

THE HIMACHAL PRADESH MINOR MINERALS (CONCESSION)
REVISED RULES, 1971

CHAPTER-I
PRELIMINARY

1. SHORT TITLE:

These rules may be called the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.

2. DEFINITION:

In these Rules, unless the context otherwise requires:-

- a) "Act," means the Mines and Minerals ¹[Development and Regulation] Act., 1957.
- b) "Minor Mineral" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, boulder, shingle, chalcedony pebbles used for ball mill purposes only, limeshell, kankar and limestone used in kilns for manufacture of lime used as building material, murrum, brick-earth, fuller's earth bentonite, road metal, rehmatti, slate and shale when used for building material, quartzite and sand stone when used for purposes of building or for making road metal and household utensils, ²[quartzite pebbles used for ball mill purposes or filling for bore wells or for decoration purposes in buildings] and any other mineral which the Central Govt. may by Notification in official Gazette, declare to be a minor mineral under Clause (e) of section 3 of the Act,;
- c) "Building Stone" includes sand-stone, quartzite, schists, limestone, bajri, marble, dolomite, slate and shale when used as building material;
- d) "Department" means the Industries Department of Himachal Pradesh;
- e) "Director" means the Director of Industries, Himachal Pradesh;
- [ee] ³ "Gram Sabha means the established under section-4 of the Himachal. Pradesh Panchayati Raj Act,1994.
- f) "Government" means the Government of Himachal Pradesh;
- g) "Mining Lease" means a lease to mine, quarry, bore, dig and search for win, work and carry away any minor mineral specified therein;
- [gg] ³ "Panchayat means the Panchayat as defined in clause (20) of the Himachal. Pradesh Panchayati Raj Act, 1994.
- h) "Presiding Officer" means the Director or any other officer nominated or authorised by him for holding auction/calling tenders for contracts.

1. Substituted by MM (RD) Amendment Act., 1999 vide Government of India, Ext.Part II, Section-1, No.51 dated 20-12-1999(38 of1999).

2. Inserted by Government of India vide Notification No.G.S.R.786 (E) dated 23-08-1989.

3. Inserted by Government of India vide Notification No. Ind.B (F) dated 10-04-1994-ii loose (1) dated 25.-06-03

- i) "Short term permit" means a permit granted by the Director to extracts, a certain quantity of mineral for the period specified in the permit;
- j) "Contract," means a contract, given on behalf of the Government to carry, win, work and carry away any mineral specified therein through open auction or by inviting tenders for certain specified areas, notified by the Director;
- k) "Contract, or" means a person or a party holding a contract, under these rules;
- l) "Schedule" means a Schedule appended to these rules;
- m) "Form" means a form appended to these rules;
- n) "Mining Officer" means an officer appointed by the Government to ensure enforcement of minerals rules and regulations at district level, holding charge of one or more districts;
- o) ¹["Lessee", when used in relation to a mine, means a person to whom the lease has been granted by the Government, his transferee or assignee and in case of a mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver, and in case of a mine owned by a company, the business whereof is being carried on by a managing agent, such "Managing Agent."]
- p) ²["Local Authority" means the Deputy Commissioner of the District or any other officer authorised by the State Government to exercise the powers of Local Authority for the purpose of these rules.]
- q) "Scheduled areas" means the Scheduled Areas as referred to in clause (1) of article 244 of the constitution of India."

3. EXEMPTION:

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

- i) Extraction of ordinary clay or ordinary sand by hereditary kumhars who prepare earthen pots on a cottage industry basis, whose turnover during a year does not exceed five thousand rupees.
- ii) ³[extraction of masonry stones, ordinary clay and any other minor mineral by the right holders, in accordance with their rights recorded in the Wajib-ul-arz from the areas which are not occupied by any lessee or contract or, for their bonafide personal requirements, when such extraction is made under a permit, valid for two months issued by the Director of Industries or any person authorised by him in this behalf: }

¹ Inserted by Government of H. P. Notification, No13-3/70-SI(MM) dated14-03-1975.

².ibid

³.Substituted by Government of H.P.Notification, No13-3/70-SI (MM) dated14-03-1975.

Provided that excavation of limestone or kankar from the area which are not occupied by a contract or or lessee, maybe made by the members of scheduled castes, scheduled tribes and backward classes whose monthly income does not exceed Rs. 150 per month and also the persons who want to build Dharamsala, Piao or other building for charitable or philanthropic purposes, under a permit, valid for two months, issued by the Director or any person authorised by him in this behalf on payment of five rupees.

3A. (1) PROCEDURE FOR QUARRYING OF MINOR MINERALS BY GOVERNMENT:

An application for the grant of a permit for quarrying of any minor mineral by any department of the Government, from the land belonging to Government for the construction of any work by it, by engaging its own labour, shall be made by any officer of the department concerned, not below the rank of Class II officer to the Director of Industries or any other officer authorised by him in his behalf ;

- a) provided that no application fee or court fee shall be payable on the application made under sub-rule (1) by such Government Departments; and
- b) that no royalty shall be charged for the removal of any mineral for which a permit has been, thus, granted” Provided that the mineral is extracted departmentally for the bonafide departmental construction and all the area acquired by the departments concerned.

Note:- No private contractor executing the departmental work shall be exempted from the payment of application fee and court fee on minerals supplied by him under contracts of work entered into by him with the concerned department.

4. SUPPLY OF MINERALS TO CONSUMERS:

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

Note :- For purposes of sub-rule (ii) of rule 3 and rule 4, the Mining Officer concerned shall be the authority to decide whether a consumer is excavating the minor minerals for his personal bonafide use or not.

1. Substituted by Government of H.P. Notification, No13-3/70-SI (MM) dated14-03-1975

CHAPTER-II

GRANT OF MINING LEASES/CONTRACTS/SHORT TERM PERMITS IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT

A. GRANT OF MINING LEASES

5. RESTRICTION ON GRANT OF MINING LEASE: -

- 1) No mining lease shall be granted in respect of land within a distance of 60 metres from any village or ¹[town], national highway, except on special exemption by the competent authority.

²[Provided that if the persons affected raise any objection to the location of any mining lease, whether within or beyond the 60 metres laid down above, such objections shall be fully heard and considered by the Director or any authority, subordinate to him, to whom he may delegate his powers, and before granting the lease the objection shall be disposed of after the due examination.]

³[Provided further that objections are in respect of any existing mining lease, it shall not be renewed before disposing of the objections.]

- 2) No mining lease shall be granted in respect of any such minor mineral as the Government may notify in this behalf. Such Notification may be for the whole of Himachal Pradesh or any part thereof.
- 3) No mining lease shall be granted to a person who does not hold a certificate of approval from the Director.
- 4) ⁴[No mining lease shall be granted to a person in a scheduled area without the prior recommendation of the Gram Sabha or Panchayat concerned.]

6. CERTIFICATE OF APPROVAL:

(1) Any person who is an Indian National shall on payment of a fee of ⁵[Rs. 500/-] be entitled to obtain a certificate of approval from the Director or an officer authorised by him. The application for certificate of approval shall be submitted to the Director or an officer authorised by him in form 'A'. An affidavit shall be obtained from the applicant of his being an Indian National.

(2) The Director may, with the previous approval of the Government, grant a certificate of approval to any person who is not an Indian National, on payment of fee, specified in Sub-Rule-(1).

(3) A certificate of approval shall be in Form 'B' and shall be valid up to 31st of December of the year in which it is granted.

““ Provided that a certificate granted in the last quarter of a year shall be valid until the 31st day of December of the year next following”

1. Inserted by Government of H. P. Notification, No 13-3/70-SI (MM) /II dated 14-03-1975.

2. ibid

3. ibid

4. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4-94 II dated 25-06-1999.

5. Substituted by Government of H. P. Notification, No Ind-11 (F) 6-5-2006 dated 08-10-2008.

- (4) A Certificate of approval shall be renewed by the competent authority if a renewed fee of Rs. ¹[500/-] is paid and an application for its renewal is submitted before the date of expiry of the certificate.
- (5) Where a certificate of approval is not granted or renewed to any person, the fee paid by the applicant shall be refunded to him.

Explanation: - For purpose of sub-rule(1) a lessee shall be deemed to be an Indian National-

- a) in the case of a public company as defined in the Companies Act., 1956, only if a majority of the Directors of the Company are citizens of India and not less than fifty-one percent of the share capital thereof is held by persons who are either citizens of India or companies as defined in the said Act,;
- (b) in the case of a private company as defined in the said Act., only if all the members of the company are citizens of India;
- (c) in the case of a firm or other association of individuals, only if all the partners of the firm or members of the association are citizens of India; and
- (d) in the case of an individual, only if he is a citizen of India; and if any question arises as to whether a person is an Indian national or not, it shall be referred to the Central Government whose decision shall be final.

7. APPLICATION FOR MINING LEASE :

An application for a mining lease shall be made to the State Government through the Director or any other officer authorised by Government in this behalf, in form 'C' and shall contain the following particulars:-

- (a) (i) if the applicant is an individual, his name, nationality, profession and residence;
- (ii) if the applicant is a partnership firm, a company or an association or body of individuals, whether incorporated or not, its name, nature and place of business and place of registration or incorporation;
- (b) name of the minor mineral or minor minerals for which the applicant intends to obtain the lease;
- (c) a ²[correct] description, illustrated by a map or plan showing ³[Omitted] the situation, boundaries and area of the land in respect of which the lease is required and where the area is un-surveyed, the location of the area should be shown by some permanent physical features, roads, tanks, etc. the period for which the lease is required and the purpose for which the extracted minor minerals are to be used;
- (d) Certified copy of statement from the department showing dues outstanding, if any, against the applicant.
- (e) In the case of private land not owned by the applicant an affidavit to the effect that applicant has obtained surface rights or consent of the concerned land owner(s) for carrying out the mining operation.

1. Substituted by Government of H P Notification, No Ind-B (F) 10-4-94-II dated 25-06-1999. Amended 8-10-2007.

2. Inserted by Government of HIMACHAL PRADESH Notification, No13-3/70-SI (MM) dated 14-03-1975.

3. Omitted ibid.

8. APPLICATION FEE :

Every application for the mining lease shall be accompanied by:

- i) A non refundable fees of Rs¹ [5000/] =
- ii) Omitted
- iii) An income-tax clearance certificate from the Income-Tax Officer concerned;
- iv) A certificate of approval in Form 'B'.

9. ACKNOWLEDGEMENT OF APPLICATION:

- 1) Where an application for grant or renewal of a mining lease is delivered personally, its receipt shall be acknowledged forthwith.
- 2) When such application is received by registered post, its receipt shall be acknowledged within three days of the receipt.
- 3) The receipt of every such application shall be acknowledged in form "D".

9A. ³ [Omitted.]

9B. Omitted

10. PRIORITY:

- (1) Priority in granting mining lease shall be given to the following:-
 - (i) First priority shall be given to the discoverer of the new mineral;
 - (ii) Second priority shall be given to a person who intends to set up a mineral-based industry in the State; and
 - (iii) Third priority shall be given to a Co-operative Society.

1. Substituted by Government of HIMACHAL PRADESH Notification, No Ind-B (F) 10-4-94-ii dated 25-06-1999.

2. ibid

3. Omitted by Government of HIMACHAL PRADESH Notification, No Ind-vi(F) 12-17-78 part dated 29-07-1997.

4. ibid

Provided that where two or more persons of the same category have applied for a mining lease in respect of the same land, the applicant whose application is received earlier shall have a preferential right for the grant of the lease over an applicant whose application is received later;

Provided further that where such applications are received on the same day, the Government after taking into consideration the matters specified in sub-rule (2), may grant mining lease to such one of the applicants as it may deem fit.

- (2) The matters referred to in the second proviso to sub-rule (1) shall be the following namely:-
- (a) Experience of the applicant in mining;
 - (b) Financial soundness, stability and special knowledge of geology and mining of the applicant;
 - (c) Special knowledge of geology and mining of the technical staff already employed or to be employed for the work;
 - (d) clearance of Government dues and royalties where the applicant has been engaged in the mining business previously; and
 - (e) Satisfactory performance of the applicant where he has been engaged in the mining industry previously.
- (3) The Government, may for special reasons to be recorded in writing, grant a mining lease to an applicant whose application is received later in preference to an applicant whose application is received earlier.
- (4) The State Government may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a mining lease over the whole or ¹[over a part of the area] applied for.

11. REGISTER OF MINING LEASE:

A register of mining leases shall be maintained in the office of the Mining Officer concerned in Form 'E'.

12. INSPECTION OF REGISTER :

The register of mining leases shall be open to inspection by any person on payment of the following fee:

- i) ² [Rs. 50/] - for the first hour or part thereof;
- ii) ³ [Rs. 20/] - per hour or part thereof for subsequent hours.

1. Substituted by Government of H. P. Notification, No 13-3/70-SI(MM-II/dated14-3-1975.

2. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4-94 II dated 25-06-1999.

3. ibid

13. AREA OF MINING LEASE:

- 1) A Mining lease may be granted for such area as the Government may deem fit. "Provided that in respect of leases for River/Stream bed mining, leases over larger area of ten hectare or above shall be given priority for setting up of stone crushers and for free sale of minor mineral leases up to five hectare shall be granted.
- 2) No lessee by himself or with any person joint in interest with him shall ordinarily hold in aggregate more than 5 square kilometres of area under lease in respect of one minor mineral within Himachal Pradesh.
Provided that at the time of the renewal of the lease, the lessee shall be entitled to surrender any part of the area.

14. LENGTH AND BREADTH OF THE AREA LEASED:

- 1) The area held under a mining lease, shall be rectangular as far as possible and length shall not exceed four times its breadth:
"Provided that the Government may in any particular case relax the provisions of this rule."
- 2) An application for a mining lease shall relate to one compact, area only.
"Provided that if the State Government is of the opinion that in the interest of the development of any mineral, it is necessary to do so, it may for reasons to be recorded in writing allow the grant of mining lease in relation to any area which is not compact, or contiguous."

15. 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.

16. SECURITY DEPOSIT:

The applicant shall deposit as security a sum of²[25000/Rs]For an area up to ten hectares and where the area involved is more than ten hectare, an additional security based on pro rata basis for additional area, in the shape of fixed deposit receipt(FDR) duly pledged in favour of the Director".

16A. ³[REFUND OF SECURITY]:

On such date as the Government may elect within twelve calendar months after the determination of mining lease, ⁴[Omitted] the amount of the security deposit paid in respect of mining lease and then remaining in deposit with the Government and not required to be applied to any purpose, mentioned in the mining lease, shall be refunded to the lessee(s). No interest shall run on the security deposit.

17. TRANSFER OF MINING LEASE:

The lessee, may, with the previous sanction of the Government assign, sublet or transfer his lease or any right, title or interest ¹[therein] to any person or body directly undertaking mining operation, holding a valid certificate of approval on payment of a fee of Rs. ²[25000/-] to the Government.

1. Substituted by Government of HIMACHAL PRADESH Notification, No Ind-B (F) 13-3/70-SI()MM-II dated 14-3-1975.

2. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4-94 II dated 25-06-1999/8-10-07.

3. Inserted by Government of H. P. Notification, No Ind-B (F) 13-3/70-SI()MM-II dated 14-3-1975.

4. Omitted Ibid..

5. Inserted by Government of H.P. Notification, No Ind-II (F) 6-6-2004- dated10-6-04.

18. PERIOD OF LEASE:

- 1) The period for which ¹[the mining lease may be granted shall not exceed five years in the first instance]. The mining lease may be renewed for one or two periods not exceeding the period for which the mining lease was originally granted.
- 2) The application for renewal of the mining lease shall be made in Form 'C' before one year of the expiry of the lease and upon payment of a non refundable fee of Rs. ²[5000/-]. This renewal will be subject to the Government being satisfied that the mines have been developed by the lessee and that the substantial investments in machinery, equipments have been made by him and that the mines have been worked and developed in a scientific manner and that the lessee has been paying the Government dues regularly under the rules.
- 3) When a renewal is granted, dead rent, royalty and surface rent shall be charged at the rates in force at the time of renewal.

19. LEASE TO BE EXECUTED WITHIN 6 MONTHS :

Where a mining lease is sanctioned, the lease deed in Form "F" shall be executed within three months of the order sanction of the lease and if the lease is not executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked and the application fee shall be forfeited to the Government.

Provided that where the Government is satisfied that the applicant for the lease is not responsible for the delay in the execution of the lease deed, the Government may permit the execution of the lease deed after the expiry of the aforesaid period of three months. The currency of lease shall be considered from the date of execution of lea

20. ROYALTIES IN RESPECT OF MINING LEASES:

- 1) The holder of a mining lease granted before the commencement of these rules, shall, notwithstanding anything contained in the instrument of lease or in any law in force at such commencement, pay royalty in respect of any mineral removed by him from the leased area after such commencement, at the rates for the time being specified in the First Schedule in respect of that minor mineral.
- 2) The Government may by Notification in the Official Gazette amend the First, Second and Third Schedule so as to enhance or reduce the rate at which the royalty shall be payable in respect of any minor mineral with effect from such date as may be specified in the Notification, either in respect of the whole State or any specified area.
- 3) ³[Omitted]

1. Substituted by Government of H. P. Notification, No Ind-B (F) 13-3/70-SI (MM-II dated 14-3-1975.

2. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4/94 - II dated 25-06-1999.

3 Omitted by Government of H. P Vide Notification No 08-38/74-31(MM)-dated 23-3-1978

21. CONDITIONS OF MINING LEASE:

1) Every mining lease shall be subject to the following conditions:-

i) (a) the lessee shall pay royalty on minor minerals despatched from the leased area at the rate specified in 1st Schedule. ¹[The lessee shall also pay for every year, such yearly dead rent within the limits specified in II Schedule as may be fixed from time to time by the State Government and if the lease permits the working of more than one mineral in the same area, the Government may charge separate dead rent in respect of each minor mineral.

“ Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral whichever be higher in amount but not both.

(b) for calculating the royalty, the lessee shall submit monthly returns in form 'G' to the Director and also to the other officers as specified in the lease deed.

²[c] The lessee shall pay royalty in advance for the material to be removed from the leased area according to First Schedule. However, as and when the limestone is supplied by the lessee to the Industries other than lime-kiln, royalty shall be paid by the lessee for lime as major mineral, whichever is more.]

³[d] Where a mining lease granted or renewed under these rules subsists or a new lease is granted or renewed, the lessee shall have to pay in addition to the royalty/dead rent, the surface rent at the rate of Rs⁴[200/- per acre.]

ii) Discovery of the other minerals:

(a) The lessee shall report to State Government the discovery in the leased area of any mineral not specified in the lease within thirty days of such discovery;

(b) if any mineral not specified in the lease is discovered in the leased area, the lessee shall not win and dispose of such mineral unless a separate lease is obtained therefor.

(iii) Foreign National not to be employed:- Except with the prior approval of the State Government, the lessee shall not employ in connection with the mining operations any person who is not an Indian National.

(iv) Mining operations to commence within two months:- Except where the State Government, for sufficient reasons, permits otherwise, the lessee shall commence mining operations within two months from the date of execution of the lease deed and shall thereafter conduct such operations without deliberate intermission in a proper, skilful and workman like manner.

1. Substituted by Government of H. P Notification, No Udyog (chh) 12-11/81 dated 5-10-1982.

2 Added Ibid

3. Inserted by Government of H. P Notification, No Ind-B (F) 10-4/94- II dated 25-06-1999/8-10-07.

4. Inserted by Government of H.P Notification No Ind-ii(F) 06-05/2006 dated 08-10-07.

Explanation:- For the purposes of this rule, mining operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the working of the mine.

- v) Erection and maintenance of boundary marks:- The lessee shall at his own expense erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease.
- vi) Maintenance of correct accounts of minerals:-
The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained and dispatched from the mine, giving mode of transport, registration number of vehicle, person in-charge of vehicle or animal and nature and quantity of minerals carried, the price and all other particulars of all sales of minerals, the number and nationality of persons employed therein, and complete plans of the mine, and shall allow any officer authorised by the Central or the State Government in this behalf to examine at any time any accounts, plans and records maintained by him and shall furnish to the Central Government or the State Government or any officer authorised by either, in this behalf, such information as may be required.
- vii) Maintenance of record of trenches, pits etc.:-
The lessee shall keep accurate records of all trenches, pits and drillings made by him in the course of mining operations carried on by him under the lease and shall allow any officer authorised by the Central or the State Government to inspect the same. Such records shall contain the following particulars, namely :-
 - a) the sub-soil and strata through which such trenches, pits or drillings pass;
 - b) any mineral encountered;
 - c) such other particulars as the Central or the State Government may, from time to time, require.
- viii) The lessee shall not carry on, or allow to be carried on any mining operations at any point within a distance of 75 metres from any railway line or bridges except under and in accordance with the previous written permission of the Railway Administration or the department concerned or 60 metres from National Highway or 50 metres from any reservoir, tank, canal, roads or other public works or buildings or inhabited sites except under and in accordance with the previous permission of the Government. The Railway Administration or the Government may, in granting such permission, impose such conditions as it may deem fit:
“ Provided that except in cases of ordinary sand, no mining operations shall be carried on within 50 metres of any river banks

1. Substituted by Government of H. P Notification, No Udyog (chh) 12-11/81 dated 5-10-1982.

- ix) The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein and a complete plan of the mine and shall allow any officer authorised by the Central or State Government in that behalf, to examine at any time any account and records maintained by him, and shall furnish the Central or State Government with such information and returns as it may require.
- x) (a) The lessee shall allow existing and future licences or lease holders or contractors of any land which is comprised in or adjoins or is reached by the land, held by the lessee, reasonable facilities for access thereto.
(b) The lessee shall allow any officer authorised by the Government or the Central Government to enter upon any building excavation or land comprised in the lease for the purpose of inspecting the mines and to abide by such instruction which may be issued by the Inspecting Officers from time to time for scientific working and conservation of minerals.
- xi) The lessee shall:-
 - (a) submit by the 10th of every month to the Director and also to other officer(s) specified in the lease deed, a return in Form 'G' giving the total quantity of minor mineral(s) raised and despatched from the leased area in the preceding calendar month and its value;
 - (b) also furnish by the 15th April, every year to the Director and the other officer(s) specified in the lease deed, a statement giving information in Form 'H' regarding quantity and value of minor mineral(s) obtained during the last financial year, average number of regular labourers employed (men and women separately), number of accidents, compensation paid and number of days worked separately.
- xii) The lessee shall strengthen and support to the satisfaction of the Railway Administration or the Government as the case may be, any part of the mine which in its opinion requires such strengthening or support for the safety of any railway, bridge, national highway, reservoir, tank, canal, road or any other public works or buildings;
- xiii) If the lessee does not allow entry or inspection under clause (x) the Government may cancel the lease and forfeit in whole or in part the security deposit, paid by the lessee under rule 16.
- xiv) The Government shall from time to time and at all times during the term of the lease have the right (to be exercised by notice in writing to the lessee) of pre-emption of the said minor minerals and all products thereof lying in or upon the said lands hereby demised or elsewhere under the control of the lessee and the lessee shall deliver all minor minerals or products thereof to the Government at current market rates in such quantities and in the manner at the places, specified in the notice exercising the said right;

- xv) The Government may by giving two months' prior notice in writing determine the lease if the Government considers that the minor mineral(s) under the lease is required for establishing an industry beneficial to the public:
Provided that in the state of national emergency or war the lease may be determined without giving such notice;
- xvi) The Government shall have the right to determine the lease after serving a notice on the lessee to pay the dues within thirty days from the date of receipt of the notice. If the dead rent or royalty or surface rent reserved or made payable by the lessee is not paid within fifteen days next after the date fixed in the lease for payment of the same, Government or any other officer authorised by it in this behalf may also at any time after serving the aforesaid notice, enter upon the said premises and distrain all or any of the minor minerals or movable property therein and may carry away, detain or order the sale of the property so distrained, or so much of it as will suffice for the satisfactions of the rent or royalty due and all costs and expenses occasioned by the non-payment thereof. All immovable and movable property erected in the leased area shall become the property of the Government after expiry of the lease.
- xvii) The lessee shall immediately give to :
- 1) The Chief Inspector of Mines, Government of India, Dhanbad;
 - 2) The Director, Indian Bureau of Mines, Government of India, Nagpur;
 - 3) The District Magistrate of the District in which the mine is situated _____ a notice in writing in Form "I" as soon as :-
 - (a) The workings in the mine extend below superjacent ground; or
 - (b) the depth of any open cast excavation measured from its highest to the lowest point reaches six meters; or
 - (c) The number of persons employed on any day is more than 50; or
 - (d) Any explosives are used.
- (xviii) When mining lease is granted by the Government arrangements shall be made, if necessary, at the expense of the lessee, for the survey and demarcation of the area granted under the lease. The lessee shall have to bear Actual expenses of the staff deputed for the work. Actual expenses shall include travelling allowance, daily allowance and salary of the staff plus 10 per cent as instruments charges.
- (2) The mining lease may contain such other conditions as the Government may deem necessary in regard to the following, namely:-
- i) the time limit, mode and place of payment of rents and royalties;
 - ii) the compensation for damage to the land covered by the lease;
 - iii) the felling of trees;

- iv) the restriction of surface operations in any area prohibited by any authority;
- v) the notice by lessee for surface occupation;
- vi) the facilities to be given by the lessee for working other minor minerals in the leased area or adjacent areas;
- vii) the entering and working in a reserved or protected forest;
- viii) the securing of pits and shafts.
- ix) the reporting of accidents;
- x) the indemnity of Government against claims of third parties;
- xi) the maintenance of sanitary conditions in the mining area;
- xii) the forfeiture of property left after determination of the lease;
- xiii) the delivery of possession over lands and mines on the surrender, expiration or determination of the lease;
- xiv) the power to take possession of plant, machinery, premises and mines in the event of war or emergency;
- xv) the mode and arrangement of transport of mineral from the leased area within the territory of Himachal Pradesh.
- xvi) no boulders, cobbles and hand broken ballast shall be transported outside the state.

(2-A) No mechanical mining through mechanical excavator including any other earth moving machines like J.C.B, Buldozer, Pocklain, Loders etc. shall be carried out in River or Stream Bed by the lease holder or permit holder or contractor as the case may be:

“Provided that where in the interest of mineral development scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of the minerals from the river or stream bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area by recording the reasons in writing may grant by an order, such permission on certain conditions as he deems fit. Lessee or contractor or permit holder as the case may be seeking such permission shall deposit a sum of Rs.50, 000(fifty thousand) as security. Any violation of terms and conditions while granting such permission shall result in forfeiture of security.

(3) The mining lease may contain any other special conditions as may be specified by the Government.

(4) (i)Every applicant shall submit Working cum Environment Management Plan for approval of State Geologist within a period of three months or such period as may be allowed by him not exceeding six months, from the date of issuing of the grant order:” Provided that further permission from

Government is required after six months.

(ii) The Working cum Environment Management Plan shall be prepared by a person holding qualifications as explained in Rule-22, B(2) of Mineral Concession Rules, 1960 and should be registered with the Geological Wing of Department of Industries, Himachal Pradesh.

(iii) The working cum Environment Management Plan shall be duly approved by the Authority, authorised for approval of mining plans under 22(4A) of Mineral Concession Rules, 1960.

(iv) The security deposited under rule 16 of Himachal Pradesh Mineral (concession) Revised Rules, 1971, shall stand forfeited if Working cum Environment Management Plan is not approved within prescribed period unless he gets a written permission from the state Geologist/Government for its late submission and

(v) The lease deed shall only be executed after submission of working cum Environment Management Plan.

22. RIGHTS OF LESSEE:

Subject to the condition mentioned in Rule 21, the lessee, with respect to the land leased to him, shall have the right for the purpose of mining operations on that land to:

- i) work the mine;
- ii) sink pits and shafts and construct buildings and roads;
- iii) erect plant and machinery,
- iv) quarry and obtain building and road materials and make bricks but not for sale,
- v) use water and take timber,
- vi) use land for stacking purposes,
- vii) do any other things specified in the lease.
- viii) to sell sand, river borne bajri and crusher dust from the lease granted for the establishment of stone crusher.

23. RIGHT TO DETERMINE LEASE:

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

B. GRANT OF SHORT TERM PERMITS

24. GRANT OF QUARRYING PERMITS:

- i) Except where otherwise provided in these rules, the Director or any other officer, authorised by him in this behalf may grant permit in Form "J" from any specified land not leased to any body within the limits of the Himachal Pradesh for any minor mineral not exceeding the quantity as may be specified under any one permit on payment of such royalty as shown in the First Schedule to these Rules.

Provided that the Director may refuse to grant such permits for reasons to be recorded in writing.

Provided further that the Director or any other officer authorised by him in this behalf shall grant short term permit to any person in the Scheduled area of the state, only after receiving due recommendation of the Gram Sabha or Panchayat concerned.

- ii) Restriction on grant of mining permit :- No mining permit shall be granted to a person who is not an Indian National for a period of more than six months.

25. APPLICATION FOR QUARRYING PERMITS :

¹[1] An application for the grant of quarrying permit shall be made to the Director or any other officer authorised by him in this behalf. It shall bear Court fee stamp of one rupee and shall contain the following particulars:

- j) name, address and the profession of the applicant;
- ii) quantity of the minor mineral(s) for which permit is required;
- iii) name of the minor mineral(s) to be extracted and removed;
- iv) description i.e. name of village(s), area and Khasra Nos. of the land from which the minor mineral is to be extracted and removed;
- v) Purpose for which the minor mineral is to be used;
- vi) Number of labourers to be employed.

²[2] Every application for quarrying permit, if the lands from which the minor minerals is to be extracted, are occupied lands, be accompanied by a letter from the occupant of such lands to the effect that he has no objection to the extraction of the minor mineral by the applicant.

³[3] Every application shall be accompanied by a fee of Rs. 50/- in respect of each minor mineral. Where the application for a quarrying permit is refused the fee shall be refunded.

1. Inserted vide Government of H. P Notification, No. 13-3/70-SI (MM) II dated 14-3-75.

2. ibid

3. 1bid.

26. CONDITIONS ON WHICH THE QUARRYING PERMIT SHALL BE GRANTED:

- (a) Every quarrying permit granted under these rules shall contain a condition that the depth of the pit below the surface shall not exceed three feet.
- (b) Any quarrying permit granted under these rules may contain such other conditions as the officer granting the permit may deem necessary in regard to the following :-
- 1) the limit mode and place of payment of rates and royalties;
 - 2) compensation of damage to the land covered by the permit;
 - 3) felling of trees;
 - 4) restriction of surface operations in any area prohibited by any authority;
 - 5) entering and working in any reserved or protected forest;
 - 6) reporting all accidents;
 - 7) indemnity to Government against claim of third parties;
 - 8) period within which the minor mineral shall be extracted and removed and Delivery of possession over lands on the expiry of such period or on removal of the quantity of the minor mineral for which the permit is valid;
 - 9) deposit of security under Head "Revenue Deposits - Security Deposits" for due fulfilment of the conditions of the permit; and
 - 10) release of security by the authority issuing permit after having satisfied that the permit holder has fulfilled all the conditions of the permit satisfactorily;
 - 11) proper maintenance and clearance of the road where the quarries are located on the road-side;
 - 12) responsibility to safeguard the water pipe, electric poles and wiring and other public property on the area covered under the permit and in vicinity of the same
 - 13) no mechanical mining through mechanical excavator including any other earth moving mechanics like J.C.B, Buldozer, Pocklain, Loders etc. shall be carried out in River or Stream Bed by the lease holder or permit holder or contractor as the case may be:
"Provided that where in the interest of mineral development scientific mining, eco- system and public, if it is felt that permission for mechanical excavation of the minerals from the river or stream bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area by recording the reasons in writing may grant by an order, such permission on certain conditions as he deems fit., lessee or

contractor or permit holder as the case may be seeking such permission shall deposit a sum of Rs.50,000(fifty thousand)as security. Any violation of terms and conditions while granting such permission shall result in forfeiture of security.

- 14) the Power project Companies or promoters, as the case may be, shall not carry out any mining Activity in the project areas falling in River or Stream Bed, Each project seeking mineral concessions shall identify captive mining area different from the project area falling in River or Stream Bed, for which mineral concessions after observing all codal formalities shall be granted. Each Power Project shall be liable to pay royalty for the use of various kinds of mineral as may be fixed by the Government from time to time:

“Provided that in the exceptionally inevitable situations where such projects require extraction of sand from River or Stream Bed falling in Project area. Mineral concessions shall be granted with the prior approval of Government only.”

27. FORFEITURE OF PROPERTY LEFT AFTER CANCELLATION OF THE PERMIT:

In case of breach of any of the conditions subject to which the permit has been granted the Director or the authority issuing the permit, may cancel it. On cancellation of the permit, the quarried materials lying on the land from which they are extracted shall become absolute property of the Government.

C. GRANT OF CONTRACTS

28. GRANT OF CONTRACTS BY AUCTION OR TENDER :

- (1) Contracts may be granted by the Government by auction or tender for a maximum period of five years but not less than three years after which no extension shall be granted.
- (2) The amount to be paid annually by the contractor to the Government shall be equally proportionate to the period of auction/tender and shall be payable in equal quarterly instalments in advance.
- (3) No tender/auction/contract shall be considered accepted unless approved by the Government.” Provided that no tender or auction or contract as the case may be, regarding exploitation of minor minerals in scheduled areas of the State shall be considered by the Government for acceptance unless recommended by Gram Sabha or Gram Panchayat or Panchayat Smity or zila Parishad,as the case may be.
- (4) In the event of grant of contract,, the party shall not be permitted to withdraw his application and in so doing the party will be liable to forfeiture of earnest money and

security.

- (5) No mechanical mining through mechanical excavator including any other earth moving mechanics like J.C.B, Buldozer, Pocklain, Loaders etc.shall be carried out in River or Stream Bed by the lease holder or permit holder or contractor as the case may be:” Provided that where in the interest of mineral development scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of the minerals from the river or stream bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area by recording the reasons in writing may grant by an order. Such permission on certain conditions as he deems fit, Lessee or contractor or permit holder as the case may be seeking such permission shall deposit a sum of Rs.50,000(fifty thousand)as security. Any violation of terms and conditions while granting such permission shall result in forfeiture of security.

29. POWERS OF THE PRESIDING OFFICER:

The Presiding Officer may reject or accept any bid or tender without assigning any reason to the bidders or tenderers. Where the highest bid or tender is rejected, the reason shall, however, be reported to the Government.

30. ¹[PROCEDURE FOR GRANT OF CONTRACT, BY AUCTION:]

- (1) Each contract will ordinarily be auctioned for a period of three years unless the period is specifically stated. The successful bidder will be informed of the auction in his favour.
- (2) The auction shall be notified:-
- i) on the notice board of Director, Mining Officers and at least in one newspaper having wide circulation in the locality nearest to the area in question, in the regional language;
- ii) In the Himachal Pradesh Government Gazette by publishing the auction notice at least 30 days before the date of auction. A copy of the auction notice shall be sent to the local authority having jurisdiction over the area in question for giving wide publicity in the area.
- (iii) The terms and conditions and description of the contract, shall be read out to the intending bidders at the time of auction. The intending bidders shall deposit such earnest money as may be fixed by the Director. In each case such amount shall be notified in the Government Gazette;

1. Substituted by Government of H. P. Notification, No.13-3/70-SI(MM)-II dated 14-3-1975

- iv) No bid shall be regarded as accepted unless confirmed by Government. On completion of the auction the result will be announced and provisionally by selected bidder shall immediately deposit 25 percent amount of bid for one year and another 25 percent as security for due observance of the terms and conditions of the contract,;
- v) The earnest money shall be refunded immediately at the completion of the auction to all excepting the person whose bid is provisionally accepted. The earnest money shall be adjusted against the security under clause (iv);
- vi) misbehaviour by any bidder during auction can be punished by forfeiting his earnest money or removal or if necessary, by debarring him for a period of three years from any future auction under these rules, at the discretion of the Presiding Officer
- vii) If the provisionally selected bidder fails to deposit security money as required by clause (IV) of this rule, the earnest money deposited under clause (iii) of this rule shall be forfeited to the Government.

31. PROCEDURE FOR CALLING TENDERS :

- 1) The tender shall be invited through the Himachal Pradesh Government Gazette and at least in one newspaper having wide circulation in the locality nearest to the area in question in the regional language and shall be displayed on the notice-boards of the Director, Mining Officers and all District Industries Officers. The Notification shall be published at least thirty days before the date of tender. A copy of the Notification shall be sent to the local authority, having jurisdiction over the area in question. Every tender shall be submitted to the Director or any other officer authorised by him in this behalf, in a sealed cover super scribed with the relevant details of the contract,.
- 2) Every tender shall be accompanied with the earnest money in cash or crossed payment draft in favour of the Director, the amount of which shall be fixed by the Director in each case and it shall be mentioned in the aforesaid Notification. No tender shall be recorded as accepted unless approved by the Government.
- 3) Tenders shall be opened in the presence of tenderer or tenderers who may be present at the notified time for opening of tenders. The tenderer who is provisionally selected shall deposit 25% of the amount of the tender for one year and another 25% as security for due observance of the terms and conditions of the contract
- 4) The earnest money shall be refunded within a period of three months from the date of final decision of the tenders excepting the person whose tender is accepted. The earnest money of the successful tendered shall be adjusted against security under clause (3).
- 5) Misbehaviour of any tenderer during the course of offering tenders, can be punished by forfeiting his earnest money or rejecting his tender, if necessary, debarring him for a period of three years from offering tender in future under these rules, at the discretion of the Director.

1.Substituted by Government of H. P.Notification, No.13-3/70-SI(MM)-II dated 14-3-1975

32. PAYMENT OF CONTRACT, MONEY: -

In case of contracts where the annual amount is not more than Rs. 5000/-, the balance amount shall be deposited by the contractor on the date of auction or opening the tenders, as the case may be. In other cases the balance amount shall be deposited in equal quarterly instalments of the annual amount in advance on due dates, prescribed in the agreement.

33. EXECUTION OF CONTRACT:

When a bid is confirmed or a tender is accepted, the bidder or tenderer shall execute a deed in Form 'K'. The execution of the deed shall be made within three months from the date of communication of acceptance of bid or tender to the bidder or tenderer and if no such contract, is executed within the aforesaid period and if the tenderer or the bidder, as the case may be is at fault, the order accepting the bid or tender shall be deemed to have been revoked and the amounts paid under rule 30 (2) (iv) & 31 (3), as the case may be, shall be forfeited to the Government:

“ Provided that where the Government or an officer authorised by it to accept bid or tender on its behalf, is satisfied that the bidder or tenderer is not responsible for the delay in the execution of the contract,, the Government or other officer, as the case may be, may permit the execution of the contract, within a reasonable time after the expiry of the aforesaid period of three months.

1. Substituted by Government of H. P. Notification, No. Ind B(F)10-4/94 dated 25-6-1999.

2. Inserted vide Government of H. P Notification, No. 13-3/70-SI (MM) II dated 14-3-75.

CHAPTER-III

GRANT OF MINERAL CONCESSIONS IN RESPECT OF MINOR MINERALS IN RESPECT OF THE LAND IN WHICH MINOR MINERALS VEST IN A PERSON OTHER THAN THE GOVERNMENT.

34. APPLICABILITY OF THE CHAPTER:-

The provisions of this chapter shall only apply to the grant of mining lease in respect of the land in which minor minerals vest exclusively in a person other than the Government.

35. RESTRICTION ON THE GRANT OF MINING LEASE :

- 1) No mining lease shall be granted to any person unless he :
 - (a) holds a certificate of approval in Form 'B' from the Government;
 - (b) produces an income-tax clearance certificate from the Income-tax Officer concerned.
- (2) Except with the previous approval of the Government no mining lease shall be granted to any person who is not an Indian national.

EXPLANATION :- The expression "Indian national" has the same meaning as in the explanation to rule 6 and if any question arises as to whether a person is an Indian national or not, it shall be referred to the Central Government for decision which shall be final.

36. RENEWAL OF MINING LEASE:

A mining lease may be renewed by the grant ¹[of] one or two periods each not exceeding the period for which the mining lease was originally granted.

(36-A)

If an application for the renewal of a mining lease is made within the time referred to in rule 18(2) along with all requisite documents and in observance of all codal formalities and not disposed of by the Government before the expiry of lease period, the Director by recording the reasons in writing may extend the lease period by an order for further one year or till Government passes order thereon, whichever is earlier.”

37. CONDITIONS OF MINING LEASE:

Every mining lease shall be subject to the following conditions:-

- (i) The provisions of rules 15, 18 (3), 20, clauses (i) to (xv), (xvii) and (xviii) of rule 21 (1) and 21 (2) shall apply to such leases with the modification that the word "Government" occurring in clauses (ii) to (iv) and (xviii) of sub-rule (1) of rule 21 shall be substituted by the word "lessor";
- (ii) the lease may contain such other conditions not being inconsistent with the

provisions of these rules, as may be agreed upon between the parties;

- (iii) the period for which a mining lease may be granted shall be five years in the first instance, unless the Government allows a longer period not exceeding ten years;
- (iv) if the lessee makes any default in payment of royalty as required by rule 21 (1) (i) or commits a breach of any of the conditions of the lease, the lessor shall give notice to the lessee requiring him to pay the royalty or remedy the breach, as the case may be, within thirty days from the date of receipt of the notice and if the royalty is not paid or the breach is not remedied within such period the lessor² [“may”], without prejudice to any proceeding that may be taken against the lessee, determine the lease;
- (v) the lessee may determine the lease at any time by giving not less than six calendar months, notice in writing to the lessor after paying all outstanding dues to the latter; and
- (vi) the lessee shall furnish a bank guarantee of Rs. 1000/- to the lessor for due observance of the terms and conditions of the lease, before the execution of the lease deed.

38. TRANSFER OF ASSIGNMENT:

No mining lease or any right, title or interest in such lease shall be transferred to a person unless he holds a certificate of approval in Form 'B' from the Government and unless he produces an income-tax clearance certificate from the Income-tax Officer concerned.

39. COMMUNICATION OF TRANSFER OR ASSIGNMENT:

Every transferee or assignee of a mining lease or any right, title or interest therein, shall, within one month of such transfer or assignment inform the Government of the transfer or assignment and of the terms and conditions of such transfer or assignment. He shall also furnish to the Government a certified copy of the transfer/assignment deed in duplicate.

40. SUBMISSION OF COPY OF LEASE:

Every person, obtaining a mining lease, shall within three months of the grant of such lease, submit to the Government a certified copy of the lease in duplicate.

1. Inserted by Government of H.P. Notification, No) 13-3(MM)-II dated 14-3-1975.
2. Ibid.

41. PROHIBITION OF PREMIUM:

No person granting or transferring a mining lease or any right, title or interest therein, shall charge or pay any premium in addition to or in lieu of surface rent, dead rent or royalty payable under these rules or such proportionate part of such rent or royalty as is payable in respect of such right, title or interest.

- 42.** If the Government has reason to believe that the grant of transfer of a mining lease or any right, title or interest in such lease, is in contravention of any of the provisions of this chapter, the Government may after giving the parties an opportunity to represent their views, direct the parties concerned not to undertake mining operations in the area to which the lease relates.

43. RETURNS AND STATEMENTS :

The holder of mining lease shall furnish to the Government such returns and statements and within such period as may be specified by it.

44. GRANT OF SHORT TERM PERMIT:

The provisions of rules 24, 26 and 27 shall also apply in this case with the modification that the words "Director" and "Government" occurring in these rules shall be substituted by the word "lessor".

45. PENALTY:

- (1) If the holder of a mining lease or his transferee or assignee fails, without sufficient cause, to furnish the documents, information and returns, called for by the Government, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both and in the case of continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction.
- (2) If any person grants or transfers or obtains a mining lease or any right, title or interest therein in contravention of any of the provisions of this chapter, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both and in the case of continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction.

1. Substituted by Government of H.P. Notification, No 13-3/70-SI(MM)-II dated 14-03-1975.

2. ibid

3. 1 bid

4. ibid

CHAPTER-IV

REVIEW AND DELEGATION OF POWERS

46. DELEGATION:

The Government may, by Notification in the Official Gazette, direct that any powers exercisable by the Director under these rules may also be exercised, in such cases and subject to such conditions if any, as may be specified in the Notification, by an officer of the Directorate of Industries, as may be specified therein.

47. APPEAL WHEN ALLOWED:

- 1) Any person aggrieved by an order of the Director:
 - i) cancelling or terminating of a mining lease or forfeiting any deposit thereunder in whole or in part; or
 - ii) refusing to permit transfer of a mining lease may appeal to the Government against such order within two months of the date of the order.

Provided that any such application may be entertained after the said period of two months, if the applicant satisfies the Government that he had sufficient cause for not making the application within time.

- 2) Where the functions of the Director have been delegated to any other officer subordinate to him under rule 46, any person aggrieved by any order of any such officer of the nature described in sub-rule (1) may appeal to the Director.
Provided that the appeal is filed within two months of the date of the order, appealed against.

48. FEES FOR APPEAL AND REVIEW:

The memorandum of appeal or application for review shall be accompanied in every case by a treasury receipt of Rs. ¹[2500] to the credit of Government under the Head: ²[0853- Non-Ferrous Mining and Metallurgical Industries, 102- Mineral Concessions fees, Rent and Royalties, 01- Receipts from Mineral Concession Fees,etc].

49. REVIEW:

Upon receipt of such application, the Government or the Director, as the case may be, may call for the relevant records and other information and after considering his explanation and giving the appellant an opportunity of hearing and considering any comments that might be offered by the officer, may cancel or review the order against which the appeal has been preferred. The order of the Government or the Director, as the case may be, under this rule shall be final.

1. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4-94- dated 25-06-1999-Ind-II(F) 6-5/2000

2. Amended vide Government of H.P.Notification.No. Fin. A.6 (17)3/86 dated 6-9-86.

CHAPTER-V

MISCELLANEOUS

50. POWER TO RECTIFY APPARENT MISTAKES:

The Government may, at any time within six months from the date of order passed by it under these rules, on its own motion rectify any mistake or error apparent on the face of the record, and shall within the like period rectify any such mistake or error which has been brought to its notice by an applicant for the grant of the minor mineral concession:

“ Provided that no such rectification having or purporting to have a prejudicial effect on another applicant for the grant of the mining lease shall be made unless the Government have given such applicant notice of its intention to do so, and have allowed him reasonable opportunity of being heard.

51. Application of rules to all leases granted or renewed before the commencement of these rules:

These rules shall also apply to the mining leases or contract,s granted or renewed before the commencement of these rules, as they apply in relation to mining leases or contract,s, granted or renewed after such commencement.

52. Recovery of Government dues as arrears of land revenue:

Any rent, royalty, fee, contract, money or other sum due to the Government under these rules or under the terms and conditions of any mining lease or contract,, on a certificate in Form 'L' of such officer as may be specified by the Government in this behalf by general or special order, be recovered in the same manner as an arrear of land revenue.

53. UNAUTHORISED WORKING:

- (1) No person shall undertake any mining operations in any area, except under and in accordance with the terms and conditions of the mining lease, contract, or permit granted under these rules.
- (2) Any contravention of sub-rule (1) shall be punishable with imprisonment for a term which may extend to ¹[one year], or with fine which may extend to ²[five thousand] rupees, or with both and in case of a continuing contravention, with an additional fine which may extend to ³[five hundred] rupees for every day during which the contravention continues after conviction for the first such contravention.

54. OFFENCES 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 the Director or any other officer authorised by him in this behalf within six months of the date on which said offence is alleged to have been committed.

1. Substituted by Government of HIMACHAL PRADESH Notification, No Ind-II (F) 12-17-78 part- dated 29-07-1997.

2. ibid

3. ibid

55. NO RESTRICTION ETC. TO BE IMPOSED BY OWNER OF LAND ON MINING OPERATION:

No person having a right in any capacity in the land covered by a mining lease or mining permit, shall be entitled to impose any prohibition or restriction on the mining operation by the holder of lease or mining permit of such land or to demand any sum by way of premium or royalty for the removal of the minor mineral;" Provided that such person shall be entitled to get compensation from the said holder for the use of the surface which may be agreed upon between them. In the case of any dispute the amount of compensation shall be determined by the Collector and his order shall be final.

56. RELAXATION OF RULES IN SPECIAL CASES:

The State Government may, if it is of the opinion that in the interest of mineral development it is necessary to do so, by order in writing and for reason to be recorded, authorise in any case the grant of any mining lease or the working of any mine for the purpose of mining any mineral on terms and conditions different from these laid down in these rules.

57. RESTRICTIONS ON TRANSPORT OF THE MINERAL:

- (1) The holder of a mining lease or mining permit or a person authorised by him in this behalf shall issue a pass in Form 'M' [duly countersigned by the concerned Mining Officer/ General Manager, District Industries Centre or any other officer authorised in this behalf to every person carrying a consignment of minor mineral by a vehicle, animal or any other mode of transport.
- (2) No person shall carry within Himachal Pradesh a minor mineral by a vehicle, animal or any other mode of transport, excepting railway, without carrying a pass in Form 'M' issued under sub-rule (1).
- (3) Every person carrying any minor mineral shall on demand by any officer of the State Government authorised in this behalf, show the said pass to such officer and allow him to verify the correctness of the particulars of the pass with reference to the quantity of the minor mineral.
- (4) The State Government may establish a check post for any area included in any mining lease or permit, and when a check post is so established, public notice shall be given of this fact, by publication in the Gazette and in such other manner as may be considered suitable by the State Government.
- (5) No person shall transport a minor mineral to which these rules apply from such area without first presenting the mineral at the check post fixed for that area for purposes of verification of the weighment or measurement of the quantity of the mineral.
- (6) Any person found to have contravened any provision of sub-rule (2), (3) or (5) above shall, on conviction, be punishable with imprisonment of either description for a term which may extend up to six months or with fine which may extend to one thousand rupees or both.

1. Inserted by H.P. Govt. Notification, No. Ind.-I(A) 3-5/77 dated 27-12-1979.

58. DELEGATION:

The State Government may by Notification in the 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 as may be specified in the Notification.

59 ACQUISITION OF LAND OF THIRD PARTIES AND COMPENSATION THEREOF:

In case the occupier or owner of a land in respect of which minor mineral rights vest in the Government refuses his consent to the exercise of the right and powers, reserved to the Government and demised to the lessees or contractors, as the case may be, the lessees or contractors shall report to the Government and shall deposit with it the amount offered as compensation and if the Government are satisfied that the amount of compensation offered is fair and reasonable or if it is not so satisfied and the lessee shall have deposited with it such further amount as the Government shall consider fair and reasonable the Government shall order the occupier to allow the lessee to enter the land and to carry out such operations as may be necessary for the purposes of the lease. In assessing the amount of such compensation the Government shall be guided by the principles of the Land Acquisition Act,.

60 REPEAL:

The Punjab Minor Mineral Concession Rules, 1964 and the Himachal Pradesh Minor Minerals (Concession) Rules, 1966 and all rules corresponding to these rules in force in Himachal Pradesh territory shall stand repealed, but notwithstanding such repeal anything done, any Action taken or proceedings commenced under the said rules shall be deemed to have been done, taken or commenced under these rules.

**1[FIRST SCHEDULE]
RATES OF ROYALTY
[See Rule 21 (1) (i) (a)]**

Sl. No.	Name of Mineral	Rates of Royalty (per tonne)
1.	Building stones, Masonary stone including Boulders and Shingle.	Rs. 20.00
2.	Limestone	Rs. 45.00 (w.e.f. 14.10.2004)
3.	Marble:	
	(a) Used for lime burining	Rs. 45.00 (w.e.f. 14.10.2004)
	(b) Dressed, carved and rough marble slabs.	Rs. 200.00 (w.e.f. 14.10.2004)
	(c) Marble chips, fine powder, Khandas.	Rs. 45.00 (w.e.f. 14.10.2004)
	(d) Coarse powder of not more than plus 20 mash.	Rs. 45.00 (w.e.f. 14.10.2004)
4.	Bajri.	Rs. 20.00
5.	Brick earth.	Rs. 12.00
6.	Ordinary sand/clay/shale.	Rs. 20.00
7.	(a) Rough slab slate	Rs. 40.00
	(b) Slate	Rs. 250.00
8.	Kankar, road metal, blast and rorri.	Rs. 20.00
9.	Cut or dressed blocks of granite and traps/basalt including rocks of other colours and shades (size 180x80x50 cms or more)	Rs. 350.00
10.	All other minor mineral not herein specified	20% of the sale value at pit mouth

1 Amended vide H.P. govt. Notification No. Ind.-B(F)06-5-2006 dated 8-10-2007.

¹[SECOND SCHEDULE]
[See Rule 21 (1) (i) (a)]
(RATES OF DEAD RENT IN RUPEES PER ACRE PER ANNUM)

Sl. No.	Name of Minor Mineral	Rate of Dead Rent
1	2	4
1.	Limestone as Minor Mineral and Slate.	Rs.25000/ per Hect. and part thereof per annum.
2.	Other Minor Minerals.	Rs.10,000/-per Hect. and part thereof per annum.”

1Amended by Govt.of H.P.Notification No.Ind.-II (F) 6-5/2006 dated 8-10- 07

THIRD SCHEDULE
RATES OF ROYALTY (CHARGEABLE BY THE CONTRACTOR/CONTRACTORS FROM THE
LOCAL CULTIVATORS)
(See Rule 4)

1.	Building stones:	
	(a) Ashlar and sized dimensional stone Average quantity	Rs.
	(i) In a cart drawn by 2 bullocks	0.50
	(ii) In a cart drawn by 4 bullocks	1.00
	(iii) Carried by one donkey	0.12
	(iv) Carried by one mule	0.37
	(v) Carried by one buffalo	0.25
	(vi) Carried by one camel	0.50
	(vii) Carried by one yak	0.25
	(b) Masonary stones including khandas, boulder, shingle etc. average quantity:	
	(i) In a cart drawn by 2 bullocks	0.12
	(ii) In a cart drawn by 4 bullocks	0.25
	(iii) Carried by one donkey	0.03
	(iv) Carried by one mule	0.09
	(v) Carried by one buffalo	0.06
	(vi) Carried by one camel	0.12
	(vii) Carried by one yak	0.06
2.	Limestone:	
	Average quantity:	
	(i) In a cart drawn by 2 bullocks	0.50
	(ii) In a cart drawn by 4 bullocks	1.20
	(iii) Carried by one donkey	0.15
	(iv) Carried by one mule	0.45
	(v) Carried by one buffalo	0.30
	(vi) Carried by one camel	0.50
	(vii) Carried by one yak	0.30
3.	Kankar and Bajri:	
	(i) In a cart drawn by 2 bullocks	0.12
	(ii) In a cart drawn by 4 bullocks	0.25
	(iii) Carried by one donkey	0.03
	(iv) Carried by one mule	0.09
	(v) Carried by one buffalo	0.06
	(vi) Carried by one camel	0.18
	(vii) Carried by one yak	0.06

Note.- Sr. No. 1 (a) vi & vii (b) vi & vii, Sr. No. 2 (vi & vii) and Sr. No. 3 (vi & vii) are inserted by Govt. of H.P. Notification No. 13-3/70-SI(MM)-II dated 14-3-1975.

FOURTH SCHEDULE
DELEGATION OF POWERS UNDER VARIOUS PROVISIONS OF THE
HIMACHAL PRADESH MINOR MINERALS (CONCESSION) REVISED
RULES, 1971

Designation of the officers	Rule	Limit	
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	25	Power to receive application for short-term permit.	In their respective jurisdiction.
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	24 (i)	Power to issue short-term permit.	-do- upto 1000 tones in each case.
Director of Industries	24 (ii)	Power to extend validity of short term permit.	Throughout H.P. upto one month.
State Geologist	24 (ii)	-do-	-do- upto 15 days.
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	24 (ii)	-do-	In their respective jurisdiction upto 7 days.
Director of Industries	7	Power to receive application for mining lease.	Throughout H.P. where annual dead rent does not exceed Rs. 1000.
State Geologist	7	-do-	-do- where annual dead rent does not exceed Rs. 500/-
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	7	-do-	In their respective jurisdiction where annual dead rent does not exceed Rs.200/-

Director of Industries	10(1)	Power to assign priority to applications for mining lease.	Full Powers for such leases where annual dead rent does not exceed Rs. 1000.
State Geologist.	10(1)	-do-	-do- does not exceed Rs. 500.
. Director of Industries	10	Power to grant or refuse Mining Lease	Rs. 200/-.
Director of Industries	10 (1)	Power to assign priority to applications for mining lease.	Full powers for such leases where annual dead rent does not exceed Rs. 1000/-.
State Geologist	10 (1)	-do-	-do- does not exceed Rs. 500/-.
Director of Industries	10	Power to grant or refuse Mining lease.	Full powers for such leases where annual dead rent does not exceed Rs. 1000/-.
State Geologist	10	-do-	-do- where annual dead rent does not exceed Rs. 500/-.
Director of Industries	28	Powers to grant Contracts	Upto value of Rs. 20000/- P.A. throughout H.P.
State Geologist	28	-do-	Upto value of Rs. 5000/- P.A. throughout H.P.
Mining Officer	28	-do-	Upto value of

			Rs. 1000/- P.A. in their respective jurisdiction.
1[Deleted].			
2[Deleted].			
3[Deleted].			
Geologist/Asstt. Geologist	54	Power to lodge complaints.	Throughout the State of H.P.
Mining Officer	54	-do-	In their respective jurisdiction.
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	27	Power to cancel short-term permit.	In their respective jurisdiction.
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	52	Power to sign "L" Form.	-do-
4Mining Officer/ Distt. Industries Officer	3 (ii)	Power to grant permit	-do-
5Mining Officer/ Distt. Industries Officer	3 A	Power to receive application for short-term permit.	-do-
6State Geologist	3 A	-do-	Throughout Himachal Pradesh.
7Director of Industries	5 (i)	Power to grant special exemption	-do-

1 Deleted vide H.P. Government Notification No. Ind.-1(A)3-5/77 dated 9-7-1982.

2 Deleted vide H.P. Government Notification No. Ind.-1(A)3-5/77 dated 9-7-1982.

3 Deleted vide H.P. Government Notification No. Ind.-1(A)3-5/77 dated 9-7-1982.

4 Inserted vide Govt. of H.P. Notification No. 13-3/70-SI(MM)-II dated 14-3-75.

5 Inserted vide Govt. of H.P. Notification No. 13-3/70-SI(MM)-II dated 14-3-75.

6 Inserted vide Govt. of H.P. Notification No. 13-3/70-SI(MM)-II dated 14-3-75.

7 Inserted vide Govt. of H.P. Notification No. 13-3/70-SI(MM)-II dated 14-3-75.

FORM-A
[See rule 6(1)]
APPLICATION FOR CERTIFICATE OF APPROVAL

To

The Director of Industries,
Himachal Pradesh

Through:

Sir,

I/We _____ have the honour to request that a Certificate of Approval under the Himachal Pradesh, Minor Minerals (Concession) Revised Rules, 1971 be granted to enable me/us to acquire Mining Lease under the said Rules.

2. The fee of Rs. 500/- payable for the grant of certificate is remitted herewith through demand Draft No. _____ dated _____ on _____ /or has been

(Name of the Bank)

deposited in the Government Treasury under Head: 0853-Non Ferrous Mining & Metallurgical Industries – 102 Mineral Concession fee, Rent and Royalties and receipted challan wherefor is enclosed.

3. The required particulars are given below:-

- i) Name and Address of the individual/
Firm/ Company:
- ii) Nationality of the individual member
of the Firm/ Company:
- iii) Place of registration or incorporation
of the Firm/Company:
- iv) Profession of the individual or
nature of business of the Firm/Company
- v) Details of technical qualification and Mining
Experience of the individual, firm or company, if any
- vi) The amount of capital that the individual,
Firm or Company can command to carry on a
well planned mining operation:
- vii) Bank reference, if any :
- viii) The amount of Income -tax or land:
Revenue paid annually, if any
- ix) Any other particulars which the
Applicant wishes to furnish:

Yours faithfully

Place:

Dated:

FORM B

[(See Rule 6(3))]

Government of Himachal Pradesh
Department of Industries
CERTIFICATE OF APPROVAL

No. _____

Dated _____

This is to certify that _____ is approved as a person who is qualified to acquire mining lease of minor minerals in the Himachal Pradesh under the Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971.

This certificate shall be valid up to 31st December, _____.

This certificate already granted and which expired on the 31st December, _____ is renewed upto 31st December, _____.

Director of Industries
Himachal Pradesh

FORM 'C'
[(See rule 7 & 18(2))]

APPLICATION FOR GRANT/RENEWAL OF MINING LEASE

Received at _____ (Place at) _____ (hour) on the
_____ day of _____.

Here affix court -fee Stamp

From: _____

Through

To
The _____

Dated, the

- I. I/We beg to apply for a mining lease for _____ for a term of _____ years over hectares of land in the area specified in the Schedule.
- II. A sum of Rs. 5000/- as application fee payable under rule 7 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 has been deposited in the Government treasury and the receipted challan therefor is enclosed.
- III. The required particulars are given below:

PARTICULARS:

- (1) Name of applicant individual(s), firm, :
company or society
- (2) Nationality of the Individual(s) or place of :
registration or incorporations of firm,
company or society
- (3) Profession of individual(s) nature of :
business of firm or company and place of
business
- (4) Address of the individual(s), firm,
company or society
- (5) Whether the application is for a fresh lease :
or for a renewal of a lease previously
granted
- (6) Minor Mineral which the applicant intends :
to mine
- (7) Period for which the original lease is :
required
- (8) Approximate quantity of minor mineral :
expected to be raised during the first year
- (9) Manner in which the minor mineral raised
is to be utilized :-
 - (a) For manufacture
 - (b) For sale
 - (c) any other purpose

In case of manufacture, the industries in connection with which it is required should be specified.

- (10) A description, illustrated by a map or plan (in triplicate) showing as accurate as possible the situation, boundaries and area of the land in respect of which the lease is required and where the area is un-surveyed, the location of the area should be shown by some permanent physical features i.e. road, tanks etc.
- (11) A statement showing all the areas within

the jurisdiction of the Government –

- (i) already held by me/us in my/our name/names (and jointly with others) under quarrying leases specifying the names of minor minerals.
- (ii) Already applied for but not yet granted and
- (iii) Applied for simultaneously or being applied for in other districts of this State is appended

- (12) Period for which renewal of mining lease is required
- (13) Whether renewal is applied for the whole or part of the lease held
- (14) In case the renewal applied for is only for part of the lease held:
 - (a) the area applied for renewal
 - (b) description of the area applied for renewal
 - (c) map (in triplicate) of the lease held with area applied for renewal clearly marked on it (attached)
- (15) Means by which the minor mineral is to be raised i.e. by hand labor or mechanical or electric power.
- (16) Any other particulars which the applicant wishes to furnish

SCHEDULE

Description of the area applied for

- (1) Name of village or in the case of Government Forest, the name of the range or sub-range

- (2) Khasra number and area of each field or part thereof:

Khasra number	Area in

- (3) Full description of the area applied for with regard to its natural features:

- (4) Tehsil and number, felling series and working circle, if any _____

- (5) District _____

Yours faithfully,

Place: _____

Date: _____

(Signature of applicant)

Note--- No application will be held to be complete for purpose of priority unless it furnishes correctly the particulars required by paragraphs.I, II, III, and is properly signed and stamped.

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

FORM-D

[See rule 9(3)]

**RECIPT OF APPLICATION FOR MINING LEASE OR RENEWALS
IN REPSECT OF MINOR MINERALS
GOVERNMENT OF HIMACHAL PRADESH**

Serial No. _____

Dated: _____

Received the application with the following enclosures for a mining lease/renewal of mining lease in respect of minor minerals of Shri/Sarvshri _____ A.M./P.M. on _____ for about _____ Hects. _____ of land located in Village/forest block, range _____ _____ Tehsil _____ District _____ for mining _____ [name of minor mineral(s)].

Place: _____

Dated _____

Signature and designation of the receiving officer.

Enclosures.

FORM-E
(See rule 11)
MINING LEASE REGISTER

1. Serial number
2. (a) Date of application
(b) Date of receipt of the application
3. Name and address of the applicant
4. Situation and boundaries of the land
5. The mineral under mining lease
6. The total area
7. Date of grant of the lease
8. Period for which granted, renewed or extended
9. Application fee paid
10. Amount of security deposit
11. Particulars of disposal or refund of security deposit
12. Dated of assignment or transfer of the lease, if any, and fees paid therefor and the names of the parties thereto
13. Date of expiry or relinquishment or cancellation
14. Date from which the area is available for regrant
15. Signature of the officer, in charge, in token of attestation

FORM 'F'
, (See rule 19)
FORM OF MINING LEASE FOR MINOR MINERALS

This indenture made this..... day of
between the Governor, Himachal Pradesh, acting through.....

(hereinafter referred to as the 'Government' which expression shall where the context so admits,
include the successors and assignees) of the one part and (1)

(Name of Person) (1) When the lessee is an individual.

(Address and occupation)

(hereinafter referred to as the "lessee" which expression shall where the context so admits, include his heirs, executors, administrators, representatives and permitted assignees) (1).

(2) (2) When the lessees are more than one individual.

(Name of person)

of

(Address and occupation)

(Name of person)

(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 assignees) (2)

(3) (3) When the lessee is a firm.

(Name of person)

(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 assignees) (3)

(4) (4) When the lessee 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 "lessee" which expression shall where the context so admits, include its successors and permitted assignees).

(4)of the other part.

Whereas the lessee/lessees has/have applied to the Government in accordance with the Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971 (hereinafter referred to as the 'said Rules') for a mining lease for..... in respect of the lands hereinafter described in clause (b) and has/have deposited with the Government the sum of [Rs. 5000] as security. And whereas the lessee is in possession of a valid certificate of approval and income-tax clearance certificate.

Now, therefore, this deed witnesses and the parties hereto hereby agree as follows:-

1. (a) In consideration of the rents and royalties, covenant and agreements hereinafter contained and on the part of the lessees to be paid, observed and performed, the Government hereby grants and demises unto the lessees all those mines/beds/veins/scams of. (hereinafter referred to as the 'said minor minerals') situated, lying and being in or under the lands which are referred to in clause (b) together with the liberties, powers and privileges to be executed or enjoyed in connection herewith which are hereinafter mentioned in Part I subject to the restrictions and conditions and to exercise and enjoyment of such liberties, powers and privileges which are hereinafter mentioned in Part II and subject to other provisions of this lease.

(b) The area of the said lands is as follows:-

All that tract of land situated at..... in Tehsil..... District bearing Khasra Nos..... containing an area of..... or thereabouts

delineated on the plan hereto annexed and bounded as follows:

On the North by

.....

On the South by.....

On the East by

On the West by; and

(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 day for the term of. years thence next ensuing.

**PART I
LIBERTIES, POWERS AND PRIVILEGES TO BE EXERCISED AND ENJOYED BY THE
LESSEE(S)**

The following liberties, powers and privileges may be exercised and enjoyed by the lessee/lessees subject to the other provisions of this lease:

1. To enter upon land and search for win, work etc.-Liberty and power at all times during the term hereby denlised 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 minor minerals.

2. To sink drive and make pit, shafts 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, airways and other works (and to use, maintain, deepen or extend any existing works of the like nature in the said lands).

3.. To bring and use machinery, 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 engine, machinery, plant, dressing floors, furnaces, coke ovens, brick-kilns, 'workshops, store--houses-bungalows, godowns, shed and other buildings and 6lher works and conveniences of the like nature on or under the said lands.

t. Amended vide H.P. Govt. Notification No. Ind.-B(F) 10-4/94-II dated 25-6-99.
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4. 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 streams, watercourse, springs or other source in or upon the said lands. and to divert, step up or dam any such stream or water-course and collect or impound any such water and to make, construct and maintain any water-course, cultivated land, village buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any streams or springs:

Provided that the lessee/lessees shall not interfere with navigation in any navigable stream nor shall divert such stream without the previous written permission of the Government.

5. To fell undergrowth and utilize timber and trees, etc.-Liberty and power for or in connection with any of the purposes mentioned in this lease deed, to clear undergrowth and brushwood. Lessee shall not fell any trees or timber standing or found on the said lands without obtaining prior permission in writing from the Collector of the District or the Chief Conservator of Forest in case of forest areas as the case may be. In case such permission is granted, he shall pay in advance, the price of the trees/timber to be felled to the said officer at the rates, fixed by him.

6. To get building and road materials, etc.-Liberty and power for or in connection with any of the purposes, mentioned in this lease deed, to quarry and get stones, gravel and other building and road materials and ordinary clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks, tiles but not to sell any such material, bricks, tiles ..

7. To use land for stacking purpose.-Liberty and power to enter upon and use a sufficient part of the surface of the said lands for the purposes of stacking, storing or depositing therein any produce of the mines and works carried on and tools, equipment and other materials needed for mining operations.

PART II

RESTRICTION AS TO THE EXERCISE OF THE LIBERTIES BY THE LESSEE

The liberties, powers and privileges granted under Part I, are subject to the following restrictions and subject to the other provisions of this lease:-

1. No mining operations within the limit of Public Works, etc.-The lessee shall not carry on, or allow to be carried on any mining operations at any point within a distance of 75 metres from any railway line, except under and in accordance with the written permission of the railway administration concerned, or bridges or 60 metres from national highways or 50 metres from any reservoir, tank, canal, roads or other public works or buildings or inhabited sites except under and in accordance with the previous permission of the Government. The railway administration or the Government may in granting such permission, impose such conditions as it may deem fit; provided that except in cases of sand, no mining operations shall be carried on within 50 metres of any river banks.

Explanation.- For the purpose of this clause 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.

2. Permission for surface operation in land not already in use.-Before using for surface operations any land which has not already been used for such operation the lessee/lessees shall give to the Collector of the District, the Director of Industries, Himachal Pradesh, and the Mining Officer. 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 objections so stated shall on reference to the Government, be annulled or waived.

3. Not to use the land for other purposes.-The lessee/lessees shall not cultivate or use the land for purposes other than those specified in the lease deed.

PART III

COVENANTS OF THE LESSEE

The lessee/lessees hereby covenant(s) with the Government as follows:-

1. **[Rate of royalty .-** (a) The lessee/lessees shall pay royalty on the quantity of the said minor mineral dispatched from the leased area in advance at the rate specified in First Schedule. , However as and when the limestone is supplied by the lessee/lessees to the Industries other than lime-kiln, royalty shall be paid by the lessee/lessees for limestone as major mineral whichever is more.]

(b) **Mode of determination of sale price at the pit's mouth.**-The sale price of the minor mineral at the pit's mouth shall be the current market price for the mineral of the same grade less-

(i) transport charges from the mine head to the nearest rail head;

(ii) railway freight from the rail head to the market; and

(iii) estimated handling charges and other incidental expenditure not exceeding 5 per cent of the market price.

(c) For calculating the royalty, the lessee/lessees shall submit half-yearly returns for the period ending 30th September and 31st March in Form 'G' to the Director and the Mining officer,.....

2. **Surface rent.**-The lessee/lessees shall pay for the surface area occupied by him/them, surface rent at the 'rate of Rs..... per acre per annum.

3. **Dead rent.**-The lessee/lessees shall also pay for every year, yearly dead rent at the rate of Rs..... per annum, and if the lease permits the working of more than one minor mineral in the same area, the Government may charge separate dead rent in respect of each minor mineral: .

Provided that the mining of one minor mineral does not involve the working of another minor mineral:

Provided further that the lessee/lessees shall be liable to pay the dead rent or royalty in respect of each mineral, whichever be higher but not both.

4. **Working of newly discovered minerals.**-If any minor mineral, not specified in the lease, is discovered in the leased' area, the lessee shall report the discovery without delay to the Government and shall not win or dispose of such minor mineral without obtaining a lease therefor. If he fails to apply for such a lease within 6 months from the discovery of the minor mineral, the Government or the authorized officer may give the lease in respect of such mineral to any other person.

5. **To commence mining operations within two months and carry them on properly.**-Unless the Government for sufficient cause permits otherwise, the lessee shall commence mining operations within two months, from the date of execution of the lease and shall thereafter conduct such operations in a proper, skilful and workman like manner.

1. Substituted by Govt. of R.P. Notification No. Udyog (chh)12-11/81 dated 5-10-1982.

Explanation.-For the purpose of this clause 'Mining operation' shall include the erection of machinery, laying of a tramway or construction of a road in connection with the working of the mine.

6. **To erect and maintain Boundary Pillars etc.**-The lessee shall, at his own expense, erect and at all times maintain and keep in good repairs boundary marks and pillars according to the plan annexed to the lease.

7. **Accounts.**-The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein and a complete plan of the mine and shall allow any officer authorized by the Himachal Pradesh Government or the Central Government in that behalf to examine at any time any accounts and records maintained by him, and shall furnish to the Himachal Pradesh Government or the Central Government with such information and returns as it may require.

8. **To allow facilities to other lessees, etc.**-The lessee shall allow existing and future licensees or lease holders/contractors of any land which is comprised in or adjoins or is reached by the land, held by the lessee, reasonable facilities for access thereto.

9. **To allow entry to officers.**-The lessee shall allow any officer authorized by the Himachal Pradesh Government and the Central Government to enter upon any building, excavation or land comprised in the lease for the purpose of inspecting the mines.

10. **Returns.**-The lessee shall-

(a) submit a return in Form 'O' by the 10th of every month to the Director and also to other officer(s), specified in that form giving the total quantity of minor mineral(s) raised and dispatched from the leased area in the preceding calendar month and its value;

(b) . also furnish a statement giving information in Form 'H' by the 15th April every year to the Director and the other officer, specified in that form regarding quantity and value of minor mineral(s) obtained during last financial year, average number of regular laborers employed (men and \women separately), number of accidents, compensation paid and number of days worked, separately.

11. To strengthen and support the mines.-The lessee shall strengthen and support to the satisfaction of the railway administration or the State Government, as the case may be, any part of the riline which in its opinion requires such strengthening or support for the safety of any railway, bridge, national highway, reservoir, tank, canal, road or any other public work or buildings.

12. Notice for use of explosives etc.-The lessee shall immediately give to:-

(i) The Chief Inspector of Mines, Government of India, Dhanbad.

(ii) The Director, Indian Bureau of Mines, Government of India, Nagpur.

(iii) The District Magistrate of the District in which the mine is situated, a notice in writing in form 'T' as soon as-

(a) the working in the mine extend below superjacent ground; or

(b) the depth of any open cast excavation measured from its highest to the lowest point reaches six metres; or

(c) the number of persons employed on any day is more than 50; or

(d) any explosives are used.

13. Mode of payment of royalty/dead rent and surface rent.-The lessee/lessees shall pay in the office of the Officer authorized by the Director of Industries, Himachal Pradesh, in this behalf dead rent/royalty and surface rent in two half-yearly installments on the 15th April and 15th October each year during the subsistence of the lease.

14. Maintenance of Sanitary conditions.-The lessee/lessees shall maintain sanitary conditions in the area held in by him/them under the lease.

15. 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.

16. Abiding by Rules.-The lessee/lessees shall abide by all existing Acts and Rules enforced by the Government of India or the Himachal Pradesh 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 safety, health and convenience of the employees of the lessee/lessees or of the public.

17. To report accident.-The lessee/lessees shall without delay report to the Deputy Commissioner of the District concerned and the Director or any other officer authorised by him, any accident which may occur at or in the leased area.

18. Delivery of possession of Land and Mines on the surrender or sooner determination" of the lease.-At the end or sooner determination or surrender of "the lease, the lessee/lessees shall deliver up the said lands 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.

19. To provide weighing machine.-" The lessee/lessees shall provide and at all times keep at or near the pit-head at which the said mineral shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or caused to be weighed thereon all the said minor minerals from time to time brought to bank sold, exported and converted products, and shall at the close of each day cause the total weights, ascertained by such means of the said minor minerals, ores, products, raised, sold, exported and converted during the previous twenty-four hours to be entered in the aforesaid books of accounts. The lessee/lessees shall permit the Government at all times during the said term to employ any person or persons to be present at the weighing of the

said minor minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the Lessee/Lesseees. The Lessee/Lesseees shall give 15 days previous notice in writing to the Mining Officer.. of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

20. To secure pits, shafts, not fill them up.-The lessee/lesseees shall well and properly secure pits and shafts and will not without permission in writing willfully close, fill up or choke any mine or shall

21. Not to enter upon or to commence operations in the Reserved or Protected Forest,-- The lessee/lesseees shall not enter upon or commence any mining operations in any reserved or protected forest comprised in the leased area except after previous!)' obtaining permission in writing of the Chief Conservator of Forests, Himachal Pradesh. \

22. To respect water rights and not injure adjoining property.-The lessee/lesseees 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 or stream of water unfit to be used or do anything to injure adjoining land/villages or houses .

23. Stocks lying at the end of the lease.-The lessee/lesseees shall on the termination or Sooner determination of the lease remove all extracted minerals from the premises of the leased areas. All extracted minerals in the said lands left over indisposed, after the termination or determination of lease shall be deemed to be property of the Government.

24. Payment of Taxes.-The lessee/lesseees shall duly and regularly pay to the appropriate authority all taxes, cases and local dues in respect of the leased area, said minor minerals or the working of the mines.

PART IV RIGHTS OF THE STATE GOVERNMENT

1. The Government may determine the lease.-The Government shall have the right to determine the lease after serving a notice on the lessee to pay the dues within 30 days from the date of receipt of the notice. If the dead rent or royalty or surface rent reserved or made payable by the lessee is not paid within 15 days next after the date fixed in the lease for payment of the same, Government or any other officer authorized by it in this behalf 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, detain 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 costs and expenses occasioned by the non-payment thereof.

2. Determination of lease in public interest.-The Government may by giving six months' prior notice in writing determine the lease if the Government consider that the minor mineral under the lease is required for establishing an Industry beneficial to the public: Provided that in the state of National Emergency or war the lease may be determined without giving such notice.

3. Right of pre-emption.- The Government 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 preemption of the said minerals and all products thereof) lying in or upon the said lands hereby demised or elsewhere under the control of the lessee and the lessee shall deliver all minerals or products thereof to the Government at current market rates in such quantities and in the manner, at the place specified in the notice exercising the said right.

4. Penalty for not allowing entry to Officers.-If the lessee or his transferee or assignee does not allow any entry or inspection under clause (9) of Part III, the Government may cancel the lease and forfeit in whole or in part the security deposit paid by the lessee under rule 16 of the Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971.

5. Acquisition of land of third parties and compensation thereof.-In case the occupier or owner of the said land refuses his consent to the exercise of rights and powers reserved to the GOVERNMENT and demised to the lessee/lesseees under these presents, the lessee/lesseees shall report the matter to the Government who shall ask the Collector of the district concerned to direct the occupier or owner to allow the lessee/lesseees to enter the said lands and to carry out such operations as may be necessary for working the mine, on payment in advance of such compensation' to the occupier or owner by the lessee/lesseees, as may be fixed by the Collector under the Land

**PART V
GENERAL**

1. Cancellation.-The lease shall be liable to be cancelled by the Director if the lessee/lessees ceases to work the mine for a continued period of six months without obtaining written sanction of the Government.

2. Notices.-Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee/lessees by registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India as the lessee/lessees may from time to time in writing to the Government designate for the receipt of notices and every such services shall be deemed to be proper and valid service upon the lessee/lessees and shall not be questioned or challenged by him/them. '

3. Recovery under the public demands Act.-Without prejudice to any other mode of recovery authorized by any provision of this lease or by 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. Forfeiture of property left more than three months after expiry or determination of Incase.-The lessee/lessees should remove his/their property lying on the said lands within three months after the expiry or sooner determination of the lease or after the date from which any surrender by the lessee/lessees of the said lands under rule 23 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules 1971, becomes effective, as the case may be. The property left after the aforesaid period of three months shall become the property of the Government, and may be sold or disposed of in such manner as the Government, shall deem fit without liability to pay compensation therefore, to the lessee/lessees.

5. Security and forfeiture thereof.-(a) The Government may forfeit the whole or any part of the amount of rupees five thousand deposited by 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 hereafter deposited with the Government in replenishment thereof shall be forfeited under sub-clause (a) or applied by the Government under this lease (which the Government is hereby authorized to do) the lessee/lessees shall immediately deposit with the inappropriate part thereof to bring the amount in deposit with the Government up to the sum of Rs. 5000.

(c) The rights conferred by this clause shall be without prejudice to the rights conferred on the State Government by any other provision or this lease or by any law. 7

(d) On such date as the Government may elect within twelve calendar months after the determination of this lease or any renewal thereof, the amount of security deposit paid in respect of this lease and then remaining in deposit with the Government and not required to be applied to any of the purposes mentioned in this lease shall be refunded to the lessee/lessees. No interest shall run on the security deposit.

6. Survey and demarcation of the area.-When a mining lease is granted by the Government arrangements shall be made, if necessary, at the expense of the lessee, for the survey and demarcation of the area granted under the lease. The lessee shall have to bear actual expenses of the staff deputed for the work. Actual expense will include traveling allowances and daily allowances and salary of staff plus 10 per cent as instruments charges.

7. Rights of lessee/lessees to determine the lease.-The lease may determine the lease at any time by giving not less than six calendar months notice in writing to the Government after paying all outstanding dues of the Government.

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

For and on behalf of the
Governor, Himachal Pradesh.

Witnesses:

Date _____

FORM-H
[[See rule 21(1)(xi)(b)]

**ANNUAL STATEMENT OF MINOR MINERAL OBTAINED, LABOURERS
EMPLOYEDET.C.FOR THE FINANCIAL YEAR ENDING _____**

Name of the lessee _____

Area of lease _____

Village _____

Tehsil _____

District _____

-
1. Name of the minor minerals.
 2. Output.
 3. Value.

Average number of persons employed daily:

- | | | |
|----------------------------------|-----------|----------|
| 4. Male | 5. Female | 6. Total |
| 7. Average number of days worked | | |
| 8. Number of accidents | | |
| 9. Compensation paid: | | |
| Rs. | P. | |
| 10. Number of days worked | | |
| 11. Remarks | | |

Dated: _____

Signature of the lessee or his authorised agent.

This return is to be submitted by the 15th April of each year for the preceding financial year i.e. from first of April to 31st March, to the Mining Officer concerned.

FORM 'I'

[(See rule 21(1) (xvii)]

1. (a) Name of mine
(b) Name of minor mineral worked
(c) Situation of mine (Villages, Thana, Sub Division, District, State)
(d) Date when work has first started
2. (a) Name and postal address of present owner(s)
(b) Name and postal address of agent, if any
3. (a) Name and postal address of Manager, if any
(b) His age
(c) His qualification
(d) His experience in mining
4. Whether workings are likely to be extended below superjacent ground.
5. (a) Maximum depth of open cast excavation measured from its lowest point
(b) Date when depth first exceeded six metres
6. (a) Nature, amount and kind of explosives used, if any
(b) Date when explosives were first used
7. Date(s) on which the number of persons employed on any day exceeded 50

Dated

Signature of Owner/ Agent I Manager.

To be sent to-

- (1) The Chief Inspector of Mines, Government of India, Dhanbad (ER).
- (2) The Director, Indian Bureau of Mines, Government of India, Nagpur.
- (3) The District Magistrate of the district where the mine is situated.
- (4) The Director of Industries, Himachal Pradesh, Shimla-l.
- (5) The Mining Officer concerned.

FORM 'J'

(See rule 24)

STANDARD FORM FOR SHORT TERM PERMIT

Whereas Shri/Messers has/have applied for a short term permit for excavation and removal of tonne/cubic metre/quintals of from under rule 25 of H.P. Minor Minerals (Concession) Revised Rules, 1971 and has/have paid an application fee of Rs. 10/- has/have also paid royalty in advance amounting to Rs. and security of Rs. (representing 50% of the amount of royalty) permission is hereby granted for removal of of tonne/cubic metre/quintals of from the aforesaid area subject to the conditions given below:-
This permission shall be valid up to

Designation

CONDITIONS

1. 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.
2. The holder of the permit shall excavate the minor mineral in such a manner as not to disturb or damage any road, public ways, buildings premises or public grounds.
3. The holder of the permit shall on expiry of the permit either fill up the excavation or suitably fence it for safety as instructed by the Director or Mining Officer concerned.
4. The holder of the permit shall pay in advance compensation of damage to the owner of the land wherefrom the minor minerals will be extracted/quarried at the rate fixed by the Collector under the Land Acquisition Act, 1894.
5. The holder of the permit shall not fell any tree standing on the land without obtaining prior permission in writing from the Collector of the District concerned or the Chief Conservator of Forests in respect of forest areas, as the case may be. In case such permission has been granted, he shall pay in advance the price of the trees to be felled, to the said officer at the rate fixed by him.
6. The permit holder shall not carry on surface operations in any area prohibited by any authority, without obtaining prior permission in writing from the concerned authority.
7. The permit holder shall not enter and work in any reserved demarcated or protected forest without obtaining prior written permission of the Forest Department.
8. The permit holder shall report immediately all accidents to the Deputy Commissioner and Mining Officer, concerned.
9. The depth of the pit below the surface shall not exceed 3 ft.
10. On expiry or 1[earlier] cancellation of the permit, the quarried, materials, lying on the land from which they are extracted, shall become the absolute property of the Government.
11. The permit holder shall have to surrender and deposit the permit with the issuing authority within a week from the date of its expiry or cancellation, as the case may be. In case of default, the security deposited by him, shall stand forfeited to the Government.

1 Substituted vide H.P. Govt. Notification No. 13-3/70-SI(MM)II dated 14-3-75.

12. No mechanical mining through mechanical excavator including any other earth moving mechanics like J.C.B, Bulldoser, Pocklain, Loders etc.shall be carried out in River or Stream Bed unless permitted by the Director under rule 26 of the Himachal Pradesh Minor Mineral (concession) Revised Rules 1971”

1[FORM 'K']

[See rule 33 of Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971]

THIS INDENTURE made this day of 20 , between the Governor of Himachal Pradesh through..... Himachal Pradesh (hereinafter referred to as the 'Government' which expression shall where the context so admits be deemed to include the successors and assignees) of the one part, and

WHEN THE CONTRACTOR IS AN INDIVIDUAL (Name of the person with address and occupation) [Hereinafter referred to as the contractor(s) which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators and representatives].

WHEN THE CONTRACTOR IS A REGISTERED FIRM (Name and address of the partner) son of of 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 for the contractor (s), which expression where the context so admits be deemed to include all the said partners their respective heirs, executors, legal representatives and permitted assignees].

WHEN THE CONTRACTOR IS A REGISTERED COMPANY (Name of the company, a company registered under.....Act under which incorporated) and having its registered officer at (Address) [hereinafter referred to as the Contractor (s) which expression shall where the context so admits be deemed to include its successors and permitted assignees of the other part.

WHEREAS THE bid of Rs. (Rupees of the Contractor(s) made at the auction held on at (name of the place) in accordance with the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 (hereinafter referred to as 'the said rules') for the extraction of (name of the minor mineral) has been accepted by the Government for contract for years from to in respect of the lands described in Part I of the Schedule hereunder written and has/have deposited with the State Government a sum of Rs. (Rupees) as security for the due fulfillment of the covenants herein contained. The Government is empowered to deduct from such security money any sum which may be due from the Contractor (s) whether in respect of the contract money or other sum payable to Government by him hereunder.

If not confiscated under the provisions of this contract the security money or such balance thereof and may be left after making the deductions above-mentioned will be returned to the contractor(s) after the expiry of the term of this contract and after the Government have satisfied itself that the term of this contract have been duly and faithfully carried out by the contractor(s).

Witness that in consideration of the contract money, covenants and agreements by and in these presents and the Schedule hereunder written reserved and contained and on the part of the contractor(s) to be paid, observed and performed, the Government hereby grants and demises unto the contractor(s).

1 Revised Form "K" substituted by H.P. Government Notification No. 13-3/70-SI dated 4-5-73.

All those the mines, beds veins, seams of (hereinafter and in the Schedule referred to as the said minerals) situated, lying and being in or under the lands which are referred to in Part I of the said Schedule, together with the liberties, powers and privileges to be exercised or enjoyed in connection herewith subject to the restriction and conditions as to the exercise and enjoyment of such liberties, powers and privileges EXCEPT and reserving out of this demise unto the Government the liberties, powers and privileges mentioned in the said rules.

TO HOLD the premises granted and demised unto the contractor (s) from the day of 20 for that term of years thence next ensuing YIELDING AND PAYING THEREFOR UNTO THE STATE GOVERNMENT THE contract mentioned in clause (1) of Part II of the said Schedule at the respective times therein specified subject to the provision contained in the said part;

AND the contractor(s) hereby covenant(s) with the Government and the Government hereby covenants with the contractor(s) as is expressed in the said rules.

AND it is hereby MUTUALLY AGREED between the parties hereto as in Part III of the said Schedule is expressed.

PART I

LOCAION AND DESCRIPTION OF THE AREA OF THE QUARRY/RIVER BED ETC.

All that fact or land situated in Village in Tehsil in the District of and bearing Khasra Nos containing an area of delineated on the plan hereto annexed, (hereinafter referred to as the said lands).

PART II

AMOUNT AND MODE OF PAYMENT OF CONTRACT MONEY

1. The contractor(s) shall/will during the subsistence of the contract pay to the Government contract money mentioned below in respect of (name of the quarry) given to him/them on contract for a period of years from to

No. of installments Amount The date on which installment to be paid

COURSE OF ACTION IF CONTRACT MONEY IS NOT PAID IN TIME

2. Should any instalment of contract money due to the Government under the terms and conditions of these presents be not paid by the Contractor(s) within the prescribed time, the same may be recovered on certificate of such officer as may be specified by the Government by general or special order, in the same manner as the arrears of land revenue.

3. The Contractor(s) shall not remove from the quarry site nor export the slates/minor minerals extracted from the quarry until he has paid the instalment of the contract money as laid down in clause (1) of this part.

4. (a) The Director of Industries/State Geologist/Mining Engineer/ District Industries Officer/Assistant District Industries Officer/Mining Officer may at his discretion extend the

period of payment of any particular instalment on payment of interest at the rate of Rs. 6-1/4% per annum.

(b) If the contractor(s) fail(s) to pay any instalment of contract money or any part thereof on the due date without permission of the competent authority in writing, they will be liable after the lapse of 3 days of grace at the discretion of the competent authority to pay as penalty at Rs. 12-1/2% per annum, which payment shall be realized from this security money here to aforementioned by the seizure and detention of his/their slates/minor minerals. If such failure extends to 30 days, the purchaser shall be liable to lose all claims to the slate/minor mineral quarry or slates/minor minerals, and to the retention by the District Industries Officer/Assistant District Industries Officer/Mining Officer, of all money already paid by the purchaser on their behalf under the terms of the agreement as liquidated damages and the District Industries Officer/Assistant District Industries Officer/Mining Officer, subject to the approval of the competent authority, may cancel the contract.

PART III CONTRACT MAY BE DETERMINED ON BREACH OF RULES, COVENANTS AND CONDITIONS

(1) If the Contractor(s) commits/commit a breach of any of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971, and any of the covenants/conditions of this contract, the Government may determine the contract, and forfeit the whole or part of the security deposit provided that the contractor(s) shall be given reasonable opportunity to explain the breach before the contract is determined.

(2) If the contract is cancelled or determined under clause (1) above, the contractor(s) shall remain liable for the contract money due upto the time of such cancellation or sooner determination and the Government may re-auction the said lands and in that case the contractor(s) shall also be liable to pay the deficiency, if any, resulting from such re-auction.

CONTRACTOR (S) TO REMOVE HIS/THEIR PROPERTIES ON THE EXPIRY OF THE CONTRACT

(3) The 'Contractor(s)' having first paid the contract money payable by virtue of these presents, may at the expiration or sooner determination of the said contract take down and remove his/their property etc., such as engines, machinery, plant, buildings, structures and other works, erections and conveniences which may have been created, set up or placed by the Contractor(s)' in or upon the said lands and which contractor(s)' are not bound to deliver to the State Government and which the State Government does not desire to purchase.

FORFEITURE OF PROPERTY LEFT AFTER EXPIRATION OR SOONER DETERMINATION OF THE CONTRACT

(4) If at the end of the expiry or sooner determination of the said contract there shall remain in or upon the said lands any engines, machinery, plant, buildings, structures and other works, erections and conveniences or other property the same shall if not removed by the contractor(s) within one calendar month after NOTICE in writing requiring their removal has been given to the Contractor(s) by the District industries Officer/Mining Officer be deemed to become the property of the Government and may be sold or disposed of in such manner as the Government shall deem fit without liability to pay any compensation to the contractor(s).

(5) Notices.- Every notice by these present required to be given to the Contractor(s) shall be given in writing to such person resident on the said lands, as the Contractor(s) may appoint for the purpose of receiving such notices and if there shall have been no such appointment, then every such notice shall be sent to the Contractor(s) at the address recorded in this agreement or at

such other address in India as the Contractor(s) may from time to time in writing to the Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the Contractor(s) and shall not be questioned or challenged by him/them.

(6) That the Contractor(s) shall provide at the quarry site two first aid boxes containing necessary medicines.

(7) That the Contractor(s) shall make benches on the side of the quarry.

(8) That the Contractor (s) shall work the quarry from top downwards.

(9) That the Contractor(s) shall remove overburden (loose stones) from top and the sides of the quarry in advance.

(10) That the Contractor(s) shall make one meter wide passage to the quarry and shall maintain it in good condition.

(11) That the Contractor(s) shall not employ any person below the age of 18 or any female member in quarry.

(12) That the Contractor(s) shall maintain record of employment of labour, production and use of explosives etc. and such other record, as may be specified by the District Industries Officer/Mining Officer concerned.

(13) That in the event of the cancellation of this indenture under any terms and conditions of this contract, the Government hereby expressly reserve the right of re-auction of the quarry and the loss, if any occasioned by the re-auction shall be borne by the Contractor(s) which loss may be recovered as damage by due process of law. In the event of the re-auction resulting in profit, the profit shall accrue to the Government and the Contractor(s) shall have no right whatsoever the profit may be.

(14) That the Contractor(s) holds/hold himself/themselves responsible for due observance, by himself or by his agents and servants of the terms and conditions of this indenture.

(15) That in the event of a breach of any of the terms or conditions of this contract by the Contractor(s) or servants, the Contractor(s) in all these cases for which a special penalty or compensation has not been provided for, shall be liable to pay a penalty which may extend to fifty rupees for each such breach at the discretion of the District Industries officer/Mining Officer.

(16) That the Contractor(s) will not be allowed to remove from the quarry site nor export the slates/minor minerals extracted from the quarry until he has paid the contract money in time as laid down in clause (1) of Part-II of this agreement.

(17) That is further agreed that this indenture is for the performance of acts in which the public are interested within the meaning of section 74 of the Indian Contract Act, 1872.

TO ALLOW ENTRY TO CENTRAL GOVERNMENT AND STATE GOVERNMENT OFFICERS FOR INSPECTION ETC.

(18) The Contractor(s) shall at all reasonable times allow the district of Industries, Himachal Pradesh and any other officer, authorized by the central Government or by the Himachal Pradesh Government in that behalf to inspect the said lands and the buildings and plant erected thereon and the Contractor(s) shall assist such person(s) in concerning the inspection and afford them all information they may reasonably required and shall conform to and observe all orders which the Central and the Himachal Pradesh Government as the result of such inspection or otherwise may from time to time pass.

ASSIGN, SUBLET OR TRANSFER OF THE CONTRACT

(19) The Contractor(s) shall not assign, sublet or transfer the contract to any person without obtaining prior permission in writing from the Government.

FENCING OF WORKING PLACE

(20) If the working place is found to be unsafe all persons shall be withdraw by the Contractor(s) immediately from the dangerous area and all access to such working place except for the purpose of removing the danger or saving life shall be prevented by securely fencing the full width of all entrances to the place, at his/their own cost. The Contractor(s) and not the Government shall be liable to pay any compensation to the labour employed by the Contractor on contracted works under the Workman's Compensation Act, 1923.

TO KEEP GOVERNMENT INDEMNIFIED FROM THIRD PARTY CLAIMS

(21) The Contractor(s) shall keep the Government indemnified from any third party claim and shall settle such claim at his/their own accord.

PAYMENT OF COMPENSATION TO LANDOWNERS

(22) The Contractor(s) shall pay compensation of damage to the owner of the land wherefrom the minor minerals will be extracted quarried, at the rate fixed by the collector under the Land Acquisition Act, 1894.

Felling of Trees

(23) The contractor(s) shall not fell or cut any tree, standing on the land wherein the quarry is located without obtaining prior permission in writing from the Collector of the district or the Divisional Forest officer concerned in respect of the forest areas, as the case may be and paying its price fixed by him.

NOT TO CARRY ON SURFACE OPERATIONS IN PROHIBITED AREAS

(24) The Contractor(s) shall not carry on surface operations in any area, prohibited by any authority, without obtaining prior permission in writing from the concerned authority.

RESTRICTI ON MECHANICAL STREAM BEDS.

EXCAVATION IN RIVER OR

(24-A) No mechanical mining through mechanical excavator including any other earth moving mechanics like J.C.B, Bulldoser, Pocklain, Loders etc. shall be carried out in River or Stream Bed unless permitted by the Director under rule 26 of the Himachal Pradesh Minor Mineral (concession) Revised Rules 1971.

NO TO ENTER AND WORK IN RESERVED AND PROTECTED FOREST AREAS

(25) The contractor(s) shall not enter and work in any reserved or protected forest without obtaining prior permission in writing from the Chief Conservator of Forest, Himachal Pradesh, or any other officer authorized by him in this behalf.

APPLICATION OF ALL RULES AND REGULATIONS TO THIS CONTRACT

(26) This contract is subject to all rules and regulations which may from time to time be issued by the government regulating the work of quarries and other matters affecting the safety, health and convenience of contractor(s) employees or of the public, whether under the Indian Mines Act or otherwise.

TO REPORT ACCIDENT

(27) The contractor(s) shall without delay send to the collector concerned and the District Industries Officer/Mining officer a report of any accident, causing loss of life or serious bodily injuries or seriously affecting or endangering life or property which may at any time occur at or in the said lands in the course of operations under this contract.

TO SUBMIT REPORTS AND RETURNS

(28) The contractor(s) shall furnish such reports and returns relating to output, laboures employed and other matters as the Government may prescribe.

PENALTY FOR DEFAULT

(29) In case of default in the due observance of the terms and conditions of the contract or in the payment of the contract money on the due date, the contract may be terminated by the Government or by any officer authorized by the Government in this behalf by giving one month's notice, with forfeiture of security deposit as also the installment, paid in advance, if any.

TERMINATION OF THE CONTRACT BY STATE GOVERNMENT IN PUBLIC INTEREST

(30) The contract may be terminated by the government if considered by it to be in public interest by giving one months notice:

Provided that in the state of national emergency or war the contract may be terminated without giving such notice.

SECURITY DEPOSIT

(31) The security deposited by the Contractor(s) shall be in the shape of fixed deposit receipt duly pledged in the name of a competent authority.

DELIVERY OF THE POSSESSION OF THE QUARRY IN WORKABLE CONDITION

(32) The contractor(s) shall deliver the possession of the quarry to the District Industries Officer/Mining Officer in a workable condition. In case he/they fill it with debris the debris shall be cleared at the cost of the contractor(s) and the amount so spent, shall be deducted from his/their security deposit.

TO ALLOW FACILITIES TO THE CONTRACTORS ETC.

(33) The contractor(s) shall allow existing and further contractors/mining lease holders/permit holders of any land which is comprised in or adjoins or is reached by the land, held by the contractor(s), reasonable facilities for access thereto.

STATE GOVERNMENT NOT RESPONSIBLE FOR LOSS TO THE CONTRACTOR(S)

(34) The Government shall not be responsible for any kind of loss to the contractor(s).

RESTRICTIONS ON TRANSPORT OF THE SLATES/OTHER MINOR MINERALS

(35) The export of slates/minor minerals shall be subject to such rules at the Himachal Pradesh Government may issue from time to time under the Himachal Pradesh minor Mineral (Concession) revised Rules, 1971 and in their absence under such instructions as the district Industries Officer/Mining Officer concerned may issue from time to time.

STAMP DUTY AND REGISTRATION CHARGES

(36) The stamp duty or registration charges, if any, on this indenture shall be borne by the government.

IN WITNESS WHEREOF Shri.....son of
caste..... of
 Village.....Tehsil.....
 District.....Himachal Pradesh (Contractor)
 AND.....to the Himachal Pradesh Government for and on behalf
 of the Governor of Himachal Pradesh have signed these presents in token of acceptance of terms
 thereof on the day and the year first written above.

(When the Contractor is a registered firm)

IN WITNESS WHEREOF Shri.....son of
caste.....
 village.....Tehsil.....
 District....., a partner of, and acting for and on behalf of the firm
 carrying on business in partnership under the firm and style of
(Name of firm) registered under the Indian Partnership Act,
 1932, AND.....to the Himachal Pradesh
 Government.....Department for and on behalf of the Governor of
 Himachal Pradesh and acting under his authority, have signed these presents, in token of
 acceptance of terms thereof on the day and the year written above.

(When the Contractor is a registered company)

IN WITNESS WHEREOF Shri.....son of
Caste.....village
Tehsil.....District.....
 for and on behalf of the Company registered under the name and style of
and duly authorized in this behalf or under the statute
 incorporating the said Company, AND..... to the Himachal
 Pradesh Government..... Department, acting for and on behalf of the
 Governor of Himachal Pradesh, have signed these presents in token of terms thereof on the day
 and the year first written above.

Signed by
 (Contractor)
 For and on behalf of the governor of For and on behalf of
 Himachal Pradesh.

Address.....

Witness (1)..... (Name of the firm or Company)
 Address..... Address.....
 Witness (2)
 Address.....

FORM 'L'
(See rule 52)
CERTIFICATE

In exercise of the powers conferred by rule 52 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971, read with Himachal Pradesh Government Order No.dated.....I, hereby certify that a sum Rs.(Rupees.....) (in words) is recoverable as arrears of land revenue from.....on account of the following in respect of lease or contract ofDeposits village(s)in..... District.

Rs.

(i) Royalty/dead rent	:	
(ii) Surface rent	:	
(iii) Contract money	:	
Total	:	

Place.....
Dated.....

Signature of the Issuing Authority
with designation.

**[FORM 'M']
IN TRIPLICATE
(See Rule 57(I))**

FORM OF PASS
(RuJe 57)

Book No

Seal & Signature of
Mining Officer/General Manager.
S. No : .
Date .

1. Name of Contractor/Lessee/
Short Term Permit holder.....
2. Name and Location of Mine
3. Name and Quality of Mineral.....
4. Place where Mineral is being sent
5. Name or person/party to whom
mineral is ,being dispatched.....
6. Mode of TransportVehicle No
7. Name of Owner of Vehicle
8. Name of Driver
9. Weight/volume of Mineral..
10. Page No. of the Production register at which Export Pass has been
enteredTime of Dispatch

Signature of the Driver.

Signature of the Mine Owner/
Manager.

1. Substituted by H.P. Govt. Notification No. Ind.-I(a)3-5/77 dated 27-12-1979.

