
¹[GSR 119: - In exercise of the powers conferred by section 15 of the Mines and Minerals (Development & Regulation) Act. 1957, (Central Act 67 of 1957), the State Government hereby makes the following rules for regulating the grant of quarry licences, mining leases and other mineral concessions in respect of minor mineral and for purposes connected therewith namely:-

THE RAJASTHAN MINOR MINERAL

CONCESSION RULES, 1986

(Amended up to 19 June, 2012)

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CHAPTER - I**Preliminary****1 Short title, extent and commencement:-**

- (1) These rules may be called The Rajasthan Minor Mineral Concession Rules, 1986.
- (2) They shall extend to the whole of the State of Rajasthan including the areas in which Bapi and proprietary rights are claimed.
- (3) They shall come into force on the date of their publication in the Rajasthan Gazette.

2 Repeal and Savings:-

The Rajasthan Minor Mineral Concession Rules, 1977 are hereby repealed.

Provided that any thing done or any action taken under the provisions of the rules so repealed shall be deemed to have been done or taken under the provisions of these rules.

3 Definitions:-

- (1) In these rules, unless the context otherwise requires:
 - (i) “Act” means the Mines and Minerals (Development & Regulation) Act, 1957 (Central Act 67 of 1957);
 - (ii) “Appellate Authority” means the Government or any other authority vested with such powers under these rules or any other authority empowered by the Government to perform such functions;
 - (iii) “Assessee” means a person holding a mining lease or a short term permit and includes any other person who has excavated, removed or used or is excavating, removing, processing or using minor mineral or minerals save as exempted under rule 58;
 - (iv) “Assessing Authority” means Superintending Mining Engineer / Mining Engineer or Assistant Mining Engineer and shall include Superintending Mining Engineer (Vigilance), ¹[Mining Engineer (Vigilance) and Revenue Intelligence Officer of State Director of Revenue Intelligence (SDRI);]

1. Substituted by Rajasthan Gazette Extra Ordinary dated 30/05/2011

- ¹[(v) “Assessment Year” means the period beginning from the first day of April and ending on the thirty first day of March of the following year or part thereof];
- (vi) “Assistant Mining Engineer” means Assistant Mining Engineer of the Department of Mines & Geology, Rajasthan having jurisdiction over the area concerned as may be fixed by the Government from time to time.
- ²[(vi-a) “Boundary Pillar” means cemented pillar of size 0.6m x 0.6 m. having one meter height and 0.5 meter foundation painted with the yellow paint and marked lease / licence / prospecting licence number and pillar number by black paint.]
- (vii) “Brick earth” means earth used for making bricks. Kavelus and earthen pots and shall include all types of earth used for construction of dams, canals, roads, rail embankments and other identical purposes;
- (viii) “Building stone” means any rock or mineral which is used as building or construction material and includes such Minerals as specified in the schedule-I;
- ³[(viii-a) “Cluster” means the geographical boundary declared by the Director comprising of mining leases/quarry licences/short term permits which already exists or to be granted in future. The area of a cluster declared by the Director, as far as possible, shall not exceed 50 sq kms and mineral concessions area at the time of formation of cluster shall not exceed 100 hectare;]
- (ix) “Competent Authority” means the Government or any other authority authorised by the Government to carry out the provisions of these rules;
- (x) “Dead Rent” means the minimum guaranteed amount of royalty per year payable as per rules of agreement under a mining lease;
- ⁴[(x-a) “Dealer” means any person who carries on the business of buying, selling, supplying, distributing or processing of minerals directly or otherwise whether for cash or for deferred payment or for commission remuneration or other valuable consideration];
- (xi) “Department” means the Department of Mines and Geology, Government of Rajasthan;

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1. Substituted by Rajasthan Gazette Extra Ordinary dated 16/09/2000
 2. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011
 3. Inserted by Rajasthan Gazette Extra Ordinary dated 19/06/2012
 4. Inserted by Rajasthan Gazette Extraordinary dated 29/08/1996
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(xii) “Director” means Director of Mines & Geology, Rajasthan and includes Additional Director also;

¹[(xii-a) “e-tender” or "e-auction" means the use of information and communication technology (specially the internet) for conducting the procurement of goods / works / services or tender or auction for mining lease or royalty collection contract or excess royalty collection contract. The complete tendering process including advertising, issuance of bidding document, receipt of bids, bid opening, clarification and modification, financial evaluation of bids and notification;

Note: For clarification of doubts, pre-qualification, pre-bid conference, technical evaluation and negotiation, if required and permitted under these rules shall be conducted manually.]

²[(xii-aa) "Environment" and "Environmental Pollution" shall have the same meanings, as assigned to them in the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986);

(xii-b) "Environment Management Plan (EMP)" means a plan submitted by association of lessees / licencees / short term permit holders falling in a cluster which is prepared by recognised person and approved by the district level environment committee for providing environmental safeguards;]

(xiii) “Excavation” means digging and / or collecting of minor minerals from any land;

³[(xiii-a) “Excess Royalty Collection Contract” means a contract for specified mineral(s) and area given to collect royalty in excess of annual dead rent, on behalf of the Government from the holder of mining lease(s) under the contract where under the contractor shall pay a fixed amount annually to the Government as per terms of the contract];

¹[(xiii-b) "Family” means husband, wife and their dependent children;]

²[(xiii-c) “Final mine closure plan” means a plan for the purpose of decommissioning, reclamation and rehabilitation in the mine, cluster or part thereof after cessation of mining and mineral processing operations that has been prepared in the manner specified and in the standard format as per the guidelines issued by the Indian Bureau of Mines or State Government;

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011
2. Inserted by Rajasthan Gazette Extra Ordinary dated 19/06/2012
3. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

- (xiii-d) “Financial Assurance” means the sureties furnished by the holder of mining lease / quarry licence / short term permit to the competent authority so as to indemnify the authorities against the reclamation and rehabilitation cost;
- (xiii-e) “Mine Closure” means steps taken for reclamation, rehabilitation measures taken in respect of a mine or part thereof commencing from cessation of mining or processing operations in a mine / cluster or part thereof;]
- (xiv) “Mining Engineer” means Mining Engineer of the Department of Mines and Geology, Rajasthan having jurisdiction over the area concerned as may be fixed by the Government from time to time;
- (xv) “Mining Engineer (Vigilance)” means the Mining Engineer (Vigilance) of the Department of Mines and Geology, Rajasthan having jurisdiction over the area concerned, as may be fixed by the Government from time to time;
- ¹[(xv-a) "Mining Plan" means a mining plan prepared under these rules and duly approved by the competent authority for the development of minor mineral deposits in the area concerned and includes simplified mining scheme required to be submitted as per the provisions of these rules;]
- (xvi) “Forms” means forms appended to these rules;
- (xvii) “Government” means the Government of Rajasthan;
- (xviii) “Mines Foreman Gr. I and Mines Foreman Gr. II” means Mines Foreman of the Department of Mines & Geology, Rajasthan having jurisdiction fixed by the Mining Engineer / Assistant Mining Engineer from time to time;
- ¹[(xviii-a) “Progressive mine closure plan” means a plan, for the purpose of providing protective, reclamation and rehabilitation measures in a mine or part thereof that has been prepared in the manner specified and in the standard format as per the guidelines issued by the Indian Bureau of Mines or State Government;]
- (xix) “Quarry Licence” means a licence granted under these rules wherein a licensee is required to pay fixed annual licence fee exclusive or inclusive of royalty, as the case may be;

- ¹[(xix-a) "Recognised person" means a person to whom recognition is granted, by the Director or officer authorised by him, under these rules or a person recognised under rule 22B of the Mineral Concession Rules, 1960 to prepare mining plan;]
- (xx) "Royalty" means the charge payable to the Government in respect of the ore or mineral excavated, removed or utilized from any land as prescribed in schedule-I;
- (xxi) "Royalty Collection Contract" means a contract for the specified mineral or minerals given to collect royalty ²[with or without permit fee as the case may be] on behalf of the Government from the quarry licensees and short term permit holders who excavate minor minerals from the lands specified under the contract where under the contractor undertakes to pay fixed amount annually to the Government save as exempted under rule 58;
- (xxii) "Schedule" means the Schedule appended to these rules;
- ³[(xxii-a) "Scheduled Areas" means Scheduled area of Rajasthan as referred to in clause (i) of Article 244 of the Constitution of India;]
- (xxii-b) "Scheduled Bank" means a Bank as defined in clause(e) of section 2 of the Reserve Bank of India Act, 1934 (Central Act No. 2 of 1934);]
- (xxiii) "Short Term Permit" means a permit granted under these rules for excavation and removal of a specified quantity of a mineral within a specified period and from a specified area;
- (xxiv) "Superintending Mining Engineer" means Superintending Mining Engineer of the Department of Mines & Geology, Rajasthan having jurisdiction over the area concerned as may be fixed by the Government from time to time;
- (xxv) "Superintending Mining Engineer (Vigilance)" means the Superintending Mining Engineer (Vigilance) of the Department of Mines & Geology, Rajasthan having jurisdiction over the area as fixed by the Government from time to time;
- ³[(xxv-a) "Surveyor / Senior Surveyor" means Surveyor of the Department of Mines and Geology, Rajasthan having jurisdiction fixed by the Mining Engineer / Assistant Mining Engineer from time to time.]

1. Inserted by Rajasthan Gazette Extra Ordinary dated 19/06/2012
2. Inserted by Rajasthan Gazette Extra Ordinary dated 12/08/1994
3. Inserted by Rajasthan Gazette Extra Ordinary dated 28/01/2011

(xxvi) “Tenant” means the Tenant as defined in the Rajasthan Tenancy Act; 1955 (Rajasthan Act 3 of 1955) and includes agricultural worker and village artisan ¹[; and]

²[(xxvii) “Unemployed Youth” means a person between 18-35 years of age having annual income of less than Rs.25,000/- from all sources.]

(2) Words and expressions used but not defined in these rules shall have the meaning respectively assigned to them in the Act and the Mineral Concession Rules, 1960 made by the Central Government under section 13 of the Act, provided that word “Mineral” wherever used in these rules shall mean “Minor Mineral”.

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
2. Added by Rajasthan Gazette Extraordinary dated 28/01/2011

¹[CHAPTER - I A**Grant of Prospecting Licence****3A Restrictions on grant and renewal of prospecting licence:-**

- (1) No prospecting licence shall be:
- (i) granted for mineral / minerals except marble and granite unless it is notified by the Government in this behalf;
 - (ii) granted to a person who is not a citizen of India unless prior approval of the Government of India has been obtained;
 - (iii) granted or renewed in respect of lands notified by the Government as reserved for the use of Government or local authorities for any other public or special purposes;
 - (iv) granted or renewed in the forest area without obtaining clearance from the Government of India in accordance with the Forest (Conservation) Act, 1980 and the rules made there under;
 - (v) granted in the area in which quarry licences are in the process of being granted for a particular mineral;
 - (vi) granted in the “Scheduled Area” without obtaining prior recommendation of the Panchayati Raj Institutions at appropriate level as prescribed under Rajasthan Panchayati Raj (Modification of provisions in their application to the Scheduled Areas) Act, 1999 (Act No. 16 of 1999);
 - (vii) granted or renewed to a person against whom or any member of his / her family or against a firm of which he / she / any member of his / her family is or was a partner, the dues of the Department are outstanding;
 - (viii) granted in favour of a partnership firm or a private limited company unless a no dues certificate of Department is submitted by all partners of the partnership firm or all directors of the private limited company as the case may be;

Provided that where an injunction order has been issued by a court of law or any other competent authority staying the recovery of such dues, the non payment thereof shall not be treated as disqualification for the purpose of grant or renewal of any prospecting licence.

3B Application for grant and renewal of prospecting licence:-

- (1) An application for the grant of a prospecting licence or its renewal shall be made to the concerned Mining Engineer / Assistant Mining Engineer in Form 1-D and Form 1-E respectively.
- (2) Every such application shall be accompanied by:
 - (a) a non refundable fee of Rs. 5,000/- in the form of Demand Draft / Treasury Challan;
 - (b) a plan of the area together with description report connecting one of the corner pillars with a fixed reference point in the vicinity along with latitude and longitude of reference point as well as the corner pillars;
 - (c) a valid no dues certificate from the concerned Mining Engineer / Assistant Mining Engineer if the applicant holds or has held any mineral concession in the State;

Provided that it shall not be necessary for a Public Sector Company / Government undertaking to produce no dues certificate but in case the applicant is a partnership firm or a private limited company, such certificate shall also be furnished by all partners of the partnership firm or all directors of the private limited company, as the case may be. In case of limited company, valid no dues certificate in favour of the company shall be required.

Provided further that a properly sworn affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above is furnished within 30 days from the date of application, failing which the application shall become invalid.

Provided also that no dues certificate shall not be required where the applicant / partners of a firm / directors of the private limited company / limited company has furnished an affidavit to the satisfaction of the Government, stating that he / she / it does not or did not hold any mineral concession in the State.

- (d) an affidavit stating that no dues of the Mines Department are outstanding against any member of his / her family;
- (e) an affidavit giving particulars of mineral-wise areas already held by the applicant or with any person having joint interest or already granted but not executed or registered or applied but not sanctioned;
- (f) revenue details of the applied area with khasra / aaraji number, type of land and the exact area of the khasra / aaraji falling in the applied area along with the super imposed map;

Provided that revenue details shall not be required at the time of renewal if such details have already been provided at the time of grant of prospecting licence.

- (g) an affidavit stating that the applicant where the land is not owned by him, has obtained surface rights over the area or has obtained the consent of the owner for starting prospecting operations;

Provided that such affidavit shall not be necessary where the land is owned by the Government.

Provided further that the consent of the owner for starting prospecting operations in the area or part thereof shall be furnished after execution of the prospecting licence but before entry into the said area.

Provided also that no such consent would be required in the case of renewal where consent has already been obtained during grant of the licence; and

- (h) a self attested photo copy of PAN card or driving licence or passport or voter identification card or bank passbook of the applicant / all partners of firm / all directors of the private limited company, as the case may be, as an identity proof.
- (3) Every application under sub-rule (1) shall be acknowledged in Form 2-A on the date of its receipt.

3C Disposal of application for grant and renewal of prospecting licence:-

- (1) An application for grant or renewal of a prospecting licence shall be disposed of by the competent authority.
- (2) An application for the renewal of a prospecting licence shall be made at least 90 days before the expiry of the prospecting licence and shall also be accompanied by:
 - (i) a report relating to the prospecting operations already undertaken by the applicant;
 - (ii) a statement showing the amount of expenditure incurred on prospecting work;
 - (iii) a statement showing the period which is required to complete the prospecting work; and
 - (iv) a draft of prospecting fee for the renewal period required at the rates prescribed in rules in addition to application fee.

- (3) An application for the renewal of a prospecting licence shall be disposed of by the competent authority before the expiry of the prospecting licence.

Provided that if the application for renewal of a prospecting licence is not disposed of before expiry of the prospecting licence, period of prospecting licence shall be deemed to have been extended for a period till the date of disposal of the application or the period for which renewal may have been granted, whichever is earlier.

- (4) The competent authority may condone delay if an application for renewal of prospecting licence is made after the time limit prescribed in sub-rule (2) and made before the expiry of licence along with the late fee of five thousand rupees for each month or part thereof.
- (5) Where the application for prospecting licence is not complete in all material particulars or is not accompanied by the documents as required in the application form, a 15 days notice shall be given by the concerned Mining Engineer / Assistant Mining Engineer, requiring the applicant to complete the application or provide the documents, as the case may be, failing which the application shall be rejected by the competent authority.
- (6) The competent authority may refuse to grant or renewed a prospecting licence over the whole or part of the area applied for after recording the reasons in writing and same shall be communicated to the applicant.

3D Period for which prospecting licence may be granted or renewed:-

The period for which a prospecting licence may be granted shall be one year.

Provided that a prospecting licence may be renewed for a further period of one year if the competent authority is satisfied that such period is required to complete the prospecting operations.

3E Area of prospecting licence:-

No person shall acquire one or more prospecting licences for a particular mineral covering a total area of more than 50.00 hectares in the entire State.

Provided that the minimum area to be granted or renewed under a prospecting licence shall be 5.00 hectares.

Provided further that an area upto 100.00 hectares may be granted to an applicant who has already made an investment of Rs.5.00 crore in mining machineries and / or mineral based industry.

3F Refusal to grant prospecting licence:-

The competent authority may refuse to grant any application for prospecting licence after giving an opportunity of being heard on the following reasons:

- (i) If the applied area has already been held and worked under prospecting licence / mining lease;
- (ii) If the applied area has already been prospected by any agency and mineral existence has already been proved therein;
- (iii) Where the application for the grant of prospecting licence and application for the grant of mining lease in respect of the same area are received on the same date or on different dates within a period of thirty days, the application for the grant of mining lease shall, if the area was previously held and worked under a mining lease or prospecting licence or existence of mineral has been proved otherwise, be given the priority over the application for the grant of prospecting licence.

3G Grant or renewal of prospecting licence on the death of the applicant:-

- (1) Where an applicant of the grant or renewal of a prospecting licence dies before the disposal of application, the application for the grant or renewal of a prospecting licence shall be deemed to have been made by his legal heirs.
- (2) In the case of an applicant in respect of whom an order, granting / renewing a prospecting licence, is passed but who dies before the deed, referred to in sub-rule (1) of rule 3-J, is executed, the order shall be deemed to have been passed in the name of the legal heir of the deceased applicant.

3H Security deposit:-

The grantee shall before the deed referred to in sub-rule (1) of rule 3-J is executed, deposit as security for the due observance of the terms and conditions of the licence, a sum of rupees ten thousand for first 5.00 hectare or part thereof and thereafter Rs.2000/- for every additional one hectare or part thereof, in the form of National Saving Certificate or a Fixed Deposit Receipt of a Nationalized Bank / Scheduled Bank duly pledged in favour of the concerned Assistant Mining Engineer / Mining Engineer.

3I Performance Guarantee:-

The grantee shall submit performance guarantee in the form of Fixed Deposit Receipt of Nationalized Bank / Scheduled Bank or National Saving Certificate equivalent to 25% of existing licence fee for the due performance of the prospecting licence in favour of the concerned Mining Engineer / Assistant Mining Engineer before execution of the deed of prospecting licence. The performance guarantee shall be adjusted against Departmental dues of the licensee on expiry or cancellation of the licence, if any, otherwise it shall be refunded to him after expiry of the licence.

3J Execution of the deed of prospecting licence and its renewal:-

- (1) Where on any application for a prospecting licence an order has been made for the grant or renewal of such licence, a licence deed in Form 5-A shall be executed within ninety days from the date of the order by the applicant or in such further period as the competent authority may allow in this behalf and if no such deed is executed within the said period due to any default on the part of the applicant, the competent authority may revoke the order granting or renewing the licence and in that event the prospecting fee paid shall be forfeited to the Government.

Provided that competent authority may extend the period for execution of deed if the delay in execution is not on the part of the grantee.

- (2) The date of the commencement of the period for which a prospecting licence is granted shall be the date on which the deed is executed under sub-rule (1) and in case of renewal it shall be from the next day of expiry of original period.

3K Report of information obtained by licensee:-

- (1) The licensee shall submit to the Government or to any officer authorized in this behalf an annual report of the work done in Form No. 11-C stating the number of persons engaged and disclosing in full the geological, geophysical or other valuable data collected by him during the period. The annual report shall be submitted within three months from the expiry of the prospecting licence.
- (2) Any deposit made under rule 3-H, if not forfeited under these rules, shall be refunded to the licensee after one month of the report, referred in sub-rule (1), is submitted.

3L Registers:-

- (1) A register for application for grant or renewal of prospecting licence shall be maintained by the Assistant Mining Engineer / Mining Engineer in Form No. 3-A.

- (2) A register for prospecting licence granted or renewed shall be maintained by the Assistant Mining Engineer / Mining Engineer in Form No. 4-A.

3M Conditions of prospecting licence:-

Every prospecting licence granted under these rules shall, in addition to other conditions that may be specified therein, be subject to the following conditions, namely:

- (i) the licensee shall pay prospecting fee of Rs.5,000/- per hectare or part thereof for each year or part thereof;
- (ii) the licensee may win and carry away mineral for the purpose of cutting and polishing, testing and to search for market, a quantity up to 200 tonnes on payment of royalty at the applicable rates;

Provided that with the written approval of the Director, the licensee may carry away quantity of mineral in excess of 200 tonnes on payment of royalty for the above mentioned purposes but in no case it shall exceed 1000 tonnes.

- (iii) save in the case of land in respect of which the licensee is granted a mining lease, he shall within three months after the determination of the licence or the date of abandonment of the prospecting operations, whichever is earlier, securely plug all bores and fill up or fence all excavations in the land covered by the licence;
- (iv) the licensee shall report to the concerned Assistant Mining Engineer / Mining Engineer, the discovery of any mineral not specified in the licence within a period of 60 days from the date of such discovery and shall make an application for inclusion of such mineral in his prospecting licence simultaneously. The licensee shall not despatch the newly discovered mineral till it is included in his prospecting licence by the competent authority.
- (v) the licensee shall not pay a wage less than the minimum wages prescribed by the Central or the State Government from time to time under the Minimum Wages Act, 1948;
- (vi) the licensee of granite / marble shall observe the provisions of the Granite Conservation and Development Rules, 1999 and Marble Development and Conservation Rules, 2002 respectively;
- (vii) the licensee shall:
- (a) take immediate measures for the plantation in the sanctioned area or near by area approved by Assistant Mining Engineer / Mining Engineer not less than twice the number of trees felled as a result of prospecting operations and look after them during subsistence of the licence;

- (b) restore, to the extent possible, other flora destroyed by prospecting operations;
- (viii) the licensee shall pay to the occupier of surface of the land such compensation as may become payable as per law in force;
- (ix) a prospecting licence may contain other conditions as the Government may think fit, namely:-
 - (a) Compensation for damage to land in respect of which the licence has been granted.
 - (b) Indemnity to the Government, against the claim of a third party for any damage, injury or disturbance caused to him, by the licensee.
 - (c) Restriction regarding felling of trees on unoccupied and unreserved Government land and other environmental conditions as may be decided from time to time.
 - (d) Restriction on prospecting operations in any area prohibited by any competent authority due to environmental or any other reasons as may be decided from time to time.
 - (e) Conditions regarding entry on occupied land.
 - (f) Facilities to be given by the licensee for working other minerals in the licensed area or in adjacent areas.
- (x) every holder of a prospecting licence shall submit to the Government or any other officer authorized in this behalf, within a period of 60 days, from the date of execution of deed of prospecting licence, a scheme of prospecting indicating the manner in which he proposes to carry out the prospecting operations. The licensee shall carry out the prospecting operations in accordance with the scheme submitted by him or as directed by the Government or any officer authorized in this behalf;
- (xi) every licensee shall maintain a correct and faithful account of all the expenses incurred by him on prospecting operations and also the quantity and other particulars of all minerals obtained during such operations and their despatch;
- (xii) The licensee shall:
 - (a) allow any officer authorized by the Central Government or the State Government in this behalf to examine at any time accounts maintained under sub-clause (xi) and furnish to the Central Government or to the State Government such information and returns as it or any officer authorized in this behalf may require.

- (b) allow any officer, authorized by the Central Government or the State Government in this behalf, to inspect any prospecting operation carried out by him;
- (xiii) The prospecting operations shall be carried out in such a manner so as to ensure systematic development and conservation of mineral deposits and protection of environment. In case of any breach on the part of the licensee of any covenant or condition contained in the licence deed or the rules made by the Central / State Government, the competent authority may determine the licence and take possession of the said land and forfeit the security deposited. Such action shall not be taken unless the licensee has failed to remedy the breach after serving a 15 days notice.

3N Preferential right of certain persons:-

- (1) Where a prospecting licence has been granted in respect of any land, the licensee shall have a preferential right for obtaining a mining lease in respect of that land over any other person if he applies for a mining lease within three months after the expiry of the prospecting licence, subject to the provisions of rule 11, if the State Government or officer authorized in this behalf, is satisfied that the licensee-
 - (a) has undertaken prospecting operations to establish mineral resources in such land;
 - (b) has not committed any breach of the terms and conditions of the prospecting licence; and
 - (c) is otherwise a fit person for being granted the mining lease.
- (2) Subject to the provisions of sub-rule (1) where two or more persons have applied for a prospecting licence in respect of same land, the applicant whose application was received earlier shall have preferential right for the grant of the prospecting licence over an applicant whose application was received later.

Provided that where such applications are received on the same day the competent authority shall decide the priority in accordance with the provisions of rule 7 of these rules.]

CHAPTER - II

Grant of Mining Lease

4 Restriction on grant and renewal of mining lease:-

- (1) No mining lease shall be granted in respect of such mineral / minerals as Mining Engineer / Assistant Mining Engineer may notify in this behalf within his jurisdiction with the approval of the Director.
- (2) No mining lease shall be granted to a person who is not a citizen of India unless prior approval of the Government of India has been obtained.
- (3) ¹[]
- ²[(4) (i) No mining lease shall be granted or renewed to a person against whom or any member of his / her family or against a firm of which he / she is or was a partner, the dues of the Department are outstanding.

(ii) No mining lease shall be granted in favor of a partnership firm or a private limited company unless a no dues certificates of Department is submitted by all partners of the partnership firm or all members of the private limited company as the case may be.

Provided that where an injunction order has been issued by a court of law or any other competent authority staying the recovery of such dues, the non payment there of shall not be treated as disqualification for the purpose of grant or renewal of any mining lease.]
- (5) No mining lease shall be granted or renewed in respect of lands notified by the Government as reserved for use of the Government or local authorities for any other public or special purposes.
- (6) No mining lease shall be granted or renewed in the forest area without clearance from the Central Government in accordance with the Forest (Conservation) Act, 1980 and the rules made thereunder.
- (7) Unless otherwise notified by the Mining Engineer / Assistant Mining Engineer no mining lease shall be granted in the area in which quarry licences are in the process of grant for a particular mineral. ²[The process of grant of quarry licences shall be deemed to have started from the date of entry made in the register of mining lease mentioned in rule 10(2).]

1. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

- (8) ¹[]
- (8) ²[No prospecting licence, mining lease or any other mineral concession in respect of a ³[minor mineral shall be granted or renewed] in the Schedule Area without obtaining prior recommendation of the Panchayati Raj Institutions at appropriate level as prescribed under Rajasthan Panchayati Raj (Modification of provisions in their Application to the Schedule Areas) Act, 1999 (Act No. 16 of 1999).]
- ⁴[(9) No fresh mining lease shall be granted to a person, who has committed offence under rule 48 and / or 68, for next five years from the date of offence.
- (10) No mining lease in ³[Government ⁵[land, including the forest land for which diversion is granted by the Central Government under Forest (Conservation) Act, 1980, shall]] be granted on an application by the applicant unless the area is delineated and applications are invited by the Government.
- Provided that applications pending on ⁵[27.01.2011] shall be disposed of as per the prevailing rules prior to this notification.]
- ⁶[(11) No mining lease in khatedari land shall be granted to a person other than khatedar or a person having registered consent of khatedar.]
- ⁷[(12) No mining lease shall be granted or renewed in contravention of Environment Impact Assessment Notification dated 14.09.2006 issued by the Ministry of Environment and Forest, Government of India, as amended from time to time.]

5 Application for grant or renewal of mining lease:-

- (1) Every application for grant of mining lease shall be made to the Mining Engineer / Assistant Mining Engineer concerned in Form No.1-A;
- ⁸[Provided that an application for grant of mining lease through auction, tender or lottery as per sub-rule (3) of rule 7 shall be made in FORM NO. 1-G, FORM NO. 1-I or FORM NO. 1-L, respectively;]
- (2) Every application for renewal of mining lease shall be made to the Mining Engineer / Assistant Mining Engineer concerned in Form No.1-B.

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1. Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996
 2. Added by Government Notification dated 12/04/2002
 3. Substituted by Rajasthan Gazette Extraordinary dated 25/05/2012
 4. Added by Rajasthan Gazette Extraordinary dated 28/01/2011
 5. Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011
 6. Added by Rajasthan Gazette Extraordinary dated 25/05/2012
 7. Added by Rajasthan Gazette Extra Ordinary dated 19/06/2012
 8. Inserted by Rajasthan Gazette Extraordinary dated 25/05/2012
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(3) Every application made under sub rule (1) and (2) above shall be accompanied by:

(a) ¹[a fee of Rs. 5000/- for marble, sandstone & Granite and Rs. 2000/- for other minerals which shall not be refunded;]

(b) a plan of the area together with description report connecting one of the corner pillars with a fixed reference ²[point in the vicinity. However plan of the area is not required for applications submitted in FORM NO. 1-G, FORM NO. 1-I or FORM NO. 1-L];

(c) (i) an attested copy of no dues certificate from the Mining Engineer / Assistant Mining Engineer concerned if the applicants holds or has held any mineral concession.

³[Provided that it shall not be necessary for a public sector company / public undertaking to produce no dues certificate but in case the applicant is a partnership firm or a private limited Company, such certificate shall be furnished by all partner of the partnership firm or all members of the private limited company, as the case may be.]

Provided further that a properly sworn affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above is furnished within ⁴[thirty] days of the date of application failing which the application shall become invalid.

Provided further also that where any injunction has been issued by the Court or any other competent authority staying recovery of any dues, the non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the lease.

Provided further also that no dues certificate shall not be required where a person has furnished an affidavit to the satisfaction of the State Government, stating that he does not or did not hold a mining lease or any other type of mineral concession.

(ii) An affidavit stating that no dues of the Department are outstanding against any member of his family;

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1. Substituted by Government Notification dated 18/12/2004
 2. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
 3. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
 4. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
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(d) in case the applicant belongs to Schedule Caste / Schedule Tribe a certificate of being a member of Schedule Caste / Schedule Tribe from the officer not below the rank of Tehsildar, or Vikas Adhikari and affidavit of being a manual worker working in mines duly sworn and admitted before a notary public or oath commissioner.

¹[(e) an affidavit giving particulars of mineral-wise areas already held under mining lease by the applicant or with any person having joint interest or already granted but not yet executed / registered or already applied but not yet granted]

²[(4) Notwithstanding anything contained in sub-rule (3), the Mining Engineer / Assistant Mining Engineer or the authority competent to dispose off the application for grant or renewal of mining lease may require from the applicant such additional information or document, within such time, as he may deem fit.

6 Acknowledgement of application:-

Every application ³[under rule 5, accept the application submitted in FORM NO. 1-G or FORM NO. 1-I] shall be acknowledged in Form No. 2 on the date of its receipt.

7 Preferential rights of certain persons:-

(1) Where two or more persons have applied for a mining lease in respect of the same land, applicant whose application was received on earlier date shall have a preferential right for the grant of the lease over an applicant whose application was received later.

Provided that the competent authority may prefer an application received later from a Government company or Corporation owned by the Government over any other application received earlier for the same area.

(2) Where such applications are received on the same day the mining lease shall be granted in the following order of priority.

(i) A Government Company or Corporation owned by the Government;

1. Added by Rajasthan Gazette Extraordinary dated 12/08/1994
2. Added by Rajasthan Gazette Extraordinary dated 25/05/2012
3. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012

- ¹[(ii) A person who have installed or willing to install mineral based units in the State with weightage for all or any of the following criteria:-
- State PSU
 - Central PSU
 - Quantum of Investment
 - Pioneering nature of the industry in the district;
- (iii) Unemployed Mining Engineer or Geologist;]
- (iv) Disabled person;
- (v) Sportsman, athlete or player of national repute;
- ²[(v-a) Persons identified as Below Poverty Line (BPL)]
- ¹[(vi) Societies of unemployed youth; and]
- (vii) Other applicant.

Provided that where applications are received from the same category of persons, the competent authority after taking into consideration the matters specified below may grant mining lease to such one of the applicants as it may deem fit:-

- (a) Any special knowledge of or experience in mining operations possessed by the applicant;
 - (b) The financial resources of the applicant;
 - (c) The nature and quality of technical staff employed or to be employed by the applicant;
 - (d) Such other matters as may be specified.
- ³[(2A) (i) Notwithstanding anything contained in sub rule (1) and (2) all applications received within a period of 30 days from the publication of the notification issued under rule 59, for grant of mining lease, for any mineral for an area notified as “free” shall be considered by the competent authority on the same footing irrespective of date of submission of the applications.
- (ii) The competent authority after taking into consideration the matters specified in the Proviso to sub rule (2), may grant mining lease to such one of the applicants as it may deem fit.]

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

3. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994

¹[(3) Notwithstanding anything contained in sub-rule (1) and (2) above, the area for mining lease in the Government land ²[shall be allotted] after delineation. ²[New System shall be effective from the date of issue of notification dated 28.01.2011 and the applications pending on 27.01.2011 shall be disposed off as per prevailing rules in force prior to notification dated 28.01.2011.] ³[Prior to delineation all requisite NOC's, except consent from Pollution Control Board and environment clearance, for allotment of plots so delineated shall be procured by the department. Out of these delineated plots 50% shall be allotted by auction/tender] and the remaining 50% shall be allotted to the following categories of persons, as per percentage indicated against each category:-

(i)	Persons who undertake to install a crusher / mineral based industry;	10%
(ii)	Manual workers belonging to Scheduled Castes / Scheduled Tribes / Other Backward Classes / Special Backward Class employed in Mines;	5%
(iii)	Manual workers other than Scheduled Castes / Scheduled Tribes / Other Backward Classes/ Special Backward Class employed in mines;	5%
(iv)	persons belonging to Scheduled Castes / Scheduled Tribes / Other Backward Classes / Special Backward Class	20%
(v)	Persons identified as Below Poverty Lines;	10%
(vi)	⁴ [Freedom fighter / Ex-soldiers] including members of para military forces belonging to Rajasthan, who have been permanently disabled or dependents of those who have died while in service;	5%
(vii)	Rajasthan State Government servants who have been permanently disabled while on duty or the dependents of those who have died while in service;	5%
(viii)	Societies of Unemployed youth of Rajasthan; and	30%
(ix)	Other persons.	10%

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1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 2. Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011
 3. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
 4. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994
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In the reserved area applications will be invited after 30 days of notification and the applications received within a period of 30 days after 30 days of notification shall be treated as received on the same day. The applications shall be disposed of by way of lottery;]

¹[Provided that mining leases for mineral bajri shall only be granted by way of tender or auction;]

²[(4) Notwithstanding anything contained in sub rule (1) (2) and (3), the priority for grant of mining lease in the same slope area may be given to the existing lessee of such slope area, if such existing lessee applies for the said area and deposits non refundable one time premium amount equivalent to yearly dead rent of the applied area, the concerned Mining Engineer / Assistant Mining Engineer shall issue a notice about such application, to the existing lessee of such slope area and if the existing lessee applies within 15 days from the date of receipt of such notice and deposits the premium amount, he shall be given priority.]

³[(5) ⁴[]

8 Disposal of applications for the grants and renewal of the mining lease:-

(1) ⁵[An application for grant of mining lease shall be disposed of by the competent authority;]

¹[Provided that before grant of mining lease, the competent authority shall issue letter of intent to the applicant found eligible for grant of mining lease and require to submit consent to establish from Pollution Control Board, environment clearance, mining plan duly approved by the authorised officer of the Central / State Government or such other document as he may deem fit, within a period of six months;

Provided further that the above period of six months may be extended by the competent authority subject to payment of late fees at the rate of 9% of annual dead rent for every month or part thereof of such extended period;]

(2) ⁶[An application for renewal of mining lease shall be made at least 12 months before the expiry of the mining lease and shall be disposed of before the expiry of lease and if the application is not disposed of within that period, the lease shall be deemed to have been extended by a further period till final orders are passed on the renewal application by the competent authority.”]

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1. Inserted by Rajasthan Gazette Extraordinary dated 25/05/2012
 2. Substituted by Government Notification dated 10/10/2008
 3. Added by Rajasthan Gazette Extraordinary dated 28/01/2011
 4. Deleted by Rajasthan Gazette Extraordinary dated 25/05/2012
 5. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
 6. Substituted by Rajasthan Gazette Extraordinary dated 30/03/1995
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¹[Provided that the mining lease for mineral bajri, shall not be renewed;]

²[]

³[Provided that in the extended period, no mining operation shall be carried out or allowed to be carried out by the lessee till the renewal of mining lease.]

9 Refusal of application of mining lease:-

The Government or competent authority may refuse to grant or renew any mining lease subject to reasons to be recorded and to be communicated to the applicant in writing.

10 Register of Mining Lease applications and mining leases:-

- (1) A register of mining lease applications shall be maintained in the office of the Mining Engineer /Assistant Mining Engineer concerned in Form No. 3.
- (2) A register of mining lease shall be maintained in the office of the Mining Engineer/Assistant Mining Engineer concerned in Form No. 4.

11 Area of Mining Lease:-

- (1) The mining lease shall be granted for such area as the Government may deem fit. The Director may fix the area for the grant of a mining lease for a particular mineral and for a particular area, but it shall not be less than ⁴[1 Hectare]. This limit shall however, ⁵[not apply for renewal of existing mining leases and also to the gap areas] which are less than the minimum prescribed size.

⁶[Provided that where the gap area available free for grant is ⁷[less than one hectare] and surrounded by three or more mining leases or by forest boundary or any other reserved land, such gap area shall be granted by auctions to any one of the surrounding lessees and the same shall be added in his lease.

Provided further that where the gap area is ⁷[one hectare or above], a separate mining lease shall be granted by way of open auction.

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1. Inserted by Rajasthan Gazette Extraordinary dated 25/05/2012
 2. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994
 3. Added by Rajasthan Gazette Extra Ordinary dated 19/06/2012
 4. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
 5. Substituted by Rajasthan Gazette Extra Ordinary dated 19/06/2012
 6. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994
 7. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
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Provided further also that in the case where application for grant of a mining lease has been received for an area exceeding the prescribed size and the applicant having been informed by the concerned Mining Engineer / Assistant Mining Engineer to reduce the area fails to reduce the same within given time, the application may be rejected by the Mining Engineer / Assistant Mining Engineer.]

¹[Provided also that 30 meter wide strip of Government land shall be kept reserved around the existing mining lease for allotment to adjoining lessees to enhance size of lease for scientific and safe mining. The area of strip shall be allotted on an application submitted by the lessee to the Mining Engineer / Assistant Mining Engineer concerned, after considering its merit and obtaining prior approval of the Director (Mines), area of strip may be added to his existing mining lease. The existing lessee in whose lease, the strip is added shall pay, premium equivalent to four times of dead rent of the area to be added, in addition to dead rent as per rules".]

- (2) No person shall acquire in respect of any mineral or prescribed group of associated minerals as prescribed in Schedule-III one or more mining leases covering total area of more than 10 Sq. Kms.

Provided that the maximum number of mining leases to be granted for a particular mineral or for a mineral of associated group under this rule to a person within direct jurisdiction of any Mining or Assistant Mining Engineer shall be restricted to two and the total number of leases in the entire State would not exceed three.

Provided further that if the Government is of the opinion that in the interest of mineral development it is necessary to do so, it may for reasons to be recorded permit grant of mining leases exceeding two or three in number as the case may be and / or covering an area in excess of 10 sq. Kms.

²[]

- (i) Notwithstanding anything contained in sub-rules (1) and (2) above, mining leases for specific projects approved by the Rajasthan State Industrial Investment Corporation, shall be granted on the recommendations of a committee appointment under the Chairmanship of the Mines Secretary.

1. Added by Rajasthan Gazette Extraordinary dated 24/03/2011
 2. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994

- (ii) For the purpose of determining the total area referred to in sub-rule (2) the area held under mining lease by a person as a member of a cooperative 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 (2) above so that the total area held by such person under mining lease, whether as such member or partner or individually may not in any case exceed the total area specified in sub-rule (2).

12 Length and breadth of area under a mining lease:-

As far as possible area applied under mining lease shall be rectangular in shape and length shall not exceed four times of its width.

13 Boundaries below the surface:-

Boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

14 Security deposits:-

- (1) The lessee shall be required to deposit a sum equal to one fourth of the annual dead rent as security in cash or in the form of ¹[a Fixed Deposit Receipt of a Nationalized Bank or] National Saving Certificates or National Plan Certificate or any other form of securities which may be notified by the Government for the due performance of the term of the lease agreement. The Certificate ¹[or the Fixed Deposit Receipt] shall be pledged with Mining Engineer / Assistant Mining Engineer, having jurisdiction over the area under lease.
- ²(2) Whenever the dead rent of a mining lease is enhanced as per provisions of these rules, the lessee shall deposit a further sum so as to make the total security deposit equal to one fourth of the enhanced dead rent within 60 days of such enhancement.]

1. Inserted by Rajasthan Gazette Extraordinary dated 29/08/1996
2. Added by Rajasthan Gazette Extraordinary dated 12/08/1994

¹[14-A Performance Guarantee:-

The grantee shall submit Performance Guarantee in the form of Fixed Deposit Receipt of Nationalized Bank / Scheduled Bank or National Saving Certificate equivalent to 25% of existing dead rent for the due performance of the lease in favour of the Mining Engineer / Assistant Mining Engineer before execution of the lease. At the time of enhancement of dead rent, the Performance Guarantee shall also stand revised proportionately and lessee shall deposit the difference of Performance Guarantee within a period of 30 days. The Performance Guarantee shall be adjusted against Departmental dues of the lessee on expiry or cancellation of the lease, if any; otherwise it shall be refunded to him after expiry of the lease.]

15 Transfer of Mining Lease:-

- (1) The lessee shall not without the previous consent in writing of the competent authority:-
 - (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 arrangement, contract or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by any person or body of persons other than lessee.

²[]

³[Provided that the lessee of masonry stone may, with the prior permission of concerned ME / AME and subject to such conditions as he may specify therein, allow any Government contractor to install and operate stone gitti crusher till the completion of construction work.

Provided further that such permission shall be given by ME / AME after obtaining registered consent of the lessee and also on the condition that the crusher owner shall use masonry stone produced from the concerned lease area only.

Provided also that wherever required, permission of Revenue and other Departments may also be taken before issuing such permission.]

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011
2. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994
3. Added by Rajasthan Gazette Extraordinary dated 27/05/2011

¹[(1A) Every application for transfer of Mining Lease shall be accompanied by a fee of ²[Rs. 5000/- for marble, sandstone & granite and Rs. 2000/- for other minerals] and shall be submitted to the Mining Engineer / Assistant Mining Engineer.

(1AA) The Government may subject to the condition specified in rule 11(2) transfer whole area of the lease to a person on payment to the Government transfer premium ²[equal to existing dead rent.]

Provided that the lease has remained in force for at least two years from the date of grant.

Provided further that such transfer shall not be made if there are any dues outstanding against the transferor or transferee.

Provided further also that where the mortgagee is a State Institution or a Bank or a State Corporation, it shall not be necessary for the lessee to obtain the previous consent of the competent authority or previous sanction of the State Government. However lessee shall inform the competent authority about any mortgage in favour of any State Institution, Bank or State Corporation within a period of 3 months from the date of mortgage or assignment.]

(2) An application for transfer of mining lease shall be disposed of by competent authority. ³[]

Provided that transfer of mining lease, granted to the category of persons mentioned in sub-rule (3) of rule 7 shall be made only to a person belonging to any of the categories mentioned in the clause of the said sub-rule.

(3) Transfer of mining lease shall not be considered as a matter of right and the Government may refuse for such transfer for the reasons to be recorded and communicated in writing to the lessee.

(4) Where on an application for transfer of mining lease under this rule the competent authority has given consent for such lease, a transfer lease deed in Form No.15 or a form as near thereto as possible, shall be executed within three months of the date of the consent, or within such period as the competent authority may allow in this behalf.

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1. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994
 2. Substituted by Government Notification dated 18/12/2004
 3. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994
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16 Period of lease:-

¹[(1) The maximum period for which a ²[mining lease except lease for mineral bajri may be granted] shall not exceed ³[thirty years.]

Provided that the minimum period for which any such mining lease may be granted shall not be less than ⁵[twenty years.]]

(2) ⁴[Notwithstanding anything contained in the instrument of mining lease, the period of lease of existing mining leases at the time of commencement of these rules, may also be extended to a period falling short of ³[30 years] subject to the conditions that:-

(1) The mining waste / debris has been dumped at place(s) duly approved by the Mining Engineer / Assistant Mining Engineer.

(2) No case of illegal mining has been made out against the lessee during the last three years.

(3) The area held by the lessee does not exceed 10 sq. Kms.]

⁵[(4) The area held by the lessee does not fall in any type of Forest land.]

⁶[(3) Notwithstanding anything contained in sub-rule (1) and (2) mining lease for mineral bajri shall be granted for a period of five years only.]

17 Renewal of Mining Lease:-

(1) On an application being made in this behalf and where such application is found complete in all respect, the competent authority shall renew the mining lease for a ²[period not exceeding 30 years] and where the competent authority is satisfied that mines have been worked properly and that substantial investment in machinery and equipment have been made by the lessee, the competent authority may further grant subsequent renewals each for a period ¹[up to ⁷[30]] years ⁸[subject to the condition that total period of the lease shall not exceed ³[90 years.]]

²[Provided that the mining lease for mineral bajri shall not be renewed.]

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1. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
 2. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
 3. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 4. Substituted by Rajasthan Gazette Extraordinary dated 29/08/1996
 5. Added by Rajasthan Gazette Extraordinary dated 28/01/2011
 6. Added by Rajasthan Gazette Extraordinary dated 25/05/2012
 7. Substituted by Rajasthan Gazette Extra Ordinary dated 19/06/2012
 8. Added by Rajasthan Gazette Extraordinary dated 21/02/1992
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Provided further that where the lease is so renewed the dead rent shall be revisable after every five years from the date of renewal according to the formula given under rule 18 (3) for revision of dead rent.

Provided further that the competent authority while granting the renewal of mining lease may in its discretion reduce the area of the lease so that the area sanctioned to the lessee shall in no case exceed 10 sq. Kms. ¹[]

²[Provided also that where lessee applies for renewal after reducing the original area in more than one blocks, in such cases renewal of reduced area in more than one block may be allowed subject to condition that every block to be renewed shall not be less than the prescribed size.]

³[(2) where the application for renewal has been received after the period prescribed in rule 8(2), it shall be entertained on the payment of the following penalties:

⁴ [Period of delay	Amount of penalty
(a) Up to one month	1% of the existing annual dead rent subject to a minimum of Rs.500.00
(b) Up to two months	2% of the existing annual dead rent subject to a minimum of Rs.1000.00
(c) Up to three months	3% of the existing annual dead rent subject to a minimum of Rs. 1500.00
(d) Up to 6 months	10% of the existing annual dead rent subject to a minimum of Rs 3000.00
(e) More than 6 months but before expiry of lease	25% of the existing annual dead rent subject to a minimum of Rs. 10000.00]

(3) Notwithstanding anything contained in the instrument of the mining lease, if the application for renewal has not been disposed of before the expiry of the lease it shall be deemed to have been extended by a further period till the competent authority passes order thereon. The dead rent ²[after expiry of lease period shall be as per the revised dead rent referred to in sub rule (3) of rule 18.]]

(4) (a) In case of renewal of mining lease after the expiry of the lease period, the dead rent from date of expiry of the previous lease to the date of execution of the renewed lease deed shall be as per the sanction of renewal.

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1. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994
 2. Added by Rajasthan Gazette Extraordinary dated 28/01/2011
 3. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
 4. Substituted by Government Notification dated 18/12/2004
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- (b) In case of revocation of the sanction for renewal on failure of execution of the lease agreement by the lessee, the dead rent as per sanction for the renewal be charged from the date of expiry of the previous lease to the date of taking over possession.

¹[(5) The competent authority may, while granting renewal of a mining lease, impose conditions relating to mechanization, development of mines and establishment of mineral based industry after obtaining prior approval of the Government by a general or specific order.]

18 Conditions:-

²[] The following conditions shall be included in every mining lease and if they are not so included shall be deemed to have been included therein:-

- ³[(1)] (a) The holder of a mining lease granted before the commencement of these rules, shall notwithstanding anything contained in the instrument of lease or any law or rules in force at such commencement, pay royalty in respect of any mineral removed by him from and / or consumed within the leased area after such commencement at the rates for the time being specified in Schedule I in respect of that mineral;
- (b) The holder of a mining lease granted on or after the commencement of these rules shall pay royalty in respect of any mineral removed by him from and / or consumed within the leased area at the rate for the time being specified in the Schedule I in respect of that mineral;
- (c) The State Government may, by notification in the Official Gazette, amend the Schedule I so as to enhance the rate at which royalty shall be payable in respect of any mineral in accordance with the provisions of these rules with effect from such date as may be specified;

Provided that no enhancement in the rate of royalty shall be made before a period of ⁴[3] years from such previous enhancement;

- (2) (a) The lessee shall pay for surface area used by him for the purpose of mining, surface rent to Revenue Department as per the rates prevalent in the area;

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1. Substituted by Rajasthan Gazette Extraordinary dated 30/03/1995
 2. Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996
 3. Added by Rajasthan Gazette Extraordinary dated 29/08/1996
 4. Substituted by Rajasthan Gazette Extraordinary dated 10/12/1987
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- (b) The Government shall be entitled to charge certain amount per year or part thereof for the ecological restoration of mines and quarries from the lessee and this shall be the part of agreement. The amount may be fixed and revised by Government from time to time and may vary from place to place;
- (3) The lessee shall also pay for every year such yearly dead rent as may be fixed by the Government in quarterly installments in advance and if the lease permits the working of more than one mineral, the State Government shall not charge separate dead rent in respect of each mineral;

Provided that the yearly dead rent at the time of initial grant shall be according to the rates specified in Schedule–II. The rates specified in Schedule-II shall, however, not be applicable at the time of revision of dead rent;

¹[Provided further that the rate of annual dead rent shall stand revised after every five years from the date of initial grant or renewal of the mining lease in accordance with the following formula:-]

²[Revised dead rent = Existing dead rent + 40% of Existing dead rent;]

³[Provided further also that revised dead rent shall not exceed five times of the dead rent calculated as per schedule–II in force at time of revision of dead rent; ⁴[]]

Provided further also that the existing dead rent shall not be reduced if it is more than the dead rent calculated as aforesaid;]

Provided further also that the lessee shall be liable to pay either dead rent or royalty in respect of each mineral whichever is higher but not both;

- (4) The lessee shall pay all dues in the office of such officer, in such manner and at such place as may be mentioned in the lease agreement or as notified by the Government from time to time;
- (5) ⁵[];
- (6) The lessee shall at his own expense erect and at all time maintain and keep in repair boundary pillars and marks according to the plan and demarcation report annexed to the lease;

1. Substituted by Rajasthan Gazette Extraordinary dated 29/08/1996
2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
3. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994
4. Deleted by Rajasthan Gazette Extraordinary dated 25/05/2012
5. Deleted by Rajasthan Gazette Extra Ordinary dated 19/06/2012

- (7) The lessee shall not erect, set-up or place any building or thing and shall also not carry on surface operations in or upon any public pleasure ground, burning or burial ground or place held sacred by any class of persons or any house or village site, public road or other place which the Government may determine as public ground or in such a manner as to injure or prejudicially affect any building, works, property or rights of other persons;
- (8) The lessee shall commence mining operations within, ¹[six] months from the date of execution of the lease and thereafter carry on such operations effectively in a manner which will ensure safety of laborers, conservation of mineral, removal of sufficient over burden, careful storage, removal and drainage of waste and removal of all valuable minerals from the mines in accordance with lease;

¹[(8a) ²[]]

³[(8b) ²[]]

- (9) (a) The lessee shall keep correct and regular accounts of all minerals excavated from the mines, the quantity lying in stock at the mines and the quantity dispatched and utilised there from as also the number of persons employed in Form No. 11 B. It shall contain particulars regarding the quantity of mineral sold / utilized, its value and name of persons or firms to whom sold. The accounts shall be produced before the assessing authority on such date as may be fixed by in this behalf for the purpose of assessment. The lessee shall maintain up to date plans of the mines and shall also allow any officer of the Department as may be authorized by the Director in this behalf to examine such accounts and plans at any time and shall furnish him other information as he may require;
- (b) The lessee shall furnish monthly returns to the assessing authority in the Form No.11A by the 15th of the following month to which the returns relate;

Provided that the assessing authority may extend the period for submission of such returns by any lessee for a period not exceeding 15 days;

- (c) The lessee or any other person shall not remove or dispatch or utilize the mineral from the mines and quarry without Rawanna. The Rawanna shall be in Form No.12 appended to these rules and shall be duly sealed by the Department;

1. Substituted by Rajasthan Gazette Extraordinary dated 29/08/1996
2. Deleted by Rajasthan Gazette Extra Ordinary dated 19/06/2012
3. Added by Rajasthan Gazette Extraordinary dated 29/08/1996

- (10) The lessee shall abide by all existing Acts and Rules enforced by the Government of India or the State Government and all such other Acts or Rules as may be enforced from time to time in respect of working of the mines and other matters affecting safety, ¹[health, environment and convenience] of the lessee's employees or of the public;
- (11) The lessee shall allow existing and future licensees or lease holders of any land which is comprised in or is reached by the land held by the lessee, reasonable facilities for access thereto;
- (12) The lessee shall allow any officer of the Department to enter upon the premises comprised in the lease for the purpose of inspecting the same and abide by instruction issued by him from time to time regarding the conservation and development of minerals and the related matters;
- (13) Subject to the provision of clause (7) above the lessee may erect on the area granted to him, any building required for bonafied purpose and such building shall be the property of the Government after the expiry of the lease or earlier determination or surrender of the lease;
- (14) The lessee shall make reasonable satisfaction and pay such compensation as may be assessed by lawful authority in accordance with the law or rules or order in force on the subject for all damages, injuries or disturbances which may be done by him and shall indemnify and keep indemnified fully and completely, the Government against such damages, injury or disturbance and all cost and expenses in connection therewith;
- ²[(15) (a) The lessee shall forthwith report to the Director / Superintending Mining Engineer / Mining Engineer / Assistant Mining Engineer any accident which may occur at or in the said premises;
- (b) The lessee shall report to the Director / Superintending Mining Engineer / Mining Engineer / Assistant Mining Engineer the discovery of any mineral not specified in the lease within thirty days of such discovery; ³[]
- ⁴[(16) If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall not win and dispose of such mineral unless such mineral is included in the lease or a separate lease is obtained for such mineral. In such case the dead rent shall be charged for the mineral whose dead rent is higher as specified in Schedule-II;

1. Substituted by Rajasthan Gazette Extra Ordinary dated 19/06/2012
2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
3. Deleted by Rajasthan Gazette Extraordinary dated 28/01/2011
4. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

- (16A) If any major mineral is discovered in the lease area, the lessee shall not win and dispose of such mineral unless a separate lease of major mineral is obtained or permission to dispose of such mineral is obtained from competent authority on the terms and conditions prescribed by Government;]
- (17) If the lessee intimates his intention not to work the newly discovered mineral(s) or fails to report to work the newly discovered mineral(s) within a period of three months from the date of discovery of new mineral then it shall be open to the Government to grant a lease for the working of the same to any other person, provided such working does not obstruct or interfere with the working of existing lease;
- (18) The lessee may surrender the lease at any time by giving an application in writing to Mining Engineer / Assistant Mining Engineer, which shall be accepted with immediate effect, provided there are no dues against the lessee in respect of the lease. In case there are dues against the lessee, the surrender of lease shall be accepted after 6 months of the date of notice but where only one quarterly installment of dead rent is due against the lessee and where there are no other breaches of the term of lease, the security of the lease shall be adjusted against dues and surrender shall be accepted with immediate effect;

¹[Provided that where the mineral deposit is not economically workable, the lessee may surrender a part of the lease area with immediate effect by submitting an application to the Mining Engineer / Assistant Mining Engineer which may be accepted by the competent authority subject to the following conditions:

- (a) The area retained shall be rectangular and contiguous in shape, length being not more than 4 times the width;
- (b) The extent of retained area shall not be less than the minimum prescribed size of the plot fixed for the mineral for that area;
- (c) There shall be no dues against the lessee;]

²[Provided further that in case of mining lease for mineral bajri, part surrender of lease area shall not be accepted;]

- ³[(d) The protective, reclamation and rehabilitation work in accordance with the approved mine closure plan / progressive mine closure plan or with such modifications as approved by the competent authority have been carried out by the lessee but it shall not be necessary if in intended area to be surrendered no mining operation was carried out.]

1. Added by Rajasthan Gazette Extraordinary dated 12/08/1994
2. Added by Rajasthan Gazette Extraordinary dated 25/05/2012
3. Added by Rajasthan Gazette Extra Ordinary dated 19/06/2012

- (19) The lease shall be liable to be cancelled by the Director or Competent authority if the lessee ceases to work the mine for a continuous period of six months without obtaining sanction of the Government;
- (20) The Government or competent authority shall from time to time and at all times during the term of lease have the right (to be exercised by notice, in writing to the lessee.) of presumption of the said minerals (and all products thereof) lying in or upon the said land hereby demised or elsewhere under the control of the lessee and the lessee shall deliver all minerals or products to the Government at current market rates in such quantities and in the manner and at the place specified in the notice exercising the said right;
- (21) (a) In case of any breach on the part of the lessee of any covenant or condition contained in the lease, the competent authority may determine the lease and take possession of the said premises and forfeit the security money or in the alternative may impose payment of a penalty not exceeding twice the amount of annual dead rent of the lease. Such action shall not be taken unless the lessee has failed to remedy the breach after serving of 15 days notice;
- (b) The Government may also at any time after serving the aforesaid notice enter upon the said premises and distain all or any of the minerals or movable property therein and may carry away, distain or order the sale of the property so distained or so much of it as will suffice for the satisfaction of the rent or royalty due and all cost and expenses occasioned by the non-payment thereof.
- (22) (a) As soon as the lease is determined the lessee shall deliver up the said premises and all mines (if any) dug therein in a proper and workable state (save in respect of any working as to which the Government might have sanctioned abandonment) to the Mining Engineer / Assistant Mining Engineer having jurisdiction over the area or to any person authorised by him;
- (b) The mineral left on expiry of lease period or on determination of lease or on surrender of lease shall be removed by the lessee with in ¹[30] days of the date of expiry or surrender or receipt of the order of determination of lease;
- ²[Provided that in case of mining lease of mineral bajri, the lessee shall not have any right to remove any stock of bajri after the expiry of lease period or receipt of the order of determination of lease;]

1. Substituted by Rajasthan Gazette Extraordinary dated 29/08/1996
2. Inserted by Rajasthan Gazette Extraordinary dated 25/05/2012

Provided that if the mineral is not removed within the aforesaid period of ¹[30] days the mineral shall belong to the State and the Mining Engineer / Assistant Mining Engineer of the area may dispose it of either by public auction, by beat of drum or by direct sale at the rate prevalent in the adjacent area;

²[(c) If on expiry or earlier determination of lease or after the date from which any surrender of a part or parts of the said lease under the provisions contained in clause (18) of this rule become effective, there remain in or upon the said land or the surrendered part or parts thereof, as the case may be, any engine, machinery, plant, structures, railways or other works, erections and conveniences or other property which are not required by the lessee in connection with his / their operations in those parts of the said lands, they shall become the property of the Government and may be sold or disposed of after a period of three months from the date of expiry or surrender of part or whole of the lease in such manner as the Government may deem fit without liability to pay any compensation;]

(23) The Government may by six month's prior notice in writing determine the lease if the Government considers that the mineral under the lease is required for establishing an industry beneficial to the public;

Provided that no such notice shall be necessary in the event of war or national emergency;

(24) ³[];

(25) The Mining Engineer / Assistant Mining Engineer concerned may, by an order in writing prohibit further mining or quarrying in the leased area, if in his opinion such operation is likely to cause premature collapse of any part of the workings or otherwise endanger the mine or quarry or the safety of persons employed therein, or there is danger as regards to out break of fire or flooding or such operations may cause damage to any property;

1. Substituted by Rajasthan Gazette Extraordinary dated 29/08/1996
2. Added by Rajasthan Gazette Extraordinary dated 29/08/1996
3. Deleted by Rajasthan Gazette Extra Ordinary dated 19/06/2012

- (26) The lessee / lessees shall not work or carry on or allowed to be worked or carried on at any point within a distance of 45 meters from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, canal or other public works or buildings or inhabited site except with the previous permission of the Collector or any other officer authorised by the Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions either general or special as may be attached to such permissions. The said distance of 45 meters shall be measured in the case of railway, reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof;

Explanation: for the purpose of this clause:

- (1) The expression Railway, Administration shall have the same meaning as defined in the Indian Railway Act, 1890 by sub-section (4) of section 3 of that Act;
- (2) “Public Road” shall mean a road which has been constructed or artificially surfaced as distinct from a track resulting from repeated use;
- (27) If any area out of the leased area is declared as a protected area under the Ancient Monuments Preservation Act, 1904 the lessee shall have to deliver the possession back to the State Government without claiming any compensation for the area;
- (28) The lessee / lessees shall deliver to or permit to be taken by the representative of the Government, a sample or samples of all rocks found on Mines or raised there from and all intermediate and finished products sold or intended for sale by the lessee / lessees;
- (29) The Lessee / lessees shall abstain from entering upon the surface of any occupied Government land or of any private land comprised within the leased area without previously obtaining the consent of the occupant in writing;
- ¹[(30) The lessee / lessees shall inform the Mining Engineer / Assistant Mining Engineer Concerned about opening any new quarry or depot in the leased area within 7 days of doing so;]
- ²[(31) The competent authority may with the prior approval of the Government impose such special conditions(s) as deemed necessary, in the interest of mineral development;]

1. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

2. Added by Rajasthan Gazette Extraordinary dated 12/08/1994

¹[(32) In case of mining lease of mineral bajri, the lessee / lessees shall abstain from mining beyond depth of three meters from the surface and below the water level of river / nallah and shall work in such a manner that natural flow path of river / nallah is not altered;]

18A Lapsing of leases:-

- (1) Subject to the other conditions of this rule where mining operations are not commenced within two years from registration of the lease or is discontinued for a continuous period of two years after commencement of such operations, the Government shall, by an order, declare the mining lease as lapsed and communicate the declaration to the lessee.
- (2) Where a lessee is unable to commence the mining operation within a period of two years from the date of registration of the lease, or discontinues mining operations for period exceeding two years for reasons beyond his control, he may submit an application to Mining Engineer / Assistant Mining Engineer explaining reasons of the same at least three months before expiry of such period.
- (3) Every application under sub rule (2) shall be accompanied by a fee of Rs. ²[5000/-.]
- (4) The Government may on receipt of application made under sub rule (2) and on being satisfied about the adequacy and genuineness of reasons for the non-commencement of mining operations or discontinuance thereof, pass an order before the date on which the lease would have otherwise lapsed, extending or refusing to extend the period of the lease.

Provided that where the Government on receipt of an application under sub rule (2) does not pass an order before the expiry of the date on which the lease would have otherwise lapsed, the lease shall be deemed to have been extended until the order is passed by the Government or until a period of one year, whichever is earlier.

- (5) Every application under sub rule (2) shall be entered in the register kept for this purpose and a receipt shall be given to the applicant.

1. Added by Rajasthan Gazette Extraordinary dated 25/05/2012
2. Substituted by Government Notification dated 18/12/2004

18B Reviving of leases:-

- (1) Where a lessee is unable to commence the mining operations within a period of two years from the date of registration of the mining lease or discontinues mining operations for a period exceeding two years for reasons beyond his control, he may submit an application to the Mining Engineer / Assistant Mining Engineer explaining reasons for the same at-least within six months from the date of its lapse.

Provided that the lease shall not be revived under this provision for more than twice during the entire period of lease.

- (2) Every application under sub rule (1) shall be accompanied by a fee of Rs. ¹[10000/-].
- (3) The application made under sub rule (1), shall be decided by the Government on its merits.]]

19 Execution of Lease:-

- (1) Where the lease has been granted or renewed under these rules the grantee shall pay demarcation fee, get the area demarcated, deposit the security along with one quarterly installment of annual dead rent and submit requisite stamps for execution of formal lease deed in form No. 5 within 45 days from the date of receipt of order for grant.
- (2) The lease deed shall be executed within 3 months from ²[the date of receipt of order of grant] and the competent authority shall sign the agreement on behalf of Governor of Rajasthan as required under Article 299 of the Constitution of India.
- (3) The lease deed shall be got registered by the grantee within a period of 2 months from the date of receipt of the lease deed from the Mining Engineer / Assistant Mining Engineer for the purpose and shall be returned to the Mining Engineer / Assistant Mining Engineer after registration within the said period.
- (4) Where the grantee fails to comply with the provisions of sub-rule (1) above within a period of 45 days from the date of receipt of the order for grant or he fails to execute the lease within 3 months from the date of receipt of order for grant or fails to return the registered lease documents within a period of 2 months provided under sub-rule (3) the order granting the lease may be revoked and amount of security and dead rent deposited by him may be forfeited.

1. Substituted by Government Notification dated 18/12/2004

2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

¹[Provided that if the grantee completes the formalities mentioned in sub-rule (1) before issue of revocation order in sub-rule (4), the competent authority may allow for execution the agreement mentioned in sub-rule (2) subject to payment of late fee @ 9% of annual dead rent for every month of delay or part thereof.]

Provided ²[further] that where the authority competent to grant the lease is satisfied that there are sufficient reasons to believe that the grantee is not ³[responsible for the delay in the execution / registration of lease deed, he may permit the execution / registration and return of the lease deed] ¹[before issue of revocation order in sub-rule (4).]

¹[Provided also that if the grantee returns registered lease deed before issue of the revocation order under sub-rule (4), then sanction shall not be revoked, if the grantee pay the late fee @ 9% of annual dead rent for every delay of a month or part thereof within 15 days of submission.]

- (5) When a mining lease is granted by the State Government or the competent authority, arrangements shall be made at the expenses of the lessee for the survey and demarcation of the area granted under the lease.

Provided that where the Mining Engineer / Assistant Mining Engineer concerned feel it necessary to demarcate the area before issuing an order of grant for mining lease, he may ask the applicant to deposit the demarcation charges within time specified by him and get the area demarcated.

Provided further that if the applicant fails to comply with such order the application for grant of mining lease shall be rejected.

⁴[Provided also that the lessee, after demarcation of the granted area, shall construct boundary pillars and maintain them throughout the period of lease.

Provided also that re-verification of boundary pillars shall also be carried out on the request of the lessee but the expenses of the re-verification shall be twice the amount of demarcation fee given in the Note below:]

⁵[Note: Expenses for demarcation shall be:-

- (a) Rs. 1000/- per Hectare or part thereof for area up to one hectare.
- (b) Rs. 800/- per Hectare or part thereof for area more than 1 hectare but up to 5 hectare.

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- 1. Substituted by Government Notification dated 28/01/2011
 - 2. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994
 - 3. Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011
 - 4. Added by Rajasthan Gazette Extraordinary dated 24/03/2011
 - 5. Substituted by Government Notification dated 18/12/2004
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- (c) Rs. 200/- per Hectare or part thereof for the area more than 5 hectares subject to minimum Rs. 4000/- and maximum Rs. 20000/-]

¹[(6) Notwithstanding anything contained in sub-rule (4), where the execution / registration of lease deed could not be performed due to objection raised by District Collector or other authorities with no fault of the grantee, sanction issued may be revoked by the competent authority after taking approval of Director. In such case security / bank guarantee deposited by grantee shall be refunded.]

20 Currency of lease:-

The currency of lease shall be from the date of execution of the lease agreement unless otherwise stated. The execution shall include registration of the document also. The lessee shall have no right to continue work on accumulate stock on or after the date of termination of lease or its earlier determination, unless otherwise permitted by the Government or the competent authority.

21 Grant of mining lease by auction or tenders:-

- (1) Notwithstanding anything contained in these rules, any mineral deposit may be leased out by public auction or by inviting tenders to be submitted for acceptance by the authority competent to grant the lease.

²[(2) ³[The premium shall be determined by auction or tender and same shall be paid one time. Such premium shall not be adjusted against dead rent. Dead rent shall be charged separately as per Schedule-II. Other terms and condition of the lease shall be in accordance with rule 18.]]

(3) ⁴[]

- (4) The State Government may discontinue grant of mining leases by auction or tender in a particular area by issuing a notice in the Official Gazette ⁵[or atleast one daily newspaper having wide circulation in the State as well as one news paper having wide circulation in the locality nearest to the area in question] in this regard.

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1. Added by Rajasthan Gazette Extraordinary dated 25/05/2012
 2. Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011
 3. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
 4. Deleted by Rajasthan Gazette Extraordinary dated 24/03/2011
 5. Inserted by Rajasthan Gazette Extraordinary dated 13/07/1992
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CHAPTER - III

Grant of Quarry Licence

22 Restriction on grant of quarry licence:-

- (1) No quarry licence shall be granted for any ¹[mineral deposits in Government land unless it is notified] in the Rajasthan Gazette ²[or at least one daily newspaper having wide circulation in the State as well as one news paper having wide circulations in the locality nearest to the area in question] by the Mining Engineer / Assistant Mining Engineer after due approval of the Director. Such notification shall be made after delineating the plots of quarries and shall mention the dimension of area for each licence.

³[]

⁴[Provided further that 50% of the plots delineated in Government land ⁵[shall be allotted by inviting tender] and remaining 50% shall be allotted by inviting applications as per the reservation provided in rule 27.]

- (2) The maximum number of the licences which may be issued to a person in his individual capacity or jointly with any other person within jurisdiction of Mining Engineer / Assistant Mining Engineer shall not exceed two.

⁶[Provided that the above restriction shall not apply to those quarry licences which have been converted from Rent-Cum-Royalty Leases in accordance with these rules.]

- ⁷[(3) No quarry licence shall be granted or renewed to a person against whom or any member of his / her family or against a firm of which he / she is or was a partner, the dues of the Department are outstanding.

Provided that where an injunction order has been issued by a court of law or any other competent authority staging the recovery of such dues, the non payment thereof shall not be treated as disqualification for the purpose of grant or renewal of the quarry licence.]

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1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 2. Inserted by Rajasthan Gazette Extraordinary dated 13/07/1992
 3. Deleted by Rajasthan Gazette Extraordinary dated 31/03/2011
 4. Added by Rajasthan Gazette Extraordinary dated 28/01/2011
 5. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
 6. Added by Rajasthan Gazette Extraordinary dated 12/08/1994
 7. Added by Rajasthan Gazette Extraordinary dated 29/08/1996
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¹[(4) No quarry licence shall be granted or renewed in contravention of Environment Impact Assessment Notification dated 14.09.2006 issued by the Ministry of Environment and Forest, Government of India, as amended from time to time.]

23 Application for grant of quarry licence:-

(1) Every application for grant of quarry licence shall be submitted to the Mining Engineer / Assistant Mining Engineer in Form No.1-C;

²[Provided that the applications for grant of quarry licence by inviting tender shall be submitted in Form No. 1-M;]

(2) Every application for grant of a quarry licence shall be accompanied by a fee of ³[Rs. 5000/- for marble and sandstone, if area of sandstone quarry is 4 hectare and above and Rs. 500/- for other minerals and sandstone if area of sandstone quarry is less than 4 hectares] either in the form of Bank Draft / Treasury Challan or in Cash at the office where application is submitted. The application fee shall not be refunded.

(3) Every application for a quarry licence shall be accompanied by an affidavit duly sworn and admitted before a Notary Public or Oath Commissioner stating as to which category out of those mentioned in rule 27, the applicant belongs.

⁴[(4) Every Application for a quarry licence shall be accompanied by an attested copy of no dues certificate from the Mining Engineer / Assistant Mining Engineer concerned, if the applicant holds or has held any mineral concession.

Provided that a properly sworn affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above is furnished within 60 days of the date of application failing which the application shall become invalid.

Provided further that no dues certificate shall not be required where a person has furnished an affidavit to the satisfaction of the Mining Engineer / Assistant Mining Engineer stating that he does not or did not hold any type of mineral concession.]

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1. Added by Rajasthan Gazette Extra Ordinary dated 19/06/2012
 2. Added by Rajasthan Gazette Extraordinary dated 25/05/2012
 3. Substituted by Government Notification dated 18/12/2004
 4. Added by Rajasthan Gazette Extraordinary dated 29/08/1996
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¹[23A. Procedure for grant of quarry licence by inviting tender.-

- (1) Notice inviting tenders for quarry licence shall be published as provided in sub-rule (1) of rule 22, at least 15 days before the date fixed for submission of tender;
- (2) Intending tenderer shall submit his application in Form No. 1-M as per the time schedule given in the notice. Application form which is not dully filled or enclosures, proof of deposit of earnest money and application fees not enclosed shall not be considered;
- (3) Tenders shall be opened in the office of the Mining Engineer / Assistant Mining Engineer concerned in the presence of tenderers who are present, by following committee, namely:-
 - (i) Superintending Mining Engineer concerned - Presiding Officer
 - (ii) Mining Engineer / Assistant Mining Engineer concerned
 - (iii) Accounts personnel nominated by the Additional Director (Mines)
- (4) The Committee referred in sub-rule (3) shall select highest bidder among the valid tenders, as selected tenderer;
- (5) No tender below the reserve price shall be accepted by the Committee;
- (6) Earnest money of tenderers other than selected tenderer shall be refunded after declaration of result by the Committee;
- (7) The selected tenderer shall deposit 25% of the tender amount within three days of opening of tender, failing which earnest money shall be forfeited and application shall be rejected;
- (8) On deposition of 25% tender amount as above, the selected tenderer shall be issued letter of intention by the Mining Engineer / Assistant Mining Engineer concerned requiring to deposit remaining 75% of tender amount and submission of consent to establish from Pollution Control Board, security equivalent to 25% of tender amount, environment clearance, mining plan duly approved by the authorised officer of Central / State Government or such other document as he may deem fit, within a period of three months or such period as may be allowed by the Director;
- (9) If the provisions of sub-rule (8) shall not be complied with by the selected tenderer, the 25% tender amount deposited by him as per sub-rule (7) shall be forfeited and application shall be rejected;]

24 Register of quarry licence applications and quarry licences:-

- (1) A register of quarry licence application shall be maintained in the office of the concerned Mining Engineer / Assistant Mining Engineer in the Form No. 6.
- (2) A register of quarry licences shall be maintained in the office of the concerned Mining Engineer / Assistance Mining Engineer in the Form No. 7.

25 Area under quarry licence:-

In respect of a particular area and mineral deposit the dimension of each plot for the purpose of grant of quarry licence shall be fixed by the Mining Engineer.

Provided that dimension of such plots shall not be smaller than 60 meters x 30 meters: ¹[This limit shall however, not apply to the gap areas lying between two or more quarry licence which are less than the minimum prescribed size.]

¹[Provided also that where the gap area available free for grant is ²[less than 0.25 hectare] and surrounded by three or more quarry licences or by forest boundary or any other reserved land, such gap area shall be granted by auctions to any one of the surrounding quarry licence and the same shall be added in his licence.

Provided also that where the gap area is ²[0.25 hectare or above], separate quarry licence shall be granted by way of open auction after delineation and notification as per the procedure provided in rule 22(1).]

Provided further that the dimension of one plot under such licence shall not exceed 400 m x 200 m for the marble and its associated minerals and 120m x 60m for any other mineral.

Provided further also that where quarry licence is granted on a fixed annual licence fee inclusive of royalty the dimension of such plots shall not exceed 10m x 10m.

³[Provided also that 30 meter wide strip of Government land shall be kept reserved around the existing quarry boundaries or licences for allotment to adjoining quarry licensee to enhance quarry size for scientific and safe mining, The area of strip shall be allotted on an application submitted by the licensee to the Mining Engineer / Assistant Mining Engineer concerned, after considering its merit and obtaining prior approval of the Director (Mines), area of strip may be added to his existing quarry licence. The existing licensee in whose licence, the strip is added shall pay, premium equivalent to four times of rent of the area to be added, in addition to rent as per rules.]

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1. Substituted by Government Notification dated 10/10/2008
 2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 3. Added by Rajasthan Gazette Extraordinary dated 24/03/2011
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26 Procedure for grant and renewal of quarry licence:-

- (1) A quarry licence shall be granted by the Mining Engineer / Assistant Mining Engineer in ¹[Form No. 8 for a period which is not less than five years and also not more than fifteen years;]

²[Provided that the ending period of quarry license such granted shall be 31st of March.

Provided further that the period of license of existing quarry licenses at the commencement of these rules, may also be suitably extended to a period which make their ending period to be 31st of March;]

- ³(2) A quarry licence may be renewed on submission of application to the Mining Engineer / Assistant Mining Engineer along with Form No 1-K, for a period of 10 years.

- (3) Where the competent authority is satisfied that the quarry has been worked properly, subsequent renewal may also be granted to the licensee.

Provided that the maximum period including the period of original grant and subsequent renewals of a quarry licence shall not exceed 90 years.

- (4) The renewal application shall be accompanied by:

- (a) a fee of Rs. 5000/- in the form of DD / Challan, for Marble;
- (b) a fee of Rs. 5000/- in the form of DD / Challan, for Sandstone, if area of Sandstone quarry is 4 hectare and above and Rs. 1000/- for Sandstone, if area of Sandstone quarry is less than 4 hectares;
- (c) a fee of Rs. 1000/- in the form of DD / Challan, for other minerals;
- (d) licence fee applicable at the time of application for one year; and
- (e) original licence of quarry.

1. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
2. Inserted by Rajasthan Gazette Extraordinary dated 25/05/2012
3. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

- (5) An application for renewal of quarry licence shall be submitted at least 30 days before the expiry of licence period.

Provided that in case the renewal application is not submitted 30 days before the expiry of licence period, the licensee may submit the application for renewal within a period of three months after expiry of licence period along with a late fee @ 10% of the licence fee for delay of each period of one month or part thereof.

- (6) In case renewal application is not submitted even after three months of expiry of licence period, licence may be terminated.
- (7) In case licensee submits renewal application after issue of notice under sub-rule (6) but before termination of licence, licence may be renewed, subject to an additional late fee of 15% of the annual licence fee for delay of each period of one month or part thereof after the expiry of three months of licence period till the date of application.]

27 Reservation and preferential right of certain categories of persons:-

- (1) ¹[Notwithstanding any thing contained in these rules, when a new block of quarries is delineated, quarry licences for minerals other than marble, dolomite, rhyolite, granite, serpentine, diorite and any other rock used for slab or tile making shall be kept reserved for the following categories of persons as per percentage indicated against each category:-]

¹ [(i)	Manual workers employed in mines, belonging to Schedule Caste.	5%
(ii)	Manual workers employed in mines, belonging to Schedule Tribes.	5%
(iii)	Manual workers employed in mines, belonging to Other Backward Classes / Special Backward Class	5%
(iv)	Manual workers employed in mines other than Schedule Caste/Schedule Tribes / Other Backward Classes / Special Backward Class	20%
(v)	Persons belonging to Schedule Caste	5%
(vi)	Persons belonging to Schedule Tribes	5%
(vii)	Persons belonging to Other Backward Classes / Special Backward Class	5%
(viii)	Persons identified as Below Poverty Line	10%
(ix)	Village artisans and land-less labourers.	10%
(x)	² [Freedom fighter / Ex-soldiers] including members of para military forces belonging to Rajasthan who have been permanently disabled and the dependents of those who have died while in service.	10%
(xi)	Rajasthan State Ex-Government servants, who have become permanently disabled while on duty or the dependents of those who have died while in service.	5%
(xii)	Registered society for the unemployed youth.	10%
(xiii)	Other applicants.	5%]

- (2) Whenever a new block of quarries delineated the plots to be reserved for allotment to different categories of persons, shall be decided by the competent authority by the method of lottery and shall be notify accordingly for inviting applications.

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2. Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011

Provided that when the total number of plots for allotment is less than 10, these shall be granted to persons belonging to the categories specified in sub-rule (1) in the descending order of priority. ¹[]

²[Provided further that provisions of this rule shall not apply for plots delineated prior to these rules.]

³[(3) When two or more applications are received within the period notified for the purpose for any one plot, the competent authority may select and issue quarry licence to any one of the eligible applicants by the method of lottery which shall be drawn by any two of the following persons:-

- (a) Representative of the Directorate not below the rank of Mining Engineer and
- (b) MLA / Pradhan of the area; and
- (c) Collector or his nominee not below the rank of Rajasthan Administrative Service.

Provided that in the case of newly delineated quarry block for which applications have been invited for the first time, if no application has been received for any plot within a period of three months from the date notified for the purpose from any person belonging to the category for which the plot was reserved, the plot shall be re-notified by inviting applications from the persons belonging to the same category for which it was reserved.

Provided further that if no application is received from eligible persons in response to the notification issued second time as provided above within a period of one month from the date notified for receipt of applications, the plot shall be deemed to have been de-reserved and free for allotment to any applicant whose application was received earlier in order of time.

Provided also that gap areas within the quarry block shall be allotted in the manner decided by the Government by a general or specific order.]

(4) ¹[]

(5) ¹[]

(6) ¹[]

1. Deleted by Rajasthan Gazette Extraordinary dated 06/04/1991
2. Added by Rajasthan Gazette Extraordinary dated 12/08/1994
3. Substituted by Rajasthan Gazette Extraordinary dated 06/04/1991

¹[27A Grant of quarry licence for marble and its associated group of minerals:-

When two or more applications have been received for a quarry licence in respect of the same plot within the period specified for receipt of applications for that plot, the competent authority after taking into consideration the matters specified below may grant quarry licence to such one of the applicants as it deems fit:-

- (a) Any special knowledge or experience in mining operations possessed by the applicant;
- (b) Financial resources of the applicant and the amount of investment proposed to be made in mechanisation of quarry;
- (c) Proposal for setting up cutting and polishing plant for the mineral excavated; and
- (d) Any matter as may be specified.

Provided that among applicants adjudged to be equally deserving with reference to the above criteria preference shall be given to manual workers belonging to Scheduled Castes / Scheduled Tribes ²[/ Other Backward Classes] working in mines, manual workers working in mines, persons belonging to the Scheduled Castes / Scheduled Tribes ²[/ Other Backward Classes], persons selected under Integrated Rural Development Program, ex-soldiers including members of Para military forces and the dependents of those who have been killed while on duty in descending order of priority.

27B When the licence has been granted by the competent authority for a particular plot to a person, all the remaining applications received for the grant of licence for the same plot shall be rejected.

27C Availability of the area for re-grant:-

- (1) When the quarry licence has been granted to an applicant and the applicant fails to deposit the licence fee, the plot shall be available for re-grant after affixing a 30 days notice on the notice board in the office of the concerning Mining Engineer / Assistant Mining Engineer and an entry to this effect shall be made on the same day in the register of quarry licences maintained for this purpose.

1. Added by Rajasthan Gazette Extraordinary dated 06/04/1991
2. Inserted by Rajasthan Gazette Extraordinary dated 28/06/2001

- (2) When the quarry licence is determined earlier or when the period of Three months after the expiry of licence also expires and the licensee fails to deposit the licence / renewal fee as per rules, the plot shall be available for re-grant after affixing 30 days notice on the notice board in the office of the concerning Mining Engineer / Assistant Mining Engineer and an entry to this effect shall be made on the same day in the register quarry licences maintained for this purpose.
- (3) The notice to be affixed as per provisions of sub-rule (1) and (2) above shall also be published at least 7 days before the date of receipt of the applications in one or more daily newspaper having wide circulation in the area.
- (4) In all cases of re-grant the provisions of Rule 27(1) shall not apply regarding categorization of plots.]

¹[27D ²[Grant of Quarry licence for plots delineated and notified prior to commencement of these rules]:-

- (1) Where two or more persons have applied for a quarry licence in respect of the same plot, applicant whose application was received on earlier date shall have a preferential right for the grant of quarry licence over an applicant whose application was received later.
- (2) Where two or more applications are received on the same day for any one plot, the competent authority may select and issue quarry licence to any one of the eligible applicant by the method of lottery which shall be drawn by any two of the following persons:-
 - a) Representative of the Directorate not below the rank of Mining Engineer; and
 - b) MLA / Pradhan of the area; and
 - c) Collector or his nominee not below the rank of Rajasthan Administrative Service.]

27E Demarcation of quarry licence area:-

- ³[(1) When a quarry licence is granted by the State Government or the Competent authority, arrangements shall be made at the expenses of the licensee for the survey and demarcation of the area granted under the licence.

1. Added by Rajasthan Gazette Extraordinary dated 12/08/1994
2. Substituted by Rajasthan Gazette Extraordinary dated 31/03/2011
3. Inserted by Rajasthan Gazette Extraordinary dated 24/03/2011

Provided that where the Mining Engineer / Assistant Mining Engineer concerned feel it necessary to demarcate the area before issuing an order of grant for quarry licence, he may ask the applicant to deposit the demarcation charges within time specified by him and get the area demarcated.

Provided further that if the applicant fails to comply with such order the application for grant of quarry licence shall be rejected.

Provided also that the licensee, after demarcation of the granted area, shall construct boundary pillars and maintain them throughout the period of licence.

Provided also that re-verification of boundary pillar shall also be carried out on the request of the licensee but the expenses of the re-verification shall be twice the amount of demarcation fee given in the note below.

Note : Expenses for demarcation shall be-

- (a) Rs. 500/- per Hectare or part thereof for area up to one Hectare.
- (b) Rs. 800/- per Hectare or part thereof for area more than one hectare but up to 5 hectare.
- (c) Rs. 200/- per Hectare or part thereof for the area more than 5 hectares subject to minimum Rs. 4,000/- and maximum Rs. 20,000/-.]

28 Licence fee, security etc. for quarry licence:-

- (1) The Licence fee for a quarry licence shall be between ¹[Rs. 1,000/- to Rs. 2,00,000] per annum as may be fixed by the Mining Engineer ²[from time to time]. The licence fee shall be paid annually in advance ³[] provided that if the period of licence is less than one year at the time of initial grant as provided in rule 26 (1) proportionate amount of licence fee for the calendar months during which the licence remained in force shall be charged in the first year.

²[provided that such licence fee once fixed shall not be revised more than once during any period of 3 years.]

- (2) Every licensee shall deposit a security which shall be equivalent to 25% of the annual licence fee with the Mining Engineer / Assistant Mining Engineer along with the licence fee, at the time of grant for due observance of the terms and conditions of the licence.

1. Substituted by Government Notification dated 18/12/2004
 2. Inserted by Rajasthan Gazette Extraordinary dated 10/12/1987
 3. Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996

Provided that security amount shall be refunded to the licensee on termination of the licence after deducting dues against the licensee, if any.

- (3) The licensee or his agent, contractor, assignee, transporter etc. shall pay, in addition to the licence fee royalty at Departmental 'Naka' or to the Royalty Collection Contractor as the case may be in accordance with the Schedule-I.

¹[Provided that the licence fee inclusive of royalty shall be Rs. 1,000/- per month in respect of areas which do not measure more than 10 X 10 meters in size. Amount of licence fee shall be payable annually in advance on the date specified by the Mining Engineer / Assistant Mining Engineer.]

²[Provided further that such licence fee inclusive of royalty shall not be revised more than once during any period of 3 years.]

29 Conditions of quarry licence:-

- (1) The licensee shall have the liberty at all times during the period of the licence in respect of the plot / land for which licence is sanctioned to enter upon the area and to mine, bore, dig, drill, win work, stock, dress, process, convert, carry away and dispose of the said mineral subject to the following conditions:-
- (a) The licensee or his agent, contractor assignee, transporter etc. shall pay royalty on the quantity of the said mineral despatched from the said quarry at the rate specified in the Schedule-I to the Government or any royalty collection contractor appointed by the Government in this behalf.
- (b) The licensee shall pay annual licence fee in advance to the Government on or before such date as specified by Mining Engineer / Assistant Mining Engineer. If the licence fee is not paid on the due date, the same shall be recoverable along with a penalty equivalent to 10% of the licence fee ³[up to a period of 3 months from the due date of payment. Failing which licence may be terminated after giving a 15 days notice.]
- (c) The licensee shall deposit a sum equal to 25% of the annual licence fee as security for the observance of the terms and conditions of the licence.
- (d) The licensee shall pay such amount per year or part thereof to the Government for removal of dump from the quarry at such rate and at such time as may be fixed by Government from time to time.

1. Substituted by Government Notification dated 18/12/2004
 2. Inserted by Rajasthan Gazette Extraordinary dated 10/12/1987
 3. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

- (e) The licensee shall start work in the quarry within one month of the grant of licence and shall thereafter continue to work effectively in a proper skillful and workman like manner, both as regards conservation of mineral and as regards removal of all valuable minerals from within the mines.
 - (f) The licensee shall maintain and at all times keep in repair boundary pillars at the corners of the quarry according to the demarcation approved by the Mining Engineer / Assistant Mining Engineer.
 - (g) The licensee shall abide by the instructions of the Mining Engineer / Assistant Mining Engineer regarding the working of the quarry, removal of waste, drainage and other matter connected with the systematic development and working of the quarry.
 - (h) The licensee shall make reasonable satisfaction and pay such compensation as may be assessed by lawful authority in accordance with the law or rules or order in force on the subject for all damages, injuries or disturbances which may be done by him and shall indemnify and keep indemnified fully and completely the Government against all such damage, injury or disturbances and all costs and expenses in connection therewith; and
 - (i) The licensee shall without any delay report to the Director, Mining Engineer / Assistant Mining Engineer any accident which may occur at or in the said premises and also the discovery on or within any of the lands or mines demised by the licence of any mineral not specified in the licence.
- (2) The licence may be cancelled by Mining Engineer / Assistant Mining Engineer without giving any notice if the licensee fails to start work at the said quarry or does not work it for a continues period of 3 months without obtaining his prior approval. However the Mining Engineer / Assistant Mining Engineer may refuse for such approval for reasons to be recorded.
 - (3) The mineral left on the expiry of licence period or cancellation of licence shall be removed by the licensee within 15 days of the expiry of licence or receipt of the order of cancellation of licence.

- ¹[(4) The licensee may apply for acceptance of surrender of the quarry licence at any time by giving an application in writing to Mining Engineer/Assistant Mining Engineer at least 15 days before the intended date of surrender. The Mining Engineer/ Assistant Mining Engineer shall accept the surrender if the licensee has carried out the protective, reclamation and rehabilitation work in accordance with the approved mine closure plan or with such modifications as approved by the competent authority but it shall not be necessary if in intended area to be surrendered no mining operation was carried out. The amount of licence fee for the balance period of the licence shall not be refunded but the security amount deposited by the licensee shall be refunded;]
- (5) The Mining Engineer may enhance or reduce the licence fee in respect of any particular area of block provided that the enhancement of licence fee shall not be made before a period of 3 years from any such previous enhancement.
- (6). The State Government may by a notification in the official Gazette amend from time to time the First Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral provided that any enhancement in the rate of royalty for a mineral shall not be made before a period of 3 years of any such previous enhancement. Provided further that this rule shall not be applicable in the case where licence is granted on a fixed annual licence fee inclusive of royalty.
- (7) ²[The licensee shall confine his workings within the limits of the plot allotted to him and shall not undertake mining outside his plot. In case the licensee is found working outside the boundary of his allotted plot, the licence may be cancelled by the Mining Engineer / Assistant Mining Engineer.
- Provided that no such action shall be taken against the licensee without giving him an opportunity of being heard.
- (8) The licensee shall not obstruct approach to the adjoining licensee. In case of any dispute about the approach road, directions of the Mining Engineer / Assistant Mining Engineer shall be final and binding.]
- ³[(9) The licensee shall not work and carry on or allowed to be worked or carried on at any point within a distance of 45 meters from any National and State Highway. The said distance of 45 meters shall be measured from the outer toe of the road. In case of roads other than National and State Highways, the safe distance of 15 meter from the centre of the road on both sides shall be maintained by the licensee.]

1. Substituted by Rajasthan Gazette Extra Ordinary dated 19/06/2012
2. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994
3. Added by Rajasthan Gazette Extraordinary dated 28/01/2011

- ¹[(10) The licensee shall take all necessary measures to ensure health and safety of labours employed in the quarry and shall comply with all the provisions of law time being in force.
- (11) The licensee shall maintain and keep ready for inspection, daily attendance register of labours employed in the quarry, in the Performa as prescribed in the Mines Rules, 1955. He shall also furnish a list of labours, along with their addresses, employed by him in the preceding quarter to the Mining Engineer and concerned district level officer of the Labour Department, Government of Rajasthan within 7 days at the end of each quarter.]

30 Cancellation of licence:-

- (1) The licensee shall abide by all terms and conditions of licence.

Provided that the Mining Engineer / Assistant Mining Engineer incharge of the area may issue directions in respect of Mining methods, removal and disposal or over burden, stacking of minerals, payment of royalties and other connected matters.

- (2) If the licensee commits breach of any terms of licence or any provision of the rules or fails to comply with the directions given by the Mining Engineer / Assistant Mining Engineer within the period specified by him the competent authority may after giving 15 days notice to remedy the breach or to comply the directions, impose penalty not exceeding ²[Rs. 10000/-] or in the alternative may cancel the licence with forfeiture of security deposits and licence fee for the remaining period of the licence.

31 Transfer of quarry licenses:-

- (1) A quarry licence may be transferred with prior approval of the competent authority after a period of one year from its commencement to a person belonging to the same category as that of the licence, on payment of a transfer fee of ²[Rs. 5,000/- for marble and sandstone, if area of sandstone quarry is 4 hectare and above, and Rs. 2,000/- for other minerals and sandstone, if area of sandstone quarry is less than 4 hectares.]

Provided that transfer of a quarry licence shall not be allowed where the quarry has not been worked.

- (2) ³[An application for transfer of quarry licence shall be disposed of by the competent authority.]

1. Added by Rajasthan Gazette Extraordinary dated 14/10/2011
2. Substituted by Government Notification dated 18/12/2004
3. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

CHAPTER - IV

Grant of ¹[Royalty Collection Contract / Excess Royalty Collection Contract with or without collection of Permit fee / other charges] and Mining Lease by auction or tender

32 Grant of Royalty Collection Contract:-

¹[Royalty collection contract / Excess Royalty Collection Contract with or without collection of permit fee/other charges]:-

- (1) ¹[Royalty collection contract / Excess Royalty Collection Contract with or without collection of permit fee / other charges] may be ²[granted by auction, tender, e-auction or e-tender] only in respect of such area and mineral as the Director may by a general or special order, direct.
- (2) ¹[Royalty collection contract / Excess Royalty Collection Contract with or without collection of permit fee / other charges] may be granted by the competent authority ²[by auction, tender, e-auction or e-tender] for a maximum period of two years.

Provided that where it is necessary to do so, the period of contract may be further extended ²[for a period up to 90 days or till new contract comes into force, whichever is earlier] by the competent authority with the prior approval of the Director and with the consent of contractor ¹[and a rider agreement shall be executed before expiry of the original contract.]

¹[Provided further that where it is necessary to do so, the period of contract may be further extended by the Government and a rider agreement shall be executed before expiry of the contract.]

³[Provided also that the extension of contract period shall be subject to the condition that the contractor shall pay 10% increased amount of the existing annual contract amount or the contract amount fixed by the Director keeping in view, the mineral despatch from the area concerned or the annual contract amount at which next contract comes into force, whichever is higher, for the period of extension. The security amount and Bank Guarantee for extended period shall remain the same as deposited by the contractor during the original contract period and shall not be refunded or adjusted in the dues or installments of the contract till next contract comes into force.]

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1. Inserted / Added / Substituted / Deleted by Rajasthan Gazette Extraordinary dated 27/03/2003
 2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 3. Added by Rajasthan Gazette Extraordinary dated 28/01/2011
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- (3) The amount to be paid annually by the contractor to the Government shall be determined in ¹[auction or e-auction or by tender or e-tender to be submitted] for acceptance by the authority competent to grant the contract.

²[Provided that in case of enhancement or reduction in the rate of royalty given in the schedule-I or permit fee / other charges, the royalty collection contractor shall be liable to pay an increased or reduced amount of contract money, security amount and guarantee amount in proportion to the enhancement or reduction for the remaining period of contract from the date of such enhancement or reduction, as the case may be.

Provided further that on enhancement or reduction in the rate of royalty, the excess royalty collection contractor shall be liable to pay an enhanced or reduced amount of contract money, security amount and guarantee amount calculated according to the following formula:-

Revised contract amount = [(Existing Contract amount + Total existing dead rent) x new royalty rate / existing royalty rate - Total existing dead rent.]

³[]

- (4) ³[Only contractors registered with the Department as per norms and procedure laid down by the State Government from time to time shall be eligible to offer bid in auction or submit tender for collection or royalty / excess royalty / permit fee / other charges.]

Provided that no registration is required for the contracts having reserve price up to ¹[Rs. 10.00 lacs.]

⁴[Provided further that it shall be compulsory for the existing royalty and / or excess royalty collection contractor to renew his registration, in case the same expires during the tenure of such contract.]

- (5) ⁵[]

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 2. Substituted by Government Notification dated 15/11/2010
 3. Inserted / Added / Substituted / Deleted by Rajasthan Gazette Extraordinary dated 27/03/2003
 4. Added by Rajasthan Gazette Extraordinary dated 28/01/2011
 5. Deleted by Rajasthan Gazette Extraordinary dated 28/01/2011

¹[32A Registration of Contractor:-

- (1) Any person may apply for registration as contractor. The application for registration or its renewal shall be made in Form No. 1-J to any Zonal Office of the Additional Director (Mines). The registration shall be renewed by the same Zonal Officer by whom registration certificate was issued.
- (2) The competent authority for fresh registration or renewal shall be Zonal Officer i.e. Additional Director (Mines).
- (3) Every application made under sub-rule (1) for registration or its renewal shall be accompanied by:
 - (a) a fee (non- refundable) in cash or demand draft in favour of the competent authority, minimum net worth certificate and security amount as shown below:-

Class of Contractor application	Application fee (in Rs.)	Reserve price (in Rs)	Minimum Net worth (certificate issued by Chartered Accountant on parameters mentioned in rule 3(d) (Rs. in Lacs)	(Security amount (Rs. in Lacs)
A	10000.00	Any amount above 100.00 lacs	50.00	2.00
B	5000.00	Above 50.00 lacs and up to 100.00 lacs	10.00	1.00
C	2000.00	Above 10.00 lacs and up to 50.00 Lacs	5.0	0.50

- (b) a valid no dues certificate issued from Assistant Mining Engineer / Mining Engineer concerned, if an applicant remained as contractor / mining lessee / quarry licensee or having a contract / mining lease / quarry licence in his favour or in the name of his family members;
- (c) a properly sworn affidavit stating that no dues of the Department is outstanding against the applicant or his family members, partners of the firm, directors of the private limited company or members of association of persons, as the case may be;

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

- (d) a net worth certificate issued by a Chartered Accountant. Net worth certificate shall be issued on the basis of his profit and loss account / turnover / assessed income as per income tax returns etc. Self attested copies of these documents shall be enclosed alongwith net worth certificate;
 - (e) copy of all relevant documents mentioned in Chartered Accountant certificate to explain its title;
 - (f) power of attorney in favour of a person, executed by a firm or association of persons and in case of a company resolution passed by the company, who is signing and submitting the application, if an applicant is a firm / company / association of persons;
 - (g) a properly sworn affidavit stating details regarding contract (s) / mining lease(s) / quarry licence(s) held in the name of the applicant or his family members;
 - (h) security amount in the form of a Fixed Deposit Receipt of a Nationalized / Scheduled bank or National Saving Certificate of amount as per clause (a). Fixed Deposit Receipt / National Saving Certificate shall be in the name of Additional Director (Mines) and made from the account of contractor to be registered.
- (4) In case of the auction or tender for mining lease, no registration shall be required to participate in auction or tender.
 - (5) The application made under sub-rule (1) shall be disposed by the competent authority within 15 days from the date of receipt of application. The competent authority may refuse to issue registration certificate to an applicant after recording reasons and same shall be communicated in writing to the applicant.
 - (6) The contractor shall be registered with the Department for maximum two calendar years only, including the year in which he applies for the registration, irrespective of the date of application.
 - (7) The application for renewal of registration, as per sub-rule (1) shall be submitted to the competent authority before the date of expiry of registration. If an application is complete in all respect as per sub-rule (3) and past performance of the applicant as bidder / tenderer / contractor is satisfactory, the competent authority may renew the registration for further period of two years ending on 31st December.
 - (8) In case any information furnished by the applicant is found incorrect, at any time, the competent authority may cancel the registration and forfeit the security amount after giving 15 days notice to the contractor.

- (9) If the contractor is debarred from participating in future contracts or is blacklisted under these rules, registration may be cancelled and the security shall be forfeited, after giving 15 days notice.]

¹[33 Presiding Officer:-

- (1) In case of auction irrespective of reserve price, the Superintending Mining Engineer concerned or an Officer nominated by Director Mines & Geology shall be the Presiding Officer for auction for grant of mining lease and for royalty / excess royalty / permit fee / other charges collection contract in his jurisdiction and he may reject or accept any bid without assigning any reason to the bidders.

Provided that auction for grant of mining lease and for royalty collection contract / excess royalty collection contract with or without collection of permit fee / other charges shall be held in the office of Superintending ²[Mining Engineer concerned or in the office as the Director may permit in specific cases.]

- (2) In case of Tender-

- (a) Tenders for grant of ²[royalty collection] contract / excess royalty collection contract with or without collection of permit fee / other charges having reserve price up to ²[Rs. 1.00 Crore] shall be received in the office of Assistant Mining Engineer / Mining Engineer / and Superintending Mining Engineer concerned simultaneously. Tenders received shall be opened in the office of Superintending Mining Engineer concerned in the presence of following committee.

- 1 Superintending Mining Engineer Concerned (Presiding Officer);
- 2 Mining Engineer / Assistant Mining Engineer Concerned; and
- 3 Assistant Accounts Officer / Accounts Officer / Any other officer Nominated by Director of Mines & Geology.

Provided that in case where office of Superintending Mining Engineer, Mining Engineer and Assistant Mining Engineer is situated in the same premises, tenders shall be received only in the office of Superintending Mining Engineer concerned or as per the direction of Director of Mines & Geology.

1. Inserted / Added / Substituted / Deleted by Rajasthan Gazette Extraordinary dated 27/03/2003

2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

(b) Tenders for ¹[grant of royalty collection] contract / excess royalty collection contract with or without collection of permit fee / other charges having reserve price more than ¹[Rs. 1.00 Crore and upto Rs 10.00 Crore] shall be received in the office of Assistant Mining Engineer / Mining Engineer, Superintending Mining Engineer and Additional Director Mines concerned simultaneously. Tenders received shall be opened in the office of Additional Director Mines concerned in the presence of following committee:-

1. Additional Director Mines (Presiding Officer);
2. Superintending Mining Engineer; and
3. Accounts Officer / Financial Advisor / Any other officer nominated by Director Mines & Geology.

Provided that in case where office of Additional Director Mines, Superintending Mining Engineer, Mining Engineer and Assistant Mining Engineer is situated in the same premises, tenders shall be received only in office of Additional Director Mines concerned or as per the direction of Director Mines & Geology.

(c) Tenders for ¹[grant of royalty collection] contract / excess royalty collection contract with or without collection of permit fee / other charges having reserve price more than ¹[Rs. 10.00 Crore] shall be received in the office of Additional Director (Mines) concerned and in the office of Directorate simultaneously. Tenders received shall be opened in the Directorate in the office of Additional Director (Mines-Hqrs.) in the presence of following committee:-

1. Additional Director Mines –Hqrs. (Presiding Officer);
2. Superintending Mining Engineer concerned; and
3. Financial Advisor / Accounts Officer / Any other officer nominated by Director of Mines & Geology.]

¹[(d) Tenders for grant of mining lease shall be received in the office of Superintending Mining Engineer concerned and shall be opened in the office of Superintending Mining Engineer concerned in the presence of following committee:-

- (1) Superintending Mining Engineer concerned;
- (2) Mining Engineer / Assistant Mining Engineer concerned; and
- (3) Any officer or official nominated by the concerned Additional Director (Mines).]

²[**33A Reserve Price:-**

- (1) Reserve Price for new contracts to be granted for first time or to be granted with revised area shall be evaluated by the concerned Assistant Mining Engineer / Mining Engineer keeping in view the following points:-
 - (a) Physical quantities of mineral produced and dispatched from the area;
 - (b) Last year's collection of royalty from that area;
 - (c) Expected increase in revenue in the proposed contract period due to increased demand of mineral; and
 - (d) Any other relevant matter about the area.
- (2) The approval of reserve price for new contract up to Rs. 1.00 Crore shall be given by the concerned Additional Director (Mines) and above Rs. 1.00 Crore by the Director.
- (3) For existing contracts the reserve price for next contract shall be 10% higher than existing annual contract amount and in this respect no approval shall be required.

Provided that the total area of two or more existing contracts for the same mineral may be combined into one contract area and in such case the reserve price shall be 10% higher than the total existing annual contract amount of all the contracts to be amalgamated.

- (4) In case if it is necessary to revise the existing reserve price of any contract for future contract, it shall be done with the prior approval of the concerned Additional Director Mines up to Rs.1 Crore and from Director for more than Rs.1 Crore.

1. Added by Rajasthan Gazette Extraordinary dated 28/01/2011
2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

- (5) In case of mining lease ¹[reserve price shall be fixed by Superintending Mining Engineer which shall not be less than the amount equal to existing dead rent for the area to be allotted.]]

²**[33B Security:-**

- (1) The Security deposit for the royalty and / or excess royalty collection contracts shall be 10% of the bid / tender amount. The earnest money deposited by the provisionally selected bidder / tenderer shall be automatically converted into security amount of the contract on provisional selection of the bidder / tenderer.

Provided that the excess amount of earnest money over and above 10% of the annual bid / tender amount, if any, shall be adjusted in the monthly / quarterly installments as the case may be.

- (2) Provisionally selected bidder / tenderer may replace the security amount demand drafts / banker's cheque by Fixed Deposit Receipts of any Nationalized / Scheduled bank drawn in favour of the concerned Mining Engineer / Assistant Mining Engineer. Such Fixed Deposit Receipts shall be made from the bank account of the provisionally selected bidder / tenderer and valid for a period of at least 2 years, before the execution of the contract. In such case the earnest money shall be adjusted against monthly / quarterly installments of the contract as the case may be.
- (3) The security shall be refunded by the competent authority, within 30 days of the completion of the contract, if the contract is completed without any lapse on part of the contractor.
- (4) The security deposited for mining lease shall be in accordance with rule 14 of these rules.
- (5) The contractor shall pay difference amount of security in proportion to the enhancement of contract amount due to change in rate of royalty or increase in permit fee /other charges.

1. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
2. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

33C Guarantee:-

- (1) The bidder / tenderer for the royalty and / or excess royalty collection contract in whose favour contract has been sanctioned by the competent authority, shall submit guarantee for due performance of the contract in the form of Bank Guarantee / Fixed Deposit Receipt of any Nationalized / Scheduled Bank or National Saving Certificate valid for at least 3 years and equal to 15% of annual contract amount in favour of the concerned Mining Engineer / Assistant Mining Engineer before execution of the contract. Guarantee shall be adjusted against Departmental dues of the contractor on expiry or cancellation of the contract, if any, otherwise it shall be refunded to him by the competent authority within 30 days of the completion of the contract.
- (2) The Guarantee for mining lease shall be in accordance with rule 14-A of these rules.
- (3) The contractor shall submit Guarantee for difference amount in proportion to the enhancement of contract amount due to change in rate of royalty or increase in permit fee / other charges.

33D Bid / Tender amount:-

- (1) The bidder / tenderer for the mining lease or royalty and / or excess royalty collection contracts in whose favour contract has been sanctioned by the competent authority, shall deposit bid / tender amount before execution of the lease / contract as the case may be, as follows:-
 - (i) If the yearly bid / tender amount does not exceed Rs.10 Lacs, 25% of the bid / tender amount shall be deposited as first quarterly installment. Remaining quarterly installments shall be deposited in advance on the dates specified in the agreement. In case, due date is a Government holiday then the due date shall be the next working day;
 - (ii) If the yearly bid / tender amount exceed Rs.10 Lacs, it shall be recovered in equal monthly installments but the first installment shall be deposited before execution of the agreement. The remaining monthly installments shall be deposited in advance on the dates specified in the agreement. In case, due date is Government holiday then the due date shall be the next working day.
- (2) The monthly / quarterly installment shall be paid in advance before the due date. In case the monthly / quarterly installment is not deposited upto the due date then interest shall be payable @ 15% per annum from the due date on unpaid amount.

- (3) In case contractor fails to deposit monthly / quarterly installments on due date, the concerned Mining Engineer / Assistant Mining Engineer may cancel the contract with forfeiture of the security amount. Such action shall not be taken without giving a 15 days show cause notice to the contractor.

- ¹[(4) Where mining lease is granted through auction or tender, 25% of the bid / tender amount shall be deposited within three days of provisional selection of bidder / tenderer, remaining 75% amount shall be deposited before execution of lease deed. If the bidder / tenderer fails to deposit 25% amount within time, mentioned above the earnest money deposited by him shall be forfeited and if he fails to deposit 75% amount as mentioned above, the 25% amount deposited by him shall be forfeited and application shall be rejected.]

²[34 Procedure for auction:-

The following shall be the procedure for holding auction of mining lease under rule 21 and for royalty collection contract / excess royalty collection contract with or without collection of permit fee / other charges under rule 32 of these rules:-

- (i) Notice for auction shall be published by the Superintending Mining Engineer or any other officer authorized by the Director, in one daily newspaper having wide circulation in the State. The notice shall also be published in one newspaper having wide circulation in the locality nearest to the area in question. Such notification shall be published at least 15 days before the date of auction indicating the place, date and time of auction.

Provided that in case date of auction is declared holiday by the Government then the auction shall be conducted on the next working day.

- (ii) A copy of such notification for wide publicity shall be displayed on Departmental web site as well as on the notice board of concerned Additional Director (Mines) / Superintending Mining Engineer / Mining Engineer / Assistant Mining Engineer offices. A copy of such notification shall also be sent to the Panchayat Samities or Municipal Boards having jurisdiction over the area in question.
- (iii) The terms and conditions as approved by the Director and particulars of the royalty and / or excess royalty collection contract or mining lease shall be affixed on the notice board in the office of Superintending Mining Engineer, Mining Engineer / Assistant Mining Engineer concerned and shall also be read out to the intending bidders at the time of auction and their signatures or thumb impressions shall be obtained in token thereof.
- (iv) The terms and conditions of the contract / mining lease shall also be made available to intending tenderers on payment of Rs.10/-.

1. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

- (v) The intending bidder shall be allowed to participate in the auction on the following conditions:-
- (A) The intending bidder for royalty and / or excess royalty collection contract shall submit form No. 1-F and for mining leases form No.1-G appended to these rules, before participating in auction.
- (B) The bidder shall submit an attested copy of registration of contractor as provided in Rule 32(4) for royalty collection contract / excess royalty collection contract.
- ¹[(BB) In case of bid for grant of mining lease, bidder shall submit non refundable application fees as prescribed in rule 5 in the form of Treasury Challan or Demand Draft / Banker's Cheque drawn in favour of Assistant Mining Engineer / Mining Engineer concerned.]
- (C) The bidder shall submit an affidavit stating that no dues of the Department are out standing against the bidder / all partners of the firm / all directors of the company or family members of the bidder / partners / directors, as the case may be along with the form. Such affidavit should not be older than 15 days from the date of its submission.
- (D) The bidder shall submit power of attorney in case of partnership firm / association of persons and resolution of board of directors in case of company along with the form 1-F or 1-G as the case may be.
- (E) Where the intending bidder fails to enclose all or any one of the documents as per sub clause (B) to (D) above along with form, in such case he / she shall not be allowed to participate in the auction.
- (F) The bidder shall deposit the earnest money as mentioned below in the form of Demand Draft or Banker's Cheque drawn in favour of the Assistant Mining Engineer / Mining Engineer concerned or in any other mode as notified by the Government from time to time:

(a)	For bid up to Rs. 1 Lac	10,000/-
(b)	For bid above Rs.1 Lac & up to Rs.5 Lacs	50,000/-
(c)	For bid above Rs. 5 Lacs & up to Rs. 10 Lacs	1,00,000/-
(d)	For bid above Rs.10 Lacs	1,00,000/- + one Lac for each additional bid of Rs.10 Lacs or part thereof.

1. Inserted by Rajasthan Gazette Extraordinary dated 25/05/2012

Provided that no interest shall be paid by the Government on the earnest money deposited as above.

- (G) In case the intending bidder does not sign or put thumb impression as per clause (iii) or fails to deposit earnest money as mentioned in sub-clause (F), shall not be allowed to offer the bid.
- (vi) On completion of auction, the presiding officer shall declare the highest bidder as provisionally selected bidder and the earnest money deposited by the bidders other than the provisionally selected bidder shall be refunded immediately.
- (vii) The competent authority shall take decision for sanction or rejection of the provisionally selected bid and no bid shall be regarded as accepted unless competent authority issues sanction for the same.
- (viii) No bid for mining lease or royalty and / or excess royalty collection contract below reserve price shall be accepted by the presiding officer.
- (ix) Misbehaviors by any person during auction may be punished by his removal or if necessary by debarring him for a period up to three years for any future auction / tender under these rules at the discretion of presiding officer.
- (x) After provisional selection if any dues of the Department is found outstanding against bidder / partners of the firm / directors of the company or family members of the bidder / partners / directors, in such case his bid shall be rejected / sanction shall be revoked with forfeiture of earnest money / security deposited as the case may be, by the competent authority without further notice and the advance installment deposited, if any, shall be adjusted against such dues.]

¹[35 Procedure for Tender:-

The following shall be the procedure for inviting the tenders for mining lease under rule 21 and for royalty collection contract / excess royalty collection contract with or without collection of permit fee or other charges under rule 32 of these rules:-

- (i) Notice for inviting tenders shall be published by the Superintending Mining Engineer or any other officer authorized by the Director, in one daily news paper having wide circulation in the State. The notice shall also be published in one newspaper having wide circulation in the locality nearest to the area in question. Such notification shall be published at least 15 days before the date on which tenders are to be received indicating the place / places, date and time.

Provided that where no tender is received or received below reserve price, the tender shall be invited afresh and notification in such cases shall be published at least seven days before the date on which tenders are to be received as mentioned above.

Provided further that in case date of receiving tender is a holiday, declared by Government, then the tender shall be received on the next working day.

- (ii) A copy of such notification for wide publicity shall be displayed on Departmental web site as well as on the notice board of concerned Additional Director (Mines) / Superintending Mining Engineer / Mining Engineer / Assistant Mining Engineer offices. A copy of such notification shall also be sent to the Panchayat Samities or Municipal Boards having jurisdiction over the area in question.
- (iii) The terms and conditions as approved by the Director and particulars of the mining lease or royalty and / or excess royalty collection contract shall be affixed on the notice board in the office of concerned Superintending Mining Engineer and Mining Engineer / Assistant Mining Engineer and shall also be made available to intending tenderers on payment of Rs.10/-.
- (iv) Tender for royalty and / or excess royalty collection contract shall be submitted in form No. 1-H and for mining lease in form No. 1-I appended to these rules in sealed cover super scribed with relevant details of the royalty and / or excess royalty collection contract or the mining lease, as the case may be.
- (v) Tenders dropped in tender box kept at the notified place / places, date and time shall only be considered for provisional selection by tender opening committee and for award of contract by competent authority.
- (vi) Every tender shall be accompanied by:
 - (a) earnest money equal to 10% of yearly tender amount in the form of Demand Draft or Banker's Cheque drawn in favour of the Assistant Mining Engineer / Mining Engineer concerned or in any other mode as notified by the Government from time to time.

Provided that no interest shall be paid by the Government on the earnest money deposited as above.

- ¹[(aa) a non refundable application fees as prescribed in rule 5 in the form of Treasury Challan or Demand Draft / Banker's Cheque drawn in favour of Assistant Mining Engineer / Mining Engineer concerned in case of tender for grant of mining lease.]

- (b) an attested copy of registration of contractor as provided in sub-rule (4) of rule 32 for royalty collection contract / excess royalty collection contract.
- (c) an affidavit stating that no dues of the Department are outstanding against the tenderer / all partners of the firm / all members of association of persons / all directors of the company or family members of the tenderer / partners / members of association of persons / directors, as the case may be. Such affidavit should not be older than 15 days from the date of its submission.
- (d) power of attorney in case the tenderer is a partnership firm / association of persons and resolution of board of Directors in case of company as the case may be.
- (e) in case tenderer fails to enclose all or any one of the documents as per sub clause (a) to (d) above alongwith tender form, his tender shall be treated as invalid and shall not be considered by the tender opening committee.
- (f) tender document shall be signed by proprietor in case of individual tenderer, all the partners of the firm / all the members of association of persons or power of attorney holder of all the partners of the firm / all the members of association of persons in case of firm / association of persons and authorized person of the company by the resolution in case of company as the case may be. Tender document signed by a person other than mentioned above shall be treated as invalid and shall not be considered by tender opening committee.
- (vii) Annual tender amount shall be written clearly in figures and words separately and in case of any discrepancy, amount written in words shall be considered only.
- (viii) The tenders shall be opened in the presence of tenderers who are present at the notified place, date and time.
- (ix) The tender opening committee shall select the highest valid tenderer as provisionally selected tenderer and presiding officer shall declare the same.
- (x) The earnest money, deposited by the tenderers other than the provisionally selected tenderer shall be refunded immediately after the declaration of the provisionally selected tenderer.
- (xi) No tender for mining lease or royalty / excess royalty collection contract below reserve price shall be selected by tender opening committee or accepted by the competent authority.

- (xii) The competent authority shall take decision for sanction or rejection, of the provisionally selected tender and no tender shall be regarded as accepted unless competent authority issues sanction for the same.
- (xiii) Misbehavior by any person during the course of offering tender can be punished by rejection of his tender or, if necessary by debarring him for a period of three years from the date of offering tender in future under these rules.
- (xiv) Notwithstanding anything given above, the Director, Mines and Geology can invite tenders in two separate envelopes i.e. Technical and Financial. In such a case the financial bids shall be opened only in case of those bidders who are technically suitable.]

¹[35A Procedure for e-auction / e-tender:-

Director Mines and Geology shall issue detailed guidelines regarding the procedure for e-auction / e-tender. The guidelines so issued shall not be in consistent with the provisions of the rules.]

36 Register of Mining lease granted by auction or tenders:-

A register of mining leases granted by auction or by inviting tenders shall be maintained in the office of Mining Engineer / Assistant Mining Engineer for their respective jurisdiction in Form No. 9.

²[37 Execution of contract:-

- (1) When a bid / tender for mining lease is accepted by the competent authority, the bidder / tenderer shall execute the lease deed as per the provisions and procedure laid down in rule 19.
- (2) Where the royalty and / or excess royalty collection contract has been sanctioned, the grantee shall submit Guarantee and bid / tender amount as per rule 33C and 33D respectively within 15 days from the date of sanction.
- (3) When a bid / tender for royalty collection contract and / or excess royalty collection contract has been sanctioned by the competent authority, the bidder / tenderer shall execute an agreement in form No.10 within a period of fifteen days from the date of sanction. The terms and conditions included in the notification issued under rule 34 or 35 shall be treated as part of the agreement.

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011
2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

- (4) Where the bidder / tenderer fails to comply with the provisions of sub-rule (2) or fails to execute the agreement within the prescribed time limit, the order of sanction shall be revoked and the amount deposited as security under rule 33B shall be forfeited and fresh auction shall be conducted or tenders shall be invited as the case may be.

Provided that in case all requisite formalities have been completed by the bidder / tenderer within fifteen days from the date of sanction and agreement could not be executed with no fault of bidder / tenderer in such case, Director may extend the period of execution with reasons to be recorded in writing.

Provided further that before revocation of sanction if the contractor after completing the formalities as per sub rule (2) applies in writing for execution of contract enclosing a Demand Draft / Bankers Cheque amounting 9% of yearly bid / tender amount for delay of every one month or part thereof as penalty, the period of execution can be extended by the Director. The delay shall be calculated after 15 days of sanction.

- (5) The contract agreement shall be signed by the competent authority on behalf of the Governor of Rajasthan as required under the provision of Article 299 of the Constitution of India.]

- ¹[(6) Where the sanction in respect of royalty collection contract / excess royalty collection contract is revoked as per sub-rule (4), such bidder / tenderer shall be debarred for taking part in next two bids / tenders invited in future for the same area.]

¹**[37A Conditions of royalty collection contract and / or excess royalty collection contract:-**

The following conditions shall be included in every royalty collection contract and / or excess royalty collection contract and if they are not so included shall be deemed to have been included therein, namely:-

- (i) The contractor shall make his own arrangements for collection of royalty.
- (ii) The contractor shall arrange to print royalty receipt books in form No. 12A / 12 B, as the case may be, at his own expenses and get stamped from the concerned Assistant Mining Engineer / Mining Engineer office.
- (iii) The contractor shall collect the royalty near mining leases / at the quarry mouth and if the royalty is not collected near mining leases / at the quarry mouth then at any other place near the lease / quarry but within the jurisdiction of contract area.

1. Added by Rajasthan Gazette Extraordinary dated 25/05/2012

2. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

Provided that such place shall be fixed after prior approval in writing from the concerned Mining Engineer / Assistant Mining Engineer. Such permission shall be given by the Mining Engineer / Assistant Mining Engineer on an application made by the contractor with a payment of Rs. 1,000/- (non-refundable) for every place for which permission is required. The Mining Engineer / Assistant Mining Engineer may refuse to grant permission for reasons to be recorded for any particular place, applied by the contractor.

- (iv) The contractor shall issue printed receipts duly stamped and issued by the concerned Mining Engineer / Assistant Mining Engineer in form No. 12A / 12B, as the case may be, for the amount of royalty / excess royalty / permit fee / other charges collected for every despatch of the said mineral and shall fill all the columns of the receipt. The contractor shall, give first copy of receipt to the incharge of the vehicle, submit second copy of the receipt to the concerned Mining Engineer / Assistant Mining Engineer alongwith monthly statement and retain third copy with him.
- (v) In case of excess royalty collection contract, the contractor shall collect amount only from such vehicles having valid rawannas issued by Mining Engineer / Assistant Mining Engineer concerned to the lessee in form No. 12. The contractor shall retain second copy of the rawannas with him and return first copy after stamping to vehicle owner. The contractor shall deposit second copy of rawanna with second copy of receipt issued by him with monthly statement in Form No.11-D to the concerned Mining Engineer / Assistant Mining Engineer.
- (vi) The contractor shall not recover any royalty from the vehicles having royalty paid Departmental rawannas issued against yearly dead rent. However, upon weighment if any quantity of mineral is found in excess of weight mentioned in such rawanna, contractor may recover the royalty of such difference weight.
- (vii) In case the mineral specified in the contract is used by the State Government Departments themselves under a valid short term permit granted by concerned Assistant Mining Engineer / Mining Engineer, the contractor shall not charge any royalty from such permit holders, if the mineral is excavated from lands other than working pits of a lessee or licensee.
- (viii) Separate short term permit under rule 63 shall be issued to the contractors of the various Works Departments of the State or Central Government / Autonomous bodies by the concerned Assistant Mining Engineer / Mining Engineer. The royalty and / or permit fee received by the Department from such works shall not be adjusted against the contract amount and the contractor shall not recover royalty and / or permit fee from such short term permit holders.

- ¹[(viii-a) The contractor shall not recover any royalty for the overburden. The Department shall issue separate permit for dispatch of such overburden under rule 63A.]
- (ix) The contractor shall not recover royalty and / or permit fee from the minerals used in construction / renewal of Mega Highways / Four / Six lane roads, lying and repair of Railway Tracks. For construction / repair of such works separate short term permit shall be issued and if the mineral / minerals are obtained from existing leases, separate paid rawanna for the aforesaid purpose shall be issued by the concerned Assistant Mining Engineer / Mining Engineer to the lessee. Royalty / Excess royalty and / or permit fee received from such works shall not be adjusted against the contract amount.
- (x) No royalty shall be charged on the minor minerals removed by a Tenant from the areas which are not working pits of a lessee or licensee as provided in rule 58 of these rules.
- (xi) The contractor shall not recover any royalty and / or permit fee from the minerals used in Famine Works.
- (xii) The royalty shall be collected on the despatch of minor minerals from the area, specified in the contract, during the contract period and not on minor minerals brought from outside the contract area or from the major mineral leases.
- (xiii) The contractor shall submit monthly statement of excess royalty collection and royalty and / or permit fee collection in the Form No. 11-D and 11-E respectively within 15 days from the month end.
- (xiv) In case it is found that the contractor is recovering the royalty in excess of the actual royalty calculated as per the mineral quantity under transit or recover permit fee in excess of prescribed rates, the contract shall be terminated after giving 15 days notice and the contractor may be blacklisted or debarred for further royalty collection contract or excess royalty collection contract for a period of next three years and excess amount so collected shall be recovered from the contractor.
- (xv) The contractor shall not have any other right regarding leases / quarries in the contract area except realization of royalty / permit fee / other charges mentioned in the contract for the actual weight of the mineral transported at the scheduled rates for which contract has been awarded on behalf of the Government.

1. Inserted by Rajasthan Gazette Extraordinary dated 25/05/2012

- (xvi) ¹[Cancellation / surrender of leases / quarry licences or sanctioning of new leases / quarry licences or revision of dead rent of existing leases or temporary / permanent closure of leases / quarry licences by Government / Court or due to any other reason in the area concerned shall not have any impact on yearly contract amount.]
- (xvii) The Contractor shall pay the installment of contract money according to the stipulations laid down in the contract and if any amount is not paid on due date it shall be collected as an arrears of land revenue and an interest @ 15% shall be charged from due date irrespective of any other action being taken for cancellation of contract or imposition of penalty under relevant rules.
- (xviii) The contractor shall not transfer the contract as a whole or in part and shall also not grant any sub-contract to or in the name of any other person.
- (xix) In case of default in the due observance of the terms and conditions of the contract, the contract may be terminated by the Assistant Mining Engineer / Mining Engineer after giving 15 days notice with forfeiture of security deposit or may impose penalty not exceeding security amount.
- (xx) The contract may be terminated by the State Government if considered by it to be in public interest, after giving 15 days notice.
- (xxi) Contractor shall issue Photo Identity Card duly signed and stamped by the concerned Mining Engineer / Assistant Mining Engineer to all Nakedars or persons employed by him for royalty collection. For this purpose the contractor shall submit list of Nakedars / persons to be engaged for royalty collection alongwith Photo Identity Card and a fee of Rs.100/- for each card to the concerned Mining Engineer / Assistant Mining Engineer. Such identity cards shall be valid during the currency of the contract only. All the Nakedar / persons collecting royalty shall keep the identity card with them during collection of royalty.
- (xxii) No conditional tender shall be accepted.
- (xxiii) The Contractor shall abide by the orders and instructions issued by the Government or any officer of the Department and shall also abide by all other terms and conditions of these rules.]

¹[CHAPTER-IVA

Systematic, Scientific and Environment Friendly Mining

37B. Mining Plan as a pre-requisite to the grant of mining lease, quarry licence or short term permit.-

- (1) No mining lease shall be granted unless there is a mining plan duly approved by the competent authority.
- (2) No quarry licence / short term permit of an area of more than one hectare shall be granted unless there is a mining plan duly approved by the competent authority.
- (3) No quarry licence / short term permit of an area up to one hectare shall be granted unless there is a simplified mining scheme duly approved by the competent authority.
- (4) For the renewal of any mining lease / quarry licence having an area more than one hectare the lessee / licensee shall submit a mining plan duly approved by the competent authority.
- (5) For renewal of a mining lease / quarry licence for an area up to one hectare, the lessee / licensee shall submit a simplified mining scheme duly approved by the competent authority.

37C. Mining plan / Simplified Mining Scheme to be prepared by a recognised person.-

- (1) No mining plan / simplified mining scheme shall be approved unless it is prepared by a recognised person.
- (2) No person shall be recognised for preparation of mining plan / simplified mining scheme unless he holds,-
 - (i) a degree in mining engineering or a post-graduate degree in geology granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institutions recognised by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 or any equivalent qualification granted by any University or institution outside India and have a professional experience of two years of working in a supervisory capacity in the field of mining after obtaining a degree; or

- (ii) three years full time diploma certificate in mining engineering awarded by the State Technical Education Boards and have a professional experience of five years of working in a supervisory capacity in the field of mining after obtaining diploma.
- (3) A person recognised to prepare a mining plan / simplified mining scheme may also carry out modification of the existing mining plan / scheme.

37D. Grant of recognition by State Government.-

- (1) Any person possessing the qualifications and experience required under sub-rule (2) of rule 37C may apply along with a non-refundable fee of Rs.10,000/-, for recognition to the Director or any officer authorised by the Director in this behalf.
- (2) The Director or any officer authorised by the Director in this behalf, after making such enquiry as it deems fit, may grant or refuse to grant recognition. Where recognition is refused, the authority shall record reasons of refusal in writing and communicate the same to the applicant.
- (3) The recognition shall be granted for an initial period of five years and may be renewed for further periods not exceeding five years at a time. The Director or any officer authorised by the Director in this behalf, may refuse to renew recognition for reasons to be recorded in writing after giving an opportunity of hearing to the person concerned.

37E. Submission and approval of mining plan / simplified mining scheme.-

On receipt of the application for grant of mining lease, quarry licence or short term permit the competent authority shall take decision to grant precise area and communicate such decision to the applicant and on receipt of such communication of the precise area to be granted, the applicant shall submit to the competent authority a mining plan / simplified mining scheme, as the case may be, along with a non-refundable fee of Rs. 2,000/- within a period of three months from the date on which such communication is received or such other period as may be allowed by the competent authority for approval. The said mining plan / simplified mining scheme shall incorporate:-

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

- (ii) details of the geology and lithology of the precise area including mineral reserves of the area;
- (iii) the extent of manual mining or mining by the use of machinery and mechanical devices on the precise area;
- (iv) the plan of the precise area showing natural water courses, 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 and 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 Government from time to time;
- (v) annual programme and plan for excavation on the precise area from year to year for five years;
- (vi) progressive mine closure plan if the mining plan is for the area exceeding one hectare; and
- (vii) any other matter which the Director or any officer so authorised may require the applicant to provide in the mining plan / simplified mining scheme.

37F. Modification of the approved Mining Plan / Simplified Mining Scheme.-

- (1) The competent authority may require the holder of a mining lease / quarry licence or short term permit to make such modifications in the mining plan / simplified mining scheme referred to in rule 37B or impose such conditions as it may consider necessary by an order in writing if such modifications or imposition of conditions are considered necessary in the light of the experience of operation of mining plan / simplified mining scheme or in view of the change in the technological development.
- (2) A holder of a mining lease / quarry licence / short term permit, desirous of seeking modifications in the approved mining plan / simplified mining scheme as are considered expedient, in the interest of safe and scientific mining, conservation of mineral, or for the protection of environment, shall apply along with a non-refundable fee of Rs. 1,000/- to the competent authority, setting forth the intended modifications and explaining the reasons for the same.
- (3) The competent authority may approve the modifications under sub-rule (2) or approve with such alterations as it may consider expedient.

37G. Mining plan / simplified mining scheme to be submitted by the existing lessee / licensee / short term permit holder.-

- (1) In case of existing mining lease / quarry licence / short term permit which are having area more than one hectare granted before the commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2012, without an approved mining plan, the holder of such mining lease / quarry licence / short term permit shall submit a mining plan along with a non-refundable fee of Rs. 2,000/- within a period of one year from the date of commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2012, to the competent authority for its approval.
- (2) In case of existing mining lease / quarry licence / short term permit having area up to one hectare, the lessee / licensee / short term permit holder shall submit a simplified mining scheme along with a non-refundable fee of Rs. 1,000/- within a period of one year from the date of commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2012, to competent authority for its approval.
- (3) If a holder of a lease / licence / short term permit has not been able to submit the mining plan or simplified mining scheme within the time specified in sub-rule (1) or sub-rule (2), as the case may be, for reasons beyond his control, he may apply to the competent authority for extension of time stating the reasons of delay.
- (4) The competent authority on receipt of an application submitted under sub-rule (3) may, on being satisfied, extend the period, for submission of the mining plan or simplified mining scheme, which may not exceed one year.
- (5) The competent authority may approve the mining plan or simplified mining scheme submitted by the lessee / licensee / short term permit holder, or may require modifications to be carried out in the mining plan or scheme and the lessee / licensee / short term permit holder shall carry out such modifications and resubmit the modified mining plan or scheme as the case may be, for approval to the competent authority.
- (6) The competent authority shall within a period of ninety days from the date of receipt of the mining plan or simplified mining scheme or the modified plan or scheme, convey his approval or disapproval to the applicant. In case of disapproval, the competent authority shall convey in writing the reasons for disapproving the said mining plan or mining scheme or the modified mining plan or scheme.
- (7) If no decision is conveyed within the period stipulated under sub-rule (6), the mining plan or simplified mining scheme or the modified mining plan or scheme, 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.

37H. Review of mining plan / simplified mining scheme.-

- (1) Every mining plan / simplified mining scheme duly approved under these rules shall be valid for the entire duration of the lease / licence / short term permit.
- (2) The owner, agent, mining engineer or manager of every mine or quarry shall review the mining plan / scheme as referred to in sub-rule (1) and submit a scheme of mining for the next five years of the lease / licence / short term permit to the competent authority for approval.
- (3) Every scheme of mining submitted under sub-rule (2) shall be prepared by a recognized person.
- (4) The scheme of mining shall be submitted to the concerned authority at least 120 days before the expiry of the five years' period, for which it was approved on the last occasion:

Provided that the mining operations by the lessee / licensee / short term permit holder shall not be carried out or allowed to be carried out till the approval of scheme of mining, if the same is not submitted for approval within aforesaid time.

- (5) The competent authority shall convey his approval or refusal to the scheme of mining within ninety days from the date of its receipt.
- (6) If approval or refusal of the scheme of mining is not conveyed to the holder of the lease / licence / short term permit within the stipulated period, the scheme of mining shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

37I. Mining operations to be in accordance with mining plan / simplified mining scheme.-

- (1) Every holder of a lease / licence / short term permit shall carry out mining operations in accordance with the approved mining plan / simplified mining scheme with such conditions as may have been imposed under sub-rule (1) of rule 37F or with such modifications, if any, as approved under sub-rule (3) of rule 37F or in accordance with the mining plan / simplified mining scheme or the scheme of mining submitted or approved under rule 37B or 37G or 37H, as the case may be.
- (2) If the mining operations are not carried out in accordance with the mining plan / simplified mining scheme as referred to under sub-rule (1), Mining Engineer / Assistant Mining Engineer concerned may pass an order for suspension of all or any of the mining operations and permit continuance of only such operations as may be necessary to restore the conditions in the quarry or mine as envisaged under the said mining plan / simplified mining scheme.

37J. Financial assurance.-

- (1) Financial assurance has to be furnished by every mining lease / quarry licence / short term permit holder. The amount of financial assurance shall be at the rate of rupees fifteen thousand per hectare or part thereof of the area of mining lease / quarry licence / short term permit. However, the minimum amount of financial assurance to be furnished shall be rupees fifteen thousand:

Provided that a mining lease / quarry licence / short term permit holder shall be required to enhance the amount of financial assurance with the increase in the area of mining and allied activities.

- (2) The financial assurance shall be submitted in the form of fix deposit receipt from any Scheduled Bank.
- (3) The lessee / licensee / short term permit holder shall have to submit the financial assurance to competent authority, before issue of sanction. In case of existing mining lease / quarry licence / short term permit, the lessee / licensee / short term permit holder shall submit the financial assurance within three months of date of commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2012.
- (4) Release of financial assurance shall be effective upon the application given by the lessee / licensee / short term permit holder for the satisfactory compliance of the provisions contained in the mine closure plan and certified by the Mining Engineer / Assistant Mining Engineer concerned:

Provided that the financial assurance shall be released by the order of Superintending Mining Engineer concerned.

- (5) If the Mining Engineer / Assistant Mining Engineer concerned has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the approved mine closure plan in respect of which financial assurance was given has not been or shall not be carried out in accordance with the mine closure plan, either fully or partially, the Mining Engineer / Assistant Mining Engineer concerned shall give the lessee / licensee / short term permit holder a written notice of his intention to issue the orders for forfeiting the amount of financial assurance along with interest accrued thereon at least thirty days prior to the date of the order to be issued.
- (6) Within thirty days of the receipt of notice referred to in sub-rule (5), if no satisfactory reply has been received in writing from the lessee / licensee / short term permit holder, the Mining Engineer / Assistant Mining Engineer concerned shall pass an order for forfeiting the financial assurance amount along with the interest accrued thereon.

- (7) Upon the issuance of order referred to in sub-rule (6), the Mining Engineer / Assistant Mining Engineer concerned may realise the amount of financial assurance together with the interest accrued thereon for the purpose of performance of protective, reclamation, rehabilitation measures and shall carry out those measures.

37K. Mining operations.-

The mining operations shall be carried out in such a manner so as to ensure systematic development, conservation of mineral deposits and protection of environment.

37L. System of working.-

- (1) System of working in mining lease / quarry licence / short term permit shall be performed by formation of benches.
- (2) Such benches in mineral and overburden including weathered mineral shall be formed separately and the benches in overburden or weathered mineral shall be kept sufficiently in advance so that their working does not interfere with the working of mineral.
- (3) In order to ensure optimum production with minimum waste generation, every lease / licence / short term permit holder shall endeavour to deploy machinery and equipment as per mining plan / simplified mining scheme.

37M. Separate stacking of non-saleable mineral.-

- (1) The non-saleable mineral rejects at quarry or mine bottom shall regularly be collected and transported to the surface and the quarry or mine floor kept reasonably clear of debris.
- (2) Small lumps of mineral shall, as far as possible, be segregated from the dumps and stored separately for future use.
- (3) The ground selected for dumping of top soil, overburden, waste material or non-saleable mineral shall be away from workings of quarry or mine.
- (4) Before starting mining or quarrying operations, conceptual ultimate limits of the quarry or mine shall be determined and dumping ground shall be so selected that dumping is not carried out within the limits of the ultimate size of the quarry or mine except where simultaneous back filling is proposed.

37N. Employment of Qualified persons.-

- (1) For the purpose of carrying out mining operations in accordance with these rules, every holder of a mining lease / quarry licence / short term permit holder shall employ:-
 - (i) a whole-time mining engineer or the person possessing IInd Class Mine Manager's Certificate of Competency issued by Director General of Mines Safety, where mining operations are carried out by deployment of heavy mining machinery for deep hole drilling, excavation, loading and transport, or where the average employment exceeds one hundred per day or in case area of mining lease / quarry licence / short term permit is 25 hectare or more.
 - (ii) in case of any other mine, a person having diploma in mining with two years' experience in mining operations or the person possessing foreman's certificate of competency issued by the Director General of Mines Safety or Geologist.
 - (iii) in case where area of lease / licence / permit is up to one hectare and mining is carried out only by manual means the person having qualification mentioned in clause (i) or (ii) can work for a maximum of six leases or eighteen quarry licenses / short term permits, provided that all such mines / quarries are located within a radius of 50 kilometers:

Provided that if any doubt arises about the lease / licence / permit falling under clause (i), (ii) or (iii) above, it shall be referred to officer authorised by the Government in this regard for decision.

Explanation: The expression 'average employment' means the average per day of the total employment of the mine during the preceding quarter (obtained by dividing the number of man-days worked by the number of working days).

- (2) If the holder of a mining lease / quarry licence / short term permit possesses qualification as mentioned in sub-rule (1), he may appoint himself as the qualified person for the purpose of sub-rule (1).
- (3) A mining engineer or geologist employed by the lessee / licensee / short term permit holder shall possess the qualifications specified below:-
 - (i) **Geologist:** A postgraduate degree in Geology granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognized by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 or any equivalent qualification;

- (ii) **Mining Engineer:** A degree in Mining Engineering granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognized by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 or any equivalent qualification;
- (iii) **Diploma in Mining Engineering:** 3 years full time diploma certificate in mining engineering awarded by the State Technical Education Boards;
- (4) The lessee / licensee / short term permit holder shall intimate to the Mining Engineer / Assistant Mining Engineer, the details of qualified person employed by him together with consent of such person.
- (5) Where due to reduction in average employment in the mine, any change required to be done only with previous permission in writing to the officer authorised by the Government in this regard and subject to such conditions as he may specify.

37O. Duties of qualified person.-

- (1) It shall be the duty of the qualified person employed as per rule 37N to take all necessary steps to plan and conduct mining operations, so as to ensure conservation of minerals, systematic development of the mineral deposits and protection of environment in and around the mining lease / quarry licence / short term permit area in accordance with these rules.
- (2) He / She shall be responsible for the preparation and maintenance of plans, sections, reports and schemes in accordance with these rules.
- (3) He / She shall be responsible for carrying out the study of the associated rocks and minerals, identifying them and stacking the various minerals produced separately.
- (4) He / She shall carry out all such orders and directions as may be given in writing under these rules by any authorized officer and shall forward a copy of such orders or directions to the holder of mining lease / quarry licence / short term permit.
- (5) He / She shall ensure that there is sufficient provision of proper materials, appliances and facilities at all times at mining lease / quarry licence / short term permit for the purpose of carrying out the provisions of these rules and orders issued there under and where he is not the owner or agent of the mining lease / quarry licence / short term permit, he shall make requisition in writing to the owner or agent for anything required for the aforesaid purpose. A copy of every such requisition shall be recorded in bound paged book kept for the purpose.

- (6) On receipt of a requisition under sub-rule (5), the owner or agent shall provide as soon as possible the materials and facilities requisitioned by the qualified person.

37P. Environmental Management Plan for clusters of Leases / Licenses / Short Term Permit areas.-

For clusters of leases / licenses / short term permit areas having an area less than 5 hectares individually, Environment Management Plan shall be prepared by association of lessees / licensees / short term permit holders of the cluster within a period of three months of formation of association through recognised person and submitted to the District Level Environmental Committee for approval:

Provided that the Director may in appropriate case extend above period up to a further period of six months.

37Q. Association of Cluster.-

Lessees / licensees / short term permit holders falling in a cluster shall form an association within a period of three months counted from the date of declaration of cluster as per clause (viii-a) of rule 3, for the implementation of Environment Management Plan prepared by a recognized person and approved by the District Level Environmental Committee. All the lessees / licensees / short term permit holders shall be members of the concerned association and if any lessee / licensee / short term permit holder does not want to be a member of such association in such case he / she shall not be allowed to work in the area:

Provided that such association shall be registered under the provisions of relevant Law.

Provided further that any lessee / licence / short term permit holder who is granted the lease / licence / short term permit, as the case may be, within the boundary of cluster after formation of association shall be deemed to be member of the association,

37R. District Level Environmental Committee.-

The District Level Environmental Committee shall consist of the following, namely:-

- | | | |
|-------|---|------------------|
| (i) | District Collector | Chairman |
| (ii) | Regional Officer of the Rajasthan State Pollution Control Board or officer nominated by the Chairman of the Board | Member |
| (iii) | Deputy Conservator of Forest | Member |
| (iv) | Assistant Mining Engineer / Mining Engineer Concerned | Member Secretary |
| (v) | Any other officer nominated by the Government | Member |

37S. Implementation of common issues of Environment Management Plan in a cluster.-

Association formed as per the provisions of the rule 37Q shall be responsible for implementation of Environment Management Plan (EMP) and in case EMP is not implemented, mining operation of all lessees / licensees / short term permit holders in the cluster shall be stopped by the Mining Engineer / Assistant Mining Engineer with prior approval of Superintending Mining Engineer concerned after giving a 30 day notice to the association. Such notice shall be published in two local news papers at least 15 day before the intended date of stoppage of mining activities. Mining operations, so stopped, shall be allowed to resume only after the EMP is implemented.

37T. Environmental Safeguard to be implemented by individual lessee / licensee / short term permit holder.-

- (1) Every holder of mining lease, quarry licence or short term permit holder shall,-
 - (i) obtain consent to establish and consent to operate from the Rajasthan State Pollution Control Board prior to start of mining operation and implement the conditions of consent to operate strictly;
 - (ii) ensure that no natural watercourse and / or water resources are obstructed due to any mining operation. Adequate measures shall be taken for protection of the older-streams, if any, emanating / passing through the mining lease, quarry licence or short term permit area during the course of mining operation;

- (iii) keep mine working restricted to above ground water level till approval of State Ground Water Department is obtained;
- (iv) temporarily store the top soil, at the place earmarked in environment management plan / mine plan / scheme;
- (v) dump over burden (OB) generated during the mining operations at earmarked dump site/s in environment management plan / mine plan / scheme;
- (vi) take effective safeguard measures, such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter such as around crushing and screening plant, loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It shall be ensured that the Ambient Air Quality parameters conforming to the norms prescribed by the State Pollution Control Board is maintained throughout;
- (vii) practice controlled blasting and implement mitigative measures for control of ground vibrations and to arrest fly rocks and boulders. Blasting shall be done only by a person holding of blaster certificate from Director General of Mines Safety. Deep hole blasting shall be carried out only after approval of Director General of Mines Safety;
- (viii) take all mitigative measures during the mining operation to ensure that the buildings / structures in the nearby areas shall not be affected due to blasting;
- (ix) use drills either operated with dust extractors or equipped with water injection system;
- (x) ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;
- (xi) undertake to ensure minimum losses to the agriculture crops and undertake to contribute suitably for compensation to the loss / damage to the crops;
- (xii) maintain the bench height and slope as per the Metalliferous Mines Regulation, 1961, as amended from time to time;
- (xiii) maintain the overall slope of mine below 45 degrees;
- (xiv) keep vehicular emissions under control and regularly monitor the same. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. The vehicles shall not be overloaded;

- (xv) take measures for control of noise levels below 85 dBA in the work environment.
- (2) The conditions in sub-rule (1) shall be enforced inter-alia, under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India / High Court of Rajasthan and any other Court of Law relating to the subject matter.
- (3) Failure to comply with any of the conditions mentioned in sub-rule (1) may result in cancellation of lease / licence / short term permit after giving 30 days notice to the lessee / licensee / short term permit holder for compliance.
- (4) Mine working shall be strictly as per the conditions of approved mining plan / simplified mining scheme / scheme of mining, as the case may be.
- (5) Every lessee / licensee of mineral marble, granite and lime stone (dimensional stone) of Kota and Jhalawar districts shall deposit a sum of Rs. 10/- per tonne and lessee / licensee / short term permit holder of other minerals shall deposit Rs. 5/- per tonne, apart from financial assurance in Environmental Management Fund, to meet out the financial requirements of associations for carrying out of environment protection work as per Environment Management Plan.

37U. Cluster Level Environmental Conditions.-

Following provisions shall be incorporated in the environment management plan:-

- (1) **Removal and utilization of top soil:-**
 - (i) The top soil collected during mining operations shall be managed to stack systematically at approved site; and
 - (ii) Top soil so stacked shall be utilized for plantation or for restoration and rehabilitation of the land no longer required for mining operations or for stabilizing / landscaping the overburden dumps.
- (2) **Storage of overburden waste rock, etc.:-**
 - (i) The overburden, waste rock and non-saleable mineral generated during mining operations shall be managed to stack separately in properly formed dumps on grounds earmarked in approved environment management plan for cluster;

- (ii) The over burden dump shall be properly secured to prevent the degradation of the surrounding land or silting of water courses;
- (iii) Wherever possible, use such waste rock or overburden or other rejects for back filling the worked out quarry or mine where mineral has been recovered up to the optimum depth, with a view to restore the land to its original use or desired alternate use. Where the backfilling is not feasible, the waste dumps shall be scientifically vegetated by suitable native species to prevent erosion and surface run off; and
- (iv) The maximum height of the already existing waste dumps shall not exceed 5 meters and it shall be protected by walls of rubble stones on toe to prevent the flow of fine particles.

(3) Reclamation and Rehabilitation of lands:-

Restoration, reclamation and rehabilitation of land affected by mining operations shall be undertaken in a phased manner so that work is completed before the conclusion of mining operations and the abandonment of the quarry or mine with a view to leave a productive and sustainable site.

(4) Precaution against air pollution:-

- (i) Air pollution due to dust, exhaust emissions or fumes during, mining or processing operations for mineral and related activities shall be controlled and kept within permissible limits as specified under any environmental law for the time being in force. Main haulage roads of mine shall be kept wet by sprinkling of water; and
- (ii) Periodical examination of air quality shall be monitored by the association of the cluster and results shall be intimated to concerned Mining Engineer / Assistant Mining Engineer as well as regional officer of the State Pollution Control Board.

(5) Discharge of effluents:-

All possible precautions shall be taken to prevent or reduce to a minimum, the discharge of toxic and objectionable liquid effluents from quarry or mine, workshop or processing plant, into surface or ground water bodies and usable lands. These effluents shall conform to the standards laid down in this regard.

(6) Precaution against noise:-

- (i) Noise arising out of mining and processing operations for mineral at the source shall be controlled so as to keep it within the permissible limit; and

- (ii) Periodical examination of noise pollution shall be monitored by the association of the cluster and results shall be intimated to concerned Mining Engineer / Assistant Mining Engineer as well as regional officer of the State Pollution Control Board.

(7) Restoration of flora:-

- (i) Effective measures shall be taken for plantation in the area earmarked in environment management plan of the cluster. It shall be ensured that plantation shall be done at least 5% of the total land of the cluster as specified every year;
- (ii) The earmarked site(s) for plantation shall be fenced and proper planning of watering and caring the plants shall be implemented. The same shall be looked after during the subsistence of the cluster;
- (iii) Suitable trees shall be planted along cluster boundary, on both sides of the major roads, near site office of the mine and over the inactive dumps;
- (iv) The lessee / licensee / short term permit holder shall not cut or injure any tree in area of his lease / licence / permit without the previous sanction in writing of any officer authorised in this behalf under any law in force; and
- (v) Take all precautionary measures during mining operation for conservation and protection of endangered flora and fauna.

(8) Water management:-

- (i) Water collected shall be analyzed and if found potable then it shall be diverted for drinking purpose in consultation with State Public Health Engineering Department;
- (ii) Accumulated un-potable rain water shall be dewatered and diverted to nearby pond / aquifer / river / nallah, catchment area by providing suitable pipe line or drains or link canals, as the case may be, in consultation with State Public Health Engineering Department;
- (iii) The procedure of water harvesting shall be adopted to recharge the ground water table;
- (iv) Effective steps shall be taken for setting up of a water treatment plant wherever required to treat the effluents collected in the working pits; and

- (v) For working below ground water level the lessee, licensee or short term permit holder shall carry out a detailed hydro-geological study taking into account the mine water discharge, management of discharged water and shall obtain prior approval of State Ground Water Department.

(9) Corporate Social Responsibility:-

- (i) Regular health check up camps for the workers engaged in mines shall be organized;
- (ii) Occupational health surveillance program of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed;
- (iii) Insurance cover to all workers engaged in mines shall be provided;
- (iv) Common vocational training center shall be setup at district level; and
- (v) Local needs of habitant like school, creche, hospital, veterinary hospital, sanitation, drinking water etc. shall be considered positively.

(10) Environmental Management Fund:-

- (i) The Environmental Management Fund collected shall be kept separately in the account of concerned Mining Engineer / Assistant Mining Engineer. The fund collected shall not be transferred to Government Treasury and shall not form the part of Government revenue; and
- (ii) The Environmental Management Fund shall be allotted by District Level Environment Committee for environment development work, to the concerned association of cluster or to the agency to whom such work is assigned.]

CHAPTER - V**Assessment of Royalty****38 Assessment of royalty:-**

- (1) Assessment and determination of royalty due from an assessee during an assessment year or as required shall be made by assessing authority after the returns in respect of that year have been filed by the assessee as required under terms and conditions of the lease deed or the statement of production, despatches or consumption has been submitted by the person concerned or upon checking the stock of the mineral dealer.

Provided that the assessing authority may make provisional assessment for a particular period during the assessment year after the receipt of statistical returns in respect of that period.

- ¹[(1A) Notwithstanding anything contained in sub-rule (1) an assessment of royalty covered under the "Scheme of Self Assessment" approved from time to time by the Government shall be deemed completed without being called for the records of the assessee and without being passed of a formal assessment order by the assessing authority on the basis of the returns filed, statements submitted and amount of royalty or other sum(s) deposited.]

- (2) For the purpose of assessment of royalty as mentioned in sub-rule (1) the assessee shall submit monthly returns in Form No. 11A by 15th of the following month and annual returns in Form No. 11 within one month from the date of expiry of the assessment year.

Provided that for purpose of this sub-rule, the assessing authority may fix a date on which, the place at which the assessee shall produce such records as may be required by it in respect of production, removals, consumption and stocks bills of sales, labour attendance, payments and any other account books connected with these matters.

- (3) If the assessee fails to submit returns as required under sub-rule (2) or the returns filed appear to be incorrect, the assessing authority may hold such inquiry as it may deem fit and assess royalty for the assessment year to the best of its judgment.

Provided that the assessing authority shall give reasonable opportunity of being heard to an assessee before taking any action under this sub-rule.

- (4) For the purpose of sub-rule (3) the assessing authority may serve a 15 days notice upon the assessee requiring him to appear in person or by an agent duly authorised in writing on a date and at place specified in the notice and to produce or cause to be produced any evidence on which the assessee relies in support of the correctness of the returns or statements and records furnished by him or produce or cause to be produced such accounts or documents pertaining to the assessment year and the last five years proceeding the assessment year as the assessing authority may require.
- (5) On the day specified in the notice given in sub-rule (4) or on any other day thereafter which the assessing authority may fix, the assessing authority, after hearing and considering the evidence as may be produced by the assessee in this behalf and such other evidence and documents as the assessing authority may require, shall make an order in writing of assessment of royalty payable by the assessee.
- (6) ¹[]

39 ²[Assessment on the basis of best judgment in case of failure to submit monthly and annual returns or in case of likely evasion of royalty:-

If the assessee fails to submit the returns within the period prescribed in sub rule (2) of rule 38 or the returns submitted are incorrect or the assessing authority has reasons to believe that the assessee had evaded or avoided any royalty, the assessing authority may after giving to assessee a reasonable opportunity of being heard and after making such inquiry, as it considers necessary, assess the royalty for the period to the best of its judgment. The amount so assessed shall be payable by assessee forthwith and in case of default in payment, the amount so assessed shall be recoverable as an arrear of land revenue.

Provided that no such royalty assessment shall be made on best judgment basis without obtaining prior approval of the next higher authority.]

40 Reopening of cases of best judgment of assessment:-

Where an assessment has been made to the best of judgment of the assessing authority and the assessee makes an application to the assessing authority within 30 days from the date of service of notice of demand in consequence of assessment for the cancellation of the assessment on the ground:

- (a) That he did not receive the summons or notice issued to him for the purpose of assessment; or
- (b) That he was prevented by sufficient cause for complying with any summons or notices.

1. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994
2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

The assessing authority shall if satisfied about the existence of such ground cancel the assessment and proceed to make a fresh assessment in accordance with the provisions of rules 38 and 39 as the case may be.

Provided that the assessing authority of its own motion may also reopen the assessments made on the basis of best judgment if it has sufficient reasons to do so.

41 Assessment of royalty incorrectly assessed:-

- (1) If for any reason, the whole or any part of despatches of mineral from the leased area or consumption of mineral within the leased area, escaped royalty or was assessed at a low rate in any year, the assessing authority may serve a notice upon the assessee in the Form No. 13 and may proceed to assess or reassess the correct amount of royalty.

Provided that nothing in this sub-rule shall be deemed to prevent the assessing authority from making an assessment to the best of its judgment.

- (2) No notice under sub-rule (1) above shall be issued in respect of despatch and consumption of mineral for any year after expiry of five years from the date of relevant assessment.

Provided that this rule shall not apply for any assessment or re assessment made in consequence of or to give effect to any finding or direction contained in an order of appeal or revision or in an order of any competent court.

CHAPTER - VI**Delegation of Powers, Appeal and Revision****42 Delegation of Powers:-**

The State Government may, by notification in the official Gazette direct that any power exercisable by it under these rules may in relation to such matters and subject to such conditions, if any, as may be specified in the notification be exercisable also by such officer or authority subordinate to the State Government.

43 Appeal:-

- ¹[(1) Any person aggrieved by any order of the Superintending Mining Engineer, Superintending Mining Engineer (Vigilance), Mining Engineer (Vigilance), Mining Engineer or Assistant Mining Engineer passed under these rules shall have the right of appeal to the Director.]
- (2) Any person aggrieved by any order passed in appeal under sub-rule (1) or any other order passed by the Director under these rules shall have the right of appeal to the Government.
- (3) Any person aggrieved by any order of the Director by virtue of the powers delegated or otherwise exercised under these rules on the matters mentioned in sub-rule (1) shall have the right of appeal to the Government.
- (4) The orders passed by the Government in appeal shall be final.

44 Form of Appeal and Fees:-

- (1) An appeal under rule 43 shall be in the form of memorandum of appeal in duplicate numbered in paragraphs stating concisely and precisely the grounds of objection and relief demanded.
- (2) The memorandum of appeal shall be accompanied by a challan of ²[Rs.2000/-] deposited as fee in the Government treasury under the ³[relevant] head of Account.

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1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 2. Substituted by Government Notification dated 18/12/2004
 3. Inserted by Rajasthan Gazette Extraordinary dated 29/08/1996
 4. Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996
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45 Limitation:-

An appeal under rule 43 shall be filed within three months of the date of ¹[communication of] the order appealed against.

Provided that an appeal may be admitted after the said period if the appellant satisfies the appellate authority that he has sufficient cause for not filing the appeal within the said period.

46 Procedure of appeal:-

- (1) Upon receipt of memorandum of appeal satisfying requirement of rules 44 and 45 the appellate authority shall fix a date for hearing. It may, if it thinks fit, call for the relevant records and other information from the officer whose order is the subject of appeal.

²[Provided that the concerned Mining Engineer / Assistant Mining Engineer shall send the parawise comments, factual report and relevant record of the case within 30 days from the receipt of intimation of appeal in his office.]

- (2) The appellate authority may confirm / modify or set aside the order under appeal, after giving the appellant an opportunity of being heard and considering any comments that might be offered by the officer who gave the order under appeal.

47 Revision:-

- (1) The State Government in respect of any order, whether in appeal or otherwise passed under these rules by the Director, ¹[/ Additional Director (Mines),] / Superintending Mining Engineer, ³[Superintending Mining Engineer (Vigilance), Mining Engineer (Vigilance),] Mining Engineer, or Assistant Mining Engineer may on an application by an aggrieved party made within 3 months of ¹[communication of] such order in this behalf or of its own motion call for and examine the connected records for the purpose of satisfying itself as to the correctness, legality or propriety of the order and may confirm, modify or rescind such order.

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1. Inserted by Rajasthan Gazette Extraordinary dated 29/08/1996
 2. Added by Rajasthan Gazette Extraordinary dated 28/01/2011
 3. Inserted by Rajasthan Gazette Extraordinary dated 12/08/1994
 4. Deleted by Rajasthan Gazette Extraordinary dated 12/08/1994
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Provided that an application for revision may be admitted by the Government after the said period of 3 months if the Government is satisfied that the applicant had sufficient cause for not filing the revision application in time.

- (2) Every application for revision shall be made in Form No. 14 in duplicate and shall be accompanied by a treasury challan of ¹[Rs. 2000/-] deposited as fee in the Government Treasury under the ²[relevant] head of Account.

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1. Substituted by Government Notification dated 18/12/2004
 2. Substituted by Rajasthan Gazette Extraordinary dated 27/12/1999 (effective from 01/01/2000)
 3. Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996
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CHAPTER - VII

Offences Penalties and Prosecutions

48 Unauthorised working:-

(1) No person shall undertake any mining operations except in accordance with the terms ¹[and conditions of the prospecting licence, mining lease], quarry licence, short term permit or any other permission granted under these rules.

¹[(2) The lessee or any other person shall not remove or despatch mineral from the mines (except from the quarry licence area) without rawanna. Rawanna shall be in Form No. 12 appended to these rules and duly stamped by the concerned office.]

²[(2A) No person shall transport or store or cause to be transported or stored any mineral otherwise than in accordance with the provisions of these rules.]

¹[(3) Who ever contravenes the provisions of ³[sub-rule (1), (2) or (2A)] shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to twenty-five thousand rupees, or with both.

Provided that the Additional Director (Mines) / Superintending Mining Engineer / Superintending Mining Engineer (Vigilance) / Mining Engineer / Mining Engineer (vigilance) / Assistant Mining Engineer or any other officer / official authorised by the ³[Government / Director in this behalf] may either, before or after the institution of the prosecution compound the offence committed in contravention of the sub-rule (1) on payment of such sum as he may specify.

Provided further that the amount specified under the above proviso shall not be less than Rs. 5,000/- and shall be in addition to the cost of mineral if recoverable.]

(4) Where any person trespasses on any land on contravention of the provisions of sub-rule (1) such trespasser may be served with an order of eviction by the ¹[Additional Director (Mines)], Superintending Mining Engineer, Superintending Mining Engineer (Vigilance), Mining Engineer, Mining Engineer (Vigilance) or Assistant Mining Engineer concerned or any other officer / official authorised by the ³[Government / Director / Additional Director (Mines) in this behalf].

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

3. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012

- (5) Whenever any person without a lawful authority or in contravention of the terms and conditions of the mining lease / quarry licence, short term permit or any other permit raises any mineral from any land and for that purpose bring on the land any tool, equipment, vehicle or other thing ¹[such mineral, tool, equipment like wire saw, crane, excavator, loader, power hammer, compressor, drilling machine, crusher etc., vehicle like dumper, tractor trolley, half body trucks, full body trucks, trolly etc.] or other thing may be seized by the authorities mentioned in sub-rule (4).

Provided that where mineral so raised has already been dispatched or consumed, the authorities mentioned in sub-rule (4) may recover cost of the mineral along with rent, royalty or the tax chargeable on land occupied or mineral excavated which will be computed as ²[10] times the royalty payable at the prevalent rates.

Provided further that every officer seizing any property or mineral under this rule shall give a receipt of the property so seized to the person from whose possession the property or mineral is so seized and make a report of such seizure to his superior officer and to the Magistrate having jurisdiction over the area to try offence.

- (6) The property other than the mineral seized under sub-rule (5) may be released by the officer who seized the property in the execution of a bond by the trespasser or the owner of the property or any other person to the satisfaction of such officer that the property so released shall be produced at the time and at the place when such production is required by such officer.

Provided that where a report has been made to the Magistrate under sub-rule (5) the property shall be released only under the orders of the Magistrate.

- (7) All property seized under this rule shall be liable to be confiscated by an order of Magistrate trying the offence if the rent, royalty or tax or / and cost of the mineral as mentioned above are not paid by the trespasser within a period of 3 months from the date of commission of such offence or when the recoveries are not effected by that time.

Provided that on payment of these dues within the said period of 3 months all properties seized shall be ordered to be released and shall be handed over to the trespasser or the owner of the property.

1. Substituted by Rajasthan Gazette Extraordinary dated 17/01/2011
2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

49 Contravention of certain conditions of lease:-

Any lessee or his transferee or his assignee, who commits a breach of any of the conditions of the lease mentioned in clauses ¹[(9) or (12)] of rule 18 shall be punished with imprisonment for a term which may ²[extend to one year] or with fine which may ²[extend to Rs. 5,000/-] or fine which may extend to ²[five hundred rupees] for every day during which such contravention continues after conviction for the first such contravention.

50 Offence cognizable only on written complaint:-

No court shall take cognizance of any offence punishable under these rules except upon a complaint in writing made by a person ²[not below the rank of Mines Forman, (Grade-II) / Surveyor.]

Provided that ²[Mines Forman, Grade-I / Grade-II or Sr. Surveyor / Surveyor] shall obtain prior approval of the Mining Engineer / Assistant Mining Engineer before filing any complaint.

²[51 Role of police:-

The authorities empowered to take action under rule 48 and rule 68 shall, if necessary, request in writing for the help of the local police or request for registration of F.I.R. and the police authorities shall render such assistance, as may be necessary and also register F.I.R. under relevant law or theft of public property to enable the officers to exercise the powers conferred on them by these rules to stop unauthorized mining and movement of minerals.]

52 Investigation of offences:-

- (1) Subject to such conditions as may be specified, the ³[State Government or Director may authorise] either generally or in respect of a particular case or class of cases, any officer not below the rank of ²³[Mines Forman/Surveyor or any officer of the State Directorate of Revenue Intelligence] to investigate] all or any of the offences punishable under these rules.
- (2) Every officer so authorised shall in the conduct of such investigations, exercise the powers conferred by the Code of Criminal Procedure, upon an officer in-charge of a police station for the investigation of a cognizable offence.

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1. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
 2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 3. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
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53 Power to take evidence on oath:-

The assessing authority or investigating officer not below the rank of an Assistant Mining Engineer and the appellate authority shall for the purpose of these rules have the same powers as are vested in a court under the Code of Civil Procedure when trying a suit in respect of the following matters namely:-

- (a) Enforcing the attendance of any person and examining him on oath or affirmation;
- (b) Compelling production of documents; and
- (c) Issuing commission for examination of witnesses and any proceedings before the appellate authority, the assessing authority and investigating officer shall be deemed to be a "Judicial Proceedings" within the meaning of Section 193, 196 and 228 of the Indian Penal Code.

54 Powers of entry, inspection of records and seizure of books of accounts of a Dealer / Lessee:-

- (1) An assessing authority or investigating officer not below the rank of an ¹[Assistant Mining Engineer or Revenue Intelligence Officer of the State Directorate of Revenue Intelligence authorised by the Government or Director in this behalf] may for the purposes of these rules, require any dealer / lessee to produce before him the accounts, registers and other documents and to furnish any other information relating to mining operations or business.
- (2) All accounts, registers and other documents pertaining to the business of a dealer / lessee, the minerals in his possession or in the possession of his agent, or broker for the time being on his behalf and their office, godown, factory, vehicle or any other place where the business is done or accounts are kept shall be open for inspection and examination of any such authority or person at all reasonable time.
- (3) If any such authority or person has reason to suspect that any dealer / lessee is attempting to evade payment of royalty or other dues under these rules, he may, for the reasons to be recorded in writing, seize such accounts, registers or other documents of the dealer / lessee as he may consider necessary and shall give receipt to the dealer / lessee or any other person from whose custody such accounts, registers and documents are seized. The accounts, registers and documents so seized shall be retained by such officer only for their examination or for any inquiry or proceedings under these rules or for prosecution.

1. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012

Provided that the accounts, registers and documents so seized shall not be retained by such officer beyond a period of 3 months from the date of seizure without the written order of the Director for reasons to be recorded in writing.

Provided further that before returning the accounts, registers and documents, such officer may require that the dealer / lessee shall give a written undertaking that the accounts, registers and documents, shall be presented whenever required by any competent authority for proceedings under these rules and that such undertaking shall be supported by a security in such form as may be specified for a sum not exceeding Rs. 5000/-.

- (4) For the purpose of sub-rule (2) and (3) any such authority or person shall have powers to enter and search at all reasonable times any offices, godown, factory or vehicle or any other place of business or any building or place where any such authority or person, has reason to believe that the dealer/lessee keeps or for the time being keeping any mineral's accounts, registers or other documents pertaining to his business or mining operations and also to search the body of any other person found in such office, godown, factory, vehicle, building or place about whom any such authority or person ¹[has reason to suspect that he may have in his personal] possession any such minerals, books of accounts registers or documents.
- (5) Such authority or person may, when it is not practicable to seize any books or accounts, registers, documents or mineral, serve upon the dealer / lessee or the person who is in immediate possession or control thereof, an order that he shall not remove, part with or otherwise deal with them except with the previous permission of such authority or person who may take such steps in accordance with rules, as may be necessary for ensuring compliance of this sub-rule.
- (6) The power conferred by sub-rule (4) and (5) shall include the power to break open any box or receptacle in which any mineral, accounts, registers or documents of dealer / lessee may be contained or to break open the door of any premises where any such mineral, accounts registers or documents may be kept or to place marks of identification on his books of accounts, registers or documents for to make or cause to be made extracts or copies thereof.

Provided that the power to break open the door shall be exercised only after the dealer / assessee or any other person in occupation of the premises, if he is present therein, fails or refuses to open the door on being called upon to do so.

1. Substituted by Rajasthan Gazette Extraordinary dated 26/04/1986

- (7) Any such authority or person shall have power to seize any mineral, the removal or sale of which is liable to payment of royalty or cost and which are found in possession of a dealer / lessee or in the possession of his agent or broker or of any other person for the time being on his behalf or in any office, go down, factory, Vehicle or any other place of business or building of the dealer / lessee or of the agent, the broker or of any other person holding the said mineral on his behalf but not accounted for by the dealer / lessee in his accounts, registers and other documents maintained in the course of his business or any mining operations.

Provided that list of minerals / documents seized under this sub-rule shall be prepared by such authority or person and signed by two respectable witnesses.

- (8) An officer not below the rank of an Assistant Mining Engineer authorised under sub-rule (1) or the assessing authority may after giving the dealer / lessee an opportunity of being heard and holding such further inquiry as he may consider fit, realize from him, for the possession of mineral not accounted for, the cost of mineral at ¹[10] times of royalty.
- (9) Such officer or authority may release the mineral or documents seized under these rules on payment of cost of mineral or on furnishing ²[such security in the form of Bank Guarantee for a minimum period of six months equivalent to the cost of mineral for payment] thereof as he may consider necessary.
- (10) Any such authority or person may require any person:-
- (a) Who transports or holds in custody for delivery to or on behalf of any dealer / lessee, any mineral to give any information likely to be in his possession in respect of such mineral or to permit inspection thereof as the case may be;
 - (b) Who maintains or has in his possession any accounts, books or documents relating to the business / mining operations, to produce such accounts, books or documents for inspection.
- (11) The provisions of Code of Criminal Procedure relating to searches shall apply, so far as may be, to the searches made under these rules.

1. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

CHAPTER - VIII

Miscellaneous

55 Application of rules to all renewals:-

- (1) These rules shall apply to the renewal of the leases granted or renewed before the commencement of these rules, as they apply in relation to renewal of mining lease granted after such commencement.
- (2) Where Rent-Cum-Royalty-Leases have been granted before the commencement of these rules they shall be converted to quarry licences as per provisions of these rules.

56 Register to be open for inspection:-

All registers maintained in the office of the Mining Engineer / Assistant Mining Engineer under these rules shall be open for inspection by any person who holds or intends to acquire a mining lease or a quarry licence under these rules on payment of a fee of Rs. 10/- for each inspection.

¹[57 Rectification of mistakes:-

Any clerical or arithmetical mistake in any order passed by Government or any other officer under these rules and any error arising therein from accidental slip or omission may be corrected by the Government or officer, as the case may be.

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.]

58 Exemption:-

Notwithstanding anything contained in these rules no rent, royalty or fee shall be charged for:-

- (a) Excavation of ordinary clay including brick making clay, bajri, sand and masonry stone from areas, which are not working pits of a lessee, by a tenant for bonafide purpose of construction or repairs of:-
 - (i) Irrigation tanks, channels and drains;
 - (ii) Wells;
 - (iii) Compound walls for fields; or
 - (iv) Residential house including compound walls and cattle sheds in rural areas.

1. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994

Provided that:-

- (1) Such excavation and removal of aforesaid mineral shall be on the basis of the permits issued by the Panchayat or Patwari of the village, where the tenant resides. The permit shall contain the details of the total quantity of mineral, period or its excavation and removal and name and address of the tenant.
 - (2) Excavation of lime stone or lime kankar for lime burning from the areas which are not occupied by a lessee may be made by a tenant for bonafide use under a permit valid for two months issued on payment of ¹[Rs. 50/-] as permit fee by the Mining Engineer or Assistant Mining Engineer, having jurisdiction over the area.
 - (3) Nothing in this sub-rule shall abridge the rights of cultivators under section 36 of the Rajasthan Tenancy Act, 1955.
- ²[(b) Excavation of clay used by the potters for earthen-ware pots and for making bricks and kawelus baked through the process of Ava and Kajawa.

Explanation:- Baking of bricks / kawelus in open non continuous bhattas without using any form of chimney will be considered as baked through the process of Ava and Kajawa.]

- (c) Excavation and use of clay or earth in construction of houses except earth used for brick making.
- (d) Search for and obtaining the samples of minerals on the surface by chipping of outcrops without involving any disturbance of the soil by way of bore hole, pit, trench or otherwise.
- (e) Excavation of mineral by any person from his private land for personal use at the spot itself.
- (f) Excavation of mineral from river or stream bed and use of protection works of the same river or stream at or near the same spot, and
- (g) Excavation of masonry stone, morrum and bajri from areas which are not the working pits of a lessee by any person or institution, for construction of such public utility buildings as schools and hospitals in the rural areas from donation or contribution.

1. Substituted by Government Notification dated 18/12/2004
2. Substituted by Government Notification dated 10/01/1991

Provided that such excavation and removal of aforesaid minerals, shall be under a permit granted by the Mining Engineer or Assistant Mining Engineer, having jurisdiction over the area and only after a certificate from the Sarpanch / Pradhan in this behalf has been produced.

¹[Provided further that no such short term permit shall be granted in contravention of Environment Impact Assessment Notification dated 14.09.2006 issued by the Ministry of Environment and Forest, Government of India, as amended from time to time.]

²**[59 Availability of the Area for re-grant:-**

- (1) No area, which was previously held or which is being held under a mining lease or in respect of which order of grant has been made but the same has been revoked under sub-rule (4) of rule 19 or previously reserved under rule 73 by the Government or restricted for grant of mining lease under sub-rule (1) of rule 4, shall be treated as available for grant unless a 30 days notice, declaring it as free area, is affixed on the notice board in the office of the concerning Mining Engineer / Assistant Mining Engineer and an entry to this effect is made on the same day in the register of mining leases maintained for this purpose.

Provided that nothing in this rule shall apply to the renewal of a lease ³[in favour of the original lessee or his legal heirs, lease granted as per provisions of sub-rule (3) of rule 7, or lease granted on khatedari land].

- (2) The notice to be affixed as per provisions of sub-rule (1) shall also be published at least 15 days before the date of receipt of the applications in one or more daily news paper having wide circulation in the State as well as one news paper having wide circulation in the area in question.]

60 Premature application:-

Application for grant of mining lease or quarry licence in respect of areas whose availability for grant is required to be declared as free under rule 59 or 27C shall, if:-

- (a) No notice has been issued under rules 59 or 27C; or
- (b) Where such notice has been issued, the period specified in the notice has not expired, shall be deemed to be premature and shall be rejected by the competent authority with forfeiture of application fee.

1. Added by Rajasthan Gazette Extra Ordinary dated 19/06/2012
 2. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
 3. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012

61 Rate of Interest:-

Interest at the rate of ¹[15%] shall be charged on all dues in respect of dead rent, royalty, quarry licence fee and royalty collection contract ²[or excess royalty collection contract amounts from the due date.]

62 Dues may be recovered as arrears of Land Revenue:-

Notwithstanding anything contained in these rules, Government may recover any dues in respect of dead rent, royalty, quarry licence fee royalty collection contract amount, cost of mineral, penalties and any other dues under these rules together with interest as arrears of Land Revenue under the law in force relating to such recovery.

63 Grant of Short term permit:-

- (1) Notwithstanding anything contained in these rules the Mining Engineer or Assistant Mining Engineer may grant short-term-permit to a person on payment of a fee as laid down in sub-rule (4) and such person may excavate and take away mineral on payment of advance royalty from the area specified in the permit. The conditions under which the permit holder shall work and safety precautions which he must take shall be as specified in the permit.

³[Provided that:-

- (a) unless otherwise specified the dimension of the area for which a short term permit may be granted shall not exceed one hectare.
- (b) in case of private land short term permit may be granted to the Khatedar of the land or to a person having prior consent of the Khatedar of the land.
- (c) no such short term permit shall be granted in contravention of Environment Impact Assessment Notification dated 14.09.2006 issued by the Ministry of Environment and Forest, Government of India, as amended from time to time.]
- (2) Short term permit shall not be granted for the following minerals:-
- (i) Sandstone and limestone used as (dimensional stone, Patti Katla, mill stone, ashler and flooring stone);
- (ii) Limestone used for burning and chips making;
- (iii) Marble and dolomite;

1. Substituted by Government Notification dated 18/12/2004
 2. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 3. Substituted by Rajasthan Gazette Extra Ordinary dated 19/06/2012

- (iv) Granite used for making blocks, slabs and tiles;
- (v) Serpentine used as block and for chips making;
- (vi) Rhyolite and chert used for chips making;
- (vii) Fullers earth, bentonite, salt-petre and slate stone; and
- (viii) Other mineral notified by the Government.
- (3) Every application for short term permit shall be accompanied by the description of the land giving approximate location of the area from where excavation of mineral shall be made.

¹[]

- ²[(4) The permit fee required to be paid under sub rule (1) shall be charged as under: -

(a)	For a short- term-permit up to 2 tonnes	Rs. 5/-
(b)	For a short term permit exceeding 2 tonnes and upto 8 tonnes of mineral.	Rs. 20/-
(c)	For a short term permit exceeding 8 tonnes and upto 30 tonnes of mineral	Rs. 50/-
(d)	For a short term permit exceeding 30 tonnes and upto 200 tonnes of mineral	Rs. 100/-
(e)	For a short term permit exceeding 200 tonnes and upto 500 tonnes of mineral	Rs. 200/-
(f)	For a short term permit exceeding 500 tonnes of mineral	Rs. 200/- + Rs. 50/- for every additional 100 tonnes or part thereof

- ³[(4a) Short term permit holder shall deposit Rs. 5/- per tonne as contribution towards the Environmental Management Fund and shall also comply provisions of rule 37T of these rules.]

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1. Deleted by Rajasthan Gazette Extraordinary dated 25/05/2012
 2. Substituted by Government Notification dated 18/12/2004
 3. Inserted by Rajasthan Gazette Extra Ordinary dated 19/06/2012
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- (5) No short term permit shall be granted for quantities exceeding 500 tonnes except in case of contract of Works Department of State Government / Central Government / Autonomous bodies / Government undertaking, on recommendation of concerned Department.
- (6) Period for which a short term permit may be granted shall not exceed four months.

Provided that in case of Works Department of the Government, short term permits may be granted for a period longer than four months depending upon the period of work contracts.

Provided further that the period of short term permit shall be deemed to have been extended by 25% of the original period of short term permit if the permit holder fails to excavate and remove the quantity stipulated in the short term permit within the period originally sanctioned.

Provided further also that if a permit holder has excavated and carried mineral to the extent of 10% over and above the quantity specified in the permit within the stipulated time of the permit, only single royalty ¹[and more than 10% but up to 25% over and above the quantity specified in the permit, two times royalty] will be charged from the permit holder. The permit holder shall be responsible for submission of his record within 15 days of the expiry of permit. However, if the permit holder excavated and carried a quantity more than 25% of the quantity sanctioned in the permit, entire quantity excavated and removed over and above the quantity sanctioned in the permit shall be treated as unauthorised excavation and permit holder shall be liable to pay the cost of such excess material.

Provided also that any excess quantity of mineral carried away by the permit holder after the expiry of time limit specified in the permit or any quantity of mineral removed after the extended period of short term permit under first provision to this sub-rule 7 shall be treated as unauthorised excavation.

- (7) The Mining Engineer / Assistant Mining Engineer may refuse to grant a short permit for any mineral in any area.

1. Inserted by Rajasthan Gazette Extraordinary dated 31/03/2011

¹[63A Grant of permit for over burden to be used as construction material:-

- (1) The Mining Engineer or Assistant Mining Engineer may grant permit for building stone to a person for dispatch of over burden lying inside or outside any lease area on payment of special permit fees to be computed @ 10/- Rs. per Tonne, which shall be in addition of the royalty. Such permit shall be granted for a maximum period of one year for the quantity as desired by the applicant. Royalty and special permit fees, so deposited, shall not be adjusted in the dead rent payable by lessee.

Provided that where over burden is lying within the lease area permit may be granted to the lease holder or the person submitting consent of lessee.

Provided further that permit holder shall dispatch over burden with transit pass to be issued by concern Mining Engineer or Assistant Mining Engineer and shall submit record of such dispatch within one month from the completion of the permit.

- (2) Every application for permit shall be accompanied by sketch map showing location of over burden dump, quantity applied for and period required for dispatch.

Provided that the Mining Engineer or Assistant Mining Engineer after inspection, verifying lots of over burden and mineralogical examination, if required, and ascertaining that misuse of mineral shall not be done, may grant permit, after depositing special permit fees and royalty in advance, mentioning therein quantity of mineral and period of permit.

Provided further that the period of permit shall be deemed to have been extended by one fourth of the original period of permit if the permit holder fails to remove the quantity stipulated in the permit within the period originally granted.

- (3) The Mining Engineer or Assistant Mining Engineer may refuse to grant permit for any over burden in any area with reasons to be recorded in writing.]

64 Acquisition of Bapi and Proprietary rights:-

The Government shall not recognize any Bapi or proprietary right in or any land wherein such a right is claimed by any person over any mineral bearing land, quarry or mine unless declared so by a court of competent jurisdiction. The Government may acquire such Bapi or proprietary rights so declared after payment of reasonable compensation in accordance with the provisions of law for the time being in force.

1. Inserted by Rajasthan Gazette Extraordinary dated 14/10/2011

65 Relaxation of Rules:-

The Government may relax any provision of these rules for reasons to be recorded in writing.

¹²[65A Grant of mineral concession by adopting procedure different from the given in the Rules]:-

Notwithstanding any thing contained in these rules, Government may, by notification in Rajasthan Gazette ³[or at least one daily news paper having wide circulation in the State as well as one news paper having wide circulation in the locality nearest to the area in question] adopt any method or procedure different from that provided in the rules for leasing out mineral deposit in the interest of mineral development]

66 Special mode of recovery:-

- (1) Notwithstanding anything contained in these rules or contract to the contrary, the assessing authority may at anytime, by notice in writing (a copy of which shall also be sent to the assessee at his last known address) require any person from whom any amount is due or may become due to an assessee who has failed to pay any rent, royalty, penalty, interest or any sum due to the Government to pay such amount limiting to total dues on demand by the assessing authority.
- (2) The assessing authority issuing a notice under sub-rule (1) may at any time amend or revoke such notice or extend the period for making any payment in pursuance of the notice.
- (3) Any person making any payment in compliance of a notice issued under sub-rule (1) shall be deemed to have made the payment under the authority of the assessee and the treasury receipt for payment shall constitute a good and sufficient discharge of the liability of such person to the assessee to the extent of the amount specified in such receipt.
- (4) Any person discharging any liability to the assessee after service of the notice upon him under sub-rule (1) shall be personally liable to the State Government to the extent of the discharge of the liability to the assessee in respect of any other sum due from the assessee to the Government.
- (5) Any amount which a person is required to pay or for which he is personally liable to pay to the State Government under sub-rule (1) shall if such amount remains unpaid, be recoverable as an arrears of land revenue from such person.

1. Inserted by Rajasthan Gazette Extraordinary dated 23/01/1992
2. Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011
3. Inserted by Rajasthan Gazette Extraordinary dated 13/07/1992

67 Refund:-

- (1) The assessing authority shall, on an application made in this behalf and after satisfying the correctness of the claim made by the applicant, refund to an assessee any amount paid by him in excess of the amount due from him under these rules, either by cash payment or by adjustment of such excess against the amount due from the assessee in respect of any other period.

Provided that no claim for refund shall be allowed unless it is made within two years from the date on which the order of assessment was made or within 12 months of the final order passed in appeal whichever may be the later.

- (2) Any sum refundable under sub-rule (1) if not refunded within sixty days from the date of receipt of the assessee's application shall carry simple interest @ 4% per annum after expiry of aforesaid period of sixty days.

68 Establishment of check posts and barriers and weighing and inspection of goods in transit:-

- (1) If the State Government, Director, Superintending Mining Engineer or ¹[Mining Engineer / Assistant Mining Engineer considers it necessary] to do so, with a view to prevent or check the evasion of royalty under these rules at any place or places within the State he may direct the setting up of check post or erection of a barrier or both at such place or places by an order in writing.

Provided that the ¹[Mining Engineer / Assistant Mining Engineer concerned may not direct] setting up of check post or barrier for a period exceeding 6 months, the Superintending Mining Engineer for a period is exceeding 1 year, and the Director for a period exceeding 2 years.

Provided further that the setting up of check post or erection of a barrier for a period exceeding 2 years shall be notified in the Official Gazette and in other cases display of the notice at the place of establishment of check-post or erection of a barrier and on the Notice Board of the office of the concerned Mining Engineer and Assistant Mining Engineer may suffice.

- (2) ¹[The Director, Additional Director (Mines), Superintending Mining Engineer], Mining Engineer, Superintending Mining Engineer (Vigilance), Mining Engineer (Vigilance), Assistant Mining Engineer or any other ²[officer authorised by any of them or by the State Government] in this behalf may check a vehicle carrying the mineral at any place and the owner or the person in charge of the vehicle shall furnish a valid Rawanna ³[or transit pass or Royalty Receipt issued by Department of Mines and Geology in the prescribed form and other documents / particulars] as demanded by the officer.

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

2. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012

3. Substituted by Rajasthan Gazette Extraordinary dated 17/01/2011

- (3) At every check post or barrier set up under sub-rule (1) or at any other place when so required by the officer incharge of the check post or barrier or any other officer empowered by the Director / State Government in this behalf, the driver or any other person incharge of the vehicle shall stop the same, get the minerals contained therein weighed, shall pay weighing charges as fixed by the Government from time to time and shall keep the vehicle stationed so long as may reasonably be necessary and allow officer in charge of the check post or the barrier or such other officer as aforesaid to examine the minerals in transit and also inspect all records relating to the minerals in possession of such driver or other person. The driver or other person shall, if so required by the officer in charge of the check post or the barrier or any other officer so empowered give his name and addresses as also that of the owner of the vehicle and the name and address of the consignor and the consignee. After checking the minerals and vehicle the officer incharge of the check post of the barrier or such other officer as aforesaid shall put his signature on the rawanna so as to avoid any further checking at another check post.
- (4) Every owner or person incharge of a vehicle shall carry with him a valid rawanna or ¹[Royalty Receipt or transit pass issued by Department of Mines and Geology] in respect of the materials carried and shall produce the same before any officer incharge of a check post or barrier or other officer ²[empowered under sub-rule (2) or (3)].
- (5) If the officer incharge of the check post or any other officer mention in ²[sub-rule (2) or (3)] above has a reason to believe that royalty is likely to be evaded in respect of any mineral liable to assessment for royalty, such officer may require the owner or person incharge of the vehicle to pay an amount equal to ³[10] times the amount of royalty payable on the mineral ¹[in accordance with Schedule-I along with compounding fee as specified by the officer authorized under section 22 of the Act.]

⁴[]

Provided ⁴[] that where on weightment or by measurement at the check post it is found that the entire quantity of mineral is not covered by the rawanna, the amount of royalty on such difference, shall be recovered by the officer incharge of the check-post.

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1. Substituted by Rajasthan Gazette Extraordinary dated 17/01/2011
 2. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
 3. Substituted by Rajasthan Gazette Extraordinary dated 12/08/1994
 4. Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996
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- (6) (i) The officer incharge of the check post or the barrier or the officer empowered under sub-rule (2) shall have the power to seize and confiscate ¹[mineral along with vehicle which is not covered by a valid rawanna, or transit pass issued by Department of Mines and Geology, if the owner or person incharge of the vehicle refused to make payment as required under sub-rule (5), the seized vehicle along with mineral shall be handed over to SHO / incharge of nearest Police Station.]
- (ii) The officer incharge of the check post or the barrier or any officer empowered in this behalf shall give a receipt of ¹[such mineral along with vehicle seized by him] to the person from whose possession or control it is seized.
- ²[(iii) The officer incharge of the check post or any officer empowered under sub-rule (2) or (3) may direct the person incharge of the vehicle to carry the vehicle along with mineral, so seized, to the nearest police station or check post or barrier of the Department].
- (7) Whenever an order of confiscation ¹[in respect of mineral along with vehicle seized] under sub-rule (6) is made by an officer empowered by the Government in this behalf such officer shall give an option to the owner or incharge of the vehicle to pay an ³[amount as per sub-rule (5)] in view of such confiscation. In case of failure of the owner or person incharge of the vehicle to exercise such option the confiscated material may be disposed of by the confiscating officer or any other officer authorised in this behalf by public auction by beat of drum or he may sell in directly at the rate prevalent in the adjacent area.

Provided ¹[that no such mineral along with vehicle] confiscated under sub-rule (6) shall be disposed of by the confiscating officer or any other officer authorised in this behalf before 48 hours of such confiscation and till that time option shall remain with the owner or person incharge of the vehicle to carry the mineral after paying ⁴[an amount as per sub rule (5).]

⁵[**Explanation:** The word check post” wherever occurs in this rule shall include “Naka.”]

-
1. Substituted by Rajasthan Gazette Extraordinary dated 17/01/2011
 2. Substituted by Rajasthan Gazette Extra Ordinary dated 25/05/2012
 3. Substituted by Rajasthan Gazette Extraordinary dated 24/03/2011
 4. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011
 5. Added by Rajasthan Gazette Extraordinary dated 29/08/1996
-

69 Power to summon:-

- (1) The assessing authority for the observance of these rules and for reasons to be recorded may summon any of the parties using and or dealing in the mineral in the State and may demand necessary information and sources from where the mineral has been procured and the assessing authority may also depute any official by a general or special order in writing to collect such information and thereafter assess the royalty or the cost of mineral recoverable as the case may be.
- (2) Any person who is engaged in trading of minerals shall maintain a correct account of mineral purchased stocked and sold by him and these records shall be produced for inspection if required by assessing authority or a person authorised by assessing authority in this behalf.

Provided that if such trader fails to produce record for mineral purchased by him, the assessing authority may enter into any place where the mineral is stored and, measure or count it and assess cost of mineral which shall be recovered from the trader.

70 Stoppage of mining operations:-

The Director / Superintending Mining Engineer or Mining Engineer / Assistant Mining Engineer or any other officer authorised by the Director in this behalf may prohibit mining and seize minerals, equipment, tools and vehicle in case the mining operations are being carried out not in accordance with the terms and conditions of the mining lease quarry licence or short term permit granted under these rules or without any lease or permit irrespective of that such minerals, tools, equipment and vehicles are lying at site or are in transit.

71 Service of Notice:-

- (1) Every notice under these rules required to be given to the lessee / licensee shall be given in writing in person or by registered post addressed to him at the address recorded in his lease deed / licence or such other address as the lessee or licensee may from time to time intimate in writing to the concerned authorities having jurisdiction.
- (2) The service of such notices on any adult male member of the family, his agent or any other person purporting to be his agent or any other person maintaining his books of accounts or issuing rawanna or filing monthly statistical returns shall be deemed to be proper and valid service upon the lessee / licensee and shall not be questioned or challenged by him. An endorsement by postal employee that the lessee / licensee or any of the aforesaid persons refused to take the delivery or non-availability of the person at the last known address may be deemed to be prima facie proof of service.

72 Mining operations to be under lease or licence:-

No mining lease, quarry licence, short-term-permit or any other permit shall be granted otherwise than in accordance with the provisions of these rules and if granted shall be deemed to be null and void.

¹[73 Reservation of area for prospecting or mining operations by the Government:-

Where the Government proposes to undertake prospecting or mining operations of any mineral, it shall issue a notification reserving the area, in at least one daily new paper having wide circulation in the State as well as on such daily newspaper having wide circulation in the locality nearest to the area in question. The notification shall give details of area and the period for which such operations are proposed to be undertaken. Such reservation shall be effective from the date of its entry in the register of mining lease kept under rule 10.

74 Status of the grant on the death of applicant for mining lease / quarry licence:-

- (1) Where an applicant for grant or renewal of mining lease / quarry licence dies before the order granting him a mining lease / quarry licence or its renewal is passed the application for the grant or renewal of a mining lease / quarry licence shall be deemed to have been made by his legal representative.
- (2) In the case of an applicant in respect of whom an order granting or renewing a mining lease / quarry licence is passed, but who dies before the deed referred to in sub-rule (2) of rule 19 is executed, ²[or before quarry licence is issued] the order shall be deemed to have been passed in the name of the legal representative of the deceased.

75 Dead rent on reduction in mining lease area:-

Notwithstanding anything contained in these rules or in mining lease agreement, if an area of mining lease is reduced in size consequent to part surrender or otherwise, the competent authority may ³[] proportionately reduce the dead rent of such lease.]

1. Added by Rajasthan Gazette Extraordinary dated 12/08/1994
2. Inserted by Rajasthan Gazette Extraordinary dated 29/08/1996
3. Deleted by Rajasthan Gazette Extraordinary dated 29/08/1996

¹[76 Amalgamation of mining leases / quarry licences:-

The Additional Director (Mines) concerned may, in the interest of mineral development and with reasons to be recorded in writing, permit amalgamation of two or more adjoining leases / quarry licences held by a lessee / licensee:

Provided that the period of amalgamated lease / licence shall be co-terminus with the lease / licence whose period expires first.”

77 Conversion of Minor Mineral lease into Major Mineral lease.-

In case minor mineral produced from minor mineral lease can be used as a major mineral, in such cases the State Government may convert the minor mineral lease on an application by the lessee into major mineral lease subject to the following conditions, namely:-

- (i) If it is recommended by a committee comprising Superintending Geologist, Mining Engineer /Assistant Mining Engineer and Geologist concerned.
- (ii) There is no revenue loss to the State Government.
- (iii) The lease area converted shall not be the less than the prescribed size of lease area for major minerals provided in rule 22-D of Mineral Concession Rules 1960.
- (iv) Prior to conversion, the lessee shall obtain all requisite consents from the concerned Departments required for allotment of a major mineral lease.]

* * * * *

1. Added by Rajasthan Gazette Extraordinary dated 28/01/2011

SCHEDULE – I

RATE OF ROYALTY

(See rule 18(1) (b))

S. No.	Name of Mineral	Quality/Shape and size of mineral	Rate of royalty Rs. Per tonne	Conversion factor in Tonnes / Cum	w.e.f.
1	2	3	4	5	6
1	Sandstone	Dimensional stones – (i) Dressed, polished or cut slabs, patti Katla, ashlar, tiles, flooring & roofing stones and blocks. (ii) Undressed, irregular or rough slabs, patti Katla, ashlar, tiles, flooring & roofing stones and blocks. (a) Bharatpur, Dholpur, Karoli districts (b) Kota & Bundi districts (c) Bhilwara & Chittorgarh districts (d) All other districts	200.00 115.00 95.00 75.00 62.00	2.4	11.01.11 11.01.11 11.01.11 11.01.11 11.01.11
2	Limestone	Dimensional stone (a) used as flooring, roofing & pillaring stone etc.:– (i) Kota & Jhalawar district (ii) Jaisalmer district (iii) All other districts (b) Mineral waste of Limestone (Dimensional) used for purposes other than raw material by an industry.	 90.00 120.00 75.00 15.00	2.7	 11.01.11 11.01.11 11.01.11 11.01.11

3	Limestone & lime	Suitable for lime making	65.00	1.4	01.01.11
		Lime	100.00		01.01.11
4	Marble, serpentine & other decorative stone	1. (a) Slabs & tiles having one dimension (width) 35 cm and above and other finished products:-		2.7	
		(a-i) For Makrana Area	300.00		18.03.10
		(a-ii) For All other Area of Rajasthan	350.00		01.01.11
		(b) Tiles having one dimension (width) less than 35 cm:	290.00		11.01.11
		2. Blocks	195.00		11.01.11
		3. Irregular blocks processed by single wheel cutters whose diameter is not more than 60 cm located within the State of Rajasthan: Provided that such blocks are not processed in the factory premises where other wheel cutters having diameter more than 60 cm or Gangsaw of any design are installed.	110.00		11.01.11
4. Khanda and Karezi having no dimension of more than 35 cm.	65.00	11.01.11			
5	Granite, Diorite & other igneous rock types suitable for sawing & polishing	(i) Blocks having any dimension more than 70 cm.	175.00	3	11.01.11
		(ii) Blocks having no dimension more than 70 cm.	65.00		2

6	Chips and powder making minerals like Marble, Dolomite, Serpentine, Rhyolite, Chert, Limestone, Quartzite etc.	Used for making chips and powder.	65.00	2.7	11.01.11
		Provided that no royalty shall be payable on marble slurry / marble powder			
7	(a) Masonary Stone (Sandstone, Limestone, Granite, Rhyolite, Quartzite, Schist, Phyllites etc.) (b) Sand Stone, Limestone or any other rock.	(a) Used as Khanda, ballast, road metal, fatchere, gitty/grit, papada, crusher dust, gravel, jhajhara etc. -		1.4	
		(i) Alwar, Bharatpur, Jaipur, Jhuhujhunu and Sikar district.	22.00		11.01.11
		(ii) Other districts	17.00		11.01.11
		(b) Used for making cobbles.	75.00		11.01.11
8	Bajri, Kanker and ordinary sand	(a) Bajri, Kankar -		1.4	
		(i) Bharatpur, Jhunjhunu, Dholpur, Tonk and Sikar District.	25.00		11.01.11
		(ii) Other districts	20.00		11.01.11
		(b) Ordinary sand / ordinary earth used for -			
		(i) Manufacturing of Earthernwares, tiles etc.	10.00		01.01.11
		(ii) Filling or leveling purposes in construction of embankment, roads, railways, buildings etc.	2.50		01.01.11

9	Brick earth, Murram, Surkhi		18.00	1.4	11.01.11
10	Lime Kanker, Jhajhara Kanker	Lime Kanker & Jhajhara Kanker	15.00	1.4	01.01.11
11	Phyllite and Schist	Dimensional Stone used as Pati, kattla, roofing, flooring etc.	40.00	2.2	11.01.11
12	Fuller's earth		80.00	1	11.01.11
13	Bentonite		90.00	1.2	11.01.11
14	Slate stone		80.00	2	11.01.11
15	Salt petre		1800.00	-	11.01.11
16	Ordinary clays used for colour washing		13.00	1.5	11.01.11
17	(a) Bricks earth, Phyllite & Schist, Sand (including Bajri) (b) Shale, Gneisses, Quartzite, Clay and any other rocks/minerals used for special purposes.	Used for special purposes in industry	90.00 80.00	1.4	11.01.11
18	All other minerals not herein before specified.		10% of pits mouth value	-	04.03.86

SCHEDULE-II

Dead rent on Minor Minerals

(See Rule 18 (3))

S. No.	Name of Mineral	Rate of Dead rent in Rs. Per ten square metre or part thereof
1	2	3
1	Dimensional stone: (a) Sandstone, Limestone, Slate stone and other Dimensional stones which have not been mentioned anywhere in this schedule. Phyllite and schist	50.00 25.00
2	Mineral used for lime making: (a) Limestone (b) Lime Kanker, Dhandhla and jhajhara Kankar	40.00 15.00
3	Mineral used for making chips and powder: Limestone, Marble, Chert, Serpentine, Rhyolite, Quartzite and other rocks	40.00
4	Mineral used as Blocks and sawn as slabs and tiles: (a) Marble, Serpentine and other rocks (b) Granite, Diorite, Rhyolite, Dolorite and other rocks	70.00 40.00
5	Masonry stone and mineral used in construction works such as ballast, road metal, brick earth, murrum, kankar, bajri or surkhi etc.	21.00
6	Other Minerals: (a) Fuller's earth (b) Bentonite (c) Saltpetre (d) Ordinary white/yellow/red clays	15.00 30.00 8.00 12.00
7	Other minerals not specified above	35.00

Note: In the cases where mineral is used for captive purpose in the industry set up by the lessee the rate of dead rent will be reduced by 25%

-
1. Government Notification No. 14(9) Mines/Gr.2/2004 dated 18.12.2004
 2. Government Notification No. 14(9) Mines/Gr.2/2004 dated 11.03.2010
-

SCHEDULE III

List of Associated Minerals

[See rule 11 (2)]

The Following minerals shall be treated as associated minerals within their respective groups:

1. Dimensional Stones

- (a) Sandstone;
- (b) Limestone;
- (c) Phyllite and schist;
- (d) Slate stone used as dimensional stones.

2. Mineral used as blocks and sawn as slabs and tiles.

- (a) Marble;
- (b) Dolomite;
- (c) Rhyolite;
- (d) Granite;
- (e) Serpentine;
- (f) Diorite and Dolorite;
- (g) Any other rock used for slab or tile making.

3. Minerals used for lime burning.

- (a) Limestone;
- (b) Dolomite, Limestone;
- (c) Marble fragments suitable for burning.

4. Minerals used for chips and powder burning.

- (a) Limestone;
- (b) Marble;
- (c) Rhyolite;
- (d) Chert;
- (e) Serpentine;
- (f) Dolomite and other rocks used for similar purpose.

5. Minerals used as masonry stone, road metals, ballast etc.

¹[FORM No. 1-A

(To be submitted in triplicate)
APPLICATION FOR MINING LEASE
(See Rule 5)

To
The Mining Engineer /
Assistant Mining Engineer,
Department of Mines and Geology,
Rajasthan.....

Affix your
passport size
photograph

Sir,

1. I/Werequest you to grant me/us Mining Lease for mineral.....over an area of.....hectares for a period ofyears under the Rajasthan Minor Mineral Concession Rules, 1986.
2. I have deposited Rs.....as the application fee payable under rule 5 vide demand draft / treasury challan No.....dated.....
3. Following are the required particulars:-
 - (A) Name of the applicant and address.....
.....
 - (B) Telephone No. Office Residence
Fax No. Cell No.
Email address
 - (C) In case the applicant is an individual:
 - (1) Father's Name/Husband's Name
 - (2) Caste
 - (3) Occupation
 - (4) Nationality
 - (D) In case the applicant is Firm / Company / Association / Society:
 - (1) Kind of business
 - (2) Place of business
 - (3) Place of registration
 - (4) Nationality of Director/Partners

N.B. Please enclose copies of Certificate of Firm's registration, Partnership-deed, Power of Attorney, Certificate of Incorporation, Memorandum and Articles of Association and resolution of Board of Directors about applying for mining lease.

4. Details of areas held by the applicant in Rajasthan

S. No.	Name of Office	M.L. No.	Mineral for which lease is held	Extent of area held (in hectares)	Period of lease		Location of leased area
					From	To	

5. Total area already acquired for the mineral applied for (in hectares).....

6. Details of applications already submitted / applied simultaneously:-

1.
2.
3.

7. Are you intending to set up a mineral based industry in the area and consuming this mineral as raw material. (If so, give particulars of the same.)

.....

8. Category to which the applicant belongs (as specified in rules) (Please attach necessary certificates)

.....

9. (a) Please enclose plan and description report of the applied area with reference to the nearest permanent feature and showing length and bearing of all the lines along with latitude and longitude of reference point.

.....

(b) Please enclose a copy of khasra map covering the applied area and a copy of Revenue jamabandi to indicate the status of applied area i.e. to indicate whether the applied area is Khatedari Land / Government Land / Forest Land / Abadi Land / Charagah / Catchment area of any Dam / Tank etc.

.....

10. Number and date of no dues certificate in respect of payment of mining dues (Copy attached).

(If on the date of application the applicant does not hold a prospecting licence / mining lease / contract etc., an affidavit to this effect shall be enclosed)

11. Please indicate the distance of the following from the applied area:

(a) Any important tank or dam falling within 1.00Km. radius of applied area.

.....

(b) Any important temple, mosque or any other place of worship or place of archaeological, tourist importance including burial ground etc. falling within 1.00 Km. radius of the applied area.

(c) Any river, canal / pucca road / rail line passing within 1.00 Km. radius of the applied area.

(d) Any permanent structure like power line/Microwave tower/water reservoir etc. within a radius of 1.00 Km. from the applied area.

12. Please indicate if the applied area has been notified by the Government or by any local authority for any other public or special purposes, give details.....

13. Self attested copy of anyone of the following document is to be enclosed –

- (i) Copy of PAN Card;
- (ii) Copy of Driving Licence;
- (iii) Copy of Voter Identification Card;
- (iv) Copy of Passport
- (v) Bank Pass Book

I / We declare that particulars given above are correct and I / We will furnish any other details required in the connection on demand.

Yours Faithfully

Signature of applicant

Submitted by
Signature
Name & Address
.....

Place: _____

Date: _____

Note: 1. The information from para 9 (b) to 11 is required to have an idea of the status and the surface features of the applied area. The said information shall be furnished within a period of 30 days of the presentation of the application failing which the application shall be liable to be rejected.

Note: 2. The restrictions on the grant of mining lease will remain the same as envisaged in chapter II of these rules.]

¹[FORM NO. 1-B
(To be submitted in triplicate)
APPLICATION FOR RENEWAL OF MINING LEASE
[See Rule 5]

To
The Mining Engineer /
Assistant Mining Engineer,
Department of Mines and Geology,
Rajasthan.....

Affix your
passport size
photograph

Sir,

1 I/We request you to grant me / us renewal of Mining Lease No..... (existing lease period from to) for mineral over an area of.....hectares for a period of.....years from.....to.....under the Rajasthan Minor Mineral Concession Rules, 1986.

2 I have deposited Rs.as the application fee payable under Rule 5 and Rs. as the penalty payable under rule 17 vide demand draft / treasury Challan No.....dated.....

3 Following are the required particulars:-

(A) Name of the applicant and address

(B) Telephone No. Office Residence
Fax No. Cell No.
Email address

(C) In case the applicant is an individual:

- (1) Father's Name/Husband's Name
- (2) Caste
- (3) Occupation
- (4) Nationality

(D) In case the applicant is Firm / Company / Association / Society:

- (1) Kind of business
- (2) Place of business
- (3) Place of registration
- (4) Nationality of Director/Partners

N.B. Please enclose copies of Certificate of Firm's registration, Partnership-deed, Power of Attorney, Certificate of Incorporation, Memorandum and Articles of Association and resolution of Board of Directors about applying for renewal of mining lease.

4 Details of areas held by the applicant in Rajasthan

S. No.	Name of Office	M.L. No.	Mineral for which lease is held	Extent of area held (in hectares)	Period of lease		Location of lease
					From	To	
1	2		3	4	5	6	7

5. Have you set up a mineral based industry for consumption of the mineral. If so, give details of location, annual requirement of minerals and various resources from where raw material is being procured at present including the quality of mineral used from the existing lease.
6. Are you intending to set up a mineral based industry in the area and consuming this mineral as raw material. (If so, give particulars of the same.)
.....
7. Year wise details of the production and amount of excess royalty / dead rent paid to the department during last five year (excluding the last year) of the lease.

S. No.	Year	Annual dead rent (In Rs.)	Quantity of mineral (In Tonnes)		Amount of Excess royalty paid (In Rs.)	Remarks
			Raised	Despatched		
1	2	3	4	5	6	7

8. (a) Please enclose plan and description report of the area applied for renewal with reference to the nearest permanent feature and showing length and bearing of all the lines along with latitude and longitude of reference point.
.....
- (b) Please enclose a copy of khasra map covering the applied area and a copy of revenue jamabandi to indicate the status of applied area i.e. to indicate whether the applied area is Khatedari Land / Government Land / Forest Land / Abadi Land / Charagah / Catchment area of any Dam / Tank etc.
.....
9. Number and date of no dues certificate in respect of payment of mining dues (Copy attached).

(If on the date of application the applicant does not hold a prospecting licence/ mining lease/contract etc., an affidavit to this effect shall be enclosed)

10. Self attested copy of anyone of the following document is to be enclosed -

- (i) Copy of PAN Card;
- (ii) Copy of Driving Licence;
- (iii) Copy of Voter Identification Card;
- (iv) Copy of Passport
- (v) Bank Pass Book

I / We declare that particulars given above are correct and I / We will furnish any other details required in this connection on demand.

Yours faithfully,

.....

(Signature of lessee / Power of Attorney Holder)
Submitted by

Signature

Name & Address

Place: _____

Date: _____

]

¹[FORM NO. 1-C

APPLICATION FOR GRANT OF QUARRY LICENSE

[See Rule 23]

To
The Mining Engineer/
Assistant Mining Engineer,
Department of Mines and Geology,
Rajasthan.....

Affix your
passport size
photograph

Sir,

1 I/We request you to grant me / us quarry license for mineral.....over Plot No..... in an area (name of boundary)for a period of.....years under the Rajasthan Minor Mineral Concession Rules, 1986.

2 I have deposited Rs..... as the application fee payable under rule 23 vide demand draft / treasury Challan No.....Receipt No.....dated.....

3 Following are the required particulars:-

(A) Name of the applicant and address

.....

(B) Telephone No. Office Residence

Fax No. Cell No.

Email address

(C) In case the applicant is an individual:

(1) Father's Name/Husband's Name

(2) Caste

(3) Occupation

(4) Nationality

(D) In case the applicant is Firm/Company/Association/Society:

(1) Kind of business

(2) Place of business

(3) Place of registration

(4) Nationality of Director/Partners

N.B. Please enclose copies of Certificate of Firm's registration, Partnership-deed, Power of Attorney, Certificate of Incorporation, Memorandum and Articles of Association and resolution of Board of Directors about applying for quarry license.

4 Details of areas held by the applicant in Rajasthan

S. No.	Name of Office	M.L. / Q.L. No.	Mineral for which lease/ licence is held	Extent of area held (in hectares)	Period of lease/ licence		Location of lease/ licence
					From	To	
1	2		3	4	5	6	7

5 Total area already acquired for the mineral applied for (in hectares)

6. Details of applications already submitted/ applied simultaneously

1.
2.
3.

7. Category to which applicant belongs (please attach necessary certificates)

- (i) Manual workers employed in mines, belonging to Schedule Caste
- (ii) Manual workers employed in mines, belonging to Schedule Tribes
- (iii) Manual workers employed in mines, belonging to Other Backward Classes/ Special Backward Class
- (iv) Manual workers employed in mines other than Schedule Caste/Schedule Tribes/Other Backward Classes / Special Backward Class
- (v) Persons belonging to Schedule Caste
- (vi) Persons belonging to Schedule Tribes
- (vii) Persons belonging to Other Backward Classes/Special Backward Class
- (viii) Persons selected under Integrated Rural Development Programme or Antyodaya Yojna / Below Poverty Line of the State Government
- (ix) Village artisans and land-less labourers
- (x) Ex-soldiers including members of para military forces belonging to Rajasthan who have been permanently disabled and the dependents of those who have died while in service.
- (xi) Rajasthan State Government servants who have become permanently disabled while on duty or the dependents of those who have died while in service.
- (xii) Registered society for the unemployed youth
- (xiii) Other applicants

8. Are you intending to set up a mineral based industry in the area using this mineral as raw material. (If so give particulars of the same)

9. Self attested copy of anyone of the following document is to be enclosed -

- (i) Copy of PAN Card;
- (ii) Copy of Driving Licence;
- (iii) Copy of Voter Identification Card;
- (iv) Copy of Passport
- (v) Bank Pass Book

I / We declare that particulars given above are correct and I / We will furnish any other details required in this connection on demand.

Yours Faithfully

Signature of applicant

Submitted by

Signature

Name & Address

.....

Place: _____

Date: _____

]

¹[FORM No. 1-D

(To be submitted in triplicate)
APPLICATION FOR PROSPECTING LICENCE
(See Rule 3-B (1))

To

The Mining Engineer/
Assistant Mining Engineer,
Department of Mines and Geology,
Rajasthan.....

Affix your
passport size
photograph

Sir,

1. I/We..... request you to grant me / us Prospecting Licence for mineral.....over an area of.....hectare for a period ofyears under the Rajasthan Minor Mineral Concession Rules, 1986.

2. I have deposited Rs.....as the application fee payable under rule 3B vide demand draft / treasury challan No.....dated.....

3 Following are the required particulars:-

(A) Name of the applicant and address

(B) Telephone No. Office Residence

Fax No. Cell No.

Email address

(C) In case the applicant is an individual:

(1) Father's Name/Husband's Name

(2) Caste

(3) Occupation

(4) Nationality

(D) In case the applicant is Firm/Company/Association/Society:

(1) Kind of business

(2) Place of business

(3) Place of registration

(4) Nationality of Director/Partners

N.B. Please enclose copies of Certificate of Firm's registration, Partnership-deed, Power of Attorney, Certificate of Incorporation, Memorandum and Articles of Association and resolution of Board of Directors about applying for Prospecting Licence.

4. Particulars of the mineral-wise areas held / applied by the applicant in the State.
(Details to be enclosed in separate sheet.)

-
5. Please indicate the distance of the following from the applied area:
- (a) Any important tank or dam falling within 1.00Km. radius of applied area.
.....
 - (b) Any important temple, mosque or any other place of worship or place of archaeological, tourist importance including burial ground etc. falling within 1.00 Km. radius of the applied area.
 - (c) Any river, canal / pucca road / rail line passing within 1.00 Km. radius of the applied area.
 - (d) Any permanent structure like power line/Microwave tower/water reservoir etc. within a radius of 1.00 Km. from the applied area
6. Category to which the applicant belongs (as specified in rules) (Please attach necessary certificates).
7. (a) Please enclose plan and description report of the applied area with reference to the nearest permanent feature and showing length and bearing of all the lines along with latitude and longitude of reference point as well as the corner pillars.
(b) Please enclose a copy of khasra map covering the applied area marked on it and a copy of Revenue jamabandi to indicate the status of applied area i.e. to indicate whether the applied area is Khatadari Land / Government Land/Forest Land / Abadi Land / Charagah / Catchment area of any Dam / Tank etc.
8. Number and date of no dues certificate in respect of payment of mining dues (Copy attached).
(If on the date of application the applicant does not hold a prospecting licence / mining lease / contract etc., an affidavit to this effect shall be enclosed)
9. Self attested copy of anyone of the following document is to be enclosed -
- (i) Copy of PAN Card;
 - (ii) Copy of Driving Licence;
 - (iii) Copy of Voter Identification Card;
 - (iv) Copy of Passport;
 - (v) Bank Pass Book;

I / We declare that particulars given above are correct and I / We will furnish any other details required in the connection on demand.

Yours Faithfully

Signature of applicant

Submitted by

Signature

Name & Address

.....]

Place:_____

Date:_____

¹[FORM NO. 1-E

(To be submitted in triplicate)
APPLICATION FOR RENEWAL OF PROSPECTING LICENCE

[See Rule 3-B (1)]

To,

The Mining Engineer / Assistant Mining Engineer,
Department of Mines & Geology,
Rajasthan

Sir,

1. I/We request you to grant me / us renewal of Prospecting Licence No. (existing period from to) for mineral over an area of hectares for a period of.....years from to..... under the Rajasthan Minor Mineral Concession Rules, 1986.
2. I have deposited Rs..... as the application fee payable under Rule 3(B) and Rs..... as penalty under Rule 3(C) (4) vide demand draft / treasury Challan No.....dated.....
3. Name of the applicant with complete address
.....
Telephone No. Office Residence
Fax No. Cell No.
Email address
4. Reasons for which renewal is desired.
.....
5. In case the renewal applied for is only for part of the area held under prospecting licence.
 - (a) The area applied for renewal.
 - (b) Description of the area applied for renewal (description should be adequate for the purposes a demarcating the plot) along with latitude and longitude of reference point as well as the corner pillars.
.....
 - (c) Composite map of area held and applied for renewal

-
- 6. (a) Does the applicant continue to have the surface right over the areas of the land for which he requests renewal of a prospecting licence?
 - (b) If not, has he obtained the consent of the owner and the occupier for undertaking prospecting operations ? If so, the consent of the owner and occupier of the land obtained in writing should be filed.
 - 7. No. and date of no dues certificate (copy enclosed).
 - 8. Self attested copy of anyone of the following document is to be enclosed
 - (i) Copy of PAN Card;
 - (ii) Copy of Driving Licence;
 - (iii) Copy of Voter Identification Card;
 - (iv) Copy of Passport;
 - (v) Bank Pass Book;
 - 9. Any other particulars which the applicant may wish to furnish.

I / We declare that particulars given above are correct and I / We will furnish any other details required in this connection on demand.

Yours faithfully,

(Signature of licensee / Power of Attorney Holder)

Submitted by
 Signature
 Name & Address

Place: _____
 Date: _____

Note: If application is signed by Power of Attorney Holder then enclosed copy of Power of Attorney.]

¹[**FORM NO. 1-F**
APPLICATION FOR BID IN AUCTION FOR RCC / ERCC
[See rule 34(v) (A)]

1. Contract Type RCC/ERCC :
2. Contract Area :
3. Mineral :
4. Contract Period :
5. Reserve Price :
6. Bidders Name :

Registration No. and Validity

- (i) For individual :
Father's Name- :
Complete Postal address :

Telephone No. :
Cell No. :
Fax No. :
PAN No. :
Bank name & Account No. :
- (ii) For Partnership Firm / Company / :
Association of persons :
Complete Postal Address :

Telephone No. :
Cell No. :
Fax No. :
PAN No. :
Bank name & Account No. :
- (iii) Details of Power of Attorney holder :
Name :
Father's Name- :
Complete Postal address :

Telephone No. :
Cell No. :
Fax No. :
PAN No. :
Bank name & Account No. :

-
7. Details of Earnest Money :
 Banker's cheque/Draft No./ Date/ :
 Amount :
- Note:** The earnest money shall be as follows:
- (a) For bid up to Rs. 1 lac : 10,000/-
 (b) For bid above Rs.1 Lac & up to Rs.5 : 50,000/-
 lacs
 (c) For bid above Rs. 5 lacs & up to Rs. 10 : 1,00,000/-
 lacs
 (d) For bid above Rs.10 lacs, : 1,00,000/-+ one lac
 for each additional
 bid of Rs.10 lacs or
 part thereof.
8. Details of mining leases / prospecting :
 licences / RCC / ERCC Contracts / any
 other concession held by bidder / all
 partners/ all directors
9. Enclosures:- :
- (i) An attested copy of registration of : Yes / No
 contractor as per rule 32(4) for RCC /
 ERCC contract.
- (ii) An affidavit of bidder / all partners of : Yes / No
 firm / all directors of company
 regarding no dues, affidavit should not
 be older then 15 days.
- (iii) Power of attorney / copy of resolution, : Yes / No
 whichever is applicable.

I / We declare that particulars given are correct and I / We, will furnish any other details required in this connection. I / We, further declare that all the terms and condition of the bid have been read out and I / We accept all the terms and conditions of the bid.

Signature of the bidder / POA]

¹[FORM NO. 1-G

APPLICATION FOR MINING LEASE

[See rule 34(v) (A)]

1. Particulars of area :
2. Tehsil / district :
3. Mineral :
4. Reserve Price :
5. Bidders Name :

Affix your
passport size
photo (For
individuals
only)

- (i) For individual :
Father's Name :
Complete Postal address :

Telephone No. :
Cell No. :
Fax No. :
PAN No. :
Bank name & Account No. :

- (ii) For Partnership Firm / Company / Society :
Complete Postal Address :

Telephone No. :
Cell No. :
Fax No. :
PAN No. :
Bank name & Account No. :

- (iii) Details of Power of Attorney holder :
Name :
Father's Name :
Complete Postal address :

Telephone No. :
Cell No. :
Fax No. :
PAN No. :
Bank name & Account No. :

-
6. Details of application Fee (which is non-refundable) (As per rule 5) :
Banker's cheque / Draft / Treasury Challan :
No. / Date / Amount:
7. Details of Earnest Money :
Banker's cheque / Draft No. / Date / Amount :

Note: The earnest money shall be as follows:

- (a) For bid up to Rs. 1 lac : 10,000/-
(b) For bid above Rs.1 Lac & up to Rs.5 lacs : 50,000/-
(c) For bid above Rs. 5 lacs & up to Rs. 10 lacs : 1,00,000/-
(d) For bid above Rs.10 lacs, : 1,00,000/-+ one lac for each additional bid of Rs.10 lacs or part thereof.

Note:- Difference of earnest money for bidding within one next slab above shall only be accepted during the course of auction.

8. Details of mining leases/ prospecting licences/ RCC/ ERCC Contracts/ any other concession held by bidder/ all partner/ all director :
9. Enclosures :
- (i) An affidavit of bidder / all partners of firm / all directors of company regarding no dues, affidavit should not be older then 15 days. : Yes / No
- (ii) Power of attorney / firm registration certificate / partnership deed / certificate of incorporation and memorandum of articles of association & copy of resolution, whichever is applicable. : Yes / No
- (iii) PAN CARD, Address Proof : Yes / No

I / We, declare that particulars given are correct and I / We, will furnish any other details required in this connection. I / We, further declare that all the terms and condition of the bid have been read out and I / We, accept all the terms and conditions of the bid.

Signature of the bidder / POA]

¹[FORM No. 1-H

APPLICATION FOR TENDER FOR RCC / ERCC

[See rule 35(iv)]

1. Contract Type RCC/ ERCC :
 2. Contract Area :
 3. Mineral :
 4. Contract Period :
 5. Reserve Price :
 6. Tenderers Name :
- Registration No. and validity :
- (i) For individual :
- Father's Name :
- Complete Postal address :
- Telephone No. :
- Cell No. :
- Fax No. :
- PAN No. :
- Bank name & Account No. :
- (ii) For Partnership Firm / Company / Association :
- of persons :
- Complete Postal Address :
- Telephone No. :
- Cell No. :
- Fax No. :
- PAN No. :
- Bank name & Account No. :
- (iii) Details of Power of Attorney holder :
- Name :
- Father's Name- :
- Complete Postal address :
- Telephone No. :
- Cell No. :
- Fax No. :
- PAN No. :
- Bank name & Account No. :

7. Tender Amount (Yearly) :
In figures :

In words :

8. Details of Earnest Money :
Banker's cheque/Draft No./ Date/ Amount :

Note: The earnest money shall be 10% of tender amount mentioned by the tenderer at serial number 7 of this form.

9. Details of mining leases/ prospecting licences/ :
RCC/ ERCC Contracts/ any other concession
held by tenderer/ all partners/ all directors

10. Enclosures :

(i) An attested copy of registration of contactor as : Yes / No
per rule 32(4) for RCC/ERCC contract.

(ii) An affidavit of tenderer/ all partners of firm/ : Yes / No
all directors of company regarding no dues,
affidavit should not be older then 15 days.

(iii) Power of attorney/ copy of resolution, : Yes / No
whichever is applicable.

I / We declare that particulars given are correct and I / We will furnish any other details required in this connection. I /We, further declare that all the terms and condition of the bid have been read out and I/We accept all the terms and conditions of the bid.

Signature of the bidder/POA]

¹[FORM NO. 1-I

APPLICATION FOR MINING LEASE

[See rule 35(iv)]

1. Particulars of area :
2. Tehsil / district :
3. Mineral :
4. Reserve Price :
5. Tenderers Name :

Affix your passport size photo (For individuals only)

- (i) For individual :
- Father's Name :
- Complete Postal address :

Telephone No. :

Cell No. :

Fax No. :

PAN No. :

Bank name & Account No. :

- (ii) For Partnership Firm / Company :
- / Society
- Complete Postal Address :

Telephone No. :

Cell No. :

Fax No. :

PAN No. :

Bank name & Account No. :

- (iii) Details of Power of Attorney :
- holder
- Name :
- Father's Name- :
- Complete Postal address

Telephone No. :

Cell No. :

Fax No. :

PAN No. :

Bank name & Account No. :

-
6. Details of application Fee (which is non-refundable) (As per rule 5)
 Banker's cheque / Draft / Treasury Challan No. / Date / Amount :
7. Details of Earnest Money
 Banker's cheque/Draft No./ Date/ Amount :
8. Tender Amount (One time premium offered in addition to yearly dead rent payable as per rules)
 In figures :
 In words :

Note: The earnest money shall be 10% of tender amount mentioned by the tenderer at serial number 7 of this form.

8. Details of mining leases / prospecting licenses / RCC / ERCC Contracts / any other concession held by tenderer / all partners / all directors :
9. Enclosures :
- (i) An affidavit of tenderer / all partners of firm / all directors of company regarding no dues, affidavit should not be older than 15 days. : Yes / No
- (ii) Power of attorney / firm registration certificate / partnership deed / certificate of incorporation and memorandum of articles of association & copy of resolution, whichever is applicable. : Yes / No
- (iii) PAN CARD, Address Proof : Yes / No

I / We, declare that particulars given are correct and I / We, will furnish any other details required in this connection. I / We, further declare that all the terms and condition of the bid have been read out and I / We, accept all the terms and conditions of the bid.

Signature of the bidder/POA]

¹[FORM NO. 1-J

APPLICATION FOR FRESH / RENEWAL OF REGISTRATION

[See rule 32-A (1)]

To,

The Additional Director (Mines),
Department of Mines & Geology,
..... (Rajasthan)

Sub: For registration of a contractor to participate in auction/tender for grant of contract to collect royalty/excess royalty with or without permit fee/other charges.

Sir,

1. With reference to above, I / we / am / are submitting following information to register me / us as a contractor for class A / B / C.

2. (A) Name of the applicant and address
(B) Telephone No. Office Residence
Fax No. Cell No.
Email address

(C) In case the applicant is an individual:

- (1) Father's Name/Husband's Name
- (2) Caste
- (3) Occupation
- (4) Nationality

(D) In case the applicant is Firm/Company/Association of persons/Society:

- (1) Kind of business
- (2) Place of business
- (3) Place of registration
- (4) Nationality of Director/Partners

N.B. Please enclose copies of Certificate of Firm's registration, Partnership-deed, Power of Attorney, Certificate of Incorporation, Memorandum and Articles of Association and resolution of Board of Directors about applying for registration of contract.

3. Present business :

-
4. Experience of various contracts / M.L. / Q.L. in the Mines Department for last five years:

S. No.	Particulars of contract/ML/QL	Area	Mineral	Period	Jurisdiction of ME/AME
1					
2					
3					
4					
5					

Note: 1. Enclose no dues certificate issued from AME/ME of the particular jurisdiction.

2. Please attach separate sheet for more details, if any.

5. Details of held contracts/ML/QL in the name of applicant and his family members and partners of firm/director of co./association of persons :

S.No.	Particulars of contract/ML/QL	Area	Mineral	Period	Jurisdiction of ME/AME
1					
2					
3					
4					

Note: 1. Enclose no dues certificate issued from AME/ME of the particular jurisdiction.

2. Please attach separate sheet for more details, if any.

6. Enclose net worth certificate of Chartered Accountant for value of Rs. _____ as per performa attached with form.

7. Enclosed security amount in form of FDR / NSC for due observance of terms and conditions of tender/auction pledged in favour of Additional Director (Mines) _____ FDR / NSC No. _____ dated _____ issued from _____ for a period of _____ years.

8. Properly sworn affidavit stating that:

(a) No dues of the Department is outstanding against the applicant and family members.

(b) The applicant is financially sound and fully capable to run such contracts.

(c) The information furnished by an applicant is true and correct.

(d) In case of breach of any terms and conditions of tender/ auction of contract, or if any information furnished will found incorrect, the department may cancel the registration and impose penalty with forfeiture of security amount after serving 15 days notice to the contractor.

9. Self attested copy of anyone of the following document is to be enclosed

- (i) Copy of PAN Card;
- (ii) Copy of Driving Licence;
- (iii) Copy of Voter Identification Card;
- (iv) Copy of Passport;
- (v) Bank Pass Book;

10. Any other particulars which the applicant may wish to furnish Enclosures

- 1. Demand Draft of Rs. _____
- 2. F.D.R./N.S.C. of Rs. _____
- 3. Affidavit
- 4. Net worth certificate issued by Chartered Accountant
- 5. Papers of property mentioned in Net worth certificate
- 6. Any other documents as per item number 2

Yours faithfully,

(Applicant)

Dated: _____

]

**¹[CERTIFICATE
(To be enclosed with Form 1-J)**

We have verified the statement of assets and liabilities of Mrs. / Mr. / M/s. _____ on the basis of our information and according to the explanations furnished to us. We certify that the net worth of Mrs. / Mr. / M/s. _____ is as under (Amount Rs. In Lacs)

	Assets	Sub total	Total	Basis of valuation
A.	1. Immovable Assets			
(a)				
(b)				
(c)				
(d)				
	Provide complete details of immovable property including description, location, land area, built up area etc.			
	2. Movable assets			
(a)	Investments			
(b)	Loans & advance / receivable			
(c)	Cash and bank balances			
(d)	Any other assets			
	Total assets (A)			
B.	Liabilities			
a)	Secured loans			
(b)	Unsecured loans and deposits			
(c)	Other liabilities			
	Total liabilities (B)			
C.	Net worths (A-B)			

The above furnished information has been verified by us on the basis indicated above.

For Chartered Accountants

()

Partner / Proprietor,

M. No. _____

Note: The basis of valuation should be mentioned in detail like the 1. valuable report of approved valour, 2. income tax records, 3. original title deeds, 4. balance sheet as submitted with income tax or 5. audited balance sheet etc.]

¹[FORM NO. 1-K

APPLICATION FOR RENEWAL OF QUARRY LICENSE

[See Rule 26(2)]

To
The Mining Engineer /
Assistant Mining Engineer,
Department of Mines and Geology,
Rajasthan.....

Affix your
passport size
photograph

Sir,

1. I/We-----request you to grant me / us renewal of quarry license No.for mineral-----over Plot No. ----- in an area (name of boundary)for a period of-----years from to under the Rajasthan Minor Mineral Concession Rules, 1986.
2. I have deposited Rs.-----as the application fee payable under rule 26 (4) and Rs. as penalty payable under rule 26 (5) and 26 (7) vide demand draft / treasury Challan No.-----Receipt No.-----dated-----
3. Following are the required particulars:-
 - (A) Name of the applicant and address
 - (B) Telephone No. Office Residence
 - Fax No. Cell No.
 - Email address
 - (C) In case the applicant is an individual:
 - (1) Father's Name/Husband's Name
 - (2) Caste
 - (3) Occupation
 - (4) Nationality
 - (D) In case the applicant is Firm/Company/Association/Society:
 - (1) Kind of business
 - (2) Place of business
 - (3) Place of registration
 - (4) Nationality of Director/Partners

N.B. Please enclose copies of Certificate of Firm's registration, Partnership-deed, Power of Attorney, Certificate of Incorporation, Memorandum and Articles of Association and resolution of Board of Directors about applying for renewal of quarry license.

4. Details of areas held by the applicant in Rajasthan

S. No.	Name of Office	M.L. / Q.L. No.	Mineral for which lease / licence is held	Extent of area held (in hectares)	Period of lease / licence		Location of lease / licence
					From	To	
1	2	3	4	5	6	7	8

5. Total area already acquired for the mineral applied for (in hectares)

6. Details of applications already submitted/ applied simultaneously

1. -----
2. -----
3. -----

7. Category to which the applicant belongs (please attach necessary certificates)

- (i) Manual workers employed in mines, belonging to Schedule Caste
- (ii) Manual workers employed in mines, belonging to Schedule Tribes
- (iii) Manual workers employed in mines, belonging to Other Backward Classes / Special Backward Class
- (iv) Manual workers employed in mines other than Schedule Caste / Schedule Tribes / Other Backward Classes / Special Backward Class
- (v) Persons belonging to Schedule Caste
- (vi) Persons belonging to Schedule Tribes
- (vii) Persons belonging to Other Backward Classes / Special Backward Class
- (viii) Persons selected under Integrated Rural Development Programme or Antyodaya Yojna / Below Poverty Line of the State Government
- (ix) Village artisans and land-less labourers
- (x) Ex-soldiers including members of para military forces belonging to Rajasthan who have been permanently disabled and the dependents of those who have died while in service.
- (xi) Rajasthan State Government servants who have become permanently disabled while on duty or the dependents of those who have died while in service.
- (xii) Registered society for the unemployed youth
- (xiii) Other applicants

8. Are you intending to set up a mineral based industry in the area using this mineral as raw material. (If so give particulars of the same)

9. Self attested copy of anyone of the following document is to be enclosed

- (i) Copy of PAN Card;
- (ii) Copy of Driving Licence;
- (iii) Copy of Voter Identification Card;
- (iv) Copy of Passport
- (v) Bank Pass Book

I / We declare that particulars given above are correct and I / We will furnish any other details required in this connection on demand.

Yours Faithfully

Signature of applicant

Submitted by

Signature

Name & Address

.....

Place: _____

Date: _____

]

¹[FORM No. 1-L

(To be submitted in triplicate)
APPLICATION FOR MINING LEASE
(See Rule 5)

To
The Mining Engineer /
Assistant Mining Engineer,
Department of Mines and Geology,
Rajasthan.....

Affix your passport size Photo (For individuals only)

Sir,

1. I/Werequest you to grant me / us Mining Lease for mineral.....over plot no..... N/V..... as advertised in news paper dated for a period ofyears under the Rajasthan Minor Mineral Concession Rules, 1986.
2. I have deposited Rs..... as the application fee payable under rule 5 vide demand draft / treasury challan No.....dated.....
3. Following are the required particulars:-
 - (A) Name of the applicant and address.....
.....
 - (B) Telephone No. Office Residence
Fax No. Cell No.
Email address
 - (C) In case the applicant is an individual:
 - (5) Father's Name / Husband's Name
 - (6) Caste
 - (7) Occupation
 - (8) Nationality
 - (D) In case the applicant is Firm / Company / Association / Society:
 - (1) Kind of business
 - (2) Place of business
 - (3) Place of registration
 - (4) Nationality of Director / Partners

N.B. Please enclose copies of Certificate of Firm's registration, Partnership-deed, Power of Attorney, Certificate of Incorporation, Memorandum and Articles of Association and resolution of Board of Directors about applying for mining lease.

4. Details of areas held by the applicant in Rajasthan

S. No.	Name of Office	M.L. No.	Mineral for which lease is held	Extent of area held (in hectares)	Period of lease		Location of leased area
					From	To	

5. Total area already acquired for the mineral applied for (in hectares).....

6. Details of applications already submitted / applied simultaneously

1.
2.
3.

7. Are you intending to set up a mineral based industry in the area and consuming this mineral as raw material. (If so, give particulars of the same.)

8. Category to which the applicant belongs (as specified in rule 7) (Please attach necessary certificates)

9. Number and date of no dues certificate in respect of payment of mining dues (Copy attached).

10. Any other matter needed to be mentioned.....

(If on the date of application the applicant does not hold a prospecting licence / mining lease / contract etc., an affidavit to this effect shall be enclosed)

11. Self attested copy of PAN Card and anyone of the following document is to be enclosed as address proof –

- (i) Copy of Driving Licence;
- (ii) Copy of Voter Identification Card;
- (iii) Copy of Passport;
- (iv) Bank Pass Book;

I / We declare that particulars given above are correct and I / We will furnish any other details required in the connection on demand.

Yours Faithfully
Applicant / PoA

Place: _____
Date: _____

Signature
Name & Address
.....]

¹[FORM NO. 1-M

APPLICATION FOR QUARRY LICENCE

[See rule 23(1)]

1. Particulars of area :
2. Tehsil / district :
3. Mineral :
4. Reserve Price :
5. Bidders Name :

Affix your passport size photo (For individuals only)

- (i) For individual :
- Father's Name :
- Complete Postal address :

- Telephone No. :
Cell No. :
Fax No. :
PAN No. :
Bank name & Account No. :

- (ii) For Partnership Firm / Company / Society :
- Complete Postal Address :

- Telephone No. :
Cell No. :
Fax No. :
PAN No. :
Bank name & Account No. :

- (iii) Details of Power of Attorney holder :
- Name :
- Father's Name :
- Complete Postal address :

- Telephone No. :
Cell No. :
Fax No. :
PAN No. :
Bank name & Account No. :

-
6. Details of Fee (which is non-refundable) :
 (As per rule 23(2))
 Banker's cheque / Draft / :
 Treasury Challan No. / Date /
 Amount
7. Details of Earnest Money :
 Banker's cheque / Draft No. / :
 Date / Amount

Earnest money shall be 10% of tender amount (Annual License Fees) mentioned by the tenderer at serial number 8 of this form

8. Tender amount (Yearly license fee exclusive of royalty offered by tenderer) :
 In figures :
 In words :
9. Details of quarry licenses / mining leases / prospecting licenses / RCC/ ERCC Contracts / any other concession held by bidder / all partner / all director :
10. Enclosures :
- (i) An affidavit of bidder / all partners of firm / all directors of company regarding no dues, affidavit should not be older than 15 days. : Yes / No
- (ii) Power of attorney / firm registration certificate / partnership deed / certificate of incorporation and memorandum of articles of association & copy of resolution, whichever is applicable. : Yes / No
- (iii) PAN CARD, Address Proof : Yes / No

I / We, declare that particulars given are correct and I / We, will furnish any other details required in this connection. I / We, further declare that all the terms and condition of the bid have been read out and I / We, accept all the terms and conditions of the bid.

Signature of the bidder / POA]

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN**

FORM NO. 2

**ACKNOWLEDGEMENT OF APPLICATION FOR GRANT / RENEWAL OF
MINING LEASE**

[See Rule 6]

S.No. _____

Date _____

Received the application with the following enclosures for the mining lease /
renewal of mining lease of Shri / Sarva Shri -----
on ----- 20----- for ----- hectares of land located in district -----
for mining ----- mineral / minerals.

Enclosures:-

Signature & designation
of receiving officer

Place: -----

Date: -----

¹[GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN

FORM NO. 2-A

**ACKNOWLEDGEMENT OF APPLICATION FOR GRANT / RENEWAL OF
PROSPECTING LICENCE**

[See Rule 3-B (3)]

S.No. _____

Date _____

Received the application with the following enclosures for the Prospecting
Licence / renewal of Prospecting Licence of Shri / Sarva Shri -----
----- on ----- 20----- for ----- hectares of land located
n/v tehsil district for
prospecting mineral / minerals.

Enclosures:-

Signature & designation
of receiving officer

Place: -----

Date: -----

Submitted by
Signature
Name & Address
.....
.....

Place: _____

Date: _____

]

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN**

FORM NO. 3

REGISTER FOR MINING LEASE APPLICATIONS

[See Rule 10 (1)]

S. No.	Name of applicant with father's / husband's name and permanent address	Caste and Occupation	Present Address	Date of Application
1	2	3	4	5

Date of receipt of application	Area applied along with Description	Period of lease applied	Mineral / Minerals applied
6	7	8	9

Order No. & Date of grant / rejection	Whether for grant or renewal	Signature of officer	Remarks
10	11	12	13

¹[GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN

FORM NO. 3-A

REGISTER FOR PROSPECTING LICENCE APPLICATIONS

[See Rule 3-L (1)]

S. No	Date of Application	Date of receipt of application	Name of applicant with father's / husband's name and permanent address	Area applied along with Description	Mineral / minerals applied
1	2	3	4	5	6

Application fee details	Period of prospecting licence applied	Order No. & Date of grant/rejection	Signature of officer	Remarks
7	8	9	10	11

]

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN**

FORM NO. 4

REGISTER FOR MINING LEASES

[See Rule 10 (2)]

S. No.	Name of grantee with Father's / husband's name and address	Caste and occupation	Date of receipt of application
1	2	3	4

Area Granted with description	Mineral / Minerals under lease	Order No. & Date of Grant / renewal	Period of Lease/renewal
5	6	7	8

Amount of dead rent Original / revised	Security deposited	Name of transferee with Father's / husband's name & address	Date of transfer
9	10	11	12

Date of expiry / termination / surrender	Date from which area is free for grant	Signature of officer	Remark
13	14	15	16

¹[GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN

FORM NO. 4-A

REGISTER FOR PROSPECTING LICENCE

[See Rule 3-L (2)]

S. No	Name of licensee with complete address	Date of receipt of application	Area Granted with Description	Order No. & Date of Grant/ renewal	Mineral / Minerals under licence
1	2	3	4	5	6

Period of Grant / renewal	Application fee details	Prospecting fee and royalty, if payable	Security deposit	Name of transferee with Father's / husband's name & address	Transfer date
7	8	9	10	11	12

Date of expiry /relinquishment /cancellation of licence	Date of application for mining lease (if any)	Disposal of refund of security deposit	Date on which the area is available for re-grant	Signature of the officer	Remarks
13	14	15	16	17	18

]

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN**

FORM NO. 5

MODAL FORM OF MINING LEASE

[See Rule (19)]

This indenture made this ----- day of 20 ----- between the Governor of the State of Rajasthan (hereinafter referred to as the Government which expression shall, where the context so admits, include his successors in office and assigns) of the one part

and

- (1) When the lessee is an individual -----
----- (Name of person) (hereinafter referred to as the 'lessee' which expression shall where the context so admits, include his heirs, executors, administrators, representatives, and permitted assigns)

- (2) When the lessees are more than one individual -----
----- (Name of person) ----- of -----
----- (Address and occupation) and -----
----- (name of person) of -----
----- (Address and occupation) and ----- (name of person) of ----- (Address and occupation) (hereinafter referred to as the "Lessees" which expression shall, where the context so admits include their respective heirs, executors, administrators, representatives and permitted assign).

- (3) When the lessee is a firm ----- (Name of person) of ----- (Address) and -----
----- (Name of person) of ----- (Address) and -----
----- (Name of person) of ----- (Address). All carrying on business in partnership at (address of the firm -----) under the name and style of (Name of the Firm) ----- (hereinafter referred to as the "Lessees" which expression shall, when the context so admits, include all the partners of the said firm, their representatives, heirs, executors, administrators and permitted assigns).

- (4) When the lessee is a registered Company ----- (Name of the Company) a Company registered under ----- (Act under which incorporated) and having its registered office at -----
----- (Address) (hereinafter referred to as the "Lessee" which expression shall, where the context so admits, include its successors and permitted assigns) of the other part.

Whereas the Lessee / lessees has / have applied to the Government in accordance with the Rajasthan Minor Mineral Concession Rules, 1986 (hereinafter referred to as the said rules) for a mining lease for ----- in respect of the lands hereinafter described in clause 1 (b) and has/have deposited with the Government the sum of Rs.----- as security.

Now, therefore this deed witnesses-

And the parties hereto hereby agree as follows:-

1 Demises-

- (a) In consideration of the rents and royalties covenants and agreements hereinafter contained and on the part of the Lessee / Lessees to be paid, observed and performed the Government hereby grants and demises up to the Lessee / Lessees, all these mines / beds / veins / seams of (hereinafter referred to as the said minerals) situated, lying and being in or under the lands which are referred to hereinafter and subject of other provisions of this lease.
- (b) The area of the said lands is as follows (hereinafter referred to as the said lands or the leased area)
- (c) The Lessee / Lessees shall hold the premises hereby granted and demised from the date ----- of registration for period of ----- years thence next ensuing.

2 Liberties, powers and privileges to be exercised and enjoyed by the lessees:-

The following liberties, powers and privileges may be exercised and enjoyed by the lessee / lessees subject to the other provisions of this lease:-

- (a) **To enter upon land and search for, win, work etc-** Liberty and powers at all times during the terms hereby demised to enter upon the said lands and to search for, mine, bore, dig, drill for, win, work, dress, process, convert, carry away and dispose of the said minerals.
- (b) **To sink, drive and make pits, shaft and inclines etc-** Liberty and powers for or in connection with any of the purposes mentioned in this clause to sink, drive, make, maintain and use in the said lands, and pits, shafts, inclines, drifts, levels, water-ways, air-ways and other works and to use, maintain, deepen or extend any existing works of the like nature in the said lands.
- (c) **To bring and use machinery and equipment-** Liberty and power for or in connection with any of the purposes mentioned in this clause to erect, construct, maintain and use on or under the said lands any engines, machinery, plant, dressing floors, furnaces, coke ovens, brick kilns, workshops, store houses, bungalows, godowns, sheds and other buildings and other works and conveniences on the like nature on or under the said lands.

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- (d) **To use water from streams etc-** Liberty and power for or in connection with any of the purposes mentioned in this clause but subject to the rights of any existing or future lessees and with the written permission of the Collector to appropriate and use water from any stream, water courses, springs or other source in or upon the said lands and to divert, step up of dam any such stream or water course and collect or impound. Any such water and to make, construct and maintain any watercourse, culverts drains or reservoirs but not so as to deprive any cultivated land. Villages, buildings or watering places for a livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any stream or spring provided that the lessee/lessees shall not interfere with the navigation in any navigable stream nor shall divert such stream without previous written permission of the government.

3 Restriction as to the exercise of the liberties etc.-

The liberties, powers and privileges granted by the clause 2 are subject to the following restrictions and subject to the other provisions of this lease:-

- (a) **The mining operations within 45 metres of the public works etc.-** The Lessee / Lessees shall not work or carry on or allowed to be worked or carried on any mining operations at or to any point within a distance of 45 metres from any Railway line except with the previous written permission of the Railway Administration concerned, or from any reservoir, canal or other public works or buildings or inhabited site except with the previous permission of the Collector or any other officer authorised by the Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions either general or special as may be attached to such permissions. The said distance of 45 metres shall be measured in the case of Railway, reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof.

Explanation:- For the purpose of this clause:-

- (i) The expression “Railway Administration” shall have the same meaning as it is defined to have in the Indian Railway Act 1890 by sub-section (4) of section 3 of that Act.
- (ii) “Public road” shall mean a road which has been constructed or artificially surfaced as distinct from a track resulting from a repeated use.

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- (b) **Permission for surface operation in a land not already in use-** Before using for surface operation and land which has not already been used for such operations. The Lessee / Lessees shall give to the Collector of the District two calendar months previous notice in writing specifying 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 is issued by the Collector within two months after receipt by him of such notice unless the objection so stated shall on reference to the Government be annulled or waived.

4 The Lessee / Lessees hereby covenants with the Government as following:-

- (1) Covenants in accordance with Rajasthan Minor Mineral Concession Rules, 1986. The Lessee / Lessees shall pay royalty on the quantity of the said mineral dispatched from or consumed within the leased area at the rates specified in Schedule-I appended to Rajasthan Minor Mineral Concession Rules, 1986.

Provided that the said rates shall be liable to be revised by the Government and such revision shall apply to this lease subject to the condition that the enhancement in the rate of royalty shall not be made more than once during any period of four years.

- (2) **Surface rent-** The Lessee / Lessees shall pay for the surface area used by him / them (for the purpose of mining) surface rent equal to the land revenue payable under the Rajasthan Land Revenue Act, 1956 or any other law in force to the Land Revenue Department of State.
- (3) **Dead Rent-** The Lessee / Lessees shall also pay for every year, the yearly dead rent as determined from time to time.

Provided that the Lessee / Lessees shall be liable to pay the dead rent or royalty in respect of each mineral, whichever ever be higher but not both.

- (4) **Rate and mode of payment of dead rent etc.-** Subject to the provisions of sub-clause (3) above as from the day of.....during the subsistence of the lease, the Lessee / Lessees shall pay to the Government in four equal quarterly installments on the.....day ofthe day of the day of and the day offor each year the minimum annual royalty as “dead rent” of Rs..... in the Office of the Mining Engineer / Assistant Mining Engineer of the Division / Sub-Division subject as aforesaid. This provision will also apply to the payment of Royalty. Surface rent will be deposited with the Revenue Department.

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- (4-a) **Dump removal charges:** The Lessee / Lessees shall pay such amount per year or part thereof to the Government for ecological restoration of mines and quarries in the said area at such time and such rate as may be fixed by the Government from time to time.
- (5) **To pay compensation for damage and indemnify the Government-** The Lessee / Lessees shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him / them in exercise of the powers granted by the lease and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.
- (a) **To indemnify against all claims and to pay compensation for infringement of rights of third person-** The Lessee / Lessees shall make and pay such reasonable satisfaction and compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury or disturbance which may be done by him / them in exercise of the powers granted by this lease and shall indemnify and keep indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.
- (b) If in exercise of any right conferred by this lease the rights of any person are infringed by the occupation or disturbances of the surface or any land, required and quarrying in the area hereby demised and for the purposes subsidiary there to Lessee / Lessees shall pay such compensation for such infringement and the amount of such compensation shall be calculated by the Collector of if his award is not accepted, by the Civil Court, as far as possible, in accordance with the provision of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953)
- (c) The Lessee / Lessees shall not enter on or occupy the surface of any land without the previous sanction of the Collector unless the compensation has been determined and tendered to the persons whose rights are infringed.
- (d) If the Lessee / Lessees fail to pay any compensation as provided in this sub-clause, the Collector may recover such compensation from him / them on behalf of the person entitled to it as if it were an arrear of land revenue.
- (6) **Not to injure tree-** The Lessee / Lessees shall not cut or injure any tree in area of his / their lease without the previous sanction in writing of the Chief Conservator of Forests, Rajasthan or an officer authorised by him.

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- (7) **To maintain boundary pillars-** The Lessee / Lessees shall at his / their own expense erect and at all times maintain and keep in repair boundary pillars and marks according to the demarcation shown in the plan annexed hereto.
- (8) **Not to erect buildings etc. on certain places-** The Lessee / Lessees shall not erect any building or carry on any surface operations on any public pleasure grounds, places of worship, sacred graves, burial grounds or village sites for houses, public roads or other places which the competent authority may determine as public grounds to bring within this restriction.
- (9) **To commence mining operations within three months and carry them on properly-** The Lessee / Lessees shall commence mining operations within three months from the date of the lease to him/them and thereafter carry on such operations effectively in a proper skilful and workman like manner both as regards prevention of waste by removal of sufficient overburden careful storage of waste and drainage and as regards removal of all valuable minerals within the mine.
- (10) **Accounts-** The Lessee / Lessees shall keep correct accounts showing the quantity and particulars of all minerals obtained from the mine, detail of mineral sold or despatched, and the number of persons employed therein and also complete plans of the mine and shall allow any officer of the Department at any time to examine such accounts and plans and shall furnish him with such information and return in respect of aforesaid matter as he may require.
- (11) **Abiding by Rules-** The Lessee / Lessees shall abide by all existing Acts and Rules enforced by the Government of India or a State Government and all such other Acts or rules as may be enforced from time to time in respect of working of the mine and other matters affecting ¹[safety, environment, health and convenience] of the employees of the lessee / lessees or of the public.
- (12) **To allow facilities to other lessee etc-** The Lessee / Lessees shall allow existing and future Licences or Lease holders of any land which is comprised in or adjoins or is approachable by the land held by the Lessee / Lessees, reasonable facilities for access thereto.
- (13) **To allow entry of officers-** The Lessee / Lessees shall allow any officer of the Department or of the Indian Bureau of Mines to enter upon the premises comprised in the lease for the purpose of inspecting the same and abide by instructions issued by him from time to time regarding the conservation and development of minor minerals and other related matters.

1. Substituted by Rajasthan Gazette Extra Ordinary dated 19/06/2012

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- (14) **Building erected by Lessee-** The Lessee / Lessees may erect on the area granted to him / them any building, required for bonafide mining purposes and such building shall be the property of the Government after expiry of the lease.
- (15) **To report accident and discovery of any other mineral-** The Lessee / Lessees shall without delay report to Director, Mining Engineer, Assistant Mining Engineer or any other officer authorised by them any accident which may occur at or in the said premises and also the discovery on or within any of the lands of mines demised by the lease of any minerals whether minor or otherwise not specified in the lease.
- (16) **Working of newly discovered minerals-** If the Lessee / Lessees intends to work such newly discovered mineral or minerals he / they shall within three months of making such report as is mentioned in sub-clause (15) intimate his / their intention to the Officer of the Department having jurisdiction over the area and apply for quarry licence or mining lease in respect thereof in accordance with the rules regulating the grant of mining concessions for that mineral. But such quarry licence or mining lease shall not be granted as a matter of right.
- (17) **Not working the newly discovered minerals-** If the lessee / Lessees intimates his / their intention not to work the newly discovered minerals or fails to intimate his / their intention to work it within a period of three months, then it shall be open to the Government to grant a licence or lease for the working of the same to any other person.
- (17-a) **To hand over possession of protected area-** If any area out of the lease area is declared as a protected area under the Ancient Monuments Preservation Act, 1904 (Central Act VII of 1904). The lessee will have to deliver the possession back to the State Government without claiming any compensation for that area.
- (18) **Liberty to determine the lease-** The Lessee / Lessees may at any time determine this lease with immediate effect by giving a notice in writing to the State Government or to such officer or authority as the State Government may specify in this behalf and shall pay all rents. Water rates, royalties compensation for damages and other moneys which may than be due and payable under these presents to lessor or any other person or persons and shall deliver these presents to competent authority and then this lease and the said term and the liberties. Powers and privileges hereby granted shall absolutely cease and determine but without prejudice to any right or remedy of the lessor in respect of any breach of any of the covenants or agreement contained in its presents.

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- (19) **Cancellation-** The Lease shall be liable to be cancelled by the Director if the Lessee / Lessees ceases to work the mine for a continuous period of six months without obtaining written sanction of the Government.
- (20) **Pre-emption-** The Government shall have the rights of pre-emption at current market rates over all minerals lying in or upon the lands demised by the lease and shall be indemnified by the Lessee / Lessees against claims of any other party in respect of such minerals.
- (21) **Consequence of non payment of royalty or rent-** The Government shall determine the lease after serving a notice on the lessee to pay the dues within 15 days from the date of the receipt of notice and forfeit the security amount if the dead rent or royalty or dump removal charges are not paid within 15 days next after the date fixed in these presents. The Government shall have the right at any time after serving the above notice to enter upon the said lands and to distrain all or any of the minerals or movable property therein and shall carry away, detain or order the sale of property so distrained or so much of it as will suffice for satisfaction of the rent or royalty of dump removal charges and all costs and expenses occasioned by the non-payment thereof. These rights shall be without prejudice to the right of the Government to realise all its dues, under the Rajasthan Public Demand Recovery Act. 1952 (Rajasthan Act V of 1952) or Rajasthan Land Revenue Act. 1956 (Rajasthan Act No.15 of 1956).
- (22) **Consequence of breach of other covenants-** In case of any breach on the part of Lessee / Lessees of any covenant or condition contained in the lease whether contained in this clause or any other clause of this lease, the Government may determine the lease and forfeit the security amount and take possession of the said premises or in the alternatively may impose payment of a penalty not exceeding twice the amount of the annual dead rent from the Lessee / Lessees. Such action shall not be taken unless the Lessee / Lessees has/have failed to remedy the breach after 15 days notice.
- (23) **Delivery on termination of lease-** On expiry or earlier determination of the lease the Lessee / Lessees shall deliver up the said premises and all mines (if any) dug in respect of any working as to which the Government might have sanctioned abandonment.
- (24) (a) **Determination of lease in the public interest-** The Government may determine the lease if the Government considers that the minor minerals under the lease are required for establishing an industry beneficial to the public
- (b) Determination of lease for the aforesaid purpose shall not be valid unless six calendar months notice in writing has been given by the Government to the Lessee / Lessees. Such notice need not however, be given in war of emergency.

5 Further covenants of the lessee-

The Lessee / Lessees hereby Covenants / Covenant with the Government as follows:-

- (1) Unless specifically exempted by the State Government, the Lessee / Lessees shall provide and at all time keep at or near the pit- head at which the said minerals shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or cause to be weighed thereon all the said minerals from time to time brought to bank, sold, exported and also the converted products, and shall at the close of each day cause the total weights of the said minerals, ores and products raised, sold, exported and converted during the previous twenty four hours to be ascertained and entered in the aforesaid books of accounts. The Lessee / Lessees shall permit the Government at all time during the said term to employ any person or persons to be present at the weighing of the said minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the Lessee/Lessees. The Lessee / Lessees shall give 15 days previous notice in writing to the Mining Engineer / Assistant Mining engineer of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

- (2) **To allow test to weighing machine-** The Lessee / Lessees shall allow any person or persons appointed in that behalf by the Government at any time or all times during the said term to examine and test every weighing machine to be provided and kept as aforesaid and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order and if upon any such examination or testing any such weighing machine or weight shall be found incorrect or out of repair or order, the Government may require that the same be adjusted, repaired and put in order by and at the expenses of the Lessee / Lessees within fourteen days failing which the Government may cause such weighing machine or weight to be adjusted, repaired and put in order and the expense of so doing shall be paid by the Lessee / Lessees to the Government on demand, and if upon any such examination of testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the Government, such error shall be regarded as having existed for three calendar months previous to the discovery thereof or inform the last occasion of so examining and testing the same weighing machine and weights, in case such occasion shall be within such period of three months and the said rent and royalty shall be paid and accounted for accordingly.

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- (3) **Not to obstruct working of other minerals-** The Lessee / Lessees will exercise the liberties and powers hereby granted in such manner as to cause no unnecessary or reasonably avoidable obstruction or interruption to the development of any working within the said lands of any minerals not included in this lease and shall at all time afford to the Central and State Government and to the holders of prospecting licence or mining leases in respect of any such minerals within any land or any minerals within any land adjacent to the said lands as the case may be, reasonable means of access and safe convenient passage upon and across the said lands, to such minerals for purpose of getting, working, developing and carrying away the same provided that the Lessee / Lessees shall receive reasonable compensation for damage or injury which he / they may sustain in consequence of the use of such passage by such lessees or holders of prospecting licences.
- (4) **Forfeiture of property left more than six months after determination of lease-** If on expiration of lease or earlier determination of the lease or after the date from which any surrender by the Lessee of a part or parts of the said lands under the provision contained in sub-clause (18) of clause 4 of this lease becomes effective, there remain in or upon the said land of the surrendered part or parts thereof as the case may be, any engines, machinery, plants, structures, tramways, railways and other work erections and conveniences or other property which are not required by the Lessee / Lessees in connection with his / their operations in those parts of the said lands they shall become the property of the Government and may be sold or disposed of in such manner after a period of six months from the date of expiration or earlier determination of the lease the Government may deem fit without liability to pay any compensation.
- (5) **Exemption of royalty for tenants-** No royalty shall be charged on minor minerals required by the tenant for any bonafide purposes as specified in rule 58 of the rules.

6 Further covenants of the lessee-

The Lessee / Lessees further covenants / covenant with the Government as follows:-

- (1) **Interest-** The Lessee / Lessees shall pay to the Government simple interest at the rate of ¹[15%] per annum on all amounts outstanding against the Lessee/Lessees under this lease, whether as dead rent, royalty, surface rent or otherwise.
- (2) **Keeping mines etc. in good order-** The Lessee / Lessees shall keep throughout the terms of his/their lease all mines, building, engines, machinery and other mining plants in good repair and working order.

1. Substituted by Rajasthan Gazette Extraordinary dated 18/12/2004

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- (3) **Taking ballast etc. for leased area only-** The Lessee / Lessees shall take out and use ballast, Khandas and rubbles from his / their quarries for his / their bonafide use in the leased area only and shall pay royalty for minerals so used.
- (4) **Delivery of samples of rocks etc-** The Lessee / Lessees shall deliver to or permit to be taken by the representative of the Government a sample or samples of all rocks found on mines or raised and all intermediate and finished products sold on intended for sale by the Lessee / Lessees.
- (5) **Security of pits and Shafts and not filling them up-** The Lessee / Lessees shall properly secure pits and shafts and will not with out permission in writing of the Mining Engineer, will fully close, fill up or choke any mine or shafts.
- (6) **Setting apart land for public purposes-** The Lessee / Lessees shall when required by the Government so to do, set apart land for public purposes and Government may occupy the same whenever it thinks necessary of expedient but Government will, so far as is compatible with the objects aforesaid, select the land so as not to interfere with the mining operations of Lessee / Lessees and will from to time pay to the Lessee / Lessees such sums of money expended in buying surface rights over any of the lands so set apart and cost of removal of any work carried there on and for any loss or damages caused to the Lessee / Lessees by any interference in the mining operations.
- (7) (a) **Abstaining from entering occupied land-** The Lessee / Lessees shall abstain from entering on the surface of any occupied Government land or of any private land comprised within the leased area without previously obtaining the consent of the occupant in writing.
- (b) The Lessee / Lessees shall abstain from opening any new quarry or depot in the leased area without the previous sanction of the Mining Engineer, Assistant Mining Engineer concerned.
- (8) **Not to obstruct road etc-** The Lessee / Lessees shall keep open and in no way obstruct any road path or way by any means whatsoever.
- (9) **Not to obstruct working of other mineral-** The Lessee / Lessees shall in the event of his/their declining to take a lease, permit the Government or other persons duly authorised by the Government in that behalf to enter into the leased area and to conduct prospecting and mining operations thereon in respect of minerals or other substance other than..... but the Government will so far as is compatible with the objects aforesaid, select the land to be so set apart and appropriated in such a manner as not to interfere with the mining operations of the Lessee/Lessees and will indemnify the Lessee / Lessees for any loss or damage caused to the lessee by any interference with the mining operations.

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- (10) To allow free use of tanks, water courses etc, to the public and Government. The Lessee / Lessees shall abstain from all interference with and allow to the public and the Government the free use of tanks, water courses, places of worship, scared graves, burial grounds and village sites for houses which may be existing or may hereafter be set apart or appropriated as herein before provided on the leased area.
- (11) **Not to use land for other purposes-** The Lessee / Lessees shall not cultivate or use the land save for the purposes of the lease.
- (12) **Not to enter upon or commence operations in Forest Land etc-** The Lessee / Lessees shall not enter upon or commence any mining operations in any State Forest or land under special protection comprised in the leased area except after previously obtaining permission in writing of the competent officer.
- (13) **To respect water rights and not to injure adjoining property-** The Lessee / Lessees shall not injure or cause to deteriorate any sources of water, power or water supply and shall not in any other way render any spring of stream of water unfit to be used or do anything to injure adjoining lands, villages or houses.
- (14) **Removal of stock of minerals on expiry or determination of the lease-** The Lessee / Lessees shall on the termination or earlier determination of the lease remove within 15 days all extracted minerals from the premises of the leased areas. All extracted minerals in the said lands left over indisposed after 15 days of the termination or determination of lease shall be deemed to be the property of the Government.
- (15) **Service of notice on lessee-** The Lessee / Lessees shall at all times have at the lease area a duly accredited Superintendent or Agent to whom all notices may be given and all communications from the Officers of the Department or the Government may be delivered, if there be no such agent of Superintendent on the leased area, the Government shall be at liberty to treat any other person present there as such agent and to serve all notices and other documents upon the said person or in the case of there being no such other person as aforesaid, then by affixing such notice or documents on some conspicuous portion of the mining block.

(16) **Supply of stones to the Public-** The Lessee / Lessees shall not unless prevented by reasonable cause e.g. collapse of the quarry etc. to the satisfaction of the Government, fail or neglect or delay to supply.....to the public at pits mouth within reasonable period of..... (to be specified). In the event of unsatisfactory supply by the Lessee / Lessees to local public the with the approval of the Director, may allow the consumers to quarry / extract with their own arrangement in the leased area outside the existing quarries or depots and the Lessee / Lessees will not be entitled to any royalty on this account but the same will be payable to the Government. This quantity will not be taken into account if the maximum quantity of.....mentioned in

(17) **¹[Employment of qualified person-** for the purpose of carrying out mining operations in accordance with the approved practices:-

- (i) a whole-time mining engineer or the person possessing IInd Class Mine Manager's Certificate of Competency issued by Director General of Mines Safety, where mining operations are carried out by deployment of heavy mining machinery for deep hole drilling, excavation, loading and transport, or where the average employment exceeds one hundred per day or in case area of mining lease / quarry licence / short term permit is 25 hectare or more.
- (ii) in case of any other mine, a person having diploma in mining with two years' experience in mining operations or the person possessing foreman's certificate of competency issued by the Director General of Mines Safety or Geologist.
- (iii) in case where area of lease / licence / permit is up to one hectare and mining is carried out only by manual means the person having qualification mentioned in clause (i) or (ii) can work for a maximum of six leases or eighteen quarry licenses / short term permits, provided that all such mines / quarries are located within a radius of 50 kilometers:

Provided that if any doubt arises about the lease / licence / permit falling under clause (i), (ii) or (iii) above, it shall be referred to officer authorised by the Government in this regard for decision.

Explanation: The expression 'average employment' means the average per day of the total employment of the mine during the preceding quarter (obtained by dividing the number of man-days worked by the number of working days).]

Provided further that the lessee shall pay to the Mining Engineer/Mines Foreman, emoluments not below what would have been admissible to them in Government Service.

(18) The Lessee shall inform the Government of any change in his immovable property and its value within a period of 15 days from such change.

7 Calculation of royalty, assignment of tax and recovery of dues- It is hereby further agreed between the parties hereto as follows:-

(1) The royalty payable hereunder shall be calculated on the quantity dispatched from or consumed within the leased area as per the rates prescribed in Schedule-I of Rajasthan Minor Mineral Concession Rules, 1986

(2) The Lessee / Lessees shall not assign, sublet or part with the possession of the leased area or any part thereof except in the manner permitted by rule 15 of the said rules.

(3) Without prejudice to any other mode of recovery under any provision of this lease or any law, all amounts falling due hereunder against the Lessee / Lessees may be recovered as arrears of land revenue under the law in force for such recovery.

(4) The Lessee / Lessees shall duly and regularly pay to the competent authority all taxes, cesses and local dues in respect of the leased area, said minerals or the working of the mines.

8 If in any event the orders of competent authority are revised or cancelled by the Appellate Authority or by State Government in pursuance of the proceedings under Chapter VI of the Rajasthan Minor Mineral Concession Rules, 1986 or under any other provisions of the said rules, the Lessee / Lessees shall not be entitled to compensation for any loss sustained by him / them in exercise of the powers and privileges conferred upon him / them by these presents.

9 If in any event the orders of the Government or any other officer empowered under these rules are revised, reviewed or cancelled by the Appellate Authority or Court of law, the Lessee / Lessees shall not be entitled to compensation for any loss sustained by the Lessee / Lessees in exercise of the powers and privileges conferred upon him / them by these presents.

10 In the event of the existence of a state of war or of emergency (of which existence the Government shall be sole judge and a notification to this effect in the Rajasthan Gazette shall be conclusive proof), the Government shall from time to time and all times, during the said terms have the right (to be exercised by a notice in writing to the Lessee / Lessees) forthwith to take possession and control of the works, plant, machinery and premises of the Lessee / Lessees situated on the said lands or meant for use in connection with the said lands or the operations under this lease, during such possession or control and the Lessee / Lessees shall confirm to and obey all directions given by or on behalf of the Government regarding the use or employment of such works, plants, premises and minerals.

Provided that fair compensation which shall be determine in default of agreement by the Government shall be paid to the Lessee / Lessees for all loss or damages sustained by him / them by reason or in consequence of the exercise of powers conferred this clause:

Provided also that the exercise of such powers shall not determine the said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this clause.

11 Security and forfeiture thereof-

- (a) The Government may forfeit the whole or part of the amount deposited by the Lessee / Lessees as security under this lease in case the Lessee / Lessees commits / commit a breach of any covenant to be performed by the Lessee / Lessees under this lease.
- (b) Whenever the said security deposit or any part thereof or any further sum deposited with the Government in replacement thereof shall be forfeited under sub-clause (a) or applied by the Government in satisfaction of any dues of the Government under this lease (which the Government is hereby authorised to do) and the Lessee / Lessees shall immediately deposit with the Government such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the Government up to the sum of Rs.
- (c) The rights conferred by this clause shall be without prejudice to the right conferred on the Government by any other provision of this lease or by any law.

12 Interpretation-

In this lease unless the context otherwise requires:-

- (a) 'Department' means the Department of Mines & Geology, Rajasthan.
- (b) 'Director' means the Director of the Mines & Geology, Rajasthan for the time being and includes any officer lawfully authorised by him to perform any of his functions.
- (c) 'Government' includes an officer of the Government to whom any powers of the Government have been for the time being lawfully delegated.

IN WITNESS WHEREOF this indenture has been signed by the Lessee / Lessees.

.....
Signed by Lessee/Lessees
.....

.....
Signature

And by
.....
Witness (1).....

By order and on behalf of the
Governor of Rajasthan
(Designation)

.....
Witness (2)

(Plan with boundary marks of demarcation report to be annexed)

¹[GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN

FORM NO. 5-A

MODAL FORM OF PROSPECTING LICENCE

[See Rule 3-J (1)]

This indenture made this ----- day of 20 ----- between the Governor of the State of Rajasthan (hereinafter referred to as the Government which expression shall, where the context so admits be deemed to include his successors and assigns) of the one part

and

- (1) When the licensee is an individual ----- (Name of person with address & occupation) (hereinafter referred to as the 'licensee' which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives, and permitted assigns)
- (2) When the licensee are more than one individual ----- (Name of person with address & occupation) and ----- (Name of person with addresses & occupation) and ----- (Name of person with addresses & occupation) (hereinafter referred to as the "licensee" which expression shall, where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns).
- (3) When the licensee is a registered firm ----- (Name & address of partner) and ----- (Name & address of partner) and ----- (Name & address of partner) All carrying on business in partnership under the firm name and style of (Name of the Firm) ----- registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at ----- in the town of ----- (hereinafter referred to as the "the licensee" which expression shall, when the context so admits be deemed to include all the partners of the said firm, their respective heirs, executors, legal representative and permitted assigns).
- (4) When the licensee is a registered Company ----- (Name of the Company) a Company registered under ----- (Act under which incorporated) and having its registered office at ----- (Address) (hereinafter referred to as the "the licensee" which expression shall, where the context so admits be deemed to include its successors and permitted assigns) of the other part.

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

Whereas the Licensee / licensees has/have applied to the State Government in accordance with the Rajasthan Minor Mineral Concession Rules, 1986 (hereinafter referred to as the said rules) for a licence to prospect for -----
----- (mineral) and / or other associated minerals in the land specified in Schedule-
'A' hereunder written and delineated in the plan herewith annexed (hereinafter referred to as the said lands) and has/have deposited with the State Government the sum of Rs.----- as prescribed security in respect of such licence and has/have paid to the State Government the sum of Rs. ----- as prescribed prospecting fee for ----- months / years in advance in respect of such licence and whereas there is no objection to grant of such licence (and WHEREAS the State Government has approved the grant of this licence) NOW THESE PRESENTS WITNESS as follows:

PART – I

In consideration of the fees, royalties, covenants and agreements hereinafter reserved and contained and on the part of the Licensee / Licensees to be paid, observed and performed the State Government hereby grants and demises into the Licensee / Licensees, the sole rights and the licence.

To enter upon the lands and to search for, win, carry away and dispose of mineral won:-

- (1) To enter upon the said lands and to search for by quarrying, boring and digging ----- (name of mineral) or being within under or throughout the said lands;
- (2) This licence shall not confer upon the licensee a right to win or carry away the minerals for commercial purposes;

Provided that the licensees may win and carry away for purposes other than commercial purposes-

- (a) Any quantity of ----- (name of mineral) and or other associated minerals not exceeding 200 (tonnes) as specified in rule 3-M(ii) for testing its use in any industry specified by the Government in this behalf, on payment of royalty;
- (b) With the written approval of the State Government, the licensee may carry away quantities of minerals in excess the limit specified in the 3-M (ii) for any test purpose.

To clear undergrowth the brushwood etc:-

- (3) Subject to the provisions of clauses 5 & 6 of Part-II of these presents for the purpose aforesaid to clear undergrowth and brush wood and trees with the sanction of the Collector previously obtained in writing to make and use any drains or water course on the said lands for purposes as may be necessary effectually carrying on the prospecting operations and for the workmen employed thereon and with the like sanction to use any water provided always that such use shall not diminish or interfere with the supply of water to which any cultivated land, village building or watering palace for livestock has heretofore been accustomed and that streams, springs or well shall be fouled or polluted by any such use or the prospecting operations hereby licensed.

To bring upon and erect machinery etc. on the said lands:-

- (4) To erect and bring upon the said lands all such temporary huts, sheds etc. engine machinery and conveniences, for effectively carrying on the prospecting operations hereby licensed or for the workmen employed thereon.

RESERVED nevertheless to the State Government full power and liberty at all times to enter into and upon and to grant or demise to any person or persons whomsoever liberty to enter into and upon the said lands for all or any purposes other than those for which sole right and licence are hereby expressly conferred upon the license/licensees and particularly (and without hereby in any way qualifying such general power and liberty) to make on, over to through the said lands such roads, etc. shall be considered necessary or expedient for any purpose and to obtain from and out of the said lands such stone, earth or other materials as may be necessary or requisites for making, repairing or maintaining such roads, to pass and repass at all times over and along such roads, for all purposes and as occasion shall require.

To hold the said right and licence into the licence / licensees from the date of these presents for the terms of (hereinafter referred to as the said term):-

- (5) Paying therefore annually in advance a sum of Rs----- being the prospecting fee for each year or portion of a year and immediately on the expiration or sooner determination of the said term clear of all fees, rates, taxes, charges, deductions and royalty at prevalent rate on the minerals won and carried away by the Licensee / Licensees during the said term.

PART-II

Covenants by Licensee / Licensees

The Licenses / Licensees hereby covenants / covenant with the State Government as follows:-

Payment and rates of royalty:-

- (1) To pay royalty to the State Government at such rates specified in Schedule-I of the said rules and at such time mentioned hereunder for experimental purposes.
 - (i) Royalty.....
 - (ii) Time of payment

Payment of Licence fee:-

- (2) To pay annually in advance a prospecting fee in respect of ensuing year or part of the year at such rates and time as are specified in the said rules.

To carry on work in workman like manner:-

- (3) To work and carry on the operations hereby licensed in a fair orderly skilful and workman like manner and with as little damage as may be to the surface of the lands and to trees, crops, buildings structures and other property thereon.

To undertake prospecting in Khatedari or any private land with the registered consent of Khatedar or occupier or owner of such land;

Not to enter upon any land in the occupation of any person without the consent of the occupier nor to cut or in any way injure any trees, standing crops, buildings, huts, structures or property of any kind of the occupier of any land or any other person without the written consent of such owner, occupier or person.

Maintenance of correct accounts:-

- (4) Licensee / Licensees shall maintain a correct and faithful account of all the expenses incurred by him/them on prospecting operations and also the quantity and other particulars of (name of mineral) or other minerals obtained during such associated or (Transit Pass) operations and their dispatch with proper Departmental Rawanna.

No prospecting operations within 50 meter from public work, etc:-

- (5) The Licensee / Licensees shall not work or carry on or allow to be worked or carried on any prospecting operations at or to any points within a distance of 50 meters from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoirs, canal or other public works such as public roads and buildings or inhabited site except with the previous written permission on the Collector or any other Officer authorised by the State Government in this behalf and otherwise than in accordance with such permission. The said distance of 50 meters shall be measured in the case of railway line, reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof. In the case of village roads no workings shall be carried on within a distance of 10 meters of the outer edge of the cutting except with the previous written permission of the Collector or any other officer duly authorised by the State Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission.

Explanation:-

For the purposes of this clause the expression 'Railway Administration' shall have the meaning as it is defined to have in the Indian Railway Act, 1890 by clause (6) of section 3 of that Act.

'Public Road' shall mean a road which has been constructed by artificially surfaced as distinct from track resulting from repeated use. Village road will include any track shown in the Revenue records as village road.

Not to enter and cut or injure trees in forest land, etc. without previous permission:-

- (6) (i) Not to enter and cut or injure any timber or tree on any forest land except in accordance with the provisions of the Forest (Conservation) Act, 1980 and guidelines issued by the Central Government from time to time.
- (ii) Not to enter upon or commence prospecting in any forest land without obtaining the prior written sanction of the authorised Forest Officer and in accordance with such conditions as may be prescribed in such sanction as per provisions of the Forest (Conservation) Act, 1980 and guidelines issued by the Central Government from time to time in this regard.

Indemnify Government against all claims:-

- (7) (a) To make reasonable satisfaction and pay such compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury, or disturbance which may be done by him in exercise of the powers granted by this licence and to indemnify and keep indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and expenses in connection therewith.
- (b) To pay a wage not less the minimum wage prescribed by the Central or State Government from time to time.
- (c) To comply with the provisions of the Mines Act, 1952.
- (d) To comply with the provisions of Rajasthan Minor Mineral Concessions Rules 1986.
- (e) To take measures, at his own expense, for the protection of environment like planting of trees, reclamation of mines land, use of pollution control devices and such other measures as may be prescribed by the Central or State Government from time to time.
- (f) To pay compensation to the occupier of the surface of the land on the date and in the manner laid down in these rules.

Forfeiture of security deposit, etc:-

- (8) Whenever the security deposit of Rs. or any part thereof or any further sum hereinafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the State Government pursuant to the power hereinafter declared in that behalf the Licensee / Licensees shall forthwith deposit with the State Government such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the State Government up to the sum of Rs.

Licensee not to be controlled by trust, syndicate, etc:-

- (9) The Licensee / Licensees shall not be controlled or permit himself / themselves to be controlled by any trust, syndicate, corporation, firm or person except with the written consent of the State Government.

Report of accident:-

- (10) The Licensee / Licensees shall within 24 hours send to the Director, Mines & Geology, Additional Director (Mines), Superintending Mining Engineer, Mining Engineer, Assistant Mining Engineer of the area concerned a report of any accident causing death or serious bodily injury to property or seriously affecting or endangering life or property which may occur in the course of the operation under this licence.
- (11) The licensee shall abide all the provisions of the said GCDR 1999 / MDCR 2002 & the rules as amended from time to time and shall not carry on prospecting or other operations under the said licensee in any way other than as prescribed under these rules.

Plugging of bore holes, fencing etc., and restoring the surface land after determination or abandonment:-

- (12) Same in the case of land over which the Licensee / Licensees shall be granted a prospecting licence on or before the expiration or sooner determination of the licence or the site of abandonment of the undertaking, whichever shall first occur, securely plug any bore hole and fill up or fence any holes or excavations that may have been made in the lands to such an extent restore the surface of the land and all building thereon which may have been damaged or destroyed in the course of prospecting provided that Licensee / Licensees shall not be required to restore the surface of the land, or any building in report of which full and proper compensation has already been paid.

Removal of machinery etc., after expiration, determination or abandonment:-

- (13) Upon the expiration or sooner determination the Licensee / Licensees shall remove within 30 days at his / their own cost all buildings structure, plant, engines, machinery implements, utensils and other property and effects thereto erected or brought by the Licensee / Licensees and then standing or being upon the said lands and also all minerals theretofore won by the Licensee / Licensees under the authority of these presents and then being upon the said lands.

Provided that this covenant shall not apply to any part of the said lands which may be comprised in any mining lease granted to the Licensee / Licensees. If the machinery etc. is not removed within specified period it shall be the Government property.

Report of work done before the refund of security deposit:-

- (14) At any time before the said security deposit as returned to him / them or transferred to any other account or within one month after the expiration or sooner determination of the licence or abandonment of the operations whichever is earlier, the Licensee / Licensees shall submit to the State Government confidentially a full report of the work done by him / them and disclose all information acquired by him / them in the course of the operations carried on under this licence regarding the geology and mineral resources of the area covered by the licence.

Report of information by licensee:-

- (15) A. The licensee shall submit to State Government.
- (a) a quarterly report of the work done by him stating the number of persons engaged and disclosing in full the geological, geophysical, or other valuable data collected by him during the period. The final report shall be submitted within three months of the close of the period to which it relates;
 - (b) within three months of the expiry of the licence, or abandonment of operations or termination of the licence, whichever is earlier, a full report of the work done by him and all information relevant to mineral resources acquired by him in the course of prospecting operations in the area covered by the licence.
- B. While submitting report under sub-clause-A, the licence may specify that the whole or any part of the report or data submitted by him shall be kept confidential; and the Director shall there upon keep the specified portions as confidential for a period of two years from the expiry of the licence, or abandonment of operations or termination of the licence, whichever is earlier.

Employment of Foreign nationals:-

- (16) The Licensee / Licensees shall not employ, in connection with the prospecting operations any person who is not an Indian National except with the previous approval of the Central Government.

PART-III

Powers of the Government

It is hereby agreed as follows:-

Cancellation of the licence and forfeiture of the security deposit in case of breach of conditions:-

- (1) In the case of any breach of any condition of the licence by the Licensee / Licensees or his transferees or assignees, the competent authority shall give a reasonable opportunity to the Licensee / Licensees of stating him / their case and where it is satisfied that the breach is such as can not be remedied, on giving thirty days notice to the Licensee / Licensees or his transferees assignees, determine the licence and forfeit the said security deposit of Rs. In case the competent authority considers the breach to be of a remediable nature, it shall give notice to the Licensee / Licensees or his transferees or assignees as the case may be requiring him / them to remedy the breach within thirty days from the date of receipt of the notice informing him of the penalty proposed to be inflicted if such remedy is not made within such period. If the breach is not remedied within prescribed period the licence shall be cancelled with forfeiture of the security deposit.

Right of pre-emption:-

- (2) (a) The State Government shall from time to time and at all times during the said term have the right (to be exercised by notice in writing to the Licensee / Licensees) of pre-emption of the said minerals lying in or upon the said lands or elsewhere under the control of the Licensee / Licensees and the Licensee / Licensees shall with all possible expedition deliver all minerals or products or minerals purchased by the State Government under the power conferred by this provision in the quantities at the time in the manner and at the place specified in the notice exercising the said right.
- (b) The price to be paid for all minerals or products of minerals taken in pre-emption by the State Government in exercise of the right hereby conferred shall be the fair market price prevailing at the time of pre-emption. The Licensee / Licensees shall if so required furnish to the State Government for the confidential information of the Government, particulars of the quantities, descriptions and prices of the said mineral or products thereof sold to other customers.

PART-IV

Right of Licensee / Licensees

It is hereby further agreed as follows:-

- (1) The Licensee shall not except with the previous sanction of the Director or any other officer authorised by State Government, transfer his licence;
 - (a) Provided that the competent authority shall not give its sanction unless the Licensee has furnished an affidavit along with his application for transfer of the prospecting licence specifying therein the amount that he has already taken or proposes to take as consideration from the transferee;
 - (b) The Licensee has submitted / application with a fee of Rs. 5,000/- which shall not be refunded.
 - (c) The transfer of the prospecting licence is to be made to a person or body directly undertaking prospecting operation:

Renewal of prospecting Licence:-

- (2) If the Licensee / Licensees be serious of taking a renewal licence of the premises hereby demised or of any parts of that for a further term from the expiration of term hereby granted and is otherwise eligible, he will apply to the competent authority for renewal at least 90 days prior to the date of expiration of the term of licence under these covenants and shall pay the rents and royalties hereby reserved and shall observe and perform the several covenants and agreements herein contained and on the part of the Licensee / Licensees to be observed and performed up to the expiration of the term hereby granted. The State Government on receipt of the application for renewal shall consider it in accordance with GCDR 1999 / MDCR 2002 and shall pass such orders as it may deem fit. If renewal is granted the State Government or any officer authorised in this behalf will at the expense of the Licensee / Licensees and upon his / their executing and delivering to the State Government if required, the counter part premises or part thereof, execute and deliver to the Licensee / Licensees the renewal licence of the said premises or part thereof for a further term of year at such rates of royalty and on such terms and subject to such rates and royalties and on such covenants and agreements including this present covenant be renewed and shall in accordance with GCDR 1999 / MDCR 2002 and RMMCR 1986 applicable for Grant on the day next following the expiration of the term hereby granted.

Preferential right of the Licensee / Licensees for obtaining Mining Lease:-

- (3) ¹[The Licensee / Licensees shall have a preferential right for obtaining a mining lease in respect of whole or part of that land over any other person, provided that he applies for a mining lease within three months after the expiry of the prospecting licence or any renewal thereof and] the State Government is satisfied that the Licensee / Licensees has / have not committed any breach of the terms and conditions of the prospecting licence, (has undertaken prospecting operations to establish mineral resources in such land) and is otherwise a fit person for being granted the mining lease.
- (4) Where a prospecting licence has been granted in respect of any land, the licensee shall have a preferential right for obtaining a mining lease in respect of that land over any other person in terms of Prospecting Licence.
- (i) Has undertaken prospecting operations to establish Prospecting resources in such land;
- (ii) Has not committed any breach of the terms and conditions of the Prospecting Licence; and is otherwise a fit person for being granted the mining lease.

Refund of deposit:-

- (5) An applicant for a prospecting licence shall before the deed referred to in sub-rule (1) of 3-J is executed, deposit as security for the due observance of the terms and conditions of the licence, a sum of rupees ten thousand for first 5 hectare or part thereof and thereafter rupees two thousand for every additional one hectare or part thereof, duly pledged in favour of Assistant Mining Engineer / Mining Engineer concerned, or enhanced by the Government from time to time.
- (6) The licensee shall submit to the State Government or to any officer authorised in this behalf, a quarterly / monthly report of the work done by stating the number of persons engaged and disclosing in full the geological, geophysical or other valuable data collected by him during the period. The report shall be submitted within three months from the close of the period to which it relates.
- (7) Any deposit made under sub-rule (1) above, if not forfeited under these rules, shall be refunded to the applicant as soon as the report referred to sub-rule (1) of 3-K is submitted.

PART-V

General Provisions

It is lastly agreed as follows:-

Delay in fulfillment of the terms of licence due to force measure:-

- (1) Failure on the part of the Licensee / Licensees to fulfill any of the terms and conditions of this licence shall not give the State Government any claim against him/them or to be deemed a breach of the licence is so far as such failure is considered by the State Government to arise from force measure. In the fulfillment of the Licensee / Licensees of any of the terms and conditions of this licence by delayed from force measure, the period of such delay shall be added to the period fixed by this licence.

Discovery of new minerals:-

- (2) The licensee shall report to the State Government the discovery of any mineral not specified in the licence within a period of 60 days from the date of such discovery and shall not undertake any prospecting operations in respect of such mineral unless such mineral is included in the licence.

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

SCHEDULE-A

The land covered by the licence

(Here insert the description of lands with area, boundaries, names of District, Sub-Division, Thana, etc. and cadastral survey numbers, if any. In case a map is attached, refer the map in the description to be inserted.)

SCHEDULE-B

Prospecting Fee

(Here specify the amount of the prospecting fee and the manner and time of payment)

SCHEDULE -C
Royalty

Rates of royalty on minerals shall be in accordance with the Schedule-I of the Rajasthan Minor Mineral Concession Rules, 1986.

.....
Signed by Licensee / Licensees

.....
Signature

And by

By order and on behalf of the
Governor of Rajasthan
(Designation)

.....
Witness (1).....

.....
Witness (2)

]

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN**

FORM No.6

REGISTER FOR APPLICATIONS FOR QUARRY LICENCE
[See Rule 24 (1)]

S. No.	Name of Applicant with father's/Husband's name and address	Caste and occupation	Date of receipt of application	Name of the block and Plot No. applied
1	2	3	4	5

Size of the Plot	Mineral or Minerals Applied	Order No. and Date of Grant / Rejection	Signature of the officer	Remarks
6	7	8	9	10

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN**

FORM No.7

REGISTER FOR QUARRY LICENCE

[See Rule 24 (2)]

Name of the block No. of quarries added by extending the block

Total No. of quarries in the block

1. By order dated

2.

3.

S. No.	Quarry No.	Name of the licence with Father's/Husband's name And address	Caste and Occupation	Date of Receipt of the application	Order No. & date of grant of licence
1	2	3	4	5	6

Details of Subsequent renewal of licence	Amount of Security Deposit	Amount of Annual Licence Fee	Date on which Licence fee has been Paid with amount	Date of Expiry / termination / surrender
7	8	9	10	11

Date of transfer	Name of Transferee with Father's/Husband's Name	Date from which Plot is free for Grant	Signature of the officer	Remarks
12	13	14	15	16

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN**

**FORM No.8
PERFORMA OF QUARRY LICENCE
[See Rule 26 (1)]**

1. Name of Licensee -----
2. Father's Name/
Husband's Name -----
3. Address -----
4. Name of block in
which quarry licence
has been granted
- Name -----
- Tehsil -----
- Distt. -----
5. Quarry or Plot No. -----
6. Name of office of issue -----
7. No. & Date of order
of grant of licence -----
8. Period of licence
covered by initial grant
- From -----
- To -----

Details about payment of licence fee and period of subsequent renewals

S. No.	Amount deposited	Challan/Cash Receipt No.	Date of Deposits	Period of Renewal	Signature of Mining Engineer / Asst. Mining Engineer
1	2	3	4	5	6

GOVERNMENT OF RAJASTHAN

DEPARTMENT OF MINES & GEOLOGY RAJASTHAN

FORM NO. 09

REGISTER FOR MINING LEASE GRANTED BY AUCTION

[See rule 36]

S. No.	Name & Father's / Husband's name of the lessee with address	Date of auction	Order No. & Date of grant	Date of Execution of lease
1	2	3	4	5

Mineral or minerals under lease	Area granted with description	Amount of Security deposit	Period of lease / renewal	Amount of dead rent original / revised
6	7	8	9	10

Date of transfer	Name & Father's / husband name with address to transferee	Date of expiry / termination / surrender	Date on which reauction is proposed	Signature of officer	Remarks
11	12	13	14	15	16

¹[GOVERNMENT OF RAJASTHAN

DEPARTMENT OF MINES & GEOLOGY RAJASTHAN

FORM NO. 10

**MODEL FORM OF AGREEMENT FOR COLLECTION OF ROYALTY AND /
OR EXCESS ROYALTY WITH OR WITHOUT COLLECTING PERMIT FEE /
OTHER CHARGES**

[See rule 37 (2)]

This indenture made this day of20..... between the Governor of the State of Rajasthan (hereinafter referred to as “The State Government” which expression shall where the context so admits, be deemed to include his successors in office and assigns) of the one part

and

.....
.....(herein after referred to as “the contractor” which expression where the context so admits be deemed to include his heirs, executors, administrators, representatives, and permitted assigns) of the other part.

Whereas the contractor has offered a bid for the grant of royalty collection contract and / or excess royalty collection contract for (Mineral) excavated and removed from the quarries situated near..... (village) in an area..... revenue boundary) Tehsil (District).

And whereas the said bid has been accepted by the State Government and the contractor had paid Rs. for first installment of the contract and has under taken to pay the remaining amount of in monthly / quarterly installments, payable in advance on the due date of concerning month / quarter to the State Government with the condition that the working mining lease / quarry holders shall enjoy the right of mining on payment of royalty and /or permit fee to the contractor at the rates specified in the Rajasthan Minor Mineral Concession Rules, 1986.

And whereas the contractor has further undertaken to pay increased amount of contract money, security and guarantee in proportion to the enhancement in the rate of royalty due to amendment in the First Schedule to the Rajasthan Minor Mineral Concession Rules, 1986 or increase in permit fee / other charges for the remaining period of the contract from the date of such enhancement alongwith the monthly / quarterly installment payable as above.

1. Substituted by Rajasthan Gazette Extraordinary dated 28/01/2011

And whereas the contractor has paid a security of Rs..... and guarantee in the Form of Bank Guarantee / FDR of Rs. for the fulfillment of the terms and covenants hereinafter mentioned:

Now, these presents witness as follows:-

- (1) The State Government hereby grants to the contractor authority to collect royalty / excess royalty / permit fee / other charges (specify) for which the contract has been given from holders of mining lease / quarry license or from persons carrying or removing (name of mineral) excavated from the mining leases / quarries of such mining lease / quarry holders, royalty / permit fee / other charges (specify) on..... (Mineral) despatched from the area under this agreement at the rates specified in the First Schedule and permit fee as per provisions of the Rajasthan Minor Mineral Concession Rules,1986 and other charges as specified in the sanction order.
- (2) The agreement shall remain in force from (date) to (date).
- (3) The contractor shall abide by following terms and conditions-
 - (i) The Contractor shall make his own arrangements for collection of royalty and the State Government shall not be responsible, if any person refuses to pay royalty to him, but if a complaint is made by him in this respect, the same may be considered for taking action under Rajasthan Minor Mineral Concession Rules, 1986.
 - (ii) The contractor shall arrange to print royalty receipt books in form No. 12A / 12B, at his own expense and get stamped from the concerned Assistant Mining Engineer / Mining Engineer office.
 - (iii) The contractor shall collect the royalty near the lease area / at the quarry mouth and if the royalty is not collected near the lease area at the quarry mouth then at any other place near the lease / quarry but within the jurisdiction of contract area, provided that such place shall be fixed after prior approval in writing from Mining Engineer / Assistant Mining Engineer concerned. Such permission shall be given by Mining Engineer / Assistant Mining Engineer concerned on an application made by contractor with a payment of Rs. 1,000/- (non-refundable) for every place for which permission is required. Mining Engineer / Assistant Mining Engineer concerned can refuse to grant permission for reasons to be recorded for any or particular place applied by contractor.

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- (iv) The contractor shall issue printed receipts duly stamped and issued by the concerned Assistant Mining Engineer / Mining Engineer in form No. 12A / 12B, for the amount of royalty / excess royalty / permit fee / other charges collected for every despatch of the said mineral and shall fill all the columns of the receipt. The contractor shall give first copy of receipt to the incharge of the vehicle, submit second copy of the receipt to the concerned Mining Engineer / Assistant Mining Engineer alongwith monthly statement and retain third copy with him.
- (v) The contractor shall collect amount only from such vehicles having valid Rawannas issued by the concerned Mining Engineer/Assistant Mining Engineer to lessee. The contractor shall retain second copy of the Rawannas with him and return first copy after stamping to vehicle owner. The contractor shall deposit second copy of Rawanna with second copy of receipt issued by him with monthly statement in Form No. 11-D to concerned Mining Engineer / Assistant Mining Engineer.
- (vi) The contractor shall not recover any royalty from the vehicles having Departmental Rawannas issued against yearly dead rent. However, upon weighment any quantity of mineral is found in excess of weight mentioned in such Rawanna, contractor shall recover the royalty of such difference weight.
- (vii) In case the mineral specified above is used by the State Government Departments themselves under a valid short term permit granted by the concerned Assistant Mining Engineer / Mining Engineer, the contractor shall not charge any royalty from such permit holders, if the mineral is excavated from lands other than working pits of a lessee or licensee.
- (viii) Separate short term permit under rule 63 shall be issued to the contractors of the various Works Departments of the State & Central Government / Autonomous bodies by the concerned Assistant Mining Engineer / Mining Engineer. Royalty and / or permit fee received from such works shall not be adjusted against the contract amount and the contractor shall not recover royalty and / or permit fee from such short term permit holders.
- (ix) The contractor shall not recover royalty and / or permit fee from the minerals used in construction / renewal of Megha Highways / Four / Six Lane roads, laying and renewal of railway tracks. For construction / renewal of such works separate short term permit shall be issued, royalty and / or permit fee received from such works shall not be adjusted against the contract amount.
- (x) No royalty shall be charged on the minor minerals removed by a tenant from the areas which are not working pits of a lessee or licensee as provided in rule 58 of the Rajasthan Minor Mineral Concession Rules, 1986.

-
- (xi) The contractor shall not recover any royalty and / or permit fee from the minerals used in famine works.
 - (xii) The royalty shall be collected on the despatch of minor minerals specified in the contract during the contract period from the area under contract and not on minor minerals brought outside from the contract area or from the major mineral leases.
 - (xiii) The contractor for royalty and / or excess royalty collection contract shall submit monthly statement of royalty collection in Form No. 11-D and 11-E respectively within 15 days from the month end.
 - (xiv) In case it is found that the contractor is recovering the royalty in excess of the actual royalty calculated as per the mineral under transit or recover permit fee in excess of prescribed rates, the contractor may be blacklisted or debarred for further royalty collection contract or excess royalty collection contract for a period of next three years and excess amount so collected shall be recovered from the contractor. Besides, the contract shall be terminated after giving 15 days notice.
 - (xv) The contractor shall not have any other right regarding leases / quarries in the contract area except realization of royalty / permit fee / other charges mentioned in the contract for the actual weight of the mineral transported at the scheduled rates for which contract has been awarded on behalf of the State Government.
 - (xvi) Cancellation / surrender of leases or sanctioning of new leases / revision of dead rent of existing leases in the area concerned shall not have any impact on yearly contract amount.
 - (xvii) The Contractor shall pay the installment of contract money according to the stipulations laid down in the contract, and if any amount is not paid on due date it shall be collected as an arrears of land revenue and an interest @ 15% will be charged from due date irrespective of any other action being taken for cancellation of contract or imposition of penalty under relevant rules.
 - (xviii) The contractor shall not transfer the contract as a whole or in part and shall also not grant any sub-contract to or in the name of any other person.
 - (xix) In case of default in the due observance of the terms and conditions of the contract. The contract may be terminated by Assistant Mining Engineer / Mining Engineer after giving 15 days notice with forfeiture of security deposit or in the alternative may impose penalty under relevant rules.

- (xx) The contract may be terminated by the State Government if considered by it to be in public interest, after giving 15 days notice.
- (xxi) Contractor shall issue photo identity card duly signed and stamped by concerned Mining Engineer / Assistant Mining Engineer to all nakedars or persons employed by him for royalty collection. For this purpose the contractor shall submit list of nakedars / persons to be engaged for royalty collection alongwith photo identity card and a fee of Rs.100/- for each card to the concerned Mining Engineer / Assistant Mining Engineer. Such identity cards shall be valid during the currency of the contract only. All the nakedar / persons collecting royalty shall keep the identify card with them during collection of royalty.
- (xxii) No conditional tender shall be accepted.
- (xxiii) The Contractor shall abide by the orders and instructions issued by the Government or any officer of the Department in accordance with the provisions of the Rajasthan Minor Mineral Concession Rules, 1986 and shall also abide by all other terms and conditions under the Rajasthan Minor Mineral Concession Rules, 1986 regarding royalty collection contract not herein specified.

In witness where of parties have appended their signatures to these presents.

<p>.....</p> <p>(Signature of the Contractor)</p> <p>Date</p> <p>.....</p> <p>Witness: 1.....</p> <p>.....</p> <p>Witness: 2.</p>	<p>.....</p> <p>Signed on behalf of the Governor of State of Rajasthan</p> <p>.....</p> <p>(Designation)</p>
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**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN
FORM NO. 11**

**ANNUAL RETURN FOR ASSESSMENT OF
ROYALTY FOR MINING LEASE**

[See rule 38 (2)]

Name of lessee ----- Name of Mine-----
 Period of lease ----- Tehsil -----
 Annual dead rent ----- Distt.-----
 Name of mineral -----
 Period of assessment -----

S. No.	Month or period (with year)	Opening stock of mineral	Production	Total	Quantity dispatched / sold/ used
1	2	3	4	5	6

Balance of Closing Stock	Total No. of working days	Total Average no. of Labourers	
		Men	Women
7	8	9	10

(i) Rate of Royalty Rs.....Per tonne
 (ii) Total amount of Royalty Rs.....
 (iii) Less dead rent or royalty already paid Rs.....
 (iv) Excess royalty payable Rs.....

Date.....

Signature of the Lease Holder

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY RAJASTHAN**

FORM NO.11A

**MONTHLY STATISTICAL RETURNS
FOR MINING LEASE**

[See Rule 38(2)]

Name of lessee.....

Month.....

Name of Mine

Period of lease.....

S.No.	Opening stock of Mineral	Production	Total
1	2	3	4

Quantity despatched

Purpose	Quantity	Rawanna No. & Date	Closing Balance
5	6	7	8

Average No. of Workers	Working days	Quantity of over burden removed	Remarks
9	10	11	12

Date:

Signature of lessee

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY RAJASTHAN**

FORM NO. 11-B

PRODUCTION, DESPATCH & STOCK REGISTER

[See Rule 18(9) (a)]

.....Mines

.....Month

S. No.	Date	No. of persons employed	Opening stock	Production	Total
1	2	3	4	5	6

Approximate Quantity of Mineral Despatched	Sale Price per tonne (grade wise)	Approximate stock balance	Actual despatch
7	8	9	10

Closing Stock	Rawanna No.	Vehicle No.	Remarks
11	12	13	14

Total of full month

Signature of Lessee

¹[GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY RAJASTHAN

FORM 11-C

YEARLY REPORT OF PROSPECTING OPERATIONS CARRIED OUT

[See rule 3-K (1)]

To

State Government concerned or any person so authorised under rule 3K (1)

1. Type of the mineral for which prospecting operations has been granted : (a)
(b)
2. Name and address of the licensee :
3. Particulars of the prospecting licensee :
 - (i) Date of execution :
 - (ii) Period : years : From : To:
 - (iii) Area under licence : Hectares
 - (iv) Prospecting Licencee No. :
4. Location of the prospecting licenced area :
 - (i) Toposheet Number :
 - (ii) Cadastral Survey or Khasra Number :
 - (iii) Village : Taluka / Tehsil:
District:
State:
 - (iv) Post Office: Police Station:
 - (v) Nearest Railway Station: Distance:
 - (vi) Nearest Rest House/ Dak Bungalow:

5. Particulars of the Geologist or Mining Engineer employed optionally, if any, for the prospecting licenced area:

(i) Name and address :

(ii) Qualification :

(iii) Date of appointment :

(iv) Status of employment : Whole time: Part time:

6. Status of prospecting operations: In progress:

Please tick mark one Completed :
whichever is applicable Abandoned:

7. Total surface area covered by prospecting work (hectare):

8. Prospecting work completed during the year :

(a) Geological mapping : Area in Hectare: Scale:

(b) Pitting

(i) No. of Pits :

(ii) Grid Pattern :

(iii) Depth (Mts.) Average :

Maximum :

Minimum :

(c) Trenching

(i) No. of trenches (with interval) :

(ii) Length (Mts) Average :

Maximum :

Minimum :

-
- (d) No. and size of samples :
- (e) Drilling :
- (i) No. of boreholes completed during the year (with size of core):
- (ii) No. of boreholes in progress :
- (iii) Total yearly drilling (Mts) :
- | | | | | |
|--------------------------------------|------|------|----------|--------------|
| (f) Particulars of drilling machines | Type | Make | Capacity | No.of drills |
|--------------------------------------|------|------|----------|--------------|
- (g) Details of samples tested :
- (i) No. of samples tested :
- (ii) Complete report :
- (testing the suitability as per market requirement)

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 structures details such as joints, fractures, folds, grain size, texture etc. and also showing locations of (a) bore hole, (b) pits, (c) trenches (d) sample position etc. The report shall also contain the bore hole logs and inferences drawn as a result of the study of the geology of the area and the interpretation of bore hole cores, pits, trenches, reserves of mineral and complete report of at least two representative samples indicating stone quality and suitability as per market requirements and the blocks proposed for mining operations.]

¹[GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN

FORM NO.11-D

MONTHLY STATEMENT TO BE SUBMITTED BY ERCC CONTRACTOR

[See Rule 37-A (xiii)]

Name of contractor..... Month.....

Contract Area Mineral

S.No.	Date	Name of lessee	M.L.No.	Vehicle No.
1	2	3	4	5

Mineral	Rawanna No.	Royalty Receipt No.	Total weight (Tonnes)	Excess royalty collected (Rs.)
6	7	8	9	10

Date:

Signature of contractor / representative]

¹[GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN

FORM NO.11-E

MONTHLY STATEMENT TO BE SUBMITTED BY RCC CONTRACTOR

[See Rule 37-A (xiii)]

Name of contractor..... Month.....

Contract Area Mineral

S.No.	Date	Vehicle No.	Mineral	Royalty Receipt No.
1	2	3	4	5

Total weight (Tonnes)	Royalty (Rs.)	Permit fee (Rs.)	Total amount collected (Rs.)	Remarks
6	7	8	9	10

Date:

Signature of contractor / representative]

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN**

FORM NO.12

RAWANNA BOOK
[See Rule 18(9)(c)]

Book No.....

S.No.....

Dated

Name of the lease / short term permit holder.....

Name of location of the mines.....

Name of Mineral.....

Quality of Mineral.....

Place where mineral is being sent.....

Name of person / party to whom mineral is being despatched.....

Mode of transport..... Vehicle No.....

Weight/Volume of mineral

Page No. of the "Rawanna Register" at which rawanna has been entered

Time of despatch.....

Signature of the Driver.....

Signature of mine owner / Manager

¹[GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN

FORM NO. 12-A

**ROYALTY RECEIPT BOOK
FOR EXCESS ROYALTY COLLECTION CONTRACT**
[See Rule 37-A (ii)]

Book No..... S.No.....

Dated

1. Name of the contractor
2. Contract Area
3. Contract amount
4. Contract Period
5. Mineral Name
6. Royalty Rate (Per Ton)
7. Name of Check Post / Naka
8. Name of Lessee and M.L. No. from which mineral is being brought
9. Rawanna No.....Quantity of mineral mentioned in the
Rawanna.....(Ton)
10. Place where mineral is being sent.....
11. Name of person/party to whom mineral is being despatched.....
12. Mode of transport..... Vehicle No.....
13. Weight/Volume of mineral
14. Time of despatch.....
- Royalty amount recovered (Rs) In Figures
- In words
15. Signature of the Driver.....

Signature of Naka Incharge]

¹[GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN

FORM NO.12-B

**ROYALTY RECEIPT BOOK
FOR ROYALTY COLLECTION CONTRACT
[See Rule 37-A(ii)]**

Book No..... S. No.

Dated

1. Name of the contractor
2. Contract Area
3. Contract amount
4. Contract Period
5. Mineral Name
6. Royalty Rate (Per Ton)
7. Name of Check Post / Naka
8. Place from which mineral is being brought
9. Place where mineral is being sent.....
10. Name of person/party to whom mineral is being despatched.....
11. Mode of transport..... Vehicle No.....
12. Weight/Volume of mineral.....
13. Time of despatch.....
14. Royalty & permit fee recovered (Rs)
 - A. Royalty In Figures.....
 - B. Permit fee In Figures.....
 - C. Total In Figures.....
In words
15. Signature of the Driver.....

Signature of Naka Incharge]

1. Inserted by Rajasthan Gazette Extraordinary dated 28/01/2011

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN
FORM NO.13

MODEL FORM OF NOTICE FOR REASSESSMENT OF ROYALTY

[See Rule 41 (1)]

From:	To:
Mining Engineer/
Asst. Mining Engineer
Department of Mines & Geology
.....

Sub:- Notice for re-assessment of royalty in respect of mining lease granted for mineral near Village..... Teh..... Distt.....

Please refer to this office letter No.....dated..... vide which the assessment of royalty for the assessment yearin respect of your lease mentioned above, was made and conveyed to under rule 41(1) of the Rajasthan Minor Mineral Concession Rules,1986 and you are therefore, advised to please make your self present in the office along with the records mentioned below within a period of 15 days from the receipt of this letter.

In case you fail to be present and produce records, the assessment shall be made in your absence as per rule 41(1) of the Rajasthan Minor Mineral Concession Rules, 1986 and the balance amount, if any shall be recovered under Rajasthan Land Revenue Act and action will be taken as per clause 13(a) of the lease agreement under the Rajasthan Minor Mineral Concession Rules, 1986

RECORDS TO BE PRODUCED

- | | |
|-------------------------|--|
| 1. Production Register, | 6. Bill Book |
| 2. Stock Register | 7. Labour Payment Register |
| 3. Rawanna Book | 8. Cash Book and other records connected with the mining lease |
| 4. Weighment slips | 9. Any other records or documents which is sought to be produced |
| 5. Rawanna Register | |

Mining Engineer / Asst. Mining Engineer

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN
FORM NO.14**

**(To be submitted in duplicate)
REVISION APPLICATION
[See Rule 47]**

1. Name and address of individual(s) / firm or company applying:
2. Profession of individual(s) / firm or company:
3. No. & date of order against which revision is filed (copy attached):
4. Designation of the authority having passed the said order:
5. Mineral or minerals for which the revision application is filed:
6. Details of the area in respect of which the revision application is filed:

District	Tehsil	Village
		Total area claimed

(A map or plan of the area (s) to be attached)

7. Whether application fee of ¹⁸[Rs.2000/-] has been deposited as prescribed in Sub-rule 2 of Rule 47 of the Rajasthan Minor Mineral Concession Rules 1986, If so, Treasury receipt in original be attached
8. Whether the revision application has been filed within 3 months of the order passed by the Competent Authority
9. If not, the reason for not presenting it within the prescribed limit as provided for in proviso to sub-rule-1 of Rule 47 of the Rajasthan Minor Mineral Concession Rules, 1986
10. Name and complete address of the party/parties impleaded.

11. Grounds of revision.

Yours faithfully,

Place

Signature and designation of the applicant

Dated

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY, RAJASTHAN**

FORM NO.15

MODAL FORM FOR TRANSFER OF MINING LEASE

[See Rule 15(4)]

When the transferor is an individual:- The indenture made this day of 20..... between (Name of the person with address and occupation) (hereinafter referred to as the “transferor” which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

When the transferor are more than one individual:- (Name of the persons with address and occupation) (hereinafter referred to as the “transferor” which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns).

When the transferor is a registered firm..... (Name and address of all the partners) all carrying on business in partnership under the firm name and style of..... (Name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at (hereinafter referred to as the “transferor” which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

When the transferor is a registered company..... (Name of Company) a company registered under..... (Act under which incorporated) and having its registered office at (Address) (Hereinafter referred to as the “transferor” which expression shall where the context so admits be deemed to included its successors and permitted assign) of the first part.

AND

When the transferee is an individual..... (Name of the person with address and occupation) (herein after referred to as the “transferee” which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives, and permitted assigns)

When the transferee are more than one individual
..... (Name of the person with address and occupation) and
..... (Name of the person with address and Occupation)
(Hereinafter referred to as the “transferee” which expression shall where the context
so admits be deemed to include their representative heirs, executors, administrators,
representatives and their permitted assigns)

When the transferee is a registered firm (Name and
address of all the partners) all carrying on business in partnership under the firm
name and style of (Name of the firm) registered under the
Indian Partnership Act, 1932 (9 of 1932) and having their registered office at
..... (hereinafter referred to as the “transferee” which expression
where the context so admits be deemed to include all the said partners, their
respective heirs, executors, legal representatives and permitted assigns).

When the transferee is a registered Company.....
..... (Name of Company) a company
registered under (Act under which incorporated) and having its registered office
at..... (address) (hereinafter
referred to as the “transferee” which expression shall where the context so admits be
deemed to include its successors and permitted assigns) of the second part.

AND

The Governor of (hereinafter referred to as the “State
Government” which expression shall where the context so admits to be deemed to
include the successors and assigns) of the third part.

Whereas by virtue of an indenture of lease dated the and
registered as on (Date) in the office of the Sub-Registrar of
..... (Place) (herein after referred to as lease) the original
whereof is attached hereto and marked ‘A’ entered into between the State
Government (therein called the lessor) and the transferor (therein called the lessee),
the transferor is entitled to search for win and work the mines and minerals in respect
of(Name of minerals) in the lands described in the Schedule
thereto and also in Schedule annexed hereto for the terms and subject to the payment
of the rent and royalties and observance and performance of the lessee’s covenant
and conditions in the said deed of lease reserved and contained including covenant
not to assign the lease or any interest there under without the previous sanction of
the State Government.

And whereas the transferor is now desirous of transferring and assigning the
lease to the transferee and the State Government has at the request of transferor,
granted (with the prior approval of the Central Government) permission to the
transferor vide order No..... dated
to such a transfer and assignment is and
containing the terms and conditions hereinafter set-forth.

Now this Deed witness as follows:-

1. In consideration of Rs.....paid by the transferee to the transferor the receipt of which the transferor hereby acknowledges, the transferor hereby conveys assigns and transfers into the transferee all the rights and obligations under the said hereinbefore recited lease and to hold the same up to the transferee with effect from..... For the unexpired period of the said lease
2. The transferee hereby covenants with the State Government that from and after the transfer and assignment of the lease the transferee shall be bound, by and be liable to perform, observe and confirm and be subject to all provisions of all the covenants, stipulations and conditions contained in said herein before recited lease in the same manner in all respects as if the lease had been granted to the transferee as the lessee there under and he had originally executed it as such.
3. It is further hereby agreed and declared by the transferor of the one part and the transferee of the other part that:-
 - (i) The transferor and the transferee declare that they have ensured that the mineral rights over the area for which the mining lease is being transferred vest to the State Government.
 - (ii) The transferor hereby declares that he has not assigned, subject, mortgaged or in any other manner transferred the mining lease now being transferred and that no other person or persons has any right, title or interest where under in the present mining lease being transferred.
 - (iii) The transferor further declares that he has not entered into or made any agreement, contract or understanding whereby he has been or is being directly or indirectly financed to a substantial extent by or under which the transferor's operation or understandings were or are being substantially controlled by any person or body of persons other than the transferor.
 - (iv) The transferor further declares that he has furnished in affidavit along with his application for transfer of the present mining lease specifying therein the amount that he has already taken/proposes to take as consideration from the transferee.
 - (v) The transferee further declares that he is financially capable of and will directly undertake mining operations.
 - (vi) The transferor has supplied to the transferee the original/or certified copies of all plans of abandoned workings in the area and in belt 6 meters wide surroundings it.

(vii) The transferee hereby further declares that as a consequence of this transfer, the total areas while held by him under minor mineral concessions are not in contravention of rule 11(2) of the Minor Minerals Concession Rules.

(viii) Transferor has paid all the rent, royalties and other dues towards Government till this date in respect of this lease

In witness where of the parties hereto have signed on the date and year first above written.

.....
Signature of the transferor
(Designation)

.....
Signed on behalf of the
Governor of State of Rajasthan

.....
Signature of the transferee

Date

Witness I

Witness II.....

* * * * *

SCHEDULE OF PENALTIES FOR NON-OBSERVANCE OF THE TERMS & CONDITIONS OF AGREEMENT UNDER RMMCR, 1986

S N	Rule	Clause of Agreement	Brief content of the breach	Action / Penalty	Schedule of Penalty
1.	18 (1) (2) & (3)	4(1) (2) (3) & (4)	Non payment of royalty dead rent and other charges.	Determine the lease and forfeit the security or impose penalty not exceeding twice the amount of annual dead rent.	(i) If the breach is remedied after notice period but within 45 days from the date of receipt of notice 5 % of security amount shall be forfeited with minimum Rs. 1,000/-. (ii) If the breach is not remedied after 45 days the lease shall be determined with forfeiture of security amount. Provided that if the breach is remedied in full before the lease termination order is issued, the lease shall not be determined and instead 10% of the security shall be forfeited with minimum Rs. 2,000/-
2.	18 (6)	4 (7)	Non-erection of boundary pillars and its proper maintenance.	-do-	(i) If the breach is remedied after notice period but within 45 days from the date of receipt of notice 5 % of security amount shall be forfeited subject to minimum Rs. 1,000/- and maximum Rs. 5,000/- (ii) If the breach is not remedied after 45 days the lease shall be determined with forfeiture of security amount. Provided that if the breach is remedied in full before the lease termination order is issued, the lease shall not be determined and instead 10% of security shall be forfeited subject to minimum Rs. 2,000/- and maximum Rs. 10,000/- Note- Separate penalty shall be in respect of each pillar.

3.	18 (8)	-	Non-commencement of mining operation within six months from the date of execution of the lease and there after carry on effectively.	-do-	<p>(i) If the breach is remedied after notice period but within 90 days from the date of receipt of notice 5 % of security amount shall be forfeited with minimum Rs 1,000/-.</p> <p>(ii) If the breach is not remedied after 90 days the lease shall be determined with forfeiture of security.</p> <p>Provided that if the breach is remedied in full before the lease termination order is issued, the lease shall not be determined and instead 10% of the security shall be forfeited with minimum Rs. 2,000/-.</p>
4.	18 (9)	4 (10)	<p>(a)Not-maintaining correct account of production of minerals.</p> <p>(b)Non-production of record for royalty assessment.</p> <p>(c)Not- submitting monthly returns.</p> <p>(d)Not-despatching mineral with Rawanna.</p>	-do-	<p>(i) If the breach is remedied after notice period but within 45 days from the date of receipt of notice 20% of security amount shall be forfeited subject to minimum Rs. 1,000/- and maximum Rs. 10,000/-.</p> <p>(ii) If the breach is not remedied after 45 days the lease shall be determined with forfeiture of security amount.</p> <p>Provided that if the breach is remedied in full before the lease termination order is issued, the lease shall not be determined and instead 40% of the security minimum Rs. 2,000/- and maximum Rs. 20,000/-.</p>
5.			All other breaches not mentioned above.	-do-	<p>(i) If the breach is remedied after notice period but within 45 days from the date of receipt of notice 5% of security amount shall be forfeited subject to minimum Rs. 500/- and maximum Rs. 5,000/-.</p> <p>(ii) If the breach is not remedied after 45 days the lease shall be determined with forfeiture of security amount.</p> <p>Provided that if the breach is remedied in full before the lease termination order is issued, the lease shall not be determined and instead 10% of the security shall be forfeited subject to minimum Rs. 1,000/- and maximum Rs. 10,000/-.</p>

**SCHEDULE OF PENALTIES FOR NON-OBSERVANCE OF
THE TERMS & CONDITIONS OF ROYALTY COLLECTION CONTRACT /
EXCESS ROYALTY COLLECTION CONTRACT
AGREEMENT UNDER RMMCR, 1986**

S. No.	Rule	Clause of Agreement	Brief content of the breach	Action / Penalty	Schedule of Penalty
1.	32 & 37	(1), (8)	Collection of Royalty for the mineral produced from the outside jurisdiction of the contract.	Contract may be terminated by competent authority with forfeiture of security deposit after serving up legal notice, as also the installment paid in advance or the alternative may impose penalty not exceeding the security amount.	(i) If the breach is not continued after receiving legal notice by contractor, amount collected from outside jurisdiction by the contractor shall be recovered and also 10% of security amount or Rs. 25,000/- whichever is lower shall be payable by the contractor. (ii) If the breach is also continued even after receiving notice the contract shall be determined with forfeiture of 100% of security.
2.	32 & 37	(1)	Charging of Royalty at a rate higher than as specified in Schedule-I of MMCR, 1986 and charging of Permit fee / other charges higher than prescribed in MMCR, 1986 or otherwise.	-do-	(i) If the breach is not continued after receiving the legal notice, the excess amount collected by the contractor, on higher rates than as specified in rules, shall be recovered alongwith 18% interest from contractor and also 10% of security amount or Rs. 25,000/- whichever is lower shall be payable by the contractor. (ii) If breach is continued after notice period, the contract shall be determined with forfeiture of 100% of security.

3.	37	(2)	Incomplete Royalty Receipts issued by the contractor.	-do-	<p>(i) If the breach is not continued after receipt of notice, 5% security amount or Rs. 5,000/- whichever is lower shall be payable by the contractor.</p> <p>(ii) If the breach is continued after receipt of notice period for next 30 days 10% of security amount or Rs. 10,000/- whichever is lower shall be payable by the contractor.</p> <p>(iii) If the breach is continued after 30 days of receiving the notice contract shall be determined with forfeiture of 100% of security.</p>
4.	32	(2)	Non-Production of conterfoils of receipts and other records.	-do-	<p>(i) If the breach is remedied after the notice period but within 30 days from the date of receipt of notice 5% of security amount or Rs. 15,000/- whichever is lower shall be payable by the contractor.</p> <p>(ii) If the breach is remedied after 30 days but before 60 dyas of receiving the notice 10% of security amount or Rs. 30,000/- whichever is lower shall be payable by the contractor.</p> <p>(iii) If the breach is not remedied after 60 days of receiving the notice, the contract shall be determined with forfeiture of security amount.</p>

5.	34(g) & 35(g)	(11)	Non-payment of installments of contract as specified in Agreement.	Cancellation of contract or imposition of Penalty after serving upon legal notice.	<p>(i) If the breach is remedied by the contractor within the notice period, no penalty shall be imposed.</p> <p>(ii) If the breach is remedied by the contractor after notice period but before cancellation of contract 10% of security or Rs. 50,000/- whichever is lower shall be charged.</p> <p>(iii) If the breach is not remedied by the contractor within the notice period, contract shall be determined with forfeiture of 100% security amount.</p>
6.	37 & 32 (3)	-	Non-payment of difference of security amount and Bank Guarantee due to enhancement of contract amount.	-do-	<p>(i) If the breach is remedied within the notice period, no penalty shall be imposed.</p> <p>(ii) If the breach is remedied after notice period but before cancellation of contract 2% of security or Rs. 20,000/- whichever is lower shall be charged.</p> <p>(iii) If the breach is not remedied by the contractor within the notice period, contract shall be determined with forfeiture of 100% security amount.</p>

BRICK EARTH POLICY 1994

[Amended up to 18/02/1998]

¹[In exercise of the powers conferred by rule 65A of the Rajasthan Minor Mineral Concession Rules, 1986 the State Government in the interest of mineral development, hereby notifies the procedure for mineral concession of Brick Earth used for making bricks by brick kilns as under, namely:

1. Definitions:

- (i) **"Rules"** means the Rajasthan Minor Mineral Concession Rules, 1986;
- (ii) **"Permit"** means a permit granted for excavation and removal of specified quantity of brick earth within a specified period and area;
- (iii) **"Duration of Permit"** means the period for which a permit may be granted which shall not exceed 5 years but the minimum period of permit shall not be less than one year;
- (iv) **"Quantity of Brick Earth"** means the annual quantity of brick earth for which a permit may be granted and shall be calculated on the basis of following formula;

Annual Quantity of brick earth (in tonnes) = 150 x W x N

- (a) 'W' means the weight of one thousand standard size bricks in tonnes.

Explanation: The weight of one thousand bricks of standard size 9 x 4½ x 3 shall be taken as 3.5 tonnes.

- (b) 'N' means number of vertical columns (Ghodies) of bricks between the outer and inner walls of brick kiln along its width.

2. Application for grant of permit:

- (1) The application for grant of permit shall be made to the Mining Engineer / Assistant Mining Engineer in Form No. 1-D appended to this notification.
- (2) Every application made under sub-clause (1) above shall be accompanied by:-
 - (a) a fee of Rs. 500/- which shall not be refunded;
 - (b) a copy of Khasra Map covering the applied area and a copy of revenue Jamabandi duly verified by the Patwari concerned;

-
- (c) an attested copy of no dues certificate from the Mining Engineer / Assistant Mining Engineer concerned if the applicant holds or held any mineral concession in the State;

Provide that no dues certificate shall not be required where the applicant furnishes an affidavit stating that he does not or did not hold a mining lease or any other mineral concession in the State.

Provided further that where the applicant is a private firm or a private limited company, no dues certificate shall be required to be furnished by all the partners of the firm or all the directors of the private limited company, as the case may be.

- (d) an affidavit from the applicant stating details of the land, i.e., the location and khasra numbers from where brick earth will be excavated;
- (e) an affidavit from the applicant that no dues of the department are outstanding against any member of his family and also against a firm to which he is or was a partner.

3. Separate permit for each brick kiln:

The holder of a permit shall obtain separate permit for each brick kiln and if it is found that brick earth excavated under the permit issued for one brick kiln is used for another brick kiln then permit shall be liable to be cancelled with forfeiture of security.

¹[Provided that where the quality of brick earth in the area granted under the permit is not suitable for making bricks or the quantity of brick earth is found inadequate for running the kiln, the Mining Engineer or the Assistant Mining Engineer concerned on submission of application by the permit-holder, permit inclusion of additional area in the permit. The application for inclusion of additional area shall be accompanied by: -

- (i) a fee of Rs. 500/- which shall be not refunded.
- (ii) A copy of Khasra map covering the area proposed to be included along with a copy of revenue Jamabandi duly verified by the Patwari concerned.
- (iii) No dues certificate of concerned ME/AME.]

4. Authority competent to grant permit:

The Mining Engineer or Assistant Mining Engineer having jurisdiction over the area applied for, may grant permit mentioning there in the specific quantity of brick earth to be excavated or removed and duration of the permit, in the Form No. 16 appended to this notification.

5. Royalty and its payment:

The permit holder shall pay royalty on brick earth at the rate for the time being specified in Schedule-I of the rules as amended from time to time:

Provided that whenever the rate of royalty is revised, the previous rate shall be applicable on quantify of bricks already despatched to the brick kiln.

6. Mode of payment:

Royalty of the annual quantity of the permit shall be paid by the permit holder in quarterly installments in advance.

7. Interest:

Interest on all dues in respect of royalty shall be charged as per rule 61 of the rules.

8. Conditions of the permit:

The conditions on which a permit may be granted shall be mentioned in the permit.

9. Security Deposit:

- (1) An applicant for a permit shall be required to deposit security, within a period of seven days of receipt of consent of the authority competent to grant permit, for the due performance of the terms of the permit at the rate of 50 per cent of the annual royalty computed on the basis of annual quantity of brick earth as per clause 1 (iv) of this notification.
- (2) On satisfactory performance of the permit the security deposit shall be refunded after expiry of the permit or shall be adjusted against the last quarterly installment of royalty or against the security to be deposited in respect of other permit.
- (3) Whenever the royalty on brick earth is enhanced the permit holder shall deposit further sum so as to make the total security deposit equal to 50 per cent of the enhanced annual royalty, within 15 days of such enhancement.

10. Cancellation of Permit:

In case of breach of any condition of the permit or any provision of rules, the Mining Engineer or Assistant Mining Engineer concerned may cancel the permit and / or forfeit whole or part of the security amount. Such action shall not be taken unless the holder of permit has failed to remedy the breach after serving of 15 days notice.

¹[Provided that where a permit has been granted for a period exceeding one year, the Mining Engineer concerned may permit surrender of the permit subject to the following conditions :-

- (i) The holder of permit applies for such surrender atleast before three months before the intended date of surrender of the permit.
- (ii) The application for surrender is for one or more complete year(s) of the permit.
- (iii) There are no dues of the Department against the holder of permit.]

* * * * *

FORM NO. 16
MODEL FORM FOR PERMIT OF BRICK EARTH

Whereas Shri / Sarva Shri resident of / having its office at has / have applied for grant of permit to excavate tonnes of brick earth per annum for a period of year(s) from the land measuring hectares and bearing khasra nos in village Tehsil district under provisions contained in the Government Notification No. F.-3 (162)/Khan Gr.II/83 dated June 10, 1994.

And whereas the applicant has deposited Rs. as first installment of royalty for brick earth and also deposited Rs. as security amount.

And whereas it has been considered appropriate to grant permit and the same is granted for excavation of tonnes of brick earth per annum from the aforesaid area subject to the following conditions:

- (1) The permit shall be valid for a period of year(s) with effect from
- (2) The royalty of the annual quantity of the permit shall be paid by the permit holder in quarterly installments in advance, in the following manner :
 1. Second installment Rs. payable on
 2. Third installment Rs. payable on
 3. Fourth installment Rs. payable on
- (3) Interest on all dues in respect of royalty shall be charged as per rule 61 of the rules.
- (4) The holder of the permit shall not erect, set up any building or any thing on aforesaid area, and shall also not carry on any surface operations in or upon any public pleasure ground, cremation or burial ground, place held scared by any class of persons or any house or village site, public road or any other place which the Government may determine as public ground or a national monument or in such a manner as to injure or prejudicially affect any building, works, property or rights of the others persons.
- (5) The holder of the permit shall keep the Government indemnified from any third party claim and shall settle such claim on his own accord as soon as it arises.

-
- (6) The holder of permit shall allow the officers of the Department to enter the area wherefrom brick earth is excavated, moulded dried and also where the bricks are manufactured and kept in stock and at all places where the records in respect of excavation, manufacture and sale of bricks are kept, to inspect the working and examine the accounts.
 - (7) The holder of permit shall pay royalty and other dues contained in the Government Notification No. F.3. (162) Khan /Gr-II/83 dated 10/06/94 and the rules.
 - (8) The holder of permit shall abide by the Acts and Rules enforced by the Government of India or the State Government or all instructions issued by Mining Engineer or the Assistant Mining Engineer in respect of working of the mines and other matters affecting safety, health convenience and facilities to the employees of the permit holder or to the public.
 - (9) In case of any breach of any conditions of the permit or of any of the provisions of rules on the part of the holder of permit the Mining Engineer or the Assistant Mining Engineer concerned may cancel the permit and / or forfeit whole or part of the security amount. Such action shall, however, not be taken unless the holder of permit has failed to remedy the breach after serving of 15 days notice.

Mining Engineer / Assistant Mining Engineer

Mines and Geology Department

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES AND GEOLOGY
FORM NO. I-D

(Application for permit for Brick Earth for manufacture of bricks.)

To
The Mining Engineer /
Assistant Mining Engineer,
Department of Mines & Geology,
..... Rajasthan.

Sir,

1. I/We request you to grant me/us a permit to excavate brick earth from an area of hectares for a period of year(s).

2. Following are the required particulars:

(1) Name of the applicant(s) :

(2) Address :

(3) Location of the brick kiln :

Khasra No (s). Village Tehsil District

(4) Width of brick kiln :

(Minimum distance between inner and outer walls of the vessel of the kiln along its width.)

(5) No. of Payas (Ghories) :

(Vertical columns) of bricks which maybe accommodated between inner and outer wall of kiln along its width.

(6) Location of the area applied for:

Khasra No (s). Village Tehsil District

-
- (7) Annual quantity of brick :
earth for which permit is
required (in tonnes)

(150 x Weight of one thousand bricks (in tonnes) x Number of vertical
columns (Ghodies) which may be accommodated between the inner and
outer walls of the kiln along its width = tonnes)

3. Necessary fee and documents:

- (1) Fee of Rs. deposited vide demand draft / treasury receipt
No./Challan No. dated
- (2) Affidavit stating the details of land for which permit is required.
- (3) Consent of owner of land for excavating brick earth, where the land does
not belong to the applicant.
- (4) A Certified copy of Khasra map and Jamabandi of the land applied for.
- (5) Copy of partnership-deed / required certificates of companies
(memorandum of Articles of Association / power of attorney if applicable.)
- (6) No dues certificate from the Mining Engineer / Asstt. Mining Engineer
concerned and affidavit that no dues are outstanding except those recovery
of which has been stayed by a court.
- (7) Affidavit that no dues are outstanding against any member of the family or
against a firm of which the applicant is or was a partner.

I / We declare that particulars given above are correct and I / we shall furnish any
other details required from me/us in this connection.

Yours faithfully,

Signature

Place
Date

Name

Address]

¹[G.S.R. 41:- In exercise of the powers conferred by section 23C of the Mines and Minerals (Development and Regulation) Act, 1957, the State Government hereby makes the following rules for prevention of illegal mining, transportation and storage of minerals and for the purposes connected therewith, namely:-

Rajasthan Minerals [Prevention of Illegal Mining, Transportation and Storage] Rules, 2007

(Amended Up to 17, Jan 2011)

1 Short title, extent and commencement:-

- (l) These rules may be called the Rajasthan Minerals [Prevention of Illegal Mining, Transportation and Storage] Rules, 2007.
 - (i) They shall extent to whole of the State of Rajasthan and shall apply to *all minerals except minor minerals.*
 - (ii) They shall come into force from the date of their publication in the Rajasthan Gazette.

2 Definitions:-

- (l) In these rules, unless the context otherwise requires;
 - (a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);
 - (b) "Authorized Officer" means Director / Additional Director [Mines] / Superintending Mining Engineer / Superintending Mining Engineer [Vigilance] / Mining Engineer / Mining Engineer [Vigilance] / Assistant Mining Engineer of the Mines & Geology Department for their respective jurisdiction or any other officer authorized in this behalf by the State Government by notification in the official gazette;
 - (c) "Dealer" means any person who carries on the business of buying, selling, storing, distributing or processing of mineral or minerals / ores directly or otherwise for cash or for deferred payment or for commission, remuneration or other valuable consideration or uses mineral/s and / or it's ingredients as a raw material;

-
- (d) "Department" means Department of Mines and Geology, Government of Rajasthan;
- (e) "Director" means Director of Mines & Geology Department. Government of Rajasthan;
- (f) "Form" means a form appended to these rules;
- (g) "Government" means Government of Rajasthan;
- (h) "Mine Owner" in these rules shall have the same meaning as assigned to word "Owner" under the Mines Act, 1952;
- (i) "Rawanna" means a challan used for dispatch of mineral from valid mining lease area, issued by Mining Engineer / Assistant Mining Engineer of the Department.
- (j) "Section" means section of the Mines and Minerals (Development and Regulation) Act. 1957;
- (k) "Transit Pass" means pass issued by an authorized officer to the dealer for transportation of mineral;
- (l) "Vehicle" means any mode of transportation or any mechanized device, by which minerals is being transported; and
- (m) "Year" means financial year i.e. from 1st April to 31st March.
- (2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them under the Mines and Minerals (Development and Regulation) Act 1957.

3 Prohibitions:-

- (l) No person shall carry on the business of buying, selling, storing, distributing or processing of mineral or minerals / ores directly or otherwise for cash or for deferred payment or for commission, remuneration or other valuable consideration or use mineral/s. and / or it's ingredient as a raw material without being registered as a Dealer under these rules.

Provided that existing dealers may apply for registration, as per procedure laid down in rule 4 within one month from the date of publication of these rules.

Explanation: Minerals shall not cease to be minerals by reason of being subjected to any process like crushing, breaking, drying, pulverizing or any other procedure intended to make the mineral fit or suitable for sale or consumption.

-
- (2) Subject to sub-rule (3) and (4), no person shall transport or carry away any mineral from any place without obtaining a transit pass from the Mining Engineer or Assistant Mining Engineer concerned.
 - (3) If any excavated mineral is transported from granted mining area, driver or incharge of vehicle shall carry Rawanna duly stamped by the Department, in place of Transit Pass.
 - (4) If in any particular area or for a particular mineral, the Department itself is collecting royalty through check-posts and any other system is in force, the driver or incharge of vehicle shall carry Royalty Receipt issued by the incharge of check-post in place of Transit Pass.

4 Procedure for Registration:-

- (1) Every Dealer shall get his place / places of business registered separately under these rules by submitting an application in Form No.1 along with proof of deposit of 100/- [Rupees one hundred] non-refundable fee to the respective Mining Engineer or Assistant Mining Engineer, have jurisdiction over the place of business.

Provided that if any person establishes mineral based Industry within the State and registered with Industries Department of the State, shall be exempted for submitting an application in Form No.1 for registration and fee as prescribed above. He shall intimate the concerned Mining Engineer / Assistant Mining Engineer that he is already registered with Industries Department and submit attested copy of Certificate of such Registration within specified period, and Mines Department shall enroll the person as a Registered Dealer on the basis of such Registration Certificate.

- (2) On receipt of an application or intimation under sub-rule (1), the Mining Engineer or Assistant Mining Engineer shall acknowledge the receipt of the application or intimation on the same day and register the person as a Dealer within three days from the date of receipt of the application / intimation and issue Registration Certificate in Form No.2.
- (3) If the person is not registered within three days from the date of receipt of the application / intimation, he shall be deemed to be registered as a Dealer after the period of three days from the date of submitting the application / intimation.
- (4) The Mining Engineer or Assistant Mining Engineer shall maintain a register in his office in Form No.3, wherein he shall make necessary entries about the dealer and it's registration. The units mentioned in proviso of sub-rule (1) of Rule 4 shall be entered in the register, as specified above.

5 Transit Pass:-

- (1) The persons desiring Transit pass shall submit an application before the Mining Engineer or Assistant Mining Engineer concerned in Form No.4 duly specifying all the particulars prescribed therein.
- (2) The application for transit pass shall be accompanied by a copy of the relevant documents and particulars of royalty payment on such mineral.
- (3) On receipt of an application of the dealer under sub-rule (1), the Mining Engineer or Assistant Mining Engineer concerned may issue Transit Pass in Form No.5 for specified period; on the basis of records including royalty receipts submitted by the applicant, and subject to such terms and conditions as deemed necessary or may refuse in writing to issue such Transit Pass for reasons to be recorded in writing and communicated to the applicant.
- (4) The Mining Engineer / Assistant Mining Engineer shall maintain register of 'Issue of Transit Pass' in Form No.6. The Transit Passes issued to a dealer for the quantity, shall not exceed the quantity for which valid royalty receipts has been submitted.
- (5) Royalty receipts submitted by an applicant, in lieu of that Transit Passes issued to dealer shall be stamped as "Cancelled, Transit Pass issued" by Mining Engineer or Assistant Mining Engineer.
- (5) Every person who transports the minerals shall carry Transit Pass or Rawanna or Royalty Receipt, as the case may be, with the vehicle and shall produce the same on demand to incharge of check post or authorized officer.

6 Establishment of check posts, weigh bridges and inspection of Mineral / goods in transit:-

- (1) If the State Government, Director, Additional Director (Mines), Superintending Mining Engineer, or Mining Engineer / Assistant Mining Engineer considers it necessary with a view to prevent the illegal mining may, subject to provision of sub-rule (2), establish check post at any place by an order in writing.
- (2) The Assistant Mining Engineer / Mining Engineer, Superintending Mining Engineer, Additional Director (Mines), Director and State Government may order to establish a check post for a period up to 6 months, 12months, 18 months, 2 years and for a period more than two years respectively.
- (3) The establishment of check post for a period exceeding 2 years shall be notified in the Official Gazette and in other cases, notice at the place of establishment of check post and on the Notice Board of the Office of the concerned Mining Engineer / Assistant Mining Engineer shall suffice.

-
- (4) An authorized officer or incharge of the Check Post / Naka may check any vehicle carrying the mineral at any place and the owner or the person incharge of the vehicle shall furnish a valid Rawanna / Royalty Receipt / Transit Pass and other particulars ¹[] as demanded by the said officer / incharge of the check-post.
- (5) The State Government or Director may establish the weigh bridge or may authorize any weigh bridge in the area on certain mutually agreeable conditions, to measure the quantity of mineral being transported at any place, by an order in writing.
- (6) At every check post or at any other place when so required by authorized officer, the driver or any other person incharge of the vehicle shall stop the same, get the minerals contained therein weighed, shall pay weighing charges as fixed by the Government from time to time and shall keep the vehicle stationed so long as may reasonably be necessary and allow incharge of the check post or authorized officer as aforesaid, to examine the minerals in transit and also inspect all records relating to the minerals in possession of such driver or other person. The driver or incharge of vehicle shall, if so required by the incharge of the check post or authorized officer, shall give his name and address as also that of the owner of the vehicle and the name and address of the consignor and the consignee. After checking the minerals and vehicle, the incharge of the check post or authorized officer shall put his signature on the rawanna / royalty receipt / transit pass so as to avoid any further checking at another check post.
- ²[(7) If the officer incharge of the check post or any other officer mentioned in sub-rule (4) above has reason to believe that royalty has been evaded in respect of any mineral liable to assessment for royalty, such officer may require the owner or person incharge of the vehicle to pay cost of mineral along with compounding fee as specified by the officer authorized under section 22 of the Act.
- (8) The officer incharge of the check post or the barrier or the officer empowered under sub-rule (4) shall have power to seize mineral along with vehicle which is not covered by a valid rawanna, or transit pass issued by Department of Mines and Geology, if the owner or person incharge of the vehicle refused to make payment as required under sub-rule (7). The seized vehicle alongwith mineral shall be handed over to SHO/ incharge of nearest Police Station.
- (9) The officer incharge of the check post or the barrier or any officer empowered in this behalf shall give a receipt of such mineral along with vehicle seized by him to the person from whose possession or control it is seized.]

1. Deleted by Rajasthan Gazette Extraordinary dated 17/01/2011
2. Inserted by Rajasthan Gazette Extraordinary dated 17/01/2011

7 Inspection, Checking and Search:-

- (1) An authorized officer may inspect, check and search the minerals at place of excavation or storage or during transit.
- (2) The mine owner or dealer or person incharge of the vehicle, shall produce every record related with mineral as demanded by the authorized officer and provide copy of the document as required by the said officer or allow him to get abstracts from the records.
- (3) An authorized officer may for the purposes of these rules, require a mine owner or dealer to produce before him any accounts, registers and other documents and to furnish any other information relating to mining operations or business related to minerals.

8 Maintenance of Registers, Boundary Pillars and Boards:-

- (1) Every mine owner shall keep a copy of agreement of lease or license along with map etc. at site duly attested by Mining Engineer / Assistant Mining Engineer having jurisdiction over the area.
- (2) Every mine owner or dealer shall maintain sign boards at clearly visible location, with particulars of their dealing in minerals and of size and shape and details therein, as specified by the Mining Engineer / Assistant Mining Engineer concern and every time keep in good condition.
- (3) Every mine owner shall maintain boundary pillars of the sanctioned area, of size and shape as specified by the Mining Engineer / Assistant Mining Engineer concern and every time keep in good condition with marking number of lease / license and name of the pillar.
- (4) In addition to provisions in various rules, every mine owner shall maintain the record of production and dispatch of mineral and non-saleable mineral in separate registers in Form No.7 and Form No.8 respectively and shall maintain log book of all machines, record of consumption of explosives, electricity, fuel etc. and registers regarding labour attendance and payment of wages, regularly.
- (5) Every Dealer shall maintain proper record of all rawannas / transit passes / royalty receipts and bills etc. through which mineral is received, dispatched, processed or consumed in manufacturing. He shall also maintain log book of all machines, record of consumption of explosives, electricity, fuel etc and registers regarding attendance of personnel [skill or semi-skill or un-skill] employed and payment of wages, regularly. The dealer shall maintain all such particulars in the register in Form No.9.

9 Returns:-

- (1) Every Dealer shall furnish mineral wise annual returns for each financial year in Form No.10 to the Mining Engineer / Assistant Mining Engineer having jurisdiction over the place of business before 1st June of next year.

Provided that Annual return may be filed with late fee of Rs.100/- per day upto 30 days after the period as specified above.

- (2) The Annual return submitted by a dealer to the Mines Department shall be treated as Self Assessment of royalty. The authorized officer shall make sample scrutiny of the randomly selected cases, from at least 10% of the total dealers in his jurisdiction.

10 Revision:-

- (1) Any person aggrieved by an order of an authorized officer for a particular action under these rules, may within thirty (30) days from the date of communication of the order, prefer Revision in Form No.11 to the State Government.
- (2) Every application for revision shall be accompanied with a non-refundable fee of Rs.2000/- (Rupees Two Thousands only) to be deposited under relevant Head of Account. The revision authority shall dispose off the revision within a period of three months from the date of its receipt.
- (3) The revision authority may condone the delay in filing of revision with reasons to be recorded in writing.

11 Penalties:-

Whoever contravenes the provision of these rules, shall be punishable under the provisions of section 21 of the Act.

12 Rectification of mistake:-

Any clerical and arithmetic mistake in any order passed by the Government or any other officer under these rules and any error arising therein from accidental slip or omission may be corrected by the Government or officer as the case may be.

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

13 Repeal and Savings:-

The Rajasthan Minerals [Prevention of Illegal Mining, Transportation and Storage] Rules, 2006 is hereby repealed.

Provided that any action taken under the rules so repealed shall be deemed to have taken under the provisions of these rules.

* * * * *

**Government of Rajasthan
Mines & Geology Department**

FORM No. 1
[See Rule 4(1)]

(Application for Registration as a Dealer)

- 1 Name of applicant (in full)
- 2 Full Address of place of business
- 3 Details of Application Fee deposited
- 4 Other place or places of business
- 5 Name of minerals / ore
- 6 If registered with government department,
please enclose copy of registration/s.
- 7 Business activity (Processing / Storing / any
other purpose)

Declaration

I / We declare that above information furnished by me / us are true and correct. I / We have read and understood all the provisions of the Rajasthan Minerals [Prevention of Illegal Mining, Transportation and Storage] Rules, 2007 and agree to abide by the same.

Date:
Place:

Signature of Applicant.

**Government of Rajasthan
Mines & Geology Department**

FORM No. 2
[See Rule 4 (2)]

(Registration Certificate)

Received an application for registration as dealer from
..... (Name of an applicant With address)
..... to the department
on date--- / --- / -----, for possessing / Storing / Selling / Trading of
..... (Name of Mineral / Ore), with the following enclosures:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)

On the basis of above, the applicant is hereby registered as dealer in Rajasthan Minerals [Prevention of Illegal Mining, Transportation and Storage] Rules, 2007. The registration number allotted to the applicant is

Date:

Signature of Competent Authority with Seal

**Government of Rajasthan
Mines & Geology Department**

FORM No. 3

[See Rule 4 (4)]

(Register of Applications for registration to be maintained by the department)

S. No.	Date of receipt of application	Name of Applicant	Address of Applicant	Name of Mineral / Ores
1	2	3	4	5

Place of Processing / Storing / Selling / Trading	Order Number and date of Registration	Registration Number allotted to applicant
6	7	8

**Government of Rajasthan
Mines & Geology Department**

FORM No. 4
[See Rule 5 (1)]

(Application for issue of Transit Pass)

- 1 Name of the applicant
- 2 Registration Number
- 3 Name of Mineral
- 4 Source of mineral and Rawanna Challan /
Royalty Receipt / Transit Passes by which
material procured.
- 5 Present stock and yearly turnover [Enclose
copy of up to date Stock Register]
- 6 Details of Transit Passes issued earlier.
[Enclose Details]

Declaration

I / We hereby declare that above information furnished by me / us are true. I / We have read and understood all the provisions of the Rajasthan Minerals [Prevention of Illegal Mining, Transportation and Storage] Rules, 2007 and agree to abide by the same.

Date of application

Signature of Applicant

Place:

In Triplicate

Government of Rajasthan
Mines & Geology Department

FORM No. 5
[See Rule 5(3)]

TRANSIT PASS

Dealer's Registration No.

Transit Pass Book No. Transit Pass / S. No.....

- (1) Name and address of consigner
- (2) Name and address of consignee
- (3) Name of Mineral
- (4) Quantity (weight / volume)
- (5)
 - (a) Date of Dispatch
 - (b) Time of Dispatch
 - (c) Place from which mineral is to be transported
 - (d) Destination to which mineral is being transported
- (6)
 - (i) Mode of Transport
 - (ii) Carrier Registration No
- (7) Name and address of vehicle driver

Signature with date
Driver

Signature with date
Consigner

Signature and Round Seal of
Issuing Authority

Signature and designation of
Checking Authority with Seal

- Notes:
- (1) Triplicate, so as first copy of the consignee, second copy for the Mines Department and third copy for dealer.
 - (2) Double side carbon paper shall be used by dealer for issuing of Transit Pass.

**Government of Rajasthan
Mines & Geology Department**

FORM No. 6
[See Rule 5(4)]

**(Register of Issue of Transit Passes to be maintained
by the Department)**

S No.	Name of Applicant	Registration Number	Application for Transit Passes received	Number of Transit Passes issued	Receipt by dealer with date	Used Transit Passes returned to the department, Number of Passes and date
1	2	3	4	5	6	7

**Government of Rajasthan
Mines & Geology Department**

FORM No. 7
[See Rule 8 (4)]

**PARTICULARS OF MINERAL/S PRODUCED AND
DISPATCHED FROM MINES**

- 1 Name of Lessee / Licensee and full address
-
-
- 2 Period of Lease/Licence
- 3 Mineral/s
- 4 Location of Lessee/Licensee
- 5 Name of the office in whose jurisdiction Lessee / Licensee falls
-

[Quantity in Tonnes]

Date	Opening Balance of Mineral	Mineral Produced	Total Quantity of Mineral	Mineral Dispatched
1	2	3	4	5

Mineral Consumed	Particulars of dispatch, Rawanna or Transit Pass Number & date	Quantity as per Rawanna or Transit Pass	Total Quantity of mineral dispatched or consumed	Closing Balance
6	7	8	9	10

Place:

Date:

Signature of Lessee/Licensee

**Government of Rajasthan
Mines & Geology Department**

FORM No. 8
[See Rule 8 (4)]

**PARTICULARS OF OVERBURDEN OR SUB-GRADE
MINERAL PRODUCED AND DISPOSED**

- 1 Name of Lessee / Licensee and full address
-
- 2 Period of Lease / License
- 3 Mineral/s
- 4 Location of Lessee / Licensee
- 5 Name of the office in whose jurisdiction Lessee / Licensee falls
-
- A Particulars of Overburden

[Quantity in Tonnes]

Date	Opening Balance of Overburden	Overburden Produced	Total Quantity of Overburden	Overburden Dispatched / consumed / disposed
1	2	3	4	5

Location of Overburden Dispatched / consumed / disposed	Closing Balance	Purpose in which the overburden is utilized with quantity		Remarks
		Purpose	Quantity	
6	7	8	9	10

B Particulars of Sub-grade Mineral if produced

Date	Opening Balance of Sub-grade mineral	Sub-grade mineral Produced	Total Quantity of Sub- grade mineral	Sub-grade mineral Dispatched / consumed / disposed
1	2	3	4	5

Location of Sub-grade mineral Dispatched / consumed / disposed	Closing Balance	Purpose in which the Sub-grade mineral is utilized with quantity		Remarks
		Purpose	Quantity	
6	7	8	9	10

Signature of Lessee / Licensee

**Government of Rajasthan
Mines & Geology Department**

FORM No. 9
[See Rule 8 (5)]

Account of Ores / Minerals
(To be maintained by the dealer daily / regularly)

- 1 Name of the Dealer
- 2 Full address
- 3 Registration number
- 4 Name of Mineral/Ore
- 5 Place of Business

(Quantity in tonnes)

Name of Month & Year	Date	Opening balance of mineral / ore	Quantity of ore / mineral received	Source of receipt with Rawanna / Transit Pass / royalty receipt No. & date	Total stock of Ore / Mineral
1	2	3	4	5	6

Quantity of Ores / Minerals consumed / sold / dispatched	Details of dispatches with T.P. Nos. and date	Closing balance of Ore / Mineral at the store or factory site
7	8	9

Signature of the Dealer

**Government of Rajasthan
Mines & Geology Department**

FORM No. 10
[See rule 9 (2)]

**Annual Return by the Dealer to the Department
[ME / AME concern]**

Year.....

- 1 Name of the Dealer :
- 2 Full Address :
- 3 No. and date of Registration :
- 4 Name of Mineral & Ore :
- 5 Name of the Plant/Factory :
- 6 Postal address of the Factory :
- 7 Annual capacity of Plant/Factory :
- 8 Name of Mining Offices having jurisdiction over the factory plant, AME / ME / SME :

Opening Balance of Mineral / Ore	Quantity of Mineral / Ore received	Source of procurement	Particulars of royalty payment	Total material [1+3]	Grade of Mineral/s
1	2	3	4	5	6

Quantity of Ore / Mineral feed to the beneficiation plant	Quantity of Ore / Mineral dispatched	Balance Stock 4- [6+7]	Quantity of Ore / Mineral recovered after beneficiation	Closing balance of Ore / Mineral at the plant / Crude & beneficiated	Remarks if any
7	8	9	10	11	12

Date:

Signature of the Dealer

Copy to:

The Director, Mines & Geology Department, Udaipur

The Additional Director, Mines & Geology Department

The Superintending Mining Engineer, Mines & Geology Department

Signature of the Dealer

**Government of Rajasthan
Mines & Geology Department**

FORM No. 11
[See Rule 10 (1)]

Application for Revision

- 1 Name of the Applicant :
- 2 Address :
:
3. Father's name :
- (in case of firm / company name and addresses of partners / directors and person holding power of attorney to act on behalf of the firm / company)
- 4 Particulars of fee deposited :
- 5 No. and date of order against :
which application is filed
- 6 Ground of revision :
- 7 In case of revision preferred :
after 30 days of order, the
reasons of delay
- 8 Whether the applicant desires :
to be heard in person or
through pleader.
- 9 Any additional information :
desired to furnish.

Date:

Signature of the applicant

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF MINES & GEOLOGY,
RAJASTHAN**



**RAJASTHAN MINOR MINERAL
CONCESSION RULES 1986**

(Amended Up to June 19, 2012)

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BRICK EARTH POLICY 1994

(Amended Up to Feb 18, 1998)

AND

**Rajasthan Minerals [Prevention of Illegal
Mining, Transportation and Storage]
Rules, 2007**

(Amended Up to 17, Jan 2011)