres)	.....	.....

(d) Particulars of Drilling Machine:

Type	Make	Capacity	Number of Drills
….....	.....	.....	.....

(e) Exploratory mining, if any:

(1) Number of Levels.....
(2) Total Development (metres).....
(3) Mode of Entry .....
(4) Quantity of ore produced with grade.....

(f) Number of samples analyzed: …….

(1) Main constituent (please specify): .....
(2) Complete Analysis of all samples: .....

11. Parameters of the ore body identified:
(a) Number of bands/ seams:
(b) Dip:
(c) Strike:
(d) Structural details, if any (folds, faults, joint & fracture pattern etc.):
(e) Percentage of recovery of ore & sub-grade mineral:
(f) Ore: Waste ratio:

12. Reserves assessed (In UNFC format):

Place.....
Date.....

Signature.....
Name in Full.....
Designation.....
Owner/Agent/Mining Engineer/Manager

Note: - Please enclose a geological report describing the prospecting operations undertaken so far along with the detailed geological plans and sections showing locations of (a) boreholes, (b) pits,(c) trenches, (d) shafts, (e) Underground exploratory workings, (f) outcrops,(g) ore zones, (h) faults, (i) folds and other geological features.

The report shall contain in the borehole logs and interpretation and the inference drawn as a result of the study of the geology of the areas and the interpretation of the borehole cores, pits, trenches, assay data, reserves ago ore and contain results of complete analysis of at least two representative samples of ore and the blocks proposed for mining operations. The report shall also contain the results of any beneficiation study carried out on the ores or minerals of the area.

FORM - H

Intimation of opening/reopening of the mine/quarry

[*See* rule 12(6), 17(2) & 33(4)]

To

1. (a) The Deputy Director of Mines/ Mining Officer…… (location).
   (b) The Director of Mines, Odisha, Bhubaneswar.
   (c) The …….. (Secretary) to Government, Department of Steel & Mines, Odisha, Bhubaneswar.
   (d) The Collector…….. (District).
   (e) The Director of Mines Safety, Bhubaneswar/ Chainbasa.
2. (i) Name of the mineral :
   (ii) Name(s) of other minerals if any, for which lease has been granted :
3. Name of the Mine/Quarry :
4. Name and address of the Lessee /Owner:
5. Ownership of the mine
   (a) Public Sector (b) Joint Sector (c) Private Sector
6. Date of Opening /Reopening of Mine/Quarry …….
7. In case of Reopening, date of discontinuation……..
8. Particulars of the Mining Lease (ML)/ Quarry Lease (QL):
   (i) Date of Execution:
   (ii) Period _____years, from _____To _____
   (iii) Areas under Lease _____ hectares.
9. Location of the Mining Lease /Quarry Lease:
   (i) Village _____ Dist_____ Tahasil_____
   (ii) Post Office _____ P.S._____ Dist_____
   (iii) Nearest Railway Station_____ Distance_____
10. Name and address of the Previous Owner, if any, and the date of abandonment:

11. Particulars of Agent:
    Name and Address:
12. Particulars of Mining Engineer employed in the mines:
    (i) Name and Address:
    (ii) Qualification:
    (iii) Date of Appointment:
    (iv) Status of Employment: (Whole time or Part Time)
13. Particulars of the Mines Manager:
    Name and address:
    Certificate of Competency (1st Class/2nd Class/ Permit):
14. Letter No. And date through which the mining plan was approved
    Letter No. Date:

Place:
Date:

Signature
Name in Full:
Designation: Owner/Agent/Mining Engineer/Manager

FORM – I

Yearly report of Prospecting operation

[*See* rule 14(13)]

1. Type of specified minor minerals for which prospecting license-*cum*-mining lease has been granted:
   (a)
   (b)
2. Name and address of the licensee-*cum*-lessee:
3. Particulars of the prospecting license-*cum*-mining lease:
   i) Date of execution:
   ii) Period : Years: From: To:
   iii) Area under license-*cum*-lease: Hectares
4. Location of the area under prospecting license-cum-mining lease:
   i) Toposheet No:
   ii) Village:
   iii) Post office:
   iv) Tahasil:
   v) District:
   vi) Nearest railway station Distance (Km.)
5. Particulars of the Geologist or Mining Engineer employed, if any,
   i) Name and address:
   ii) Qualification :
   iii) Date of appointment:
   iv) Status of employment: Whole time Part time
6. Status of prospecting operation – In progress:
   Completed:
   Abandoned:
7. Total surface area covered by prospecting work (hectare):
8. Prospecting work completed during the year:
   a. Geological mapping: Area (hectare): Scale:
   b. Pitting (i) Number of pits:
      ii) Grid pattern:
      iii) Depth (m) Average:
      Maximum:
      Minimum:

c. Trenching i) Number of trenches (with interval):

ii) Length (m) Average:

Maximum:

Minimum:

d. Number and size of samples:

e. Drilling:

i) Number of boreholes completed during the year (with size of core):

ii) Number of boreholes in progress:

iii) Total yearly drilling (m):

f. Particulars of drilling machine – Type:

Make:

Capacity:

Number of drills:

g. Details of samples tested:

i) Number of samples tested:

ii) Complete report:

Place: Signature

Date: Name in full:

Designation:

Note:- Please enclose a geological report describing the prospecting operations undertaken so far accompanied by the detailed geological plans and sections showing structural details such as joints, fractures, folds, faults, grain size, texture, etc. and also showing location of (a) boreholes, (b) pits, (c) trenches, (d) sampling positions, etc. The report shall also contain borehole logs and the inferences drawn as a result of the study of the geology of the area and the interpretation of the borehole cores, pits, trenches, reserves of specified minor minerals and complete report of at least two representative samples indicating quality and suitability of the mineral for mining operations.

FORM - J

Monthly & Half yearly Return by the licensee-*cum*-lessee/ lessee

[*See* rule 26(18)]

For the month/half year ending.....20…..

Name(s) of the mineral:

1. Name and location of the
   Prospecting license-*cum*-mining lease/Mining lease:

   (a) Name of the Mine/Prospect:
   (b) Village:
   Taluka/Tahasil:
   District:
   State:
2. Name and address of Concessionaire:

   Name:

   Address:
3. Area in hectare: Date of Execution:

   Period (years): Date of starting of operations:
5. Number of days for which the mine/prospect was under operation during the month/half-year:
6. Indicate reasons(s) for work stoppage

   due to strike, lock-out, monsoon, non-availability of labour, less demand etc. and number of days of work stoppage for each of these factors.
7. Production of mineral,dispatches, stocks and pit's mouth value (Unit: cubic meter/ tonne):

Items	Total	Grade-wise/Size-wise break-up

Opening Stock:

Production:

Despatches:

Direct exports

Domestic sale/ testing purpose

Closing Stock:

Pit's Mouth Value (Rs):

Waste and Rejects (Unit: cubic meter/ tonne)			
Item			During the month/half year
(a) Quantity of waste generated as overburden			
(b) Quantity of incidental waste generated			
(c) Quantity of waste generated as mineral rejects.			
(d) Despatches of waste and rejects (in accordance with above classification)			
8. Mining Machinery used during the month/half-yearly period			
Type of Machinery	No. Of units	Engine Horse Power of each unit	No of hours worked
(a)			
(b)			
(c)			
(d)			

9. Details of prospecting operation, if any, undertaken during the month/half-yearly period:
   (a) Pitting :
   (b) Trenching :
   (c) Drilling :
   (d) Others :
10. Details of processing activity undertaken, if any:
11. Export of the mineral, if any :

	Quantity (MT)	Value (Rs.)
During the month		
During the half-yearly period		

12. Domestic sale of the mineral :

	Quantity (MT)	Value (Rs.)
During the month		
During the half-yearly period		

13. Reasons for increase/decrease in production during the current month/ half-year as compared to the preceding month/ half-year:

I certify that the information furnished above is correct and complete in all respects.

Place: Signature

Date: Name (in full):

Designation-Owner/ Agent/

Mining Engineer/ Manager.

FORM - K

Annual Return

[*See* rule 26(18), 33(15)]

(For the year 1st April, 20… to 31st March, 20…)

(To be submitted before 1st July of each year for the preceding year or within 90 days of the date of abandonment/surrender)

1. Name of mineral/ minerals :
2. Name and location of the mine/quarry:
   Name of the mine/quarry:
   Village:
   Tahasil:
   District:
   State:
3. Name and address of lessee/mine/quary owner:
   Name:
   Address:
4. Lease details
   Area in hectares: Date of Execution:
   Period (Years): Date of starting mining operations:
5. Number of days the mine/quarry worked during the year:
6. Indicate reason(s) for work stoppage: Reason No. of days
   Due to strike lock-out, monsoon,
   non-availability of labour less demand
   etc. and number of days of work stoppage
   for each these factors.

7. Employment of Qualification Personnel and Labour:

7.1 Number of Technical and Supervisory Staff:		
Description	Fully Employed	Party Employed
a. Mines Manager b. Graduate Mining Engineer c. Diploma Mining Engineer d. Other Technical Officer, if any e. Geologist f. Other administrative, clerical and technical supervisory staff :		
7.2 Labour Employment : Male: Female: Total: a. Average Daily Employment : b. Man-days worked : c. Wages(Rs.) :		

8. Production, Dispatches, Stock and Pit's Mouth Value:

8.1. Production of raw blocks during the year, dispatches, stocks and Pit's mouth value

(Unit: tonne/cum)

Items	Total	Grade-wise/Size-wise break-up
Opening Stock		
Production		
Despatches		
Direct Exports		
Domestic Sale		
Closing Stock		
Pit's Mouth Value (Rs.)		

8.2. Cumulative Production:

(Since opening of quarry in cum/tonne)

8.3. Sub-grade/ Presently non-saleable Ore:(Unit: cum/tonne)

Item	During the year	Cumulative Total
(a) Opening Stock		
(b) Quantity of sub-grade/ Presently non-saleable Ore generated		
(c) Dispatches of sub-grade/ Presently non-saleable Ore, if any.		
(d) Closing Stock		

8.4 Waste and Rejects (Unit: cum/tonne)

Item	During the year	Cumulative Total
(a) Quantity of waste generated as overburden		
(b) Quantity of waste generated incidental to mining		
(c) Dispatches of waste and rejects, if any		

9. Mining Machinery used during the year:

Type of Machinery	No. of units	Engine Horse Power of each unit	No.of hours worked
(a)			
(b)			
(c)			
(d)			

10. Reserves (in UNFC format):
11. Quantity and cost of material consumed during the year:
    (i) Fuel (Lt.)
    (ii) Electricity (KWH):
    (iii) Other Material:
12. Amount of rent and royalty paid (Rs.)
13. Annual Production (Last three years) (Quantity in tonne/cubic meter)
14. Exports (Last three years) (Quantity in tonne/cubic meter):
15. Reasons for increase/decrease in production during the current year as compared to the preceding year :

I certify that the information furnished above is correct and complete in all respects.

Place: Signature
Date: Name (in full):
Designation-Owner/Agent/Mining Engineer/Manager

Note:-

(a) In case there is stoppage of work indicate reasons for what stoppage and numbers of days of work stoppage.

(b) Average daily employment is obtained by dividing the number of man-days worked by the number of working days.

(c) Wage includes all cash payment including bonuses, employer's contribution to provident fund, welfare activities etc. Concessions in kinds should not be included in wages.

(d) The Pit's Mouth Value should represent the sale value of the granite at the pit-head. In case of sales effected on F.O.B. or any other basis, pit head sale value should arrived at after deducting all the expenses incurred from quarry/mine to railway station or port or other point of sale, as the case may be (such as expenses on transportation, loading and unloading charges, railway freight, sampling and analysis post handing, export duty and cess.)

FORM - L

Notice of change in the name of mine

[*See* rule 26(39)]

To

1. (a) The Deputy Director of Mines/ Mining Officer…… (location).
   (b) The Director of Mines, Odisha, Bhubaneswar.
   (c) The …….. (Secretary) to Government, Department of Steel & Mines, Odisha, Bhubaneswar.
   (d) The Collector…….. (District).
2. (i) Name of the mineral :
   (ii) Name(s) of other minerals if any, for which lease has been granted:
3. (i) Name of the Mine :
   (ii) Change in the name of mines, if any:
   (Indicate old name and reason of change)
4. Name and address of the Lessee /Owner:
5. Ownership of the mine
   (a) Public Sector (b) Joint Sector (c) Private Sector
6. Date of Opening /Reopening of Mine …….
7. In case of Reopening, date of discontinuation……..
8. Particulars of the Mining Lease (ML):
   (i) Date of Execution:
   (ii) Period _____years, from _____To _____
   (iii) Areas under Lease _____ hectares.
9. Location of the Mining Lease:
   (i) Village _____ Dist_____ Tahasil_____
   (ii) Post Office _____ P.S._____ Dist_____
   (iii) Nearest Railway Station_____ Distance_____
10. Name and address of the Previous Owner, if any, and the date of abandonment:

11. Particulars of Agent:
    Name and Address:

12. Particulars of Mining Engineer employed in the mines
    (i) Name and Address:
    (ii) Qualification:
    (iii) Date of Appointment:
    (iv) Status of Employment: (Whole time or Part Time)
13. Particulars of the Mines Manager:
    Name and address:
14. Letter No. And date through which the mining plan was approved
    Letter No. Date:

Place:
Date:

Signature
Name in Full:
Designation: Owner/Agent/Mining Engineer/Manager

FORM – M

Application for grant of Quarry Lease

[*See* rule 27(4)]

To

……..

Dated the 20

Sir,

1. I/We submit an application for a quarry lease for……..(mineral) for a term of …….. years over…….hectares of land in the area specified in the *Annexure* given below:-
2. A sum of Rs……. payable as fee (Non-refundable) for grant of such lease under sub-rule (4) of rule 27 of the Odisha Minor Mineral Concession Rules, 20…….. has been paid in the Government Treasury at…….and a receipted challan bearing No……. dated…….is enclosed.
3. The required particulars are given below:-
   i) An affidavit stating that no mining due payable under the Act and Rules made there under is outstanding against the applicant.
   ii) Where land belongs to private persons, consent of all such persons for grant of quarry lease.
   iii) Solvency certificate and list of immovable property from the Revenue Authority.
4. (i) Name and address of the applicant……...
   (ii) Nationality of the applicant……...
   (iii) Profession of the applicant…….
   (iv) Particulars of the areas, mineral wise, within the State for which the applicant or any person having joint interest with him……
      a) Already holds a quarry lease……
      b) Has already applied for a quarry lease but not granted ……
      c) Being applied for simultaneously……..
      d) Nature of joint interest, if any……
   (v) Means by which the minor minerals is/are to be raised, i.e. whether manual or mechanical.....
   (vi) Manner in which the minor mineral raised to be utilized-
      (a) For manufacture.....
      (b) For sale.....
      (c) Any other purpose.....
   (vii) Details of the plan boundary description and land schedule of the area applied for to be enclosed.

(viii) Has the applicant any previous experience in quarrying/mining? If yes, details should be given.....

(ix) Financial Resources of the applicant.

(a)

(b)

(x) Total investment in the operations anticipated.....

(xi) Any other particulars which the applicant wishes to furnish:

(a) Name of the village/Forest Block

(b) Whether the area belongs to Scheduled Area.

(c) Details of the area applied for in each Survey Number

(d) Full description of the area applied for with regard to nature features

(e) District.....

5. Rate of additional charge (per cubic meter) quoted-

N.B: The application shall be summarily rejected if the rate of additional charge quoted is less than the rate of additional charge specified in the notification.

I/We hereby declare that the particulars furnished above are correct and undertake to furnish any other details, plan, etc., as may be required by you.

Yours faithfully,

Place.....

Date..... Signature of the applicant

N.B: If the application is signed by an authorised agent of the applicant, the power of attorney should be attached.

FORM - N

Form of Quarry Lease

[*See* rule 27(13)]

THIS INDENTURE made this ..... day of .....20.....between the GOVERNOR OF ODISHA..... (hereinafter called the "Lessor") of the one part and (Name of person) .....of (address and occupation)..... (hereinafter called the "lessee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, assignees) of the other part.

WHEREASE the lessee has applied to the Competent Authority concerned for a quarry lease for .....(minor mineral) in accordance with the provisions of the Odisha Minor Minerals Concession Rules, 20……. in respect of the lands described in Part I of the Schedule and has deposited a sum of Rs.....as security.

AND WHEREAS the Competent Authority has communicated his approval to the grant of lease on the terms, covenants and conditions hereinafter contained.

NOW THIS INDENTURE witnesseth as follows:

The lessor hereby demises to the lessee the land described in Part I of the Schedule hereunder written and delineated in the map hereunto annexed.

The said demised pieces of land shall be held by the lessee for a term of .....years from the date on which this executed deed is registered under Indian Registration Act and Odisha Registration Manual, subject to the terms, convents, conditions hereinafter provided.

IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.

The schedule above referred to

PART-I

Location and area of the lease

Village Plot Nos.
Village/Forest Block
Tahasil/Forest Range
Area (in hectares)

As per plan annexed and bounded
On the North by
On the South by

On the East by

And on the West by

hereinafter called as "said lands"

PART- II

Terms and conditions of the lease

This lease is subject to the conditions laid down in rule 33 and also all other conditions pertaining to lease as provided in the Rules.

PART-III

Liberties, powers and privileges to be exercised and enjoyed by the Lessee

1. To enter upon and use the land, described in Part I of the Schedule during the term hereby demised to carry on all operations necessary for extraction, collection, stacking , processing, transport and disposal of minor mineral/minerals leased in natural or in processed/converted form.
2. To make roads, tram ways, install machineries, lay eclectic and telephone line, on and over the said lands.
3. To use water from streams, watercourses and springs in and upon the said lands in natural state or by means of impounding with the written permission of the Collector of the district.

PART-IV

Restrictions and conditions as to the exercise of liberties, powers and privileges in Part-II

1. No land shall be used for surface operations if objection is raised by the Competent Authority or the Collector of the district to the effect that use of the land will be detrimental to public interest.
2. The lessee shall not cut or injure any tree in the leased area falling within Reserved/Protected forest without prior permission of the Divisional Forest Officer or the officer authorized by him in this behalf and upon payment of royalty and fees for compensatory afforestation as may be specified.
3. The lessee shall undertake mining operation only in accordance with approved mining plan or scheme of mining, as the case may be.
4. The lessee shall not transport or store or cause to be transported or stored any specified minor mineral for the purpose of selling or trading otherwise than in accordance with these Rules and as may be specified under Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.

PART-V

Liberties, powers and privileges reserved to the State Government

The State Government or any officer, or persons authorized by it in that behalf has the liberty and power to enter into and upon the leased area to carry on any operation in

connection with survey, sampling, testing, quarrying, processing, stacking and transportation of mineral as may be deemed necessary.

PART-VI

Provision regarding Rents and Royalties

1. The lessee shall, during the subsistence of this lease pay to Government royalty in respect of the minor mineral removed by him from the leased area at the rates prescribed in Schedule II and surface rent at the rate prescribed in Schedule I.
2. All payments relating to rents, royalties, fees, etc., as provided under these rules shall be paid to the State Government free from all deductions, at the District Treasury/Sub-Treasury and in such manner as the Competent Authority may prescribe.
3. For the purpose of computing the royalty, the lessee shall keep correct account of the mineral produced, stacked and removed from the lease area and submit a return to the Competent Authority and Director in Form K & Form P.
4. The lessee shall pay royalty in advance and the differential amount, if any, on computation shall be paid by the end of the first fortnight of each half yearly period during the subsistence of the lease.
5. The lessee shall pay surface rent in advance and not later than 15th January and 15th July of each year.

   Signed by.....

   For and on behalf of Governor of Odisha, in the presence of

   1.

   2.

Signed by .....Lessee in the presence of

1.

2.

FORM - O
Preparation of Mining Plan for Quarry Lease by RQP

[*See* rule 28(4)]

MINING PLAN FOR WINNING OF _____ (RIVER SAND/LATERITE SLABS/MORRUM/ORIDINARY/ROADMETAL etc.) FROM_____ (NAME OF THE VILLAGE/FOREST etc.) UNDER_____PANCHAYAT, TAHASIL OF _____DISTRICT.

[CATEGORY :_____(B1/B2)
As specified by MoEF vide Notification
No. J-13012/12/2013-IA-II (I) dated 24.12.2013]

1. Name & Address of the lessee:
2. Particulars of the Area (Acreage, Boundary Description & Land Schedule): (Attach location map and surface plan showing the existing features of the area with contours at 2m interval):
3. Status of the Lessee: (Private Individual/ Private Company/Public Sector Undertaking/ Joint Sector Undertaking / Others):
4. Period of the concession : (from____ to_____)
5. Mineral intended to be won :
6. Name, Address & Registration No. of RQP preparing the mining plan with validity of recognition:
7. Order No. & date of Competent Authority granting the concession : (copy of the order to be attached) :
8. If, forest area, whether forest clearance obtained: (Attached copy of forest clearance)::
9. Reserves :

   (Estimation to be based on the exploration, if any, carried out in the area or on the local parameters)
10. Mining :
    (a) Whether manual or semi-mechanized or mechanized :
    (b) If semi-mechanized, number, type and capacity of machines to be used :
    (c) Whether drilling and blasting will be made use of , if yes, state monthly quantity of explosives to be consumed :
    (d) Benching pattern (Height x Width) :
    (e) Face lay out (attached development plan) :

(f) Quarry Floor level (RL) at the end of each year and at the end of period of the concession :

(g) Quantity of mineral to be won (Annual Level of Production) :

(h) Quantity of overburden to be removed(Show location of such disposal in development plan :

(i) Whether heavy blasting to be adopted if yes, location of nearest habitation (to be shown in the surface plan) :

(j) Safety precautions to be adopted :

(k) Brief description on method of procurement and storage of explosive :

11. Waste Disposal : :

(a) Location (show it in the development plan)

(b) Area covered :

(c) Environment safeguards for such disposal :

12. Mine Drainage:
(Give details of total make of water during dry and rainy season and its method of handling) :

13. Mineral Processing : :
(Give details processing including sizing, sorting, generation of Reject/fines etc. :

14. (a) No. of tress to be uprooted due to mining operation :

(b) Programme of Plantation :

15. Manpower : :

(a) Supervisory :
(inclusive of statutory personnel) :

(b) Non-Supervisory (skilled, semi-skilled & unskilled) :

(c) OMS :

16. Use of Mineral:
(Specification and monthly quantity to be dispatched to be furnished):

(a) For domestic use :

(b) For export :

17. Mine Closure Plan:

(a) Describe the process/activities to be undertaken for reclamation and rehabilitation in respect of the following :

i) Mined out land :

ii) Waste/reject dump :

iii) Top-soil stack and its utilization :

(b) Financial Assurance :

(To be furnished as a bank guarantee in respect of the area to be put to use at the rate of Rs._____per hectare) :

18. Certificate

I/We, the holder of _____(type of concession) for _____ (mineral) over_____hects.,in _____(village/forest) under_____Panchayat,_____Tahasil of _____District hereby solemnly affirm that the plans and programmes in this mining plan will be scrupulously implemented by me/us and I/we will be strictly held responsible for any deviation thereof, I/We also hereby certify that the provisions of Mines and Minerals (Development & Regulation) Act, 1957, and the Mines Act, 1952 and Rules and Regulations made under these Acts, along with the provisions of Odisha Minor Mineral Concession Rules, 20…. will be strictly adhered to while implementing this mining plan and wherever specific permissions will be required, I/We will approach the concerned authorities of Directorate General of Mines Safety and the State Government, as the case may be.

(Signature of the Concessionaire)

FORM - P

Quarterly return of Minor minerals other than specified minor minerals

[*See* rule 33(15)]

For the quarter ending.....20…….

1. Name of the mineral:
2. Name and location of the Quarry:

   Name of the Quarry:

   Village:

   Post office:

   Tahasil:

   District:
3. Name and address of lessee/Quarry owner:

   Name:

   Address:
4. Lease details:

   Area in hectares: Date of Execution:

   Period (Years): Date of starting quarrying Operations:
5. Number of days the quarry worked during the quarterly period:
6. Indicate reason(s) for work stoppage:

   Number of days:

   Reasons: (i)

   (ii)
7. Production, despatches, Stocks and Pit's mouth value (Unit: tonne/cubic meter):

Items	Total in the quarter
Opening Stock	
Production	
Despatches	
Closing Stock	
Pit's Mouth Value (Rs.)	

8. Quantity of waste and rejects generated, if any, (Unit: cubic meter)
9. Quantity consumed in the quarry lease area, if any. (Unit: cubic meter)
10. Particulars of machineries equipments used:
11. Particulars of explosives used, if any

12. Average number of persons employed daily:

    Male: Female: Total:

13. Rents and royalty paid (Rs.):

14. Dimension of the quarry (in meter)

    Length: Width: Depth (Maximum):

15. Any other information:

I certify that the information furnished above is correct and complete in all respects.

Place: Signature

Date: Name (in full):

Designation-Owner/Agent/Manager

Note: The return shall be furnished by the 15th of the month succeeding the quarter.

FORM - Q

Application for Quarry Permit

[*See* rule 34]

Dated the .....20.....

To

.....

.....

Sir,

1. I/We submit an application for quarry permit for..... (mineral) a term of ..... months over.....hectares of land in the area specified in item 3(viii) below.
2. A sum of Rs…….. (rupees …… only) (non-refundable) payable as fee for grant of such permit under rule 34 of OMMC Rule, 20….. has been paid in the Government Treasury at..... and the receipted challan is enclosed.
3. The required particulars are given below.
   - (i) Name and address of the applicant:
   - (ii) Nationality of the applicant:
   - (iii) Profession of the applicant:
   - (iv) Quantity of minor mineral required to be extracted and removed (in tonnes/ cubic metres):
   - (v) Minor mineral is to be raised manually or mechanically:
   - (vi) Manner in which the minor mineral raised is to be utilised:
   - (vii) Particulars of the receipted treasury challan for the fee :
   - (viii) Plan in 16"=1 mile scale (Cadastral village map) and Land Schedule of the area from which the minor mineral are to be extracted and removed is to be enclosed :
   - (ix) If the land applied for belongs to private land owners, written consent of the owners permitting diversion of his land for extraction of minor mineral under quarry permit to be enclosed :
   - (x) An undertaking by the applicant that he agrees to abide by the conditions governing extraction and removal of minor mineral under a quarry permit to be enclosed :
   - (xi) Any other particulars which the applicant wishes to furnish:

   I/We hereby declare that the particulars furnished above are correct and undertake to furnish any other details, plan etc., as may be required by you.

Place: Yours faithfully,
Date:

Signature of the applicant

N.B. - If the application is signed by an authorized agent of the applicant, the power-of-attorney should be attached.

FORM - R

Grant of Quarry Permit

[*See* rule 35(1)]

Quarry Permit No.....

Date.....

Whereas, Shri..... applied for grant of quarry permit for extraction and removal of .....tonne/cubic metre of .....(minor mineral) from Plot No.....of .....Village/Forest Division under rule 34 of the Odisha Minor Mineral Concession Rules, 20……. and has paid an application fee of Rs..... , permission is hereby granted to quarry, collect and remove.....tonne/cubic metre of ….....(mineral) from the aforesaid area or areas indicated on the plan annexed hereto on the following condition and on payment of advance royalty amounting to Rs .....calculated at the rate of Rs.....per tonne/cubic metre (as specified in Schedule I to the Odisha Minor Mineral Concession Rules, 20…...

(1) The permit shall be valid for..... months/days from.....to.....

(2) The permit holders shall abide by the conditions provided in rule 37 of the Odisha Minor Minerals Concession Rules, 20…….

Signature of the Competent Authority/authorized officer.

To

Shri.....

Copy to-

The Director of Mines, Odisha, Bhubaneswar

The Collector.....district,

The Divisional Forest Officer.....

FORM - S

Particulars of Quarry Permit

[*See* rule 37(4)]

1. Quarry Permit No. Date:
2. Name of the Permit Holder(s) with address:
3. Name of mineral:
4. Quantity of mineral permitted for extraction and removal in cubic meter/tonne:
   (a) Permitted Quantity: (b) Removed Quantity:
5. Period of validity of the permit: Form dt.: To dt.:
6. Production of mineral in cubic meter/tonne:
7. Despatch of mineral in cubic meter/tonne:
8. Royalty and Surface Rent due for payment (in Rs.):
9. Details of payment of royalty with treasury challan No. and date:
10. Number of man-days worked for production:
11. Pit's Mouth Value (Rs. Per cum/tonne.):
12. Sale Price at quarry site (Rs. Per cum/tonne.):
13. Date of surrender of the permit to the Competent Authority:

I/We declare that the above information are correct.

Place: Signature of the permit holder

Date:

Note- The particulars shall be furnished to the Competent Authority and authorized officer on his behalf.

FORM - T

Register of Quarry Permit

[*See* rule 38]

Sl. No.	Name and address of Permit Holder	Date of application	No. and date of order of grant	Mineral/ Minerals	S.No. / S.Nos.	Village/Forest Ranges	Tahasil
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Quantity Permitted	Details of royalty received	Date of expiry of Permit	Quantity removed under the Permit	Whether all dues have been recovered	Remarks	Signature of officer
(9)	(10)	(11)	(12)	(13)	(14)	(15)

FORM – U

Register of Prospecting license-*cum*-Mining lease

[*See* rule 43(5)]

Sl. No.	Name and address of the licensee-*cum*-lessee	Date of applicat-ion	No. and date of grant order	Date of execution	Date of registration	Period of Prospecting	Mineral/Minerals
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Sl. No.	Village/ Forest Ranges	Tahasil/ Subdivis-ion /District	Area in hects.	Details of security deposit	Date of Commenc ement of prospecting operation.	Date of expiry/ surrender/Dete rmination of the license-*cum*-lease	Details of refund of Security deposit	Signature of officer	Re ma rk
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

FORM - V

Register of Mining Lease

[*See* Rule 43(5)]

Sl.No.	Name and address of the lessee	Date of application	No. and date of grant order	Date of Execution	Date of registration	Period of lease	Mineral/ Minerals
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Village/ Forest Range	Tahasil/ Sub-division/ District	Area in Hects.	Details of security deposit	Date of commencement of mining operations	Date of expiry/Surrender/Determination of lease	Transfer of Mining Lease		Details of refund of security Deposit	Signature of Officer	Remark
						Date	Name and address of the transferee			
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)

FORM - W

Register of Quarry lease

[*See* rule 43(5)]

Sl. No.	Name and address	Date of application	No. and date of grant order	Date of execution	Date of registration	Period of lease	Mineral/ Minerals	Village/ Forest Ranges
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Tahasil/ Sub-divisions/ District	Area in Hects.	Detail of security deposit	Date of commencement of quarrying operation	Date of expiry/surrender/determination of lease	Transfer of Quarry Lease		Details of refund of Security Deposit	Signature of Officer	Remarks
					Date	Name and address of the transferee			
(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)

FORM - X

Form of Appeal

[*See* rule 46(1)]

(To be submitted in triplicate)

1. Name and address of the individual /firm/company …….....

2. (a) Full details of the order and the authority passing the order against which the appeal or revision application is made (certified copy to be enclosed) …….....
   (b) Date of communication of the above order:

3. Minerals/Minerals forming the subject matter of the appeal.....

4. Details of the area in respect of which the appeal is filed (A plan of the area to be attached).

Sl. No.	District/ Forest Division	Tahasil/Forest Range	Village/Forest Block

5. Is the appeal filed within one month of the date of the order of the Competent Authority/Controlling Authority?

6. If not, the reasons for not presenting it within the prescribed time.

7. (a) Name and complete address of the party/parties impleaded.
   (b) Reasons for impleading him/ them shall be mentioned.
   (c) An additional copy of the appeal application for each impleaded party is to be submitted.

8. Has the applicant deposited the amount, if any, assessed in accordance with provisions of Odisha Minor Mineral Concession Rules, 20…..as per the orders appealed ? If so, the details thereon.

9. If the application is signed by an authorized agent of the applicant, an attested copy of power of attorney shall be attached.

10. Whether application fee of rupees one thousand has been deposited ? If so, original receipted challan no.....dated.....of the State Bank of India/Treasury.....is enclosed.

Place:
Date:

Signature and designation of the applicant

FORM - Y

GOVERNMENT OF ODISHA

.....DEPARTMENT

Transit Pass for Minor Minerals

[*See* rule 58(1)]

Book No..... Pass No.....
Date.....

Name of the Mining Lease/ Quarry Lease.....

Name of the licensee-*cum*-lessee /lessee/Permit

Holder.....

Destination.....Route.....

Minor Mineral

Quantity Permitted (Cum /Tonne)

Measurement of Mineral in

The Carrier Length (m) Breadth(m) Height(m)

Cubic Content (Cum.)

Weight of the Vehicle (Tonne) Gross Tare

Weight of Mineral (Tonne)

Signature of the person Issuing with date

Signature of the carrier driver with date

Signature of the checking staff with date

Signature of the person Receiving with date

Signature of the supervising officer/Competent Authority With date

Office Seal

FORM - Z

Annual return by the Competent Authority and Deputy Director or Mining Officer

[*See* rule-58(7)]

For the year 1st April 20…..to 31st March, 20……

District:

Sub-Division:

Tahasil:

Forest Division:

Mining Circle:

(For each revenue district separate forms shall be used)

Sl. No.	Item	Name of minor minerals (Use one column for each mineral)					
		Specified minor minerals	Sand	Laterite			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

1. No. of grant of
   (a) Mining Leases
   (b) Quarry Leases
   (c) Quarry permit
2. No. of subsisting
   (a) Mining Leases
   (b) Quarry Leases
   (c) Quarry permit
3. Production (cum/tonne)
   (a) Mining Leases
   (b) Quarry Leases
   (c) Quarry permit

Total

---

4. Despatches (cum/tonne)
   (a) Mining Leases
      (i) For export
      (ii) For domestic use
   (b) Quarry Leases
   (c) Quarry permit

Total

---

5. Revenue (Rs.)
   (a) Mining Leases
      (i) Dead Rent/Royalty
      (ii) Additional charge
      (iii) Amount towards District Mineral Foundation
   (b) Quarry Leases
      (i) Dead Rent/Royalty
      (ii) Additional charge
      (iii) Amount towards District Mineral Foundation
   (c) Quarry permit (Royalty)
   (d) Surface Rent
   (e) Application fee
   (f) Miscellaneous

Total

---

6. Average number of persons employed daily during the year
7. Pit's Mouth Value

Signature of the Competent Authority/
Deputy Director/Mining Officer

SCHEDULE - I

[*See* Rule 25(2) and 32(2)]

Surface rent

For all minerals	Rs.360.00

Dead rent

		Per hectare Per annum
(a)	Specified minor minerals	
	(i) Specified minor minerals other than decorative stone	Rs.5000.00
	(ii) Black granite	Rs.53,500.00
	(iii) Coloured and multi-coloured granite	Rs.35,500.00
	(iv) Other stones/rocks like khondalite, Sandstone, limestone other than classified as major minerals used for Decorative and monumental purposes	Rs.28, 500.00
(b)	All other minor minerals except specified minor minerals	
	(i)Boulders, metals, chips, ballast, sandstone, laterite, slab and other rocks and minerals used in civil construction and stone crushers for sizing; limestone lime shell and lime kankarother than classified as major mineral; bentonite, fuller's earth, stone used for household utensils	Rs.18,000.00
	(ii) Ordinary clay, silt, ordinary sand, rehmatti, brick-each, Ordinary earth, moorum, quartzite, slate shale, shingles, gravels,pebbles and chalcedony	Rs.10,500.00

SCHEDULE - II

[*See* Rule 25(5) and 32(2)]

Royalty

		Rate of Royalty Per tonne/cubic meter
1.	Agate	Twelve percent of average sale price on ad valorem basis
2.	Ball Clay	
	Crude	Eight percent of average sale price on ad valorem basis
	Processed	Twelve percent of average sale price on ad valorem basis
3.	Barytes	Six and half percent of average sale price on ad valorem basis
4.	Calcareous Sand	Twelve percent of average sale price on ad valorem basis
5.	Calcite	Fifteen percent of sale price on ad valorem basis
6.	Chalk	Twelve percent of sale price on ad valorem basis
7.	China clay	
	Crude	Eight percent of average sale price on ad valorem basis
	Processed	Twelve percent of average sale price on ad valorem basis
8.	Clay (Others)	Rupees seventy per cubic metre
9.	Corundum	Twelve percent of average sale price on ad valorem basis
10.	Diaspore	Twelve percent of average sale price on ad valorem basis
11.	Dolomite	Seventy five rupees per tonne
12.	Dunite or Pyroxenite	Thirty rupees per tonne
13.	Felsite	Twelve percent of average sale price on ad valorem basis
14.	Feldspar	Fifteen percent of average sale price on ad valorem basis
15.	Fireclay	Twelve percent of average sale price on ad valorem basis
16.	Fuschite Quartzite	Twelve percent of average sale price on ad valorem basis
17.	Gypsum	Twenty percent of average sale price on ad valorem basis
18.	Jasper	Twelve percent of average sale price on ad valorem basis
19.	Kaolin	
	Crude	Eight percent of average sale price on ad valorem basis
	Processed	Twelve percent of average sale price on ad valorem basis
20.	Laterite	
	Non-metallurgical grade (Other than in shape of slabs)	Twenty five percent of average sale price on ad valorem basis
	Metallurgical grade (Other than for those despatched for use in alumina and aluminium metal in shape of slabs)	Zero point six zero percent of London Metal Exchange price chargeable on the contained aluminium metal in ore produced extraction.

21.	Limekankar (Other than that used in kilns for manufacture of lime used as building material)	Rupees one hundred thirty per tonne
22.	Mica	Four percent of average sale price on ad valorem basis
23.	Ochre	Twenty four rupees per tonne
24.	Pyrophyllite	Twenty percent of average sale price on ad valorem basis
25.	Quartz	Fifteen percent of average sale price on ad valorem basis
26.	Quartzite	Twelve percent of average sale price on ad valorem basis
27.	Sand (Others)	Rupees seventy per tonne
28.	Shale	Eighty rupees per tonne
29.	Silica Sand	Ten percent of average sale price on ad valorem basis
30.	Slate	Forty five rupees per tonne
31.	Steatite or Talc or Soapstone	Eighteen percent of average sale price on ad valorem basis
32.	Ordinary sand	Rupees thirty five per cubic meter
33.	Ordinary clay,slit, rehmatti, brick-earth, ordinary earth,moorum	Rupees thirty five per cubic meter
34.	Sandstone, Laterite and Slate in shape of slabs and tiles	Rupees one hundred and eighty per cubic meter
35.	Bentonite,Fuller'earth	Rupees four hundred and forty five per cubic meter
36.	Chalcedony,shingles, gravels,pebbles of all types	Rupees one hundred and eighty per cubic meter
37.	Ordinary boulders used for road and civil constructions.	Rupees one hundred and thirty per cubic meter
38.	Road materials including ballast and chips.	Rupees one hundred and thirty per cubic meter
39.	Bajri and crusher fines	Rupees thirty five per cubic meter
40.	Stones used for household utensils	Rupees two hundred and seventy per cubic meter
41.	Limestone and limekankar used in kilns for manufacture of lime used as building material and limeshell	Rupees one hundred and eighty per cubic meter
42.	Stones chips and bajri other than of marble used as mosaic in flooring	Rupees two hundred and fifteen per cubic meter
43.	(a) Marble blocks and slabs	Rupees one thousand and six hundred per cubic meter
	(b) Marble chips and power	Rupees two hundred and seventy per cubic meter

44. Decorative stone:

(i)	Black granite exceeding 0.50 cum.	Rupees three thousand nine hundred and twenty five per cubic meter
(ii)	Coloured and multi-coloured granite exceeding 0.50 cum.	Rupees three thousand two hundred and fifteen per cubic meter
(iii)	Cut or dressed granite blocks useful for tiles for size less than 0.50 cum.	Rupees one thousand four hundred and thirty per cubic meter
(iv)	All other rocks when used for decorative and monumental purposes.	Rupees five hundred and thirty five per cubic meter
(v)	Limestone other than classified as major minerals.	Rupees one thousand and seventy per cubic meter

SCHEDULE - III

[*See* rule 2(g)]

	Minerals	Controlling Authority
1.	(i)Specified minor minerals	Government in Steel & Mines Department
	(ii) Ordinary clay, silt, rehmatti, ordinary sand other than used for industrial and prescribed purposes, brick-earth, ordinary earth, moorum, laterite slabs, ordinary boulders, road metals including ballasts, chips, bajri and rock fines generated from stone crushers, gravels of ordinary stones and river shingles and pebbles.	
	(a) When occurring in non-forest land	Collector of the District
	(b) When available in any forest area	Principal Chief Conservator of Forests, Odisha
2.	Minor mineral other than those specified in item (i) above regardless of location and all minor minerals occurring in areas granted under mining lease for major minerals.	Director

SCHEDULE – IV

[*See* rule 2(f), 48]

Jurisdiction	Power to be Exercised	Competent Authority	Department
(1)	(2)	(3)	(4)
1. Specified Minor Minerals	(a) For Mining Lease	Deputy Director of Mines/Mining Officers of respective jurisdiction	Steel & Mines
	(b)For Prospecting License-*cum*-Mining Lease	Deputy Director of Mines/Mining Officer of respective jurisdiction	Steel & Mines
2. Minor Minerals other than Specified Minor Minerals	(a) For Quarry lease		
	(i) when occurring within village. Boundaries	Tahasildar	Revenue Deptt.
	(ii) when occurring within the Forest area	Divisional Forest Officer	Forest & Environment Deptt.
	(b)For Quarry Permit	Deputy Director Mines/ Mining Officer of Respective jurisdiction	Steel & Mines

[No.10221/2016/SM.]

By Order of the Governor

R. K. SHARMA
Principal Secretary to Government

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By email

GOVERNMENT OF ODISHA

REVENUE & DISASTER MANAGEMENT DEPARTMENT

DIRECTORATE OF MINOR MINERALS

*****

No. RDM-DRTMM-EXINST-0001-2022 12796 /R &DM, Date: 25 APR 2022

From

Shri Shubham Saxena, IAS

Director, Minor Minerals

To

All Collectors

Sub: Notification of Odisha Minor Mineral Concession (Amendment) Rules, 2022

Sir,

In inviting a reference to the subject cited above, I am directed to say that the Odisha Minor Mineral Concession (Amendment) Rules, 2022 has been notified by Steel & Mines Department and published in the Odisha Gazette bearing No. 2937/SM dt. 31.03.2022. The same is also being uploaded in the official website of Revenue & DM Department. A copy of the same is enclosed herewith for ready reference.

You are, therefore requested to instruct all the field functionaries under your jurisdiction to follow the amended rules in administration of minor mineral sources with immediate effect.

Yours faithfully,

25/04/2022

Director, Minor Minerals

Memo. No. 12797 R&DM Dated: 25 APR 2022

Copy along with Odisha Minor Mineral Concession (Amendment) Rules, 2022 forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ All Revenue Divisional Commissioners for kind information and necessary action.

25/04/2022

Deputy Director (Tech-Geology)

P.T.O.

Memo. No. 12798 /R&DM Dated: 25 APR 2022

Copy along with Odisha Minor Mineral Concession (Amendment) Rules, 2022 forwarded to all ADMs/ all Sub-Collectors/ all Tahasildars for kind information and necessary action.

25/04/2022

Deputy Director (Tech-Geology)

Memo. No. 12799 /R&DM Dated: 25 APR 2022

Copy forwarded to Joint Secretary, MMS, R&DM Department for kind information.

25/04/2022

Deputy Director (Tech-Geology)

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 623 CUTTACK, THURSDAY, MARCH 31, 2022/ CHAITRA 10, 1944

STEEL & MINES DEPARTMENT

NOTIFICATION

The 31st March, 2022

No.2937–SM-MC2-SMP-0002/2021/SM.— In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act., 1957 (67 of 1957), the State Government do hereby make the following rules further to amend the Odisha Minor Mineral Concession Rules, 2016, namely:—

1. (1) These rules may be called the Odisha Minor Mineral Concession (Amendment) Rules, 2022.

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

2. In the Odisha Minor Mineral Concession Rules, 2016, (hereinafter referred to as the said rules), in rule 16,—

(i) for sub-rule (3) excluding *Explanation*, the following sub-rule shall be substituted, namely :—

(3) The applicant having a net worth of less than one percentum of the value of estimated mineral resources shall not be eligible for participating in the auction process for grant of a mining lease:

Provided that, the net worth requirement shall not exceed fifty crore rupees.

(ii) for sub-rule(10), the following sub-rule shall be substituted, namely :—

"(10) The selected bidder shall, convey his acceptance of the terms and conditions within fifteen days of such intimation and deposit a sum equivalent to zero point two five percentum (0.25) of the value of estimated mineral

resources, subject to a maximum of ten crore rupees, towards part of security deposit and such deposit along with the earnest money, shall be held as, interest-free security deposit for due observance of the terms and conditions of the mining lease."

3. In the said rules, in rule 27, in sub-rule (4), for clause (iv), the following shall be substituted, namely :-

"(iv) Income Tax Return of previous financial year showing annual income for an amount not less than the amount of additional charge offered and the royalty payable for the minimum guaranteed quantity for one whole year or Bank guarantee valid for a period of eighteen months for the amount not less than the amount as above."

4. In the said rules, in rule 35, –

(i)in sub-rule (1), after the words "Schedule-II" and before the words "and compensatory afforestation " the following comma and words shall be inserted, namely :–

", additional charge"

(ii) after sub-rule (2), the following sub-rule shall be inserted, namely :–

"(3) The Additional charge provided under sub-rule (1) will be the average of highest bid price received and executed in respect of five nearest sources of the same minor mineral during last three to five years in the same Tahasil or nearby Tahasil of the same District or of the nearby District :

5. In the said rules, for rule 36, the following rule shall be substituted by namely: –

"36. Duration of quarry permit .– The period of quarry permit shall be as per the project period and shall be usually for three (3) months which can be extended up to one year or more by the competent authority not exceeding the project period relating to which the permit has been granted. In case of extension of the project period the permit can be re-issued by the Competent Authority for the extended period."

6. In the said rules, in rule 45, in sub-rule (1), for the words and comma "lease has been granted through auction", the words and comma "lease has been granted", shall be substituted.

By Order of the Governor
DEORANJAN KUMAR SINGH
Principal Secretary to Government

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No. 244, CUTTACK, FRIDAY, JANUARY 20, 2023 / PAUSA 30, 1944

STEEL & MINES DEPARTMENT

NOTIFICATION

The 19th January, 2023

No.581–SM-MC3-PAGG-0004/2023/S&M– In exercise of the powers conferred by Section 15 (1) of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act, 1957), the State Government have formulated Odisha Minor Minerals Concession Rules, 2016 (OMMC Rules, 2016) for regulating the grant of mineral concessions in respect of minor minerals and for the purposes connected therewith in the State.

With a view to formulating policy in respect of extraction of minor minerals from private land under Odisha Minor Minerals Concessions Rules,2016, the State Government have been pleased to enunciate the following principles;

Rule 4 (11) of Odisha Minor Minerals Concessions Rules, 2016 provides grant of mining lease of minor minerals over private land with the consent of the land owner in the form of a duly sworn in affidavit.

Rule 52 describes payment of annual compensation as determined by authorized officer of the State Government to the occupier of surface right.

Rule 34 (c) states grant of quarry permit to State Agencies or project proponent for public purpose over private land with consent of land owner following due procedure.

The above provisions would facilitate smooth supply of minor mineral materials to the executing agencies in addition to minor mineral sources over Government land.

By Order of the Governor
DEORANJAN KUMAR SINGH
Additional Chief Secretary to Government

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