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राजस्थान राजपत्र  
विशेषांक

साधिकार प्रकाशित

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राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये कानूनी आदेश तथा  
अधिसूचनाएं

**Mines (Gr.II) Department**  
NOTIFICATION  
**Jaipur, January 25, 2021**

**S.O.432** .-In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the State Government hereby makes the following rules further to amend the Rajasthan Minor Mineral Concession Rules, 2017, namely:-

**1. Short title and commencement.-** (1) These rules may be called the Rajasthan Minor Mineral Concession (Amendment) Rules, 2021.  
(2) They shall come into force from the date of their publication in the Official Gazette.

**2. Amendment of rule 2.-** In sub-rule (1) of rule 2 of the Rajasthan Minor Mineral Concession Rules, 2017, hereinafter referred to as the said rules, after the existing clause (xxxvii) and before the existing clause (xxxviii), the following new clause (xxxvii-a) shall be inserted, namely:-

“(xxxvii-a) “M-sand” means manufactured sand produced by crushing of mineral/overburden;”.

**3. Amendment of rule 12.-** In rule 12 of the said rules, after the existing second proviso, the following new proviso shall be added, namely:-

“Provided also that the Director may reserve upto two plots, per district per year, of mineral masonry stone exclusively for establishment of M-sand unit.”

**4. Amendment of rule 18.-** In sub-rule (2) of rule 18 of the said rules,-

- (i) in clause (i), for the existing expression “; and”, the punctuation mark “;” shall be substituted;
- (ii) in clause (ii), for the existing punctuation mark “.”, the expression “; and” shall be substituted; and
- (iii) after the clause (ii), so amended, the following new clause (iii) shall be added, namely:-

“(iii) an amount equal to twenty five percent of reserve price for e-auction in case of permit for overburden used in M-sand unit.”

**5. Amendment of rule 28.-** In sub-rule (2) of rule 28 of the said rules,-

- (i) in sub-clause (e) of clause (iv), for the existing expression “; and”, the punctuation mark “;” shall be substituted; and
- (ii) after the sub-clause (e) of clause (iv), so amended, the following new sub-clause (ee) shall be added, namely:-

“(ee) Where the Director reserves a mine for any particular special end use, the mineral extracted under such mining lease shall,-

(I) be utilised solely for specified end use; and

(II) not be sold or transferred or otherwise disposed of, either directly or indirectly:

Provided that the material generated during processing in M-sand unit which is not saleable as M-sand may be dispatched with e-rawanna after paying royalty, District Mineral Foundation Trust Fund and other applicable payments; and”

**6. Amendment of rule 52.-** In rule 52 of the said rules, after the existing sub-rule (1) and before the existing sub-rule (2), the following new sub-rule (1A) shall be inserted, namely:-

“(1A) For removal of overburden used in M-sand unit,-

- (i) permit for use of overburden dump in M-sand unit shall be granted through e-auction. The reserve price for e-auction shall be equivalent to dead rent of mineral masonry stone as specified in schedule-III:

Provided that permit to the Rajasthan State Mines and Mineral Ltd. may be granted on priority basis without e-auction;

- (ii) the Mining Engineer or Assistant Mining Engineer shall delineate plots in Government land for grant of permit by using differential global positioning system after joint demarcation with Patwari and send proposal to the Directorate for e-auction mentioning approximate quantity of overburden, land details, marking area of overburden dump and area for installation of M-sand unit;
- (iii) a centralized bidding cell established at Directorate level shall publish notice inviting bids as per the provisions of sub-rule (3) and sub-rule (4) of rule 14 and conduct e-auction as per the provisions of sub-rule (1), (5), (6), (7), clause (i) to (v) and (ix) of sub-rule (8) and sub-rule (9) of rule 14;
- (iv) after completion of e-auction, the highest bidder who is the successful bidder shall submit the following documents along with first instalment being forty percent of offered premium amount to the Mining Engineer or Assistant Mining Engineer concerned within fifteen days of completion of e-auction:-
  - (a) affidavit regarding no-dues of the department;
  - (b) a no-dues certificate from the Mining Engineer or Assistant Mining Engineer concerned where the bidder holds or had held mineral concession or royalty collection contract or excess royalty collection contract:

Provided that affidavit and no-dues certificate in case of firm, company or association of persons have to be submitted by all the partners, directors or persons, as the case may be.

- (c) Memorandum of Association and Articles of Association, certificate of incorporation in case bidder is a company or partnership deed and firm registration certificate in case bidder is a firm, as the case may be;
  - (d) power of attorney in format as specified in Form-4 or resolution of board of directors in favour of person submitting bid in case of a firm or company, as the case may be;
  - (e) a copy of PAN card or TIN;
  - (f) a copy of address proof;
  - (g) e-mail address and mobile number;
  - (h) net worth certificate amounting rupees three crore in the last financial year in Form-20 duly certified by Chartered Accountant; and
  - (i) an undertaking for installing M-sand unit within eighteen months of grant of permit and for submitting keenness money of rupees two lacs.
- (v) If successful bidder fails to comply the provisions of clause (iv), bid security deposited shall be forfeited and shall be de-barred for five years in participating in further auction. In such case, bidding process shall be annulled and fresh e-auction shall be conducted;
- (vi) Bid security of the unsuccessful bidders shall be refunded by the agency appointed for auction, to the bidders concerned after deposition of first instalment of premium amount by the successful bidder;
- (vii) the Director after recording reasons in writing may debar the bidder for participating in e-auction due to any of the following reasons, namely:-
- (a) where the successful bidder does not deposits instalment or instalments of offered premium amount, security deposit, performance security or keenness money;
  - (b) where the bidder is found to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice during the auction process, or after the grant or execution of the mineral concession and there are sufficient reasons to believe that the bidder or his employee has been guilty of malpractices such as bribery, corruption, fraud, vitiating fair auction process;
  - (c) where the bidder or his partner or his representative is found guilty of misbehaviour with any officer or official of the Government connected with the mineral concession directly or indirectly; and
  - (d) where the bidder or his partner or his representative has been convicted by a court of law for offence involving moral turpitude arising out of the auction of mineral concession;
- (viii) the Director after debarring the bidder may blacklist the bidder for participating in future auctions for a period of five years after giving him a fifteen day's notice;
- (ix) upon completion of formalities mentioned in clause (iv) in case of e-auction and/ upon submission of application in case of application submitted by the Rajasthan State Mines and Minerals Ltd., hereinafter in this sub-rule referred to as the applicant, for grant of permit, the Mining Engineer or Assistant Mining Engineer shall issue a letter of intent to the successful bidder or the applicant, as the case may be,-

- (a) furnish the performance security equivalent to twenty five percent of bid security kept in e-auction in the form as mentioned in sub-rule (1) of rule 20 and submit approved mining scheme within six months from the date of issue of letter of intent;
  - (b) keenness money, where plot is auctioned for establishment of M-sand unit, of rupees two lacs in the form as mentioned in sub-rule (1) of rule 20 within twelve months from the date of issue of letter of intent; and
  - (c) obtain and submit all consents and approvals as may be required under applicable laws and deposit sixty percent of offered premium amount and security equivalent to twenty five percent of bid security kept in e-auction in the form as mentioned in sub-rule (1) of rule 20 within eighteen months from date of issuance of letter of intent;
- (x) the applicant or successful bidder, as the case may be, who did not comply with the conditions of letter of intent within the stipulated period of time, the competent authority shall reject the bid and forfeit the application fees, premium amount and performance security deposited, after providing an opportunity of being heard by issuing notice of thirty days;
- (xi) the permit shall be granted by the Mining Engineer or Assistant Mining Engineer concern, if the applicant or successful bidder, as the case may be, complies with the conditions of letter of intent within the stipulated period of time and applicant or successful bidder, as the case may be, shall be intimated by registered post and e-mail;
- (xii) Permit shall be subject to the following conditions, namely:-
- (a) the permit shall be granted for a period of ten years;
  - (b) the permit holder shall pay royalty of masonry stone as prescribed in schedule II, as amended, from time to time;
  - (c) the permit holder shall also pay surface rent of government land to the Revenue Department for surface area used by him for the purpose of removal of overburden, as per the rates prevalent in the area;
  - (d) the permit holder shall pay all dues in the office of such officer, in such manner, at such place and time as may be specified by the Government;
  - (e) the permit holder shall not erect, set-up or place any building or thing and shall 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;
  - (f) the permit holder shall not carry on his operations in a manner that would injure or prejudicially effect any buildings, works, property or rights of other persons and no land will be used by the permit holder for surface operations which is already occupied by persons

other than the Government for works or purposes not included in the permit;

(g) the permit holder shall commence removal of overburden within eighteen months from the date of grant of permit and thereafter carry on such operations effectively in a proper skilful and workman like manner for systematic, scientific and environment friendly so as to ensure systematic development, conservation of mineral, protection of environment and safety of man and machinery;

(h) the permit holder shall allow reasonable facilities for access to mineral concession holder of any land:

Provided that the directions of the Mining Engineer or Assistant Mining Engineer concerned shall be final and binding regarding any dispute about the approach road;

(i) the permit holder shall allow any officer authorized by the Central or State Government to enter upon any building, excavation or land comprised in the permit area for the purpose of inspecting the same and shall abide by the instructions issued by him;

(j) the permit holder shall pay such compensation as may be assessed by the 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 caused 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;

(k) the permit holder shall forth with report to the Mining Engineer or Assistant Mining Engineer concerned any accident which occurs at or in the said premises;

(l) the permit holder shall not disposed off any mineral not specified in the permit;

(m) the permit holder shall not, in the case of mines approach road or village roads (including any track shown in the revenue record as village road), allow any working to be carried on within a distance of ten meters of the outer edge of the cutting except with the previous permission of the Collector or any other officer duly authorized by the State or Central Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or specific, which may be attached to such permission;

(n) the permit holder shall not pay a wage less than the minimum wages prescribed by the Central or the State Government under the Minimum Wages Act, 1948;

(o) the permit holder shall not assign, sublet, mortgage or in any other manner transfer the permit or any right, title or interest therein without the previous consent in writing of Mining Engineer or Assistant Mining Engineer. If the permit holder wants to transfer the permit, he shall apply to Mining Engineer or Assistant Mining Engineer along with consent of transferee, affidavit of transferor and transferee regarding no-due, non-refundable application fee of

rupees two lacs. The Permit holder shall also submit transfer application in case of change of,-

- (I) one form of business organization to another form of business organization i.e. proprietorship, partnership, limited liability partnership, private limited company, public limited company or any form of business activities recognized by any law to another form of business organization;
- (II) change in partner of a partnership firm;
- (III) the transfer of shares in a company, resulting in the change of control of management or ownership right of the said company;
- (IV) merger or amalgamation of one company in to another company; and
- (V) change of a private limited company to limited company, as the case may be, within sixty days from the date of such change:

Provided that if the permit holder fails to intimate the above mentioned change within the specified time, same may be submitted on payment of late fee at the rate of rupees five hundred per day of delay, subject to maximum of rupees two lacs;

- (p) if the permit holder is convicted of illegal mining and there are no interim orders of any court of law suspending the operation of the order of such conviction in appeal pending against such conviction in any court of law, the Government may, without prejudice to any other proceedings that may be taken under the Act or the rules made thereunder, after giving such permit holder an opportunity of being heard and for reasons to be recorded in writing and communicated to the permit holder, terminate such permit and forfeit whole or part of the security;
- (q) the Mining Engineer or Assistant Mining Engineer concerned may, by an order in writing prohibit any operation in whole or part of the permit area, if in his opinion such operation is likely to cause premature collapse of any part of the workings or otherwise endanger the safety of persons employed therein, or there is danger as regards to outbreak of fire or flooding or such operations may cause damage to any property:

Provided that Mining Engineer or Assistant Mining Engineer concerned shall obtain prior approval or post facto approval within fifteen days, depending upon emergency, from the Superintending Mining Engineer concerned regarding instructions for prohibition of any operation in such area shall only be resumed with the prior written approval of Superintending Mining Engineer concerned;

- (r) the permit holder may erect on the area granted to him, any building required for bonafide purpose and such building shall be the property of the Government after the expiry of the permit or earlier determination of the permit;
- (s) the permit holder shall,-

- (I) keep accurate and faithful accounts of all minerals lying in overburden dump, the quantity dispatched and utilized along

- with the number of persons employed and record of rawanna issued;
- (II) keep production of all the minerals within the limits of mine scheme or permitted under applicable laws;
- (III) allow any officer of the department authorised by the Director to examine or audit records at any time and shall furnish such other information as may be required by him;
- (IV) furnish annual report of mineral used within three month from the date of expiry of the financial year;
- (V) not remove, dispatch or utilize the mineral from the permit area without valid rawanna generated by the system or issued by the department in Form-18 or any other system notified by the Government along with certificate of quality control laboratory; and
- (VI) store and maintain proper accounts of unutilized sub-grade minerals stored within the permit area;
- (t) the permit holder shall comply with the provisions of the Act and rules made thereunder including the rules made under section 18;
- (u) the Government or competent authority shall from time to time and at all times during the term of permit have the right (to be exercised by notice, in writing to the permit holder) of pre-emption of the said minerals (and all products thereof) lying in or upon the said land hereby demised or elsewhere under the control of the permit holder and the permit holder 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;
- (v) the permit holder shall have to deliver the possession of area of the permit, where the permit area is declared as a protected area under the Ancient Monuments Preservation Act, 1904 or any other similar law of the state, to the State Government without claiming any compensation;
- (w) The permit holder shall permit to the representative of the Government, to collect sample of all rocks found in the permit area or raised therefrom and all intermediate and finished products sold or intended to be sold by the permit holder;
- (x) the permit holder shall not use overburden for any purpose other than producing M-sand of IS Code 383:2016 in its own M-sand unit:  
 Provided that the material generated during processing in M-sand unit which is not saleable as M-sand may be dispatched with e-rawanna after paying royalty and other applicable payment;
- (y) the permits which are granted for establishment of M-sand unit, the permit holder shall establish the unit within eighteen months of grant of permit failing which the permit shall be cancelled with forfeiture of keenness and security money;
- (z) the permit holder shall establish a quality control laboratory at or near the M-sand unit for testing quality of M-sand being manufactured and dispatched:

Provided that quality of M-sand manufactured and dispatched shall be verified by National Accreditation Board for Testing and Calibration Laboratories (NABL) approved laboratory once in every

- three month and report shall be submitted to concerned Mining Engineer or Assistant Mining Engineer; and
- (aa) (I) On expiry of period of permit or complete removal of overburden whichever is earlier, the Mining Engineer or Assistant Mining Engineer shall take the possession of part permit area leaving the area of established M-Sand unit; and
- (II) In case of any breach on the part of the permit holder of any covenant or condition contained in the permit, the Mining Engineer or Assistant Mining Engineer may determine the permit with the prior approval of the Superintending Mining Engineer concerned and take possession of the said premises and forfeit the security deposit."

**[No. F.14(10)Mines/Gr.II/2018]**

**By order of the Governor,**

Om Kasera,

**Jt. Secretary to the Government.**

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**Government Central Press, Jaipur.**