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राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

Mines (Gr.II) Department
NOTIFICATION

Jaipur, June 25, 2018

G.S.R.57 .-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 (Third Amendment) Rules, 2018.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of rule 12.- In second proviso to rule 12 of the Rajasthan Minor Mineral Concession Rules, 2017, hereinafter referred to as the said rules, for the existing expression "private land, the landowner", the expression "khatedari land having an area more than four hectare, the khatedar" shall be substituted.

3. Amendment of rule 13.- In proviso to sub-rule (1) of rule 13 of the said rules, for the existing expression "landowners", wherever occurring, the expression "khatedars" shall be substituted.

4. Amendment of rule 14.- In rule 14 of the said rules,-

(i) in clause (ii) to sub-rule (4), for the existing expression "landowners", the expression "khatedars" shall be substituted; and

(ii) in sub-rule (8),-

(a) in clause (vi), for the existing expression "private land, upon conclusion of e-auction, the Mining Engineer or Assistant

Mining Engineer concerned shall issue a notice, within seven days, to the landowner”, the expression “khatedari land, upon conclusion of e-auction, the Mining Engineer or Assistant Mining Engineer concerned shall issue a notice, within seven days, to the khatedar” shall be substituted;

- (b) in clause (vii), for the existing expression “landowner”, wherever occurring, the expression “khatedar” shall be substituted;
- (c) in clause (viii), for the existing expression “landowner”, wherever occurring, the expression “khatedar” shall be substituted; and
- (d) in proviso to clause (viii), for the existing expression “landowners”, the expression “khatedars” shall be substituted.

5. Amendment of rule 16.- In clause (i) of sub-rule (2) of rule 16 of the said rules, for the existing expression “landowner within sixty days from date of issuance of letter of intent in case of private land”, the expression “khatedar within sixty days from date of issuance of letter of intent in case of khatedari land having an area more than four hectare” shall be substituted.

6. Amendment of rule 17.- In clause (i) of sub-rule (2) of rule 17 of the said rules, for the existing expression “landowner within sixty days from date of issuance of letter of intent in case of private land”, the expression “khatedar within sixty days from date of issuance of letter of intent in case of khatedari land having an area more than four hectare” shall be substituted.

7. Insertion of new rule 17A.- After the rule 17, so amended and before the existing rule 18 of the said rules, the following new rule 17A shall be inserted, namely:-

“17A. Grant of mining lease or quarry licence in khatedari land.- (1) Notwithstanding anything contained in these rules, mining lease or quarry licence in khatedari land shall be granted to khatedar concerned subject to payment of premium amount equivalent to five times of the annual dead rent or licence fee respectively. The premium amount shall not be adjusted against annual dead rent or licence fee, as the case may be.

(2) The maximum area shall be four hectare and minimum area shall be,-

- (i) in case of mining lease, one hectare; and
- (ii) in case of quarry licence, as per sub-rule (2) of rule 8.

(3) The premium amount shall be paid in five installments in following manner:-

- (i) first installment, twenty percent of the premium amount before the end of first financial year (i.e. 31st March) after execution of mining lease deed or issuance of quarry licence.

Explanation: For example, assuming that mining lease is executed in the month of November then first installment shall be paid before the end of March of subsequent year.; and

- (ii) second and subsequent three installments, twenty percent of the premium amount at the end of respective financial year;

(4) An application for grant of a mining lease or quarry licence shall be submitted online in Form-1 to the Mining Engineer or Assistant Mining Engineer concerned, with a non-refundable fee of rupees ten thousand.

(5) Every online application for grant of a mining lease or quarry licence shall be accompanied with scanned copy of following documents, namely:-

- (i) a copy of PAN card or TIN;
- (ii) a copy of driving licence or voter identification card or aadhar card for photo identity and address proof;
- (iii) a copy of partnership deed and firm registration certificate in case of partnership firm issued under the Indian Partnership Act, 1932 or Limited Liability Partnership Act, 2008 or a copy of memorandum of association, articles of association and certificate of incorporation in case of company registered under the Companies Act, 2013;
- (iv) a copy of resolution passed by the board of directors in favour of a person who is authorized to sign the application on behalf of the company;
- (v) a copy of registered power of attorney in favour of a person who is authorized to sign the application, on

behalf of the firm or association of persons where application is not signed by all the partners or persons as the case may be;

- (vi) a copy of nodues certificate from the Mining Engineer or Assistant Mining Engineer, concerned, if the applicant or his/her family member holds or has held any mineral concession or royalty or excess royalty collection contract in the State:

Provided that such certificate shall also be furnished by all the members of association of person or all the partners of the partnership firm or all the directors of the private limited company, in case the applicant is a association of person or partnership firm or a private limited company as the case may be. A nodues certificate shall also be submitted by the company or undertaking in case of limited company or Government undertaking as the case may be:

Provided further that where any injunction has been issued by the competent court or authority staying the recovery of the dues, non-payment thereof, shall not be treated as a disqualification for the grant of a mining lease or quarry licence:

Provided also that nodues certificate shall not be required where the applicant, partners of a firm, directors of the private limited company, members of association of persons, limited company or Government undertaking have furnished an affidavit to the satisfaction of the Government, stating that he/she/it or his/her family member does not or did not hold any mineral concession, royalty or excess royalty collection contract in the State.

- (vii) a copy of an affidavit giving particulars of areas already held by the applicant under mineral concession including the area held jointly with other persons, area applied but not granted and granted but not executed or registered;

- (viii) e-mail address and mobile number of an individual or all members of association of persons or firm or all partners of the partnership firm or company or

- all the directors of the company or Government undertakings, as the case may be;
- (ix) a recent passport size color photo of applicant and all the partners, members or directors in case the applicant is a firm or association of person or company, as the case may be;
- (x) a copy of plan and description report of the applied area with latitude and longitude in WGS 84 Datum of all the corner pillars of the applied area; and
- (xi) a copy of revenue details of the applied area with khasra naksha trace, khasra or araji number, jamabandi and extent of the area of the khasra or araji falling in the applied area along with superimposed map.
- (6) Every application submitted under sub-rule (4) shall be acknowledged, in Form -2, online at the time of submission of application.
- (7) Duly signed application along with self-certified documents as mentioned in sub-rule (5) shall be physically submitted to the Mining Engineer or Assistant Mining Engineer concerned, within a period of fifteen days from the date of its online submission and same shall be acknowledged by the office concerned.
- (8) Except otherwise provided in this rule, the provisions of rule 16 or rule 17, as the case may be, shall apply mutatis mutandis to the grant of mining lease or quarry licence, as the case may be, under this rule and decision on the application shall be communicated on registered address and e-mail of the applicant.
- (9) Where it appears that the application is not complete in all material particulars or is not accompanied by the required documents, the competent authority shall reject the application and forfeit the application fees and premium amount, after providing an opportunity of being heard by issuing notice of thirty days.
- (10) In case of any auction conducted or being conducted or any mining lease or quarry licence granted in pursuant to notice inviting bid published before commencement of the Rajasthan Minor Mineral Concession (Third Amendment) Rules, 2018, the provisions of this rule shall not apply.”

8. Amendment of FORM-1.- In FORM-1 appended to the said rules,-

- (i) for the existing expression “APPLICATION FOR MINING LEASE [See rule 4(2)]”, the

- expression "APPLICATION FOR MINING LEASE/QUARRY LICENCE [See rule 4(2) and 17A(4)]" shall be substituted;
- (ii) in serial number 1, for the existing expression "mining lease", the expression "mining lease/quarry licence" shall be substituted;
- (iii) in serial number 2, for the existing expression "rule 4(2)", the expression "rule 4(2) and 17A(4)" shall be substituted;
- (iv) in serial number 8(a), for the existing expression "rule 4(3)(x)", the expression "rule 4(3)(x) and 17A(5)(x)" shall be substituted; and
- (v) in serial number 8(b), for the existing expression "rule 4(3)(xi)", the expression "rule 4(3)(xi) and 17A(5)(xi)" shall be substituted.

9. Amendment of FORM-2.- In FORM-2 appended to the said rules,-

- (i) for the existing expression "MINING LEASE [See rule 4(5)]", the expression "MINING LEASE/QUARRY LICENCE [See rule 4(5) and 17A(6)]" shall be substituted; and
- (ii) for the existing expression "the mining lease from", the expression "the mining lease/quarry licence from" shall be substituted;

[No. F.14(9)Mines/Gr.II/2015-Pt.-II]

By Order of the Governor,

Lalit Kumar,

Joint Secretary to the Government.

Government Central Press, Jaipur.