

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN BENCH,
CHENNAI**

ORIGINAL APPLICATION NO: 258 OF 2024 (SZ)

IN THE MATTER OF:

Suo-Moto matter based on the News item appearing in "Udayavani" dated 25.06.2024 titled "Pavoor Uliya Kudru shrinking due to illegal sand mining, Locals demand Justice"

Versus

Central Pollution Control Board and Ors.

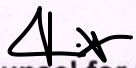
RESPONDENT (S)

Index

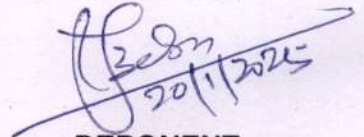
Sl.No	Particulars	Page No.
1	Affidavit Filed on Behalf of Respondent No. 1- Central Pollution Control Board	01-08
2	Annexure-I Karnataka Minor Mineral Concession Rules,1994	09-183
3	Annexure-II Karnataka Minor Mineral Concession (Amendment) Rules 2016-17	184-225
4	Annexure-III Karnataka Minor Mineral Concession (Amendment) Rules 2020	226-245
5	Annexure-IV CPCB RD Bangalore letter dated 18-11-2024	246-246
6	Annexure-V Report filed on behalf of Respondent-5 Deputy Commissioner Dakshina Kannada District in the said matter	247-271

Date: 20-01-2025

Place: Bengaluru


Counsel for CPCB




DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

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RESPONDENT (S)

REPLY ON BEHALF OF THE RESPONDENT NO. 1: CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That, Hon'ble NGT (SZ) vide order dated 30.09.2024 in the instant case has sought the reply from this answering Respondent No.1 i.e., Central Pollution Control Board (CPCB) over the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.



(Signature)
20/11/2025

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

REPLY

3. That, Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi registered a *suo-moto* case OA No: 1007 of 2024 dated 02.08.2024, based on the News item published in Udayavani dated 25.06.2024 titled "Pavoor Uliya Kudru shrinking due to illegal sand mining, Locals demand justice". The matter relates to the allegations of shrinkage of Pavoor Uliya Kudru near Mangalore, Karnataka due to alleged illegal sand mining. As per the article, Pavoor Uliya Kudru is a small island in the Netravati River between Pavoor & Adyar and is allegedly facing severe erosion and reduction in size due to illegal sand mining. The news report alleges that the island has dramatically reduced from 80 acres and 2 kilometers in length to 40 acres and 1 kilometer. The matter was transferred to Hon'ble National Green Tribunal, Southern Bench, Chennai and renamed as OA No. 258 of 2024 (SZ).
4. That, it is respectfully submitted that Ministry of Environment Forest and Climate Change (MoEF&CC) has issued "Sustainable Sand Mining Management Guidelines, 2016" to ensure sustainable sand mining and environment friendly management practices in order to restore and maintain the ecology of river and other sand sources. As per the Guidelines, no mining is allowed without Environmental Clearance. Further, MOEF&CC has issued "Enforcement & Monitoring Guidelines for Sand Mining, 2020". As per these Guidelines, approval of Mining Plan, Granting Environmental Clearance by SEIAA (State Environment Impact Assessment Authority) in the respective State/UT and effective monitoring of the sand mining from the identification of sand mineral sources to its dispatch and end-use by consumers is the responsibility of the concerned Authorities in the respective State/UT.



[Signature]
20/1/2025

J. Chandra Babu
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CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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5. That, it is humbly submitted that Section 23 C of Mines and Minerals (Development and Regulation) Act 1957 empowers the State Government to make Rules for preventing illegal mining, transportation and storage of minerals.
6. That, it is respectfully submitted that Government of Karnataka has notified Karnataka Minor Mineral Concession Rules, 1994 and a copy is annexed as **Annexure-I**. As per Rule 31 R of the Karnataka Minor Mineral Concession (Amendment) Rules 2016-17 (copy annexed as **Annexure-II**), District Sand Monitoring Committee (referred to as District Committee) will grant permission for quarrying and transportation of ordinary sand in river bed. The District Committee comprises of following members:
 - a. The Deputy Commissioner of the District—Chairman
 - b. The Chief Executive Officer of the Zilla Panchayat- member
 - c. The Police Commissioner and Superintendent of Police Incharge of the city or District- Member
 - d. The Executive Engineer of the Public Works Ports and Inland Water Transport Department- Member
 - e. The Executive Engineer of the Major Department of Water Resources- Member
 - f. The Deputy Conservator of Forest (Territorial)- Member
 - g. The Regional Transport Officer-Member
 - h. The officer in-charge of the Karnataka State Pollution Control Board- Member
 - i. The Assistant Commissioners of the sub-divisions of Revenue-Member
 - j. The Deputy Director or Senior Geologist, Department of Mines and Geology- Member Secretary.



[Signature]
20/1/2025

J. Chandra Babu
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CENTRAL POLLUTION CONTROL BOARD
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7. That, it is respectfully submitted that as per Rule 31R of Karnataka Minor Mineral Concession (Amendment) Rules 2020 (copy annexed as **Annexure-III**) " If sand found to be stored or transported illegally shall be seized and confiscated by any member of the District or Taluk Sand Monitoring Committee through a mahajar and be handed over to the Public Works Department or any other department as decided by the District Sand Monitoring Committee who in turn dispose the same to the Central or State Government works at the rate as fixed by the District Sand Monitoring Committee with computerized mineral Dispatch Permit issued by the Department of Mines and Geology of the Concerned District."
8. That, it is respectfully submitted that in Karnataka State, Department of Mines and Geology, Govt. of Karnataka is entrusted with the responsibility of mineral exploration, mineral assessment, mineral quality analysis and in Mineral Administration including grant of Mining Lease and quarry leases, collection of Royalty from major and minor minerals, curbing unauthorized mining and transportation of minerals and also promoting scientific, environment friendly mining activities towards the sustainable development in the State of Karnataka.
9. That, it is respectfully submitted that as the matter also pertains to Department of Mines & Geology (DMG), Karnataka State, CPCB RD Bangalore vide letter dated 18-11-2024 has requested the Deputy Director, Department of Mines & Geology, Dakshina Kannada to furnish status report on sand mining in Pavor Uliya Kudru Island. A copy is annexed as **Annexure-IV**.



[Handwritten signature]
20/11/2024

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV. FOREST & CC, GOVT OF INDIA)
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10. That in response to the CPCB letter, DMG, Mangaluru has forwarded the report filed on behalf of Respondent-5 Deputy Commissioner Dakshina Kannada District in the matter vide Email dated 29-11-2024 in which inter alia it is stated that - i) the island falls under the ambit of Coastal Regulation Zone-I and is designated as an eco-sensitive zone where sand mining is prohibited, ii) in response to a complaint received on 31.05.2024, the area was inspected by a team of Department of Mines and Geology, Dakshina Kannada which reported that the alluvial soil entwined with the sand has been slipped at the east of the island due to lack of mangrove vegetation, whereas the remaining part of the island is intact, iii) on the report submitted by the Department of Mines and Geology, a committee has been formed in the chairmanship of Assistant Commissioner on 28.06.2024 to re-inspect the illegal sand mining activity which has submitted the report reporting that there is no illegal sand mining activity was found in the said (Pavoor Uliya Kudru Island) area, and the said committee has recommended certain measures such as day-and-night patrol, to make trenches at the roads which make way to river bank / dock, to seize the illegal sand stocking if found and to proceed legal action against the land owner, iv) as per the recommendation of the committee, teams have been formed and appropriate directions have been issued to Department of Mines and Geology, Dakshina Kannada, Assistant Commissioner of Police, Mangaluru City (North) and concerned Tahsildars, iii) Taluk Sand Monitoring Committee meetings have been held on 04.09.2024, 30.10.2024 and 15.11.2024 and the said committee has made three drives to the said area and patrolled on boats in the river and seized the boats used for sand extraction away from the said Pavoor Uliya village and dug trenches all along the way paved to dock yards. A copy of the said report is placed as **Annexure-V**.



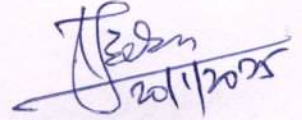
J. Chandra Babu
20/11/2024

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11. That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.


COUNSEL FOR 1st
RESPONDENT




20/1/2025

Deponent

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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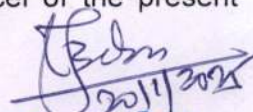
-RESPONDENT (S)

AFFIDAVIT

I, J Chandra Babu, S/o of late Shri. J Balaramaiah, aged 56 years, having office at the Regional Directorate (Bengaluru), Central Pollution Control Board (CPCB), 1st & 2nd Floors, Nisarga Bhavan A- Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru – 560 079, Karnataka, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit




 J. Chandra Babu
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
 REGIONAL DIRECTORATE - BENGALURU
 (MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
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3. That the accompanying reply has been drafted and filed under my instructions and Authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Dated at Bangalore on this 20th day of January, 2025.



[Signature]
20/1/2025
DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

VERIFICATION

Verified at Bengaluru on this day of Twentyth Day of January 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Bengaluru on this the 20th Day of January, 2025.

[Signature]
COUNSEL FOR 1st
RESPONDENT



[Signature]
20/1/2025
DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
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GENERAL CONTENTS

• No. CI 418 MRC 92[IX], Bangalore, dated 22nd July, 1994.....	162
• No. CI 418 MRC 92[X], Bangalore, dated 2nd July, 1994.....	165
• No. CI 418 MRC 92[XI], Bangalore, dated 2nd July, 1994.....	168
• No. CI 418 MRC 92, Bangalore, dated 4th July, 1994.....	173
• No. CI 418 MRC 92(P), Bangalore, dated 22nd March, 1995.....	173
• No. CI 277 MMN 2016(1), Bengaluru, dated 21st September, 2016	173
✓ SAND POLICY, 2016 (GUIDELINES)	271-278
• ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ ಸಿಐ 317 ಎಂಎಂಎನ್ 2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 14-11-2016	271
• ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ ಸಿಐ 320 ಎಂಎಂಎನ್ 2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 18-11-2016	275
✓ TENDER-CUM-AUCTION DOCUMENT FOR DISPOSAL OF RIVER SAND BLOCKS.....	279-298
✓ GUIDELINES FOR IMPORT & SALE OF SAND.....	299-312
✓ THE KARNATAKA REGULATION OF STONE CRUSHERS ACT, 2011.....	313-326
✓ THE KARNATAKA REGULATION OF STONE CRUSHERS RULES, 2012.....	327-344
✓ CIRCULARS	
• ಸಂಖ್ಯೆ: ಗಭೂಇ/ಉ.ನಿ.(ಖ.ಆ) ಕಗಗುಶಾ ಇತರೆ/2016-17, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 2-9-2016	345
• ಸಂಖ್ಯೆ: ಗಭೂಇ/ಉ.ನಿ.(ಖ.ಆ) ಕಗಗು/ಉಪ-ಖನಿಜ/2016-17, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 6-9-2016	346
• ಸಂಖ್ಯೆ: ಗಭೂಇ/ಉ.ನಿ.(ಖ.ಆ) ಕ.ಗ.ಗು/ಎಂ-ಸ್ಕಾಂಡ್-1/2016-17, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 21-9-2016	348
• ಸಂಖ್ಯೆ: ಗಭೂಇ/ಉ.ನಿ.(ಖ.ಆ) ಕ.ಗ.ಗು/ತಿ.ನಿ.-/2016-17, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 21-9-2016	349

THE KARNATAKA MINOR MINERAL CONCESSION RULES, 1994

ARRANGEMENT OF RULES

Rules

Page No.

CHAPTER I Preliminary

1. Title and commencement.....	18
2. (1) Definitions	18
(a) Act.....	18
(a-a) Additional Periodic Payment	18
(a-1) Approving Authority	18
(a-1-a) Authorised Officer	19
(a-1-b) Average Selling Price.....	19
(a-1-c) Basic Price.....	19
(a-2) Boundary Pillar	19
(a-3) Bulk quantity	20
(a-4) Cluster	20
(a-5) Cluster Association	20
(a-6) Co-operative societies	20
(b) Competent Authority	20
(b-1) Composite licence	20
(c) Controlling Authority.....	20
(d) Director	20
(d-a) e-auction.....	20
(d-b) End Use.....	20

(d-c) End-Product	21
(d-1) Environment and Environmental pollution	21
(d-2) Environment Management Plan (EMP)	21
(d-3) Environment Management Fee	21
(d-4) Filter sand	21
(d-5) Financial assurance	21
(d-6) inal mine closure plan	21
(d-6-a) Floor Price	21
(d-7) ILMS	22
(d-8) Initial Price Offer	22
(e) Form	22
(e-a) Local Authority	22
(e-1) Mine closure	22
(e-2) Mineral Despatch Release Order (MDRO)	22
(e-3) MoEF	22
(f) Non-specified minor mineral	22
(g) Ordinary building stone	22
(h) Permit	23
(h-1) Progressive Mine Closure Plan	23
(i) Quarry	23
(j) Quarrying lease	23
(k) Quarrying licence	23
(k-1) Quarrying Plan	24
(k-2) uarrying or Mining	24
(k-3) Recognised Qualified Person (RQP)	24
(k-4) [Omitted]	24
(k-5) River bank	24
(k-6) Sale Value	24

(1) Schedule	24
(m) Specified minor mineral	25
(m-1) Scheduled Castes/Scheduled Tribes	26
(m-2) SELAA	26
(m-3) Simplified Quarrying plan	26
(m-4) SC/ST Co-operative societies	26
(m-5) SSPP	26
(m-7) Tenderer	26
(2) Words and expressions	26

CHAPTER II

General

3. Quarrying to be under quarrying lease or quarrying licence	26
3-A. Exemption of certain rules in certain cases	27
3-B. Special Provisions for minor minerals required for National and State Highways, Major Irrigation Works and Railways	28
3-C. Powers of the District Task Force Committee for ensuring that ordinary building stone is available for other Government works of significant importance in the District	30
3-D. Reservation of area for Government company or corporation and grant without auction	30
3-E. Special provision for discovery of new mineral or use as different mineral or product	31
3-F. Exemption of certain rules in case of ordinary building stone	32
3-G. Relaxation for quarry leases granted under Rule 12	34
4. Competent Authority	35
5. Controlling Authority	40
6. General conditions of quarrying lease and licence	41
7. Power of the Competent Authority to specify additional conditions	43

8. Restrictions on grant or renewal of quarrying Lease or licence.....	44
8-A. Periods for which Quarrying Lease, Licence or Prospecting Licence may be granted.....	49
8-B. Status of applications received.....	52

CHAPTER II-A Systematic, Scientific Mining and Protection of Environment

8-C. Quarrying Plan be a pre-requisite to the grant of quarrying lease, quarry licence, working permission and sand quarrying.....	56
8-D. Quarrying Plan to be prepared by a recognized qualified person	56
8-E. Grant of recognition by the State Government.....	57
8-F. Submission and approval of quarrying plan/ simplified Quarrying Plan.....	57
8-G. Modifications of approved quarrying plan/ simplified quarrying plan.....	59
8-H. Mine Closure Plan	60
8-I. Quarrying plan or simplified quarrying plan to be submitted by the existing lessee/licensee/ permission holder/sand tenderer	61
8-J. Review of quarrying plan or simplified Quarrying Plan.....	62
8-K. Quarrying operations to be in accordance with quarrying plan/simplified quarrying plan	63
8-L. Financial assurance	63
8-M. System of working	65
8-N. Separate stacking of non-saleable mineral.....	65
8-O. Employment of qualified persons	66
8-P. Duties of qualified person	68
8-Q. Environmental Management Plan for individual or clusters of leases/ licenses/working permission/ sand quarrying permission/sand tender areas.....	69

8-R. Cluster Association.....	70
8-S. <i>The Regional Environment Management Committee</i> [Omitted]	71
8-T. Implementation of Environment Management Plan in a cluster.....	71
8-U. Environmental safeguard measures to be implemented by individual lessee/licensee/working permission holder other than sand	71
8-V. Environmental protection measures in River Sand Quarrying	72
8-W. Issues to be included in the Environment Management Plan.....	74
8-X. Periodical examination of air, water and noise pollution after sanction	77
8-Y. Duties and Obligations of lessee/licensee/ permission holder	77

CHAPTER III Grant of Quarrying Lease

9. Application for grant of a quarrying lease	78
9-A. Grant of quarrying lease by auctions	78
9-B. Application of other Provisions.....	80

CHAPTER III-A Grant of Composite Licence

9-C. Application for grant of Composite license	80
9-D.	80
10. Exemption of security deposit.....	82
11. Grant or renewal of quarrying lease	82
12. <i>Priorities [Omitted]</i>	83
13. Register of quarrying lease or license and Composite license	83
14. <i>Disposal of application for grant or renewal of lease</i> [Omitted]	83
15. Maximum Area for which a Quarrying Lease or Prospecting Licence may be granted.....	83

15-A. Minimum area for Quarrying Lease or Licence or Composite Licence to be granted	85
16. Notification of grant of Quarry Lease or Composite Licence	86
17. Survey and demarcation of the area granted.....	86
18. Execution of Quarrying Lease or Quarry Licence or Prospecting Licence or Composite Licence	87
19. Surrender of lease.....	90
19-A. Transfer of Leases or Licenses.....	91
19-B. Amalgamation of Quarry Leases	93
19-C. Status of grant/quarrying lease on death of the applicant/lessee/licensee.....	94
19-D. Change of name, nationality, etc. to be intimated.....	94
20. Rights of the lessee	95

CHAPTER IV

General Procedures and Statutory Requirements

21. Application for grant or renewal of a quarrying lease in respect of non-specified minor minerals [Omitted]	95
21-A. Grant of quarrying permits [Omitted].....	98
22. Scrutiny of applications, inspection of applied area and disposal of applications [Omitted].....	98
23. Priority [Omitted]	99
24. Register of applications and quarrying leases [Omitted].....	100
25. Maximum area of quarrying lease to be granted [Omitted]	100
25-A. Minimum area for quarrying lease to be granted [Omitted]	100
26. Period of quarrying lease [Omitted].....	101
27. Notification of grant of lease [Omitted]	102
28. Intimation of refusal [Omitted]	102
29. Survey and demarcation of the area granted [Omitted]	102
30. Executive of lease deed [Omitted].....	102

31. Conditions of quarrying lease [Omitted]	104
---	-----

CHAPTER IV-A

Grant of Quarrying Lease or Composite Licence by Auction

31-A. Notification of area available for grant of Quarrying Lease or Composite Licence	104
31-B. Reservation of Blocks	105
31-C. Process of auction	108
31-D. Eligibility.....	111
31-E. Withdrawal of bid	111
31-F. General conditions of auction	111
31-G. Undertaking to be given for auction.....	112
31-H. Rejection of bids in auction.....	113
31-I. Confirmation.....	113
31-J. Grant of Quarrying Lease	113
31-K. Grant of Composite Licence.....	114
31-L. Surrender of lease.....	114
31-M. Transfer of Lease.....	115
31-N. Application of Certain rules for lease or composite licence granted under this chapter.....	117

CHAPTER IV-B

Permission for quarrying of ordinary sand in river bed, patta land, removal of sand bars in Coastal Regulation Zone areas of coastal districts and special provisions for production of M-sand as well as for and transportation of sand and M-Sand

31-R. Permission for quarrying and transportation of ordinary sand in river bed.....	117
31-S. Reservation of Sand Blocks.....	126
31-T. Disposal of Sand Blocks through Tender-cum-auction	126
31-U. Eligibility.....	129
31-V. General conditions of auction and with drawal of the bid	130
31-W. Grant, Transfer and Surrender of Quarrying Lease	131

31-X. Transitory provisions for tendered working blocks	133
31-Y. Responsibilities of the lessee and holder of licence.....	133
31-Z. Constitution of Corpus Fund	135
31-ZA. Permission for quarrying and transportation of ordinary sand in or from patta land	137
31-ZB. Permission for removal of sand bars and transportation of ordinary sand in Coastal Regulation Zone (CRZ) areas	138
31-ZB-A. Disposal of Sand Blocks through tender-cum-auction to Non-CRZ areas of Coastal Districts.....	139
31-ZC. Special provisions for M-sand	139
31-ZD. Special Provision in case of applications pending for grant of quarry lease for production of M-sand	143
31-ZE. Application of certain provisions to this chapter	144
31-ZF. Registration of the Sand importer	144
31-ZG. License for a dealer	145
31-ZH. Maintenance of records of production and sale.....	146
31-ZI. Furnishing of statement of accounts by a Dealer	146
31-ZJ. Cancellation of license	146
31-ZK. Period for registration of importer and dealer's license	146
31-ZL. Mineral dispatch permit for transportation of imported sand	146

CHAPTER V

Permission for Quarrying Minor Minerals in Private or Patta lands

32. Quarrying licence.....	147
33. Quarrying by pattadars in Ex-Madras State territory [Omitted]	150
34. Grant or renewal of a quarrying licence in private lands other than those referred to in Rules 32 and 33 [Omitted].....	150

34-A. Transfer of licence [Omitted]	150
35. Quarrying of non-specified minor minerals in private land for bona fide domestic use.....	150

CHAPTER VI

Royalty, Dead rent, Security Deposit, Interest and Mineral Despatch Permit

36. Payment of royalty and dead rent in advance.....	150
36-A. Payment to District Mineral Foundation	152
37. Head of Account to which royalty <i>etc.</i> , to be credited.....	152
38. Refund of security deposit.....	153
39. Recovery of amount due to the Government	153
40. Issue of annual audit reports	153
41. Payment of interest	154
42. Transport of Minor Minerals	155
42-A. Issue of Rake Permit	157

CHAPTER VII

Controlling of Unauthorised Transportation of Minor Minerals, Checking of Minerals in Transit and Unauthorised Quarrying Offences

43. Checkposts and checking of minerals in transit	157
43-A. Seizing of unlawful minor mineral, tool, equipment, vehicle <i>etc.</i>	163
44. Offences	163
45. Termination of lease or licence held by an offender	165
46. Power of entry, inspection <i>etc.</i>	165

CHAPTER VIII

Disposal of Seized or Confiscated Minor Minerals and Minor Minerals left after the Expiry or Termination of Lease: Through Auction Sale

47. Procedure for disposing seized minor minerals	168
48. Sale to be notified	169
49. Disqualification to bid	169

50. Earnest money.....	169
51. Conduct and confirmation of sale.....	170
52. Penalty for non-removal of auctioned minor mineral.....	171

CHAPTER IX Revision and Miscellaneous

53. Revision.....	171
54. Delegation of powers	173
55. Power to rectify apparent mistakes.....	174
56. Relaxation of rules in special cases.....	174
57. Application of these rules for renewal [Omitted].....	175
58. Repeal and saving.....	175
59. Transitory Provisions.....	175
60. Special provision for lease or licences granted on or after 16-6-2015, but before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, for which lease deed have not been executed before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.....	175
61. Removal of difficulty	176
SCHEDULE I	177
SCHEDULE I-A	179
SCHEDULE I-B	181
SCHEDULE II	181
SCHEDULE II-A	186
SCHEDULE III	188
SCHEDULE IV	189
SCHEDULE V.....	190
SCHEDULE VI	190

FORMS

FORM AQL	— Application for grant of quarrying lease/ quarrying licence	192
FORM R	— Application for renewal of quarrying lease/ quarrying licence	196
FORM A	— Acknowledgement for receipt of application for quarrying lease/quarrying licence.....	198
FORM Q(a)	— Monthly Returns.....	198
FORM Q(b)	— Quarterly Returns	199
FORM JIR	— Joint inspection and recommendation report.....	200
FORM AWPL	— Register of applicants for quarry licence in patta land.....	203
FORM WPL	— Register of quarry licence.....	204
FORM CLN	— Register of notifications for composite licence by e-auction.....	204
FORM MCL	— Register of composite licence	205
FORM QL	— Register of quarrying lease/ quarrying licence	206
FORM QLN	— Register of notifications for quarry lease by tender-cum-auction.....	207
FORM RKP	— Rake Permit	207
FORM T	— Model Form for transfer of quarrying lease/licence.....	208
FORM-U	— Accounts Registers and other documents	212
FORM-V	— Stock Register to be maintained by a dealer.....	212
FORM-DL	— Application for Dealer's License or Renewal.....	213
FORM-GR	— Grant or Renewal of License.....	214
FORM-VS	— Endorsement in respect of Seizure of Vehicle	214

FORM-IR	— Application for grant of registration for importer of sand.....	215
FORM-IS	— Submission of quarterly report by the Importer of Sand.....	216
FORM S	— Inspection report of applied area for quarry lease/licence	217
FORM GL	— Sanction of first renewal/second renewal of a quarry lease/licence for quarrying	219
FORM GL-C	— Conditional Grant.....	221
FORM Q	— Quarterly Returns	222
FORM W	— Submission of statement of accounts by dealer	223
FORM Y	— Annual Return for the year ending 31st March, 20.....	224
FORM Y(a)	— Annual returns.....	225
FORM APR	— Yearly report of prospecting operations carried out.....	226
FORM CFQ	— Consent letter of quarry	228
FORM O	— Classification of Minor Minerals for purpose of Rule 47	230
FORM AP	— Application for Mineral despatch permit	232
FORM RV	— Application for Revision	235
FORM MDP	— Mineral/Minor Mineral despatch permit	236
FORM MDP(A)	— Mineral Despatch Permit	240
FORM MDRO	— MDRO for Trip Sheet (MDP).....	241
FORM E	— Quarrying lease/quarrying licence.....	242
FORM AQP	— Application for a quarrying permit.....	262
FORM PBS	— Performance Guarantee in the Form of Bank Security.....	264
FORM QP	— Quarrying permit.....	268
FORM QPR	— Register of quarry permits	270

THE KARNATAKA MINOR MINERAL CONCESSION RULES, 1994

NOTIFICATION

No. CI 418 MRC 92, Bangalore, dated 28th May, 1994

[Published in the Karnataka Gazette, Extraordinary, dated 28-5-1994]

(As amended by Notification No.

CI 418 MRC 92, dated 6-5-1995 [KG(E)D 6-5-1995];
 CI 418 MRC 92(P), dated 24-1-1996 [KG(E)D 30-1-1996];
 CI 193 MMN 95, dated 2-4-1996 [KGD 16-6-1996];
 CI 187 MMN 95, dated 29-6-1996 [KGD 18-7-1996];
 CI 256 MMN 96, dated 3-6-1997 [KGD 17-7-1997];
 CI 2 MMN 98(1), dated 8-7-1999 [KG(E)D 8-7-1999];
 CI 2 MMN 98(2), dated 16-10-2000 [KG(E)D 16-10-2000];
 CI 7 MMN 01, dated 1-1-2002 [KG(E)D 15-1-2002];
 CI 188 MMN 2000, dated 30-9-2002 [KG(E)D 8-10-2002];
 CI 105 MMN 2002, dated 5-12-2002 [KG(E)D 10-12-2002];
 CI 94 MMN 2001, dated 22-3-2003 [KG(E)D 22-3-2003];
 CI 278 MMN 2001, dated 2-6-2003 [KG(E)D 10-6-2003];
 CI 278 MMN 2001, dated 19-7-2003 [KG(E)D 19-7-2003];
 CI 59 MMN 2003, dated 7-10-2003 [KG(E)D 5-11-2003];
 CI 46 MMN 2004, dated 28-2-2004 [KG(E)D 28-2-2004];
 CI 278 MMN 2001, dated 31-5-2004 [KGD 1-7-2004];
 CI 104 MMN 2005, dated 11-1-2007 [KG(E)D 11-1-2007];
 CI 56 MMN 2006, dated 23-6-2007 [KG(E)D 23-6-2007];
 CI 56 MMN 2006, dated 17-11-2007 [KG(E)D 21-11-2007];
 CI 56 MMN 2006(P), dated 5-9-2008 [KG(E)D 9-9-2008];
 CI 60 MMN 2009, dated 27-8-2009 [KG(E)D 28-8-2009];
 CI 109 MMN 2007, dated 29-1-2010 [KG(E)D 2-2-2010];
 CI 84 MMN 2009(3), dated 2-7-2011 [KG(E)D 2-7-2011];
 CI 142 MMN 2011, dated 6-2-2013 [KGD 21-2-2013];
 CI 449 MMN 2011(P), 13-9-2013 [KG(E)D 13-9-2013];
 CI 357 MMN 2012, dated 16-12-2013 [KG(E)D 16-12-2013];
 CI 357 MMN 2012, dated 31-1-2014 [KG(E)D 1-2-2014];
 CI 81 MMN 2014, dated 18-2-2014 [KG(E)D 19-2-2014];

CI 350 MMN 2013, dated 5-3-2014 [KG(E)D 5-3-2014];
 CI 81 MMN 2014, dated 5-3-2014 [KG(E)D 5-3-2014];
 CI 81 MMN 2014, dated 15-5-2014;
 CI 170 MMN 2014, dated 1-9-2014 [KG(E)D 1-10-2014];
 CI 418 MMN 2015(Part), dated 12-8-2016 [KG(E)D 12-8-2016];
 CI 418 MMN 2015(P-II), dated 26-11-2016;
 CI 308 MMN 2016, dated 6-1-2017 [KG(E)D 6-1-2017];
 CI 64 MMN 2017, dated 18-7-2017 [KG(E)D 18-7-2017];
 CI 302 MMN 2017, dated 16-11-2017 [KG(E)D 18-11-2017] and
 CI 376 MMN 2017, dated 23-12-2017 [KG(E)D 26-12-2017].

In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act No. 67 of 1957), the Government of Karnataka hereby makes the following rules, namely:—

CHAPTER I PRELIMINARY

1. Title and commencement.—(1) These rules may be called the Karnataka Minor Mineral Concession Rules, 1994.

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

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

(a) “Act” means the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act No. 67 of 1957);

²[(a-a) “Additional Periodic Payment” means the payment made or to be made by the holder of a lease or license, as a percentage of Royalty, in addition to Royalty, for the concerned mineral on dispatch of that mineral as per the final price offer obtained in auction.]

³[(a-1) “Approving Authority” means the Authority competent to approve,—

1. The figure and brackets “(1)” inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
2. Clause (a-a) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
3. Clauses (a-1) to (a-6) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

(i) in respect of Environment management plan, ¹[****] the State Environment Impact Assessment Authority; or the Ministry of Environment and Forest, as the case may be; and

(ii) in respect of quarrying plan, the Director, mines and geology or his Authorised Officer for specified minor mineral; and Deputy Director/Senior Geologist of the concerned district, for non-specified minor mineral;

²[(iii) in respect of Quarry Plan for 31 minor minerals notified by the Government of India in notification number S.O. 423(E), dated 10-2-2015 shall be such Officer or Agency as notified by the State Government from time to time;]

³[(a-1-a) “Authorised Officer” means an officer not below the rank of Group B authorised by the State Government or the Commissioner or Director of Mines and Geology or Deputy Commissioner of the District to act for the specific purpose under these rules;

(a-1-b) “Average Selling Price” of a mineral shall mean the average selling price of that mineral, at the mine site, as published by the Indian Bureau of Mines or by the State Government or any other Agency notified by the State Government in this regard, published separately for domestic sale or for exports or both;]

⁴[(a-1-c) “Basic Price” means a minimum percentage of Royalty fixed by the State Government in tender document for the purpose of auction;]

(a-2) “Boundary Pillar” means the cemented or solid stone pillar of size 0.6m x 0.6m or more with a regular dimensions creating clear visibility having one meter height and 0.5 meter foundation painted with the yellow paint and

1. The words “the Regional Environment Management Committee; or” omitted by Notification No. CI 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014
2. Sub-clause (iii) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
3. Clauses (a-1-a) and (a-1-b) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
4. Clause (a-1-c) inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

marked with lease/licence number; GPS co-ordinates and pillar number in black paint;

- (a-3) "Bulk Quantity" means the wholesome quantity of mineral, which is intended for transportation under Computerised Mineral Dispatch Permit (CMDP);
- (a-4) "Cluster" means the geographical boundary declared by the Director mines and geology in respect of specified minor mineral and Deputy Director/Senior Geologist of concerned district in respect of non-specified minor mineral for quarrying areas which already exists or to be granted in future;
- (a-5) "Cluster association" means the association formed by holder of quarry lease/quarry licence/working permission/sand quarry permission falling in the cluster for collective implementation of Environment Management Plan (EMP);
- (a-6) "Co-operative Societies" means the co-operative societies registered under the Karnataka Co-operative Societies Act, 1959;]
- (b) "Competent Authority" means a Competent Authority appointed under Rule 4;
- ¹[(b-1) "Composite license" means prospecting license-cum-quarrying lease granted under Rule 9;]
- (c) "Controlling Authority" means a Controlling Authority appointed under Rule 5;
- (d) "Director" means the Director, Department of Mines and Geology;
- ²[(d-a) "e-auction" means the electronic auction by using such online electronic auction platforms as notified by the State Government so to be used;
- (d-b) "End Use" mean the final use of mined minor mineral including for captive use by the lessee or license holder himself for production of another material;

1. Clause (b-1) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Clauses (d-a), (d-b) and (d-c) inserted by Notification No. CI 418 MMN 2015 (Part), dated 12-8-2016, w.e.f. 12-8-2016.

- (d-c) "End-Product" means the final product for sale that is derived from the minor mineral;]
- ¹[(d-1) "Environment" and "Environmental Pollution" shall have the same meanings as assigned to them in the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986);
- (d-2) "Environment Management Plan (EMP)" means a plan prepared by an individual or a cluster association through recognized qualified person. In respect of ordinary sand, Environment Management Plan (EMP) shall be prepared by Deputy Director/Senior Geologist of concerned district on behalf of District Sand Monitoring Committee through recognised qualified person;
- (d-3) "Environment Management Fee" means a fee which is separately collected for sand ²[and credited into the consolidated fund for the purpose of] reclamation, rehabilitation and implementation of Environment Management Plan and for any other works specified by Government from time to time;
- (d-4) "Filter sand" means an imitative sand material, which is processed by removal of silt and clay components from the soil;
- (d-5) "Financial assurance" means the sureties furnished by the holder of quarrying lease/quarry licence/working permission to the Competent Authority concerned so as to indemnify the authorities against the reclamation and rehabilitation cost and in the manner as specified by the Government from time to time;
- (d-6) "Final mine closure plan" means a plan for the purpose of post-closure measures of a decommissioned quarry, cluster or part thereof after cessation of quarrying operations;
- ³[(d-6-a) "Floor Price" means the highest price offered by the technically qualified bidders in the financial bid, which

1. Clauses (d-1) to (d-7) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
2. Substituted for the words "and credited into the account of "corpus fund" of concerned District Sand Monitoring Committee and utilized for" by Notification No. CI 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
3. Clause (d-6-a) inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

shall be the starting price over which auction shall be conducted;]

¹[(d-7) "ILMS" means Integrated Lease Management System, a dedicated online platform for mineral administration of the Department of Mines and Geology;

(d-8) "Initial Price Offer" means price offered in the financial bid by the bidders for the purpose of floor price discovery for the auction;]

(e) "Form" means a form appended to these rules;

²[(e-a) "Local Authority" means a Municipal Corporation or Municipal Council or Town Panchayat or Panchayat constituted under the Karnataka Municipal Corporations Act, 1976 or the Karnataka Municipalities Act, 1964 or the Karnataka Grama Swaraj and Panchayat Raj Act, 1993 as the case may be;]

³[(e-1) "Mine Closure" means steps taken in accordance with progressive mine closure plan or final mine closure plan for reclamation, rehabilitation measures in respect of a quarry/cluster or part thereof to restore physical, chemical and biological quality disturbed by the quarrying;

(e-2) "Mineral Despatch Release Order (MDRO)" means, an order issued by the Competent Authority for a specified bulk quantity of mineral to be transported after collecting Royalty;

(e-3) "MoEF" means The Ministry of Environment and Forest, Government of India;]

(f) "Non-specified minor mineral" means minor minerals other than specified minor minerals;

(g) "Ordinary building stone" means ordinary building stone specified by the State Government from time to time;

1. Clause (d-7) substituted as clauses (d-7) and (d-8) by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

2. Clause (e-a) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

3. Clauses (e-1) to (e-3) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

NOTIFICATION

No. CI 418 MRC 92[II], Bangalore, dated 2nd July, 1994
[Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994]

In exercise of the powers conferred by clause (g) of Rule 2 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby specify the following stones to be the ordinary building stones for the purpose of the said clause, namely:—

"Any granite or granitic rock, basalt greywacke, phyllite, sandstone, quartzite, shale, slate, banded feruginous quartzite and dyke rocks of any colour, texture and structure which, by virtue of presence of inherent close-spaced joints, fractures, irregular veins, cannot be quarried and extracted in the form of blocks of dimension or size exceeding 0.04 cubic metres or in the form of slabs of dimension not exceeding 0.90 cubic metres with their (slabs) thickness not exceeding 20 centimetres".

¹[(h) "Permit" means a Computerized Mineral Dispatch Permit (CMDP) generated in electronic form either using internet or mobile technology in Special Security Permit Paper (SSPP);

(h-1) "Progressive mine closure plan" means a component of quarry plan submitted by the lessee/licensee/working permission holder or by the cluster association, which includes series of activities, proposals of scientific quarrying;]

(i) "Quarry" means any area declared as such by the Controlling Authority and set apart for quarrying any minor mineral;

(j) "Quarrying lease" means a lease granted to quarry minor mineral under these rules;

(k) "Quarrying Licence" means a quarrying licence granted under these rules;

CASE LAW

Rule 2(j) and (k) - licence for granite operation - Application for seeking a licence for quarrying in his patta land - Two different terms 'lease' and 'licence' used in statute cannot be construed in same sense - Refusal to grant licence on ground of not having minimum prescribed area. Held, there is no prescription of a minimum area for grant of licence for granite excavation in the patta land, the authorities were in error in refusing

1. Clause (h) substituted as clauses (h) and (h-1) by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

to grant the licence to the petitioner on the presumption that the area was less than 2.2 acres. Direct the authorities to issue licence in favour of petitioner. (*Shanthu Gurum Vs. State of Karnataka and Others*. ILR 2015 Kar 4405; 2016(1) AKR 627; 2016(1) KCCR 570 (DB).

¹[(k-1) "Quarrying Plan" means a plan comprising adoption of proper mining methods and optimum utilization of minerals prepared by all lessees/licensees/working permission holders through the Recognized Qualified Person (RQP) and includes simplified quarrying plan required to be submitted for having an area less than the extent stipulated;

(k-2) "Quarrying" or "Mining" means the excavation of minor minerals sheltered;

(k-3) "Recognised Qualified Person (RQP)" means in respect of preparation of quarrying plan, a person to whom recognition is granted for this purpose, by the Director, Mines and Geology or officer authorised by him; or a person recognized under Rule 22-C of the Mineral Concession Rules, 1960 and in respect of preparation of Environment Management Plan, a person or agency accredited by National Accreditation Board for Education and Training (NABET) or Quality Control of India (QCI) ²[or as specified by State Environment Impact Assessment Authority or Ministry of Environment and Forest from time to time];

³[(k-4) *****,]

⁴[(k-5) "River bank" means the rising land bordering a river;]

⁵[(k-6) "Sale Value" means the value at which the mineral is sold by the holder of lease or license at the mine site;]

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

1. Clauses (k-1) to (k-5) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

2. Inserted by Notification No. CI 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014.

3. Clause (k-4) omitted by Notification No. CI 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014.

4. Clause (k-5) substituted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

5. Clause (k-6) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

(m) "Specified minor mineral" means minor minerals specified ¹[in Part-A of the Schedule I-A and such other minor minerals, as may be notified] by the State Government from time to time;

NOTIFICATION

No. CI 418 MRC 92[1], Bangalore, dated 2nd July, 1994
[*Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994*]

In exercise of the powers conferred by clause (m) of Rule 2 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby specify the following minor minerals to be specified minor minerals for the purpose of the said clause, namely:—

Ornamental and Decorative Building Stones, such as:—

- (i) **Black and Green Granites etc., and their varieties** (All Dyke Rocks).—All black or grey or green or brown coloured mafic/ultramafic dyke rocks including porphyritic and other varieties of different structural and textural patterns suitable for use as ornamental and decorative stone.
- (ii) **Pink and Red Granites, Syenites etc., and Pink and Red Granitic Rocks and their varieties.**—Granites, Granitic rocks and syenites including Gneissic, Porphyritic and Aplitic varieties of different structural and textural patterns and with relatively dominating red or pink or brown colour (when combined with other colours) suitable for use as ornamental and decorative stone.
- (iii) **Grey and White Granites/Grey and White Granitic Rocks and their varieties.**—Granites and Granitic rocks including Gneissic, Porphyritic and Aplitic varieties of different structural and textural patterns, with relatively dominating grey or white colour (when combined with shades of grey, white, cream colours) suitable for use as ornamental and decorative stone.
- (iv) **Felsite and its varieties** suitable for use as ornamental and decorative stone.
- (v) **Quartzite and its varieties** suitable for use as ornamental and decorative stone.
- (vi) **Sandstone and its varieties** suitable for use as ornamental and decorative stone.
- (vii) **Marble or crystalline limestone and their varieties** suitable for use as ornamental and decorative stone.

1. Inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

- ¹[(m-1) "Scheduled Castes/Scheduled Tribes" means the Scheduled Castes and Scheduled Tribes as specified in the Constitution (Scheduled Castes and Scheduled Tribes) Order, 1950;
- (m-2) "SEIAA" means State Environmental Impact Assessment Authority constituted by MoEF for approving Environment Management Plan of all mining activities/projects having concession area less than fifty hectares or as specified from Central Government from time to time;
- (m-3) "Simplified Quarrying Plan" means a quarrying plan prepared by the Recognised Qualified Person for the quarrying area having less than stipulated extent in Schedule II-A and in accordance with guidelines and format issued by Indian Bureau of Mines;
- (m-4) "SC/ST Co-operative Societies" means societies comprising not less than seventy-five per cent of its members belonging to the Scheduled Castes or Scheduled Tribes for claiming reservations under these rules;
- (m-5) "SSPP" means Special Security Permit Paper issued by the Competent Authority for generating a computerized mineral dispatch permit in electronic forum;
- (m-7) "Tenderer" means the successful bidder who has entered into an agreement with Public Works Department for quarrying, transportation, storage and disposal and other operations of sand.]

²[(2) Words and expressions used but not defined in these rules shall have the same meaning respectively assigned to them in the Act and the Mineral Concession Rules, 1960 or in any other law for the time being in force.]

CHAPTER II General

3. Quarrying to be under quarrying lease or quarrying Licence.—(1) No person shall undertake any quarrying operation

1. Clauses (m-1) to (m-7) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
2. Sub-rule (2) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

in respect of any minor mineral in any land except under or in accordance with the terms and conditions of a quarrying lease ¹[licence ²[*****]] granted under these rules.

(2) No quarrying lease or ³[licence ⁴[*****]] shall be granted otherwise than in accordance with these rules.

CASE LAWS

Rules 3 and 8 - Grant of quarrying lease in respect of land covered by rocks and not useful as gomal land, though classified as such - Held, Authorities can take steps to consider granting of quarrying license in respect of said lands. (*Sri Venkateshwara Hill Crushers and Another Vs. State of Karnataka and Another*, 2008(3) AIR Kar.R 403: 2008(4) Kar. LJ 230: 2008(3) KCCR 1329).

Rules 3(2), 8-A, 8-B, 9, 11 and 12 - Grant Alternative Land - Lease was granted in favour of 3rd Respondent overlapping the area sought for by the petitioner on the ground that land already granted in his favour in another S.No. did not contain the pink granite as notified hence an alternative land is granted and application of the petitioner was rejected. **Held,** The concept of granting any alternative land in substitution of the land granted under lease or licence is alien to the Rules and to the law of contracts. In the absence of specific provision for such a grant under the rules, the grant of alternative lands is impermissible and would amount to conferring a power on the authorities where no such power exists. The grant of the mining lease to the 3rd Respondent vide Annexure A is not supported by the Rules. Directed to re-hear and dispose of the application of the Petitioner according to law. (*Shilpi Granites Exporters, Bangalore Vs. State of Karnataka and Others*, ILR 2003(2) Kar. 2162: 2003(4) Kar.LJ 385: 2003(2) KCCR 2199: AIR 2003 Kant 322).

⁵[3-A. Exemption of certain rules in certain cases.—The following activities are exempted from obtaining Quarrying lease or license and from provisions of sub-rule (1-A) of Rule 8 and Chapter II-A, namely,—

1. Substituted for the words "or licence" by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
2. The words "or quarrying permit" omitted by Notification No. CI 418 MMN 2015 (Part), dated 12-8-2016, w.e.f. 12-8-2016.
3. Substituted for the words "licence" by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
4. The words "or quarrying permit" omitted by Notification No. CI 418 MMN 2(15)(Part), dated 12-8-2016, w.e.f. 12-8-2016.
5. Rules 3-A, 3-B, 3-C, 3-D, 3-E, 3-F and 3-G inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

- (a) the digging of wells for water ¹[desilting ponds or tanks other than sand] and digging of earth for foundation of building and disposal of the minor mineral extracted thereof; and
- (b) removal of minor mineral ²[except sand] from the agricultural field for bonafide use and/or for betterment of the agricultural land by the occupant himself subject to certification by the Agriculture Department to that effect and subject to the condition that such activity shall not render the land less fit for cultivation than before and also subject to the condition that the mineral is removed in a manner that does not pose danger to the neighbouring areas:

Provided that in case of clause (b) above prior Working Permission in writing shall be obtained from the jurisdictional Deputy Director or Senior Geologist before commencement of extraction and that the removal of minor mineral shall be done within a period of twelve months of the date of grant of permission by the jurisdictional Deputy Director or Senior Geologist:

Provided further that in case of ³[clauses (a) and (b)] above if the minor mineral is sold by the owner or occupant of the agricultural land he shall pay the royalty to the State Government at the rate specified in Schedule-II as well as average Additional Periodic Payment, and that transportation of the minor mineral shall be undertaken only with a valid Mineral Dispatch Permit.

3-B. Special Provisions for minor minerals required for National and State Highways, Major Irrigation Works and Railways.—(1) Notwithstanding anything contained in these rules, the District Task Force may, after obtaining approval of the State Government, grant quarry lease or license for minor minerals required in construction of National and State Highways, major irrigation works, railways or other major infrastructure projects including Airports (hereinafter called as Major Development Works) to either the concerned Department of Central Government or State Government or to the Corporation or Agency or Authority set

1. Inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

2. Inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

3. Substituted for the word, letter and brackets "clause (b)" by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

up by the Central Government or State Government (hereinafter called the Development Agency) which is in charge of the work or to the Project Developer or the Contractor appointed by the said Development Agency for Major Development Works or to the assignee of such Project Developer or Contractor:

Provided that grant of such lease or license to Project Developer or Contractor or their assignee shall be done on recommendation of an Engineer, not below the rank of Executive Engineer or Tender Inviting Authority of the concerned Development Agency.

(2) Notwithstanding anything contained in Rule 8-A, Quarry Lease or license under this rule shall be issued for a period as recommended by an Engineer not below the rank of Executive Engineer or Tender Inviting Authority of the Development Agency which has awarded the work, and may be further extended by the Deputy Director or Senior Geologist of the District as recommended by the said Executive Engineer or the Tender Inviting Authority as may be required for completion of the work.

(3) Quarry Lease or license under this rule shall be granted on the condition that the Lessee or licensee shall pay, in addition to the royalty, an amount which shall be equal to the average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31-3-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighbouring Districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided that when such Royalty and Average Additional Periodic Payment is paid, the payment to the District Mineral Foundation by the concerned lessee or license holder, as the case may be, shall be as payable by holders of lease in an auction.

(4) The provisions of the Chapter-II-A, Chapter-V, Chapter-VI, Chapter-VII, Chapter-VIII and Chapter-IX shall apply *mutatis and mutandis* to these cases.

3-C. Powers of the District Task Force Committee for ensuring that ordinary building stone is available for other Government works of significant importance in the District.—(1) In case of extreme shortage of ordinary building stone for other Government works of significant importance in the District, the District Task Force Committee shall have the power to direct quarry operators in the District to reserve specific percentage of their production for these specific works.

(2) Quarry operators shall, on receipt of such direction from the District Task Force Committee, reserve the specified percentage of their production as directed by the District Task Force Committee for supply to specific Government works of significant importance in the District.

3-D. Reservation of area for Government company or corporation and grant without auction.—(1) The State Government may reserve any area not currently held under any prospecting license or quarry lease, for undertaking prospecting or quarry operations through a Government company or corporation owned or controlled by it, and where it proposes to do so, it shall by notification in the Official Gazette, specify the boundaries of such area and mineral or minerals in respect of which such area shall be reserved.

(2) If the State Government reserves any area for undertaking prospecting or quarry operations under sub-rule (1), the State Government shall grant prospecting license or quarry lease, as the case may be, in respect of such area to such Government Company or Corporation.

(3) A quarry lease granted to a Government company or corporation under sub-rule (2), shall be granted on the condition of payment, in addition to royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if

such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31-3-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided that when such Royalty and Average Additional Periodic Payment is paid, the payment to the District Mineral Foundation by the Government Company or Corporation as the case maybe, shall be as payable by holders of lease in an auction.

3-E. Special provision for discovery of new mineral or use as different mineral or product.—(1) If any minor mineral not specified in a major or minor mineral lease or license is discovered in the leased area or if it is discovered that the mineral included in the lease is now to be extracted or used in a manner that it qualifies for being considered as a different minor mineral as per Schedule I-A (both the cases hereinafter referred as new mineral discovered), the lessee or licensee shall not win and dispose of such mineral unless such mineral is included in the lease, and shall report the discovery within a period of sixty days of its discovery to the concerned officer in-charge of the District and shall await orders of the Competent Authority in this regard:

Provided that the Officer in-charge of the District shall report the matter to the District Task Force Committee.

(2) The lessee shall have preferential rights over the mineral so discovered if it is a minor mineral.

(3) The lessee shall submit an ¹[application in Form AQL] before concerned Deputy Director or Senior Geologist of the discovery as mentioned in sub-rule (1) above within ninety days of its discovery and the Deputy Director or the Senior Geologist shall,—

(a) if new mineral discovered under sub-rule (1) above is a non-specified minor mineral, ²[after obtaining approval of the Competent Authority] include the minor mineral so

1. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

2. Substituted for the words "place the matter before District Task Force Committee and on its approval" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

discovered in the lease deed and allow the holder of the lease to win and dispose of the new mineral:

Provided that submission of approved modified quarry plan and environmental clearance shall be necessary before the new mineral is included in the lease or license;

- (b) if new mineral discovered as under sub-rule (1) is a specified minor mineral, ¹[****] send it to the Competent Authority for approval, and on approval of the Competent Authority include the mineral in the lease deed and allow the holder of the lease to win and dispose the new mineral:

Provided that submission of approved modified quarry plan and environmental clearance shall be necessary before the new mineral is included in the lease or license.

²[(4) ****.]

3-F. Exemption of certain rules in case of ordinary building stone.—(1) Notwithstanding anything contrary contained in Chapter IV-A, quarry leases of extent five acres and below in case of individuals and 10 acres and below in case of Registered Societies having all the members belonging to the Schedule Caste or Schedule Tribes or having all members who are traditional quarry operators and whose livelihood is dependent on quarrying for ordinary building stone in the lands belonging to the State Government, shall be allotted following procedure prescribed under this rule.

(2) Blocks of ten acres and below identified by the jurisdictional Deputy Director or Senior Geologist shall be notified by him, after approval in the District Task Force Committee, in any two newspapers having wide circulation, of which at least one shall be in Kannada, inviting applications for grant of quarry lease specifying the area available for grant of quarrying lease, reservation of the block and its location with boundaries:

Provided that such notification shall be published at least thirty days prior to the last date for receiving such applications.

1. The words "place the matter before the District Task Force Committee and on its recommendation further" omitted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
2. Sub-rule (4) omitted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

(3) The extent of areas so identified in blocks of extent ten acres and below for allotment under Rule 3-F shall not exceed the percentage prescribed in Rule 31-B:

Provided that the State Government may issue operational guidelines for identification of such blocks, along with other blocks, and the identification by the jurisdictional Deputy Director or Senior Geologist shall be done as per guidelines notified by the Government from time to time.

(4) Blocks so identified for the purpose of this rule shall be reserved, by way of lottery, for allotment to the residents of the District for quarrying by them, in the following percentages, namely,—

- (i) Persons belonging to the Scheduled Castes or Scheduled Tribes or registered society of such persons - 24%;
- (ii) Persons belonging to economically weaker section who is a quarry operator by tradition and whose livelihood is depending on quarrying of ordinary building stone or registered society of such persons - 24%
- (iii) Persons with disabilities (physically challenged)- 2%; and
- (iv) Others - 50%:

Provided that the Tahsildar of the concerned Taluk in which the persons reside or where the Registered Society of such persons is located shall be competent to certify with regard to eligibility of persons or Registered Society of such persons for the purpose of sub-rule (4).

(5) The blocks so identified under clause (i) and (ii) of sub-rule (4) shall be allotted with the following preference, namely,—

- (i) to registered societies having all the members belonging to the Schedule Caste or Schedule Tribes or having all members who are traditional quarry operators and whose livelihood is dependent on quarrying of ordinary building stone; and
- (ii) to individuals belonging to the Schedule Castes or Schedule Tribes or to category of persons who are traditional quarry

operators and whose livelihood is dependent entirely on quarry of ordinary building stone.

(6) Without prejudice to sub-rule (5) above, quarrying lease shall be granted under this rule to eligible applicant by way of lottery, if more than one application is received amongst the categories specified in sub-rule (4) above.

(7) No person or registered society shall be eligible for making application for quarrying lease to be granted under this rule, if he or a member of his family or if the concerned registered society, as the case may be, already holds another quarrying lease in the District or anywhere else in the State of Karnataka

(8) All applications of the applicants other than the applicant who is selected for grant of quarrying lease shall be deemed to have been rejected and application fee in respect of such applications shall be forfeited.

(9) The successful applicant in the "others" category in this rule shall pay, in addition to Royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be 50 per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31-3-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided that when such Royalty and fifty percent of Average Additional Periodic payment is paid, then the payment by the lessee or holder of license to the District Mineral Foundation shall be as payable by the holders of lease or license through auction.

3-G. Relaxation for quarry leases granted under Rule 12.—(1) Where quarry lease has been granted on priority basis under clause (ii) of sub-rule (1) of Rule 12 that existed before the commencement of the Karnataka Minor Mineral Concession

(Amendment) Rules, 2016, a relaxation may be granted by the Deputy Director or Senior Geologist of the District, to the lessee to sell such part of the quarried minor mineral locally that is found to be defective and not fit for export:

Provided that no such permission of relaxation shall be required from the Deputy Director or Senior Geologist of the District in cases where the quantity of minor mineral sold in domestic market is less than twenty five percent of the total quantity sold in any financial year. In such cases a self-certification by lessee shall be accepted by the Deputy Director or Senior Geologist:

[Provided further that if lessee sells any quantity of the quarried minor mineral to another 100% export oriented unit and produces documentary proof that the sold minor mineral has been exported then it shall be deemed that lessee has exported that much quantity of minor mineral:]

Provided ²[also that] if more than seventy five percent of the quantity of minor mineral is sold in domestic market consecutively for three financial years, then the lease shall be cancelled and fresh process of grant of lease shall be undertaken.]

4. Competent Authority.—The State Government may by notification, appoint the Competent Authority for all or any of the purposes of these rules ³[including Competent Authority for approval of Quarrying Plan].

NOTIFICATION

[No. CI 418 MRC 92[III], Bangalore, dated 2nd July, 1994
[Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994]

In exercise of the powers conferred by Rule 4 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby specify the following authority and officers of the Department of Mines and Geology specified in column (2) of the table below to be the Competent Authority for the purposes of the provisions of the rules specified in column (3) and within the area specified in column (4) thereof.

1. Second proviso inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
2. Substituted for the words "further that" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
3. Inserted by Notification No. CI 418 MMN 2015 (Part), dated 12-8-2016, w.e.f. 12-8-2016.
4. Note.— This Notification has been superseded by Notification No. CI 164 MMN 2014, dated 25-4-2014, KGD 26-4-2014.

Sl. No.	Designation of the officers	Provision of rules	Area
1.	Government of Karnataka	Rules 18(1) and 45	Whole of the State
2.	Director	Sub-rule (1) of Rule 6 in respect of specified minor minerals; Rule 17, sub-rule (7) of Rule 18 in respect of forest lands, Rule 19, and Rule 27 in respect of forest lands, Rules 33, 38 and 39 in respect of specified minor minerals.	Whole of the State
3.	Joint Directors	Sub-rule (1) of Rule 6 in respect of non-specified minor minerals	In their respective jurisdiction
4.	Senior Geologists	All rules in Chapter IV except in respect of Rule 27 insofar as forest lands are concerned. Rule 7, sub-rule (7) of Rule 18 in respect of lands other than forest lands, sub-rules (9) and (10) of Rule 18, Rules 35, 38, 39 and 45 in respect of non-specified minor minerals, Rules 40 and 42.	In their respective jurisdiction
5.	Geologists	All rules in Chapter IV except in respect of Rule 27 insofar as forest lands are concerned, sub-rule (7) of Rule 18 in respect of lands other than forest lands, sub-rules (9) and (10) of Rule 18, Rules 35, 38, 39 and 45 in respect of non-specified minor minerals, Rules 40 and 42.	In their respective jurisdiction

NOTIFICATION

[No. CI 2 MMN 98(2), Bangalore, dated 8th July, 1999
[Karnataka Gazette, Extraordinary, dated 8-7-1999]

In exercise of the powers conferred by Rule 4 of the Karnataka Minor Minerals Concession Rules, 1994, the Government of Karnataka hereby appoint all Grama Panchayats to be the Competent Authorities in

1 Note.—This Notification has been rescinded by Notification No. CI 2 MMN 98(1), dated 16-10-2000, w.e.f. 16-10-2000.

their respective jurisdictions for the purposes of all rules under Chapter IV, Rule 36, 38, 40, 41, and 42 of Chapter VI of the said rules in respect of ordinary sand only.

The Grama Panchayats of the respective jurisdictions are informed to remit the fifty per cent of the royalty collected from the ordinary sand to the Department of Mines and Geology Head of account 0853-Non Ferrous Mining and Metallurgical Industries, 05 Royalty on Minor Minerals.

NOTIFICATION

No. CI 2 MMN 98(1), Bangalore, dated 16th October, 2000
[Karnataka Gazette, Extraordinary No. 1343, dated 16-10-2000]

In exercise of the powers conferred by Rule 4 of Karnataka Minor Mineral Concession Rules, 1994 read with Section 21 of the General Clauses Act, 1897, the Government hereby rescinds the Notification No. CI 2 MMN 98(2), dated 8th July, 1999 with effect from the date of publication of this notification in the Official Gazette.

NOTIFICATION

No. CI 164 MMN 2014, Bangalore, dated 25th April, 2014
[Karnataka Gazette, Extraordinary No. 280, dated 26-4-2014]

In exercise of the powers conferred by Rule 4 of the Karnataka Minor Mineral Concession Rules, 1994 read with Section 21 of the Mysore General Clauses Act, 1899 and in supersession of Notification No. CI 418 MRC 92(III), dated 2-7-1994, the Government of Karnataka hereby specify the following authority and officers of the Department of Mines and Geology specified in column (2) of the table below to be the Competent Authority for the purposes of the provisions of the rules specified in column (3) and within the area specified in column (4) thereof:

Sl. No.	Designation of the officers	Provision of rules	Area
1.	Government of Karnataka	Rules 18(1) and 45	Whole of the State
2.	Director	Sub-rule (1) of Rule 6 in respect of specified minor minerals; Rule 17, sub-rule (7) of Rule 18 in respect of forest lands, Rules 19 and 27 in respect of forest lands, Rules 33, 38 and 39 in respect of specified minor minerals	Whole of the State

3.	Joint Directors	Sub-rule (1) of Rule 6 in respect of non-specified minor minerals.	In their respective jurisdiction
4.	Deputy Director	All rules in Chapter IV except in respect of Rule 27 insofar as forest lands are concerned. Rule 7, sub-rule (7) of Rule 18 in respect of lands other than forest lands, sub-rules (9) and (10) of Rule 18, Rules 32, 35, 38, 39 and 45 in respect of non-specified minor minerals, Rules 40 and 42.	In their respective jurisdiction
5.	Senior Geologists	All rules in Chapter IV except in respect of Rule 27 insofar as forest lands are concerned. Sub-rule (7) of Rule 18 in respect of lands other than forest lands, sub-rules (9) and (10) of Rule 18, Rules 32, 35, 38, 39 and 45 in respect of non-specified minor minerals, Rules 40 and 42.	In their respective jurisdiction

NOTIFICATION

No. CI 277 MMN 2016(2), Bengaluru, dated 21st September, 2016
[Karnataka Gazette, Extraordinary No. 1117, dated 23-9-2016]

In exercise of the powers conferred by Rule 4 of the Karnataka Minor Mineral Concession Rules, 1994, the State Government hereby appoint Deputy Director/Senior Geologist, Department of Mines and Geology of the concerned district as Competent Authority for the issuance of endorsement in respect of ineligible applications received for grant of non-specified minor mineral quarry leases under the provisions of Rule 8-B(l) of the Karnataka Minor Mineral Concession Rules, 1994 (as Amended).

NOTIFICATION

No. CI 319 MAN 2016(1), Bangalore, dated 18th November, 2016
[Karnataka Gazette, Extraordinary No. 1286, dated 19-11-2016]

In exercise of the powers conferred by Rule 4 of the Karnataka Minor Mineral Concession Rules 1994, The Government of Karnataka hereby specify the following authority and officers of the Department of Mines and Geology specified in column (2) of the table below to be the Competent Authority for the purposes of the provisions of the rules specified in column (3) and within the Area specified in column (4) there of:

Sl. No.	Designation of the Officers	Provision of rules	Area
(1)	(2)	(3)	(4)
1.	Government of Karnataka	Sub-rule (3-b) of Rule 3-E, Rule 8-A, Sub-rule (7) of Rule 9-A, Sub-rule (5) and (8) of Rule 9-D, Rule 16, Rule 31-I and Rule 31-J in respect of specified minor minerals.	Whole of the State
2.	Commissioner/ Director	Sub-rules (1), (2) and (3) of Rule 6, Sub-rule (6) of Rule 8 Rule 18 Rule 19-A, Rule 19-B, Sub-rule (4) of Rule 31-F, Rule 31-L, Rule 31-M, Rule 31-N, Rule 31-ZD (in respect of execution), in respect of specified minor minerals. Rule-31-I, In respect of non-specified minor minerals. Sub-rule (9) of Rule 31-C. Sub-rule (12) of Rule 31-K	Whole of State
3.	District Taskforce Committee (Mines)	Sub-rule (5) of Rule 31-B, Rule 31-H, Rule 31-I, Sub-rules (3) and (4) of Rule 31-K	In their respective jurisdiction
4.	Deputy Director/ Senior Geologist	Sub-rule (2) and (3) of Rule 3-B, Sub-rule (3)(a) of Rule 3-E, Sub-rule (1), (2) and (3) of Rule 6, Sub-rule (6) of Rule B Rule 8-A, Sub-rules (2) and (7) of Rule 9-A Rule 16, Rule 18, Rule 19-A,	In their respective jurisdiction

		Rule 19-B, Sub-rules (1), (3) and (4) of Rule 31-F, Rule 31-J, Rule 31-L, Rule 31-M, Rule 31-N, in respect of non-specified minor minerals. sub-rule (2), sub-rule (3), sub-rule (4), sub-rule (5) of Rule 8-I sub-rule (5) of Rule 8-J, Rule 9, sub-rule (2) of Rule 9-A, sub-rule (1) of Rule 9-C, sub-rule (2) of Rule 9-D, sub-rule (1) of Rule 31-A, sub-rule (11) of Rule 31-C, Rule 31-F, sub-rule (13) of Rule 31-ZC, sub-rule (13) of Rule 32 Rule 44.	
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CASE LAW

Rules 4, 6, 21 - Cancellation of quarry lease - Quarry granted to lessee for extraction of steatite mineral for purposes of usage only in cottage industry. Lessee utilizing same for purposes other than cottage industry and also dispatching to granite cutting and grinding units outside State. Held, Usage of the extracted steatite mineral for purposes other than cottage industries and that too by transporting to cutting and grinding units situated outside the State constitutes breach of the contractual obligations undertaken by the lessee voluntarily, at the time of grant of the quarry lease. Therefore, notice cancelling the lessee's quarry lease was legal. (*Suresh S.K. Vs. Principal Secretary, Department of Mines and Geology, Bangalore and Others*, 2014(4) AKR 345: AIR 2014 Kant. 179 (DB)).

5. Controlling Authority.—The State Government may by notification appoint the Director or any other officer to be Controlling Authority for all or any of the purposes of these rules, within such limits as it may assign to them respectively.

NOTIFICATION

No. CI 418 MRC 92[IV], Bangalore, dated 2nd July, 1994
[Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994]

In exercise of the powers conferred by Rule 5 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby appoint the Director, Department of Mines and Geology, to be the Controlling Authority for the purposes of the said rules for whole of the State of Karnataka.

NOTIFICATION

No. CI 180 MMN 2006, dated 24th November, 2006

In exercise of the powers conferred by Rule 5 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby notify the Joint Directors, North Zone and South Zone, Bellary/ Mysore, Department of Mines and Geology, to be the Controlling Authority in respect of non-specified minor minerals, for the purposes of the Rule 53(1) of the Karnataka Minor Mineral Concession Rules, 1994, for their respective zone.

NOTIFICATION

No. CI 319 MMN 2016(2), Bangalore, dated 18th November, 2016

In exercise of the powers conferred by Rule 5 of the Karnataka Minor Mineral Concession Rules, 1994, The Government of Karnataka hereby specify the following officers of the Department of Mines and Geology specified in column (2) of the table below to be the Controlling Authority for the purposes of the provisions of the rules specified in column (3) and within the area specified in column (4) there of:

Sl. No.	Designation of the Officers	Provision of rules	Area
(1)	(2)	(3)	(4)
1.	Joint Directors North Zone/ South Zone	Sub-rule (1), sub-rule (4), sub-rule (6) of Rule 53 in respect of non-specified minor minerals.	in their respective Jurisdiction

6. General conditions of quarrying lease and licence.—

(1) Where the holder of a quarrying lease or quarrying licence fails to undertake quarrying operations for a period of one year after the date of execution of the lease or date of grant of licence or, having commenced the quarrying operations, has discontinued the same for a period of one year the quarrying lease or the licence shall lapse on the last day of the period of one year:

Provided that the Competent Authority may, on an application made by the holder of such lease or licence before its expiry and on being satisfied that the holder of such lease or licence could not undertake quarrying operations or continue such operations for reasons beyond his control, make an order, that such lease shall not lapse or where it has already lapsed, order for revival of such lease or licence:

Provided further that no order under the first proviso shall be made for more than twice during the entire period of the lease or licence.

¹[(1-A) To support systematic and scientific quarrying, the Competent Authority shall allow the quarrying of small and isolated leases/licences spread out in the area having individual extent less than stipulated area specified in Schedule II-A under a cluster to conserve the Mineral resources by safeguarding environmental protection and a collective implementation of Environment Management plan approved by the approving authority:

Provided that such declared clusters shall be named after the village of the area for administrative convenience.]

(2) No person shall carry on or allow to carry on any quarrying operations within a distance of fifty metres if no blasting is involved and two hundred metres if blasting is involved from the boundary of any railway line, reservoir, tankbund, canal or other public works and public structures or any public road, or building. The holder of a quarrying lease or licence shall also abide by such conditions as the Competent Authority may impose to carry on quarrying operations in the vicinity of the aforesaid buildings or places.

(3) In case of breach by the lessee or licensee or his transferee or assignees of any of the conditions specified in these rules or in the quarrying lease deed or licence, the Competent Authority shall require by notice in writing the lessee or licensee to remedy the breach within thirty days from the date of notice and if the breach is not remedied within such period the Competent Authority may levy a fine not exceeding ²[ten thousand rupees] in the case of

1. Sub-rule (1-A) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
2. Substituted for the words "two thousand rupees" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

non-specified minor minerals and ¹[fifty thousand rupees] in case of specified minor minerals ²and the Competent Authority may without prejudice to any other action that may be taken against such lessee, licensee, transferee or assignee determine the lease or licence after providing an opportunity of being heard]:

³[Provided that if a lease or license holder has been imposed with a fine under the above rule for three times during the lease period, the lease or license shall be terminated.]

(4) Any minor mineral extracted from a quarry and not removed by the lessee or licensee before the date of termination or determination or expiry of the quarrying lease or licence shall be the property of the State Government.

CASE LAWS

Rules 6, 7 and 10 - Multiple applications for grant of quarry lease - Disposal of applications for quarrying lease - Held, Where more than one applications are received, requirement of considering all applications to select the most suitable lessee is to be read into rule. Selection of one applicant merely because his application was received a few days earlier to receipt of another's application is to be held vitiated. (*Harisingh Vs. State of Karnataka and Others*, 1999(4) KLD 32; 1999(6) Kar.LJ 86; 1999(2) KCCR 1288).

Rule 6(3) - Premature termination of quarry lease on ground that area falls within forbidden radius - Reasonable opportunity of hearing given to lessee before said termination. Held, Termination is proper. (*Kannamma Vs. State of Karnataka and Others*, 2014(4) AKR 720 (DB)).

Rule 6(3) - Cancellation of quarrying lease - On spot inspection, area found to be within forbidden radius of 200 meters of public structure - Technical officials confirmed use of explosives by lessee in carrying out quarrying operations. Held, Order of cancellation passed by Authority after considering chances of accident of aeroplanes, creation of pits etc., due to use of explosives etc., by lessee is proper. (*Pillamma Vs. State of Karnataka and Others*, 2014(4) AKR 722 (DB)).

7. Power of the Competent Authority to specify additional conditions.—A quarrying lease or licence ⁴[or tender document for auction] may contain such other conditions as the Competent Authority may deem necessary.

1. Substituted for the words "ten thousand rupees" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Inserted by Notification No. CI 2 MMN 98(1), dated 8-7-1999, w.e.f. 8-7-1999.
3. Proviso inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
4. Inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

CASE LAW

Rules 7 and 31(2) - Constitution of India, Articles 19(1)(g), 301 - Sand quarrying permit - Challenging Government Order dated 28-8-2009 imposing prohibition of transportation of ordinary sand outside the State.- Ban imposed by Government in view of acute shortage of sand for development activities in State. Permit was also issued with condition to quarry sand for local use throughout State only. **Held,** Government being empowered to impose such conditions necessary in interest of maintaining local environment and conservation of minerals, power exercised by Government in imposing alleged condition was guided by genuine consideration and cannot be said to be illegal or arbitrary. Moreover land and minerals belongs to Government. Hence no vested right accrued in favour of petitioner/lessee apart from those flows from permit. No fundamental right violated under Articles 19 and 301 of Constitution. (*Santosh Krishna Kalgutkar and Anothers Vs. State of Karnataka and Anothers*, 2010(3) AIR Kar. R 186; ILR 2010(3) Kar. 3222; 2010(4) Kar.LJ 535 (DB)).

8. Restrictions on grant or renewal of quarrying Lease or licence.—(1) No quarrying lease or licence shall be granted to any person other than an Indian Citizen except with the prior approval of the Central Government.

¹[(1-A) No quarry lease / licence / working permission ²[amalgamation] shall be granted or renewed,—

- (i) in contravention of environment impact assessment notification dated 14-9-2006 issued by the Ministry of Environment and Forest, Government of India, as amended from time to time;
- (ii) without approved quarry plan or simplified quarrying plan; and
- (iii) without obtaining environmental clearance from concerned authorities.]

³[(2) Quarrying lease may be granted in any forest land by the State Government with the prior approval of the Central Government under the Forest (Conservation) Act, 1980.]

(3) No quarrying lease shall be granted in respect of any land notified by the State Government as reserved for use by the State or Central Government, any body or corporation owned or controlled

1. Sub-rule (1-A) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
2. Inserted by Notification No. CI 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
3. Sub-rule (2) substituted by Notification No. CI 94 MMN 2001, dated 22-3-2003, w.e.f. 22-3-2003.

by the State or Central Government or for any other public or special purposes.

(4) No quarrying lease or licence or renewal shall be granted in respect of any minor mineral to any person if such person has ¹[been convicted for the violations of] the provisions of the Act or the rules made thereunder ²[or if the lease or license of such person has been determined or cancelled under sub-rule (3) of Rule 6 or Rule 39 or sub-rule (4) of Rule 44 or Rule 45 of these rules].

³[(5) The Competent Authority shall before granting or renewing a lease, licence, working permission, consult,—

- (i) in case of specified minor minerals, the Deputy Commissioner of the District concerned and obtain No Objection Certificate;
- (ii) in the case of non-specified minor minerals, the Tahsildar of the Taluk concerned and obtain No Objection Certificate;
- (iii) in case of all minor minerals, the Deputy Conservator of Forest of the concerned jurisdiction and obtain No Objection Certificate;
- (iv) in case of all minor minerals in Gomal/gayarana/hullubani kharab etc. type of lands, the Assistant Commissioner of Revenue Department and Deputy Director/Senior Geologist concerned, who shall furnish a joint Inspection report through Deputy Commissioner in accordance with Circular No. RD 72 LGP 98, dated 24-2-1999.
- (v) in case of all minor minerals, jurisdictional Mines and Geology Officer and obtain technical report along with sketch duly mentioning GPS Co-ordinates; and shall take action in accordance with Chapter III, in respect of specified minor mineral and in accordance with Chapters IV and V, in respect of non-specified minor mineral as the case may be.

1. Substituted for the word "contravened" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
3. Sub-rules (5) and (6) substituted as sub-rules (5), (6) and (7) by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

(6) If the Deputy Commissioner or the Tahsildar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director/Senior Geologist as the case may be, fails to give No Objection Certificate under sub-rule (5), within ninety days, [in respect of application to be considered under Rule 8-A and application received under Rule 32] ²[it shall be deemed that the Deputy Commissioner or the Tahsildar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director or Senior Geologist, as the case may be, has given his no objection and the ³[Competent Authority shall process] such applications for conditional grant to that effect:]

⁴[Provided that the Competent Authority while issuing the conditional grant a written communication shall also be sent to the concerned Deputy Commissioner or the Tahsildar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director or Senior Geologist as the case may be that taking into consideration of deemed no objection that the matter has been further processed and if, further, within thirty days from issuance of conditional grant in Form GL-C, no objection is not received from the concerned Deputy Commissioner or the Tahsildar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director or Senior Geologist as the case may be, the Competent Authority shall issue the final grant in Form GL with a copy to the concerned Deputy Commissioner or the Tahsildar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director or Senior Geologist as the case may be for information purpose only.]

(7) The grant or renewal of lease/licence/working permissions shall be subject to such other conditions, if any as specified by the Competent Authority from time to time.]

1. Inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
2. Substituted for the words "the same shall be placed invariably before the District Task force (Mines) Committee in its monthly meetings by the Competent Authority. The opinion from concerned departmental officers shall be obtained in the meeting and recorded in the proceedings of the meeting and be disposed off accordingly" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
3. Substituted for the words "District Task Force (mines) Committee shall communicate the same to the Competent Authority for processing" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
4. Proviso substituted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

CASE LAWS

Rule 8(2) - Rule bars granting of any quarrying lease in the forest area except to State Government or Central Government undertakings after obtaining prior approval under the Forest (Conservation) Act. It is contended that the barring of the grant of lease to others other than State Government or Central Government undertakings is discriminatory. Held, The nexus is to protect the forests and to maintain the ecological balance as provided under Article 48 of the Directive Principles of the State Policy. (*Bhimappa @ Bhima Naik Vs. State of Karnataka and Others*, 1999(4) KLD 176: ILR 1999(2) Kar (SN) 49: 1999(3) Kar.LJ 520: 1999(4) KCCR 2780 (DB)). NOTE: Rule 8(2) amended by Notification No. CI 94 MMN 2001, dated 23-3-2003, w.e.f. 23-3-2003. Now quarrying lease may be granted in any forest land.

Rules 8, 8-A, 11 and 17 - Forest (Conservation) Act, 1980 (Central Act No. 69 of 1980) Section 2 and Karnataka Forest Act, 1963 (Karnataka Act No. 5 of 1964) Section 4 - Lease of forest land for granite quarrying - Revenue land notified as forest land in 1926. Part of land so notified was erroneously muted in land revenue records as non-forest land (gomal land) without any authority and based on such unauthorised mutation entry, land was leased to private party for granite quarrying. Held, Sub-rule (1) of Rule 8 makes clear that for grant of quarrying lease, the approval of the Central Government is a must. Rule 8-A further makes clear that there should be a notification regarding the availability of the land for the purpose of grant of lease for quarrying. In the present case, neither the approval of the Central Government nor a notification is issued wherein the authorities concerned have exercised their power arbitrarily in entering into a lease agreement even without verifying the records. In the absence of such notification, the lease agreement itself is bad. Such an illegal act committed by the officials recommending the same to the Government for grant of lease on the assumed facts that it is the gomal land cannot be legalised by granting an order of temporary injunction. (*M/s. Shantha Exports Private Limited, Bangalore Vs. The Director, Department of Mines and Geology, Bangalore and others*, ILR 2002(3) Kar. 3960).

NOTIFICATION

No. CI 418 MRC 92 [VI], Bangalore, dated 2nd July, 1994
Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994

It is hereby notified that under sub-rule (3) of Rule 8 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby reserve the lands specified below, for the purposes specified therein:—

- (1) The area within a radius of 2 kms. from Srirama Temple located in Sy. No. 26 of Maranaikanahalli Village, Devanahalli Taluk, Bangalore Rural District for use by the public and for the purpose of performing religious activities by the public.
- (2) The area within a radius of 2 kms. from the main temple of Lord Gangadhareshwara in Shivaganga hills, Nelamangala Taluk, Bangalore Rural District is reserved for use by the public and for the purpose of performing religious activities by the public.
- (3) The area within a radius of 2 kms. from the main hillock of Shravanabelagola in Channarayana Taluk of Hassan District where the statue of Bahubali lord Gomateshwara is situated for use

by the public and for the purpose of performing religious activities by the public.

- (4) The quarry area within a radius of 1 km. around the boundary of the Banneraghatta National Park, Anekal Taluk, Bangalore District as "Safe Zone" for protecting the wild-life.

NOTIFICATION

No. CI 54 MMN 94, Bangalore, dated 8th June, 1995
[Karnataka Gazette, dated 10-8-1995]

S.O. 828.—In exercise of the powers conferred by sub-rule (3) of Rule 8 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby notify that the area within a radius of one kilometre around Parvathigudda situated in Sy. No. 157 of Devanahalli Taluk and Sy. Nos. 4 and 9 of Guttahalli Village, Devanahalli Taluk, Bangalore District shall be reserved for the purpose of performing religious activities by the public.

NOTIFICATION

No. CI 14 MMN 96, Bangalore, dated 24th May, 1996

In partial modification of the Government Notification No. CI 418 MRC 92, dated 2nd July, 1994 (Para 3 of Notification VI), Government of Karnataka hereby extend the area of reservation from 2 kms. to 5 kms. radius from the main hill rock of Shravanabelogola in Channarayapatna taluk of Hassan District.

NOTIFICATION

No. CI 558 MMN 99, Bangalore, dated 11th January, 2000

Under sub-rule (3) of Rule 8 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby notify the area within a radius of 3 kms. from Keerthinarayana Temple, in Talakkadu Village, T. Narasipura Taluk, Mysore District as "Reserved Zone" for use by the public and for the purpose of performing religious activities by the public.

NOTIFICATION

No. CI 59 MMN 2001, Bangalore, dated 9th March, 2001
[Karnataka Gazette, dated 19-7-2001]

It is hereby notified that under sub-rule (3) of Rule 8 of the Karnataka Minor Minerals Concession Rules, 1994, the Government of Karnataka hereby prohibits the quarrying and transportation of sand from the areas noted hereunder coming under Kanva River bed of Channapatna Taluk of Bangalore Rural District by declaring it as safe zone for protecting the bridges, public roads and protecting of crops around that area. besides the road:

1. Kanva River bed from Hosahalli Village to Saragur Village of Channapatna Taluk; and
2. Hosahalli Village to Saragur Village of Channapatna Taluk.

Long. 77° 11' 48" - 77° 10' 0"
Lat. 12° 43' 15" - 12° 23' 48".

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ ಸಿಐ 150 ಎಂಎಂಎನ್ 2006, ದಿನಾಂಕ 22-1-2007

ದಿನಾಂಕ 4-1-2007ರ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಐ 150 ಎಂಎಂಎನ್ 2006ರಲ್ಲಿ ಮಂಡ್ಯ ಜಿಲ್ಲೆ ನಾಗಮಂಗಲ ತಾಲ್ಲೂಕು, ಶ್ರೀ ಆದಿಚಂಚನಗಿರಿ ಮಹಾಸಂಸ್ಥಾನ ಮಠ ಶ್ರೀಕ್ಷೇತ್ರದ 5 ಕಿ.ಮೀ. ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಕರ್ನಾಟಕ ಉಪ ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿ, 1994ರ ನಿಯಮ 8(3)ರಡಿಯಲ್ಲಿ ಎಲ್ಲಾ ರೀತಿಯ ಕಲ್ಲು ಗಣಗಾರಿಕೆಯನ್ನು ನಿಷೇಧಿಸಿರುವುದನ್ನು ಮಾರ್ಪಡಿಸಿ, ಮಹಾಸಂಸ್ಥಾನ ಮಠ ಶ್ರೀಕ್ಷೇತ್ರದ 1.5 ಕಿ.ಮೀ. (ಒಂದೂವರೆ ಕಿಲೋ ಮೀಟರ್‌ಗಳು) ಸುತ್ತಳತೆಯಲ್ಲಿ ಎಲ್ಲಾ ರೀತಿಯ ಕಲ್ಲು ಗಣಗಾರಿಕೆಯನ್ನು ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಹಾಗೂ ಮುಂದಿನ ಆದೇಶದವರೆಗೆ ಸರ್ಕಾರವು ನಿಷೇಧಿಸಿದೆ.

18-A. Periods for which Quarrying Lease, Licence or Prospecting Licence may be granted.—(1) On and from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, all the Quarrying leases, licenses and Prospecting cum quarrying lease ²[unless or otherwise explicitly mentioned in these rules] shall be granted for a period of Thirty years for Specified minor minerals and for a period of twenty years for the non-specified minor minerals:

³[Provided that the period of lease may be extended equal to the period, if it exceeding one year for which the quarry remained closed (dies-non) due to court order or any other order by the Government and dead rent shall not be chargeable for such period:]

Provided further that where quarry leases remained closed due to any fault on the part of the lessee lease period shall not be extended and dead rent shall be chargeable for such period:]

⁴[Provided that in respect of all minor minerals which are used by industries and are notified under mineral based industry as under Schedule I-B, the quarrying lease or licence shall be granted for a period of thirty years subject to such terms and conditions as may be specified by the State Government from time to time.]

(2) All the quarrying leases or licenses granted before the commencement of the Karnataka Minor Mineral Concession

1. Rule 8-A substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
3. Provisos by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
4. Proviso Inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

(Amendment) Rules, 2016, shall be deemed to have been granted for a period of thirty years in respect of specified minor minerals and for a period of twenty years in respect of non-specified minor minerals ¹[from the date of its original grant]:

Provided that the mining leases of the minerals which are now classified as minor minerals by the Central Government *vide* Notification No. S.O. 423(E), dated 10-2-2015 shall be deemed to have been granted for thirty years, for an area already granted under such lease and be considered as Quarrying lease or license as the case may be:

²[Provided further that in respect of all minor minerals where the lessee or licensee is consuming the minor mineral in his mineral based industry as prescribed in the Schedule I-B, such lease or licence shall be deemed to have been granted for a period of thirty years from the date of its original grant, subject to such terms and conditions as may be specified by the State Government from time to time.]

(3) The period of all the lease or license of the specified minor minerals and mining leases of the minerals now classified as minor minerals granted before the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, the validity of their leases or license have expired or are about to expire under sub-rule (2), shall be extended and be deemed to have been extended with effect from the date of expiry of the period of renewal last made up-to a period ending on 31st March, 2020 or till the completion of renewal period, if any, or a period of thirty years from the date of grant of such lease or license, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with and also subject to the condition that application for renewal of the expired lease had been made by the lessee within the time required for making such renewal application.

(4) The period of all the lease or license of the non-specified minor minerals except the mining leases of the minerals now classified as minor minerals granted before the date of commencement of the Karnataka Minor Mineral Concession

1. Inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

2. Second proviso inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

(Amendment) Rules, 2016, the validity of their leases or license are expired or about to be expired under sub-rule (2), shall be extended and be deemed to have been extended with effect from the date of expiry of the period of renewal last made up-to a period ending on 31st March, 2020 or till the completion of renewal period, if any, or a period of twenty years, from the date of grant of such lease or license, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with and also subject to the condition that renewal application for the expired lease had been made by the lessee within the time period required for filing such renewal application.

(5) On expiry of the validity of lease or license period as specified in sub-rule (1), (2), (3) and (4), the lease or license shall be put up for auction as per the procedure specified in these rules:

Provided that if the lease or license was held by a mineral based industry as prescribed in Schedule I-B and the mineral was utilized by it for end use, the mineral based industry that was holding the lease or license shall have the first right of refusal in the auction.

(6) The period of Prospecting license shall not exceed one year extendable by one more year by the State Government in the interest of mineral development upon recording the reasons in writing.

(7) Notwithstanding anything contained in this rule, the period of quarrying leases, including existing quarrying leases or mining leases, of Central or State Government companies or corporations or its undertakings shall be valid for a period of thirty years. In case of existing leases that have been granted to a Government company or corporation, the tenure of the same shall be deemed to be thirty years from its date of issuance:

Provided that where, upon expiry of such period of thirty years the lessee Government Company or Corporation so requests the State Government, the period of Quarrying lease shall be extended by the State Government for additional periods, each time not exceeding thirty years.

(8) The provisions of this rule, notwithstanding anything contained therein, shall not apply to a quarrying lease or license or mining lease of minerals now classified as minor minerals *vide* Notification of Government of India bearing No. S.O. 423(E),

dated 10-2-2015 granted before the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, for which renewal has been rejected, or which has been determined, or lapsed.]

CASE LAW

Grant of quarrying lease - Rule 8-A providing for making of applications for quarrying mines only after gazette notification of areas available for quarrying. Held, The rule making power of the State Government was held to be not *ultra vires* and not also unreasonable or violation of Article 14 of the Constitution. (*B.S. Suresh Vs. The State of Karnataka and Others*, AIR 1997 Kant 355: 1997 (3) Kar. L.J 180)

¹[8-B. Status of applications received.]—(1) All applications received and pending for grant of lease or license prior to the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, shall become ineligible including the applications received for grant of mining leases of the minerals that are now classified as minor mineral.

(2) Notwithstanding anything contained in sub-rule (1), the following shall remain eligible on and from the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, namely.—

- (a) Applications received upon the notification issued under Rule 8-B existed before the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.
- (b) Where the Committee that existed under the provisions of Rule 11 or District Task Force Committee has recommended for grant of a quarrying lease or license for grant of mining lease, before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.
- (c) Where in the case of minerals now re-classified as minor mineral by the Central Government by Notification No. S.O. 423(E), dated 10-2-2015, no objection certificates from revenue and forest departments and the approved mining plan from the Indian Bureau of Mines (IBM) have been received before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.

1. Rule 8-B substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

¹[(d) Applications received and pending for grant of lease or licence in case of specified minor minerals before ²[commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016] and for which No Objection Certificate (NOC) have been received in the office of Directorate of Mines and Geology from the Deputy Conservator of Forest for all Lands, Deputy Commissioner in case of Kharab lands, Assistant Commissioner (Revenue) and Deputy Director or Senior Geologist (Joint inspection report) in case of Gomala lands in accordance with the Circular No. RD 72 LGP 98, dated 24-2-1999 before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 and shall be considered and disposed by the State Government subject to obtaining No Objection Certificate (NOC) from the Deputy Commissioner of the concerned District before grant;]

³[(d-1) Applications received and pending for grant of lease or licence in the case of non-specified Minor Minerals before ⁴[commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016] and for which No Objection Certificates (NOCs) have been received in the Department of Mines and Geology of the concerned District Office, from the Deputy Conservator of Forest for all lands, Tahsildar in case of Karab lands, Assistant Commissioner and Deputy Director or Senior Geologist (Joint inspection report), in the case of Gomala lands, before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, and shall be ⁵[processed by the Competent Authority] as under the existing rules before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.

1. Clause (d) substituted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.
2. Substituted for the figures "16-8-2015" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
3. Clause (d-1) inserted by Notification No. CI 308 MMN 2016, dated 6-1-2017 and shall be deemed to have come into force w.e.f. 12-8-2016.
4. Substituted for the figures "16-6-2015" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
5. Substituted for the words "processed and decided by the District Task Force Committee" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

- (e) These applications shall be considered for grant of quarrying lease or license, or otherwise as per the provisions that existed before the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 subject to fulfillment of the conditions specified for the same, if any and registration of leases or license deed within a period of ¹[twenty-four months] from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016:

Provided that in case of grant of quarrying lease or license covered by clause (b), (c) and (d) of sub-rule (2), the lessee shall pay, in addition to the royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31-3-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighboring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided further that when such Royalty and Average Additional Periodic Payment is paid, then the payment by the lessee for the District Mineral Foundation shall be as payable by the holders of lease or license through auction:

Provided also that in respect of any mineral that are now re-classified as minor minerals by the Central Government *vide* Notification No. S.O. 423(E) dated 10-2-2015, no quarrying lease or license shall be granted except with the previous approval of the State Government.

(3) Where before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 a reconnaissance

1. Substituted for the words "twelve months" by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

permit or prospecting license has been granted in respect of any land for any mineral, the permit holder or the licensee shall have a right for obtaining a prospecting license followed by quarrying lease, or license, as the case may be, in respect of that mineral in that land, if they have carried out the reconnaissance or prospecting in accordance with the terms and conditions stipulated in their permit or license:

Provided that on grant of quarry lease or license in case of sub-rule (3) the lessee shall pay, in addition to the royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31-3-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighboring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided further that when such Royalty and Average Additional Periodic payment is paid, then the payment by the lessee or holder of license to the District Mineral Foundation shall be as payable by the holders of lease or license through auction.]

CASE LAWS

Rules 8-B and 31-A - Quarrying lease - Petitioner offered Rs. 60.10 lakhs on the assurance held out by the Government of making available 29 acres of land containing black granite for quarrying in response to the Tender-cum-Auction invited by the Government. Later on the survey conducted by Geologist it came to the knowledge of the contracting parties that in only 12 acres out of the 29 acres offered there were deposits of black granite. Petitioner sought relief in the nature of mandamus directing the authorities to handover the balance of 17 acres of land and in the alternative for refund of the amount paid by him with Bank interest. **Held**, The petitioner is entitled to the prayer and fail to make good the entire 29 acres of black granite as auctioned. (*Tam Tam Pedda Guruva Reddy Vs. State of Karnataka and Another*, ILR 1998(4) Kar 3331: 1998(6) Kar. LJ 99).

Rules 8-B and 31-A - Mines and Minerals (Regulation and Development) Act, 1957, Section 15 - Grant of quarry lease - Claim by lessee for grant of alternative land, as the notified mineral was not available in the leased land. **Held**, Only remedy available

to the lessee would be to seek compensation and not for alternative land. Rule 8-B does not apply. (*M/s. S N G. Exporters Vs. M/s. Shilpi Granites Exporters and Others*, 2007(3) AIR Kar.R. 15: 2007(L) Kar.LJ 367: 2007(3) KCCR 187 (DB)).

Rules 8-B and 31-A - Auction of pebbles on basis of memorandum - Rule 31-A provides for notification for grant of quarrying lease in respect of the area notified under Rule 8-B. Held, memorandum is not notification under Rule 8-B(1). Auction of pebbles, not justified. (*M/s. Lucky Artificial Sand Industries, Haveri District Vs. State of Karnataka and others*, 2015(2) AKR 646: 2015(2) Kar. LJ 193: 2015(4) KCCR 3227: AIR 2015 (NOC) 937 (Kar) (DB)).

[CHAPTER II-A Systematic, Scientific Mining and Protection of Environment

8-C. Quarrying Plan be a pre-requisite to the grant of quarrying lease, quarry licence, working permission and sand quarrying.—No quarrying lease/licence/working permission/sand tender shall be granted or renewed by the Competent Authority unless there is a quarrying plan/simplified quarrying plan duly approved by the approving authority for the development of the minor minerals deposit.

8-D. Quarrying Plan to be prepared by a recognized qualified person.—(1) No quarrying plan or simplified quarrying plan shall be approved by the approving authority unless it is prepared by a recognised qualified person.

(2) No person shall be recognized for preparation of quarrying plan or simplified quarrying plan unless he has,—

- (a) a degree in Mining Engineering or a post-graduate degree in Geology granted by a University including any institutions recognised by the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956 or any equivalent qualification granted by any University or institution outside India and have a professional experience of two years of working in a supervisory capacity in a recognized¹[mine or quarry] after obtaining a degree; or

1. Chapter II-A and Rules 8-C to 8-Y inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

2. The words "mine and quarey" corrected by Corrigendum No. CI 357 MMN 2012, dated 31-1-2014.

- (b) three years full time Diploma Certificate in Mining Engineering awarded by the State Technical Education Boards and have a professional experience of five years of working in a supervisory capacity in a recognised¹[mine or quarry] after obtaining Diploma.

(3) The recognized qualified person shall also be competent to carry out modification of the quarrying plan/simplified quarrying plan.

8-E. Grant of recognition by the State Government.—(1) Any person possessing the qualifications and experience specified in sub-rule (2) of Rule 8-D may apply along with a non-refundable fee of Rs. 10,000/-, for recognition to the Director, Mines and Geology (hereinafter referred to as 'Director') or any officer authorised by the Director in this behalf.

(2) The Director or any officer authorised by the Director in this behalf, after making such enquiry as it deems fit, may grant or refuse to grant recognition. Where recognition is refused, the authority shall record reasons of refusal in writing and communicate the same to the applicant.

(3) The recognition shall be granted for an initial period of five years and may be renewed for further period not exceeding five years at a time. The Director or any officer authorised by the Director in this behalf may refuse to renew recognition for reasons to be recorded in writing after giving an opportunity of hearing to the person concerned.

8-F. Submission and approval of quarrying plan/simplified Quarrying Plan.—(1) On receipt of the recommendations from Government in respect of specified minor mineral and from district task force committee in respect of non-specified minor mineral as the case may be for grant of quarrying lease/quarry licence/working permission, the Competent Authority shall take decision to grant precise area and communicate such decision to the applicant and on receipt of such communication of the precise area to be granted, the applicant shall submit to the Competent Authority a quarrying plan/simplified quarrying plan, as the case may be, along with a non-refundable fee of Rs. 2,000/- within a period of three months from the date on which such

1. The words "mine and quarey" corrected by Corrigendum No. CI 357 MMN 2012, dated 31-1-2014.

communication is received or such other period as may be allowed by the Competent Authority for approval:

¹[Provided that no non-refundable fees prescribed above shall be applicable for quarry plans of sand mining blocks submitted by the district sand monitoring committee or any Government Departments.]

(2) The quarrying plan/simplified quarrying plan shall include,—

- (i) (a) the plan of the precise area showing the nature and extent of the mineral deposit;
- (b) spot or spots where the excavation is to be done in the first year plan and its extent;
- (c) a detailed cross-section and detailed plan of spots of excavation;
- (d) a tentative scheme of quarrying for the second five years plan of the lease/licence/working permission;
- (ii) details of the geology and lithology of the precise area including mineral reserves of the area;
- (iii) the extent of manual quarrying or quarrying by the use of machinery and mechanical devices on the precise area other than sand quarrying;

²[Provided that use of backhoe equipment as used in digging machinery (like JCB) and screening in river bed sand quarrying shall be in accordance with the guidelines issued by the Ministry of Environment, Forest and Climate Change Government of India (MoEF) from time to time.]

- (iv) the plan of the precise area showing natural water courses, limits of reserved and other forest areas and density of trees, if any, assessment of impact of quarrying activity on forest, land surface and environment including air and water pollution; details of scheme for restoration of the area by afforestation, land reclamation, use of pollution control devices and of such other measures under Mine

1. Proviso inserted by Notification No. CI 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
2. Proviso inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

Closure Plan - progressive and Final Mine Closure Plan or as be directed by the Government from time to time;

- (v) annual program and plan for excavation on the precise area from year to year for five years; and in case of sand, for two years;
- (vi) any other matter which the approving authority or Regional Environment Management Committee may require the applicant to provide in the quarrying plan/simplified quarrying scheme.

8-G. Modifications of approved quarrying plan/simplified quarrying plan.—(1) A successful sand bidder or a holder of a quarrying lease or quarry licence or working permission if intends modifications in the approved quarrying plan or simplified quarrying plan as are considered, shall apply along with a non-refundable fee of Rs. 1,000/- to the Competent Authority, setting forth the intended modifications and explaining the reasons for the same:

¹[Provided that no non-refundable fees prescribed above shall be applicable for quarry plans of sand mining blocks submitted by the district sand monitoring committee or any Government Departments.]

(2) The Competent Authority may also require the successful sand bidder or holder of a quarrying lease or quarry licence or working permission to make such modifications in the quarrying plan or simplified quarrying plan referred to in Rule 8-C or impose such conditions as it may consider necessary by an order in writing if such modifications or imposition of condition are considered necessary in the light of the experience of operation of quarrying plan or simplified quarrying plan or in view of the change in the technological development.

(3) The Competent Authority may approve the modifications under sub-rule (1) or approve with such alterations as it may consider expedient:

²[Provided that such approved modifications should be subject to Environmental clearance in accordance with EIA Notification,

1. Proviso inserted by Notification No. CI 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
2. Proviso inserted by Notification No. CI 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

2006 and as amended from time to time if modification intends for increase in the production.]

8-H. Mine Closure Plan.—Every quarry shall have Mine Closure Plan which shall be of two types: (a) Progressive Mine Closure Plan; and (b) Final Mine Closure Plan.

(1) **Submission of Progressive Mine Closure Plan.**—(a) The lessee/ licensee/working permission holder shall, in case of fresh grant or renewal of quarry lease/licence/working permission, submit a progressive mine closure plan as a component of quarrying plan to the Competent Authority as the case may be.

(b) The lessee/licensee/working permission holder shall, in case of existing quarry lease/licence/working permission, submit a progressive mine closure plan to the Competent Authority, as the case may be, for approval within a period of one year from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2013.

(c) The lessee/licensee/working permission holder shall review the progressive mine closure plan every five years from the date of its approval in case of existing quarry or from the date of opening of the quarry in case of fresh grant or from the date of renewal of quarry lease/licence/working permission, as the case may be, and shall submit to the Competent Authority, for its approval.

(d) The Competent Authority, as the case may be, shall convey his approval or refusal of the progressive mine closure plan within one hundred and twenty days of the date of its receipt.

(e) If approval or refusal of the progressive mine closure plan is not conveyed to the lessee/licensee/working permission holder of the quarry lease/licence/working permission within the period as specified in clause (d), the progressive mine closure plan shall be deemed to have been provisionally approved, and such approval shall be subject to final decision whenever communicated.

(2) **Submission of Final Mine Closure Plan.**—(a) The lessee/licensee/working permission holder shall submit a final mine

closure plan to the Competent Authority, as the case may be, for approval one year prior to the proposed closure of the quarry.

(b) The Competent Authority, as the case may be, shall convey his approval or refusal of the final mine closure plan within one hundred and twenty days of the date of its receipt to the licence/leaseholder or his qualified person.

(c) If approval or refusal of the final mine closure plan is not conveyed to the licence/leaseholder or his qualified person within the period as specified in clause (b), the final mine closure plan shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

8-I. Quarrying plan or simplified quarrying plan to be submitted by the existing lessee/licensee/permission holder/sand tenderer.—(1) Where mining operations for minor minerals have been undertaken before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2013 without an approved quarrying plan/simplified quarrying plan, the holder of such quarrying lease/ quarry licence/working permission/sand tender shall submit a quarrying plan/simplified quarrying plan, as the case may be along with a non-refundable fee of Rs. 2,000/- within a period of six months from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2013, to the Competent Authority for its approval.

(2) If a holder of a lease/licence/working permission/sand tender has not been able to submit the quarrying plan or simplified quarrying plan within the specified time for reasons beyond his control, he may apply to the Competent Authority for extension of time stating the reasons of delay.

(3) The Competent Authority on receiving an application made under sub-rule (2) may on being satisfied, may extend the period not exceeding three months for submission of the quarrying plan or simplified quarrying plan.

(4) The Competent Authority may approve the quarrying plan or simplified quarrying plan submitted by the lessee/licensee/permission holder/sand tenderer, or may require modifications to be carried out in the quarrying plan and the lessee/licensee/permission holder/sand tenderer shall carry out such modifications and

resubmit the modified quarrying plan to the Competent Authority for its approval.

(5) The Competent Authority shall within a period of sixty days from the date of receipt of the quarrying plan or simplified quarrying plan or their modified plans, convey his approval or disapproval to the applicant. In case of disapproval, the Competent Authority shall convey in writing the reasons for disapproving the said quarrying plan or simplified quarrying plan or their modified plans.

(6) The quarrying plan or simplified quarrying plan or their modified plans submitted under sub-rules (1) and (4) shall be prepared by a recognised qualified person.

8-J. Review of quarrying plan or simplified Quarrying Plan.—(1) Every quarrying plan or simplified quarrying plan duly approved shall be valid for the entire duration of the lease, licence or working permissions.

(2) The qualified person of every quarry shall review the quarrying plan/simplified quarrying plan as referred to in sub-rule (1) and submit a scheme of quarrying for the next five years of the lease/licence/working permission to the Competent Authority for approval.

(3) Every scheme of quarrying submitted under sub-rule (2) shall be prepared by a recognised qualified person.

(4) The scheme of quarrying shall be submitted to the Competent Authority at least 120 days before the expiry of the five years period, for which it was approved on the last occasion. However in case of sand at least ninety days before the expiry of the two years period:

Provided that the quarrying operations by the lessee/licensee/working permission holder/sand tendered shall not be carried out or allowed to be carried out till the approval of scheme of quarrying, if the same is not submitted for approval within aforesaid time.

(5) The Competent Authority shall convey his approval or refusal to the scheme of quarrying within ninety days from the date of its receipt.

(6) If approval or refusal of the scheme of quarrying is not conveyed to the holder of the lease/licence/working permission

within the stipulated period, the scheme of quarrying shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

8-K. Quarrying operations to be in accordance with quarrying plan/simplified quarrying plan.—(1) Every holder of a lease/licence/ working permission/sand tender shall carry out quarrying operations in accordance with the approved quarrying plan/simplified quarrying plan with such conditions, as may have been imposed under sub-rule (2) of Rule 8-G or with such modifications, if any, as approved under sub-rule (3) of Rule 8-G or in accordance with the quarrying plan/simplified quarrying plan or the scheme of quarrying submitted or approved under Rule 8-C or 8-I or 8-J, as the case may be.

(2) If the quarrying operations are not carried out in accordance with the quarrying plan/simplified quarrying plan as referred to under sub-rule (1), Deputy Director/Senior Geologist concerned may pass an order for suspension of all or any of the quarrying operations and permit continuance of only such operations as may be necessary to restore the conditions in the quarry as envisaged under the said quarrying plan/simplified quarrying plan.

8-L. Financial assurance.—(1) Financial Assurance has to be furnished by every quarrying lease/quarry licence/working permission holder. The amount of financial assurance shall be as follows, namely,—

(i)	For specified minor mineral quarry lease/licence/working permission	Rupees ten thousand per acre or part thereof area used in quarrying and allied activities within the lease and outside.
(ii)	In case of non-specified minor mineral quarry lease/licences.	Rupees five thousand per acre or part thereof.

(2) The financial assurance shall be submitted in the form of fixed deposit receipt from any Scheduled Bank, which shall have validity of more than six months after the date of expiry of lease/licence or as specified by the Government from time to time.

(3) Before issue of sanction, the lessee/licensee/working permission holder shall have to submit the financial assurance to jurisdictional Deputy Director/Senior Geologist.

In case of existing quarrying lease/quarry licence/working permission, the lessee/licensee/permission holder shall submit the financial assurance within one year in four equal instalments from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2013.

(4) Release of financial assurance shall be effective on the application given by the lessee/licensee/working permission holder for the satisfactory compliance of the provisions contained in the mine closure plan and certified by the Deputy Director/Senior Geologist concerned:

Provided that the financial assurance shall be released by the order of Joint Director concerned.

(5) If the Deputy Director/Senior Geologist concerned,—

- (i) has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the approved mine closure plan in respect of which financial assurance was given has not been carried out in accordance with the mine closure plan, either fully or partially;
- (ii) is of the opinion that closure plan cannot be implemented as approved, shall give the lessee/licensee/permission holder a written notice of his intention to issue the orders for forfeiting the amount of financial assurance along with interest accrued thereon at least thirty days prior to the date of the order to be issued.

(6) Within thirty days of the receipt of notice referred to in sub-rule (5), if no satisfactory reply has been received in writing from the lessee/ licensee/working permission holder, the Deputy Director/Senior Geologist concerned shall pass an order for forfeiting the financial assurance amount along with the interest accrued thereon.

(7) After the issue of order referred to in sub-rule (6), the Deputy Director/Senior Geologist concerned may realise the amount of financial assurance together with the interest accrued thereon

for the purpose of performance of protective, reclamation, rehabilitation measures and shall carry out those measures.

8-M. System of working.—(1) System of working in quarry lease/quarry licence/working permissions, quarries in sheet rock shall be performed by formation of benches as per Metalliferous Mines Regulations, 1961 and in case of sand quarrying it shall be performed as per the approved quarrying plan/scheme of quarrying.

(2) Such benches in minor minerals and overburden including weathered minor minerals shall be formed separately and the benches in overburden shall be kept sufficiently in advance so that their working does not interfere with the working of minor minerals and inter mixing of minor minerals with overburden may be avoided.

(3) The depth of quarrying operations of minor minerals shall be as per the approved quarrying plan/scheme of quarrying. Any operations in deviation of the approved quarry plan/scheme of quarrying shall be carried out with the due permission of Director General of Mines Safety.

(4) In the cluster quarrying approach, boundary workings between two leases shall be with the due permission of the Director General of Mines Safety.

(5) In order to ensure optimum production with minimum waste generation, every lease/licence/permission holder shall endeavour to deploy machinery and equipment as per quarrying plan/ simplified quarrying plan.

8-N. Separate stacking of non-saleable mineral.—(1) The non-saleable mineral rejects at quarry bottom shall regularly be collected and transported to the surface and the quarry or mine floor kept reasonably clear of debris. However in case of sand quarrying, mineral rejects like shingle, pebbles at riverbed shall regularly be collected and stored within the tendered area for utilisation in reclamation measures and strengthening of river banks also.

(2) Such non-saleable minor minerals suitable for possible use by small scale industries sector shall be properly recovered.

(3) Small lumps of mineral shall, as far as possible, be segregated from the dumps and stored separately for future use.

(4) The ground selected for dumping of top soil, overburden, waste material or non-saleable mineral shall be away from workings of quarry as specified in approved quarry plan.

(5) Before starting quarrying operations, conceptual ultimate limits of the quarry shall be determined and dumping ground shall be so selected that dumping is not carried out within the limits of the ultimate size of the quarry except where simultaneous back filling is proposed.

CASE LAW

Auction of pebble stones - Pebble stones come within purview of non-saleable mineral. Pebbles collected and stored for purpose of strengthening river bed in respective rivers. Non-implementation of directions contained in the memorandum to fix the price and royalty in terms of Schedule III. **Held**, In view of Insertion of Rule 8-N, w.e.f. 16-12-2013, memorandum dated 26-8-2013 does not survive. Hence once law is brought into force providing for separate stacking on non-saleable mineral. Permitting auction of pebbles on basis of memorandum, Not proper. Petition rejected. (*M/s. Lucky Artificial Sand Industries, Haveri District Vs. State of Karnataka and Others*, 2015(2) AKR 646 : 2015(2) Kar. LJ 193: 2015(4) KCCR 3227: AIR 2015 (NOC) 937 (Kar.) (DB))

8-O. Employment of qualified persons.—(1) For the purpose of carrying out quarrying operations in accordance with these rules, every holder of a quarrying lease/quarry licence/working permission/¹[sand quarrying permission] shall employ,—

- (a) a whole time Mining Engineer or a person possessing II Class Mine Manager's Certificate of Competency issued by Director General of Mines Safety, where quarrying operations are carried out by deployment of heavy quarrying machinery for deep hole drilling, excavation, loading and transport, or where the average employment exceeds one hundred per day or in case area of quarrying lease/quarry licence/working permission/²[sand quarrying permission] area is 50 acres or more or the clusters of quarrying leases with a collective area of 50 acres within a radius of 5 kilometers;

1. Substituted for the words "sand tender holder" by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

2. Substituted for the words "sand tendered" by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

(b) in case of any other quarry, a person having diploma in mining with two years experience in mining operations or a person possessing foreman's certificate of competency issued by the Director General of Mines Safety or Geologist;

(c) in case where area of lease/licence/working permission/¹[sand quarrying permission] is less than stipulated minimum extent and quarrying is carried out only by manual means the person having qualification mentioned in clause (a) or (b) can work for a maximum of fifteen leases/quarry licences/working permission/sand blocks if all such quarries are located within a radius of 10 kilometers:

Provided that if any doubt arises about the lease/licence/working permission falling under clause (a), (b) or (c) above, it shall be referred to an officer authorised by the Government in this regard for decision:

²[Provided further that where the PWD Engineers are entrusted with sand quarrying, Assistant Executive Engineer of the concerned jurisdiction shall deem to be the qualified person.]

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

(2) If the holder of a quarrying lease/quarry licence/working permission/³[sand quarrying permission] possesses qualification as mentioned in sub-rule (1), he may appoint himself as the qualified person for the purpose.

(3) A Mining Engineer or Geologist employed by the lessee/licensee/working permission/⁴[sand quarrying permission] holder shall possess the qualifications specified below,—

1. Substituted for the words "sand tendered" by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

2. Second proviso inserted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

3. Substituted for the words "sand tender" by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

4. Substituted for the words "sand tender" by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

(a) **Geologist:** A post-graduate degree in Geology granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognized by the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956 or any equivalent qualification;

(b) **Mining Engineer:** A degree in Mining Engineering granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognized by the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956 or any equivalent qualification;

(c) **Diploma in Mining Engineering:** 3 years full time diploma certificate in Mining Engineering awarded by the State Technical Education Boards.

(4) The lessee/licensee/working permission/¹[sand quarrying permission] holder shall intimate to the Deputy Director/Senior Geologist, the details of qualified person employed by him together with consent of such person. ²[*****].

(5) Where due to reduction in average employment in the quarry, any change required, it can be done only with previous permission in writing to the officer authorised by the Government in this regard and subject to such conditions as he may specify.

8-P Duties of qualified person.—(1) It shall be the duty of the qualified person employed as per Rule 8-O to take all necessary steps to plan and conduct quarrying operations, so as to ensure conservation of minerals, systematic development of the mineral deposits and protection of environment in and around the quarry lease/quarry licence/working permission/sand tender area in accordance with these rules.

1. Inserted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

2. The words "However sand tender holder shall intimate to the concerned Executive Engineer, PWD and Deputy Director/Senior Geologist" omitted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

(2) He shall be responsible for the preparation and maintenance of plans, sections, reports and schemes in accordance with these rules.

(3) He shall be responsible for carrying out the study of the associated rocks and minerals, identifying them and stacking the various minerals produced separately.

(4) He shall carry out all such orders and directions as may be given in writing under these rules by any Authorised Officer and shall forward a copy of such orders or directions to the holder of quarry lease/quarry licence/working permission/sand tenderer.

(5) He shall ensure that there is sufficient provision of proper materials, appliances and facilities at all times at quarry lease/quarry licence/working permission/sand tender for the purpose of carrying out the provisions of these rules and orders issued thereunder and where he is not the owner or agent of the quarry lease/quarry licence/working permission/sand tender, he shall make requisition in writing to the owner or agent for anything required for the aforesaid purpose. A copy of every such requisition shall be recorded in bound pagged book kept for the purpose.

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

8-Q. Environmental Management Plan for individual or clusters of leases/licenses/working permission¹/[sand quarrying permission]/sand tender areas.—Every holder of lease/licence/working permission²/[sand quarrying permission] shall prepare an Environment Management Plan through recognized qualified person and submit to the ³[*****] State Environment Impact Assessment Authority/Ministry of Environment and Forest as the case may be for approval and the lessees/licensees/permission holders of a cluster shall submit a collective Environment Management Plan through cluster association within a period of three months of formation of cluster association:

1. Inserted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

2. Inserted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

3. The words and figure "Regional Environment Management Committee/" omitted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

¹[Provided that the existing holder of lease/licence/working permission/sand quarrying permission shall submit approved Environment Management Plan to the Competent Authority within one year from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2013.]

However in case of sand ²[quarrying entrusted to PWD], the Environment Management Plan shall be prepared through recognized qualified person and submitted to the ³[*****] SEIAA/MoEF as the case may be for approval by Deputy Director/Senior Geologist concerned:

⁴[Provided also that the existing holder of lease/licence/working permission/sand quarrying permission having an area less than stipulated extent shall adopt cluster approach and implement the Environmental Management Plan collectively.]

8-R. Cluster Association.—(1) Lessee/licensee/working permission holders having their individual quarrying area of less than stipulated extent and falling in a cluster shall form an association within a period of three months from the date of declaration of cluster as per clause (a-4) of Rule 2(1), for the collective implementation of approved Environment Management Plan.

(2) All the lessee/licensee/permission holders shall be members of the concerned association and if any lessee/licensee/working permission holder does not want to be a member of such association, in such case he shall not be allowed to work in the area.

(3) Cluster association shall be registered under the provisions of relevant Law:

Provided that the lessee/licensee/working permission holders of more than one cluster may form a common association, however Environment Management Plan (EMP) for each cluster is separate and distinct.

1. First proviso substituted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
2. Inserted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
3. The words and figure "Regional Environment Management Committee/" omitted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
4. Third proviso substituted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

¹[**8-S. The Regional Environment Management Committee.**—*****.]

8-T. Implementation of Environment Management Plan in a cluster.—Cluster association formed under Rule 8-R shall be responsible for collective implementation of Environment Management Plan (EMP) and in case EMP is not implemented, quarrying operation of all lessees/licensees/ working permission holders in the cluster shall be stopped by the Deputy Director/ Senior Geologist with the approval of District Taskforce Committee after giving a thirty days notice to the association. Such notice shall be published in two local newspapers at least fifteen days before the intended date of stoppage of quarrying activities. Quarrying operations, so stopped, shall be allowed to resume only after the EMP is implemented.

8-U. Environmental safeguard measures to be implemented by individual lessee/licensee/working permission holder other than sand.—(1) Every holder of quarrying lease, quarry licence or permission holder shall,—

- (a) ensure that no natural watercourse and/or water resources are obstructed due to any quarrying operation, adequate measures are taken for protection of the older-streams, if any, emanating/ passing through the quarrying lease, quarry licence or working permission area during the course of quarrying operation;
- (b) keep quarry workings restricted to above groundwater level till approval of Central Groundwater Board/State Groundwater Department is obtained;
- (c) temporarily store the top soil, at the place earmarked in EMP/quarry plan/scheme;
- (d) dump overburden (OB) generated during the quarrying operations at earmarked dump sites in environment management plan/quarry plan/scheme;
- (e) take effective safeguard measures, such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter such as around crushing and screening plant, loading and unloading

1. Rule 8-S omitted by Notification No. C1 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014.

point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It shall be ensured that the Ambient Air Quality parameters conforming to the norms prescribed by the State Pollution Control Board is maintained throughout;

- (f) practice, controlled blasting and implement mitigative measures for control of ground vibrations and to arrest fly rocks and boulders. Blasting shall be done only by a person holding of blaster certificate and permission from Director General of Mines Safety or any authorised person thereof. Deep hole blasting shall be carried out only after approval of Director General of Mines Safety;
- (g) take all mitigative measures during the quarrying operation to ensure that the buildings/structures in the nearby areas shall not be affected due to blasting;
- (h) use drills either operated with dust extractors or equipped with water injection system;
- (i) ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;
- (j) undertake to ensure minimum losses to the agriculture crops and undertake to contribute suitably for compensation to the loss/damage to the crops as fixed in consultation with related departments;
- (k) keep vehicular emissions under control and regularly monitor the same. Measures shall be taken for maintenance of vehicles used in quarrying operations and in transportation of mineral. The vehicles shall not be overloaded;
- (l) take measures for control of noise levels below 85 dBA in the work environment.

8-V. Environmental protection measures in River Sand Quarrying.—(1) For ensuring safety of riverbeds/its structure/ adjoining areas during river sand quarrying, the following measures be taken,—

- (a) maintain at least a unmined block of fifty meters after every block of 1000 meters where mining is undertaken or proportionate;
- (b) no quarrying shall be permitted in a riverbed upto a distance of five times of the span of a bridge on upstream and ten times the span of such bridge on downstream of the river, subject to a minimum of 250 meters on the upstream side and 500 meters on the downstream side;
- (c) the areas which are located adjoining to the village or traditionally used by the villagers shall be left and declared as No Sand Mining area by limiting to 250 meters length or as decided by taluk committee;
- ¹[(d) sand quarrying shall be done in accordance with the guidelines issued by the Ministry of Environment and Forest or State Environment Impact Assessment Authority, as the case may be, from time to time;]
- (e) no vehicles for loading of sand, machineries other than used for loading shall be allowed within ten meters from the border of the river bank to ensure the river bank protection;
- (f) suitable indigenous plant species like Bellary jelly or any other variety shall be planted on specified stretch of the river banks to prevent river ingress and also to maintain river bank stability;
- (g) along with the Royalty, Environment Management Fee per cubic meter at the rate specified by the Government from time to time shall be collected ²[for the purpose of rehabilitation and reclamation activities and credited to Consolidated Fund of the State];
- (h) the production quantity shall be based on the approved quarry plan;

1. Clause (d) substituted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

2. Substituted for the words "and the same shall be credited to "Corpus fund" and shall be utilised for rehabilitation and reclamation activities" by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

- (i) access routes, if they are not beneficial to the local community would need to be ploughed and re-planted with native species; and
- (j) close and restore river bank where access ramps have been resorted, ensure river approach channel is not obstructed and that repaired bank is restored to normalcy;
- (k) any violations observed shall be brought to the notice of District Monitoring Committee along with a mahajar/Joint Inspection report by the member of district monitoring committee by temporarily suspending the work by an order and be placed to further decision by District Monitoring Committee in the matter;
- (l) further the District Monitoring Committee shall review by giving an opportunity to the successful bidder and pass an order to resume the sand quarrying by allowing him either to rectify the mistakes or by compensating the damages;
- (m) the District Monitoring Committee upon hearing and based on reports, may direct the concerned to restore or cancel or direct initiation of legal proceedings if any.

(2) The conditions in Rule 8-V and Rule 8-U shall be enforced *inter alia*, under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and also any other orders passed by the Hon'ble Supreme Court of India/High Court of Karnataka and any Court of Law relating to the subject-matter.

(3) Failure to comply with any of the conditions mentioned in Rule 8-U may result in cancellation of lease/licence/working permission after giving thirty days notice to the lessee/licensee/permission holder for compliance.

(4) Quarry working shall be done strictly as per the conditions of approved quarrying plan/simplified quarrying plan/scheme of quarrying, as the case may be.

8-W. Issues to be included in the Environment Management Plan.—The following shall be included in the Environment Management Plan, namely.—

(i) **Details regarding removal and utilization of top soil.**—(a) The top soil and murram collected during quarrying operations shall be stored systematically at an approved site without allowing its run off; and

- (b) Top soil so stacked shall be utilized for plantation or for restoration and rehabilitation of the land no longer suitable for continuing quarrying operations or for stabilizing/landscaping the overburden dumps.

(ii) **Details regarding storage of overburden waste rock.**—(a) The overburden, waste rock and non-saleable mineral generated during quarrying operations shall be managed to stack separately in properly formed dumps on grounds earmarked in approved environment management plan;

- (b) The overburden dump shall be properly secured to prevent the degradation of the surrounding land or silting of water courses;
- (c) Wherever possible, use such waste rock or overburden or other rejects for backfilling the worked out quarry or mine where mineral has been recovered upto the optimum depth as suggested by the Competent Authority with a view to restore the land to its original use or desired alternate use. Where the backfilling is not feasible, the waste dumps shall be scientifically vegetated by suitable native species to prevent erosion and surface run off; and
- (d) The maximum height of the already existing waste dumps shall not exceed 5 meters at each terracing with a slope of 45 degree and it shall be protected by toe wall of rubble stones all along to prevent the run off/creep.

(iii) **Details regarding reclamation and rehabilitation of lands.**—(a) Restoration, reclamation and rehabilitation of land affected by quarrying operations shall be undertaken in a phased manner so that work is completed before the conclusion of quarrying operations and the abandonment of the quarry with a view to leave a productive and sustainable site.

- (b) In case of sand quarrying the following shall be included,—

- (1) necessary embankment rehabilitation measures shall be implemented to achieve river bank stability;
- (2) reclamation and rehabilitation of riverbed affected by quarrying operations shall be undertaken in a phased manner so that work is completed before the conclusion of quarrying operations and the abandonment of the quarry.

(iv) **Details regarding precaution against air pollution.**—Air pollution due to dust, exhaust emissions or fumes during, quarrying or processing operations for mineral and related activities shall be controlled and kept within permissible limits as specified under any environmental law for the time being in force. Main haulage roads of quarry shall be kept wet by sprinkling of water or make metal road to avoid dust.

(v) **Details regarding discharge of effluents.**—All details regarding precautions to prevent or reduce to a minimum, the discharge of toxic and objectionable liquid effluents from quarry, workshop or processing plant, into surface or groundwater bodies and usable lands. These effluents shall conform to the standards laid down in this regard.

(vi) **Details regarding precaution against noise.**—Noise arising out of quarrying and processing operations for mineral at the source shall be controlled so as to keep it within the permissible limit.

(vii) **Details regarding restoration of flora.**—(a) Effective measures shall be taken for plantation in the area earmarked in environment management plan of the cluster in area earmarked in environment management plan, subject to the norms specified by the Environment Department;

- (b) The earmarked site(s) for plantation shall be fenced and proper planning of watering and caring the plants shall be implemented. The same shall be looked after during the subsistence of the cluster;
- (c) Suitable trees shall be planted along cluster boundary, on both sides of the major roads, near site office of the mine and over the inactive dumps by individual or cluster association;

- (d) The lessee/licensee/permission holder shall not cut or injure any tree in area of his lease/licence/permission without the previous sanction in writing of any officer authorised in this behalf under any law in force;
- (e) Take all precautionary measures during quarrying operation for conservation and protection of endangered flora and fauna.

(viii) **Details regarding water management.**—(a) Accumulated non-potable rain water shall be dewatered and diverted to nearby pond/aquifer/river/nallah, catchment area by providing suitable pipeline or drains or link canals or water harvestings, as the case may be without harming the environment.

- (b) If quarry depth intercepts the groundwater table, necessary consultation be made with Central Groundwater Board/ State groundwater Department and implement such of the suggested remedial measures thereof.

8-X. Periodical examination of air, water and noise pollution after sanction.—Periodical examination of air, water and noise pollution after sanction of quarry lease/licence/working permission shall be monitored by the concerned Regional Officer of the State Pollution Control Board and results shall be intimated to concerned Regional Environment Management Committee at least once in six months.

8-Y. Duties and Obligations of lessee/licensee/permission holder.—(a) The quarry workers shall be provided with safety equipments.

- (b) The quarry workers shall be provided with blasting shelters, along with sirens if necessary, Flags, rest shelters and with a '[potable] drinking water.

(c) Regular health checkup camps for the workers engaged in quarry shall be organised and maintain First Aid Kit at the quarry site.

(d) Occupational health surveillance program of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.

1. The word "portable" corrected by Corrigendum No. CI 357 MMN 2012, dated 31-1-2014.

(e) No bonded and child labours shall be engaged in quarry workings.

(f) Exhibit social responsibility towards local needs.]

CHAPTER III Grant of Quarrying Lease ¹[*****]

²[9. Application for grant of a quarrying lease.—Every application for grant of a lease to quarry minor minerals in the land belonging to the State Government shall be made in Form-AQL to the Competent Authority and shall be accompanied by various fees and documents as may be specified by the State Government in the tender document from time to time.]

CASE LAW

Rules 9(2) 12, 15 and 57 - Granite Conservation and Development Rules, 1999; Rule 7 - Grant of quarry lease - Lease was granted in respect of 54 acres. On renewal it was reduced to 10 acres on the ground that the lessee had not set up 100% export oriented granite cutting and polishing unit. The learned Single Judge in the impugned Order has held that the petitioner's application for renewal of lease requires to be considered on the basis of the priorities in Rule 12. Held, Since the renewal tantamounts to a fresh grant, irrespective of the time of grant i.e. when with respect to a grant made prior to KMMCR Rules, the State Government is duly empowered to consider the extent of land. So far as the petitioner is concerned, it is not his case that he is entitled to 50 acres, possibly because he has not set up hundred percent export oriented granite cutting and polishing unit. It is also not his case that he is entitled to 40 acres because he has established a granite cutting and polishing unit. Therefore, in our opinion, the grant of a lease for 10 acres as against erstwhile 54 acres is totally justified and reasonable. (*T.R. Narayanaswamy Vs. State of Karnataka and Another*, 2013(1) Kar.LJ 14: 2013(1) KCCR 179 (OB)). [NOTE: Rules 9 and 15 substituted; Rules 12 and 57 omitted by Notification No. CI 418 MMN 2015 (Part), dated 12-8-2016, w.e.f. 12-8-2016.]

³[9-A. Grant of quarrying lease by auctions.—(1) The provisions of this rule shall be applicable to cases other than cases covered under sub-rule (3) of Rule 8 or Rule 3-A, 3-B, 3-D, 3-E ⁴[and 3-F], or rules covered under Chapter IV-B or to land in respect

1. The words "for Specified Minor Minerals" omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

2. Rule 9 substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

3. Rules 9-A and 9-B inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

4. Inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

of which the minerals do not vest in the Government or to rules covered in Chapter V.

(2) In areas where the existence of mineral contents of any minor mineral specified in Schedule I-A is established, the Competent Authority shall notify such areas inviting applications for grant of quarrying lease for such minor minerals. The terms and conditions subject to which such quarrying Lease be granted shall be in accordance with the provisions of Chapter IV-A and such other conditions specified in the tender bulletin or Notification:

Provided that any broken area or previously held area of the minerals specified in Schedule I-A, shall be notified for grant of quarrying lease through auction:

Provided further that the maximum and minimum extent of any blocks so identified shall not be in contravention of Rule 15 and 15-A.

(3) For the purpose of granting a Quarrying lease in respect of any minor mineral specified in Schedule I-A in such notified area, the Competent Authority shall select through auction by method of competitive bidding including e-auction, an applicant who fulfils the eligibility conditions as specified in the notification inviting applications.

(4) The general procedures and manner of conducting auction including reservation of blocks shall be in accordance with Chapter IV-A of these rules and the bidding parameters for the selection, which may include a share in the production or the mineral, or any payment linked to the royalty payable, or any other relevant parameter, or any combination or modification of them, as may be specified by the State Government in the tender bulletin or notification.

(5) Without prejudice to the generality of sub-rule (4), the State Government may, if it is of the opinion that it is necessary and expedient to do so, notify terms and conditions including reservation of any particular quarry or quarry blocks for a particular end use and be subject to such conditions which allow only such eligible end users to participate in the auction:

Provided that where any quarry block is reserved for specified end use, the minerals extracted under the quarrying lease shall

be utilised solely for the specified end use; and not be sold or transferred or otherwise disposed of, either directly or indirectly.

(6) Without prejudice to the generality of sub-rule (4), the State Government may, if it is of the opinion that it is necessary and expedient to do so, notify terms and conditions, including reservation of any particular quarry or quarry blocks for production of a particular end product:

Provided that, when any quarry block is reserved for production of specified end product, mineral from the quarry shall be extracted for production of that end product in such minimum percentage as notified by the Government in special or general order.

(7) The Competent Authority shall grant a quarrying lease to the successful applicant selected in accordance with the procedures laid down in this regard in Chapter IV-A.

9-B. Application of other Provisions.—The grant of permission to quarry ordinary sand shall only be in accordance with the provisions of the Chapter IV-B and Chapter II-A of these rules.]

¹[CHAPTER III-A Grant of Composite license

9-C. Application for grant of Composite license.—(1) Every application for grant of a Composite license to quarry minor minerals in the land belonging to the State Government shall be made in Form AQL to the Competent Authority and shall be accompanied by various fees and documents as may be specified by the State Government in the tender document.

9-D. (1) The provisions of this rule shall be applicable to cases other than cases covered under sub-rule (3) of Rule 8 or Rule 3-A or 3-B or ²[3-F or] sand mining or to land in respect of which the minerals do not vest in the State Government.

(2) In areas where there is inadequate evidence to show the existence of mineral contents of any minor mineral specified in Schedule I-A, the Competent Authority shall issue notification inviting application for grant of Composite license for such minor minerals after obtaining prior approval of the Controlling Authority.

1. Chapter III-A and Rules 9-C and 9-D inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

2. Inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017

The terms and conditions subject to which such Composite license be granted shall be in accordance with the provisions of Chapter IV-A and such other conditions as may be specified in the tender bulletin or notification.

(3) For the purpose of granting Composite license in respect of any minor mineral specified in Schedule I-A in such notified area, the controlling authority shall select through auction by method of competitive bidding, including e-auction, an applicant who fulfils the eligibility conditions as specified in the notification inviting applications.

(4) The general procedures and manner of conducting auction including reservation of blocks shall be in accordance with Chapter IV-A of these rules and the bidding parameters for the selection, which may include a share in the production of the mineral, or any payment linked to the royalty payable, or any other relevant parameter, or any combination or modification of them, as may be specified by the State Government with tender bulletin or Notification.

(5) The Competent Authority shall grant a prospecting license (PL) for the successful applicant selected through auction. The bidding parameter for Prospecting license shall be either the least cost of prospecting or least amount of revenue sharing which the prospecting license holder shall charge in case he refuses to undertake the quarrying lease in the auction or, any other relevant parameters that may be specified by the State Government:

Provided that the holder of Prospecting license shall have the right of first refusal once the area is put for auction for grant of quarrying lease on successful completion of prospecting.

(6) The prospecting operations shall be carried out in such a manner so as to ensure systematic development and conservation of mineral deposits and protection of environment. In case of any breach on the part of the licensee of any covenant or condition contained in the license deed or the rules made by the Central or State Government, the Competent Authority may determine the license and take possession of the said land and forfeit the security deposit. Such action shall not be taken unless the licensee has failed to remedy the breach a period of fifteen days from the date of notice having been served upon him.

(7) Once the holder of a prospecting license completes the prospecting operation and establishes the existence of mineral contents in the area in conformity with such parameters as may be specified for this purpose by the State Government, the said block shall be put for auction for grant of quarrying lease with right of first refusal to the holder of Composite license:

Provided that the quarrying lease shall be granted only with respect to area for which mineral existence is established and the extent shall not be in contravention of the provisions of Rules 15 and 15-A:

Provided further that any area, if found excess, shall be deemed to be surrendered by the holder of Composite license after completing its reclamation.

(8) If a holder of a composite license fails to complete the prospecting operations or fails to establish the existence of mineral contents required to put the blocks for auction to grant quarry lease, such holder shall not be eligible to receive quarrying lease and the composite license shall be terminated.

(9) The quarry lease shall be granted in favour of successful bidder in accordance with the provisions of Rule 9-A.]

10. Exemption of security deposit.—Government may by order make an exemption or reduction in the amount of security deposit payable by companies or undertakings owned by the State Government.

¹[11. The provisions of this chapter shall be applicable for all grants of quarrying lease, composite license, quarrying license granted under these rules except for sand and M sand.]

CASE LAW

Rule 11 - Application for renewal of mining lease - Petitioner licensee for extraction of stone in land applied for renewal of mining lease. Authority rejected on ground that leased area granted for quarrying was gomal land and lease cannot be renewed for gomal land. Held, No finding recorded by authority concerned as to whether leased area was gomal land or not. Rejecting application for renewal of lease is illegal. Matter remitted back for passing fresh order on application of quarrying lease. (*H.G. Sudhakara Vs. State of Karnataka and Others*, ILR 2010(2) Kar. 2011: 2010(1) AIR Kar R 204: 2010(1) Kar.LJ 180 (DB)). [NOTE: Rule 11 substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016]

1. Rule 11 substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

¹[12. **Priorities.**—****]

²[13. **Register of Quarrying Lease or Licence and Composite Licence.**—(1) The Competent Authority shall cause to be maintained the following registers, namely,—

- (a) Register of blocks for which notification is issued for inviting applications for grant of quarrying leases in Form-QLN;
- (b) Register of quarrying leases in Form-QL with area sketches appended;
- (c) Register of applications received for quarry license in patta land in Form ³[RAQP];
- (d) Register of license in Form-⁴[RQL] with area sketches appended;
- (e) Register of blocks for which notification is issued for inviting applications for grant of Composite license in Form-CLN; and
- (f) Register of Composite license in Form-CL.

(2) Every such registers referred to in sub-rule (1) shall be open to inspection by any person on written request and payment of rupees one hundred at the discretion of the Competent Authority.]

⁵[14. **Disposal of application for grant or renewal of lease.**—****.]

⁶[15. **Maximum Area for which a quarrying lease or Prospecting license may be granted.**—(1) No person shall acquire in respect of any minor mineral in the State,—

- (a) One or more prospecting licenses covering a total area of more than five hundred acres;
- (b) One or more quarrying leases or licenses covering a total area of more than fifty acres for the purpose of Mineral

1. Rule 12 omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
 2. Rule 13 substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
 3. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.
 4. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.
 5. Rule 14 omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
 6. Rule 15 substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

based industries and ten acres in case of other purposes; and

- (c) Any quarrying lease or prospecting license in respect of any area which is not compact or contiguous:

Provided that if the State Government is of the opinion that in the interest of the development of any mineral, it is necessary so to do, it may, for reasons to be recorded in writing, permit any person to acquire a prospecting license or quarry lease, in relation to any area which is not compact or contiguous.

[(1-A) Nothing in sub-rule (1) shall apply to the Mining Lease or Licence already granted before commencement of the Karnataka Minor Minerals Concession (Amendment) Rules, 2016 and where applications are saved under clause (c) of sub-rule (2) of Rule 8-B for the minerals which are now classified as minor mineral by the Central Government *vide* Notification No S.O. 423(E) dated 10-02-2015.]

(2) Nothing in sub-rule (1) shall apply to State Government or Central Government Departments or undertakings and to Joint Sector Projects undertaken by the State Government or Central Government Departments or undertakings within the State or to cases covered under Rule 3-B.

(3) For the purpose of determining the total area referred to in sub-rule (1), the area held under a quarrying lease or composite license by a person as a member or partner or a company or corporation or firm or Hindu undivided family or a Co-operative Society shall be deducted from the area referred to in sub-rule (1) so that sum total of the area held by such person, under a quarry lease or prospecting cum quarrying lease, whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-rule (1).]

NOTIFICATION

F. No. 5/1/2015-M. VI, dated 10th February, 2015
[*Gazette of India, Extraordinary, dated 10-2-2015*]

S.O. 423(E).—In exercise of the powers conferred by clause (e) of Section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the Central Government hereby declares the following minerals to be

1. Sub-rule (1-A) Inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

minor minerals in addition to the minerals already declared by notification as minor minerals hereinbefore under the said clause:

- (i) Agate;
- (ii) Ball Clay;
- (iii) Barytes;
- (iv) Calcareous Sand;
- (v) Calcite;
- (vi) Chalk;
- (vii) China Clay;
- (viii) Clay (Others);
- (ix) Corundum;
- (x) Diaspore;
- (xi) Dolomite;
- (xii) Dunite or Pyroxenite;
- (xiii) Felsite;
- (xiv) Felspar;
- (xv) Fireclay;
- (xvi) Fuschite Quartzite;
- (xvii) Gypsum;
- (xviii) Jasper;
- (xix) Kaolin;
- (xx) Laterite;
- (xxi) Limekankar;
- (xxii) Mica;
- (xxiii) Ochre;
- (xxiv) Pyrophyllite;
- (xxv) Quartz;
- (xxvi) Quartzite;
- (xxvii) Sand (Others);
- (xxviii) Shale;
- (xxix) Silica Sand;
- (xxx) Slate; and
- (xxxi) Steatite or Talc or Soapstone.

[15-A. Minimum area for Quarrying Lease or Licence or Composite Licence to be granted.—(1) No quarry lease or

1. Rule 15-A inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013 and substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

license or Composite license shall be granted with the extent less than the minimum extent specified in Schedule II-A for concerned mineral:

Provided that the State Government may, if it is satisfied on the basis of proposed production level, Geological or topographical conditions and for the reasons to be recorded in writing, grant a lease over an area less than minimum extent specified in Schedule II-A. However, the implementation of Environmental Management Plan in such cases shall be in cluster approach.

(2) Nothing in this rule shall apply for the existing quarry leases till the date of its expiry.]

¹[16. Notification of grant of Quarry Lease or Composite Licence.—(1) The Competent Authority shall issue a grant notification for quarrying lease in Form GL ²[*****] after obtaining the approved Quarry plan or simplified quarry plan, as the case may be.

(2) The Competent Authority shall issue a grant notification for Prospecting license in Form GPL or in a form as near thereto as circumstances of each case may require for an applicant selected through auction after obtaining scheme of prospecting.]

17. Survey and demarcation of the area granted.—

(1) After the grant of quarrying lease ³[or prospecting license is notified,] the Competent Authority shall make arrangements for survey and demarcation of the area subject to the grantee paying the expenses ⁴[at the rate of Rupees one thousand per acre] of land so granted ⁵[within one month from the date of receipt of notification by the grantee].

(2) The boundaries of area covered by a quarrying lease shall run vertically downwards below the surface towards the centre of the earth.

1. Rule 16 substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. The words "for an applicant selected through auction" omitted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.
3. Substituted for the words "is notified under sub-rule (5) of Rule 11" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
4. Substituted for the words "at the rate of Rupees five hundred per acre" by Notification No. CI 56 MMN 2006, dated 23-6-2007, w.e.f. 23-6-2007.
5. Inserted by Notification No. CI 2 MMN 96(1), dated 8-7-1999, w.e.f. 8-7-1999.

18. Execution of quarrying lease ¹[or quarry license or prospecting license or composite license].—(1) When a quarrying lease ²[or quarry license, or prospecting license or composite license is granted the quarry lease, quarry license, prospecting license or composite license,] shall be got executed in Form-E by the grantee within ³[six months] of the order granting or renewing the lease or within such further period as the Competent Authority may allow in this behalf and if no such lease deed is executed within the aforesaid period, the order granting or renewing the lease shall be deemed to have been revoked:

⁴[Provided that the date of commencement of the period for which a quarry lease or quarry license or prospecting license or composite license is granted shall be the date on which the deed is duly executed:

Provided further that the duly executed quarry lease/license deed or prospecting license deed or composite license deed shall be registered with payment of requisite stamp duty and a copy of the registered deed shall be furnished by the lessee or license holder to the Competent Authority:

⁵[Provided also that if the lessee fails to register the lease or license deed within the period prescribed in the ⁶[Indian Stamp Act, 1957]. The Competent Authority may condone the delay and for the reasons to be recorded in writing and shall re-execute the lease deed:

Provided also that the Competent Authority shall re-execute the lease or license deed with effect from the date of execution of lease or license deed last made:

Provided also that the lessee or licensee shall pay the dead rent, interest and other applicable taxes for the period with effect from the date of execution of lease or license deed last made and up to the date of re-execution of lease or license deed:

1. Inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Substituted for the words "is granted under Rule 11, lease deed" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
3. Substituted for the words "three months" by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
4. Provisos inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
5. Provisos inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
6. Error in Notification [Refer the Karnataka Stamp Act, 1957 (Karnataka Act No. 34 of 1957).]

Provided also that after re-execution of the lease deed, the lessee shall register the quarry lease deed within ninety days and submit the copy to the Competent Authority. If the lessee or licensee fails to register the deed within three months, after re-execution of the lease or licence deed the lease shall be considered as cancelled lease];

Provided also that unless the deed is registered, no quarrying or prospecting operations shall be commenced, and that the Mineral Dispatch Permits shall not be issued.]

¹[(2) Before execution of a lease or license deed, the grantee shall submit all statutory documents and make all the mandatory payments as specified in the bidding documents or the rules.]

²[(3) (a) In respect of quarrying leases consisting of an area of five acres and more; a quarrying plan containing the particulars specified in clause (c) shall be submitted by the lessee within six months from the date of grant of lease.

(b) The quarrying plan so prepared shall be valid for working in the next five years or the duration of the quarrying lease whichever is less and modification or alteration in the quarrying plan with reason thereof shall be reported to the Competent Authority.

(c) The quarrying plan shall contain the following particulars, namely,—

(i) Contour plan showing the Geological map;

(ii) Quarry lease area map showing the layout of the proposed quarrying and manner in which the quarrying is to be developed;

(iii) Identification of the area for dumping waste rocks and soil;

(iv) A brief report about the minerals occurring, probable reserves and the recovery of the different sizes of the mineral;

(v) Impact of quarrying on environment and measures

1. Sub-rule (2) substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

2. Sub-rule (3) substituted by Notification No. CI 418 MRC 92, dated 6-5-1995, w.e.f. 6-5-1995.

proposed for preservation of the environment.]

¹[(4) As soon as the lease or license deed is executed a copy of the same shall be forwarded to the concerned Revenue and Forest department authorities entitled to issue No Objection Certificate for grant.]

(5) The ²[lessee or licensee] shall at his own expense erect and at all times maintain and keep in good condition marks and pillars necessary to indicate the boundaries of the area leased to him.

(6) If any mineral, major or minor, not specified in the lease is discovered in the leased area, the lessee shall report the discovery without undue delay to the concerned Competent Authority and to the officer-in-charge of the District and shall seek permission to quarry or dispose of such mineral.

(7) The ³[lessee or licensee] shall abide by such reasonable instructions and directions as may be issued by the Competent Authority or the Director as the case may be, from time to time regarding the conservation and development of minor minerals.

(8) The ⁴[lessee or licensee] shall abide by provisions of any law for the time being in force relating to working of minerals, ecology and environment and matters affecting surface and ground water conditions, safety, health and convenience of the lessee's employees or of the public.

(9) The ⁵[lessee or licensee] shall keep correct accounts showing the quantity and other particulars of all minor minerals produced or obtained, in stock and despatched from the leased area and the number of persons employed therein and also compile survey plans of the quarry workings and shall furnish to the Competent Authority or any officer of the Department of Mines and Geology authorised by the State Government or the Director such

1. Sub-rule (4) substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

2. Substituted for the word "lessee" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

3. Substituted for the word "lessee" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

4. Substituted for the word "lessee" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

5. Substituted for the word "lessee" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

information/reports and returns as the State Government or the Director may require from time to time.

(10) The [lessee or licensee] shall submit to the Competent Authority or any other officer authorised by him or the State Government quarterly returns in Form-Q before the eighth day of the succeeding month and annual returns in Form-Y for each financial year before the tenth day of April of the succeeding year. Such reports shall furnish specific information on the quantity of minor minerals and waste rocks produced, quantity sold or utilised, quantity in stock, royalty or dead rent paid and permits obtained.

19. Surrender of lease.—(1) Lessee may surrender his lease ²[executed under Rule 18] or part of the leased area by giving a notice in writing of not less than ³[ninety days] to the Competent Authority and by delivering possession of the area leased.

(2) The Competent Authority may accept the surrendered area after due verification of the land and subject to the following conditions, namely,—

- (a) the lease hold area to be surrendered has been properly surveyed and is contiguous; and
- (b) the lessee has paid all the dues payable to the State Government under the lease upto the date of application.

(3) The Competent Authority shall dispose of the application under this rule within ninety days from the date of receipt of the application.

(4) The surrender shall take effect at the end of the said period of ninety days subject to the fulfillment of the conditions by the lessees and in other cases it shall take effect only when the Competent Authority accepts surrender and lessee delivers possession of the quarry or part of the quarry area to the Competent Authority.

1. Substituted for the word "lessee" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Substituted for the words and figures "granted under Rule 11" by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.
3. Substituted for the words "three months" by Notification No. CI 418 MRC 92, dated 6-5-1995, w.e.f. 8-5-1995.

(5) At the time of renewal of the quarrying lease, the lessee shall be entitled to surrender any part of the leased area.

[19-A. Transfer of Leases or Licenses.—(1) In case of transfer of lease or licence, a lessee or licensee shall apply to the Competent Authority for such transfer of lease or licence along with,—

- (a) a non-refundable application fee of rupees twenty five thousand per acre for quarrying lease or license as a processing fees;
- (b) an affidavit to be given by the transferee giving particulars of mineral-wise areas and leases already held under quarrying lease, prospecting licence or quarrying licence or with any person having joint interest or already granted but not executed or registered or applied but not granted;
- (c) an affidavit by the transferee stating that he is fulfilling all the eligibility criteria as under these rules and shall abide by all the terms, conditions and liabilities or obligations of the lease or license;
- (d) the documents as per the terms and conditions of the Tender Document under which lease or license was issued; and
- (e) an affidavit stating that he has filed an up-to-date income tax returns, paid the income tax assessed on him and paid the income tax on the basis of self assessment as provided under the Income-tax Act, 1961:

Provided that such transfer shall not be allowed unless a survey demarcation is made by the Competent Authority (Deputy Director or Senior Geologist of the concerned District) along with lessee or licensee and intended transferee at lessee or licensee's own expenses indicating the extent quarried and reclamation and rehabilitation done or to be done:

Provided further that this transfer of lease or license shall not be allowed upto five years from the date of execution of quarrying

1. Rule 19-A substituted by Notification No. CI 302 MMN 2017, dated 18-11-2017, w.e.f. 18-11-2017.

lease and a minimum of five years in the case of subsequent transfers:

Provided also that this transfer of lease or license which has been allotted or granted to reserved category shall be allowed in same reserved category only:

Provided also that the transferee shall fulfil all the eligibility criteria and other terms and conditions on basis of which lease or licence has been granted to the original lessee or licensee:

Provided also that the lessee or licensee shall not charge or accept from the transferee any premium, in addition to the sum spent by him in obtaining the lease or licence and for conducting all or any of the quarrying operation over the lease or licence granted to him:

Provided also that in case of licensee having consent of a pattadar for the licensed area and who intends to transfer the licence, shall obtain a fresh consent letter from the pattadar.

(2) A lessee or licensee shall not,—

- (a) assign, sub-let, mortgage or in any other manner transfer the quarrying lease except for transfer of quarrying lease or license as under sub-rule (1) or any right, title or interest therein; or
- (b) enter into any agreement, arrangement or understanding with any person whereby lessee or licensee is directly or indirectly financed to a substantial extent by such person and quarrying operation and other activities connected therewith substantially controlled by such person:

Provided that nothing in sub-rule (2) shall apply to a Corporation or an undertaking or owned or controlled by the State Government or to a mortgage made by a lessee or licensee in favour of the institutions specified in Schedule-VI may transfer the lease or licence.

(3) The Competent Authority may by order in writing determine any lease or license at any time, if, the lessee or licensee as in the opinion of the Competent Authority, committed a breach of provisions of sub-rule (1) and (2) or has transferred any lease or

license or any right, title or interest therein without the previous consent in writing of the Competent Authority.

(4) Where the Competent Authority has given consent for transfer of such lease or license, a transfer of lease or licence deed in Form-T shall be executed within three months from the date of issuance of consent or within such further period not exceeding three months as the Competent Authority specified thereon.]

CASE LAWS

Rule 19-A - Transfer of leases - Rule 19-A is a Rule in the form of Prohibition of transfer of leases by any mode and also prohibits entering into any Agreement with any person whereby, the lease is Financed and Quarrying operations are substantially controlled. Held, If such safeguards are not there, a shrewd business magnate may find an easy way of getting the Mining lease through back door. On facts it was found the transfer under the Agreement of Mining Lease is violative of Rule 19-A. (*Jayaram, Member APMC Vs. State of Karnataka and Others, ILR 2001(1) Kar. 842 (DB)*). [NOTE: Rule 19-A substituted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.]

Rule 19-A and Constitution of India. Articles 222 and 227 - Power of Court to interfere - Public Interest Litigation - Writ filed by a Villager questioning transfer of Mining lease for quarrying Granite in neighbouring village. Whether can be entertained. Held, Wherever there is breach of the rule of law which is the basic structure of the Constitution, a citizen can seek redress in courts particularly because the violation of Rule of law is per se injurious to public interest. (*Jayaram, Member APMC Vs. State of Karnataka and Others, ILR 2001(1) Kar. 842 (DB)*). [NOTE: Rule 19-A substituted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.]

[19-B. Amalgamation of Quarry Leases.—(1) The Competent Authority may, in the interest of mineral development and to facilitate scientific and mechanised quarrying, amalgamate two or more adjoining existing quarry leases/licenses that are held separately by same person/company/firm/corporation/association which are going to become contiguous after amalgamation on an application along with fee of rupees five thousand.

(2) On receipt of such application, the Competent Authority may issue a notification to effect amalgamation and an amalgamated lease deed shall be executed, subject to the total extent of the lease not exceeding the stipulated limits specified in Rules 15 ²[*****]:

1. Rules 19-B and 19-C inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

2. The word and figures "and 25" omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

¹[Provided that the amalgamation shall be in consonance with the provisions of Environment Impact Assessment Notification, 2006 and as amended from time to time.]

(3) The period of amalgamated leases shall be co-terminus with the period of the existing leases.

²[(4) *****.]

19-C. Status of grant/quarrying lease on death of the applicant/ lessee/licensee.—(1) Where an applicant for the grant of a quarrying lease/licence dies before the order granting him the quarrying lease, the applicant for the grant of a quarry lease shall be deemed to have been made in favour of his legal representative.

(2) In the case of an applicant in respect of whom an order granting a quarrying lease is passed but who dies before the execution of deed, the order shall be deemed to have been passed in the name of the legal representative of the deceased.

(3) Where a lessee dies during the currency of lease, the quarry lease deed shall be deemed to be executed in the name of his/her legal representative of the deceased till the expiry of the lease held upon by an order of the Competent Authority in this regard.]

³[19-D. Change of name, nationality, etc. to be intimated.]—(1) An applicant or the holder of a minor mineral concession shall intimate to the ⁴[Competent Authority] within sixty days any change that may take place in his name, nationality or other particulars furnished to the ⁵[Competent Authority].

(2) If the holder of a minor mineral concession fails without sufficient cause to furnish the information referred to in sub-rule (1) the ⁶[Competent Authority] may impose a fine which may extend to one lakh rupees and in the case of continued contravention of

1. Proviso inserted by Notification No. CI 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
2. Sub-rule (4) omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
3. Rule 19-D inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.
4. Substituted for the words "State Government" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
5. Substituted for the words "State Government" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
6. Substituted for the words "State Government" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

the provisions of sub-rule (1) the ¹[Competent Authority] may terminate the minor mineral concession:

Provided that no such order shall be made without giving the concession holder a reasonable opportunity of stating his case.]

20. Rights of the lessee.—Subject to the conditions specified in these rules, lessee shall, for the purpose or quarrying operations have rights to,—

- (1) work the quarry well within the limits of the area granted and as per the sketch of the lease area appended to the lease deed;
- (2) sink pits, shafts and open tunnels in a systematic manner;
- (3) construct buildings of dimension not more than forty square metres only over non-mineral bearing area;
- (4) use water subject to any law in force.

CHAPTER IV

²[General Procedures and Statutory Requirements]

³[21 to 31.— *****]

NOTE: Rules 21, 22, 23, 24, 25, 25-A, 26, 27, 28, 29, 30 and 31 omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016. Prior to omission Rules 21 to 31 stood as:

21. Application for grant or renewal of a quarrying lease in respect of non-specified minor minerals.—(1) Every application for grant of a quarrying lease to quarry non-specified minor minerals in the land belonging to the State Government ⁴[which has not been notified under Rule 8-B] shall be made in Form-AQL to the Competent Authority. The application shall be accompanied by a security deposit in the form of

1. Substituted for the words "State Government" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
2. Heading of Chapter IV substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016. [EDITORIAL NOTE: Rules 21 to 31 under Chapter IV was omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016, when Rules 21 to 31 of Chapter IV omitted then heading of Chapter IV will be deemed to be omitted. Then substituting the heading does not arise. This is an error by Government.]
3. Rules 21, 22, 23, 24, 25, 25-A, 26, 27, 28, 29, 30 and 31 omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
4. Inserted by Notification No. CI 418 MRC 92, dated 6-5-1995, w.e.f. 6-5-1995.

treasury challan for a sum calculated ¹[at the rate of rupees five thousand per acre and an application fee of rupees two thousand] in the form of a treasury challan ²[together with a certificate issued by the Competent Authority for having cleared the arrears, if any, in respect of any lease held by the applicant as on the date of making the application and other documents] area sketch etc., as specified in Form-AQL.

³[(1-A) Any person having quarry lease may apply over the adjoining land along with the details of lease held and combined sketch of held area and applied area to the Competent Authority in the manner as specified in sub-rule (1) only for the purpose of meeting the criteria of minimum extent stipulated for grant or renewal of quarry lease and such applied area shall make the existing lease area contiguous:

Provided that the lessee to whom, lease is granted under this rule shall commence the quarrying operations only after amalgamation with the existing lease and after obtaining Environmental clearance for the expansion of the project.]

⁴[(2) Every application for renewal of a quarrying lease to quarry non-specified minor mineral in the land belonging to the State Government which has not been notified under Rule 8-B shall be made in Form R to the Competent Authority on or before ninety days before the expiry of the lease together with a certificate to the Competent Authority for having cleared the arrears, if any, in respect of any lease held by the applicant as on the date of making the application. The application shall be accompanied by an application fee of rupees one thousand in the form of a treasury challan together with the difference of security deposit, if any, to be paid by the lessee at the prevailing rate, sketch as specified in FORM R:]

Provided that an application for grant or renewal of a quarrying lease by any person belonging to economically weaker section and who is a quarry operator by tradition and whose livelihood depended entirely on quarrying of ordinary building stones, shall be accepted with rupees one thousand as the security deposit per acre and rupees five hundred as application fee:

⁵[Provided further where the application for renewal has been received after the period prescribed in sub-rule (2), it shall be entertained on the payment of the penalties specified below:—

1. Substituted for the words "at the rate of rupees two thousand five hundred per acre and an application fee of rupees one thousand" by Notification No. CI 56 MMN 2006, dated 23-6-2007, w.e.f. 23-6-2007.
2. Substituted for the words "together with other documents" by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
3. Sub-rule (1-A) inserted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
4. Sub-rule (2) substituted by Notification No. CI 59 MMN 2003, dated 7-10-2003, w.e.f. 5-11-2003.
5. Provisos inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

Sl. No.	Period of delay	Amount of penalty
1.	Upto one month	10% of the existing annual dead rent subject to a minimum of Rs. 2000.00
2.	Upto two months	15% of the existing annual dead rent subject to a minimum of Rs. 3000.00
3.	More than 2 months but before expiry of lease	25% of the existing annual dead rent subject to a minimum of Rs. 4000.00:

Provided that any renewal applications received after expiry of the above period shall be rejected.]

¹[(2-A) If application for renewal of a quarrying lease made on or before the expiry of the lease, is not disposed of by the Competent Authority before such expiry, the period of lease shall be deemed to have been extended ²[only for a period not exceeding one year from the date of expiry of the lease held and ³[the deemed extension] shall be treated as lapsed from thereafter the lessee shall stop from continuing the quarry activities] ⁴[*****]:

⁵[Provided that in case of leaseholders who are in the deemed extension period of the leases before 16-12-2013, they shall also deemed to be under extended period of not exceeding one year from 16-12-2013 and thereafter they shall stop the quarrying activity forthwith.]

⁶[(2-B) The grant of quarrying lease to quarry ordinary sand shall be in accordance with the provisions of the Chapter IV-B ⁷[and Chapter II-A] of the rules.]

(3) Application received under sub-rule (1) and (2) shall be acknowledged in Form-A.

CASE LAWS

Rule 21 - Renewal of quarrying license for ordinary sand - Held, The word 'renewal' is not figuring in the second proviso - Cannot be inferred or stated that the proviso seeks to exclude operation of sub-rule (2) of Rule 21 also - Impugned order not sustainable as renewal is rejected on ground that rules are not applicable and with reference to

1. Sub-rule (2-A) inserted by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
2. Substituted for the words "for a further period" by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
3. Inserted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
4. The words "till the Competent Authority passes orders thereon" omitted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
5. Proviso inserted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
6. Sub-rule (2-B) substituted by Notification No. CI 84 MMN 2009(3), dated 2-7-2011, w.e.f. 2-7-2011.
7. Inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

provisions not relevant and for extraneous reasons. (*Hanumantha Gowda and Another Vs. The Director of Mines and Geology and Another*, ILR 2004(1) Kar 343 : AIR 2004 Kant 305 (NOC)). NOTE: Rule 21 omitted by Notification No. CI 64 MMN 2017, dated 12-8-2016, w.e.f. 12-8-2016.

Rule 21(2) - Application for renewal of licence for quarry lease - Renewal for third time not permitted. Held, Rule 21 (2-B) of the Karnataka Minor Mineral Concession Rules clearly stipulates that, grant of quarry lease for ordinary sand shall be by auction only in accordance with provisions of Chapter IV-A of the Rules. Therefore, the question of considering the request of the petitioner for renewal for a further period of one year from 20th March, 2008 onwards as per his application dated 15th February, 2008 vide Annexure-B does not arise and hence, the request of the petitioner was rightly rejected as envisaged under the relevant provision of the KMMC rules, as referred above. Hence, the Writ petition filed by petitioner is liable to be dismissed as misconceived. (*Gavindegowda Vs. State of Karnataka and Another*, ILR 2009(1) Kar. 302: 2009(2) AIR Kar R 369: 2009(3) Kar.LJ 138: 2009(1) KCCR 239) NOTE: Rule 21 omitted by Notification No. CI 418 MMN 2015(Part) dated 12-8-2016, w.e.f. 12-8-2016.

Rule 21 - Petitioner challenged the extension of lease period with respect to quarrying of sand granted in favour of 3rd respondent despite expiry of lease period. Held, Under the proviso, it is indicated that the extension could be made in a circumstance where that auction could not be conducted and in the manner stated therein. In the instant case, though the position is not exactly so, but the question would be when the original lease period itself has not been spent by the third respondent, whether the said period could be granted to the petitioner for completion of the same prior to auctioning of the same. On this aspect of the matter, the Competent Authority would have to apply his mind to the facts and circumstances of the case where an extension is sought only to the extent of completing the original license period. Impugned order was quashed. Matter remitted to Competent Authority to reconsider it afresh. (*Anuprasad Vs. The Secretary, Government of Karnataka (Mines, SSI and Textiles) Industries Commerce Department, Bangalore and others*, 2010(2) Kar.LJ 167 (DB)) NOTE: Rule 21 omitted by Notification No. CI 418 MMN 2015(Part) dated 12-8-2016, w.e.f. 12-8-2016.

[21-A. Grant of quarrying permits.—***.]**

22. Scrutiny of applications, inspection of applied area and disposal of applications.—(1) Every application made under Rule 21 shall be disposed of within ninety days from the date of its receipt and if it is not disposed within that period, the applicant shall be informed of the reasons for the delay within fifteen days after the expiry of the said period of ninety days. The Competent Authority shall obtain a report of inspection of the applied area in Form-S.

1. Rule 21-A omitted by Notification No. CI 84 MMN 2009(3), dated 2-7-2011, w.e.f. 2-7-2011.

23. Priority.—(1) If more than one application for a quarrying lease over the same area is received under Rule 21, preference shall be given to the applications in the order of date of receipt.

[(2) If more than one application for quarrying, over the same area is received under Rule 21 on the same day, preference shall be given to the applicants in the following order;—

- (i) person/company who has already established the manufacturing units for crushed sand using building stone in the State;
- (ii) persons/company who holds a valid licence for manufacture of crushed sand using Building stone in the State;
- (iii) person belonging to economically weaker section of society who is a quarry operator by tradition and whose livelihood depended entirely on quarrying of ordinary minor minerals;
- (iv) Co-operative Society registered under the Karnataka Co-operative Societies Act, 1959 all the members of which are bonded labourers, freed and discharged in accordance with Section 4 of the "Bonded Labour System (Abolition) Act, 1976 (Central Act No. 19 of 1976)";

[(v) *****.]

(vi) sculptors;

(vii) all other applications in the order of receipt and date of application, on first-come-first basis.]

[(2-A) Notwithstanding anything contained in sub-rule (2), if any individual or societies of Scheduled Caste and Scheduled Tribe has applied over the same area, the preference shall be given to the extent of fifteen per cent to the Scheduled Caste and three per cent to the Scheduled Tribe. For this purpose a roster of thirty-three grants shall be taken into consideration for one cycle, where Nos. 1, 7, 14, 21 and 27th are reserved for Scheduled Caste and No. 2 is reserved for Scheduled Tribe and remaining shall be to other than Scheduled Castes and Scheduled Tribe.]

(3) Notwithstanding anything obtained in sub-rules (1) and (2) above, in the case of an applied area which is free for grant but is already being worked and in possession of persons belonging to the [Categories (iii) and (iv) of sub-rule (2)] above, irrespective of whether they are members of a Co-

1. Sub-rule (2) substituted by Notification No. CI 84 MMN 2009(3), dated 2-7-2011, w.e.f. 2-7-2011.
 2. Clause (v) omitted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
 3. Sub-rule (2-A) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
 4. Substituted for the words, brackets and figures "categories (i), (ii) or (iii) of sub-rule (2)" by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

operative Society or not, they shall, by a written notice be called upon to stop unauthorised quarrying, if any, and regularise such quarrying within a period of one month from the date of issue of notice. If no such persons or their Registered Society make applications within the said period of one month, any pending application in respect of such area shall be processed in accordance with priorities under sub-rule (1).

(4) Notwithstanding anything contained in sub-rules (1) and (2), the Competent Authority may reserve or grant any area for quarrying in lands belonging to the State Government, in favour of State or Central Government undertakings or Government Departments provided that applications from them is received before the execution of lease deed.

24. Register of applications and quarrying leases.—(1) The Director or the concerned Competent Authority shall cause to be maintained the following registers, namely,—

(i) Register of applications for quarrying leases in Form-QLA.

(ii) Register of quarrying leases executed in Form-QL.

(2) Every such register referred to in sub-rule (1) shall be open to inspection by any person on written request and payment of rupees one hundred at the discretion of the Competent Authority.

25. Maximum area of quarrying lease to be granted.—(1) The total area of one or more quarry leases granted or renewed under this chapter shall not exceed twenty five acres except in the case of public sector undertakings and State Government Departments;

¹[Provided that for person/company/firm having established manufacturing sand (M-Sand) in the State, the maximum area for grant or renewal shall not exceed fifty acres.]

(2) The area to be granted shall resemble a square or a rectangular block. In the case of rectangular block, the longest side of the block shall not exceed four times the shortest side:

²[Provided that nothing in this sub-rule shall apply to grant or renewal of a quarrying lease in respect of ordinary sand.]

³[**25-A. Minimum area for quarrying lease to be granted.**—(1) No quarry lease shall be granted or renewed to quarry non-specified minor minerals with the extent not less than the extent specified in Schedule II-A.

1. Proviso inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
2. Proviso inserted by Notification No. CI 2 MMN 98(1), dated 8-7-1999, w.e.f. 8-7-1999.
3. Rule 25-A inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

(2) Nothing in this rule shall apply for the existing quarry leases till the date of expiry ¹[and for the persons applying under Rule 21(1-A) for extension of the lease area held by him for the purpose of meeting the criteria of minimum extent stipulated].]

CASE LAW

Rule 25-A - Renewal of mining lease - Mining lease had been originally granted in favour of cement factory owner in his individual capacity and not in name of cement company. After sale of assets of cement factory, sale certificate did not mention mining lease and same could not be transferred in name of auction purchaser. Held, Only lands belonging to cement factory had been transferred and not mining lease that stood in name of company owner. Auction purchaser cannot renew mining lease that is neither obtained by cement company and nor transferred to auction purchaser. Petition dismissed. (M/s. Katwa Udyog Limited, Belagovi Vs. Union of India and others, 2016(4) AKR 84 : 2016(4) Kar.L.J. 91 (DB)). NOTE: Rules 25-A omitted by Notification No. CI 418 MMN 2015(Part) dated 12-8-2016, w.e.f. 12-8-2016.

26. Period of quarrying lease.—(1) The period for which a quarrying lease may be granted under this chapter shall not exceed five years:

Provided that where the request for grant of a quarrying lease is in respect of a mineral-based industry belonging to the applicant, lease may be granted for a period not exceeding ten years:

²[Provided further that where the request for grant of quarrying lease is in respect of manufacturing sand (M-Sand) units belonging to the individual/company/firm, the lease may be granted for a period not exceeding twenty years.]

(2) A quarrying lease may be renewed ³[for four periods] ⁴[each not exceeding five years at a time:]

Provided that, if the lessee is owner of an industry which is based on the quarry lease held by him, the lease may be renewed for ten years at a time:

⁵[Provided further that, if the lessee is owner of manufacturing sand (M-Sand) unit which is based on the quarry lease held by him, the lease may be renewed for twenty years at a time.]

1. Inserted by Notification No. 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.
2. Proviso inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
3. Substituted for the words "for two periods" by Notification No. CI 104 MMN 2005, dated 11-1-2007, w.e.f. 11-1-2007.
4. Substituted for the words "not exceeding five years in all" by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
5. Proviso inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

[(3) *****]

27. Notification of grant of lease.—The Competent Authority may, having regard to the provisions of these rules and, after making such enquiries as it deems fit, grant or refuse to grant or renew a quarrying lease. Where a lease is granted or renewed, the Competent Authority shall issue a notification in Form-GL:

²[Provided that the Competent Authority shall not grant a quarry lease in respect of any area which is notified under Rule 8-B after the date of receipt of applications but before the date of consideration of grant, and all such applications for grant made in respect of such area shall be liable to be returned to the applicants and security deposit and fee paid, if any, be refunded.]

28. Intimation of refusal.—If the application for a quarrying lease or renewal thereof is rejected by the Competent Authority it shall record the reasons therefor and shall communicate the reasons to the applicant concerned within fifteen days of the date of recording such decision.

29. Survey and demarcation of the area granted.—After the grant or renewal of a lease is notified under Rule 27, the Competent Authority shall arrange for survey and demarcation of the area notified at the expense of the grantee, which shall be ³[at the rate of rupees five hundred per acre] of land granted for quarrying ⁴[and the amount towards such expenses shall be paid by the grantee within one month from the date of receipt of the notification issued under Rule 27].

30. Executive of lease deed.—(1) When a quarrying lease is granted or renewed under Rule 27, a lease deed shall be got executed by the grantee in Form-E ⁵[within six months] of the order granting or renewing lease, ⁶[or within such further period ⁷[*****] as the Competent Authority may allow in this behalf] failing which the Competent Authority shall communicate to the grantee the cancellation of the order made under Rule 27.

(2) Before executing lease deed the grantee shall pay in advance fifty percent of the dead rent payable during the first year:

1. Sub-rule (3) omitted by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
2. Proviso inserted by Notification No. CI 418 MRC 92, dated 6-5-1995, w.e.f. 6-5-1995.
3. Substituted for the words "at the rate of rupees three hundred per acre" by Notification No. CI 56 MMN 2006, dated 23-6-2007, w.e.f. 23-6-2007.
4. Inserted by Notification No. CI 2 MMN 98(1), dated 8-7-1999, w.e.f. 8-7-1999.
5. Substituted for the words "within three months" by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
6. Inserted by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
7. The words "not exceeding three months" omitted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

(3) The Competent Authority shall forward to the Director and concerned Tahsildar one copy of the quarrying lease deed as soon as the lease deed is executed.

¹[(4) If any mineral, major or minor, not specified in the lease is discovered in the leased area, the lessee shall stop quarrying operations forthwith and shall report the discovery within thirty days of its discovery to the concerned officer in-charge of the District and shall not undertake any quarrying operations till an order is passed by the Competent Authority in this regard:

Provided that the Officer in-charge of the district shall stop issuing permits and report the matter to the District Taskforce Committee and the Director as the case may be.

(5) The lessee shall have preferential rights over the mineral so discovered if it is minor mineral.

(6) The lessee shall submit the application before concerned Competent Authority of the mineral so discovered within ninety days of its discovery and Competent Authority shall,—

(a) If discovered mineral is non-specified minor mineral, place the matter before District Taskforce committee and include the new mineral in the lease deed and allow the holder of lease to carry out quarrying operations subject to submission of necessary approved modified quarry plan and approved modified Environment Management Plan.

(b) If discovered mineral is specified minor mineral, place the matter before the committee constituted under Rule 11 and sanction the lease subject to submission of necessary approved modified quarry plan and approved modified Environment Management Plan.

(7) The grant of permission for mineral so discovered shall be subject to the minimum area stipulated for grant of minor minerals in Schedule II-A and necessary clearances from the concerned authority.

(8) The lessee shall have first right of refusal for the grant of lease in respect of mineral so discovered:

Provided that if any cancellation or refusal of the applications are made, the area shall be notified under Rule 8-A and be disposed accordingly.]

1. Sub-rules (4) to (8) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

31. Conditions of quarrying lease.—(1) The provisions of Rules 6, 7, 18, 8-C to 8-U, 8-W, 8-X, 8-Y, 19, 19-A, 19-B, 19-C, 20 and Rules 35 to 41 shall *mutatis mutandis* apply to quarry leases granted or renewed under this Chapter.

(2) A quarrying lease deed may contain such other conditions as the Competent Authority may deem necessary in the interest of maintaining the local environment, habitat of surrounding area leased and in the interest of conservation of minerals.]

2[CHAPTER IV-A

Grant of Quarrying Lease or Composite Licence by Auction

31-A. Notification of area available for grant of Quarrying Lease or Composite Licence.—(1) For the purpose of grant of quarrying lease or Composite Licence through auction, the Competent Authority shall issue a notification on website and in the Official Gazette and also in more than two newspapers having wide circulation of which at least one shall be in Kannada specifying the area available for grant and the particulars as specified in sub-rule (4) after obtaining the in-principle concurrence of the concerned authorities prescribed under sub-rule (5) of Rule 8 and formal approvals shall be obtained by the successful bidder by following due procedures, if any before execution of the deed:

Provided that in addition to the above, the prior approval of the controlling authority shall be obtained before issue of notification, inviting applications for grant of Composite Licence.

(2) Prior to issue of notification inviting application, the Competent Authority shall identify and demarcate the area where quarrying lease is proposed to be granted through auction by using total station and differential global positioning system and the area so demarcated shall be classified into forests land, land owned by the State Government and land not owned by the State Government.

(3) The extent of area so demarcated shall include area required for all the activities including non-quarrying activities also.

1. Substituted for the figures and letter "8, 19, 19-A" by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
2. Chapter IV-A and Rules 31-A to 31-Q substituted as Rules 31-A to 31-N by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2018.

(4) The notification under sub-rules (1) and (2) shall contain the following particulars, namely,—

- (i) Name of the minor mineral;
- (ii) Survey Number, extent of the area and Global Positioning System co-ordinates;
- (iii) Name of the Village, Taluk, District and the block number;
- (iv) The period of lease;
- (v) The time schedule of auction events;
- (vi) Reservation category of the block; and
- (vii) General conditions governing the e-auction and any other relevant information.

(5) For the purpose of this chapter it shall be recognised that assessment of mineral resources is inherently subject to some level of uncertainty and that the reported quantities are estimates as at the effective date of the submission of technical report, based on the available data and there is always a scope for further up-gradation in resources based on new exploration data and processing technology for using low grade resources.

CASE LAW

Rule 31-A(2) - Requirement as to publication of notification in newspapers atleast fifteen days before last date specified in notification for receipt of tender - Held, This writ petition is filed by the petitioner challenging the auction notification published in the Kannada Daily 'Udayavani' dated 3-1-2010 contending that the same is in contravention of sub-rule (2) of Rule 31-A, as there is no clear notice of fifteen days before the last date specified in the notification for the receipt of tender since the notice was published on 3-1-2010 scheduling the date of auction as 16-1-2010. Further it is contended that except furnishing the survey number and the extent, no other details are forthcoming in the notification regarding boundaries. In the facts and circumstances of the case, the notification as were quashed as it is in contravention of Rule 31-A(2), with liberty to the Deputy Director to immediately publish notification in accordance with the Rules and proceed further in the matter without any further delay. (*Ravi Shankar Vs. The Deputy Director, Department of Mines and Geology, Chamarajanagar, 2010(2) Kar. LJ 562 (DB)*). [NOTE: Rule 31-A substituted by Notification No. CI 418 MMN 2015 (part), dated 12-8-2016, w.e.f. 12-8-2016.]

31-B. Reservation of Blocks.—(1) Area to be granted for quarrying lease or composite licence shall be delineated by the

jurisdictional Deputy Director or Senior Geologist and the blocks will be suitably numbered and Deputy Director or Senior Geologist shall prepare a technical report containing minerals available, estimated resource or reserve, sketch of the block with Global Positioning System co-ordinates and details of approach road and land marks, to guide the prospective applicant to the area to be auctioned, which shall be part of bidding document.

(2) For the purpose of reservation, the concerned jurisdictional Deputy Director or Senior Geologist shall group the blocks of all the minor minerals specified in Part A and Part B of Schedule I-A separately for the entire district proposed for grant of quarry lease and follow the roster system. Similar method of grouping shall separately be adopted for the blocks proposed for grant of composite licence:

Provided that for geological formations that can be used for production of ordinary building stone and production of manufactured sand as well as for other uses, the *inter-se* ratio of allocation of blocks shall be as follows,—

- (a) Ordinary building stone for not exceeding 25% of allocation under Rule 3-F: the area identified in the District;
- (b) M sand blocks through twenty five per cent of auction: the area identified in the District; and
- (c) Others, including far balance of the area ordinary building stone identified in the District: through auction:

Provided further that in case of shortage of sand in any District, the District Task Force Committee shall have the powers to increase the area for M sand blocks in the District up to a level of fifty per cent by reducing the area under Others category:

Provided also that the District Task Force Committee shall have powers to increase the area for Others category in case M sand blocks to that extent are not required in the District.

(3) After grouping of the blocks as under sub-rule (2), concerned District Task Force Committee shall reserve the blocks so numbered, except blocks that have been identified for allotment

as under Rule 3-F, by way of lottery to the following categories as per percentage mentioned against each category,—

- (i) Persons or company or firm belonging to Scheduled Caste or Scheduled Tribes - 24%;
- (ii) Persons or company or firm who have already established or intend to establish any mineral-based industries that use minor minerals as raw material in the State - 14%;
- (iii) Persons belonging to economically weaker section who is a quarry operator by tradition and whose livelihood is depending on quarrying or registered society of such persons - 10%;
- (iv) Persons with disabilities (physically challenged) - 2%; and
- (v) Others - 50%;

Provided that no blocks shall be reserved for the category at clause ¹[(iii)] of sub-rule (3) to grant composite licence and the same shall be considered as others category:

Provided further that the Tahsildar of the concerned Taluk in which the persons reside or where the registered society of such persons is located shall be competent to certify with regard to eligibility of persons or Registered Society of such persons for the purpose of clause (iii) of sub-rule (3) of Rule 31-B.

(4) Notwithstanding anything in sub-rule (3), for quarry blocks for production of M Sand, the concerned District Task Force Committee shall reserve the blocks so numbered for M sand production, by way of lottery, to the following categories as per percentage mentioned against each category,—

- (i) Persons or company or firm belonging to Scheduled Caste or Scheduled Tribes or registered society of such persons - 24%;
- (ii) Persons or companies or firms who have already established M-sand production units in the State - 24%;
- (iii) Persons with disabilities (physically challenged) - 2%; and
- (iv) Others - 50%.

1. Substituted for the brackets and figures "(ii)" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

(5) The blocks reserved as under sub-rules (3) and (4) above shall be disposed only through auctions. Persons belonging to respective category shall only be allowed to participate in the auction:

Provided that allotment of blocks reserved under clause (a) of first proviso sub-rule (2) of Rule 31-B, shall be done as per procedure prescribed in Rule 3-F.

(6) If the blocks so reserved are not disposed even after two notifications, it shall be notified for the "Others" category. Any shortfall for the category specified in clause (i) of sub-rule (3) shall be made good in the next allotment treating it as backlog:

Provided that if the backlog continues for more than three rounds of application of roster cycle, and there are no bidders from the said category, then the Director Mines and Geology shall have the power to declare the backlog to have lapsed and such backlog blocks shall go to the General Category for auction.

(7) Operational guidelines for identification of blocks, reservation and roster, carrying of backlog and lapsing of backlog shall be notified by the State Government by way of general or special orders from time to time.

31-C. Process of auction.—(1) The bidding document shall be provided to the participants along with reports and documents enumerated in sub-rule (1) of Rule 31-B.

(2) The bidders shall be provided a fixed period, as notified by the Competent Authority, to study the bidding document and reports and bidding process shall commence only on expiry of period.

(3) Applications which are not duly filled or submitted with required enclosures, proof of deposit of earnest money, application fees and any other requirement shall be rejected under intimation to the applicant through e-portal.

(4) Auction shall be through e-auction and shall have the following two rounds, namely,—

(a) in the first round of auction, the bidder shall submit a technical bid comprising the application in form

¹[Application for quarry lease], along with relevant documents to confirm eligibility as per the provisions of these rules to participate in the auction, earnest money deposits and such other documents and payments along with initial price offer as may be specified in the bidding document approved by the State Government;

(b) only those bidders who are found to be eligible in accordance with the terms and conditions of eligibility specified in the bidding document and whose initial price offer is equal to or greater than the base price shall be considered for evaluating the technically qualified bidders for second round of auction;

(c) the technically qualified bidders shall be ranked on the basis of descending initial price offer submitted by them and the technically qualified bidders holding the first fifty per cent of the ranks (rounded off to next integer, fraction if any) or top five bidders, whichever is higher shall be qualified for second round of auction:

Provided that where the total number of technically qualified bidders is less than three, then no technically qualified bidder shall be considered to be qualified bidder and the auction process shall be annulled, but the same shall not be applicable for the auction process after third and subsequent call:

Provided further that if the number of technically qualified bidders is between three and five, then all the technically qualified bidders shall be considered as qualified bidders for the second round of auction. However, in the event of identical initial price offer being submitted by two or more technically qualified bidders, all such bidders shall be assigned the same rank and aforementioned fifty per cent shall stand enhanced to fifty per cent plus the number of persons with same rank;

(d) the highest price offer amongst the technically qualified bidders shall be the floor price for the second round of auction.

(5) In the second round of auction, the qualified bidders may submit their final price offer which shall be greater than the floor price:

Provided that the final price offer may be revised till the conclusion of the auction as per the technical specifications prescribed in the auction platform.

(6) The auction process shall be annulled if none of the qualified bidders submits a final price offer on the online electronic auction platform.

(7) The qualified bidder who submits the highest final price offer shall be declared as the successful bidder in the auction process.

(8) All applications other than applicant who is selected for grant of quarry lease or Composite licence shall be deemed to have been rejected and application fee in respect of such applications shall be forfeited.

(9) A provisional acceptance letter shall be issued to the successful bidder by the Competent Authority upon approval of the e-auction from the controlling authority.

(10) Successful bidder shall deposit 4 times the earnest money deposit as security within three weeks from the date of acceptance letter, failing which earnest money shall be forfeited and application shall be rejected.

(11) On depositing of security amount as per sub-rule (10), letter of intent shall be issued to the successful bidder by the concerned Competent Authority requiring him to submit approved quarrying plan/simplified quarry plan and such other documents within two months for issue of grant notification:

Provided that the successful bidder of a Composite Licence shall submit scheme of prospecting for grant of prospecting licence and quarrying plan/simplified quarry plan, as the case may be during grant of quarry lease.

(12) If the provisions of sub-rule (11) is not complied with by the successful bidder, the security amount deposited by him and earnest money deposited shall be forfeited and application shall be rejected.

(13) Notwithstanding anything contained in the sub-rules above, the State Government may prescribe a simplified tender cum auction procedure which may not be e-auction, as well as bid formats, for grant of quarry blocks for minor minerals for the category of persons belonging to the Scheduled Castes or Scheduled Tribes or for persons belonging to economically weaker section who is a quarry operator by tradition and whose livelihood is depending on quarrying or for registered society of such persons.

31-D. Eligibility.—(1) The eligibility for participating in the auction shall be determined as per the terms and conditions of eligibility specified in sub-rule (2) and in the bidding document for participating in the auction and among the eligible bidders, the successful bidder shall be decided solely on the basis of financial bids submitted by the eligible bidders.

(2) No person or company or firm shall be considered as eligible to participate in the auction, if he,

- (i) is a minor or an undischarged insolvent or is of unsound mind; or
- (ii) is holding an office of profit under the State Government or Central Government; or
- (iii) has not paid the arrears of royalty or dead rent in respect of lease held by him; or
- (iv) has been convicted of any offence involving moral turpitude or illegal mining; or
- (v) does not belong to the category for whom the block is so reserved.

(3) The controlling authority shall maintain and publish the list of persons who have defaulted in payment of royalty, dead rent, penalty or any dues to Government.

31-E. Withdrawal of bid.—The bid once offered shall not be withdrawn till the grant of quarry lease or Composite Licence in respect of such area.

31-F. General conditions of auction.—(1) The Competent Authority shall, on the date and at the time specified in the notification conduct the auction. If the e-auction is not held on that day due to the day being a public holiday or for any other

reasons, the auction shall be held on the date and time that shall be published in the website or e-portal in case of e-auction for which no further notification or notice shall be necessary, and in same newspapers where original notification of auction was published in case offender cum auction, not being e-auction.

(2) All the fees and Earnest Money Deposit (EMD) shall be in accordance with the directions contained in e-portal and bidding documents.

(3) The quarrying lease or Composite Licence shall be granted for minerals published in the notification for auction and if any new mineral is discovered, then the holder of quarry lease or composite licence shall report within sixty days of such discovery to the Competent Authority:

Provided that the lessee shall not win and dispose of such mineral unless the same is included in the lease or licence as per provisions under ¹[Rule 3-E] and shall be liable to pay the dead rent or royalty plus ²[average additional periodic payment and District Mineral Fund (DMF)] in respect of each mineral, whichever be higher in amount, but not both:

Provided further that, where an area is auctioned for more than one mineral or more than one mineral is included in the lease or licence, the final quote of successful bidder shall be applicable for the purpose of payment in respect of each such mineral.

(4) If the lessee or licensee holding a quarrying lease or composite licence, is found winning the minerals not specified in their lease or licence, he shall not be eligible to continue the quarrying operation and the lease or licence shall stand terminated, for which the Competent Authority shall pass an order after giving an opportunity of being heard and recording the reasons in writing with forfeiture of whole or part of security deposit, performance guarantee, etc..

31-G. Undertaking to be given for auction.—The person offering a bid shall give a prior undertaking that such offer shall not be withdrawn.

1. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

2. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

31-H. Rejection of bids in auction.—The Competent Authority or Approving Authority may reject any offer or bid offered through auction on the ground that such offer or bid is too low or for any other reason, to be recorded in writing.

31-I. Confirmation.—(1) Where the Competent Authority has provisionally accepted offer or bid, he shall forthwith submit to the controlling authority or the State Government, as the case may be, the records of the proceedings conducted by him, for confirmation.

(2) The Controlling Authority or State Government shall, on a consideration of the records under sub-rule (1) pass an order either confirming the bid for grant of a quarrying lease or refusing to confirm the same. The order passed thereon shall be communicated forthwith to all the concerned.

31-J. Grant of Quarrying Lease.—(1) The quarrying lease shall be granted in favour of successful bidder upon confirmation of the bid under Rule 31-I by the Competent Authority in accordance with the provisions of Rule 9-A and Chapter IV subject to following additional conditions namely,—

- (i) The successful bidder shall submit Performance Guarantee as specified in sub-rule (5) of Rule 36 before execution of lease deed;
- (ii) The successful bidder shall formally obtain all necessary clearances, if any within a period of six months and operationalise the quarrying within a period of one year:

Provided that such period may be extended to a period of nine months and eighteen months respectively by the Competent Authority, in case the lessee is able to show that the delay was due to reasons beyond his control;

- (iii) The successful bidder for blocks reserved for mineral based industries shall establish the mineral-based industries, within a period of eighteen months of execution of lease deed and start the production; and
- (iv) The lessee shall produce and dispatch minimum fifty per cent of the permitted annual production quantity, and if he fails to achieve the same, he shall be liable to pay royalty and premium as per the minimum production and

dispatch requirement of fifty per cent of permitted Annual production quantity:

Provided that where the failure to achieve minimum production and dispatch requirement is due to reasons beyond the control of the holder of the lease or license, the Competent Authority on an application made by the lessee or licensee, and after giving opportunity of hearing, may waive the requirement of the minimum production and dispatch for such period as it may deem fit.

(2) The holder of such grant shall execute a lease deed in accordance with the provision of Rule 17 subject to compliance of all statutory requirements and additional conditions.

31-K. Grant of Composite Licence.—(1) The Prospecting Licence shall be first granted in favour of successful bidder upon confirmation of the bid under Rule 31-I by the Competent Authority in accordance with the provisions of Rule 9-D and Chapter IV, subject to the additional conditions specified in clauses (i) and (ii) of sub-rule (1) of Rule 31-J.

(2) The holder of such grant shall execute a licence deed in accordance with the provision of Rule 17 under this rule subject to compliance of all statutory requirements and additional conditions.

(3) After successful completion of the prospecting, the holder of composite licence shall submit his geological exploration report along with delineated area suitable for auction to grant quarrying lease to the Competent Authority.

(4) After satisfaction of the report submitted by the holder of composite licensee, the Competent Authority shall conduct auction to grant quarrying lease in accordance with provisions of Rule 9-A and grant the quarry lease to successful bidder with first right of refusal to the holder of composite licence:

Provided that in lease the composite licence holder does not win the bid or does not exercise his right of first refusal, he shall be entitled to get from the successful bidder a compensation for the expenses incurred by him on prospecting activity.

31-L. Surrender of lease.—(1) A lessee may surrender his lease granted under this chapter by giving notice in writing of not less than ninety days to the Competent Authority and by delivering possession of the area leased.

(2) The Competent Authority may accept the surrender of the lease, subject to the condition that the lessee has paid all the dues payable to the State Government under the lease up to the date of application and complied all statutory requirements.

(3) The Competent Authority shall dispose of the application under this Rule within Ninety days from the date of receipt of the application.

(4) The surrender shall take effect at the end of the said period of Ninety days subject to fulfillment of the condition specified in sub-rule (2) and in other cases; it shall take effect only, when the Competent Authority accepts surrender, lessee or ex-lessee shall not be entitled to continue in possession or re-enter possession of the quarry thereafter.

31-M. Transfer of Lease.—(1) No lessee shall without the previous consent in writing of the Competent Authority,—

- (i) assign, sublet, mortgage or in any other manner transfer the Quarrying Lease or any right, title or interest therein, or; and
- (ii) enter into an agreement, contract or understanding with any persons whereby the lessee is directly or indirectly financed to a substantial extent by such person and quarry operations and any other activities connected therewith are substantially controlled by such person:

Provided that nothing in this rule, shall apply to mortgage made by the lessee in favour of the Institution specified in Schedule VI:

Provided further that the holder of original quarrying lease shall intimate the Competent Authority the consideration payable by the successor-in-interest for the transfer.

(2) The Competent Authority shall not give its consent to transfer of Quarrying Lease unless the transferee,—

- (i) has accepted all the conditions attached to the lease and liabilities which the transferor was having in respect of such lease;

(ii) is eligible to hold the quarrying lease and has accepted to make payment of premium and other fees in accordance with the original lease; and

(iii) belongs to the same category for which the transferor was considered during grant.

(3) The Competent Authority by order in writing determined any lease at any time, if the lessee has in the opinion of the Competent Authority committed breach of any of the provisions of sub-rule (1) or has transferred any lease or any right, title or interest therein otherwise than in accordance with sub-rule (2):

Provided that no such order shall be made without giving the lessee a reasonable opportunity of stating his case.

(4) An application for transfer of lease shall be disposed of by the Competent Authority within ninety days from the date of receipt of the application.

(5) The sanction for the transfer shall take effect from the date of such sanction, subject to the fulfillment of the conditions specified in sub-rule (2).

(6) Where on an application for transfer of quarrying lease, previous consent for the transfer has been obtained under this rule, a deed in such form as may be specified by the Competent Authority, shall be executed within ninety days from the date of sanction order for the transfer or within such period as the Competent Authority may allow in this behalf.

(7) Transfer of mineral concessions shall be allowed only for leases that are granted through auction.

(8) Transfer of mineral concessions may be allowed as per provisions above subject to the condition that the premium payable by the transferee lease holder shall not be less than the Average Premium payable by the holders of quarry lease or licence through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighbouring Districts, such Average Premium shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by

31-3-2019, and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment.

31-N. Application of Certain rules for lease or composite licence granted under this chapter.—The provisions of Rules 3, 4, 5, 6, 7, 8, 8-A, 13, 15, 15-A, 16, 17, 18, 19-A, 19-B, 19-C, 20, and Chapter II-A, Chapter VI, Chapter VII and Chapter VIII and Rules 54 and 55 of Chapter IX shall *mutatis mutandis* apply to quarry leases or composite licences granted under this chapter:

Provided that for the composite licences granted under this chapter, Chapter II-A shall not be applicable during the period of prospecting licence.]

CASE LAW

Application for renewal of lease under Chapter IV-A - Whether the word "shall" occurring in Rule 31-N requiring an application for renewal of lease be accompanied by the deposit of amounts for consideration of renewal, is mandatory or directory. **Held**, Keeping with the principles of interpretation of the word "shall" in a statute, applying the rule of subject and object i.e. ascertainment of the subject of the enactment where the word or expression occurs and having regard to the object which the rules are framed, by treating the word "shall" as mandatory, net effect would be the court would not be in a position to grant any relief to the person who is a defaulter. The word "shall" in Rule 31-N of the Rules is mandatory and is not directory. (*Tam Tam Pedda Guruva Reddy Vs. State of Karnataka and Others*, ILR 2005(1) Kar 223) [NOTE: Rule 31-N substituted by Notification No. CI 418 MMN 2015 (Part) dated 12-8-2016, w.e.f. 12-8-2016]

[CHAPTER IV-B

Permission for quarrying of ordinary sand in river bed, patta land, removal of sand bars in Coastal Regulation Zone areas of coastal districts and special provisions for production of M-sand as well as for and transportation of sand and M-Sand

31-R. Permission for quarrying and transportation of ordinary sand in river bed.—(1) There shall be constituted for each district a sand monitoring committee (hereinafter referred as the 'District Committee') consisting of the following namely:—

1. Chapter IV-B and Rules 31-R to 31-U substituted as Rules 31-R to 31-ZE by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

1.	The Deputy Commissioner of the District	Chairman
2.	The Chief Executive Officer of the Zilla Panchayat	Member
3.	The Police Commissioner and the Superintendent of Police in-charge of the city or district.	Member
4.	The Executive Engineer of the Public Works Ports and Inland Water Transport Department.	Member
5.	The Executive Engineer of the Major Department of Water Resources	Member
6.	The Deputy Conservators of Forest (Territorial)	Member
7.	The Regional Transport Officer	Member
8.	The Officer in-charge of the Karnataka Pollution Control Board	Member
9.	The Assistant Commissioners of the sub-divisions of Revenue	Member
10.	The Deputy Director or Senior Geologist, Department of Mines and Geology	Member-Secretary

Note.—The Chairman of the committee may invite any officer or other knowledgeable person on the subject, to be the Member, depending on the specific issues.

(2) There shall be Taluk Sand Monitoring Committee, (hereinafter referred as 'Taluk Committee') consisting of following namely,—

1.	Assistant Commissioner of respective sub-division of Revenue	Chairman
2.	Concerned Deputy Superintendent of Police having jurisdiction over the Taluk	Member
3.	Geologist, Department of Mines and Geology	Member
4.	Executive Officer of concerned Taluk Panchayat	Member

5.	Concerned Inspector of Police and the Sub-Inspectors of Police	Member
6.	Assistant Executive Engineer or Assistant Engineer Public works, Ports and Inland Water Transport Department and Water Resources Department.	Member
7.	The Assistant Executive Engineer/ Assistant Engineer of the Water Resources Department	Member
8.	Taluk Social Welfare Officer	Member
9.	Range Forest Officers of the concerned Taluk or range	Member
10.	Motor Vehicle Inspector of concerned Taluk of Transport Department	Member
11.	Concerned Revenue Inspectors of Revenue Department	Member
12.	Concerned Panchayat Development Officer or Secretary of the concerned sand bearing Grama Panchayats	Member
13.	Tahsildar of the respective Taluk	Member-Secretary

Note.—The Chairman of the committee may invite any officer or other knowledgeable person on the subject, to be the Member.

(3) **Powers and Functions of the District Sand monitoring Committee.**— The District Committee shall exercise and perform the following powers and functions, namely,—

The District Committee shall,—

- (i) meet at least once in two months;
- (ii) take decision to grant, lease or licences for the sand blocks for sand quarrying in accordance with the provisions of these rules;
- (iii) after considering the recommendations of the Taluk Committee, shall either after accepting or accepting with such modifications as necessary, notify in the Official

- Gazette the specific sand blocks for grant of quarrying lease through auction for sand quarrying, or reserving for Government works or low income housing or for extraction by Central or State Government or Body Corporation owned or controlled by the Central Government or State Government;
- (iv) require the successful bidder to obtain quarry plan and other necessary documents or clearance as per Chapter II-A and as per the notification of Ministry of Environment and Forest, Government of India for Environmental Clearance;
 - (v) take necessary steps to regulate illegal sand quarrying, storage, and transportation, through its members and Taluk Committee and also through other law enforcement agencies;
 - (vi) direct the lease or licence holder to allocate up to twenty-five percentage of the sand extraction to Government works or to low income house construction viz., Ashraya houses at rates not exceeding the Public Works, Ports and Inland Water Transport Department schedule of rates;
 - (vii) follow the orders and guidelines issued by the State Government from time to time;
 - (viii) may reserve any sand block for the purpose of Central Government or State Government Development works and grant, lease or licence, to the contractor or to the authorised assignee of the contractor who has been awarded the contract by the Central Government or State Government Department;
 - (ix) reserve any sand block for the purpose of the extraction and sale of sand to public by any Central or State Government body or Corporation owned or controlled by the Central Government or State Government;
 - (x) have the right of purchasing the sand at Public Works, Ports and Inland Water Transport Department schedule of rates prevailing at the time of such purchase;
 - (xi) establish check post wherever necessary to regulate transportation of sand and make suitable arrangements for

patrolling to monitor illegal transportation including river patrol wherever necessary; and

- (xii) issue directions to officers of Government or Zilla Panchayat or of local authorities constituted under the Karnataka Municipalities Act, 1964 or the Karnataka Municipal Corporations Act, 1976 or the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 to assist in any or all works for the implementation of these rules.

(4) Powers and functions of the Taluk Sand Monitoring Committee.—The Taluk Committee shall exercise and perform the following powers and functions namely,—

The Taluk Committee shall,—

- (i) meet once in a month at place of convenience;
- (ii) conduct site inspection and identify sand blocks for the purpose of tender cum auction or for reservation for Government works or for extraction of sand by Central Government or State Government or body corporation owned or controlled by the Central Government or State Government;
- (iii) estimate approximate quarriable sand available in each identified block, by restricting quarrying to three meters depth or water level whichever is less, with the assistance of the Officers of the Revenue, Public Works, ports and Inland Water Transport Department, Water Resources, Mines and Geology and Forest. The blocks shall be identified by incorporating the Co-ordinates in the certified sketch;
- (iv) assist the District Environmental Impact Assessment Authority (DEIAA) for preparation of the District Mineral Survey report as per the notification issued by the Ministry of Environment and Forest, Government of India (MOEF);
- (v) submit joint inspection report and documents with a clear recommendation report to the District Committee for the purpose of notification of sand blocks and their extent, which may be either individual blocks or cluster of blocks, for tender-cum-auction or for reservation for Government works or for extraction of sand by Central Government or

State Government or body corporation owned or controlled by the Central Government or State Government;

- (vi) supervise and monitor all sand quarrying blocks in accordance with the provisions of these rules and also in consonance with environmental clearance conditions;
- (vii) enforce laws and regulate illegal sand quarrying, storage and transportation with the assistance of members and its subordinate officers authorised by the District Committee and also through other law enforcing agencies;
- (viii) recommend any other matter to the District Committee for implementation of these rules;
- ¹[(ix) sand found to be stored illegally or transported illegally shall be seized by the order of competent court and confiscated by any member of the District or Taluk Sand Committee through a mahajar and be handed over to the jurisdictional Assistant Executive Engineer of Public Works Department or to his representative who in turn dispose the same to the State Government or any other Government agency or undertaking on the prevailing scheduled rates of Public Works Department with computerized or electronic Mineral Dispatch Permit issued by the Department of Mines and Geology of the concerned District];
- (x) carry out such other assignment as given by the District Committee from time to time.

(5) The Royalty, Additional Periodic Payment and fines collected shall be credited to the State Consolidated Fund.

(6) Payment to the District Mineral Foundation by holders of lease for extraction of sand shall be ten per cent of Royalty and the DMF amount shall be credited in a manner specified by the State Government.

(7) Twenty-five per cent of the Royalty and Additional Periodic Payment so collected shall be provided to concerned Gram Panchayaths through an appropriate budget provision.

1. Clause (ix) substituted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

(8) Provided there shall be a State Corpus Fund account created and managed by Director or Commissioner, of the Department of Mines and Geology as under Rule ¹[31-Z].

(9) Quarrying, Generation, Production, Storage and Sale of Filter Sand in any category of land including patta land is prohibited.

(10) Mechanized boats and dredgers in river sand quarrying are prohibited.

(11) Use of backhoe equipment like JCB and screening in river bed sand quarrying shall be in accordance with guidelines issued by the Ministry of Environment, Forest and Climate Change Government of India (MoEF) from time to time:

Provided that loading equipment like dumpers, tractor mounted loaders, may be used on the river banks, only for loading without destabilising river banks.

(12) No person or entity, other than the holder of a lease or licence for sand quarrying or a Government Department or Corporation owned by the Central Government or State Government shall stock sand for sale.

(13) The District Committees and Taluk Committees shall regulate, monitor and take legal action against any contravention of these rules. All the members of the District and Taluk Committees and subordinate officers of the member departments, as authorised by the District Committee shall exercise the powers under sub-sections (1) and (1-A) of Section 4 and Sections 21 and 22 of the Act and sub-rule (3) of Rule 43 and file a complaint with jurisdictional Court either directly or through the jurisdictional police station.

(14) No transport of sand shall be made across the border to other States:

Provided that in case of exigencies the State Government on the recommendation of the District Committee, or on its own, may allow transportation of sand across the border to other States.

(15) No sand quarrying shall be allowed within a radius of five hundred meters from wells meant for Water Supply to the villages and towns.

1. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

(16) Quarrying activity shall be done in accordance with Ministry of Environment Forest and Climate Change, Government of India notifications issued from time to time.

(17) In-stream sand extraction is prohibited except in cases provided below:

Provided that in-stream sand extraction may be allowed by the State Government on specific justification provided by the District Committee and on such terms and conditions that the State Government may specify:

Provided further that such permission shall be given by the State Government only where this is permissible as per the general or specific notifications or guidelines issued by Ministry of Environment, Forest and Climate Change Government of India from time to time in this regard, and also only after specific consultation in each case with the Forest Ecology and Environment (FEE) Department of the State Government:

Provided also that all statutory clearances including environmental clearances shall be required for such in-stream sand extraction.

(18) The Mineral Dispatch Release Order ((hereinafter referred to as MDRO) and Computerised Mineral Dispatch Permit (hereinafter called as CMDP) for transportation of sand from the leased blocks shall be as per Rule 42 of these rules.

(19) All sand transporting vehicles shall install Global Positioning System or Radio Frequency Identification and shall transport only in the approved route as indicated in the Mineral Dispatch Permit. Government may by special order require that the sand transport vehicles be registered with the Department of Mines and Geology for monitoring purpose. The Transport Department, the Taluk Committee and the District Committee must ensure that sand transporting vehicles carry sand within their permissible limits ¹[Registered Laden Weight (RLW)].

(20) No sand quarrying shall be undertaken without a Quarry Plan and Environmental Clearance.

1. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

(21) Sand quarrying permission shall be up to a period of five years, which shall be inclusive of non-quarrying periods like rainy season, flood or any natural calamities for which no extension is allowed, and subsequent renewals of sand quarry lease will not be allowed:

Provided that renewal may be given for lease or licence given to Central or State Government or body corporations owned by the Central or State Governments.

(22) Premature surrender of lease or licence granted for quarrying of sand is allowed subject to review, ascertaining completion of all necessary protective measures and its acceptance by the District Committee with no compensation.

(23) Sand quarrying shall be allowed from 6 AM to 6 PM only.

(24) Nothing in this chapter shall apply for disposal of any derivatives and associated minerals generated in sand quarrying by the lessee and the same shall be disposed for the purpose of environmental reclamation, in accordance with the environmental clearance conditions or in accordance with Rule 8-N of these rules.

NOTIFICATION

No. CI 305 MMN 2012, Bangalore, dated 28th November, 2012
[Karnataka Gazette, Extraordinary No. 855, dated 30-11-2012]

In exercising of the powers conferred by '[sub-rule (10) of Rule 31-R] of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby specify the date from which all sand transportation vehicles shall install GPS/RFID, paint yellow on the front side and these vehicles shall carry the sand quantity within their permissible limit (RLW), get the vehicles registered at respective RTO and transport only in the approved routes as indicated in the mineral dispatch permit.

Keeping in view the time required to incorporate the above gadgets and for effective prevention/control of illegal sand activities, also keeping in view the local requirements, the Districts Sand Monitoring Committees shall announce separately the date from which this order shall be effective in their respective districts.

1. EDITORIAL NOTE: Rule 31-R substituted by Notification No. CI 418 MMN 2015(Part) dated 12-8-2016, w.e.f. 12-8-2016. NOW REFER SUB-RULE (19) OF RULE 31-R.

31-S. Reservation of Sand Blocks.—(1) District Committee may by notification in the official Gazette, reserve sand blocks for low income housing and or for Government works or for sand extraction by Government Agencies or Boards or Corporations owned by the Central Government or State Government. The rest of the blocks shall be notified for grant by way of tender-cum-auctions.

(2) District Committee shall reserve the sand blocks identified for grant through tender-cum-auction, by way of lottery to the following categories as per percentage mentioned against each category; namely,—

- (i) Persons or company or firms or Societies belonging to Scheduled Caste or Scheduled Tribes - 24%;
- (ii) Persons with disabilities (physically challenged) - 2%; and
- (iii) Others - 74%.

(3) The blocks reserved shall be disposed only through public auctions. Persons belonging to respective category shall only be allowed to participate in the auction.

(4) If the blocks so reserved under clauses (i) and (ii) of sub-rule (2) are not disposed even after two notifications, it shall be notified for the "Others" category by the District Committee.

(5) For the purpose of reservation the roster shall contain 33 points, out of which 1, 7, 14, 17, 21 and 27th points shall be reserved for the Scheduled Castes and 2 and 18th point shall be reserved for the Scheduled Tribes and 3rd point shall be reserved for physically handicapped person and remaining point shall be for other category:

Provided that the Tahsildar of the concerned Taluk in which the persons reside or where the registered society of such persons is located shall be competent to certify with regard to eligibility of persons or registered society of such persons for the purpose of claiming the reservations.

31-T. Disposal of Sand Blocks through tender-cum-auction.—(1) For the purpose of grant of sand quarrying lease by tender-cum-auction in respect of the lease area notified by the District Committee, the Committee shall issue a notification containing the following particulars, namely,—

- (i) Sand blocks details, Survey Number, extent of the area, GPS Co-ordinates (boundaries) and approximate sand quantity available in the blocks;
- (ii) Name of the Village, Taluk and District;
- (iii) Reservation and category of the Block;
- (iv) The period of lease;
- (v) The last date for receipt of tender, the time at which and time schedule of auction events; and
- (vi) General condition governing the tender which shall be issued by the District Committee.

(2) The notification shall be published in at least two daily newspapers having wide circulation (one in English and one Kannada) at least fifteen days before the last date specified in the notification for the receipt of tender.

(3) The District Committee may, as part of the tender condition, fix the maximum price of sale of sand at the loading point by the lessee who is granted sand quarry lease or licence through tender-cum-auction, with escalation factor for every year of the lease period, and indicate these in the tender document before the bid.

(4) All bids shall be construed and pursued on as-is-where is basis. Tender applicants shall inspect the notified sand blocks and satisfy themselves of the prevailing operational conditions before submission of tender application or bids. Objection raised subsequently shall not be considered.

- (5)(a) The bidding document shall be provided, to the participants along with the notified sketch and any other relevant documents;
- (b) The bidders shall be provided a fixed period, as notified by the District Committee to study the bidding document and reports and bidding process shall commence only on expiry of the said period;
- (c) Applications which are not duly filled or submitted with required enclosures, proof of deposit of earnest money, application fees and any other requirement shall be rejected under intimation to the applicant through e-portal;

(d) Tender-cum-auction shall be online and shall have the following two rounds, namely,—

- (i) In the first round of auction, the bidder shall submit a technical bid comprising the application in form AQL, along with relevant documents to confirm eligibility as per the provisions of these rules to participate in the auction, earnest money deposits and such other documents and payments along with initial price offer as may be specified in the bidding document approved by the District Committee;
- (ii) Only those bidders who are found to be eligible in accordance with the terms and conditions of eligibility specified in the bidding document and whose initial price offer is equal to or greater than the base price shall be considered for evaluating the technically qualified bidders for second round of auction;
- (iii) The technically qualified bidders shall be ranked on the basis of descending initial price offer submitted by them and the technically qualified bidders holding the first fifty per cent of the ranks (rounded off to next integer, fraction if any) or top five bidders, whichever is higher shall be qualified for second round of auction:

Provided that where the total number of technically qualified bidders is less than three, then no technically qualified bidder shall be considered to be qualified bidder and the auction process shall be annulled, but the same shall not be applicable for the auction process after third and subsequent call:

Provided further that if the number of technically qualified bidders is between three and five, then all the technically qualified bidders shall be considered as qualified bidders for the second round of auction. However, in the event of identical initial price offer being submitted by two or more technically qualified bidders, all such bidders shall be assigned the same rank and aforementioned fifty per cent shall stand enhanced to fifty per cent plus the number of persons with same rank;

- (iv) The highest price offer amongst the technically qualified bidders shall be the floor price for the second round of auction.

(6) In the second round of auction, the qualified bidders may submit their final price offer which shall be greater than the floor price:

Provided that the final price offer may be revised till the conclusion of the auction as per the technical specifications prescribed in the auction platform.

(7) The auction process shall be annulled if none of the qualified bidders submits a final price offer on the online electronic auction platform.

(8) The qualified bidder who submits the highest final price offer shall be declared as the successful bidder in the auction process.

(9) All applications other than applicant who is selected for grant of quarry lease of sand shall be deemed to have been rejected and application fee in respect of such applications shall be forfeited.

(10) A provisional acceptance letter shall be issued to the successful bidder by the Deputy Director or Senior Geologist, upon approval of the e-auction from the District Committee.

(11) Successful bidder shall deposit four times the earnest money deposit as security within three weeks from the date of acceptance letter, failing which earnest money shall be forfeited and application shall be rejected.

(12) On depositing of security amount as under sub-rule (11), letter of intent shall be issued to the successful bidder by the concerned Deputy Director or Senior Geologist requiring him to submit approved quarrying plan and such other documents and statutory clearances within three months for issue of grant notification.

(13) If the provisions of sub-rule (12) is not complied with by the successful bidder, the security amount deposited by him and earnest money deposited shall be forfeited and application shall be rejected.

31-U. Eligibility.—(1) The eligibility for participating in the auction shall be determined as per the terms and conditions of eligibility specified in the underlying sub-rule (2) and in the bidding document for participating in the auction and among the eligible bidders.

(2) No person or company or firm shall be considered as eligible to participate in the auction, if he,—

- (i) is a minor or an undischarged insolvent or is of unsound mind; or
- (ii) is holding an office of profit under the State Government or Central Government; or
- (iii) has not paid the arrears of royalty or dead rent in respect of lease held by him; or
- (iv) has been convicted of any offence involving moral turpitude or illegal quarrying;
- (v) does not belong to the category for whom the block is so reserved.

(3) The Deputy Director or Senior Geologist shall maintain and publish the list of persons who have defaulted in payment of royalty, dead rent, penalty or any dues to Government.

31-V. General conditions of auction and withdrawal of the bid.—(1) The bid once offered shall not be withdrawn till the grant of sand quarry lease in respect of such block.

(2) The Competent Authority shall, on the date and time specified in the notification conduct the e-auction. If the e-auction is not held on that day due to the day being a public holiday or for any other reasons, the auction shall be held on the date and time that shall be published in the website or e-portal for which no further notification or notice shall be necessary.

(3) All the fees and Earnest Money Deposit (EMD) shall be in accordance with the directions contained in e-portal and bidding documents.

(4) The person offering a bid shall give a prior undertaking that such offer shall not be withdrawn.

(5) Amongst the bidders found eligible, successful bidder shall be decided solely on the basis of financial bids submitted by the eligible bidders.

(6) Where the Deputy Director or Senior Geologist has provisionally accepted offer or bid, he shall forthwith submit to the

District Committee, the records of the proceedings conducted by him, for confirmation.

(7) The District Committee shall, on a consideration of the records under sub-rule (1) pass an order either confirming the bid for grant of a quarrying lease or refusing to confirm the same. The order passed thereon shall be communicated forthwith to all the concerned.

31-W. Grant, Transfer and Surrender of Quarrying Lease.—(1) The Deputy Director or Senior Geologist shall grant quarrying lease in favour of successful bidder upon confirmation of the bid under sub-rule (7) of Rule 31-V subject to following additional conditions namely,—

- (i) the successful bidder shall submit Performance Guarantee which shall be equal to [one tenth of the Royalty] on permitted annual production quantity in advance in the form of bank guarantee or fixed deposit receipts or demand draft or in any other manner as may be specified by the State Government from time to time before execution of the lease. The same shall be reconciled every year before 30th April for the forthcoming year with the prevailing rates of royalty and the lessee shall make good the shortfall payments, if any, by way of additional guarantee;
- (ii) any violation of the lease conditions shall make the performance guarantee liable for being forfeited;
- (iii) the successful bidder shall formally obtain all necessary clearances within a period of three months and operationalise the quarrying within a period of four months;

Provided that such period may be extended up to a period of six months and nine months respectively by the District Committee, in case the lessee is able to show that the delay was due to reasons beyond his control;

- (iv) the lessee shall produce and dispatch minimum fifty per cent of the permitted annual production quantity, and if he fails to achieve the same, he shall be liable to pay royalty

1. Substituted for the words "one fourth of the Royalty" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

and Additional Periodic Payment as per the minimum production and dispatch requirement of fifty per cent of permitted annual production quantity:

Provided that where the failure to achieve minimum production and dispatch requirement is for reasons beyond the control of the holder of lease or licence the Competent Authority, on an application made by the lessee or licensee, and after giving opportunity of hearing, may waive the requirement of the minimum production and dispatch for such period as it may deem fit.

(2) The holder of such grant shall execute a lease deed, subject to compliance of all statutory requirements and additional conditions:

Provided that the executed lease deed shall be registered within one month of the execution of lease.

(3) A Lessee may make an application for surrender the entire area of the sand quarrying lease after giving a notice in writing of not less than ninety days from the intended date of surrender. Such application shall be accompanied by an approved final quarry closure plan.

(4) The Deputy Director or Senior Geologist may accept the surrender of the lease within ninety days from the date of application, subject to the following conditions,—

- (i) the lessee has submitted documents to evidence implementation of the approved final quarry closure plan;
- (ii) all dues with respect to the sand quarrying lease have been settled;
- (iii) in case of surrender of sand quarrying lease, the performance guarantee provided by the lessee shall be forfeited; and
- (iv) the lessee shall pay any expenditure over and above the performance security incurred by the District Committee towards protective reclamation and rehabilitation measures in the leased area of sand quarrying lease area which has been surrendered.

(5) The surrender shall take effect at the end of the said period of Ninety days subject to fulfillment of the condition specified in

sub-rule (4) and in other cases it shall take effect only, when the Deputy Director or Senior Geologist accepts surrender and he shall not be entitled to continue in possession or re-enter possession of the quarry thereafter.

(6) On registration of lease deed or licence after furnishing of performance guarantee, the Earnest Money Deposit (hereinafter called as EMD) and the security deposit as under sub-rule (11) of Rule 31-T shall be refunded.

(7) Transfer of Sand Quarry Lease is prohibited.

31-X. Transitory provisions for tendered working blocks.—Notwithstanding anything contained in this chapter, wherein work order has been issued by Public Works Department (PWD) for a specific period for already tendered sand blocks, such sand blocks shall be continued and monitored as per the provisions existing before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 by Public Works, Ports and Inland Water Transport Department till expiry of such work order:

Provided that Public Works, Ports and Inland Water Transport Department shall ensure that the existing permit system for sand transport from such blocks shall be fully integrated with the ILMS of the Department of Mines and Geology block by block by the 31st of October, 2016 and that no transport shall be allowed without such integration from the 1st of November, 2016. A calendar of such block by block integration shall be issued by the Commissioner of Mines and Geology by the 31st of August, 2016:

Provided further that in case of difficulty the Commissioner of Mines and Geology may extend the date of such integration by another thirty days, only for specific blocks.

31-Y. Responsibilities of the lessee and holder of licence.—Sand quarrying activity shall take place only in accordance with terms and conditions of the environmental clearance and the lease deed or licence under these rules and methods approved in the quarry plan,—

- (i) the lessee may store the sand beyond 20 meter but within 200 meter ¹or such distance from the river bank area as decided by the Competent Authority depending on the

1. Inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

geographical condition] from the river bank. The lessee shall make his own arrangements for the same;

- (ii) the lessee shall adhere to pay the Royalty, Survey and Demarcation fees, Additional Periodic Payment amount, Deed book fees, Environment Protection fees, Special Security Permit paper fees, Processing fees, quarry plan approval fees etc and shall abide by the terms and conditions of thereunder document and the lease deed or licence;
- (iii) the lessee shall install the Office, Computer facility, Electricity supply, CC camera, Weigh Bridge, Security at dump yard or stock yard of the sand;
- (iv) the lessee shall maintain an inward and dispatch registers and stock register in the camp office and allow for inspection by the Official of the Taluk and District Committee and such other officers authorised in this regard by the State Government;
- (v) sand stored in dump yard or stock yard shall be disposed off, by issuing ¹[Computerised Mineral Dispatch Permit] (CMDP) to the public or transporters;
- (vi) lessee shall not sell sand to public or transporters above the maximum price as indicated in the tender documents and incorporated in the lease deed or licence;
- (vii) monthly or quarterly or yearly as the case may be progress returns of sand production, dispatch details shall be submitted by the lessee in Forms Q(a), Q(b) and Y(a) to the Deputy Director or Senior Geologist of the District;
- (viii) CMDPs shall be issued to the border villages of the State after obtaining the certification from Panchayat Development Officer of concerned Panchayat regarding sand requirement for building construction activity of the person residing in that villages;
- (ix) if the lessee is found to violate any of the conditions or rules of the statutes, the Competent Authority shall issue a notice for rectification and if the lessee is found to continue

1. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016

with the violation, the lease shall be terminated and the amounts paid including performance guarantee shall be forfeited;

- (x) the lessee shall supply sand up-to twenty-five per cent of production for low income housing and or for other Government works, as directed by the District Committee; and
- (xi) the lessee shall not charge for sale of sand a rate exceeding the rate that has been indicated in the Tender document or in the lease or licence.

31-Z. Constitution of Corpus Fund.—(1) There shall be a State Corpus Fund which shall be in the nature of a bank account created and managed by the Director or Commissioner of Department of Mines and Geology which shall be credited with advance drawal of the annual budgetary provisions.

(2) There shall also be District Corpus Funds which shall be in the nature of bank Accounts created and managed by Chairpersons of the concerned District Committee for which funds shall be allocated out of the State Corpus Fund Account.

(3) After approval of the District or Taluk Committee, as the case may be, the amount from District Corpus Fund Account shall be utilised for the following purposes namely,—

- (a) expenses towards regulatory efforts of all minor minerals, use of man power and machineries for that purpose logistics of mobile squads and any unforeseen expenses incurred thereof;
- (b) meeting expenditures of District and Taluk Sand Committees and expenditure pertaining to District survey for identification of sand blocks and preparation of District Survey Report;
- (c) expenses shall be paid through the corpus fund, in case of lessee having failed to undertaken the implementation of rehabilitation and reclamation and environmental safeguard measures in the sand quarries;
- (d) expenses for getting the quality of sand or M sand tested in specified laboratories; and

(e) any other expenses that the State Government may by order specify.

(4) The facility of State Corpus Fund is only to facilitate advance drawal of funds from the budgetary provision and thereafter transfer or withdrawal to the respective District Corpus Fund accounts. This fund account shall not be used for incurring any specific expenditure from the Commissioner or Director, Department of Mines and Geology.

(5) The Commissioner or Director, Department of Mines and Geology shall draw in advance, the funds available in the budgetary provision once in a Quarter and deposit the same in "State Corpus Fund" account and shall thereafter release the funds to the concerned District Corpus Fund accounts utilising the Core Banking facility.

(6) The advance draws by the Commissioner or Director of Department of Mines and Geology shall be limited to the net requirement in subsequent quarter based on available balances in the State and District Corpus Fund including the interest, if any, accrued thereon.

(7) The Commissioner or Director of Department of Mines and Geology shall release the money to concerned district account based on need and shall be at liberty to withdraw or re-allocate the unspent money, if the same is required for any other districts. However release of funds to District Corpus fund in subsequent request shall normally be subject to utilisation of 85% of funds already released.

(8) The Commissioner or Director of Department of Mines and Geology shall submit the consolidated quarterly reports of the State Corpus Fund along with District wise details to the Secretary to Government, Commerce and Industries Department and Finance Department or as intimated by the Government from time to time.

(9) No funds shall be released to District Corpus fund account from State Corpus Fund account until the certified details of having closed the Revolving Fund and having transferred the balances to District Corpus Fund is submitted by the District Sand Monitoring Committee to the Director or Commissioner, Department of Mines and Geology.

(10) All Deputy Commissioners shall send a request to Director, Department of Mines and Geology for release of funds based only on the actual requirement.

(11) The Deputy Commissioner shall make the payments for the expenditure components specified in the rules from the District Corpus Fund account through cheque after scrutiny and certification of the bills from the concerned Deputy Directors or Senior Geologist before making payments.

(12) Every District Sand Monitoring Committee shall send the Utilisation Certificate (UC) of the funds released in previous quarter within 10th of succeeding month to the Commissioner or Director, Department of Mines and Geology.

(13) The Member Secretary of the concerned District Sand Monitoring Committee shall maintain the accounts of the District Corpus Fund account. There shall be separate Cash book for the purpose of District Corpus Fund.

(14) The accounts of Corpus Fund shall be maintained in accordance with the Karnataka Financial Code. The accounts of all receipts and expenditure of Corpus Fund shall be maintained in double entry system.

(15) The monthly transaction report and monthly reconciliations statement shall be certified by the Chairman or his Authorised Officer.

(16) The Accounts of Corpus Fund shall be subject to annual audit by State Accounts Department and the audit report shall be forwarded annually by the State Government.

31-ZA. Permission for quarrying and transportation of ordinary sand in or from patta land.—(1) Sand quarrying in patta land is prohibited except in cases of where based on recommendation of the District Committee with adequate justification, the State Government may permit sand quarrying in specified patta lands with such terms and conditions as may be specified by the State Government from time to time:

Provided that before making such recommendations, the District Committee shall carry out tests and establish that the

quality of such sand in the patta land is such that it can be used for construction purposes.

(2) Such permission shall be granted after ¹[demarcating a 50 meter or 10% of the width of the river whichever is more from the banks of the river] safe zone from the high flood level of the river:

Provided that additional safeguards shall be prescribed in each such permission to ensure stability of river banks.

²[(3) The license in addition to Royalty shall pay fifty per cent of Royalty as Average Additional Periodic Payment.]

(4) The District Committee shall have powers to fix the maximum rate at which the holders of licence can sell sand at the loading point and indicate this in the licence condition, and can also allocate up to 25% of sand for low income housing or government work from holders of licence.

31-ZB. Permission for removal of sand bars and transportation of ordinary sand in Coastal Regulation Zone (CRZ) areas.—(1) Notwithstanding anything contained in ³[the Karnataka Minor Mineral Concession (Amendment) Rules, 2016], nothing in this Chapter shall apply for ⁴[sand bar removal] within the area of coastal regulation zone (CRZ) in coastal district and in the Coastal Regulation Zone sand shall be disposed in accordance with the official memorandum issued by Ministry of Environment, Forest and Climate change, Government of India vide No. 11-83/2005-IA-III (Vol. III), dated 8-11-2011 and as amended from time to time.

(2) The royalty collected for the sand disposed after removal of sand bars from Coastal Regulation Zone (CRZ) shall be remitted to the State Consolidated Fund, twenty five percent of the royalty so collected shall be provided to the concerned Gram Panchayats through the District Committee.

1. Substituted for the words and figures "demarcating a 50 meter" by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

2. Sub-rule (3) substituted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

3. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

4. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

¹[31-ZB-A. Disposal of Sand Blocks through Tender-cum-auction in non-CRZ areas of Coastal Districts.— (1) In non-CRZ areas of Coastal Districts, viz., Uttar Kannada, Dakshina Kannada and Udupi Districts, sand blocks shall be allotted through tender-cum-auction amongst the traditional sand extracting communities to be identified and subject to the following conditions.

(2) A person shall be resident of the local Gram Panchayat for not less than ten years and to that effect residential certificate shall be obtained from jurisdictional Tahsildar.

(3) The person shall present document as proof of having engaged in extraction of sand in coastal areas through manual methods for at least five years.

(4) The person shall own a stockyard near the river bank or shall have an agreement with owner of the land to the effect.

(5) Motor boats and dredger for removal of sand is prohibited.

(6) Shall fulfil such other conditions as specified by the Competent Authority.]

31-ZC. Special provisions for M-sand.—(1) Notwithstanding anything contained anywhere in ²[the Karnataka Minor Mineral Concession (Amendment) Rules, 2016], Manufactured Sand (herein after called as M-sand) units commissioned or operational as on the date of commencement of these rules producing M-sand of the quality that meet the standards for being used in building construction for use in masonry and concrete shall be granted quarry lease, following the procedure prescribed hereunder, to enable them to produce M-sand for the next twenty years at a capacity that may go up to two times their present average annual production in the last three years or up to two times the capacity shown in the environmental clearance of the quarry lease that they may have.

(2) M-sand units commissioned or operational as on the date of commencement of these rules shall, if they are in requirement of quarry blocks, apply to the Commissioner or Director, Department

1. Rule 31-ZB-A inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

2. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

of Mines and Geology for their requirement with exact area, sketch and DGPS readings of the boundary points of quarry blocks identified by these units within a distance of ten kilometers of the present location of the M-sand unit:

Provided that in case the M-sand unit is owned by a company or firm then the application shall be made by the said company or firm that owns the M-sand unit, and in case the M-sand unit is owned by an individual then the application shall be made by the concerned individual who owns the M-sand unit:

Provided further that an application under Form AQL shall be made within a period of six months of the commencement of these rules.

(3) The Commissioner or Director, Department of Mines and Geology shall satisfy himself through getting necessary tests done in laboratories or institutes notified by the Government that the concerned unit is producing M-sand of quality that meets the standards for being used in building constructions for masonry and concrete.

(4) The Commissioner or Director, Department of Mines and Geology shall assess the requirement of quarry blocks size to be allotted to the applicant to enable him to produce M-sand for the next twenty years at a rate up to two times the annual average production done in the past three years or up to two times the capacity shown in the environmental clearance in case the applicant undertakes to enhance the production of M-sand within a period of six months from the date of grant of quarry lease.

(5) The Commissioner or Director as the case may be shall then issue a letter of intent for grant of quarry lease for the M-sand unit clearly specifying the area to be allotted with DGPS readings of the boundary points.

(6) Based on the letter of intent, the applicant of the M-sand unit shall proceed to procure the necessary No Objection Certificates from the Revenue Department and the Forest Department, environmental as well as pollution board clearances

1. Substituted for the letters "DGPS" by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

and any other necessary statutory clearances that may be needed as under existing applicable law.

(7) On submission of the No Objection Certificates and other necessary clearances the Commissioner or Director of Mines and Geology, as the case may be, shall grant quarry lease to the applicant for a period of twenty years clearly specifying the extent of grant with the DGPS readings of the boundary points of the lease, the period of the grant and the minimum annual production of M-sand that the lessee shall produce:

Provided that the M-sand unit granted quarry lease under [the Karnataka Minor Mineral Concession (Amendment) Rules, 2016] shall pay in addition to Royalty, and additional sum which shall be equal to fifty per cent of the Average Additional Periodic Payment by the holders of quarry lease or licence through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighbouring Districts if such average is not available for the District, and if such average is not available within the neighbouring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31-3-2019, and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided further that when such Royalty and Additional Periodic Payment is paid as provided above, the payment to District Mineral Foundation by the lessee shall be as payable by holders of lease in an auction.

(8) In case the grantee fails to enhance the production as indicated in the lease within six months of the signing of quarry lease deed, the grant made under these rules shall be liable to be cancelled:

Provided that in case the grantee is able to show genuine reasons for not being able to enhance production within the above prescribed period of six months the Commissioner shall have the power to extend the period up to another six months.

1. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

(9) In case market conditions are such that demand for M-sand has come down substantially, then the minimum annual production that has been indicated in the quarry lease conditions can be suspended by the Commissioner for a period that would be indicated in an order issued by the Commissioner in this regard and during such period the M-sand unit shall produce as per the quantity shown in the said order.

(10) M-sand units shall produce M-sand of the quality that meets the specified standards for being used in building construction for use in masonry and concrete and failure to do so will make the lease liable for cancellation:

Provided that M-sand units shall keep a stock register of M-sand as well as by products in a format prescribed by the Commissioner and update the stock register on a daily basis. Such stock register shall be kept in the premises of the concerned M-sand unit:

Provided further that M-sand units shall declare to the Authorised Officer every month the quantity of M-sand and by products in opening balance, produced during the month, sold or disposed of during the month and in closing balance at the end of the month:

Provided also that the M-sand unit shall keep the M-sand and the by-products always physically separate in stock.

(11) Any officer authorised by the Commissioner or Director of Mines and Geology or by the Deputy Commissioner of the District in this regard, by a general or special order, or a member or the District or Taluk Committee shall be competent to draw samples of M-sand produced by the lessee and get it tested in laboratories or institutes notified by the Government and if the sample fails to meet the standards for M-sand to be used in building construction for use in masonry and concrete, the Competent Authority shall issue a notice to the M-sand unit to stop production forthwith and suspend supply of M-sand and on receipt of such notice the M-sand unit shall comply with the order forthwith.

(12) The Competent Authority shall give a period of sixty days to the M-sand unit to comply with the standards for M-sand to be used in building construction for use in masonry and concrete standards and if the unit fails to comply with these standards, the Quarrying Lease shall be cancelled.

(13) The stock of M-sand in the M-sand unit that does not meet the standards for M-sand to be used in building construction for use in masonry and concrete shall be seized and confiscated by the Competent Authority and disposed of in a manner that it cannot be used for building construction for use in masonry and concrete.

(14) The quarry lease shall be liable to be cancelled if the M-sand unit is found to be producing for the third consecutive time M-sand of quality that does not meet standards for M-sand to be used in building construction for use in masonry and concrete.

(15) Whoever produces and or supplies, for construction purpose, M-sand that does not meet the specified standards for M-sand to be used in building construction for use in masonry and concrete shall be punished with imprisonment of up to two years or fine that may extend up to rupees five lakh or both.

31-ZD. Special Provision in case of applications pending for grant of quarry lease for production of M-sand.— Notwithstanding anything contained in ¹[the Karnataka Minor Mineral Concession (Amendment) Rules, 2016], applications pending for grant of quarry leases for production of M-sand which were filed before the commencement of these rules and for which No Objection Certificates ²[received in the Department of Mines and Geology of the concerned District Office, from the Deputy Conservator of Forest for all lands, Tahsildar in case of Karab lands, Assistant Commissioner and Deputy Director or Senior Geologist (Joint inspection report) in the case of Gomala lands, before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 shall be processed ³[by the Competent Authority] as under the existing rules before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016] and Reports under sub-rule (5) of Rule 8 have been received before the commencement of the Karnataka Minor Minerals Concession (Amendment) Rules, 2016 shall be processed and decided by the District Task Force Committee as per the rules that

1. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.

2. Inserted by Notification No. CI 308 MMN 2016, dated 6-1-2017 and shall be deemed to have come into force w.e.f. 12-8-2016.

3. Substituted for the words "and decided by the District Task Force Committee" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

existed before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016:

Provided that the M-sand unit granted quarry under Rule 31-ZD shall pay in addition to Royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or licence granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. The deemed percentage shall be reset after three years based on average obtained in auctions by 31-3-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided further that when such Royalty and Average Additional Periodic Payment is paid the payment to District Mineral Foundation by holders of lease, licence shall be as payable by holders of lease in an auction.

31-ZE. Application of certain provisions to this Chapter.—(1) The provisions of Rules 3, 4, 5, 6, 7 and 8 of Chapters II, II-A, VI and VII and Rules 54 and 55 of Chapter IX shall apply *mutatis mutandis* to this Chapter.

(2) The provision of Chapter V shall apply *mutatis mutandis* apply to M-sand.

(3) The provision of Chapter V shall also apply *mutatis mutandis* to sand to the extent that it is not inconsistent to provisions of sub-rules under Rule 31-ZA.]

[31-ZF. Registration of the Sand importer.— (1) Every importer of sand shall apply to the Commissioner or Director, Department of Mines and Geology through an application in the proforma in Form IR along with application fee of rupees twenty

1 Rules 31-ZF, 31-ZG, 31-ZH, 31-ZI, 31-ZJ, 31-ZK and 31-ZL Inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

five thousand along with documents specified by the Government for grant of registration as an importer of sand.

(2) The Commissioner or Director, Department of Mines and Geology upon verification of such application and after being satisfied with the documents may register the applicant as importer of sand.

(3) The Government, in consultation with Commissioner or Director, Department of Mines and Geology, shall issue detailed guidelines, terms and conditions, various documents required to obtain Importer registration.

(4) The importer of sand shall submit quarterly report of the quantity of sand imported and sales done through dealers to the Controlling Authority in Form IS.

31-ZG. License for a dealer.— (1) No person shall stock, sale or offer for sale of imported sand in any place in the State except under a Dealer's License issued by the Competent Authority.

(2) Manner of application for a Dealer's license and its renewal,—

- (a) Every application for dealer's license or renewal shall be made to the Competent Authority in Form-DL;
- (b) Every such application shall be accompanied by a fee of rupees ten thousand in the form Treasury Challan under the specified Head of Account and a location map with GPS co-ordinates showing the exact location of sales depot or stock yard; and
- (c) Every application for renewal of Dealer license shall be made at least thirty days before the expiry of the license, such application shall be accompanied by the application fee of rupees ten thousand.

(3) Particulars of license,—

- (a) On receipt of application for the grant of dealer's license or for its renewal the Competent Authority, after making such enquiry as he deems fit, may grant or renew a license in Form-GR or refuse to grant or renew a license. After grant of license, the dealer shall register his stock yard in ILMS (Integrated Lease Management System); and

- (b) Every license issued under clause (a) shall be subject to such other conditions as the Competent Authority may deem necessary under the provisions of these rules.

31-ZH. Maintenance of records of production and sale.—Every dealer shall maintain,—

- (a) accounts registers and other documents pertaining to business in Form-U;
- (b) stock register in Form-V showing the particulars of the source and quantity of sand purchased and sold;
- (c) country of origin certificate, phyto quarantine certificate, bill of entry, bill of loading and invoice pertaining to sand imported; and
- (d) specify on it details of quality of river sand that meets the specification of IS 383 standards.

31-ZI. Furnishing of statement of accounts by a Dealer.— Every dealer shall submit statement of accounts of the total purchase and sale of sand in Form-W on or before 7th day of the succeeding month, to the Competent Authority.

31-ZJ. Cancellation of license.— If a dealer fails to comply with any of the conditions of license or any of the provisions of the Act, rules or orders in this regard, the Competent Authority may by an order in writing cancel the license issued under these rules.

¹[31-ZK. Period for registration of importer and dealer's license.— The validity registration of importer of sand and dealer's license shall be for a period of five years from the date of its issuance.]

²[31-ZL. Mineral Dispatch permit for transportation of imported sand.—An importer or a dealer who intends to transport the imported sand from the port or landing shall apply for Computerized Mineral Dispatch Permit (CMDP's) in FORM-MDP(A) alongwith a processing fee of Rs. 60/- per metric ton and Special Security Permit Paper Charges (SSPP) of Rs. 10/- per

1. Rule 31-ZK substituted by Notification No. CI 376 MMN 2017, dated 23-12-2017, w.e.f. 26-12-2017.
2. Rule 31-ZL substituted by Notification No. CI 376 MMN 2017, dated 23-12-2017, w.e.f. 26-12-2017.

trip sheet along with statutory charges if any, to the jurisdictional Competent Authority. The validity of CMDP shall be as per the provisions under Rule 42.]]

CHAPTER V

¹[Permission] for Quarrying Minor Minerals in Private or Pattalands

32. Quarrying licence.—²[³(1)] No persons in possession of patta lands in Karnataka State and ⁴[in whose lands sub soil minor minerals are situated] shall undertake quarrying operation of minor minerals in patta land except with a ⁵[quarrying licence] granted under this chapter.

Explanation.—Patta land means any private land classified as patta land owned by pattadar ⁶[by] inheritance or acquired ⁷[through] ancestral property.]

⁸[(1-A) The provisions of this chapter shall be applicable for such minor minerals that may be notified by the State Government from time to time.]

⁹[(2) The pattadar shall apply before the Competent Authority along with necessary documents to prove his ownership of the land and sketch of the area for obtaining permission to quarry minor mineral under this chapter.

(3) The Competent Authority shall confirm the title, status of land with the Deputy Commissioner in case of specified minor mineral and with Tahsildar in case of non-specified minor mineral.

1. Substituted for the word "Licence" by Notification No. CI 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014.
2. Rule 32 renumbered as sub-rule (1) thereof by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
3. Sub-rule (1) substituted by Notification No. CI 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014.
4. Substituted for the words "who are full owners of sub-soil minor minerals situated in their patta lands" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
5. Substituted for the words "working permission" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
6. Inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
7. Inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
8. Sub-rule (1-A) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
9. Sub-rule (2) substituted as sub-rules (2) to (7), by Notification No. CI 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014.

(4) No quarrying of minor mineral under this chapter shall be allowed in contravention of Environment Impact Assessment Notification dated 14-9-2006 issued by the Ministry of Environment and Forest, Government of India, as amended from time to time.

(5) The Competent Authority shall arrange for survey and demarcation of the ¹[area upon payment of the expenses by the pattadar at the rate as specified in Rule ²[17, 18]].

(6) The provisions of Chapters II and II-A and ³[Rules 13, 15-A, 17, 19, 19-A, 19-B, 19-C and Chapter VI, Chapter VII, Chapter VIII and Chapter IX shall *mutatis mutandis* apply for grant of quarrying license under this chapter].

⁴[(7) Notwithstanding anything contained in this chapter, the provisions of this chapter shall not be applicable, except for provisions of sub-rule (6), for granted patta lands for which the rules in Chapter IV-A shall apply.]

⁵[(8) licence may be given to GPA holders of patta lands or for holders of consent from the pattadars for extraction of minerals from patta lands:

Provided that every application under this rule shall be accompanied by a Consent Letter specified in Form-CFQ from the owner of the land to the effect that he has no objection for quarrying minor mineral by the applicant:

Provided further that this consent once given in the Consent Letter shall not be withdrawn for any reason during the pendency of the application for grant of quarrying licence or during the currency of the quarrying licence granted in favour of the applicant.

1. Substituted for the words and figures "area, subject to the pattadar paying the expenses which shall be at the rate as specified in Rules 17 and 29, as the case may be depending on the mineral applied" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Corrected by Corrigendum, No. CI 418 MMN 2015(P-II), dated 26-11-2016.
3. Substituted for the words, letters and figures "Rules 17, 18, 19-A, 19-B, 19-C and 29, sub-rule (3) of Rules 36 and 39, 15-A, 25-A and 42 shall, *mutatis mutandis* apply for grant of quarrying permission under this rule as applicable to specified and non-specified minor mineral" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
4. Sub-rule (7) substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
5. Sub-rules (8) to (13) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

(9) Grant of licence in patta lands (to pattadars, GPA holder or consent holder) for specified minor minerals shall be done only after recommendation of the District Task Force and approval of the State Government.

(10) In cases where the mineral rights of minor mineral do not vest with the pattadar, the holder of the licence shall pay, in addition to the royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or licence granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighbouring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage being reset after three years based on average obtained in auctions by 31-3-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided that when such Royalty and Average Additional Periodic Payment is paid, then the payment by the lessee for the District Mineral Foundation shall be as payable by the holders of lease through auction.

(11) All existing Working Permissions shall be converted into quarrying licences within a period of eighteen months from the commencement of these rules.

(12) Holders of Working Permissions granted under these rules shall apply within nine months of commencement of these rules to convert their working permissions into quarrying licence.

(13) A quarrying licence granted under this chapter may be renewed for a further period of 20 years for non-specified minor mineral and 30 years for specified minor minerals, subject to establishment of mineral availability and workability of the quarry, and further subject to provisions of rules in Chapters II and II-A:

Provided that renewal of licence under this rule shall be done only on approval of the District Task Force for non-specified minor

minerals, and on recommendation of the District Task Force and approval of the State Government for specified minor minerals.]

¹[33. *Quarrying by pattadars in Ex-Madras State territory.*—****].

34. Grant or renewal of a quarrying licence in private lands other than those referred to in Rules 32 and 33.—****.

34-A. Transfer of licence.—****.]

35. Quarrying of non-specified minor minerals in private land for bona fide domestic use.—Notwithstanding anything contained in these rules, occupant of any land may remove from his land any non-specified minor mineral on a small scale for his own use in respect of specific *bona fide* domestic or agricultural purposes:

Provided that the quarrying operation shall not be continued indefinitely and for commercial purposes and that the land is not rendered less fit for cultivation than before:

Provided further that the Competent Authority concerned shall be informed before commencing quarrying operations under this rule.

CHAPTER VI

Royalty, Dead rent, Security Deposit, Interest and Mineral Despatch Permit

36. Payment of royalty and dead rent in advance.—

(1) The holder of a quarrying lease or licence under these rules, shall pay dead rent at the rates specified in Schedule-I ²[as may be modified from time to time] or royalty at the rates specified in Schedule-II ³[as may be modified from time to time] ⁴[whichever is more] whether minor mineral is removed or consumed by him or his agent, manager, employee or contractor:

1. Rules 33, 34 and 34-A omitted by Notification No. CI 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014.
2. Inserted by Notification No. CI 188 MMN 2000, dated 30-9-2002, w.e.f. 8-10-2002.
3. Inserted by Notification No. CI 188 MMN 2000, dated 30-9-2002, w.e.f. 8-10-2002.
4. Inserted by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.

Provided that no such royalty shall be payable in respect of leases for clay in tank bed with an Acheat not exceeding 100 hectares:

¹[Provided further that if the lease or licence permits the working of more than one mineral in the same area the lessee or licensee shall be liable to pay the dead rent for the entire lease area on the mineral for which the dead rent is higher but not both:

Provided also that the State Government may provide for Royalty on any mineral to be charged on *ad valorem* basis on Sale Value or Average Selling Price of the mineral or the notified royalty per cubic meter or per metric tonne whichever is higher:

Provided also that the State Government may prescribe an Additional Periodic Payment or Average Additional Periodic Payment as a percentage of Royalty to be charged, in addition to royalty, on lease or licences as per these rules.]

Explanation.—Royalty shall also be payable under this rule in respect of minor minerals classified as waste rock having volume ²[not exceeding 0.08 cubic metres] generated in any ornamental and decorative stone quarry and waste rock rejects of any size not exceeding 0.02 square metres generated in any "shahabad stone" quarry.

[EDITORIAL NOTE: Amendment made to explanation to sub-rule (1) of Rule 36, for the figures "0.04" the figures "0.08" shall be substituted by Notification No. CI 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014 does not appear in the said Rule, the same already amended by Notification No. CI 187 MMN 95, dated 29-6-1996, w.e.f. 18-7-1996.]

(2) The dead rent shall be paid in advance at every six months.

(3) No person shall remove or transport or cause to be removed or transported any minor mineral without paying the royalty or dead rent.

(4) The State Government may by order exempt the dead rent or reduce the rate of dead rent payable by companies or undertakings owned by the State Government.

1. Provisos inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016
2. Substituted for the words and figures "not exceeding 0.04 cubic metres" by Notification No. CI 187 MMN 95, dated 29-6-1996, w.e.f. 18-7-1996.

¹[(5) Notwithstanding anything contained in this rule, the grantee of quarry lease or ²[licence in Form PBS shall pay one-tenth of the royalty amount of the highest permitted annual production quantity mentioned in the environmental clearance in their validity period] in advance as performance guarantee in the form of Bank guarantee, Fixed deposit receipts or Demand draft or in any other manner as may be specified by the Government from time to time before execution of lease or licence. ³[****];

Provided that the holders of existing quarry lease or licence and mining leases, which are now considered as minor minerals shall also make the similar payment.]

[36-A. Payment to District Mineral Foundation.—(1) Every holder of the quarry lease or licence or composite licence of minor minerals except Ordinary Sand shall, in addition to the royalty, make payment towards the District Mineral Foundation of the district in which the mining operations are carried on, an amount which is equivalent to ten per cent of the royalty in case of leases granted through auction and thirty per cent of royalty in case of leases granted without auction:

Provided that for ordinary sand the payment to District Mineral Foundation by the Public Works, Ports and Inland Water Transport Department or by holders of lease or licence or working permission for extractor of sand or removal of sand bars shall be ten per cent of Royalty.

(2) Payment to the District Mineral Foundation shall be deposited into an account as per the provisions of the rules made by the State Government under sub-section (4) of Section 15 of the Act.]

37. Head of Account to which royalty etc., to be credited.—The royalty, dead rent, penalty amount, security

1. Sub-rule (5) and proviso inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Substituted for the words "licence shall pay one-fourth of the royalty amount of the permitted annual production quantity" by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.
3. The words and figures "The same shall be reconciled every year before 30th April for the forthcoming year with the prevailing rates of royalty and make the shortfall payment", if any" omitted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017
4. Rule 36-A inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

deposit and auction sale proceeds payable under these rules, shall be credited into the Head of Account specified below:

- 0853 - Non Ferrous Mining and Metallurgical Industries
- 102 - Mineral Concession Fees, Rents and Royalties
- 1 - Geological Department
- 05 - Royalty on Minor Minerals.

38. Refund of security deposit.—On an application made by an applicant whose application in Form-AQL or Form-R has been rejected, the security deposit may be refunded to such applicant within sixty (60) days from the date of receipt of the application for refund, if dead rent or royalty or penalty is not due from him:

Provided that where the holder of a quarrying lease or licence is liable to pay either penalty, royalty or dead rent or against whom complaints of unauthorised quarrying or transportation of minor mineral has been registered, the security deposit of such person shall not be refunded until a no objection certificate is obtained from the concerned Competent Authority.

[39. Recovery of amount due to the Government.—If the holder of a quarrying lease or licence makes any default in the payment of royalty or dead rent payable under Rule 36, the Competent Authority shall give notice to such holder of quarrying lease or licence, requiring him to pay royalty or dead rent within sixty days from the date of receipt of such notice failing which the Competent Authority may without prejudice to any other action that may be taken against such holder, determine the lease or licence and forfeit the whole or part of the security deposit.]

40. Issue of annual audit reports.—The Competent Authority or any authorised officer shall, after conducting inspection of register of accounts of production, despatch and stock, quarry area and connected stone cutting and polishing unit or crushing unit, stock yards, if any, connected with the quarry, submit, every financial year, a report to the Director. The Competent Authority or any authorised officer may call for from the holder of a quarrying lease or licence any other details or documents which are required for the preparation of annual audit report. The holder of

1. Rule 39 substituted by Notification No. CI 418 MRC 92, dated 6-5-1995, w.e.f. 6-5-1995.

a quarrying lease or licence or his agent shall make available such details and documents. The report shall be issued before the end of June of the year next following the financial year:

¹[Provided that if the lessee or licensee fails to submit the documents required to finalise the annual audit report or the information submitted are incorrect or the Competent Authority has reasons to believe that the lessee or licensee had evaded or avoided royalty, may after giving a reasonable opportunity of being heard to the lessee or licensee, and after making such enquiry, as the Competent Authority considers necessary, the Competent Authority shall finalise the annual audit report to the best of its judgment:

Provided further that no such annual audit report shall be finalised on best judgment basis without obtaining prior approval of the next higher authority for the same.]

NOTIFICATION

No. CI 418 MRC 92[V], Bangalore, dated 2nd July, 1994
[Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994]

In exercise of the powers conferred by Rule 40 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby authorise the following officers of the Department of Mines and Geology, specified in column (2) of the table below for the purpose of the said rule within the area specified in column (3) thereof.

Sl No.	Designation of the Authorised Officers	Area
(1)	(2)	(3)
1.	Director	Whole of the State
2.	Joint Directors	In their respective jurisdiction
3.	Deputy Director (Mineral Administration)	Whole of the State
4.	Senior Geologists	In their respective jurisdiction
5.	Geologists	In their respective jurisdiction

41. Payment of interest.—The State Government may charge simple interest at the rate of fifteen per cent per annum on any dead rent, royalty or penalty or other sum due to the State Government under the Act or these rules from the sixtieth day after

1. Provisos inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

the expiry date fixed for payment of such rent, royalty, penalty or other sum.

42. Transport of Minor Minerals.—(1) No person shall transport or cause to be transported any minor mineral except under or in accordance with a ²[Computerized Mineral Dispatch Permit in Form MDP(A)] generated in electronic form (e-Permit or m-Permit) by the licence/leaseholder or his authorized person and issued using Special Security Permit Paper (SSPP) sheet obtained from the Competent Authority or any other officer authorised by the Director].

³[(2) Any person desiring to transport the minor mineral by road, by rail or any other means of transport ⁴[shall after payment of royalty apply in Form AP to the concerned Competent Authority in electronic form along with rupees fifty as processing fees for each Mineral Dispatch Release Order (MDRO) for specified bulk quantity of specified or non-specified minor mineral intended to transport].]

(3) The Competent Authority after such enquiry as it deems fit, if satisfied that the information furnished in the application is correct and the applicant is ⁵[entitled for a MDRO, it may issue a MDRO in Form MDRO and enable the leaseholder to generate CMDP's. However the validity of such MDRO shall be thirty days]:

⁶[Provided that where the Computerized Mineral Dispatch Permit is generated by the lessee himself, if there is any error in weight, volume, royalty etc., the lessee is solely held responsible as per Rule 43.]

1. Substituted for the words "Mineral despatch permit in Form MDP" by Notification No. CI 449 MMN 2011(P), dated 13-9-2013, w.e.f. 13-9-2013.

2. Substituted for the words, letters and brackets "Computerised Mineral Despatch Permit in Form-MDP(A) issued under this rule by the Competent Authority or any other officer authorised by the State Government or the Director" by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

3. Sub-rule (2) substituted by Notification No. CI 418 MRC 92, dated 6-5-1995, w.e.f. 6-5-1995

4. Substituted for the words, letters, brackets and figure "shall apply in Form-AP alongwith rupees 50 as processing fees for each MDP/Trip sheet for specified or non-specified minor mineral to the concerned Competent Authority for issue of permit (2) Any person desiring to transport minor mineral shall after payment of royalty apply in Form-AP to the concerned Competent Authority for issue of a permit" by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013

5. Substituted for the words and letters "entitled for a permit, it may issue a permit in Form-MDP" by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

6. Proviso inserted by Notification No. CI 449 MMN 2011(P), 13-9-2013, w.e.f. 13-9-2013.

¹[(4) The Computerized Mineral Dispatch Permit shall be generated in electronic form and issued by leaseholder or his authorised person using SSPP sheet obtained from Competent Authority on the basis of One Permit for One vehicle.

(5) The validity of CMDP's issued by leaseholder or his authorised person shall be one hour for each ten kilometer of distance or fraction thereof from the date of issue ²[and two hours of additional time together for loading and unloading of the minor mineral]:

Provided that the Competent Authority of the concerned district may, on a written request by the holder of permit and after such enquiry as it deems fit renew the permit and in case of mineral in transit, the concerned jurisdictional Competent Authority may renew subject to collecting processing fee and SSPP sheet fee, if any upon recording the reasons and issue fresh CMDP.]

CASE LAW

Rule 42 - Karnataka Land Revenue Act, 1964, Section 95(3) - Issue of Mineral dispatch permit - Land classified for agricultural use sought to be used for mining operation by petitioners. Mineral despatch permit under Rule 42 of Karnataka Minor Mineral Concession Rules, 1994 cannot be granted unless petitioner has obtained permission under Section 95 of the Karnataka Land Revenue Act 1964 to divert user of land to non-agricultural purpose. Held, If petitioner intends to use land for non-agricultural purpose he is required to obtain permission from Deputy Commissioner. Quarrying granite or mining activity is unboubtedly a diversion from agricultural activity. There is nothing wrong in action of authority in deferring issue of mineral despatch permit and insist on obtaining permission from Deputy Commissioner under Section 95 of Karnataka Land Revenue Act. Writ Petition dismissed. (*Chikkusappa Vs. State of Karnataka and Others*, 2006(1) AIR Kar. R 529; 2006(3) Kar.LJ 64; AIR 2006 (NOC) 472 (Kant)).

Rules 42 and 44 - Code of Criminal Procedure, 1973, Section 438 - Karnataka Land Revenue Act, 1964, Section 73 - Indian Penal Code, 1860, Sections 427, 341, 143, 307, 379, 353, 149 and 147 - Anticipatory bail - Allegation of illegal filtering of sand from soil of tank. Name of petitioners neither mentioned in complaint nor in FIR. No specified overt act alleged against them. Incriminating objects, vehicles used for filtering sand already seized. They were neither owners nor drivers of vehicles used, are prepared to abide conditions of bail. Held, Petition allowed, Bail granted. (*C.B. Muniraju and Another Vs. State of Karnataka*, 2017(1) Kar.LJ 268.)

1. Sub-rules (4) and (5) substituted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.

2. Inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

¹[**42-A. Issue of Rake Permit.**— If the transport of the minor mineral is made through railway, the Competent Authority shall issue one permit per rake wise Computerized Mineral Dispatch Permit mentioning the quantity of the mineral and place from and to which it is transported in the Form-RKP (Rake Permit).]

CHAPTER VII

Controlling of Unauthorised Transportation of Minor Minerals, Checking of Minerals in Transit and Unauthorised Quarrying Offences

43. Checkposts and checking of minerals in transit.—

(1) The State Government may, by notification, direct the establishment of checkpost or erection of barriers or both at such place or places as it thinks fit with a view to prevent or check unauthorised transportation of minor minerals and evasion of royalty or commission of any other offence in respect of minor minerals:

Provided that till such checkposts are established or barriers are erected in any place or places, the State Government may, notify the checkposts already established or barriers erected in such place or places under the Karnataka Sales Tax Act, 1957 or the Karnataka Forest Rules 1964 to be the checkposts or barriers for the purposes of these rules also.

(2) Every driver or person in-charge of a vehicle carrying minor mineral shall be in possession of a valid permit and waybill, sale or delivery note and Form-39 issued by Commercial Taxes Department containing necessary particulars in respect of such minerals and shall produce the same before any authorised officer in-charge of a checkpost or barrier.

(3) Any officer authorised by the State Government in this behalf (hereinafter referred to as authorised officer) may check a vehicle carrying minor mineral at any place, and the owner or person in-charge of the vehicle shall produce the permit and other documents such as waybill etc. as demanded by the authorised officer.

(4) At every checkpost or barrier set up or notified under sub-rule (1) or at any other place, when so required by any

1. Rule 42-A Inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

authorised officer, the driver or any other person in-charge of the vehicle carrying minor mineral shall stop the same and keep the vehicle stationed so long as may reasonably be necessary, and allow the officer in-charge of the checkpoint or the barrier or, as the case maybe, the authorised officer to examine and take measurements of the minor minerals in transit and inspect all records relating to the minerals in possession of such driver or other person. The driver or other person shall, if so required by the officer in-charge of the checkpoint or the barrier or the authorised officer, give his name and address and also that of the owner or the consignor and consignee. After checking the minerals and vehicle, the officer shall put his signature and rubber stamp on the permit so as to avoid any further checking at another checkpoint.

1[(5) The Officer-in-charge of the check post or the barrier or the authorised officer shall seize any minor mineral including the vehicle used for transit of such minor mineral, if the driver or person in charge of such vehicle fails to produce a valid permit.

(6) The Officer in charge of the check post or the barrier or the authorised officer after seizing any minor mineral along with the vehicle used for transit of such minor mineral under sub-rule (5) shall give a receipt in Form-VS (Vehicle Seized) for having effected the seizure to the person from whose possession or control it is seized.

(7) Upon seizure as provided under sub-rule (6) it shall be necessary for the officer referred to concerned officer under sub-rule (6) to make a report within a reasonable period of such seizure to the Competent Court having jurisdiction to try the offence on account of which seizure has been made.

(8) No release of the vehicle which shall however not include the minor mineral so seized shall be made unless there is an execution by the owner thereof, of security in the form of a renewable Bank Guarantee, of an amount equal to double the value of such vehicle, before the Competent Court having jurisdiction to try the offence on account of which the seizure has been made:

1. Sub-rules (5), (6), (7), (8), (9), (10) and (11) substituted for sub-rules (5), (6), (7) and (8) by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

Provided that where a report has been made to the Competent Court under sub-rule (7) the seized vehicle shall not be released except under the orders of such Court.

(9) Any seizure made under sub-rule (6), shall be liable for confiscation by an order of the court competent to take cognizance of the offence under sub-rule (1) and shall be disposed of in accordance with the provisions of these rules.

(10) In addition to seizure under sub-rule (6), for failure to produce a valid permit, the officer in charge of the check post or barrier shall impose on the driver or the owner or person in charge of the vehicle a penalty equal to five times the amount of royalty payable as under Schedule-II.

(11) The authorities empowered to take action under this rule may request in writing for the help of the police and the police authorities shall render such assistance, as may be necessary, to enable the officer or official to exercise the powers conferred on them by these rules to stop the illegal movement of minerals.]

CASE LAW

Rule 43 - Unauthorised transporting of sand through ship to foreign country - Detention of vessel - legality - Multiple permits obtained by petitioner were only for construction purpose. Granted permits did not reveal permission to transport/export sand to maldives Held, Auction is clearly in violation of Rule 43. Order seeking confiscation of goods and arrest of vessel till completion of investigation, held valid and requires no interference. (*M/s. Mohan Mutha Exporters Pvt. Ltd. and Others, Vs. The Deputy Director of Mines and Geology, Karwar and Another, ILR 2009(4) Kar 4353: 2009 (6) Kar.LJ 593: 2010(1) AIR Kar.R 665: 2010(1) KCCR 170: (DB)*).

NOTIFICATION

No. CI 418 MRC 92[VII], Bangalore, dated 2nd July, 1994
[Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994]

In exercise of the powers conferred by the proviso to sub-rule (1) of Rule 43 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby notify all the check posts and barriers established or erected under the Karnataka Forest Rules, 1964 to be the check posts and barriers for the purpose of the said rules.

NOTIFICATION

No. CI 418 MRC 92[VIII], Bangalore, dated 2nd July, 1994
[Karnataka Gazette, Extraordinary Na. 573, dated 2-7-1994]

In exercise of the powers conferred by sub-rule (1) of Rule 43 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby direct that the following checkposts and barriers at

the places mentioned below shall be the checkpoints and barriers for the purpose of the said rules:—

1.	Kannur checkpoint	Dakshina Kannada District
2.	Mukka checkpoint	Dakshina Kannada District
3.	Vamanjur checkpoint	-do-
4.	Bajpe checkpoint	-do-
5.	Mudipu checkpoint	-do-
6.	Ramanagar checkpoint	Uttara Kannada District
7.	Anmod checkpoint	-do-
8.	Majali checkpoint	-do-
9.	Ramanagar checkpoint	Bangalore District
10.	Harohalli checkpoint	-do-
11.	Aland Road checkpoint	Gulbarga District

NOTIFICATION

No. CI 126 MMN 2005, Bangalore, dated 4th January, 2006
[Karnataka Gazette, Extraordinary No. 146, dated 19-1-2006]

In exercise of the powers conferred by sub-rule (1) of Rule 43 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby direct that the following check-posts and barriers at places mentioned below shall be the check-posts and barriers for the purpose of the said rules, namely:—

Sl. No.	Places of Check-posts	Districts
(1)	(2)	(3)
(1)	Hanamasagar (under DD, ilkal)	Koppal District
(2)	Kyadiguppa	Koppal District
(3)	Maiyan (Sedam)	Gulbarga District
(4)	Mylar Guttala	Dharwad District
(5)	Gabbur	Dharwad District
(6)	Hubli	Dharwad District
(7)	Sathyagala	Chamarajanagar District
(8)	Chikhole	Chamarajanagar District
(9)	Gowribidanur Thippaganahalli	Kolar District

NOTIFICATION

No. CI 269 MMN 2009, Bangalore, dated 31st August, 2009
[Karnataka Gazette, Extraordinary No. 771, dated 1-9-2009]

In exercise of the powers conferred by sub-rule (1) of Rule 43 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby direct that:

(a) The following check-posts and barriers at places mentioned below shall be the check-posts and barriers for the purpose of the said rules, namely:—

Sl. No.	Places of Check-posts	Districts
(1)	(2)	(3)
1.	Devikoppa	Dharwad
2.	Navagadde (Ankola)	Uttara Kannada
3.	Budagumpu Cross	Koppal
4.	Bannikoppa	Koppal
5.	Metriki Cross	Hospet
6.	Bandri Cross	Hospet
7.	Bannihatti Cross	Hospet
8.	Ubbalgundi Cross	Hospet
9.	Kallahalli Cross	Hospet
10.	Mundargi (On the Bellary bypass road)	S.G. Bellary
11.	Dholked	Bijapur
12.	Nelamangala (D.D. Bangalore North)	Bangalore Rural
13.	Chowdlapura	Tumkur
14.	Somanahalli	Tumkur
15.	Malappanahatti	Chitradurga
16.	D.B. Kere	Chitradurga
17.	Yaraghatti	Belgaum
18.	Palar	Chamarajanagar

(b) The following check-posts and barriers notified earlier at places mentioned below shall not be the check-posts and barriers for the purpose of the said rules, namely:—

Sl. No.	Places of Check-posts	Districts
(1)	(2)	(3)
1.	Bajpe	Dakshina Kannada
2.	Mudipu	Dakshina Kannada
3.	Anmod	Uttara Kannada
4.	Aland Road	Gulbarga
5.	Hubli	Dharwad

NOTIFICATION

No. CI 418 MRC 92[IX], Bangalore, dated 22nd July, 1994
[Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994]

In exercise of the powers conferred by sub-rule (3) of Rule 43 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby authorises the following officers for the purposes of the said rule:—

Sl. No.	Designation	Jurisdiction
(1)	(2)	(3)
1.	Director, Department of Mines and Geology	Whole of the State
2.	Joint Directors, Department of Mines and Geology	In their respective jurisdiction
3.	Deputy Director (Mineral Administration), Department of Mines and Geology	Whole of the State
4.	Senior Geologists, Department of Mines and Geology	Respective jurisdiction
5.	Geologists, Department of Mines and Geology	Respective jurisdiction
6.	Assistant Geologists, Department of Mines and Geology	Respective jurisdiction
7.	Deputy Conservators of Forests	Respective Territorial Division

8.	The Range Forest Officers (Forest Department)	Respective Ranges
9.	Deputy Commissioners (Revenue Department)	Respective Districts
10.	Assistant Commissioners (Revenue Department)	Respective Revenue Sub-Divisions
11.	Tahsildars (Revenue Department)	Respective Taluks

[43-A. Seizing of unlawful minor mineral, tool, equipment, vehicle etc.— (1) Whenever any person raises or causes to be raised, or stored without any lawful authority, any minor mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing, such minor mineral, tool, equipment, vehicle or any other things shall be liable to be seized by an officer or authority specially empowered in this behalf.

(2) The procedure prescribed under sub-rules (6), (7), (8), (9), (10) and (11) of Rule 43 shall *mutatis mutandis* apply for seizure under sub-rule (1) of this rule and reference to officer or authority and items in the above sub-rules of Rule 43 shall have reference to officer or authority and items referred to in sub-rule (1) of this rule and shall be construed accordingly.]

44. Offences.—²[(1)] Any person who contravenes the provisions of sub-rule (1) of Rule 42 shall, on conviction be punished with imprisonment for a term which may extend to ³[two years or with fine which may extend to rupees five lakh] or with both, and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after first such contravention.

⁴[(2) Any person who undertakes any quarrying operation in respect of any minor mineral either without a licence or quarrying permit granted under these rules or in contravention of the terms

- 1 Rule 43-A Inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
- 2 Rule 44 renumbered as sub-rule (1) thereof by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
- 3 Substituted for the words "one year or with fine which may extend to rupees five thousand" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
- 4 Sub-rule (2) inserted by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.

and conditions of any licence or permit shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ¹[fifty thousand] rupees or with both and in case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.]

²[(3) Any person who undertakes any quarrying operation in respect of the minor mineral without a licence or lease ³[is liable to pay a penalty equal to ⁴[five] times of royalty].]

⁵[(4) If any lessee or licensee or his managers, employees, contractors, consumers or buyers dispatch or transport mineral without valid permit, such lessee or licensee shall be liable to pay a penalty equal to ⁶[five] times of royalty of mineral so dispatched or transported and if such dispatch or transport without valid permit happens for any subsequent times of such levy of penalty, then he shall be liable for additional levy of penalty equal to ⁷[five] times of royalty for mineral so dispatched or transported for the subsequent time also and the Competent Authority shall also order for determination of lease or licence:

Provided that, no such order of determination shall be made ⁸[without] giving the lessee or licensee an opportunity being heard.

(5) When the offender is not known or cannot be found, the Court competent, may, if he finds, that an offence has been committed, order the property in respect of which the offence has been committed to be forfeited to the State Government together

1. Substituted for the words "five thousand" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Sub-rule (3) inserted by Notification No. CI 59 MMN 2003, dated 7-10-2003, w.e.f. 5-11-2003.
3. Substituted for the words "is liable to pay a penalty of rupees five thousand or value of the mineral, whichever is higher" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
4. Substituted for the word "fifteen" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
5. Sub-rules (4) and (5) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
6. Substituted for the figures "15" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
7. Substituted for the figures "15" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
8. Substituted for the word "with" by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

with mineral, tools, equipment, vehicles or any other thing used in committing the offence and taken charge of by the authorised Officer, or to be made over to the person whom the Court competent deems to be entitled to the same:

Provided that no such order shall be made until the expiration of thirty days from the date of seizing the property, or without hearing the person, if any, claiming.]

45. Termination of lease or licence held by an offender.—

Where the holder of a lease or licence has committed an offence under sub-section (1) of Section 21 of the Act, without prejudice to the penalty for which the holder of a lease or licence is liable under that sub-section, the Competent Authority may, after such enquiry as it deems fit, terminate the quarry lease or licence held by such person.

46. Power of entry, inspection etc.—(1) Any officer empowered by the State Government by notification in this behalf (hereinafter, in this rule referred to as empowered officer) may, for the purpose of these rules require any quarry operator, lessee, licensee, dealer in minor minerals, owner or manager of granite cutting and polishing units, transporter of minor mineral, clearing and forwarding agents for granite and other specified minor minerals, to produce before him the accounts, registers and other documents and to furnish any other information relating to quarrying operation or business or trade in minor minerals.

NOTIFICATION

No. CI 418 MRC 92[X], Bangalore, dated 2nd July, 1994
[Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994]

In exercise of the powers conferred by sub-rule (1) of Rule 46 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby empowers the following Officers specified in column (2) of the table below for the purpose of the said rule within the area specified in column (3) thereof:

Sl. No.	Designation of the Officers	Area
(1)	(2)	(3)
I. Department of Mines and Geology		
1.	Director	Whole of the State

2.	Joint Directors	In their respective jurisdiction
3.	Senior Geologists	In their respective jurisdiction
4.	Geologists	In their respective jurisdiction
5.	Assistant Geologists	In their respective jurisdiction
II. Revenue Department		
1.	Deputy Commissioners	In their respective Districts
2.	Assistant Commissioners	In their respective Sub-Divisions
3.	Tahsildars	In their respective Taluks

(2) All accounts registers and other documents pertaining to the business of a dealer, lessee, licensee, the minerals in his possession or in the possession of his agent including clearing and forwarding agents or broker and their offices, godown, cutting and polishing units, factory, vehicle or any other place where the business is done or accounts are kept shall be open for entry and inspection and examination at all reasonable times by the empowered officers.

(3) If the empowered officer has reason to suspect that any dealer, lessee or licensee is attempting to evade payment of royalty or other dues under these rules, he may, for reasons to be recorded in writing, seize such mineral, accounts registers or other documents of the dealer, lessee or licensee as he may consider necessary and shall give receipt to the dealer, lessee, licensee or any other person from whose custody such mineral, accounts registers, documents are seized. The accounts registers and documents so seized shall be retained by such officer only for their examination or for any enquiry or proceedings under these rules or for prosecution:

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

Provided further that before returning the minerals, accounts registers and documents, the empowered officer may require that the dealer, lessee or licensee shall give a written undertaking that the minerals, accounts registers and documents shall be presented whenever required by the empowered officer for proceedings under these rules and that such undertaking shall be supported by a

security in such form as may be specified for a total sum calculated at the rate of five times the royalty prevailing as per Schedule II for the possession or utilisation of minerals not accounted for.

(4) The empowered officer may, after giving the dealer/ lessee/ licensee an opportunity of being heard and holding such further enquiry as he may consider fit, realise from him, the cost of the mineral for the possession or utilisation of mineral not accounted for.

(5) For the purpose of sub-rules (2) and (3), the empowered officer shall have powers to enter and search at all reasonable times, any offices, godown, stone cutting and polishing units, factory or vehicle or any other place of business or any building or place where, the empowered officer has reason to believe that the dealer, lessee or licensee keeps or for the time being keeping any mineral, accounts registers or other documents pertaining to his business or quarrying operations.

(6) Such empowered officer may, when it is not practicable to seize any books or accounts registers, documents or mineral, serve upon the dealer, lessee or licensee or the person who is in immediate possession or control thereof, an order that he shall not remove, part-with or otherwise deal with them except with the previous permission of such empowered officer who may take such steps in accordance with rules, as may be necessary for ensuring compliance of this sub-rule.

(7) The power conferred by sub-rules (4) and (5) shall include the power to break open any box or receptacle in which any accounts registers or documents of dealer, lessee or licensee may be contained or to break open the door of any premises where any such mineral, accounts registers or documents may be kept or to place marks of identification on his books of accounts, registers or documents to make or cause to be made extracts or copies thereof:

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

(8) The empowered officer may require any person,—

- (a) Who transports or holds in custody of any mineral for delivery to or on behalf of any dealer, lessee or licensee to give any information likely to be in his possession in respect of such mineral or to permit inspection thereof, as the case may be.
- (b) Who maintains or has in his possession any accounts or documents relating to the trade or quarrying operations, to produce such accounts or documents for inspection.
- (9) The provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) relating to searches shall apply, so far as may be, to the searches made under these rules.

CHAPTER VIII

Disposal of Seized or Confiscated Minor Minerals and Minor Minerals left after the Expiry or Termination of Lease: Through Auction Sale

47. Procedure for disposing seized minor minerals.—

(1) All minor minerals seized under sub-section (4) of Section 21 of the Act, sub-rule (6) of Rule 43 and minor minerals left at the quarry after the expiry or termination of lease or licence shall be disposed of by public auction ¹[with the permission of district task force committee] by an officer authorised in this behalf (hereinafter referred to as the authorised officer).

(2) The minimum rate per unit volume or weight of any minor mineral which is classified in Form-O shall be fixed in accordance with the rate specified in Schedule-III.

²[(3) Nothing in this chapter shall apply for disposal of seized or confiscated ordinary sand. The disposal of ordinary sand shall be by local sales in accordance with provisions of ³[sub-rule (3)] of Rule 31-U.]

NOTIFICATION

No. CI 418 MRC 92[XI], Bangalore, dated 2nd July, 1994
[Karnataka Gazette, Extraordinary No. 573, dated 2-7-1994]

In exercise of the powers conferred by sub-rule (1) of Rules 47 and 52 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of

1. Inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
2. Sub-rule (3) inserted by Notification No. CI 357 MMN 2012, dated 16-12-2013, w.e.f. 16-12-2013.
3. The words, brackets and figure "sub-rule (4)" corrected by Corrigendum No. CI 357 MMN 2012, dated 31-1-2014.

Karnataka hereby authorise the following officers of the Department of Mines and Geology for the purpose of the said rules:—

Sl. No.	Authorised Officers	Area
(1)	(2)	(3)
1.	Director	Whole of the State
2.	Additional Director (Minerals)	Whole of the State
3.	Joint Directors	In their respective jurisdiction
4.	Deputy Director (Mineral Administration)	Whole of the State
5.	Senior Geologists	In their respective jurisdiction
6.	Geologists	In their respective jurisdiction

48. Sale to be notified.—A notification of sale by auction shall be published in the official Gazette and in not less than two daily news-papers in Kannada and in English having wide circulation:

Provided that where the estimated value of minor minerals sought to be auctioned is less than rupees twenty-five thousand, the sale notification may be displayed on the notice board of the office of the authorised officer and the office of the Tahsildar of the concerned taluk and copies of such sale notification shall also be circulated in the locality.

49. Disqualification to bid.—No person who is black-listed or declared to be insolvent or minor or who has failed to pay State Government dues outstanding either in his name or in the name of a company owned or controlled by him or in the name of a firm in which he is a partner, shall be eligible to bid in auction.

50. Earnest money.—(1) The amount of earnest money to be deposited by a bidder shall be at the rate of twenty-five percent of the total amount of minimum rate assessed for the minor mineral lot offered for auction sale.

(2) Earnest money deposit shall be paid by the bidder through a demand draft drawn in favour of the authorised officer.

(3) Persons intending to deposit and bid as agent of another person or company or firm shall produce before the authorised officer the power of attorney duly executed by such another person or executed on behalf of such company or firm and signed either by all the directors or partners, as the case may be.

(4) Persons intending to deposit and bid as agents of Government undertakings shall produce before the authorised officer a letter of authority from the Head of such undertaking.

51. Conduct and confirmation of sale.—(1) No auction sale shall be conducted when a single bidder is present.

(2) Prior to the commencement of the auction sale, the sale conditions shall be read out and the signature of all intending purchasers shall be obtained on the sale notice in the presence of the authorised Officer in token of their having been appraised of, and having accepted, the sale conditions.

(3) If the bid of any person participating in the sale is disputed, the decision of the authorised officer on the spot shall be final and binding.

(4) The bidder in whose favour the minor mineral lots have been decided shall affix his signature in the "Auction Sale Slip Form" against the amount offered by him in token of his having accepted the correctness of the transaction entered in the Sale Slip Form.

(5) Where the highest bid in an auction sale is complete in all respects and is equal to or exceeds the minimum grade-wise price specified in Schedule-III the authorised officer shall accept the bid if it is within his power of sanction as specified in Schedule-IV and shall issue confirmation or acceptance order;

Provided that if the bid, the value of which is not within the power of sanction of the authorised officer he shall, on the same day or the next working day submit to the concerned confirming authority specified in Schedule-IV the sale records along with his opinion on the quality of material offered as per Form-O, on the general result of the sale, the demand for specified variety or type of minor mineral amongst the lots offered for auction sale and any other relevant information gathered during auction, for

confirmation and acceptance of the bid. The confirming authority shall, on accepting the bid, issue confirmation or acceptance order.

(6) The confirming authority may, before taking decision to accept the bid call for further details. The confirming authority shall as far as possible, take a decision within three days from the date of receipt of the report under sub-rule (5).

(7) Immediately on the acceptance and confirmation of the bid, the bidder shall remit the entire bid amount on the spot and obtain a receipt. It shall thereafter be the responsibility of the bidder to arrange for protection and transport of the auctioned mineral. However, the bidder shall, within fifteen days from the date of confirmation of auction, arrange to remove the minor mineral well-outside the area (outside the survey number) where the sale was conducted.

52. Penalty for non-removal of auctioned minor mineral.—Penalty as specified in Schedule-V shall be levied by the concerned Competent Authority or authorised officer for non-removal of the auctioned minor mineral or for non-payment of the final bid amount.

CHAPTER IX

Revision and Miscellaneous

53. Revision.—(1) Any person aggrieved by an order of the Competent Authority not above the rank of Additional Director may, within sixty days of the date of communication of such order apply in Form-RV to the Controlling Authority for revision of such order.

(2) Any person aggrieved by an order of the Competent Authority above the rank of Additional Director may, within sixty days from the date of communication of such order apply in Form-RV to the State Government for revision of such order:

Provided that the Controlling Authority or the State Government, as the case may be, may, if he or it is satisfied that the applicant had sufficient cause for not making the application in-time, entertain such application if it is made within a period of

thirty days from the date of expiry of the aforesaid period of sixty days.

¹[(2-A) Any person aggrieved by the order of ²[the Competent Authority or approving authority rejecting any offer or bid under Rule 31-H may] within sixty days from the date of such order apply in Form RV to the State Government for revision of such order.]

³[(2-B) Notwithstanding anything contained in these rules, any applications which are referred to the committee existed under Rule 11 before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 by the competent Court shall be considered and disposed by the State Government.]

(3) An application under ⁴[sub-rule (1) or (2) or (2-A)] shall be accompanied by a treasury challan for having paid a fee of ⁵[rupees one thousand five hundred].

(4) On receipt of an application for revision under ⁶[sub-rule (1) or (2) or (2-A)], the Controlling Authority, or as the case may be, the State Government, may call for the records of the case and pass such order thereon as he or it may deem fit:

Provided that no order under this rule shall be made to the prejudice of any person unless he has been given a reasonable opportunity of being heard.

(5) Any application for revision made under Rule 61 of the repealed Karnataka Minor Mineral Concession Rules, 1969 and pending before the Controlling Authority or the Karnataka Appellate Tribunal shall, on the commencement of these rules, stand transferred respectively to the concerned Controlling Authority or the State Government, and it shall be decided by them as if it had been filed before them.

1. Sub-rule (2-A) inserted by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
2. Substituted for the words, figures and letters "the Director rejecting any tender or offer or bid under Rule 31-I may" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
3. Sub-rule (2-B) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
4. Substituted for the words, figures and brackets "sub-rule (1) or (2)" by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.
5. Substituted for the words "rupees three hundred" by Notification No. CI 59 MMN 2003, dated 7-10-2003, w.e.f. 5-11-2003.
6. Substituted for the words, figures and brackets "sub-rule (1) or (2)" by Notification No. CI 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.

¹[(6) The revision applications pertaining to renewal of lease or licence that are pending before the Competent Revision Authority where renewal applications were filed before expiry of lease or licence shall be disposed by the Revision Authority in accordance with the rules that existed before the commencement of the KMMCR Amendment Rules, 2016.]

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

NOTIFICATION

No. CI 418 MRC 92, Bangalore, dated 4th July, 1994
[Karnataka Gazette, Extraordinary No. 577, dated 4-7-1994]

In exercise of the powers conferred by Rule 54 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby direct that the powers exercisable by it under sub-rule (1) of Rule 18 and Rule 45 shall also be exercised by the Director, Department of Mines and Geology.

NOTIFICATION

No. CI 418 MRC 92(P), Bangalore, dated 22nd March, 1995
[Karnataka Gazette, dated 23-3-1995]

S.O. 304.—In exercise of the powers conferred by Rule 54 of the Karnataka Minor Mineral Concession Rules, 1994, the Government of Karnataka hereby direct that the powers exercisable by it under Rule 53 of the said rules, in respect of non-specified minor minerals shall also be exercised by Secretary-II, Department of Commerce and Industries, Bangalore.

NOTIFICATION

No. CI 277 MMN 2016(1), Bengaluru, dated 21st September, 2016
[Karnataka Gazette, Extraordinary No. 1116, dated 23-9-2016]

In exercise of the powers conferred by Rule 54 of the Karnataka Minor Mineral Concession Rules, 1994, the State Government hereby direct that the powers exercisable by it in respect to the matters detailed below shall also be exercisable by the Commissioner/Director, Department of Mines and Geology, Khanija Bhavan, Bangalore, Government of Karnataka for the issuance of endorsement in respect of ineligible applications received for grant of specified minor mineral quarry leases under the provisions of the Karnataka Minor Mineral Concession Rules, 1994.

1. Sub-rule (6) inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

Powers of the State Government under the provisions of Rule 8-B(1) of the Karnataka Minor Mineral Concession Rules, 1994 (as Amended).

55. Power to rectify apparent mistakes.—Any clerical or arithmetical mistakes in any order passed by the Competent Authority, Director or the State Government or any other authority or officer under these rules and any error arising therein from accidental slip or omission may, within one year from the date of the order be corrected by such authority or officer, as the case may be:

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

56. Relaxation of rules in special cases.—(1) In case where the State Government is of the opinion that public interest so requires, it may authorise the grant of a quarrying lease or licence for quarrying or reserve any land on such terms and conditions other than those prescribed in these rules as the State Government may by order specify.

(2) Notwithstanding anything contained in these rules, such safeguards, territorial, financial or otherwise may be provided to the lessees or licensees with a view to safeguard the interest of any industry or trade in order to avoid unhealthy competition among the lessees and licensees and to prevent any fall in the trade and to see that the minor mineral is exploited in a scientific and systematic manner.

CASE LAW

Rule 56(1) - Powers of the Government in passing orders and issuing Notifications in exercise of their powers under Rule 56(1) - Scope - The State Government passed an order dated 5-12-1995 in exercise of their powers under Section 56(1) of the Karnataka Minor Minerals Concession Rules, 1994 relaxing the terms and conditions of quarrying lease specified in sub-rule (2) of Rule 8 permitting grant of quarrying lease in respect of non-specified minor minerals namely, sand, laterite and solly stones from the forest areas for the construction of residential buildings and other developmental works. **Held**, Deputy Conservator of Forest or for that sake any Authority appointed under the Rules will be competent to grant quarrying licence, pursuant to the said Order and Notification in any forest area, except under and in accordance with the prior approval of the Central Government in terms of Section 2 of the Forest (Conservation) Act, 1980. (*Ganaba Kashinath Gaankar and Others Vs. The Chief Secretary, State of Karnataka and Others*, ILR 1997(2) Kar. 1329)

[57. Application of these rules for renewal.—***.]**

58. Repeal and saving.—The Karnataka Minor Mineral Concession Rules, 1969 are hereby repealed:

Provided that the repeal shall not affect the previous operation of the repealed rules, and, anything done or any action taken thereunder shall be deemed to have been done or taken under the corresponding provisions of these rules.

[59. Transitory Provisions.—All the applications received before 12th January, 2015 for grant of mining lease with respect to 31 major minerals, which are now classified as minor minerals vide Government of India notification number S.O. 423(E), dated 10-2-2015 shall be deemed to have been applied under these rules and shall be disposed in accordance with Rule 8-B of these rules:

Provided that, in case if there is evidence of major mineral in such area then the lease for such minor mineral shall not be granted.]

[60. Special provision for lease or licences granted on or after 16-6-2015, but before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, for which lease deed have not been executed before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.—All leases or licences granted on or after 16-6-2015 but before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 which have not been executed any lease deed or licence deed as on the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 shall pay, in addition to royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or licence granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighbouring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic

1. Rule 57 omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Rule 59 substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
3. Rules 60 and 61 inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31-3-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate shall become the final rate for the Average Additional Periodic Payment:

Provided that when such Royalty and Average Additional Periodic Payment is paid, the payment to the District Mineral Foundation by the concerned lessee or licence holder, as the case may be, shall be as payable by holders of lease in an auction.

61. Removal of difficulty.—If any difficulty arises in giving effect to the provisions of ¹[the Karnataka Minor Mineral Concession (Amendment) Rules, 2016], the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of these rules, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this rule after the expiry of a period of two years from the commencement of the said rules.]

1. Corrected by Corrigendum No. CI 418 MMN 2015(P-II), dated 26-11-2016.

[SCHEDULE I
[See sub-rule (1) of Rule 36]

Dead Rent

Sl. No.	Name of the Mineral	Rate per acre per Annum Rs.
(1)	(2)	(3)
1.	Ornamental and Decorative Building Stones. As defined under clause (m) of Rule 2(1)	37,500/-
2.	Felsite and its varieties suitable for use as Ornamental Stones	37,500/-
3.	Quarzite and Sandstone and their varieties suitable for use as Ornamental Stones	37,500/-
4.	Marble and crystalline Limestone as Ornamental Stone	37,500/-
5.	Bentonite	27,500/-
6.	Fullers Earth	27,500/-
7.	Limestone under the title "SHAHABAD STONE"	16,500/-
8.	Limestone (non-cement)	16,500/-
9.	Ordinary Building Stones as defined under clause (g) of Rule 2(1):	
	(a) Bangalore, Kolar, Mysore, Mandya and Tumkur	18,750/-
	(b) Other Districts	11,000/-
10.	Lime Shell	16,500/-
11.	Lime Kankar	16,500/-
12.	Agate, Chalcedony	16,500/-
13.	Ordinary Sand Entire State	11,000/-
14.	Brick and Tile clays	5,500/-

1. Schedules I and II substituted by Notification No. CI 81 MMN 2014, dated 18-2-2014, w.e.f. 1-3-2014.

15.	Steatite used for making household articles	11,000/-
16.	Sandstone used for making household articles	11,000/-
17.	Murram	4,000/-
¹ [18.	Ball clay, Fire clay	11,000/-
19.	Barytes	11,000/-
20.	Calcareous Sand	16,500/-
21.	Calcite and Gypsum	16,500/-
22.	Chalk	5,500/-
23.	China clay and Kaolin	27,500/-
24.	Clay (others)	16,500/-
25.	Corundum	37,500/-
26.	Diaspore	11,000/-
27.	Dolomite	16,500/-
28.	Dunite or Pyroxenite	27,500/-
29.	Quartz, Feldspar and Mica	16,500/-
30.	Quartzite and Fuchsite Quartzite	16,500/-
31.	Jasper	16,500/-
32.	Laterite	11,000/-
33.	Ochre	16,500/-
34.	Ordinary building stone used for M-sand purpose	35,000/-
35.	Pyrophyllite	11,000/-
36.	Shale and Slate	27,500/-
37.	Silica Sand	27,500/-
38.	Steatite or Talc or Soapstone	37,500/-
39.	Sand (Others)	16,500/-
40.	All other minor minerals	5,500/-]

1. Sl No. 18 substituted as Sl. Nos. 18 to 40 by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

[SCHEDULE I-A

[See Clauses (m) and (f) of Rule 2]

PART-A Specified Minor Minerals

Sl. No.	Name of the Minor Minerals
1.	Corundum
2.	Dolomite
3.	Dunite or Pyroxenite
4.	Felsite and its varieties suitable for use as Ornamental Stones
5.	Feldspar
6.	Fuchsite Quartzite
7.	Jasper
8.	Marble or crystalline Limestone as Ornamental Stone.
9.	Mica
10.	Ornamental and decorative building Stones.
11.	Sandstone and their varieties, suitable for use as Ornamental stones.
12.	Steatite suitable for use as Ornamental stone.
13.	Silica Sand
14.	Kaolin and China Clay
15.	² [*****] ² [*****]

PART-B Non-Specified Minor Minerals

Sl. No	Name of the Minor Minerals
1.	Agate
2.	Ball clay
3.	Barytes
4.	Bentonite
5.	Brick and Tile clays
6.	Calcareous Sand

1. Schedules I-A and I-B inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. The words "Ordinary building stone" omitted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.
3. The words "and any other minor mineral used for M-sand purpose" omitted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

7.	Calcite
8.	Chalk
9.	Chalcedony
10.	Clay (others)
11.	Diaspore
12.	Fire clay
13.	Fuller's Earth
14.	Gypsum
15.	Laterite
16.	Lime Kankar
17.	Lime shell used for other than industrial purpose
18.	Lime stone under title "Shahabad Stone" where used for building
19.	Lime stone (Non-Cement)
20.	Murraim
21.	Ochre
22.	Ordinary Sand
23.	[Ordinary Building Stone]
24.	Pyrophyllite
25.	Quartz
26.	Quartzite
27.	Sand (others)
28.	Sandstone used for making household articles
29.	Shale
30.	Slate
31.	Stearite or Talc or Soapstone
32.	All other minor minerals

1. Substituted for the words "Ordinary Building Stones for other than M-Sand purpose" omitted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

SCHEDULE I-B

[See sub-rule (5) of Rule 8-A]

List of Mineral Based Industries

Sl. No.	Name of the Minor Mineral	Mineral Based Industry
1.	Dolomite	Cement and Lime Industry
2.	Feldspar and Kaolin (crude and processed)	Ceramic Industry
3.	Ornamental and Decorative Stones	Granite Cutting and Polishing Units including 100% Export Orient Units
4.	Silica Sand	Glass Industry and Ferro Foundries
5.	Ordinary Building Stone and any other minor mineral used for M-Sand Purpose	M-Sand Manufacturing Units]

[SCHEDULE II

[See sub-rule (1) of Rule 36]

ROYALTY

Sl. No.	Name of the Mineral	Royalty
(1)	(2)	(3)
1.	Ornamental and Decorative Building Stones as defined under clause (m) of Rule 2 (A) Dyke Rock (i) Black granites: (a) Chamarajanagar District	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 4,500 per m ³ whichever is higher

1. Schedule II substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016

	(b) All other Districts other than (a) above	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 1,500 per m ³ whichever is higher
	(ii) Other varieties of dyke other than black granites (Entire State)	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 1,500 per m ³ whichever is higher.
	(B) (1) Pink and Red Granites (Ilkal Pink Variety)	
	(i) Hungunda and Badami Taluk of Bagalkot District, Kustagi of Koppal District.	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 1,200 per m ³ whichever is higher.
	(ii) Pink and Red granites, Gneisses and their structural Varieties (other than Ilkal Pink Variety)	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 1,800 per m ³ whichever is higher.
	(C) Grey and White Granites and their varieties:	
	(i) Very fine grained Grey granite (Sira grey Variety) Chinthamani, Siddlaghatta of Chikkaballapura District Hoskote of Bangalore District.	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 1,350 per m ³ whichever is higher.
	(ii) Grey and white granites and their textural varieties having shades of grey, black and white colours (other than (i) above) Entire State.	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 1,050 per m ³ whichever is higher.
	[(iii) Grey Granite of Devanahalli Taluk of Bangalore Rural District.]	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 600 per m ³ whichever is higher.
2.	Felsite and its varieties suitable for use as Ornamental Stone - Entire State	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 1,800 per m ³

1. Clause (iii) substituted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

3.	Quartzite and sand stone and their varieties suitable for use as Ornamental Stones - Entire State	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 1,800 per m ³
4.	Marble and Crystalline Limestone as ornamental stone - Entire State	15% of Sale Value or of Average Selling Price on <i>ad valorem</i> basis or Rs. 1,800 per m ³
5.	Bentonite - Entire State	Rs. 400 per MT
6.	Fullers Earth - Entire State	Rs. 125 per MT
7.	Buff colour (waste) The permits should not exceed 20% of permit issued For Fullers Earth	Rs. 60/- per MT
8.	Limestone under the title "Shahabad Stone"	Rs. 70/- per 10 sq. meters or Rs. 70/- per MT
9.	Limestone (non-cement) when used for Building' stone - Entire State	Rs. 25/- per MT
10.	Ordinary Building Stones (Entire State as defined under clause (g) of Rule 2(1))	Rs. 60/- per MT
11.	Lime Shell - Entire State	Rs. 100/- per MT
12.	Lime Kankar (Non-cement) - Entire State	Rs. 50/- per MT
13.	Agate, Chalcedony, Flint - Entire State	Rs. 240/- per MT
14.	Ordinary Sand - Entire State	Rs. 60/- per MT
15.	Steatite and sandstone used for making household utensils/ articles - Entire State	Rs. 40/- per MT
16.	(a) Murram (All types of soils) - Entire State	Rs. 20/- per MT
	(b) Clay used for manufacturing tiles and bricks.	Rs. 40/- per MT

17.	All other minerals - Entire State.	30% of sale value at pit mouth on <i>ad valorem</i> basis
18.	Waste rocks generated in ornamental stone quarry - Entire State (see explanation under Rule 36)	Rs. 300/- per MT or Rs. 850/- per m ²
19.	Irregular shaped waste rock generated in Ornamental stone quarry, which is not suitable for ornamental purpose - Entire State.	Rs. 60/- per MT
20.	Waste rocks generated in Shahabad stone quarry - Entire State (see explanation under Rule 36)	Rs. 60/- per MT
21.	Finished Kerb Stones/ cubes not exceeding 30 cms each face - Entire State.	Rs. 110/- per MT
22.	Barytes	6.5% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
23.	Calcite	15% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
24.	China clay and Kaolin (including Ball clay and White shell, White clay) (a) Crude (b) Processed	8% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis 12% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
25.	Clay (others)	Rs. 40 per MT
26.	Corundum	12% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
27.	Dolomite	Rs. 75 per MT

28.	Dunite and Pyroxenite	Rs. 30 per MT
29.	Felsite (other than for ornamental purpose)	12% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
30.	Fire clay	12% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
31.	Gypsum	20% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
32.	Jasper	12% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
33.	Quartz, Feldspar	15% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
34.	Mica	4% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
35.	Quartzite & Fuchsite Quartzite	12% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
36.	Laterite	Rs. 60 per MT
37.	Ochre	Rs. 24 per MT
38.	Pyrophyllite	20% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
39.	Shale	Rs. 60 per MT
40.	Slate	Rs. 45 per MT
41.	Silica Sand	10% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis
42.	Steatite or Talc or Soapstone (other than for household articles)	18% of Average Selling Price or of Sale Value whichever is higher on <i>ad valorem</i> basis

Note: MT means Metric Tonne.]

[SCHEDULE II-A]

²[See Rule 15-A)]

Minimum area for grant of quarry lease

Sl. No.	Name of the Minor Mineral	Minimum area (in Acres, Guntas)
1.	Ornamental and decorative building stones. As defined under clause (m) of Rule 2(1)	2.20
2.	Felsite and its varieties suitable for use as Ornamental Stones	2.20
3.	Quartzite and sandstone and their varieties suitable for use as Ornamental Stones	2.20
4.	Marble or crystalline Limestone as Ornamental Stone	2.20
5.	Bentonite	1.00
6.	Fullers Earth	1.00
7.	Limestone under title "Shahabad Stone"	³ [1.00]
8.	Limestone (non-cement)	1.00
9.	Ordinary Building Stones as defined under clause (g) of Rule 2(1)	⁴ [1.00]
10.	Lime Shell	1.00
11.	Lime Kankar	1.00
12.	Agate and chalcedony	1.00
13.	Ordinary Sand	⁵ [5.00]
14.	Brick and tile clays	1.00
15.	Steatite used for making household articles	1.00

1. Schedule II-A inserted by Notification No. CI 357 MMN 2012, Bangalore, dated 16-12-2013, w.e.f. 16-12-2013.
2. Substituted for the brackets, words, letters and figures "(See Rules 15-A, 25-A and sub-rule (1-A) of Rule 32)" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016
3. Substituted for the figures "0.20" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
4. Substituted for the figures "0.20" by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
5. Substituted for the figures "10.00" by Notification No. CI 170 MMN 2014, dated 1-9-2014, w.e.f. 1-10-2014.

16.	Sandstone used for making household articles	1.00
17.	Murram	1.00
[18.	Ball clay, Fire clay	1.00
19.	Barytes	1.00
20.	Calcareous Sand	2.20
21.	Calcite and Gypsum	2.20
22.	Chalk	1.00
23.	China clay and Kaolin	10.00
24.	Clay (others)	1.00
25.	Corundum	2.20
26.	Diaspore	1.00
27.	Dolomite	10.00
28.	Dunite or Pyroxenite	2.20
29.	Quartz, Feldspar and Mica	2.20
30.	Quartzite and Fuchsite Quartzite	2.20
² [30.	Sand (patta land)	5.00]
31.	Jasper	2.20
32.	Laterite	1.00
33.	Ochre	2.20
34.	Pyrophyllite	1.00
35.	Shale and Slate	1.00
36.	Silica Sand	10.00
37.	Steatite or Talc or Soapstone	1.00
38.	Sand (Others)	12.20
39.	Ordinary building stone used for M-sand purpose	5.00
40.	All other minor minerals	1.00]

1. Sl. No. 18 substituted as Sl. Nos. 18 to 40 by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.
2. Sl. No. 30 inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017. [Note: Sl. Nos. 18 to 40 already existing so, it should be Sl. No. 30-A.]

SCHEDULE III*[See sub-rule (2) of Rule 47]***Minimum Rate per Unit Volume or Weight of Minor Minerals**

Sl. No.	Classification Code (As per Form 'O')	Unit of Measurement	Minimum Rate
1.	Lst	Tonnes	Rs. 40/tonne
2.	Lsh	Tonnes	Rs. 30/tonne
3.	(i) Bst-1	Tonnes	Rs. 50/tonne
	(ii) Bst-2	Number of Stones	Re. 1/size stone
	(iii) Bst-3	Tonnes	Rs. 30/tonne
4.	OS	Tonnes	Rs. 30/tonne
5.	Pbl	Tonnes	Rs. 50/tonne
6.	Cly	Tonnes	Rs. 20/tonne
7.	Flr	Tonnes	Rs. 250/tonne
8.	(i) B(O)	Number of bricks	Rs. 500/1000 bricks
	(ii) B(M)	Number of bricks	Rs. 750
9.	Sh.St	Sq. Mt.	Rs. 300/10 Sq.mt.
10.	Granites		
(1)	(a) BLG-1	Cu. Mt.	Rs. 500/- Cu.mt.
	(b) BLG-2	Cu. Mt.	Rs. 1,500/- Cu.mt.
	(c) BLG-3	Cu. Mt.	Rs. 3,000/- Cu.mt.
	(d) BLG-4(i)	Cu. Mt.	Rs. 6,000/- Cu.mt.
	(e) BLG-4(ii)	Cu. Mt.	Rs. 10,000/- Cu.mt.
	(f) BLG-5	Cu. Mt.	Rs. 2,000/- Cu.mt.
(2)	(a) PNG-1	Cu. Mt.	Rs. 500/- Cu.mt.
	(b) PNG-2	Cu. Mt.	Rs. 1,500/- Cu.mt.
	(c) PNG-3	Cu. Mt.	Rs. 2,000/- Cu.mt.
	(d) PNG-4(i)	Cu. Mt.	Rs. 5,000/- Cu.mt.
	PNG-4(ii)	Cu. Mt.	Rs. 10,000/- Cu.mt.

	(e) PNG-5	Cu. Mt.	Rs. 2,000/- Cu.mt.
(3)	(a) PGM-1	Cu. Mt.	Rs. 500/- Cu.mt.
	(b) PGM-2(i)	Cu. Mt.	Rs. 1,500/- Cu.mt.
	PGM-2(ii)	Cu. Mt.	Rs. 2,500/- Cu.mt.
(4)	(a) GRG-1	Cu. Mt.	Rs. 300/- Cu.mt.
	(b) GRG-2	Cu. Mt.	Rs. 2,000/- Cu.mt.
	(c) GRG-3	Cu. Mt.	Rs. 5,000/- Cu.mt.
	(d) WYG	Cu. Mt.	Rs. 1,500/- Cu.mt.

[SCHEDULE IV*[See sub-rule (5) of Rule 51]***Auction sale confirming authorities**

Sl. No.	Name of Authorised Officers	Maximum value of auction lot (Rs.)	Confirming Authority
(1)	(2)	(3)	(4)
1.	Tahsildar having jurisdiction over the Taluk	Upto Rs. 5 lakhs	Deputy Commissioner
2.	Assistant Commissioner having jurisdiction over the sub-division	Exceeding Rs. 5 lakhs not exceeding Rs. 10 lakhs	Deputy Commissioner
3.	Deputy Director/Senior Geologist having jurisdiction over the district	Exceeding Rs. 10 lakhs not exceeding Rs. 25 lakhs	Deputy Commissioner
4.	Joint Director or any Officer authorised by the Director	Exceeding Rs. 25 lakhs not exceeding Rs. 50 lakhs	Director
5.	Director	Exceeding Rs. 50 lakhs	Government]

SCHEDULE V*[See Rule 52]***Penalty for Non-removal of Minor Mineral and/or Non-payment of Final Bid Amount thereby Causing Inconvenience**

Sl. No.	Category of Minor Mineral	Penalty Amount
1.	Non-specified minor mineral	Forfeiture of the earnest money paid as per Rule 50
2.	Specified minor minerals other than granites	Forfeiture of the earnest money paid as per Rule-50 and black-listing the bidder so that the bidder in his Company/Firm cannot take part in future auctioning
3.	Granites (all types mentioned in Form 'O')	Forfeiture of the earnest money paid as per Rule 50, and black listing

**[SCHEDULE VI
Institutions/Banks/Corporations**

1.	A Scheduled Bank as defined in clause (e) of Section 2 of the Reserve Bank of India Act, 1934 (2 of 1934).
2.	A Bank specified in column 2 of the First Schedule to the Banking Corporation (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).
3.	A Finance Corporation owned and controlled by a State Government.
4.	A State Industrial Development Corporation.
5.	Unit Trust of India.
6.	Industrial Finance Corporation of India.

1. Schedule 6 inserted by Notification No. CI. 418 MRC 92, dated 6-5-1995, w.e.f. 6-5-1995

7.	State Trading Corporation of India.
8.	Industrial Credit and Investment Corporation of India.
9.	Life Insurance Corporation of India.
10.	Industrial Development Bank of India.
11.	Industrial Reconstruction Corporation of India Limited, Calcutta.
12.	State Industrial Corporation of Maharashtra.
13.	General Insurance Corporation of India and its four subsidiaries, viz., (1) Oriental Insurance Company, New Delhi. (2) New India Assurance Company, Bombay. (3) National Insurance Company, Calcutta and (4) United Insurance Company, Madras.
14.	The Export and Import Bank of India.
15.	The National Bank of Agricultural and Rural Development.]

FORM AQL

[See Rules 9, 21, 33 and 34]

Application for Grant of Quarrying Lease/Quarrying Licence

for.....(Name of the minor mineral).

(To be submitted in duplicate with sketches in triplicate)

Received at(place), on.....(date) and entered
in the Register (Form QLA), Vol. No.....at Serial No.....on
page No.....

Signature and
Designation of Receiving Officer.

From

.....

.....

To

.....

.....

Sir,

I/We submit an application for grant of quarrying lease/licence for
quarrying.....(minor mineral) for a period of..... years
over an extent of.....acres of land in the area specified in this
application.

A total sum of Rs.....being the security deposit calculated
at Rs.....per acre and Rs.....being the application fee
has been paid to Government *vide* D.D. No./Challan No.....
dated.....for Rs.....and Rs.....respectively.

The required particulars are given below.—

1. Name of the applicant with permanent and correspondence address in full.
2. Is the applicant a Government Company/Firm/Association or Registered co-operative society
3. (a) Names of the Directors/Members and their Nationality (use a separate sheet).
(b) Nationality of the individual applicant.
4. Place and address of registration of the Company/Firm/Association/Registered Co-operative Society.

5. Profession or nature of business of the applicant.
6. Minor mineral which the applicant intends to quarry (if it is any type of granite, description of colour and texture/structure be given in brief).
7. Period for which quarrying lease/licence is required.
8. Details of the area applied for:—

District	Taluk	Village	Survey No.	Extent of	Applied area
(a)		(b)	(c)	(d)	(e)

(to be supported by)

- (a) Ammonia print of Village plan Forest land in triplicate, on scale 1" = 660 ft. or 1" = 330 ft. showing the area applied.
 - (b) R.R. extract in original. (State clearly whether it is patta/revenue/forest land)
 - (c) Certified copies of documents to establish that the applied area is a patta land held in ex-Mysore State territory and before the promulgation of KLR Act, 1964 and that the applicant has full ownership rights in the minor mineral found in the applied area.
 - (d) Certified copies of documents to establish that the applied area is a patta land held in ex-Madras territory now comprised in Karnataka and the land was granted before 1964 and that the applicant has partial ownership rights in the minor mineral found in the applied area.
9. Particulars of areas, mineral-wise, already held under quarrying lease or licence or under Court order in individual capacity or partner/Director/member of any Company/Firm/Association/Registered Co-operative Society.

District	Taluk	Village	Survey No.	Extent of	Applied area
(a)		(b)	(c)	(d)	(e)

10. Particulars of areas, mineral-wise, already applied for quarrying lease or licence in individual name or as a partner/ Director/ member of any Company /Firm/ Association/ Registered Co-operative Society.

District	Taluk	Village	Survey No.	Extent of	Applied area
(a)	(b)	(c)	(d)	(e)	

11. If the applicant, on the date of application does not hold any quarrying lease or licence for quarrying or any area under Court order, an affidavit to this effect should be furnished with this application.
12. Proposed method of quarrying and investment.—
 (a) Mechanised/quasi mechanised/manual.
 (b) Investment in accordance with (a).
13. Whether the applicant is the owner of an existing granite cutting and polishing unit established in the State of Karnataka. If so furnish details regarding.—
 (a) Name of the Unit.
 (b) Date of establishment.
 (c) Location and address of the unit.
 (d) Capacity of the unit in terms of production in square metre per annum and total requirement of granite blocks expressed in cubic metres per annum.
14. Whether the applicant is the owner of a S.S.I. Granite cutting and polishing unit in the State? If so furnish details regarding the following with supporting documents.—
 (a) Name of the Unit.
 (b) Date of establishment.
 (c) Location and address of the Unit.

- (d) Capacity of the plant in terms of production. In square metre per annum and total requirement of granite blocks expressed in cubic metres per annum.
15. Whether the applicant holds a licence for establishing 100% E.O. granite cutting and polishing unit in the State of Karnataka. (Enclose copy of the certificate).
16. Whether the applicant holds a permanent S.S.I. Registration Certificate. If so furnish details with copies.
17. Whether the applicant is the owner or has any proposal to establish any mineral based industry in the state. If so furnish details such as the capacity, location *etc.*, as regards.—
 (a) Stone crusher
 (b) Brick manufacturing kiln
 (c) Tile manufacturing kiln
 (d) Stoneware unit/Hollow brick manufacturing unit
 (e) Lime burning unit
 (f) Any other
18. Financial resources of the applicant; (Furnish Banker's credit certificate).
19. Any other particulars which the applicant wishes to furnish.
- I/We hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, plans, sketches *etc.*, as may be required by you.
- Yours faithfully
- Date: _____ Signature of the applicant.
- Place: _____
- Note.— (1) If the application is signed by an authorised agent, the power of attorney should be attached.
 (2) Delete whichever is not applicable.

FORM R*[See sub-rule (2) of Rules 9, 21, 34 and sub-rule (1) of Rule 33]***Application for Renewal of Quarrying Lease/
Quarrying Licence**

(To be submitted in duplicate with sketches in triplicate)

Received at.....(place) on..... (date)
and entered in the registered (Form QLA), Vol. No.....at
Sl. No.....on page.....

Signature and designation of
Receiving Officer.

From

.....

.....

To

.....

.....

Sir,

I/We submit an application for the renewal of the quarrying lease No.
..... or quarrying licence No..... under the
Karnataka Minor Mineral Concession Rules, 1994.

The required particulars are given below:—

1. Name and address of the applicant stating whether he or it is an individual, Firm, Company or Society.
2. Mineral for which the renewal is applied.
3. Particulars of the original quarrying lease/licence.—
 - (a) District
 - (b) Taluk
 - (c) Village/Forest block or range.
 - (d) Sy. No.(s)
 - (e) Total extent in acres.
 - (f) No. and date of the order granting the lease/licence (Enclose copy of the original lease/licence deed).

- (g) Period for which the lease/licence was granted.
- (h) Date of expiry of the lease/licence.
4. Details about the area in regard to which renewal is applied for:—
 - (a) Whether the area applied for is the whole or a part of the lease/licence held?
 - (b) In case it is for a part of the lease/licence held.—
 - (i) The extent of the area to be renewed.
 - (ii) Sy. No.
 - (iii) Whether the area sketch is enclosed showing the area applied for renewal?
5. Details of production and despatches and royalty paid during the last 3 years.
6. Details of production and despatches made from the mineral based industry during the past three years.
7. Period for which the renewal is applied for.
8. Have all dues on the existing quarry been paid to Government? If so attach no due certificate from the Director.
9. Any other particulars which the applicant wishes to furnish.

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

Yours faithfully,

Place:

Date:

Signature of the applicant.

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

FORM A

[See sub-rule (3) of Rules 9, 21, sub-rule (4) of Rule 34]

Acknowledgement for Receipt of Application for Quarrying Lease/Quarrying Licence

Received one application for..... (name the minor mineral) in Sy. No.....Extent..... (Revenue land/Forest land/Patta land in.....Village, of.....Taluk of.....District from Sri/M/s.....on (date).....

Enclosures are as follows:—

- (1)
- (2)
- (3)
- (4)
- (5)

Place:

Date:

To

.....

Signature of the
 Competent Authority

[FORM Q(a)]

[See Clause (vii) of Rule 31-Y]

Monthly Returns for the Month of.....

Important: Please return this form duly filled to the Commissioner/Director of Mines and Geology, Bangalore, the Chairman, District Committee and the Member Secretary of the Committee on or before 5th day of the succeeding month.

- (1) Name and Address of the lessee/licensee
- (2) Q.L. No.....Date of grant.....Date of expiry.....
- (3) Sand Sale price fixed for MT/M³ Rs.....
- (4) Royalty paid during the month Rs.....Progressive from the month of in Rs.....

1. Forms Q(a) and Q(b) inserted by Notification No. CI 84 MMN 2009(3), dated 2-7-2011, w.e.f. 2-7-2011 and substituted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016

- (5) Total No. of CMDP's issued with quantity
 - (a) Total No. of CMDP's
 - (b) Total quantity (in MTs)
 - (c) Total quantity at dump yard/stock yard (in MTs).....
- (6) River stretch and its sand blocks, Production and Dispatch of river sand quarried details.

Month	Name of the River and River Stretch in kms. Taluk and District	Portion of the River Stretch Sand Block No. and its Geo Co-ordinates Details	Extent in Acres	Survey No. and Village	Quantity Permitted from the DEIAA/ SEIAA/ MoEF (in MTs.)	Production (in MTs.)	Dispatch (in MTs.)
Total							

Date:

Signature of the Lessee/Licensee.

FORM Q(b)

[See Clause (vii) of Rule 31-Y]

Quarterly Returns for the Period from..... to.....

Important: Please return this form duly filled to the Commissioner/Director of Mines and Geology, Bangalore, the Chairman, District Committee and the Member Secretary of the Committee on or before 5th day of the succeeding month

- (1) Name and Address of the lessee/licensee
- (2) Q.L. No.....Date of grant.....Date of expiry.....
- (3) Sand Sale price fixed for MT/M³ Rs.....
- (4) Royalty paid during the
 - (a) Rs..... for the month of.....
 - (b) Rs..... for the month of.....
 - (c) Rs..... for the month of.....
- (5) Total Royalty paid for 3 months Rs.....Progressive for the year Rs.....
- (6) Total No. of CMDP's issued with quantity
 - (a) Total No. of CMDP's.....

(b) Total quantity (in MTs).....

(c) Total quantity at dump yard/stock yard (in MTs).....

- (7) River stretch and its sand blocks, Production and Dispatch of river sand quarried details.

Month	Name of the River and River Stretch in kms. Taluk and District	Portion of the River Stretch Sand Block No. and its Geo Co-ordinates Details	Extent in Acres	Survey No. and Village	Quantity Permitted from the DEIAA/ SEIAA/ MoEF (in MTs.)	Production (in MTs.)	Dispatch (in MTs.)
Total							

Date:

Signature of the Lessee/Licensee.]

¹[FORM JIR*[See Clauses (ii), (iii), (iv), (v) and (vi) of ²[sub-rule (1-C)] of Rule 31-R]***Joint Inspection and Recommendation Report**

- (1) Quarriable Sand Reserve Details (Deposit should be shown in I' = 660' and the same should be enclosed with this report).

Sl. No.	Name of the River, River Stretch in kms Taluk and District	Blocks Details and Mineable Sand Reserves						Extent in Acres	Survey No. and Village	Block No.
		Portion of the River Stretch Sand Block and its Geo Co-ordinates Details	Length of the Block Recommended for Mineral Concession (in Mtr)	Average Width of the Block Recommended for Mineral Concession (in Mtr)	Depth of the Sand Block Recommended for Mineral Concession (in Mtr)	Total Area of the Block Recommended for Mineral Concession (in sq. mts)	Total Quarriable Mineral Potential in the Block (in MTs.)			
1.										
Total										

1. Form JIR inserted by Notification No. CI 41e MMN 2015(Part), dated 12-8-2016, w.e.l. 12-8-2016.

2. EDITORIAL NOTICE: [it should be sub-rule (3) and sub-rule (4).]

- (2) Are there any public structures like bridges, drinking water tanks and irrigation tanks within 500 mts from the sand blocks of the river stretch? If so, give details and indicate them on the river stretch and its blocks map.
- (3) Whether the area was held previously for sand quarrying by the Public Works Ports and Inland Water Transport Department. If so give sand production and dispatch details of the last quarry period, year.

Sl. No.	Name of the River, Taluk and District	Portion of the River Stretch Sand Block and its Geo Co-ordinates Details	Extent in Acres	Survey No. and Village	Block No.	Production (in Mts.)	Dispatch (in Mts.)
1.							
Total							

- (4) Whether any river stretch and its blocks are reserved for the purpose of Government works or for Ashraya or low income group housing. If yes, give details.

Sl. No.	Name of the River, Taluk and District	Block No.	Geo Co-ordinates Details	Total Quantity of Quarriable Sand Reserves (in Mts)	Extent in Acres	Survey No. and Village
1.						
Total						

- (5) Whether any river stretch and its blocks is required to declare as Cluster. If yes, give details.

Sl. No.	Name of the River, Taluk and District	Block No.	Geo Co-ordinates Details	Total Quantity of Quarriable Sand Reserves (in Mts)	Extent in Acres	Survey No. and Village
1.						
Total						

- (6) Whether any river stretch and its blocks contravene the forest/land revenue, acts and its rules. If yes, give details.

Sl. No.	Name of the River, Taluk and District	Block No.	Geo Co-ordinates Details	Total Quantity of Quarriable Sand Reserves (in Mts)	Extent in Acres	Survey No. and Village	Brief information
1.							
Total							

- (7) Whether any river stretch and its blocks comes under the eco-sensitive zone or not. If yes, give details.

Sl. No.	Name of the River, Taluk and District	Block No.	Geo Co-ordinates Details	Total Quantity of Quarriable Sand Reserves (in Mts)	Extent in Acres	Survey No. and Village	Brief Information
1.							
Total							

- (8) For sand quarrying clear recommendation of the Joint Inspecting Officers (Along with this report, all necessary maps, village maps and Geological sections should be enclosed).

Date:

Signature of the Inspecting Officers.]

2. Sl. No. 30 inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017. [Note: Sl. Nos. 18 to 40 already existing so, it should be Sl. No. 30-A.]

[FORM 2[RAQP]

[See Clause (c) of sub-rule (1) of Rule 13]

Register of Applicants for Quarry Licence in Patta Land

Sl. No.	Date of Application and Purpose	Date on Which the Application is Received	Name of the Pattadar with Full Address	Name of the Applicant with Full Address (if not same as (4))
(1)	(2)	(3)	(4)	(5)

Particulars of Applied Area

District	Taluk	Village/Forest Range	Sy. No.	Extent in Acres	Name of the Minor Mineral
(6)	(7)	(8)	(9)	(10)	(11)

Other Details

Particulars of the Amount Paid	Final Disposal of the Application Together with No. and Date of Order	Remarks	Signature of the Officer
(12)	(13)	(14)	(15)

1. Form OLA substituted as Form AWPL, Form WPL, Form CLN and Form CL by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

2. NOTE: Sea Corrigandum No. CI 418 MMN 2015(P-II), dated 26-11-2018.

FORM [RQL]*[See clause (d) of sub-rule (1) of Rule 13]***Register of Quarry Licence**

Sl. No.	Name of the Holder of Quarry Licence with Full Address (Permanent and Correspondence)	Date of Issuing Quarry Licence with Order No.	Date of Execution of Quarry Licence and Period	Quarry Licence No.
(1)	(2)	(3)	(4)	(5)

Particulars of Land Permitted/Licensed					
District	Taluk	Village/Forest Range	Sy. No.	Extent in Acres	Name of the Minor Mineral
(6)	(7)	(8)	(9)	(10)	(11)

Other Details	
Particulars of the Amount Paid	Remarks
(12)	(13)

FORM CLN*[See Clause (e) of sub-rule (1) of Rule 13]***Register of Notifications for Composite Licence by e-Auction**

Sl. No.	Name of the Minor Mineral(s)	District	Taluk	Name of the Village/ Forest Range
(1)	(2)	(3)	(4)	(5)

1. NOTE: See Corrigendum No. CI 418 MMN 2015(P-II), dated 26-11-2016.

Block No.	Extent in Acres-Guntas	Reservation Category of the Block	Notification No. and Date	Last Date to Issue Bidding Documents	Date of e-Auction	Remarks and Additional Information
(6)	(7)	(8)	(9)	(10)	(11)	(12)

FORM CL*[See Clause (f) of sub-rule (1) of Rule 13]***Register of Composite Licence**

Sl. No.	Name of the Holder of Composite Licence with Full Address (Permanent and Correspondence)	Date of Issuing Prospecting Licence with Order No.	Date of Execution of Prospecting Licence and Period	Composite Licence No.	Details of Final Bid Accepted
(1)	(2)	(3)	(4)	(5)	(6)

Particulars of Land Licensed						Other Details
District	Taluk	Village/ Forest Range	Sy. No.	Extent in Acres	Name of the Minor Mineral(s)	Particulars of Amount Paid
(7)	(8)	(9)	(10)	(11)	(12)	(13)

Details of Quarry Lease				
Name of the Holder of Quarry Lease, if other than Holder of Composite Licence with Full Address (Permanent and Correspondence)	Details of Final Bid Accepted	Details of Sy. No., Extent, Name of Minor Mineral(s), if any Changes From the Prospecting Licence	Date of Quarry Lease Executed and Period	Remarks and Payment Details, if any
(14)	(15)	(18)	(17)	(18))

FORM QL¹[See Rules 14 and 24]**Register of Quarrying Lease/Quarrying Licence**

Sl. No.	Name of the applicant and full address (Permanent and Correspondence) land	Date of grant	Date of execution	Revenue land/Forest/ Patta/Private
(1)	(2)	(3)	(4)	(5)

Particulars of land leased/permited				
District	Taluk	Village	Extent of the area	Name of the Mineral
(6)	(7)	(8)	(9)	(10)

Period for which the lease/ licence/renewal is granted	Amount of security deposit paid	Remarks
(11)	(12)	(13)

1. **EDITORIAL NOTE:** Rules 14 and 24 omitted by Notification No. CI 418 MMN 2015 (Part), dated 12-8-2016, w.e.f. 12-8-2016.

¹[FORM QLN**Register of Notifications for Quarry Lease by Tender-cum-Auction**

Sl. No.	Name of the Minor Mineral	Survey Number	Extent in Acres-Guntas	Name of Revenue Village	Taluk
(1)	(2)	(3)	(4)	(5)	(6)

District	Period of Lease	Date of Notification	Last date for receipt of Tender	Date and time of Auction
(7)	(8)	(9)	(10)	(11)

Place of Auction	Remarks and Additional information
(12)	(13)

²[FORM RKP

[See Rule 42-A]

Rake Permit

Name of Lessee/lessee's:

Ql. No's:

Location:

Quantity of Mineral:

Type of Mineral:

Royalty paid: Rs.

1. Forms QLN and T inserted by Notification No. CI 418 MRC 92, dated 6-5-1995, w.e.f. 6-5-1995.
 2. Form RKP Inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

Final Destination:

MDRO Details:

Signature of the Competent Authority.

To:

CC: Jurisdictional concerned Department:]

FORM T¹[See Rules 31-Q and 34-A]**Model form for transfer of quarrying lease/licence**

When the transferor is an individual.....The indenture made this..... day of.....19.....between..... (Name of the person with address and occupation) (hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

When the transferors are more than one individual.....(Name of the person with address and occupation) and.....(Name of person with address and occupation) (hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns).

When the transferor is a registered firm.....(Name of the person with address of all the partners) all carrying on business in partnership under the firm name and style of.....(Name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at.....(hereinafter referred to as the "transferor" which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

When the transferor is a registered company.....(Name of company) a company registered under.....(Act under which incorporated) and having its registered office at.....(Address) (hereinafter referred to as the "transferor" which expression shall where the context so admits, be deemed to include its successors and permitted assigns) of the first part)

1. EDITORIAL NOTE: Now see Rules 31-M and 31-N.

And

And when the transferee is an individual.....(Name of person with address and occupation) (hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns).

When the transferee is a Registered firm,.....(Name and address of all the partners all carrying on business in partnership under the firm name and style of).....(Name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at.....(hereinafter referred to as the "transferee" which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

Where the transferee is a registered company:.....(Name of the company) a Company registered under (Act under which incorporated) and having its registered office at.....(Address) (hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the second part.

And

The Governor of.....(hereinafter referred to as the "State Government" which expression shall where the context so admits be deemed to include the successors and assigns of the third part.

WHEREAS, by virtue of an indenture of lease dated the..... and registered.....on (date) in the office of the Sub-Registrar of.... (place) (hereinafter referred to as lease) the original whereof is attached hereto and marked as "A" entered into between the State Government (therein called the lessor) and the transferor (therein called as lessee), the transferor is entitled to quarrying the Minor Mineral in respect of..... (Name of Mineral/s) in the lands described in schedule thereto and also in schedule annexed hereto for the term and subject to the payment of the dead rent and royalty and observance and performance of the lessee's licence's covenant and conditions in the said deed of lease/licence, reserved and contained including a covenant not to assign the lease/licence or any interest thereunder without the previous sanction of the Competent Authority.

And whereas, the transferor is now desirous of transferring and assigning the lease/licence to the transferee and the Competent Authority has, at the request of the transferor, granted permission to the transferor *vide* order No.....dated.....to such a transfer and assignment of the lease/licence upon the condition of the transferee

entering into an agreement is and containing the terms and conditions hereinafter set forth.

Now this Deed witnesseth as follows:

1. The transferee hereby covenants with the State Government that from and after the transfer and assignment of the lease, the transferee shall be bound by, and be liable to perform, observe and conform and be subject to all the provisions of all the covenants, stipulations and conditions contained in said hereinbefore recited lease/licence in the same manner in all respects as if the lease/licence had been granted to the transferee as the lessee/licensee thereunder and he had originally executed it as such.
2. It is further hereby agreed and declared by the transferor of the one part and the transferee of the other part that:
 - (i) The transferor and the transferee declare that they have ensured the mineral rights over the area for which the quarrying lease/licence is being transferred vest in the State Government.
 - (ii) The transferor hereby declares that he has not assigned subject, mortgage or in any other manner transferred the quarrying lease/licence now being transferred and that no other person or persons has any right, title or interest whereunder in the present quarrying lease/licence being transferred.
 - (iii) The transferor further declares that he has not entered into or made any agreements, contract or understanding whereby he had been or is being directly or indirectly financed to a substantial extent by or under which the transferors operation or understanding were or are being substantially controlled by any person or body of persons other than the transferor.
 - (iv) The transferee hereby declares that he/she has accepted all the conditions and liabilities which the transferor was having in respect of such quarrying lease/licence.
 - (v) The transferee further declares that he is financially capable of and will directly undertake quarrying operations.
 - (vi) The transferee further declares that he has filed an affidavit stating that he has filed upto date income-tax Returns, paid the income-tax assessed on him and paid all income-tax on the basis of self assessment as provided in the Income-tax Act, 1961 (Act No. 43 of 1961).

- (vii) The transferor has supplied to the transferee the original or certified copies of application of abandoned workings in the area and in a belt 65 meters wide surrounding it.
- (viii) The transferor has paid all the rent, royalties, dead rent and other dues towards Government as on date, in respect of this lease/licensee.

In witness whereof, the parties hereto have signed on the date and year first above written.

SCHEDULE

All that tract of lands situated at:.....(Description of area or areas).....in.....village,.....taluk, district, bearing cadestral Survey Nos..... containing an area of.....or thereby delineated on the plan hereto annexed and thereon coloured.....and bounded as follows:

On the North by :
 On the South by :
 On the East by :
 and
 On the West by :

Signed by

For and on behalf of the
 State Government in presence of:

1.

2.

Signature of Transferor
 in the presence of witnesses:

1.

2.

Signature of Transferee
 in the presence of:

1.

2.]

[FORM-U]*[See clause (a) of Rule 31-ZH]***Accounts Registers and other documents**

Name of Dealer:

License No:

Name of Minor Mineral:

Place of Stock Yard:

Date and Year	Opening Balance	Name and Address of Importer from whom the mineral received	Quantity of each purchase (in M.T.s)	Purchase price	Total Quantity sold (in M.T)	Sale price realized	Balance of stock

Date:

Place:

Name and Signature of Dealer

FORM-V*[See clause (b) of Rule 31-ZH]***Stock Register to be maintained by a dealer**

Name of Dealer:

License No:

Name of Minor Mineral:

Place of Stock Yard:

Date/ Year	Opening Balance	Name and Address of Importer from whom the mineral Received	Total Quantity of each Purchase (in M.T)	Total Quantity sold (in M.T)	Balance of stock (in M.T)	Remark

Date:

Place:

Name and Signature of Dealer

1. FORM-U, FORM-V, FORM-OL, FORM-GR, FORM-VS, FORM-IR and FORM-IS inserted by Notification No. CI 302 MMN 2017, dated 16-11-2017, w.e.f. 18-11-2017.

FORM-DL*[See clause (a) of sub-rule (2) of Rule 31-ZG]***Application for Dealer's License or Renewal**

To,

The Competent Officer,

Sir.

I/We requested that a dealer's License to stock and sell minor minerals under the Karnataka Minor Mineral Concession Rules, 1994 be granted/ renewed to me/us.

The fee of Rs. 10,000/- payable for the grant/renewal of dealer's license has been paid and Treasury Challan Receipt. No..... dated..... is enclosed in original.

The required particulars are given below:—

1. Name of applicant with complete address, Phone / Fax Nos. and email address:
2. Is the applicant a individual/company/firm or Association?
3. In case application is,—
 - (a) an individual's, his nationality:
 - (b) a private company, give details of certificate of registration:
 - (c) a public company, give details of company registered under Indian Companies Act, 2013.
 - (d) a firm or association, Give details of firm registered under '[Indian Partnership Act, 1839.]
4. Name of Minor Minerals (s) to be sold:-
5. Quantity to be stocked during the year:-
6. Details of the location of the Depot:-
(Address, Sy. No. etc. of the area in which the depot is situated are to be furnished along with GPS Co-ordinate location map.)
7. Particulars of the previous dealer's license, If applying for renewal:
8. Detail of the Importer:

I/We do hereby declare that particulars furnished above are correct and am/are ready to furnish other details including security deposit etc. as may be required by you.

Place:

Yours faithfully,

Date:

Name and Designation of the applicant

1. EDITORIAL NOTE: See Indian Partnership Act, 1932.

FORM-GR*[See clause (a) of sub-rule (3) of Rule 31-ZG]***Grant or Renewal of License**

[A Dealer's License to sell stock and exhibit for sale of minor mineral under the Karnataka Minor Mineral Concession Rules, 1994]

..... is hereby licensed to sell stock and exhibit for sale under mentioned minor mineral(s)

1. Name of minor mineral(s):-
2. Quantity allowed to be stocked during the year:- (Mineral-wise)
3. Location of the office and depot:-

* Validity of Licence: From.....To.....

CONDITIONS OF THE LICENCE

1. This license shall be displayed in a prominent place in a part of the premises open to the public.
2. The dealer shall afford all facilities for seeking his accounts and verifying the stock of minor mineral(s) and shall furnish fully and correctly any information in his Possession as may be required by the Competent Officer or any person authorized by the Competent Officer in that behalf.
3. The dealer shall display in a prominent place in a part of the premise the price list of minor mineral(s) offered for sale by him.

Dated this..... Day of.....20.....

Signature and seal of the Competent Officer.

FORM-VS*[See sub-rule (6) of Rule 43]***Seizure of Vehicle**

Sub: Endorsement in respect of Seizure of Vehicle or Property under the provision of Rule of KMMC Rules, 1994.

The mineral carrying vehicle has been verified on..... at..... place or Check post.....Taluk.....District. The driver or Owner of the vehicle fail to produce the valid permit (MDP) before me for the mineral which is being transported during transit as required under sub-rule (6) of Rule 43 of KMMC Rules, 1994.

On the above grounds, the following vehicle or property has been seized and details are given as under:

Sl. No	Name of the Vehicle Owner/Driver and address	Registration no. of vehicle	Name of the mineral	Quantity (M.T/CUM)

Competent Authority
Department of Mines and Geology.

To,

Name of Owner or Driver of Vehicle

.....

.....

FORM-IR*[See sub-rule (1) of Rule 31-ZF]***Application for grant of registration for importer of sand**

To,

The Competent Officer,

Sir,

I/We requested to register as Importer of sand under the Karnataka Minor Mineral Concession Rules, 1994 be registered to me/us.

The fee of Rs. 25,000/- payable for registration to Importer of sand has been paid and Treasury Challan Receipt No.....dated..... is enclosed in original.

The required particulars are given below:—

1. Name of applicant with complete address, Phone/Mobile/ Fax Nos. and email address:
2. Is the applicant a individual/company/firm or Association?
3. In case applicant is,—
 - (a) an individual's, his nationality:-

- (b) a private company, give details of certificate of registration:
- (c) a public company, give details of company registered under Indian Companies Act, 2013.
- (d) a firm or association, Give details of firm registered under 'Indian Partnership Act, 1839.]
4. Name of Minor Minerals(s) to be imported:-
5. Name of the Country from which sand is imported:-
6. Quantity to be imported during the year:-
7. Details of the Port from which sand is imported:-
8. Any other information

I/We do hereby declare that particulars furnished above are correct and am/are ready to furnish other details including security deposit etc. as may be required by you.

Place: Yours faithfully,

Date: Name and Designation of the applicant.

FORM-IS

[See sub-rule (4) of Rule 31-ZF]

Submission of quarterly report by the Importer of Sand

Name of the Importer of sand:

Registration No:

Name of Minor Mineral:

Date	Opening Balance	From whom to purchased		Total	To whom to sold		Balance of stock	Remark
		Quantity	Price		Quantity	Price		

Date:

Place: Name and Signature of Importer]

1. EDITORIAL NOTE: See Indian Partnership Act, 1932.

FORM S

¹[See Rule 22 and sub-rule (2) of Rule 33]

Inspection Report of Applied Area for Quarry Lease/Licence

1. Name of applicant
2. Status (State Government undertaking/
Central Government Regd. Co., Corporation/
Individual
3. Mineral applied
- 4.

Extent	Survey No.	Village	Taluk	District
(1)	(2)	(3)	(4)	(5)

II.

1. Whether Government land/Private land/
Forest land
2. Are there any public structures like Roads, Bridges, Residences, places of worship, Irrigation tanks, Forts etc., within 200 mt/ 50 mt. of the applied area? If so, give details and indicate them on the applied area map.
3. Whether the area was held previously under QL by either the applicant or others? If so, give details

QL. No.	Name of lessee	w.e.f.	Expiry date	Type of orn. stn.
(1)	(2)	(3)	(4)	(5)

4. Court orders held by the applicant or by others over the applied area, with details, district-wise.

District	W.P. No.	Name of the petitioner	Date of Order	Extent of Land	Sy. No.	Village	Taluk
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

1. EDITORIAL NOTE: Rule 22 omitted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016 and Rule 33 omitted by Notification No. CI 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014.

5. Whether consent of the land owner has been obtained before making the application over private land; details to be furnished.
6. Whether the applicant has an existing granite cutting and polishing industry in Karnataka? Details to be furnished with copies of supporting documents and capacity of the unit.
 - (a) Whether 100% E.O.U. or SSI
 - (b) Location
 - (c) Cubic metres per month/year
 - (d) Sq. mt. per month/year. (Tiles, Slabs, Monuments)
7. Whether the applicant has a distinct industrial programme for utilisation of granite in a cutting and polishing unit within the State of Karnataka?

III. Field Details

1. Total length and average width of the dyke/ Granite formation (Geological description of the deposit) (Use a separate sheet to give these details)
2. Approximate reserve of quarriable ornamental stone in Cu. Mt. upto 10m depth from the present surface of the applied area. The deposit should be shown on 1" = 660' and the same enclosed with this report (Use a separate sheet to give these details)

IV.

1. Whether the land is reserved for any public purpose?
2. If quarrying is done in the applied area is it going to harm the surrounding environment? If so in what manner? specify.
3. Any other point of relevance
4. Specific recommendation of the Inspecting Officer. (Whether the area is free for grant or not, specify)

Signature of the Inspecting Officer

Remarks of the Forwarding Officer.
(If different from the Inspecting Officer)

GOVERNMENT OF KARNATAKA

Office of the Director
Department of Mines and Geology
Address:

No.....

Dated.....

FORM GL

¹[[See sub-rule (5) of Rule 11, Rule 27 and sub-rule (2) of Rule 33]

NOTIFICATION

1. In pursuance of Rule..... of the KMMC Rules, 1994 sanction is hereby ²[accorded for grant/first renewal/second renewal of a quarry lease/licence for quarrying].....(Mineral) for..... years to Smt./Sri/M/s.....over an extent of.....acres of.....(Revenue/Forest/Private) land in Sy. Nos..... of.....Village,..... Taluk..... District, as per the enclosed sketch.

2. The grant of the above lease/licence for quarrying is subject to the terms and conditions mentioned hereunder.—

- (a) Quarrying lease/licence shall be in respect of..... minor mineral only. If any other minor mineral(s) is/are found in association with the said minor mineral, it/they should be brought to the notice of the Competent Authority and if the lessee/licensee desires to quarry these minerals also he should do so only after the consent of the Competent Authority is obtained in writing.
- (b) The lessee/licensee shall at his own expense erect and at all times maintain and keep in good repair, boundary pillars and marks which are necessary to indicate the boundaries of the area.
- (c) Quarrying work should not be started based on this Notification. Quarrying should be started only after executing the lease deed/licence deed.

1. EDITORIAL NOTE: Rule 11 substituted by Notification No. CI 418 MMN 2015 (Part), dated 12-8-2016, w.e.f. 12-8-2016 and Rule 27 omitted by Notification No. CI 418 MMN 2015 (Part), dated 12-8-2016, w.e.f. 12-8-2016 and Rule 33 omitted by Notification No. CI 350 MMN 2013, dated 5-3-2014, w.e.f. 5-3-2014.
2. Substituted for the words "accorded for grant of quarry lease/licence for quarrying" by Notification No. CI. 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.

- (d) A board should be displayed boldly at the entrance to the quarry lease or the land granted on quarrying licence giving details of the name of the quarry, lease/licence number, and owner's name and address and date of the execution of the lease deed/licence.
- (e) Dead rent at rate prescribed in Schedule I of KMMC Rules, 1994 and Royalty at the rate prescribed in Schedule II of KMMC Rules, 1994 shall be payable by the lessee in accordance with these rules.
- (f) Government or the controlling authority shall have the right of purchasing the minor mineral at market prices prevailing at the time of such purchase.
- (g) The grant of this quarrying lease/licence for quarrying shall be subject to the various other provisions of the KMMC Rules, 1994.
- (h) The grantee shall be governed by all additional conditions which may be incorporated into the lease deed at the time of execution of the licence deed.
- (i) The lease/licence would be determined if the lessee or the holder of the licence fails to commence quarrying operations within one year from the date of execution of the lease/licence.

Competent Authority

To

.....
.....

Note: The grantee should execute the formal licence/lease deed in Form No.....within a period of.....months from the date of the order sanctioning the quarrying lease, failing which the order of sanctioning this quarrying lease/ licence for quarrying be deemed to have been revoked under Rule.....of the KMMC Rules, 1994.

Copy to:

1. The Controlling Authority (Director of Mines and Geology).
2. The Senior Geologist, ... District.
3. The Geologist, ... District.
4. The Deputy Commissioner, ... District.
5. The Tahsildar, ... Taluk.

Competent Authority.

[FORM GL-C
(See sub-rule (6) of Rule 8)
Conditional Grant

To,

Name of Applicant/Lessee/Licencee

Address, District

Sub: Conditional grant with reference to grant of Quarrying lease for..... Name of Applicant/Lessee/ Licensee..... of.....Taluk..... Village.....S.Nos.....over an extent of..... Hectare/Acres..

1. Background:

In pursuance of sub-rule (6) of Rule 8 of KMMC Rules, 1994 sanction is hereby accorded for conditional grant (Form GL-C) before the issuance of final grant (Form GL) which is valid for thirty days from the date of issue to Smt./Sri/M/s.....over an extent of.....acres of Revenue/Forest/Private land in Sy. Nos. of Village..... Taluk..... District, as per enclosed sketch.

2. Terms and Conditions.— The conditional grant is issued subject to following terms and conditions, namely:—

- (1) If the Controlling Authority does not receive any objection from the concerned Deputy Commissioner or the Tahsildar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director or Senior Geologist as the case may be within thirty days of issuance, final grant shall be issued to the successful bidder as per Form GL of the KMMC Rules, 1994;
- (2) In case of objections received from the concerned Deputy Commissioner or the Tahsildar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director or Senior Geologist as the case may be, within thirty days, this conditional grant shall be terminated and shall not longer be valid; and
- (3) Quarrying work should not be started based on this notification. Quarrying shall be started only after executing the lease deed or license deed.

3. Validity.— This letter of conditional grant is valid for a period of thirty days from the date of its issuance.

Competent Authority
Department of Mines and Geology]

FORM Q*[See sub-rule (10) of Rule 18]*

Quarterly returns for the period from.....to.....

Quarry lease No.....Licence No.....

IMPORTANT

Please return this form duly filled to the Director of Mines and Geology, Bangalore; the concerned Competent Authority and the Geologist before the 8th of the succeeding month.

Date:

- (1) Quarry lease/licence number
- (2) Name of lessee/licensee
- (3) No. and date of order granting the quarry lease/licence
- (4) Location of the quarry,
 - (a) Village/Forest Range
 - (b) Taluk
 - (c) District
- (5) Royalty paid during the last three months and progressive
 - (1) Royalty
 - (a) Rs.....for the month of.....
 - (b) Rs.....for the month of.....
 - (c) Rs.....for the month of.....

Total for	Progressive
3 month.....	for the year.....
- (6) Total number of permits obtained with volume/quantity
 - (a) For the last 3 months.....Nos.
 - (b) Volume in cu.mt.....
 - (c) Quantity in tonnes.....
- (7) Production of minor mineral Quantity.....tonnes/Cu. mt.
- (8) Despatches

- (a) To the mineral based industry owned by the lessee/licensee
 - (b) To the mineral based industry owned by others
(Mineral based industry includes cutting and polishing units, stone crusher etc.)
 - (9) Quantity/volume of minor mineral in stock at the quarry as on date.....
 - (10) No. of workers employed at the quarry:
 - (a) Supervisors.....
 - (b) Skilled.....
 - (c) Unskilled.....
- Signature of the lessee/licensee

[FORM-W]
[See Rule 31-ZI]

Submission of statement of accounts by dealer

Name of Dealer :-
 License No :-
 Name of Minor Mineral :-
 For the Month of :-

Opening Balance (M.T)	Quantity purchased (M.T.)	From whom purchased	Price paid	To whom to sold (Name and Address)	Quantity sold (M.T)	MDP (Trip sheet) No. of each sale	Sale price	Balance quantity (M.T)
1	2	3	4	5	6	7	8	9

Date:

Place:

Name and Signature of Dealer]

FORM Y*[See sub-rule (10) of Rule 18]***Annual return for the year ending 31st March, 199.....**

Quarry lease No.....

Licence No.....

To

The Director of Mines and Geology, Bangalore
 Senior Geologist.....District,
 Geologist.....District.

1. Name and address of the lessee/licensee
2. Location of the quarry
 - (a) Q.L. No..... Date of grant.....Date of expiry.....
 - (b) Village/Forest Range
 - (c) Taluk
 - (d) District
3. Location & address of the Mineral based industry owned by the lessee/licensee
4. Total production
 - (a) in tonnes
 - (b) in cu.metres
 - (c) in sq.metres
(in case of Shahabad stone)
5. Total quantity of despatches

	To the mineral based industry	For export	To others
(a) in tonnes			
(b) in cu. mt			
(c) in sq. mt.			
6. Total quantity in stock at the quarry head as at the end of March.....(year)			
7. Dead rent paid during the year			
8. Royalty paid during the year			
9. Total number of permits obtained	(a) Nos		
	(b) Quantity.....		

10. Performance of granite cutting and polishing unit.
 - (a) Total quantity utilised: cu.mt.
 - (b) Quantity produced
 - (i) Slabs.....sq.mt.
 - (ii) Tiles.....sq.mt.
 - (iii) Monuments and others.....sq.mt.
11. Quantity of waste rocks disposed during the year
 - (a) Quantity
 - (b) Royalty paid

I/We hereby certify that the above particulars are true and that I/we am/are willing to produce all documents in support thereof, if desired.

Date: _____ Signature _____

Place: _____ Name and address of the lessee/licensee _____

¹FORM Y(a)*[See clause (vii) of Rule 31-Y]***Annual Returns for the Year Ending 31st March**

Important: Please return this form duly filled to the Commissioner/Director of Mines and Geology, Bangalore, the Chairman, District Committee and the Member Secretary of the Committee on or before 5th day of the succeeding month.

- (1) Name and Address of the Lessee/Licensee
- (2) QL. No. Date of grant.....Date of expiry.....
- (3) Sand Sale price fixed for MT/M³ Rs
- (4) Total Royalty paid for 12 months Rs.....
- (5) Total No. of CMDP's issued in the year with quantity
 - (a) Total No. of CMDP's.....
 - (b) Total quantity (in MTs).....
 - (c) Total quantity at dump yard/stock yard (in MTs).....
- (6) River stretch and its sand blocks, Production and Dispatch of river sand quarried details.

1. Form Y(a), Form APR, Form CFQ inserted by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

Month	Name of the River and River stretch in kms. Taluk and District	Portion of the River Stretch Sand Block No. and its Geo Co-ordinates Details	Extent in Acres	Survey No. and Village	Quantity Permitted from the DEIAA/ SEIAA/ MoEF (in MTs.)	Production (in MTs.)	Dispatch (in MTs.)
Total							

Date:.....

Signature of the Lessee/Licensee.]

FORM APR*[See sub-rule (3) of Rule 31-K]***Yearly report of prospecting operations carried out**

To,

The Competent Authority
Department of Mines and Geology

1. Type of the Mineral for Which Prospecting Operations has been Granted : (a)
(b)
2. Name and Address of the Licensee :
3. Particulars of the Prospecting Licensee :
 - (i) Date of Execution :
 - (ii) Period: Years: From: To:
 - (iii) Area Under Licence : Acres/Hectares
 - (iv) Composite Licence No. :
4. Location of the Prospecting Licenced Area :
 - (i) Topo sheet No.:
 - (ii) Cadastral Survey or Khasra No. :
 - (iii) Village:
Taluk:

District:

State:

(iv) Post Office:

Police Station:

(v) Nearest Railway Station:

Distance:

5. Particulars of the geologist or qualified person employed optionally, if any, for the prospecting licenced area:

(i) Name and Address:

(ii) Qualification:

(iii) Date of Appointment:

(iv) Status of Employment: Whole time:

Part-time:

6. Status of Prospecting Operations:

In Progress:

Please tick mark one whichever is applicable

☐ Completed☐ Abandoned

7. Total Surface Area Covered by Prospecting Work (Hectare):

8. Prospecting Work Completed During the Year:

(a) Geological Mapping: Area in Hectare: Scale:

(b) Pitting

(i) No. of Pits:

(ii) Grid Pattern:

(iii) Depth (MTs.) Average :

Maximum :

Minimum :

(c) Trenching

(i) No. of Trenches (With Interval):

(ii) Length (MTs.) Average :

Maximum :

Minimum :

(d) No. and Size of Samples:

(e) Drilling:

- (i) No. of Boreholes Completed During the Year
(With Size of Core):
- (ii) No. of Boreholes in Progress:
- (iii) Total Yearly Drilling (MTs.):
- (f) Particulars of Drilling
Machines: Type:
 Make Capacity:
 No. of Drills:
- (g) Details of Samples Tested:
(i) No. of Samples Tested:
(ii) Complete Report:
(testing the suitability as per market requirement)

Place:

Signature

Date:

Name in Full
Designation

Note.—Please enclose a geological report describing the prospecting operations undertaken so far accompanied by the detailed geological plans and sections showing structures details such as joints, fractures, folds, grain size, texture, etc., and also showing locations of (a) bore hole, (b) pits, (c) trenches (d) sample position, etc. The report shall also contain the bore hole logs and inferences drawn as a result of the study of the geology of the area and the interpretation of bore hole cores, pits, trenches, reserves of mineral and complete report of at least two representative samples indicating stone quality and suitability as per market requirements and the blocks proposed for quarrying operations.

FORM CFQ

[See sub-rule (8) of Rule 32]

CONSENT LETTER FOR QUARRYING

(To be Presented by the Applicant along with the
Application for Quarrying)

Date:.....

To,

(The Competent Authority),
Department of Mines and Geology,
Office of.....
.....District
Karnataka.

Dear Sir,

Sub: Consent Letter to carry out quarrying
activities in the private land.

The undersigned I/we being owner/owners/Legal heirs of Private land bearing Sy. No of village Taluk, ... District measuring an extent of Acres/Hectares do hereby give my/our consent to Sri/Smt./M/s..... resident of to apply for quarrying licence and to carry out quarrying activities of mineral/s available in the said schedule property.

I/We hereby declare that this consent has been given after understanding the provisions of sub-rule (8) of Rule 32 of KMMCR, 1994 and that the consent shall not be withdrawn for any reason during the pendency of the application for grant of quarrying licence or during the currency of the quarrying licence granted in favour of the applicant.

The schedule of the property having consent for quarrying is as follows:

Sy. No, Extent: Acres/Hectares, Village:.....
Taluk:.....

North :

South :

East :

West :

Signature of the Consentee/s

Signature of Consenter/s

1.

1.

2.

2.

Witness:

(1)

(2)

Note.—Name and Full Address of the above signatories shall be specified and shall submit relevant proof of address.]

FORM O

[See sub-rule (2) and Rule 47]

Classification of Minor Minerals for purpose of Rule 47

Sl. No.	Description of Minor Minerals		Mineral Code
(1)	(2)		(3)
		A. (in lots of 100 tonnes or less)	
1.	Lime stone (Non-Cement)		Lst
2.	Lime shell		Lsh
3.	Building Stones: (i) Aggregates or jelly (ii) Size stones (iii) Boulders and other varieties		Bst-1 Bst-2 Bst-3
4.	Ordinary sand		OS
5.	Pebbles		Pbl
6.	Clays		Cly
7.	Fuller's earth		FLR
		B. (in lots of 10,000 bricks/tiles or less)	
8.	Bricks (i) Ordinary (ii) Moulded bricks (Wire cut)		B(O) B(M)
		C. (in lots of 1000 sq.mt. or less)	
9.	Shahabad stones		Sh.st.
		D. (in lots of 25 Cu. Mt. or less)	
10.	Granites: (1) Dolerite and Gabbro Dykes "Black and Green" Granites (a) With veins/fractures and other defects and unsized		BLG-1

	(b) Green and grey coloured without defects.		BLG-2
	(c) Dark grey (without defects)		BLG-3
	(d) Jet black & super black "Galaxy Black" etc., without defects (i) Size < 1 Cu.mt. (ii) Size > 1 Cu.mt.		BLG-4(i), (ii)
	(e) Other varieties of "Black granites" dykes without defects		BLG-5
	(2) Pink Granites: (a) With veins/fractures and other defects and unsized (b) Pale pink granites & pale pink porphyritic granites (c) Pink/red/brown granite with white spots (d) Brown/pink/red/rose granite and porphyritic granites (i) < 1 M ³ (ii) > 1 M ³ (e) Other varieties of pink granites and porphyritic granites without defects.		PNG-1 PNG-2 PNG-3 PNG-4 PNG-5
	(3) Pink Gneisses and Migmatites: (multicoloured granites) (a) With fractures and large black patches and unsized		PGM-1

	(b) Pink Gneisses and Migmatites of all varieties without defects (i) < 1 M ³ (ii) > 1 M ³		PGM-2
	(4) Grey and White Granites: (a) With veins, fractures, black patches etc. and unsized (b) Grey granites, grey gneisses and porphyrites without defect (c) Very fine grained, "Sira type" grey granite (d) White and yellow varieties		GRG-1 GRG-2 GRG-3 WYG
11.	Waste rocks (waste minor minerals) generated during quarrying of specified minor minerals and Shahabad Stones		

DEPARTMENT OF MINES AND GEOLOGY

FORM-AP

[See Rule 42]

Application for Mineral Despatch Permit

(in short, **PERMIT**)

To

Sri/Messrs.....

Dated:

1. I/We submit an application for PERMIT, for.....(mineral from the area described below):
2. Name of the applicant stating whether he or it is an individual, firm, company or society.
3. Address of the applicant:

4. Minor Mineral for which the PERMIT is applied for (name the minor mineral specifically as given in the licence/lease deed; otherwise, in case of granite, state whether it is a black granite dyke, green granite dyke, pink granite, pink porphyritic granite, multicolour granite, grey granite, grey porphyritic granite, yellow granite etc.
5. Quantity to be removed under the permit
 - (a) No. of blocks (How many?)
 - (b) Length x breadth x height of each block
 - (c) Cubic metres of each block
 - (d) Total volume in Cu.mt
 - (e) Tonnes
 - (f) Square metres
6. Whether royalty on the material has been paid, if so, give details.
 - (a) Demand draft No
Date
7. Details of the area from which the minor mineral is to be removed:
 - (a) Village/Forest Range:
 - (b) Survey Number/s:
 - (c) Quarry lease No:
 - (d) Quarry licence No:
8. Stock at the Quarry Head:
 - (a) At the end of previous month;
No. of blocks and volume in Cu.mt
 - (b) On the day of submission of this application;
No. of blocks and volume in Cu.mt.
9. Whether the minor mineral is to be transported from any other stock yard other than the quarry? If so give the following details:
 - (a) Location of the stockyard
 - (b) Whether the mineral is covered under royalty/PERMIT? If so give details.

10. Destination

- (a) For export through Mangalore/
Madras/any other.
- (b) For domestic consumption:
If so give the name of the place/Taluk/District.
- (c) If for a granite cutting and polishing
unit name the unit with address.

11. Is the quarry held under a Court order?
If so furnish details:

- (a) W/P No.....Date of order
(enclose certified copy)
- (b) Location of the quarry, survey No.
extent village, taluk, district, patta/
revenue/for, etc

12. If this application is for renewal of
PERMIT? If so give valid reasons.

I/We/am/are fully aware of the rules and shall abide by them.

Place: _____ Yours faithfully,

Date: _____ Signature of the applicant

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

(To be filled in by Office of the Officer granting the permit)

1. Date of grant/refusal of permit:
2. Period of grant:
3. Quantity for which the permit is valid:
4. Royalty paid: Rs.....; DD No.....; Date.....
5. Permit No.....Date.....
6. Details of entry in the quarry permit register:
Place.....
Date..... Signature and Designation of Officer

FORM RV

[See Rule 53]

Application for Revision

1. Name and Address of individual/Firm/
Company/Registered Co-operative Society/
Association.
2. Profession or nature of business.
3. Full details of the order of the Competent
Authority/Director/Deputy Director/Joint
Director/Additional Director against which
the revision application is made (copy to be
enclosed).
4. Minor mineral forming the subject-matter of
the revision application
5. Details of the area in respect of which the
revision application is filed. (A sketch of the
area or village plan is to be attached).

Type of Land	District	Taluk	Village	Sl. No.	Extent
(a) Revenue					
(b) Forest					
(c) Patta					

6. (a) Is the application filed within sixty days
of the date of the order of the Competent
Authority/Director and others as in Sl.
No. 3 above.
(b) Is the application within 30 days after
expiry of sixty days?
7. Grounds of revision
8. If the revision application is filed by the
holder of power of Attorney, please attach the
power of Attorney.

Place: _____ Signature and Designation of the
Date: _____ Applicant/Power of Attorney Holder.

ಮೂಲ ಪ್ರತಿ

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ
ಖನಿಜ ಉಪಖನಿಜ ಸಾಗಣೆ ಪರವಾನಿಗೆ
(FORM MDP)

ಪ್ರಸ್ತುತದ ಸಂಖ್ಯೆ	ದಿನಾಂಕ
ಪರವಾನಿಗೆ ಚೀಟಿ ಸಂಖ್ಯೆ	ವೇಳೆ
ತಾತ್ಕಾಲಿಕ ಕಲ್ಲುಗಣಿ ಪರ್ಮಿಟ್/ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ/ಗಣಿ ಗುತ್ತಿಗೆ	ಸಂಖ್ಯೆ
ಹೈಕೋರ್ಟ್ ಆದೇಶ W/P ನಂ.	ದಿನಾಂಕ
ಗುತ್ತಿಗೆದಾರರ ಹೆಸರು	
ಉಪಖನಿಜ/ಖನಿಜದ ಹೆಸರು	
ಸರ್ವೆ ನಂ.	ಗ್ರಾಮ
ತಾಲ್ಲೂಕು	ಜಿಲ್ಲೆ
ಖನಿಜದ ಒಟ್ಟು ತೂಕ/ಗಾತ್ರ*	
ರಾಜಧನ ವಸೂಲಾಗಿರುವ ಮೊತ್ತ ರೂ.	
ವಾಹನದ ಸಂಖ್ಯೆ	
ಯಿಂದ.....ಗೆ	
ಗುತ್ತಿಗೆದಾರರ ಸಹಿ	
ಅವರ ಪರ ವ್ಯಕ್ತಿಯ ಸಹಿ	
ಹೆಸರು	
ವಿಳಾಸ	

ಅಧಿಕಾರಿಯ ಸಹಿ.....

ಮೊಹರು

*ವಿ.ಸೂ: ತೂಕವನ್ನು ಟನ್‌ಗಳಲ್ಲಿ ನಮೂದಿಸಬೇಕು ಗಾತ್ರ ಅಂದರೆ = ಉದ್ದ X ಅಗಲ X ಎತ್ತರ/
ಮೀಟರ್‌ಗಳಲ್ಲಿ.

ಈ ಸಾಗಾಣಿಕೆ ಪರವಾನಿಗೆಯನ್ನು ಕರ್ನಾಟಕ ಉಪಖನಿಜ ನಿಯಮಾವಳಿ, 1994ರ (KMMC Rules, 1994) ನಿಯಮ 42 ಮತ್ತು ಅದರ ಅಡಿಯ ಉಪ-ನಿಯಮಗಳ ಅನ್ವಯ ಜಾರಿ ಮಾಡಲಾಗಿದೆ.

ಈ ಪ್ರತಿಯನ್ನು ಗುತ್ತಿಗೆದಾರರು ಅಥವಾ ನ್ಯಾಯಾಲಯದ ಆಜ್ಞೆ ಪಡೆದಿರುವವರು ಇಟ್ಟುಕೊಳ್ಳತಕ್ಕದ್ದು.

(To be retained by the Lessee or Court order holder)

ದ್ವಿಪ್ರತಿ

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ
ಖನಿಜ ಉಪಖನಿಜ ಸಾಗಣೆ ಪರವಾನಿಗೆ
(FORM MDP)

ಪ್ರಸ್ತುತದ ಸಂಖ್ಯೆ	ದಿನಾಂಕ
ಪರವಾನಿಗೆ ಚೀಟಿ ಸಂಖ್ಯೆ	ವೇಳೆ
ತಾತ್ಕಾಲಿಕ ಕಲ್ಲುಗಣಿ ಪರ್ಮಿಟ್/ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ/ಗಣಿ ಗುತ್ತಿಗೆ	ಸಂಖ್ಯೆ
ಹೈಕೋರ್ಟ್ ಆದೇಶ W/P ನಂ.	ದಿನಾಂಕ
ಗುತ್ತಿಗೆದಾರರ ಹೆಸರು	
ಉಪಖನಿಜ/ಖನಿಜದ ಹೆಸರು	
ಸರ್ವೆ ನಂ.	ಗ್ರಾಮ
ತಾಲ್ಲೂಕು	ಜಿಲ್ಲೆ
ಖನಿಜದ ಒಟ್ಟು ತೂಕ/ಗಾತ್ರ*	
ರಾಜಧನ ವಸೂಲಾಗಿರುವ ಮೊತ್ತ ರೂ.	
ವಾಹನದ ಸಂಖ್ಯೆ	
ಯಿಂದ.....ಗೆ	
ಗುತ್ತಿಗೆದಾರರ ಸಹಿ	
ಅವರ ಪರ ವ್ಯಕ್ತಿಯ ಸಹಿ	
ಹೆಸರು	
ವಿಳಾಸ	

ಅಧಿಕಾರಿಯ ಸಹಿ.....

ಮೊಹರು

*ವಿ.ಸೂ: ತೂಕವನ್ನು ಟನ್‌ಗಳಲ್ಲಿ ನಮೂದಿಸಬೇಕು ಗಾತ್ರ ಅಂದರೆ = ಉದ್ದ X ಅಗಲ X ಎತ್ತರ/
ಮೀಟರ್‌ಗಳಲ್ಲಿ.

ಈ ಸಾಗಾಣಿಕೆ ಪರವಾನಿಗೆಯನ್ನು ಕರ್ನಾಟಕ ಉಪಖನಿಜ ನಿಯಮಾವಳಿ, 1994ರ (KMMC Rules, 1994) ನಿಯಮ 42 ಮತ್ತು ಅದರ ಅಡಿಯ ಉಪ-ನಿಯಮಗಳ ಅನ್ವಯ ಜಾರಿ ಮಾಡಲಾಗಿದೆ.

ಈ ಪ್ರತಿಯನ್ನು ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆಯ ಚೆಕ್‌ಪೋಸ್ಟ್‌ಗೆ ಸಲ್ಲಿಸಬೇಕು

(To be handed over at the Check-Post of the Department of Mines and Geology)

ತೃಪ್ತಿ

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ
ಖನಿಜ ಉಪಖನಿಜ ಸಾಗಣೆ ಪರವಾನಿಗೆ

(FORM MDP)

ಪುಸ್ತಕದ ಸಂಖ್ಯೆ ದಿನಾಂಕ

ಪರವಾನಿಗೆ ಚೀಟಿ ಸಂಖ್ಯೆ ವೇಳೆ

ತಾತ್ಕಾಲಿಕ ಕಲ್ಲುಗಣಿ ಪರ್ಮಿಟ್/ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ/ಗಣಿ ಗುತ್ತಿಗೆ ಸಂಖ್ಯೆ

ಫೈಕೋರ್ಟ್ ಆದೇಶ W/P ನಂ. ದಿನಾಂಕ

ಗುತ್ತಿಗೆದಾರರ ಹೆಸರು

ಉಪಖನಿಜ/ಖನಿಜದ ಹೆಸರು

ಸರ್ವೆ ನಂ. ಗ್ರಾಮ

ತಾಲ್ಲೂಕು ಜಿಲ್ಲೆ

ಖನಿಜದ ಒಟ್ಟು ತೂಕ/ಗಾತ್ರ*

ರಾಜಧನ ವಸೂಲಾಗಿರುವ ಮೊತ್ತರೂ.

ವಾಹನದ ಸಂಖ್ಯೆ

ಯಿಂದ.....ಗೆ

ಗುತ್ತಿಗೆದಾರರ ಸಹಿ

ಅವರ ಪರ ವ್ಯಕ್ತಿಯ ಸಹಿ

ಹೆಸರು

ವಿಳಾಸ

ಅಧಿಕಾರಿಯ ಸಹಿ

ಮೊಹರು

*ವಿ.ಸೂ: ತೂಕವನ್ನು ಟನ್‌ಗಳಲ್ಲಿ ನಮೂದಿಸಬೇಕು ಗಾತ್ರ ಅಂದರೆ = ಉದ್ದ X ಅಗಲ X ಎತ್ತರ/
ಮೀಟರ್‌ಗಳಲ್ಲಿ.

ಈ ಸಾಗಾಣಿಕೆ ಪರವಾನಿಗೆಯನ್ನು ಕರ್ನಾಟಕ ಉಪಖನಿಜ ನಿಯಮಾವಳಿ, 1994ರ (KMMC Rules, 1994) ನಿಯಮ 42 ಮತ್ತು ಅದರ ಅಡಿಯ ಉಪ-ನಿಯಮಗಳ ಅನ್ವಯ ಜಾರಿ ಮಾಡಲಾಗಿದೆ.

ಈ ಪ್ರತಿಯನ್ನು ವಾಹನ ಚಾಲಕ ಇಟ್ಟುಕೊಳ್ಳತಕ್ಕದ್ದು
(To be retained by the Driver till unloading)

ಚತುರ್ಥಿ ಪ್ರತಿ

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ
ಖನಿಜ ಉಪಖನಿಜ ಸಾಗಣೆ ಪರವಾನಿಗೆ

(FORM MDP)

ಪುಸ್ತಕದ ಸಂಖ್ಯೆ ದಿನಾಂಕ

ಪರವಾನಿಗೆ ಚೀಟಿ ಸಂಖ್ಯೆ ವೇಳೆ

ತಾತ್ಕಾಲಿಕ ಕಲ್ಲುಗಣಿ ಪರ್ಮಿಟ್/ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ/ಗಣಿ ಗುತ್ತಿಗೆ ಸಂಖ್ಯೆ

ಫೈಕೋರ್ಟ್ ಆದೇಶ W/P ನಂ. ದಿನಾಂಕ

ಗುತ್ತಿಗೆದಾರರ ಹೆಸರು

ಉಪಖನಿಜ/ಖನಿಜದ ಹೆಸರು

ಸರ್ವೆ ನಂ. ಗ್ರಾಮ

ತಾಲ್ಲೂಕು ಜಿಲ್ಲೆ

ಖನಿಜದ ಒಟ್ಟು ತೂಕ/ಗಾತ್ರ*

ರಾಜಧನ ವಸೂಲಾಗಿರುವ ಮೊತ್ತರೂ.

ವಾಹನದ ಸಂಖ್ಯೆ

ಯಿಂದ.....ಗೆ

ಗುತ್ತಿಗೆದಾರರ ಸಹಿ

ಅವರ ಪರ ವ್ಯಕ್ತಿಯ ಸಹಿ

ಹೆಸರು

ವಿಳಾಸ

ಅಧಿಕಾರಿಯ ಸಹಿ

ಮೊಹರು

*ವಿ.ಸೂ: ತೂಕವನ್ನು ಟನ್‌ಗಳಲ್ಲಿ ನಮೂದಿಸಬೇಕು ಗಾತ್ರ ಅಂದರೆ = ಉದ್ದ X ಅಗಲ X ಎತ್ತರ/
ಮೀಟರ್‌ಗಳಲ್ಲಿ.

ಈ ಸಾಗಾಣಿಕೆ ಪರವಾನಿಗೆಯನ್ನು ಕರ್ನಾಟಕ ಉಪಖನಿಜ ನಿಯಮಾವಳಿ, 1994ರ (KMMC Rules, 1994) ನಿಯಮ 42 ಮತ್ತು ಅದರ ಅಡಿಯ ಉಪ-ನಿಯಮಗಳ ಅನ್ವಯ ಜಾರಿ ಮಾಡಲಾಗಿದೆ.

ಕಛೇರಿ ಪ್ರತಿ

(Office Copy)

[FORM MDP(A)]*[See sub-rule (1) of Rule 42]***Government of Karnataka****Department of Mines and Geology****MINERAL DISPATCH PERMIT (In Duplicate)**

Permit No :
 Tripsheet No. : Lease No.
 Barcode : Sl. No.
 Tripsheet Type : Type Land:
 Validity :
 Lessee Name :
 Taluk/District :
 Mineral/Grade :
 Royalty (Rs.) : Quantity:
 Loading Place :
 Buyer :
 Route :
 Destination :
 Purpose :

Block	Length (CM)	Breadth (cm)	Height (cm)	Volume.cu.mt.
Total Volume				
Total Block(S)				

Vehicle No :

Lessee Copy :}

[GOVERNMENT OF KARNATAKA**FORM MDRO***[See sub-rule (3) Rule 42]*

Date/Time:

MDRO Date:

Government of Karnataka
 Department of Mines and Geology
 MDRO for Trip Sheet (MDP)

MDRO No.:

Lease No.:

Lease Name:

Address:

Mineral:

Mineral Grade:

Place of Loading:

Route:

Destination:

Total Quantity:

Total Royalty Rs.:

PWD fees:

Buyer:

Permit Purpose:

DSC No.

Beneficiation Plant:

TIN No.:

Note:- This is a Mineral Despatch Release Order not valid for the transportation of minerals.

Signature
 Deputy Director,
 District.]

FORM E Quarrying Lease Deed

For Specified Minor Mineral/Non-specified Minor Mineral

Registered No.

Name of Lessee/Licensee

Date of grant

Period

FORM E Quarrying Lease/Quarrying Licence

(Specified Minor Mineral/Non-specified Minor Mineral)

The INDENTURE made this.....day of.....19.....

Between the Governor of Karnataka. (hereinafter referred to as the "State Government" which expression shall, where the context so admits be deemed to include his successors in office and assigns) of the one part and when the lessee/licensee is an individual.

(1)-(1) When the lessee/licensee is an individual:

1. (Name of person).....of (address and occupation)(hereinafter referred to as "the lessee/licensee" which expression shall, where the context so admits, be deemed to include his heirs, executors, administrators, representative and permitted assigns).

(2)-(2) When the lessees/licensees are more than one individual:

1. (Name of person).....of (address and occupation) and (Name of person).....of (address and occupation).....of address and occupation..... and

(2) (Name of the person) (hereinafter referred to as "the lessee/licensee" which expression shall, where the context so admits, be deemed to include their respective heirs, executors, administrators, representative and other permitted assigns).

(3)-(3) When the lessee/licensee is a registered firm or Syndicate:

(2) and (3) (Name of person) and (name of person) of (address).....and (Name of person).....of (address).....all carrying on business in partnership at (address of the firm or syndicate).....registered under (Act which registered) (hereinafter referred to as "the lessee/licensee" which expression shall, when the context so admits, be deemed to include all the partners of the said firm, their representatives, heirs, executors, administrators and permitted assigns).

(4)-(4) When the lessee/licensee is a registered company:

(3) and (4) (Name of Company).....a company registered under (Act under which incorporated) and having its registered office at (address).....(hereinafter referred to as "the lessee/licensee" which expression shall, where the context so admits, be deemed to include its successors and permitted assigns) (4) of the other part.

Whereas, "the lessee/licensee has/have applied to the Competent Authority concerned in accordance with the Karnataka Minor Mineral Concession Rules, 1964 (hereinafter referred to as the said Rules) for a quarrying lease/quarrying licence for in respect of the lands described in PART I of the Schedule hereunder written and has/have deposited with the State Government the sum of Rs.....as security; and whereas, the Competent Authority, Department of Mines and Geology has communicated his approval to the grant of this lease/licence.

Now this lease witnesseth, that in consideration of the rents and royalties, covenants and agreements by and in these presents and the Schedule hereunder written, reserved and contained and on the part of the "lessees/licensees" to be paid observed and performed, the State Government hereby grants and demises upto "the lessee/licensee" comes all those the quarries/mines/strata/veins/streams and beds of (here state the minerals) hereinafter and in the Schedule refers 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 which are mentioned in Part II of the Schedule subject to restrictions and conditions as to the exercise and enjoyment of such liberties, powers and privileges which are mentioned in Part III of the said Schedule except and reserving out are the demise upto the State Government the liberties, powers and privileges mentioned in Part IV of the said Schedule to hold the premises hereby granted and demised upto "the lessees/licensees" from the.....day of.....19.....for the term of..... years hence next ensure yielding and paying of upto the State Government the several rents and royalties mentioned in Part V of the said Schedule at the respective times herein specified subject to the provisions contained in Part VI of the Schedule and the lessee/lessees/licensee/licensees hereby/ covenant/covenants with the State Government as in Part VII of the said Schedule expressed and the State Government hereby covenants with the lessee/lessees in Part VIII of the said Schedule is expressed and it is hereby mutually agreed between the parties hereto as in Part IX of the said Schedule is expressed.

In witness whereof, these presents have been executed in manner hereunder appearing the day and year first above written.

The Schedule above referred to.

PART I**The Area of this Lease/Licence
Location and Area of the Lease/Licence**

All that tract of lands situated.....(village/town) description of area or areas in (Mahal/Taluk) in the Registration District of Sub-District and District (bearing Sy. Nos./R.S. Nos./Forest Coup Nos.) containing an area of thereabouts delineated in plan hereto annexed and thereon coloured.....and bounded as follows:—

On the North by :
On the South by :
On the East by :
and on the West by :
hereinafter referred to as 'the said lands'

PART II**Liberties, Powers and Privileges to be exercised and enjoyed by the Lessees/Licensees subject to the restrictions and conditions in Part III****1. To enter upon land and search for mine work, etc.**

Liberty and power at all times during the term hereby demised to enter upon said lands and to search for mine, quarry, bore, dig, drill for win, work, dress, process, convert, carry away and dispose of the said mineral, minerals.

2. To sink, drive and make pits, shafts and inclines, etc.

Liberty and power for or in connection with any of the purposes mentioned in this part to sink, drive, make, maintain and use in the said lands any pits, shafts, inclines, drifts, levels, water ways and other works

3. To bring and use machinery, equipment, etc.

Liberty and power for or in connection with any of the purposes mentioned in this to erect, construct and maintain and use on or under the said lands, any engines, machinery, plant, dressing-floors, furnaces, coke ovens, brick-kilns, workshops, store-houses, bungalows, godowns, sheds and other buildings and other works and conveniences of the like nature on or under said lands.

4. To make roads and ways, etc., and use existing roads and ways

Liberty and power for or in connection with any of the purposes mentioned in this part to make any tramways, railways, roads and other

ways in or over the said lands and to use, maintain and go and repass with or without horses, cattle, wagons, locomotives or other vehicles over the same (or any existing tramways, railways, road and other ways in or over the said lands) on such conditions may be agreed to.

5. To get building and road materials, etc.

Liberty and powers for or in connection with any of the purposes mentioned in this part to quarry and get, ordinary building stone and gravel and other building and road materials (except that of specified minor minerals) and ordinary clay and to use and employ the same and to manufacture such ordinary clay into bricks or tiles and to use such bricks or tiles but not to sell any such material, bricks or tiles on payment of royalties prescribed in the said rules.

(Bracketed portion to be deleted in cases the lease/licence is for specified minor mineral).

6. To use waters from streams, etc.

Liberty and power for or in connection with any of the purposes mentioned in this part but subject to the rights of any existing or future lessee/licensee and with the written permission.....(any officer authorised by the State Government in that behalf) to appropriate use of water from any streams, water-courses, springs or other sources 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, culverts, drains or reservoirs but not as to deprive any cultivated lands, villages, buildings, or watering places for livestock of a reasonable supply or water as before accustomed nor in any way to foul or pollute any stream or springs: Provided that the lessee/licensee shall not interfere with the navigation in any navigable stream, nor shall divert such stream without the previous written permission of the State Government.

7. To use and for stacking, heaping or depositing purposes

Liberty and power to enter upon and use a sufficient part of surface of said lands for the purpose of stacking, heaping, storing or depositing thereon any produce of the mines, quarries or works carried on and any equipment, earth and materials and substances dug or raised under the liberties and powers mentioned in this part.

8. Beneficiation and carrying away

Liberty and power to enter upon and use a sufficient part of the said land to beneficiate, process, dress, convert the said minerals produced from the said lands and to carry away such beneficiated/processed, dressed, converted mineral/minerals.

9. To clear brush-wood and to fell and utilise trees, etc.

Liberty and power for or in connection with any of the purposes mentioned in this part to fell and use any timber or trees or brush-wood now standing or which hereafter may be standing upon the reserved forest land, included within the said lands: Provided that not more than..... square metres of such reserved forest land shall be cleared in any one year nor the same place of tender than once in every year and, provided that, the previous permission in writing from the Forest Department under Forest Department is obtained which permission shall be granted by the Forest Department from time to time for an area, not exceeding..... acres at a time on written application of "the lessees/licensees" to the effect that "the lessees/licensees" requires/require the additional area for *bona fide* and immediate extension of quarrying operation under this lease/licence and provided also that the exercise of the liberty and power expressed in this clause shall be subject to the observance of the terms and conditions contained in the other part of this Schedule.

PART III

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

1. No building etc., upon certain places

No building or thing shall be erected, set up, placed and no surface operations shall be carried on in or upon any public pleasure ground, burning or burial ground or place held sacred by any class of persons or any house or village site, public road or other place which the State Government may determine as public ground nor in such manner as to injure or prejudicially affect any building, work, property or rights of other persons and no land shall be used for surface operations which is already occupied by persons other than the Government for works or purposes not included in this lease/licence. They shall not also interfere with any right of way, well or tank.

2. Permission for surface operations in a land not already in use

Before using for surface operations any land which has not already been used for such operations the lessee/licensee shall give to the Competent Authority, sixty days previous notice in writing specifying the name or other designation of the situation and the extent of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used if objection is issued by the Competent Authority within one month after the receipt by him of such notice unless the objections so stated shall on reference to the State Government be annulled or waived.

3. To cut trees in unreserved lands

- (a) The lessee/licensee shall not cut or injure any tree in the leased/licensed areas without the previous sanction in writing of the Competent Authority.
- (b) Notwithstanding anything contained in sub-clause (a) the lessee/licensee shall not cut or injure any tree in leased/licensed area falling within reserved/protected forest without the previous permission in writing from the Forest Department or the officer authorised by the Forest Department in this behalf.

4. Permission for surface operations in a land not already in use

Save as provided in clause 9, Part II of this Schedule, the lessees/licensees shall not without the previous sanction from the Forest Department cut down or injure any timber or trees on the said lands but, may, without such sanction clear away any brush-wood or under growth which interferes with any operations authorised by these presents and notwithstanding anything contained in this Schedule shall not enter upon any reserved forest included in the said lands without seven days previous notice in writing to the Forest Department or the officer authorised by the Forest Department.

5. No mining operations within 50 metres of public works, etc.

The lessee/licensee shall not work or carry on or allow to be worked or carried on any quarrying operations at or to any point within a distance of 50 metres if no blasting is involved from the boundary of any railway line except with the previous written permission of the Railway Administration concerned or from the boundaries of reservoir, canal, high tension electric line, or other public works, or buildings, or inhabited site, except with the previous permission of Government or any other officer authorised by the Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions and either general or special which may be attached to such permission. The said distances of 50 metres or 200 metres shall be measured in the case of railway, reservoir or canal horizontally from the outer toe of the bank of the outer edge of the cutting as the case may be and of building horizontally from the plinth thereof.

6. Facilities for adjoining Government licences and leases

The lessee/licensee shall allow existing and future holders of Government licenses or leases over any land which is comprised in or adjoins or is reached by the land held by the lessee/licensee reasonable facilities of access thereto: Provided that no substantial hindrance or interference shall be caused by such holder of licenses or leases to the operations of the lessee/licensee under these presents and the lessee/licensee shall be entitled to compensation as may be mutually agreed

upon between the lessee/licensee and such holders and in the event of disagreement such fair compensation may be determined by the Competent Authority or any other officer authorised by the State Government in respect of all loss or damage sustained by the lessee/licensee by reason of or the exercise of this liberty.

7. If the said lands or part thereof are forest lands, the lessees/licensees shall take all steps to ease the slopes and restore top soil in lands worked out, exploited or mined and it shall be open to the Government to afforest such lands even during existence of the lease.

PART IV

Liberties, Powers and Privileges reserved to the State Government

1. To work other minerals

Liberty and power for the State Government or any lessee/licensee or persons authorised by it in that behalf to enter into and upon the said lands and to search for, win, work, dig, get, raise, dress, process, convert and carry away any minerals other than the said minerals and any other substances, and for those purposes to sink, drive, make, erect, construct, maintain and use such pits, shafts, inclines, drifts, levels and other lines, waterways, airways, water courses, drains, reservoirs, engines, machinery, plant buildings, canals, tramways, railways and other work and conveniences as may be deemed necessary or convenient:

Provided that in the exercise of such liberty and power no substantial hindrance or interference shall be caused to with the liberties powers and privileges of the lessee/licensee under these presents and that the lessee/licensee shall be entitled to such fair compensation as may be mutually agree upon or in the event of disagreement as may be determined by the Competent Authority appointed by the State Government in respect of all loss or damage sustained by the lessee/licensee by reason or in consequences, of the exercise of such liberty and power.

2. To make railways and roads

Liberty and power to the State Government or Central Government to construct any road, railway or canal reservoir or to carry electric or telephone lines in or over the lands under the lease/licence is reserved:

Provided that before such liberty or power is exercised a notice of not less than thirty days shall be given to the lessee/licensee and the area utilised by the Government for any of the aforesaid purposes shall be excluded from the area under the lease/licence and lessee/licensee will not be entitled to claim any compensation for such exclusion.

3. Liberty and power to the State Government to determine, at any time by giving to the lessee/licensee a notice in writing the lease/licence if

the area for which the lease/licence has been granted or any part thereof is required by the State Government for any public purpose and a declaration under the signature of the Director that the area, or as the case may be, the part of the area is so required shall, as between the lessee/licensee and the Government, be conclusive.

On the determination of the lease/licence under this power, the area under the lease/licence shall be resumed by the Government and the lessee/licensee shall be paid such compensation as may be determined by an officer appointed by the Government for the purpose and in assessing the amount of compensation, the officer so appointed shall be guided by the principles laid down in the '[Land Acquisition Act, 1894], for such assessment.

PART V

Rent and Royalties reserved by this lease

1. Rate and mode of payment of Dead Rent

As from the day of 19....., during the subsistence of lease/licence, the lessee/licensee shall pay the dead rent in ²[every year at the rate specified in Schedule I which may be modified from time to time] in accordance with rules.

2. Rate of mode of payment of royalty

The lessee/licensee shall, pay royalty in advance to Government in respect of minor minerals removed or consumed by him or his agent, manager, employee, contractor or buyer at the rates prescribed in Schedule II ³[which may be modified from time to time] in accordance with the rules.

3. Mineral Despatch Permits

The lessee/licensee or his agents, managers, employees, contractors or buyers/consumers shall not move the mineral quarried without obtaining valid Mineral Despatch Permit (in short 'Permit') issued by the Competent Authority or the authorised officers.

4. Penalty

Subject to the provision of clause (3) of this part, any lessee/licensee or his agents, managers, employees, contractors, consumers or buyers contravening the above clause and transport mineral without valid permit,

1. NOW SEE: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
2. Substituted for the words "advance at Rs. per acre per annum as per Schedule I" by Notification No. CI 188 MMN 2000, dated 30-9-2002, w.e.f. 8-10-2002
3. Inserted by by Notification No. CI 188 MMN 2000, dated 30-9-2002, w.e.f. 8-10-2002.

such persons will be liable for penalty at [fifteen times] of royalty. If any lessee/licensee or his agent, etc., or buyers continue to indulge in such offence, the Competent Authority may order for determination of the lease/licence with the prior approval of the Controlling Authority.

PART VI

Provisions relating to the Rents and Royalties

1. Rent and royalties to be free from deduction, etc.

The rents and royalties in Part V of this Schedule shall be paid free from any deductions to the State Government at District Sub-Treasury at and in such manner as the Competent Authority may prescribe.

2. Mode of computation of royalty

For the purpose of computing the said royalties the lessee/licensee shall keep a correct account of the mineral/minerals actually produced from the quarries/mines, lands and despatched from the quarry and maintained stock, in the form prescribed by Government/Competent Authority. The lessee/licensee shall also keep a correct account of the number of persons employed therein and shall also maintain a complete set of plans and cross-sections of the quarry and furnish to the Competent Authority concerned such information, reports and returns as required from time to time under these rules together with representative samples of minerals and processed materials from the same obtained during the operations. The accounts as well as quantity (in volume or in weight as the case may be) of the mineral/minerals in stock or in the process of despatch from the quarry may be checked by any officer authorised by the State Government and/or by the Competent Authority.

3. Course of action if rents and royalties are not paid in time

Should the royalty and/or rent reserved and made payable by the lessee/licensee is not paid within thirty days after the date fixed in lease/licence for the payment of the same, State Government may enter upon the premises and restrain all or any of the mineral or benefited/processed or movable property there and may order the sale of the property to restrained or so much of it as will suffice of the satisfaction of the rent and royalties due, and all cost and expenses occasioned by the non-payment thereof.

²[3-A. If the lessee or licensee makes any default in the payment of royalty or dead rent payable under Rule 36, the Competent Authority shall give notice to such lessee or licensee, requiring him to pay the royalty or

1. Substituted for the words "five times" by by Notification No. CI 418 MMN 2015(Part), dated 12-8-2016, w.e.f. 12-8-2016.

2. Clause (3-A) inserted by Notification No. CI 418 MRC 92, dated 6-5-1995, w.e.f. 6-5-1995.

dead rent within sixty days from the date of receipt of the notice, failing which the Competent Authority may, without prejudice to any other action that may be taken against lessee or licensee, determine the lease or licensee or forfeit the whole or part of the security deposit.]

4. Any rent, royalty, tax fees, penalty or other sums due to Government under said rules of under this lease/licence shall be recovered as arrears of land revenue on the basis of certificate issued by the Competent Authority.

PART VII

The Covenants of the Lessees/Licensees

1. Lessees to pay rents, royalties

The lessee/licensee shall pay the rents and royalties reserved by this lease/licence at such times and in the manner provided in Parts V and VI of these presents and also may and discharge all taxes, cesses, rates, assessments and impositions whatsoever being in the nature of public demands which shall from time to time be charged, assessed or imposed by the authority of the State Government upon or in respect of the premises and works of the lessee/lessees in common with other premises and works of a like nature except demands for land revenues.

2. To maintain and keep boundary marks in good order

The lessee/licensee shall at his own expenses erect and at all times maintain and keep in repair boundary marks and pillars according to the demarcation to be shown in the plan annexed to this lease/licence. Such marks order and pillars shall be sufficiently clear of the shrubs and other obstructions as to allow easy identifications.

3. To commence operations within a year and work in a workman like manner

Unless the Competent Authority for good cause permits otherwise, the lessee/licensee shall commence operation within a year from the date of execution of the lease/licence and shall thereafter at all times during the continuance of this lease/licence search for, win, work and develop the said minerals without voluntary intermission in proper skillful and workman like manner without doing or permitting to be done any unnecessary or avoidable damage to the surface of the said lands or the crops, buildings or other property thereon. The lessee/licensee shall prevent waste by removal of overburden, careful storage of waste, drainage and removal of valuable minerals. For the purpose of this clause, quarrying operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the quarry. The lessee/licensee shall not dump the overburden or waste rock or mineral on the workable deposit. If lessee/licensee does not find suitable place to dump the waste material generated from the quarry within the leased/licenced area, he may dump in nearby

Government land obtaining prior approval from Competent Authority in writing.

4. To indemnify Government against all claims

The lessee/licensee shall make and pay such reasonable compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury or disturbance which may be done by him in exercise of the powers granted by this lease/licence and shall indemnify and keep indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

5. To secure and keep in good condition pits, shafts, etc.

The lessee/licensee shall during the subsistence of this lease/licence well and sufficiently secure and keep open with timber or other durable means all pits, shafts and make and maintain sufficient fences to the satisfaction of the State Government round every such pit, shaft or working in the said lands, except such as may be abandoned accessible free from water and foul air as far as possible. The lessee/licensee shall also take adequate steps to ensure that,—

- (a) heights and widths of trenches in open quarries are properly maintained to facilitate easy removal of the mineral and the muck;
- (b) the working surfaces are always kept clean;
- (c) the mineral and/or beneficiated, processed, dressed products therefrom won are stacked in suitable dimensions and each such stock is numbered or marked in a manner prescribed by the Competent Authority;
- (d) the proper sanitation of the area leased/licenced to him maintained.

6. To strengthen and support the quarry to necessary extent

The lessee/licensee shall strengthen and support to the satisfaction of the Railway administration concerned or the State Government or any other Competent Authority controlling the provisions or any law for the time being in force relating to the working of quarries and matters affecting safety, health and labour matter as the case may be, any part of the quarry which in its opinion requires such strengthening or support for the safety of any railway, reservoirs, canal, road, high tension electric line and other public works or structures.

7. (1) The lessee/licensee shall submit from time to time or when required, progress reports to the Director of Mines and Geology, along with analysis and representative samples of the minerals collected during the quarrying operations as also the periodical returns prescribed in the said rules or in the manner prescribed by him from time to time.

(2) The lessee/licensee shall submit to the Director of Mines and Geology, the Competent Authority and any other officer as may be specified by the Director of Mines and Geology in this behalf, quarterly returns in Form-Q and annual returns in Form Y appended to the said Rule, for each financial year ending 31st March, before the 1st April of the succeeding year, and to allow inspection of working.

8. To allow inspection of working

The lessee/licensee shall allow any officer authorised by the Central Government or the State Government or the Competent Authority or the Director of Mines and Geology under the said rules in that behalf to enter upon the premises including any building excavation or land comprised in the lease/licence for the purpose of inspecting, examining, surveying and making plans thereof, sampling and collecting any data and the lessee/licensee shall with proper person employed by the lessee/licensee and acquainted with the mine/quarry and works effectively assist such officers, agents, servants and workmen in conducting every such inspection and shall afford them all facilities, information connected with the working of the quarry which they may reasonably require. Such officer may issue such reasonable directions as he may deem fit to prevent wasteful extraction of minerals and it shall be the duty of the lessee/licensee, his/their agent/manager to carry out directions within such period as the officer may specify if the lessee/licensee, his/their agent or management fails to carry out such directions within the specified period, the Competent Authority may determine the lease/licence or may impose a penalty not exceeding twice the amount of the annual dead rent.

9. To report accidents

The lessee/licensee shall report all accidents to the Director of Mines and Geology, the District Magistrate and the District Superintendent of Police concerned, in case of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of the operations under this lease/licence, the lessee/licensee shall send a complete report without any delay of such an accident to the said officers.

1. NOTE: It should be 30th April.

10. To report discovery of other minerals

Whenever the lessee/licensee shall find, in the said lands, any mineral other than the said mineral/minerals, the lessee/licensee shall immediately report such discovery in writing to the Competent Authority with full particulars of the nature and position of each such find.

11. The lessee/licensee shall, at all times, during the said term keep or cause to be kept, at an office to be situated upon or near the said lands, correct and intelligible books of accounts which shall contain accurate entries, showing from time to time,—

- (1) quantity and quality of the said mineral/minerals realised from the said lands;
- (2) quantity of the various qualities of the said mineral/minerals beneficiated, processed or converted;
- (3) quantities of the various qualities of the said mineral/minerals sold at the quarry head or despatched to any mineral processing units, granite cutting and polishing units within the country and quantity exported and the manner and purpose of such sale and disposal;
- (4) details of royalty paid and permits obtained;
- (5) the prices and all other particulars of all sale of the said mineral/minerals;
- (6) the number of persons employed in the mines or work or upon the said lands specifying nationality, qualifications and pay of the technical personnel;
- (7) such other facts, particulars and circumstances as the Competent Authority or the Director of Mines and Geology may from time to time require and shall also furnish free of charge to such officers and at such times they may prescribe true and correct abstracts of all or any such books of accounts and shall at all reasonable times allow such officers or any other officers as the State Governments shall, in that behalf appoint, to enter into and have free access to, for the purpose of examining and inspecting the said books of accounts and to make copies thereof and to make extracts therefrom.

12. To maintain plans, etc.

The lessee/licensee shall at all times during the said term maintain at the quarry office correct, intelligible; upto-date and complete Contour and Geological plans and cross-sections of the quarries in the said lands. They shall show all the operations, workings, and all the trenches, pits and drillings made by the lessee/licensee in the course of operations carried on

by him/them under the lease/licence. The lessee/licensee shall update such quarry plans and section at the end of each year or any period specified from time to time and the lessee/licensee shall furnish free of charge such plans, sections and mineral specimens, to the Competent Authority whenever these are required. Accurate records of all trenches, pits and drillings shall show,—

- (a) the sub-soil and strata through which they pass;
- (b) any other minerals encountered;
- (c) any other matter of interest and all data required by the State Government or the Competent Authority from time to time.

13. To abide by the provisions of the laws in force in respect of labour welfare, safety measures, ecology and environment

The lessee/licensee shall be bound by the provisions of any laws for the time being in force relating to ecology and environment, the working of the quarries (mines and minerals) and matters affecting safety, health and convenience of the lessee/licensee employees or the public. The lessee/licensee shall abide by the conditions laid down in the Payment of Wages Act, 1936 (Central Act IV of 1936), the Mines Act, 1952 (Central Act XXXV of 1952), the Indian Explosives Act, 1984 (Central Act IV of 1884) and the [Water and Air (Prevention and Control of Pollution) Act, 1974.]

14. The lessee/licensee shall respect all existing rights of way, water and other basements and shall not carry on mining/quarrying or other operations under the said lease/licence in any way than as prescribed under the Rules.

15. Government indemnified from paying compensation for injury to third parties

The lessee/licensee shall make and pay reasonable compensation for all damage, injury, disturbance to person or property which may be caused by or on the part of lessee/licensee in exercise of the liberties and power granted by these presents and shall at all times have harmless and kept indemnified the State Government from and against all suits, claims and damages which may be brought or made by any person or persons in respect of any such damage, injury or disturbance.

16. Not to obstruct working of other minerals

The lessee/licensee will exercise the liberties and powers hereby granted in such a manner as to offer no unnecessary or reasonable, avoidable, obstructions or interruption to the development and working

1. NOTE: Refer to Water (Prevention and Control of Pollution) Act, 1974 (Central Act No. 6 of 1974); Air (Prevention and Control of Pollution) Act, 1981 (Central Act No. 14 of 1981).

within the said lands of any minerals not included in this lease/licence and shall at all times afford to the Central and State Government and to the holder quarrying lease, of quarrying licence and prospecting licence or mining lease in respect of any such minerals or any minerals within any land adjacent to the said lands as the case may be reasonable means of access and safe and convenient passage upon and across the said lands to such minerals for the purpose of getting working, developing and quarrying away the same provided that the lessee/licensee shall have receive reasonable compensation for any damage or injury which he may sustain by reason or in consequence of the use of such passage by such lessee/licensee or holders of prospecting licences.

17. Lessee shall deposit any additional amount necessary equal to the security deposit

Whenever the security deposit as provided in the 9(1) and 21(1) of the said rule or any part thereof or any further sum hereafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the Competent Authority pursuant to the power hereinafter declared in that behalf the lessee/licensee shall deposit with the State Government such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the State Government upto the sum of equal to the said full security deposit amount.

18. Delivery of working in good order to State Government after determination of lease

The lessee/licensee shall at the expiration or sooner determination of the said term or any renewal thereof deliver upto the State Government all mines, quarries, pits, shafts, inclines, other works now existing or here after to be sunk or make on or under the said lands except such as have been abandoned with the sanction of the Competent Authority in an ordinary and fair course of working all engines, machinery, plant, buildings, structures, other works and conveniences which at the commencement of the term were upon or under the said lands and all such machinery set up the lessee/licensee below ground level which cannot be removed without causing injury to the mines, quarries or works under the said lands (except such of the same as may with the sanction of the Competent Authority) and all buildings and structures of bricks or stone erected by the lessee/licensee above ground level in good repaired order and condition and fit in all respects for further working of the said mines and the said minerals.

19. Right of pre-emption

(a) The Government shall from time to time and all times during the said term have the right to be exercised by notice in writing to the lessee/licensee of pre-emption of the said minerals (and all products thereof) lying in or upon the lands hereby demised or elsewhere under the control of the lessee/licensee shall with all possible expedition deliver all minerals or products of minerals purchased by the State Government under the power conferred by this provision be exercising the said right.

(b) In the event of the existence of state of war or emergency (of which existence the President of India shall be the sole Judge and a notification to this effect in the Gazette of India shall be conclusive proof) the State Government with the consent of the Central Government shall from time to time and at all times during the said term have the right to be exercised by a notice in writing to the lessee/licensee shall forth with take possession and control of the works plant, machinery, premises of the lessee/licensee on or in connection with the said lands or preparations under this lease/licence and during such possession or control the lessee/licensee shall confirm and obey all directions given by or on behalf of the Central or State Government regarding the use of employment of such works, plants, premises and minerals: Provided that, after compensation which shall be determined in default of agreement by the State Government shall be paid to the lessees/licensee or all loss or damage sustained by him/them by reason or in consequence of the exercise of the powers conferred by this clause and provided also that the exercise of such powers shall not determine the said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this clause. The Government or the Competent Authority shall have the right to dispose of the minor mineral waste generated during the course of quarrying in accordance with the provision of Schedule II.

20. Not to light fire in forest areas

The lessee/licensee shall not light any fire upon the said lands if lying within the reserved forest except under such conditions as the Forest Department may in writing specify and the lessee/licensee and his/their workmen and employees shall render prompt assistance in extinguishing any fire on the said lands or in their vicinity. The lessee/licensee shall be liable for all damage resulting from fire caused by the act or omission of the lessee/licensee or his/their employees and shall pay such compensation to the Forest Department. The decision of the Forest Department as the

amount of compensation payable by the lessee/licensee shall be final and binding on the lessee/licensee.

21. No right over produce other than minerals, ores mentioned in the lease/licence

(a) The lessee/licensee shall not remove any other produce except the minor mineral mentioned in this lease. The lessee/licensee shall without delay, report to the Competent Authority and the Director of Mines and Geology, the discovery in this areas, comprised in his/their lease/licence of any minerals not specified in the lease.

(b) If any mineral/s not specified in the lease/licence is/are discovered in the leased/licenced area he/they shall not win and dispose of such mineral/s, without obtaining lease/licence therefor. If he fails/they fail to apply for such lease/licence within three months from the discovery of the said mineral/minerals, the Competent Authority may grant a lease/licence in respect of such mineral/minerals to any other person/persons.

(c) Without the prior permission of the Director of Mines and Geology the lessee/licensee shall not use the minor minerals quarried under these rules for a purpose which will classify them as major minerals.

22. The lessee/licensee shall make available to the Government of India beryl or any other "Substance prescribed" under [Section 3(d) of the Atomic Energy Act (Act XXIX of 1948)] if they are found to occur in the said lands.

23. The State Government shall be immune from the lessee/licensee claims for damage and account of any land having been included in this lease which may subsequently be discovered not to have been available for the lease.

24. The lessee/licensee or his assignees shall not erect any building in contravention of the provisions of any law for the time being in force relating to the erection of buildings or in contravention of any order is issued by any officer or authority composed to issue such order any such law within whose jurisdiction the leased area is situated.

25. The lessee/licensee shall abide by such reasonable instructions and direction as may be issued by the Director of Mines and Geology from time to time regarding conservation and development of minerals.

26. The lessee/licensee shall minimise the air and water pollution keeping in view the local atmosphere/environment.

1. EDITORIAL NOTE: Now see Section 2(g) of the Atomic Energy Act, 1962 (Central Act No. 33 of 1962).

PART VIII

The Covenants of the State Government

1. Lessee may hold and enjoy rights quietly

Lessee/licensee paying the rents and royalties hereby reserved and observing and performing all the covenants and agreements herein contained and on the part of the lessee/licensee is to be observed and performed shall and may quietly hold and enjoy the rights and premises hereby demised for and during the term hereby granted without any unlawful interruption from or by the State Government, or any person rightfully claiming under it.

2. To renew

If the lessee/licensee be desirous of taking lease/licence of the premises hereby demised or of any part of them for a further term on the expiry of the term hereby granted and if he/they give the Competent Authority an application in writing ninety days before the expiry of the leases/licences as prescribed in the said rules, and shall pay the rents and royalties hereby reserved and shall observe and perform the several covenants and agreements herein contained and on the part of the lessee/licensee to be observed and performed upto the expiration of the term hereby granted, the Competent Authority will upon his/their executing and deliver to the State Government if required a counterpart thereof execute and deliver to the lessee/licensee a renewal lease/licence of the said premises for the further term not exceeding the term of this lease/licence at such rents and royalties and no such terms and subject to such covenants and agreements including this present covenants to renew as shall be in accordance with the said rules applicable to.....(name of minerals) on the day next following the expiration of the term hereby granted.

3. Liberty to surrender the lease/licence

The lessee/licensee shall be at liberty to surrender this lease/licence by giving notice of not less than three months in writing to the Competent Authority and no fresh liability shall accrue to the lessee/licensee from the date of such surrender provided that all the Government dues on rents, royalties and taxes shall be cleared off arising upon the date of the surrender.

4. Refund of security deposit

On such date as the Competent Authority may within two months after the determination to this lease or of any renewal thereof, the amount of the security deposit paid in respect of this lease and then remaining in deposit with the State Government and not required to be applied to any of the purpose mentioned in this lease shall be refunded to the lessee/licensee. No interest shall run on the security deposit.

PART IX**General provision****1. [Breach of condition]**

In case of breach of any of the conditions of the lease other than mentioned in clauses (2) and (3) of this part, then the Competent Authority may require the lessee/licensee or his/their assigns to pay penalty not exceeding an amount equivalent to twice the amount of the annual dead rent specified under clause (1), Part V.

2. Obstruction to inspection

In case lessee/licensee or his/their assignees does/do not allow or obstruct entry or inspection, by the officers authorised by the State Government, the Competent Authority may cancel the lease and forfeit the whole or part of the deposit made under Rules 9(1) and 21(1) of the said rules.

3. In case the lessee/licensee or his/their assignees commit any breach of any of the conditions specified in the clauses, sub-rules (1) and (2) of Rule 6 of the said rules then and in any such case the Competent Authority shall give notice in writing to the lessee/licensee or his/their or assignees as the case may be, asking him/them to remedy the breach within thirty days from the date of the notice and if the breach is not remedied within such period, the Competent Authority under the said rules may determine the lease provided that nothing therein contained shall debar the State Government from enforcing any other right or remedy that the State Government may have against the lessee/licensee or his/her assignees under any other provisions herein contained.

4. To pay penalty in case of breach

In case of the breaches of the covenants and agreements by the lessee/licensee or any other officer authorised by the Government on which aforesaid notice has been given, the Competent Authority under the said rules in lieu of giving notices, may impose such penalty appropriate in accordance with the sub-rule (3) of Rule 6.

5. If the lessee/licensee ceases/cease to work the quarry for a continuous period of one year, the lease/licence shall be liable to cancellation as per the rules: Provided that the lease/licence shall not be cancelled if the lessee/licensee are prevented from working the quarry owing to some reasonable cause or if the lessee/licensee ceases/cease to work with prior permission of the Competent Authority.

1. Substituted for the words "Obstruction to inspection" by Notification No. Cl. 418 MRC 92, dated 6-5-1995, w.e.f. 6-5-1995.

6. Interpretation

If there is any dispute regarding their lease/licence or any other matter or thing, construction of a term or condition in the lease/licence anything connected with the quarries or minor minerals specified in the lease/licence, or the working or non-working of the quarry operated under this lease/licence, the amount of payment of royalty or dead rent or its mode of payment to the Competent Authority it shall be referred to the State Government whose decision shall be final and binding on the lessee/licensee.

[7. Failure to fulfill the terms of lease due to "Force Majeure"

*****.]

8. Lessee/licensee to remove his properties on the expiry of lease

The lessee/licensee having first paid and discharged the rents and royalties payable by virtue of these presents may at the expiration or sooner determination of the said terms or within three months thereafter (unless the lease/licence shall be determined under clause (1) and (2) of this Part and in that case at any time not less than three calendar months after such determination), take down and remove for his own benefit all or any engines, machinery, plant, buildings, structures, tramways, railway, other works, erection and conveniences which may have been erected, set up or placed by the lessee/licensee in or upon the said lands and which the lessee/licensee is/are bound to deliver to the State Government under clause (18) of Part VII of this Schedule and which the State Government shall not desire to purchase.

9. Forfeiture of property left more than six months after determination of lease

If at the end of three months after the expiration or sooner determination of the said term or after the date from which any surrender by the lessee/licensee of part under the provisions contained in clause (3) of Part VIII of this Schedule become effective there shall remain or upon the said land or the surrendered part or parts thereof the case may be any engine, machinery, plant, building, structures, tramways, railways and other work, erections and conveniences or other property which are not required by the lessee/licensee in connection with his/their operations in these parts of the said lands which he/they has/have surrendered or in any other lands held by him/them under quarrying lease the same shall not be removed by the lessee/licensee within one calendar month after notice in writing requiring their removal has been to the lessee/licensee by the State Government be deemed to become the property of the State Government and may be sold or disposed of in such manner as the State

1. Clause (7) omitted by Notification No. Cl. 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.

Government shall deem fit without liability to pay compensation or to the lessee/licensee in respect thereof.

10. Service of notice

Every notice by these present required to be given to the lessee/licensee shall be given in writing to such person resident on 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/licensee by the registered post addressed to the lessee/licensee at the address recorded in this lease/licence or at such other address in India as the lessee/licensee may from time to time in writing to the State Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the lessee/licensee and shall not be questioned or challenged by him.

In witness where of these presents have executed in the manner here under apprising the day and year first above written.

Signed by:
for and on behalf of the Governor of Karnataka
in the presence of

1.

Signed by:
for and on behalf of in the presence of

1.

2.

¹[FORM AQP

²[See Rule 21-A(1)]

Application for a quarrying permit

Received at

(Place) on

Signature of Receiving

Officer.

Dated the.....19.....

To

The

1. Forms AQP, QP and QPR inserted by Notification No. CI. 256 MMN 96, dated 3-6-1997, w.e.f. 17-7-1997.

2. NOTE: Rule 21-A omitted by Notification No. CI 84 MMN 2009(3), dated 2-7-2011, w.e.f. 2-7-2011.

Sir,

1. I/We submit an application for a quarrying for..... (Mineral from the area described below):
2. The required particulars are given below.—whether he or it is an individual, firm, company or society:
 - (i) Name of the applicant:
 - (ii) Nationality of the individual or place of registration or in corporation of firm or company or society:
 - (iii) Profession of the applicant:
 - (iv) Address of the applicant:
 - (v) Minor mineral for which the quarrying permit is applied for:
 - (vi) Quantity to be removed under the permit:
 - (vii) Whether royalty on the material has been paid; if so, give details,
 - (viii) Details of the area from which the materials are to be removed,—
 - (a) Village/Forest range:
 - (b) Survey number:
 - (c) Whether a quarry exists in the area:
 - (d) Whether the applicant worked in the area previously:
 - (ix) Period of validity of the quarrying permit:
 - (x) Has the applicant any quarrying lease or quarrying permit in force? If so, please give details:
 - (xi) Purpose for which the mineral is to be used. Give full details:
 - (xii) Is a plan of the area enclosed? (The plan should be on the relevant portion of the cadastral village map so as to be identified for form surface features, etc.):
 - (xiii) If the land is an occupied land, has occupant's willingness been ascertained and his letter of consent enclosed?

- (xiv) If the land is an agricultural land, has the permission of the revenue authorities been obtained for converting the same for non-agricultural purposes? If so, please give details.

I/we/am/are fully aware of the rules and shall abide by them.

Yours faithfully,

Place:

Date:

Signature of the applicant.

NB.— If the application is signed by an authorised agent of the applicant, the power of attorney should be attached.

(To be filled in the office of the officer granting the permit).

1. Date of grant/refusal permit.
2. Period of grant.
3. Quantity for which the permit is valid.
4. Royalty paid.
5. Details of entry in the Quarry Permit Register.

Place:

Date:

Signature and designation of Officer.

[FORM PBS
[See Rule 36(5)]

Performance Guarantee in the Form of Bank Security

(Reference Number of the Bank)

Date:

To,

The Hon'ble Governor of Karnataka

Whereas

- (A) Incorporated in India under the Companies Act, 2013 with Corporate Identity Number [CIN of the applicant]. Whose registered office is at.....[here specify the address of the Registered Office.....], India and principal place of business is at [here specify the address of principal place of business, if different from registered office.....] (the -applicant) is required to provide an unconditional and irrevocable bank guarantee for an amount equal to.....INR.....

1 Form PBS inserted by Notification No. CI 64 MMN 2017, dated 18-7-2017, w.e.f. 18-7-2017.

[in figures] Indian Rupees words..... [in words.....]
as a performance security valid until [here specify the date of expiry of performance bank guarantee] (Expiry Date).

Mentioned only for companies, the format to include individuals or other applicants also.

- (B) The performance Security is required to be provided to the Hon'ble Governor of Karnataka, Government of Karnataka for discharge of certain obligations under the [reference to the principal documents- prospecting licence mining/quarrying lease, mine development and production agreement] dated.....with respect to [particulars of concession] (collectively the "Concession Document").

- (C) We.....[here specify the name of the bank] (the Bank) at the request of the applicant do hereby undertake to pay to the Government of Karnataka an amount not exceeding INR... [in figures] (Indian Rupees) Guarantee Amount to secure the obligations of the Applicant under the Concession Document on demand from the Government of Karnataka on the terms and conditions herein contained herein.

Now, therefore, the Bank hereby issues in favour of the Government of Karnataka this irrevocable and unconditional payment bank guarantee the (Guarantee) on behalf of the applicant in the Guarantee Amount:

(1) The Bank for the purpose hereof unconditionally and irrevocably undertakes to pay to the Government of Karnataka without any demur, reservation, caveat, protest or recourse, immediately on receipt of first written demand from the Government of Karnataka a sum or sums (by way of one or more claims) not exceeding the Guarantee Amount in the aggregate without the Government of Karnataka needing to prove or to show to the Bank grounds or reasons for such demand for the sum specified therein and notwithstanding any dispute or difference between the Government of Karnataka and applicant on any matter whatsoever. The Bank undertakes to pay to the Government of Karnataka any money so demanded notwithstanding any dispute or disputes raised by the applicant in any suit or proceeding pending before any Court or Tribunal relating thereto the Bank's liability under this present being absolute and unequivocal.

(2) The bank acknowledges that any such demand by the Government of Karnataka of the amounts payable by the bank to the Government of Karnataka shall be final, binding and conclusive evidence in respect of the amounts payable by applicant to the Government of Karnataka under the concession document.

(3) The bank hereby waives the necessity for the Government of Karnataka from demanding the aforesaid amount or any part thereof from the applicant and also waives any right that the bank may have of first requiring the Government of Karnataka to pursue its legal remedies against the applicant, before presenting any written demand to the bank for payment under this Guarantee.

(4) The bank further unconditionally agrees with the Government of Karnataka that the Government of Karnataka shall be at liberty, without the bank's consent and without affecting in any manner the bank's obligation under this guarantee, from time to time to,—

- (i) vary and or modify any of the terms and conditions of the Concession Document;
- (ii) extend and/or postpone the time for performance of the obligations of the applicant under the concession document; or
- (iii) forbear or enforce any of the rights exercisable by the Government of Karnataka against the applicant under the terms and conditions of the concession document,

and the bank shall not be relieved from its liability by reason of any such act or omission on the part of the Government of Karnataka or any indulgence by the Government of Karnataka to the applicant or other thing whatsoever which under the law relating to sureties would, but for this provision, have the effect of relieving the bank of its obligations under this guarantee.

(5) Any payment made here under shall be made free and clear of and without deduction for or on account of any present or future taxes, levies, imposts, duties, charges, fees commissions, deductions or withholdings of any nature whatsoever.

(6) The Bank agrees that Government of Karnataka at its option shall be entitled to enforce this Guarantee against the bank as principal debtor in the first instance without proceeding at the first instance against the applicant.

(7) The Bank further agrees that the guarantee herein contained shall remain in full force and effect during the period that specified in the concession document and that it shall continue to be enforceable till all the obligations of the applicant under or by virtue of the said concession document with respect to the performance security have been fully paid and its claims satisfied or discharged or till the Government of Karnataka certifies that the terms and conditions of the Concession Document with respect to the performance security have been fully and properly carried out by the applicant and accordingly discharges this guarantee. Notwithstanding anything contained herein unless a demand

or claim under this guarantee is made on the bank in writing on or before the expiry date the bank shall be discharged from all liability under this guarantee thereafter.

(8) The payment so made by the bank under this guarantee shall be a valid discharge of bank's liability for payment thereunder and the Government of Karnataka shall have no claim against the bank for making such payment.

(9) This guarantee is subject to the laws of India, any suit, action, or other proceedings arising out of this guarantee or the subject-matter hereof shall be subject to the exclusive jurisdiction of Courts at the Government of Karnataka.

(10) The Bank has the power to issue this guarantee in favour of the Government of Karnataka. This guarantee will not be discharged due to the change in the constitution of the Bank.

(11) The Bank undertakes not to revoke this guarantee during its currency except with the previous consent of the Government of Karnataka in writing.

(12) The Government of Karnataka may, with prior intimation to the Bank, assign the right under this guarantee to any other departments, ministries or any governmental agencies. Which may act in the name of the Governor save as provided in this clause, this guarantee shall not be assignable or transferable.

(13) Notwithstanding anything contained herein,—

- (a) the liability of the bank under this bank guarantee shall not exceed the guarantee amount; and
- (b) this bank guarantee shall be valid up to Expiry Date.

(14) The Bank is liable to pay the guaranteed amount or any part thereof under this bank guarantee only and only if the Government of Karnataka serves upon the bank a written claim or demand on or before the Expiry Date.

Date:

Place:

In witness whereof the Bank,
through its Authorised Officer
has set its hand and stamp.

(Signature)

Name and Designation (Bank Stamp)]

FORM QP

[See Rule 21-A(1)]

Quarrying permit No.....

.....Office

Date.....

Whereas Shri.....applied for grant of quarrying permit for excavation and removal of.....tonnes/brass of..... (minor mineral) from Sy. No.....of Village..... Taluk..... District.....under Rule 21-A of the Karnataka Minor Mineral Concession Rules, 1994 and has paid royalty in advance amounting to Rupees.....permission is hereby granted to the above applicant to quarry, win and remove..... tonnes of.....described below on the following conditions, and on payment of advance royalty of Rs.....per tonne/brass (as specified in the Schedule II to the Karnataka Minor Mineral Concession Rules, 1994).

Village	Sy. No.	Area
---------	---------	------

Bounded on the North by

Bounded on the South by

Bounded on the East by

Bounded on the West by

(as shown in the detailed plan annexed with the application)

(1) This permit shall be valid for.....days only.

(2) The depth of the pit below the surface shall not exceed six metres.

(3) This permit is non-transferable.

(4) No other mineral except that for which the permit is granted shall be excavated or removed without proper sanction being obtained from the Competent Authority.

(5) If any other minor or major mineral is found during quarrying operations, it shall be reported to the Competent Authority within a week's time after such discovery.

(6) The permit holder shall maintain complete and correct accounts of the mineral excavated, quantity removed from the permit area, the sale vouchers, register of labour employed and wages paid, etc., and royalty and other charges leviable for this purpose.

1. NOTE: Rule 21-A omitted by Notification No. CI 84 MMN 2009(3), dated 2-7-2011, w.e.f. 2-7-2011.

(7) The permit holder shall immediately report all accidents to the Competent Authority and the District Magistrate and the District Superintendent of Police of the District in which the area is situated.

(8) The permit holder have no right over the quarry material and other property lying in permit area after the expiry of the permit.

(9) The permit holder shall not cut or damage any trees without prior sanction and without payment of compensation thereof as may be fixed by the Divisional Forest Officer or such Officer authorised by him in this behalf.

(10) The permit holder shall not carry quarrying operation within a distance of 50 meters from any public roads, public buildings or temples, reservoir, burial ground and railway track, etc., and cause any damage to any public or private properties.

(11) The permit holder shall allow any officer authorised by the Director of Mines and Geology and the local revenue forest authority in whose jurisdiction the land is situated, to enter into and inspect at any time the quarrying operations and check up the accounts and verify the details of despatches, sales, etc., from the account books maintained by the permit holder as per condition (7) above at or near the area under permit.

(12) If any excess quantity over that permitted is found to be removed, the material shall be confiscated and the permit holder shall be liable for punishment under the provisions of the Karnataka Minor Mineral Concession Rules, 1994.

(13) If any breach of these conditions of the Karnataka Minor Mineral Concession Rules, 1994 is detected, this permit shall be cancelled and the material lying on the site will be confiscated.

(14) As soon as the removed of the material granted under the permit is over, the permit holder surrender the permit to the Competent Authority and furnish to him complete statement showing the quantities removed, details of transport and, parties to whom this material has been sold, and prices obtained therefor, and shall produce any details, books, etc., for the scrutiny of the Competent Authority as may be called for by him.

Date:

Signature of the Issuing Authority.

To

(The permit holder)

Shri/Messrs.....

Copy to.— (1) The Director of Mines and Geology, Bangalore.

(2) The Senior Geologist/Geologist Division.....

(3) Checkpost.....

FORM QPR

[See Rule 21-A(2)]

Register of Quarry Permits

Sl. No.	Name and address of permit holder	Date of application	No. and date of order of grant	Mineral/ Minerals	Sy. No./ Nos.	Village/ Forest Range	Taluk
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Quantity Permitted	Details of royalty received	Date of expiry of permit	Quantity removed under the permit	Whether all dues have been recovered	Remarks	Signature of Officer
(9)	(10)	(11)	(12)	(13)	(14)	(15)

1. NOTE: Rule 21-A omitted by Notification No. CI 84 MMN 2009(3), dated 2-7-2011, w.e.f. 2-7-2011.

SAND POLICY, 2016 (GUIDELINES)**ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಕೆಗಳು**

ವಿಷಯ : ಪಟ್ಟಾ ಜಮೀನುಗಳಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆ ನಡೆಸುವ ಕುರಿತು ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹೊರಡಿಸುವ ಕುರಿತು.

ಓದಲಾಗಿದೆ : 1. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಎ 418 ಎಂಎಂಎನ್ 2015(ಭಾ), ದಿನಾಂಕ 12-8-2016.

2. ಆಯುಕ್ತರು, ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ ಇವರ ಪತ್ರಸಂಖ್ಯೆ ಗಭಾಇ/ಉ.ನಿ(ಖ.ಅ.)/ಪಮ.ಮಾಸೂ/01/2016-17, ದಿನಾಂಕ 3-11-2016.

ಪ್ರಸ್ತಾವನೆ.-

ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿಗಳು, 1994ಕ್ಕೆ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಎ 418 ಎಂಎಂಎನ್ 2015 (Part), ಬೆಂಗಳೂರು, ದಿನಾಂಕ 12-8-2016 ರಂದು ತಿದ್ದುಪಡಿ ತರಲಾಗಿದ್ದು, ಸದರಿ ತಿದ್ದುಪಡಿಯ ನಿಯಮ 31-ZA ರಂತೆ ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಸರ್ಕಾರವು ವಿಧಿಸುವ ಷರತ್ತು ಮತ್ತು ನಿಬಂಧನೆಗಳ ಅನುಸಾರ ಮರಳು ಗಣಿಗಾರಿಕೆಗೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ. ರಾಜ್ಯದಲ್ಲಿ ಮರಳಿನ ಅಭಾವವಿರುವುದರಿಂದ ಪಟ್ಟಾ ಜಮೀನುಗಳಲ್ಲಿ ದೊರೆಯುವ ಮರಳನ್ನು ತೆಗೆಯಲು ಪಟ್ಟಾದಾರರು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದಲ್ಲಿ ಅಂತಹ ಅರ್ಜಿಗಳನ್ನು ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯು ಫರೀಲಿಸಿ MoEF ಮಾರ್ಗಸೂಚಿಗಳು ಮತ್ತು ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿಗಳು, 1994ರ ನಿಯಮಗಳನ್ವಯ ಪರಿಶೀಲಿಸಿ ಪಟ್ಟಾ ಜಮೀನುಗಳಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆಗೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲು ಸೂಕ್ತ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹೊರಡಿಸುವಂತೆ ಕೋರಿ ಆಯುಕ್ತರು, ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ ಇವರು ಮೇಲೆ (2)ರಲ್ಲಿ ಓದಲಾದ ಪತ್ರದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದ ನಂತರ ಪಟ್ಟಾ ಜಮೀನುಗಳಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆ ನಡೆಸುವ ಕುರಿತು ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹೊರಡಿಸಲು ತೀರ್ಮಾನಿಸಿದ ಸರ್ಕಾರವು ಈ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿದೆ.

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ ಸಿಎ 317 ಎಂಎಂಎನ್ 2016,

ಬೆಂಗಳೂರು, ದಿನಾಂಕ 14-11-2016

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಕಾರಣಗಳಿಂದಾಗಿ, ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿ, 1994ಕ್ಕೆ ದಿನಾಂಕ 12-8-2016 ರಂದು ಹೊರಡಿಸಲಾದ ತಿದ್ದುಪಡಿಗೆ ನಿಯಮ 31-ZAರಂತೆ ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆಗೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಪಟ್ಟಾ ಜಮೀನುಗಳಲ್ಲಿ ದೊರೆಯುವ ಮರಳನ್ನು ತೆಗೆಯಲು ಪಟ್ಟಾದಾರರು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದಲ್ಲಿ, ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯು ಸಮರ್ಥನೀಯ ಕಾರಣಗಳೊಂದಿಗೆ MoEF ಮಾರ್ಗಸೂಚಿಗಳು ಮತ್ತು ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿಗಳು, 1994 ರನ್ವಯ ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆಯ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸಲು ಈ ಕೆಳಕಂಡ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಹೊರಡಿಸಿದೆ. -

ಮಾರ್ಗಸೂಚಿಗಳು

1. ಈ ಆದೇಶಕ್ಕೆ ಲಗತ್ತಿಸಿರುವ ಅನುಬಂಧದಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವ ದಾಖಲೆಗಳೊಂದಿಗೆ ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆ ನಡೆಸಲು ಪರವಾನಿಗೆ ಕೋರಿದ ಅರ್ಜಿಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಜಿಲ್ಲೆಯ ಉಪ-ನಿರ್ದೇಶಕರು/ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿಗಳು, ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆಯವರು ಪಡೆಯತಕ್ಕದ್ದು.
2. ಪಟ್ಟಾ ಜಮೀನಿನ ಮರಳು ಗಣಿಗಾರಿಕೆಯು CRZ ಮಿತಿಯೊಳಗಿನ ಪಟ್ಟಾ ಜಮೀನು ಪ್ರದೇಶಗಳಿಗೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ.
3. ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆಯನ್ನು ನೀಡುವ ಮುನ್ನ ಸದಿ ಪಾತ್ರದ ನೀರಿನ ಹೆಚ್ಚಿನ ಪ್ರಮಾಣದ ಮಟ್ಟ (High Flood Level of River) ದಿಂದ 50 ಮೀಟರ್ ಸುರಕ್ಷಿತ ವಲಯವನ್ನು ಕಾಯ್ದಿರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.
4. ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆಗಾಗಿ ಅನುಮತಿಸಲು ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು, 2016ರ ಷೆಡ್ಯೂಲ್ II-Aರಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವಂತೆ ಕನಿಷ್ಠ ವಿಸ್ತೀರ್ಣ ಇರತಕ್ಕದ್ದು.
5. ಕೆಎಂಎಂಸಿಆರ್ ನಿಯಮಗಳು ಷೆಡ್ಯೂಲ್ II-Aರಲ್ಲಿ ನಿಗದಿಪಡಿಸಿದ ಕನಿಷ್ಠ ವಿಸ್ತೀರ್ಣಕ್ಕಿಂತ ಕಡಿಮೆ ಪ್ರದೇಶವಿದ್ದಲ್ಲಿ, ಕೆಎಂಎಂಸಿಆರ್ 1994ರ ನಿಯಮ-8-R ರಂತೆ ಹಾಗೂ MoEF ಅಧಿಸೂಚನೆ ದಿನಾಂಕ 15-1-2015 ರಂತೆ ಕ್ಲಸ್ಟರ್ ಪದ್ಧತಿಯಡಿಯಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆಗೆ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.
6. ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆಗೆ ಅಪೇಕ್ಷಿಸಿದ ಪ್ರದೇಶವು ಸಾರ್ವಜನಿಕ ರಚನೆಗಳಿಂದ ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಗಳು, 1994ರ ನಿಯಮ 6(2)ರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವಂತೆ ಅಂತರವಿರತಕ್ಕದ್ದು.
7. ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ ಪಟ್ಟಾ ಪ್ರದೇಶದ ಅಂತರ್ಜಲ ಸ್ಥಿತಿಗತಿ ಮತ್ತು ಮರಳು ಗಣಿಗಾರಿಕೆಯ ಪೂರ್ವ ಕಾರ್ಯಸಾಧ್ಯತೆ (Pre-Feasibility) ಬಗ್ಗೆ ಸ್ಪಷ್ಟ ಅಭಿಪ್ರಾಯ ವರದಿಯನ್ನು ಜಿಲ್ಲಾ ಅಂತರ್ಜಲ ನಿರ್ದೇಶನಾಲಯದ ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿಗಳಿಂದ ಪಟ್ಟಾದಾರರೇ ಪಡೆದು ಜಿಲ್ಲಾ ಮರಳು ಉಸ್ತುವಾರಿ ಸಮಿತಿಯ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರಿಗೆ ಸಲ್ಲಿಸುವುದು.
8. ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆಯ ತಾಂತ್ರಿಕ ಅಧಿಕಾರಿಗಳು ಅರ್ಜಿ ಪಟ್ಟಾ ಜಮೀನುಗಳಲ್ಲಿನ ಮರಳಿನ ಮಾದರಿಗಳನ್ನು ಸಂಗ್ರಹಿಸಿ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳಿಗೆ ಬಳಸಲು ಯೋಗ್ಯವಿರುವ ಕುರಿತು ವಿಶ್ಲೇಷಣೆ, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯ ಗುಣನಿಯಂತ್ರಣ ಪ್ರಯೋಗ ಶಾಲೆ/ NABL ಮಾನ್ಯತೆ ಪಡೆದಿರುವ ಪ್ರಯೋಗ ಶಾಲೆಗಳಿಂದ ಅಥವಾ ವಿಶ್ವೇಶ್ವರಯ್ಯ ತಾಂತ್ರಿಕ ವಿಶ್ವವಿದ್ಯಾನಿಲಯದ ಸಿವಿಲ್ ಇಂಜಿನಿಯರಿಂಗ್ ವಿಭಾಗಗಳ ಪ್ರಯೋಗ ಶಾಲೆಗಳಲ್ಲಿ ಪರೀಕ್ಷಿಸಿ, ವಿಶ್ಲೇಷಣಾ ವರದಿ ಪಡೆಯುವುದು. ಈ ಸಂಬಂಧ ತಗಲುವ ವೆಚ್ಚವನ್ನು ಪಟ್ಟಾದಾರರೇ ಭರಿಸತಕ್ಕದ್ದು.
9. ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರಾತಿ ಪಡೆಯುವ ಮುನ್ನ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ನಿಯಮ 3(1)ರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವಂತೆ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಗಳಿಂದ ನಿರೀಕ್ಷಾಪಣಾ ಪತ್ರವನ್ನು ಪಡೆಯತಕ್ಕದ್ದು.

10. ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯು ಸಮರ್ಥನೀಯ ಕಾರಣಗಳೊಂದಿಗೆ ಅಪೇಕ್ಷಿತ ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆ ಸಂಬಂಧ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆಯ ನಿರ್ದೇಶನಾಲಯದ ಮುಖಾಂತರ ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.
11. ಮರಳು ಗಣಿಗಾರಿಕೆಗೆ ಅನುಮತಿ ಕೋರಿರುವ ಪಟ್ಟಾ ಜಮೀನಿನ ವಿಸ್ತೀರ್ಣಕ್ಕೆ ಅನುಗುಣವಾಗಿ ಜಿಲ್ಲಾ ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆಯ ಉಪ-ನಿರ್ದೇಶಕರು/ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿಗಳು ಕಂದಾಯ ಇಲಾಖೆಯ ಸಹಯೋಗದೊಂದಿಗೆ ಜಂಟಿ ಸರ್ವೆ ಕಾರ್ಯ ನಿರ್ವಹಿಸಿ ಗಡಿ ಗುರುತು ಕಲ್ಲುಗಳನ್ನು ಸ್ಥಾಪಿಸಿ ಜಂಟಿ ಮೋಜಣಿ ವರದಿ ಪಡೆಯುವುದು.
12. ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯು ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ನಿರ್ದೇಶನಾಲಯದ ಮೂಲಕ ಸಲ್ಲಿಸಿದಂತಹ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಿ ಅಗತ್ಯ ಷರತ್ತು ಮತ್ತು ನಿಬಂಧನೆಗಳನ್ನು ವಿಧಿಸಿ ಸರ್ಕಾರವು ಪ್ರಸ್ತಾವನೆಯನ್ನು ಅನುಮೋದಿಸಬಹುದಾಗಿರುತ್ತದೆ.
13. ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆ ನಡೆಸಲು ಸರ್ಕಾರದಿಂದ ಅನುಮೋದನೆ ದೊರೆತ ನಂತರ ಜಿಲ್ಲಾ ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆಯ ಉಪ ನಿರ್ದೇಶಕರು/ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿಗಳು ಅಗತ್ಯ ಕಾಸನಬದ ದಾಖಲೆಗಳಾದ ಅನುಮೋದಿತ ಕ್ವಾರಿಯಿಂಗ್ ಪ್ಲಾನ್, ಪರಿಸರ ಅನುಮತಿ ಪತ್ರ, ಭೂಪರಿವರ್ತನ ಆದೇಶ ಹಾಗೂ ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಗೆ ಅವಕಾಶವೆಂದು ಕಂಡುಬರುವ ಇತರೆ ದಾಖಲೆಗಳನ್ನು ಪಟ್ಟಾದಾರರು ಸಲ್ಲಿಸಿದ ನಂತರ ನಿಯಮಾನುಸಾರ ಗುತ್ತಿಗೆ ಅಮಲ್ದಾರಿ (Licence Deed) ಜಾರಿಗೊಳಿಸತಕ್ಕದ್ದು.
14. ಮರಳು ಗಣಿ ಪರವಾನಿಗೆ ಅಮಲ್ದಾರಿ ಸಮಯದಲ್ಲಿ ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿಗಳು, 1994ರ ನಿಯಮ-36(5)ರಂತೆ Performance Guarantee ಪಡೆಯತಕ್ಕದ್ದು.
15. ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆಗೆ ನೀಡುವ ಅನುಮತಿಯು ಕೆಎಂಎಂಸಿಆರ್ ನಿಯಮಗಳು, 1994ರ ನಿಯಮಾವಳಿಗಳಂತೆ, ಸರ್ಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ವಿಧಿಸುವ ಹೆಚ್ಚುವರಿ ಷರತ್ತು ಹಾಗೂ ನಿಬಂಧನೆಗಳಿಗೆ ಮತ್ತು ಈ ಪ್ರದೇಶದಲ್ಲಿ ಗಣಿಗಾರಿಕೆ ನೀಡಿರುವ ಪರಿಸರ ಅನುಮತಿ ಪತ್ರದಲ್ಲಿ ವಿಧಿಸಿರುವ ಷರತ್ತು ಮತ್ತು ನಿಬಂಧನೆಗಳಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.
16. ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆಗೆ ಪರವಾನಿಗೆದಾರರು ನಿಯಮಗಳನ್ವಯ ರಾಜಧನ ಮತ್ತು ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು, 2016ರ ನಿಯಮ-36-Aರಂತೆ ರಾಜಧನದ ಶೇಕಡಾ 10ರಷ್ಟು ಮೊತ್ತವನ್ನು ಜಿಲ್ಲಾ ಖನಿಜ ಪ್ರತಿಷ್ಠಾನ ನಿಧಿ (DMF)ಯನ್ನು ಹಾಗೂ ಉಪ-ನಿಯಮ 31-ZA(3) ರನ್ವಯ ಹೆಚ್ಚುವರಿ ನಿಯತಕಾಲಿಕ ಸಂದಾಯದ ಮೊತ್ತ (Additional Periodic Payment) ಪಾವತಿಸತಕ್ಕದ್ದು.

ಅನುಬಂಧ I

ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆ ನಡೆಸಲು ಅರ್ಜಿಯೊಂದಿಗೆ ಸಲ್ಲಿಸಬೇಕಾದ ದಾಖಲೆಗಳು

ಪಟ್ಟಾ ಜಮೀನುಗಳಲ್ಲಿ ಮರಳು ಗಣಿಗಾರಿಕೆ ನಡೆಸಲು ಅರ್ಜಿದಾರರು ನಿಗದಿತ ನಮೂನೆ AQLನಲ್ಲಿ ಅರ್ಜಿ ಶುಲ್ಕ ರೂ. 2000/- (ಪ್ರತಿ ಅರ್ಜಿಗೆ) ಪಾವತಿಸಿ ಈ ಕೆಳಕಂಡ ಅಗತ್ಯ ದಾಖಲೆಗಳೊಂದಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಜಿಲ್ಲೆಯ ಉಪ-ನಿರ್ದೇಶಕರು/ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿ, ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ ಕಛೇರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸುವುದು.

1. ಆರ್.ಟಿ.ಸಿ.
2. ಗ್ರಾಮ ಸಕ್ಷೆಯಲ್ಲಿ ಅರ್ಜಿ ಪ್ರದೇಶವನ್ನು ಗುರುತಿಸಿ ಸಲ್ಲಿಸುವುದು.
3. ಮ್ಯಾಟೀಶನ್ ಪ್ರತಿ.
4. ಆಕಾರ್ ಬಂದ್ (ಫಾರಂ-10).
5. ಹಿಸ್ತಾ/ಪೋಡಿ ನಕ್ಷೆ.
6. ಮರಳು ಗಣಗುರಿಗೆ ಕೋರಿರುವ ಪಟ್ಟಾ ಜಮೀನಿನ ನೀರಿ ಸಹಾಕ 1"=660' ಸ್ಕೇಲ್‌ನಲ್ಲಿ ಅಕ್ಷಾಂಶ ಮತ್ತು ರೇಖಾಂಶಗಳನ್ನು ನಮೂದಿಸಿ ಸಲ್ಲಿಸುವುದು.
7. ಅರ್ಜಿದಾರರ ವಾಸ್ತವ್ಯ ದೃಢೀಕರಣಕ್ಕಾಗಿ ಚುನಾವಣೆ ಗುರುತಿಸ ಚೀಟಿ/ಆಧಾರ್ ಕಾರ್ಡ್/ಇತರೆ ದಾಖಲೆಗಳ ಪ್ರತಿ.
8. ಅರ್ಜಿದಾರರ ಇತ್ತೀಚಿನ ಪಾಸ್‌ಪೋರ್ಟ್ ಅಳತೆಯ 4 ಭಾವಚಿತ್ರಗಳು.
9. ಒಪ್ಪಿಗೆ ಪ್ರಮಾಣಪತ್ರದ ಅಡಿಯಲ್ಲಿ ಮರಳು ಗಣಗುರಿಗೆ ಅನುಮತಿ ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದಲ್ಲಿ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ನಮೂನೆ-CFQನಲ್ಲಿ ಪಟ್ಟಾದಾರರಿಂದ ಪಡೆದಿರುವ ಒಪ್ಪಿಗೆ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸುವುದು.
10. GPA ಪತ್ರದ ಆಧಾರದ ಮೇರೆಗೆ ಮರಳು ಗಣಗುರಿಗೆ ಅನುಮತಿ ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದಲ್ಲಿ ಪಟ್ಟಾದಾರರಿಂದ ಪಡೆದಿರುವ ನೋಂದಾಯಿತ GPA ಪತ್ರವನ್ನು ಸಲ್ಲಿಸುವುದು.
11. ಅರ್ಜಿದಾರರು ಈಗಾಗಲೇ ಖನಿಜ/ಉಪ-ಖನಿಜ ಗಣ ಗುರಿಗೆ ಹೊಂದಿದ್ದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಪಾವತಿಸಬೇಕಾದ ಬಾಕಿಯ-ಕುರಿತು ಸಂಬಂಧಪಟ್ಟ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಬೇಬಾಕಿ ಪ್ರಮಾಣಪತ್ರ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಕೆಗಳು

ವಿಷಯ : ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿಗಳು, 1994ರನ್ವಯ ಮರಳು ಗಣಗುರಿಗೆ ನಡೆಸಲು ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹೊರಡಿಸುವ ಕುರಿತು.

- ಓದಲಾಗಿದೆ :**
1. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಐ 357 ಎಂಎಂಎನ್ 2012, ದಿನಾಂಕ 16-12-2013.
 2. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಐ 418 ಎಂಎಂಎನ್ 2015(ಭಾ), ದಿನಾಂಕ 12-8-2016.
 3. ಆಯುಕ್ತರು, ಗಣ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ ಗಭೂಇ/ಉ.ನಿ(ಖ.ಅ)/ಕಮಾಸೂ/1/2016-17, ದಿನಾಂಕ 26-10-2016.

ಪ್ರಸ್ತಾವನೆ.-

ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿಗಳು, 1994ಗಳಿಗೆ ಉಲ್ಲೇಖಿತ (1)ರ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ತಿದ್ದುಪಡಿಗಳನ್ನು ಜಾರಿಗೊಳಿಸಿದ್ದು ಇದರನ್ವಯ ಪರಿಸರ ಅನುಮತಿ ಪಡೆದು ಮರಳು ಗಣಗುರಿಗೆ ನಡೆಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿದೆ. ಸದರಿ ನಿಯಮಗಳಿಗೆ ಉಲ್ಲೇಖಿತ (2)ರ ಅಧಿಸೂಚನೆ ದಿನಾಂಕ 12-8-2016ರಲ್ಲಿ ತಿದ್ದುಪಡಿಗಳನ್ನು ಜಾರಿಗೊಳಿಸಲಾಗಿದೆ. ಇದರನ್ವಯ ಮರಳು ಗಣಗುರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಧ್ಯಾಯ IV-Bನಲ್ಲಿ ವಿವರವಾಗಿ ನಿಯಮಗಳನ್ನು ರಚಿಸಲಾಗಿದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಮರಳು ಗಣಗುರಿಗೆ ಅವಕಾಶಗಳನ್ನು ಕಲ್ಪಿಸಲು ಅನುಷ್ಠಾನ ಅಧಿಕಾರಿಗಳಿಗೆ ಅನುಕೂಲವಾಗುವಂತೆ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹೊರಡಿಸುವಂತೆ ಕೋರಿ ಆಯುಕ್ತರು, ಗಣ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ, ಬೆಂಗಳೂರು ಇವರು ಮೇಲೆ (3)ರಲ್ಲಿ ಓದಲಾದ ಪತ್ರದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದ ನಂತರ ನದಿ ಮರಳು ಗಣಗುರಿಗೆ ನಡೆಸುವ ಕುರಿತು ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹೊರಡಿಸಲು ತೀರ್ಮಾನಿಸಿದ ಸರ್ಕಾರವು ಈ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿದೆ.

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ ಸಿಐ 320 ಎಂಎಂಎನ್ 2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 18-11-2016

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಕಾರಣಗಳಿಂದಾಗಿ, ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿ, 1994ಕ್ಕೆ ದಿನಾಂಕ 12-8-2016 ರಂದು ಹೊರಡಿಸಲಾದ ತಿದ್ದುಪಡಿಗಳ ನಿಯಮಗಳ ಅಧ್ಯಾಯ IV-Bರನ್ವಯ ಮರಳು ಗಣಗುರಿಗೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ರಾಜ್ಯದ ನದಿ ತಾತ್ರಗಳಲ್ಲಿ ದೊರೆಯುವ ಮರಳನ್ನು ತೆಗೆಯಲು ಕೇಂದ್ರ ಸರ್ಕಾರದ ಅರಣ್ಯ ಮತ್ತು ಪರಿಸರ ಮಂತ್ರಾಲಯವು (MoEF) ಕಾಲಕಾಲಕ್ಕೆ ಹೊರಡಿಸುವ ಮಾರ್ಗಸೂಚಿಗಳು ಮತ್ತು ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿಗಳು, 1994 ಮತ್ತು ತಿದ್ದುಪಡಿ ನಿಯಮಗಳು, 2016ರನ್ವಯ ನದಿ, ಹಳ್ಳ ಮರಳು ಗಣಗುರಿಗೆ ಅವಕಾಶ ನೀಡಲು ಈ ಕೆಳಕಂಡ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಹೊರಡಿಸಿದೆ.

ಮಾರ್ಗಸೂಚಿಗಳು

1. KMMCR, 1994ರ ಅಧ್ಯಾಯ IV-Bರನ್ವಯ ಮರಳು ಗಣಗುರಿಗೆ ನಿಯಮಗಳನ್ನು ರೂಪಿಸಲಾಗಿದೆ.
2. ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿ ಮತ್ತು ತಾಲ್ಲೂಕು ಮರಳು ಸಮಿತಿ ರಚನೆಯಾಗಿದ್ದು, ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರುಗಳು ಈ ಹಿಂದಿನಂತೆ ಮುಂದುವರಿದಿದ್ದು, ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಗೆ ಜಿಲ್ಲೆಯ ಉಪ-ನಿರ್ದೇಶಕರು/ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿಯವರು ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳಾಗಿದ್ದು, ತಾಲ್ಲೂಕು ಮರಳು ಸಮಿತಿಗೆ ತಹಶೀಲ್ದಾರರು ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳಾಗಿರುತ್ತಾರೆ.
3. ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯ ಅಧಿಕಾರಗಳು ಮತ್ತು ಕಾರ್ಯಚಟುವಟಿಕೆಗಳ ಬಗ್ಗೆ ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು, 2016ರ ನಿಯಮ 31-R(3)ರಲ್ಲಿ ವಿವರಿಸಲಾಗಿದೆ.
4. ತಾಲ್ಲೂಕು ಮರಳು ಸಮಿತಿಯ ಅಧಿಕಾರಗಳು ಮತ್ತು ಕಾರ್ಯಚಟುವಟಿಕೆಗಳ ಬಗ್ಗೆ ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು, 2016ರ ನಿಯಮ 31-R(4)ರಲ್ಲಿ ವಿವರಿಸಲಾಗಿದೆ.

5. ಮರಳು ಗಣಗಾರಿಕೆಯಿಂದ ಬರುವ ರಾಜಧನ, ಸರಾಸರಿ ಹೆಚ್ಚುವರಿ ನಿಯತಕಾಲಿಕ ಮೊತ್ತ (Average Additional Periodic Payment) ಮತ್ತು ದಂಡವನ್ನು ರಾಜ್ಯ ಸಂಚಿತ ನಿಧಿಗೆ ಪಾವತಿಸಬೇಕಾಗುತ್ತದೆ.
6. ಮರಳು ಗುತ್ತಿಗೆ ಪ್ರದೇಶದಲ್ಲಿ/ಬ್ಲಾಕ್‌ಗಳಲ್ಲಿ ತೆಗೆಯುವ ಮರಳಿಗೆ ರಾಜಧನದ ಶೇಕಡಾ 10ರಷ್ಟು ಮೊತ್ತವನ್ನು ನಿಯಮ 36-Aರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವಂತೆ ಸಂಗ್ರಹಿಸಿ ಜಿಲ್ಲಾ ಖನಿಜ ಪ್ರತಿಷ್ಠಾನ ನಿಧಿಗೆ ಪಾವತಿಸತಕ್ಕದ್ದು.
7. ರಾಜಧನ ಮತ್ತು ಹೆಚ್ಚುವರಿ ನಿಯತಕಾಲಿಕ ಮೊತ್ತದ ಶೇಕಡಾ 25ರಷ್ಟು ಹಣವನ್ನು ಆಯವ್ಯಯದ ಮೂಲಕ ಸಂಬಂಧಿಸಿದ ಗ್ರಾಮ ಪಂಚಾಯತ್‌ಗೆ ನೀಡಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿದೆ.
8. ಅಕ್ರಮ ಮರಳು ಗಣಗಾರಿಕೆ, ಸಾಗಾಣಿಕೆ ಮತ್ತು ದಾಸ್ತಾನು ಸೇರಿದಂತೆ ಇತರ ಉಪ-ಖನಿಜಗಳ ಅನಧಿಕೃತ ಗಣಗಾರಿಕೆ ಮತ್ತು ಸಾಗಾಣಿಕೆಯನ್ನು ತಡೆಗಟ್ಟಲು ಕಾರ್ಪಸ್ ಫಂಡನ್ನು ಬಳಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿದೆ.
9. ಪಟ್ಟಾ ಜಮೀನು ಸೇರಿದಂತೆ ಯಾವುದೇ ವರ್ಗದ ಭೂಮಿಯಲ್ಲಿ ಫಿಲ್ಟರ್ ಮರಳು ಗಣಗಾರಿಕೆ, ಉತ್ಪಾದನೆ, ದಾಸ್ತಾನು ಹಾಗೂ ಮಾರಾಟ ಮಾಡುವುದನ್ನು ನಿಷೇಧಿಸಲಾಗಿದೆ.
10. ನದಿ ಪಾತ್ರದ ಮರಳು ಗಣಗಾರಿಕೆಯಲ್ಲಿ Mechanised Boats ಮತ್ತು Dredgersನ್ನು ಬಳಸುವುದನ್ನು ನಿಷೇಧಿಸಿದೆ.
11. ಭಾರತ ಸರ್ಕಾರದ ಪರಿಸರ ಮಂತ್ರಾಲಯದಿಂದ ಕಾಲಕಾಲಕ್ಕೆ ಹೊರಡಿಸಬಹುದಾದ ಮಾರ್ಗಸೂಚಿಗಳು ಮತ್ತು ಅಧಿಸೂಚನೆಗಳಿಗೆ ಒಳಪಟ್ಟು ನದಿ ಪಾತ್ರದ ಮರಳು ಗಣಗಾರಿಕೆಗೆ JCB ಮತ್ತು Screeningನ್ನು ಬಳಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿದೆ. ಆದರೆ River Bankಗೆ ಯಾವುದೇ ರೀತಿಯ ತೊಂದರೆಯಾಗದಂತೆ ಮರಳು ತುಂಬಲು ಡಂಪರ್, ಬ್ರಾಕ್ಲರ್ ಮೌಂಟೆಡ್ ಲೋಡರ್, ಬಳಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿದೆ.
12. ಮರಳು ಗಣಗಾರಿಕೆಗೆ ಅನುಮತಿ ಪಡೆದಿರುವ ಕೇಂದ್ರ ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರಿ ಇಲಾಖೆಗಳು/ ಸಂಸ್ಥೆಗಳು ಅಥವಾ ಗುತ್ತಿಗೆದಾರರನ್ನು ಹೊರತುಪಡಿಸಿ ಉಳಿದ ಯಾವುದೇ ವ್ಯಕ್ತಿಗಳು ಮರಳು ಗಣಗಾರಿಕೆ, ದಾಸ್ತಾನು ಮತ್ತು ಮಾರಾಟದಲ್ಲಿ ತೊಡಗತಕ್ಕದ್ದಲ್ಲ.
13. M.M. (D and R) Act, 1957ರ ಕಲಂ 4(1), 4(1-ಎ)ರ ಉಲ್ಲಂಘನೆಗಾಗಿ ಕಲಂ 21 ಮತ್ತು 22ರಲ್ಲಿ ಹಾಗೂ KMMCR, 1994ರ ನಿಯಮ 43(3) ರನ್ವಯ ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿ ಮತ್ತು ತಾಲ್ಲೂಕು ಮರಳು ಸಮಿತಿಗಳು ಅಕ್ರಮ ಮರಳು ಗಣಗಾರಿಕೆ ಮತ್ತು ಸಾಗಾಣಿಕೆಯನ್ನು ತಡೆಗಟ್ಟಲು ಜಿಲ್ಲಾ/ತಾಲ್ಲೂಕು ಮರಳು ಸಮಿತಿಯ ಸದಸ್ಯರು ಹಾಗೂ ಜಿಲ್ಲಾ ಸಮಿತಿಯಿಂದ ಅಧಿಕಾರಯುಕ್ತ ಸಂಬಂಧಿಸಿದ ಇಲಾಖೆಯ ಅಧೀನ ಅಧಿಕಾರಿಗಳು ಪ್ರಕರಣವನ್ನು ಸಂಬಂಧಿಸಿದ ಪೊಲೀಸ್ ಠಾಣೆ/ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ದಾಖಲಿಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿದೆ.
14. ಅಂತರ ರಾಜ್ಯಗಳಿಗೆ ಮರಳು ಸಾಗಾಣಿಕೆಯನ್ನು ನಿಷೇಧಿಸಲಾಗಿದೆ. ಆದರೆ ತುರ್ತು ಸಂದರ್ಭದಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅವಶ್ಯವಿದ್ದಲ್ಲಿ ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯ ಫಿಶಾರಿನ್ ಮೇರೆಗೆ ಅಥವಾ ಸ್ವತಃ ಹೊರ ರಾಜ್ಯಗಳಿಗೆ ಮರಳು ಸಾಗಾಣಿಕೆ ಮಾಡಲು ಆದೇಶ ಹೊರಡಿಸಬಹುದಾಗಿದೆ.

15. ಗ್ರಾಮ ಮತ್ತು ಪಟ್ಟಣ ಪ್ರದೇಶಕ್ಕೆ ಕುಡಿಯುವ ನೀರು ಸರಬರಾಜು ಮಾಡುವ ಬಾವಿಯ 500 ಮೀಟರ್ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಮರಳು ಗಣಗಾರಿಕೆ ನಿಷೇಧಿಸಲಾಗಿದೆ.
16. ಹರಾಜು ಪ್ರಕ್ರಿಯೆ ಪ್ರಾರಂಭಿಸುವ ಮುನ್ನ ದಿನಾಂಕ 15-1-2016ರ ಭಾರತ ಸರ್ಕಾರದ ಪರಿಸರ ಮಂತ್ರಾಲಯ ಹೊರಡಿಸಿರುವ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ S.O.141(E)ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ District Mineral Survey Reportನ್ನು ತಯಾರಿಸುವುದು ಮತ್ತು ಇದಕ್ಕೆ ತಗಲುವ ಹೆಚ್ಚುವನ್ನು ಜಿಲ್ಲಾ ಕಾರ್ಪಸ್ ಫಂಡ್ ನಿಧಿಯಿಂದ ಭರಿಸತಕ್ಕದ್ದು. ಭಾರತ ಸರ್ಕಾರದ ಪರಿಸರ ಮಂತ್ರಾಲಯವು (MoEF and CC) ಕಾಲಕಾಲಕ್ಕೆ ಹೊರಡಿಸಬಹುದಾದ ಅಧಿಸೂಚನೆಗಳನುಸಾರ ಮರಳು ಗಣಗಾರಿಕೆ ಚಟುವಟಿಕೆಗಳನ್ನು ಕೈಗೊಳ್ಳತಕ್ಕದ್ದು.
17. ನದಿ ನೀರಿನ ತಳಭಾಗದಿಂದ ಮರಳು ತೆಗೆಯುವುದನ್ನು (Instream Sand Mining) ನಿಷೇಧಿಸಿದೆ. ಆದರೆ ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯ ಸೂಕ್ತ ಸಮರ್ಥನೆ ಮೇರೆಗೆ ಅಗತ್ಯ ಪರಿಸ್ಥಿತಿ ಮತ್ತು ನಿಬಂಧನೆಗಳೊಂದಿಗೆ ಭಾರತ ಸರ್ಕಾರದ ಪರಿಸರ ಮಂತ್ರಾಲಯವು ಕಾಲಕಾಲಕ್ಕೆ ಹೊರಡಿಸಬಹುದಾದ ಅಧಿಸೂಚನೆ ಹಾಗೂ ಮಾರ್ಗಸೂಚಿಯಂತೆ ಮತ್ತು ಇಂತಹ ಪ್ರಕರಣಗಳಿಗೆ ರಾಜ್ಯ ಅರಣ್ಯ ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆಯ ಸ್ಪಷ್ಟ ಅಭಿಪ್ರಾಯದೊಂದಿಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ನದಿ ನೀರಿನ ತಳಭಾಗದಲ್ಲಿ ಮರಳು ತೆಗೆಯಲು (Instream Sand Mining) ಅನುಮತಿ ನೀಡಬಹುದಾಗಿರುತ್ತದೆ.

ಆದರೆ, ಅಂತಹ ನದಿ ನೀರಿನ ತಳ ಭಾಗದಲ್ಲಿ ಮರಳು ತೆಗೆಯಲು (Instream Sand Mining) ಪರಿಸರ ಅನುಮತಿ ಪತ್ರದೊಂದಿಗೆ ಅಗತ್ಯವಿರುವ ಎಲ್ಲಾ ಶಾಸನಬದ್ಧ ಅನುಮತಿಗಳನ್ನು ಪಡೆದು ಮರಳು ಗಣಗಾರಿಕೆಗೆ ಅವಕಾಶ ಕಲ್ಪಿಸಬಹುದಾಗಿದೆ.
18. ಮರಳು ಗುತ್ತಿಗೆ ಹೊಂದಿದ ಬ್ಲಾಕ್‌ಗಳಿಂದ ಮರಳು ಸಾಗಾಣಿಕೆ ಮಾಡಲು, MDRO ಮತ್ತು CMDPಗಳನ್ನು ನೀಡಲು ನಿಯಮ 42ರಂತೆ ಕ್ರಮ ವಹಿಸುವುದು.
19. ಮರಳು ಸಾಗಾಣಿಕೆ ವಾಹನಗಳಿಗೆ ಜಿ.ಪಿ.ಎಸ್ /ಆರ್.ಎಫ್.ಐ.ಡಿ. ಉಪಕರಣವನ್ನು ಅಳವಡಿಸುವುದು ಕಡ್ಡಾಯಗೊಳಿಸಿದೆ.
20. ಅನುಮೋದಿತ ಕ್ವಾರಿ ಪ್ಲಾನ್ ಮತ್ತು ಪರಿಸರ ಅನುಮತಿ ಪತ್ರ ಪಡೆಯದೆ ಮರಳು ಗಣಗಾರಿಕೆಯನ್ನು ನಡೆಸುವಂತಿಲ್ಲ.
21. ಅಂತಿಮ ಯಶಸ್ವಿ ಬಿಡುಗಡೆಗಾಗಿ 5 ವರ್ಷಗಳ ಅವಧಿಗೆ ಗಣಿ ಗುತ್ತಿಗೆ ನೀಡಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿದೆ. ಸರ್ಕಾರಿ ಸ್ವಾಮ್ಯದ ಸಂಸ್ಥೆಗಳಿಗೆ ನೀಡಲಾದ ಗುತ್ತಿಗೆಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ಉಳಿದ ಯಾವುದೇ ಮರಳು ಗುತ್ತಿಗೆದಾರರಿಗೆ ಗುತ್ತಿಗೆ ಸರ್ವೀಕರಣಕ್ಕೆ ಅವಕಾಶವಿರುವುದಿಲ್ಲ.
22. ಅವಧಿ ಮುಕ್ತಾಯವಾಗುವ ಮೊದಲು, ಮರಳು ಗುತ್ತಿಗೆಯ ಪ್ರದೇಶಕ್ಕೆ ಎಲ್ಲಾ ಸುರಕ್ಷಿತ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಂಡ ನಂತರ ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯಲ್ಲಿ ಅನುಮೋದನೆ ಪಡೆದು ಮರಳು ಗುತ್ತಿಗೆದಾರರಿಗೆ ಯಾವುದೇ ಪರಿಹಾರ ನೀಡದ ಆದ್ಯರ್ಥಕ ಮಾಡಿಕೊಳ್ಳಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ.
23. ಮರಳು ಗಣಗಾರಿಕೆಯ ಅವಧಿಯನ್ನು ಬೆಳಿಗ್ಗೆ 6.00 ಗಂಟೆಯಿಂದ ಸಂಜೆ 6.00 ಗಂಟೆಯವರೆಗೆ ಸೀಮಿತಗೊಳಿಸಿದೆ.

24. KMMCR, 1994ರ ಅಧ್ಯಾಯ IV-B ನಿಯಮ 24ರನ್ವಯ ಮರಳು ಗಣಗಾರಿಕೆಯಲ್ಲಿ ಉತ್ಪತ್ತಿಯಾಗುವ ಉಪ ಉತ್ಪನ್ನ ಮತ್ತು ಇತರೆ ಉಪ-ಖನಿಜಗಳನ್ನು ಮರಳು ಗುತ್ತಿಗೆದಾರರು ವರಿಸರ ಅನುಮತಿ ಪತ್ರದ ಷರತ್ತುಗಳು ಮತ್ತು ನಿಯಮ 8Nರಂತೆ ನದಿ ಪಾತ್ರದ ಪುನಶ್ಚೇತನಕ್ಕಾಗಿ ಮಾತ್ರ ಬಳಸುವುದು.
25. ಮರಳು ಬ್ಲಾಕ್‌ಗಳನ್ನು ಇ-ಹರಾಜು ಮೂಲಕ ವಿಲೇವಾರಿ ಮಾಡಲು ಅನುಸರಿಸಬೇಕಾದ ಮೀಸಲಾತಿ ಕ್ರಮಗಳ ಬಗ್ಗೆ ನಿಯಮ 31-Sನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದು.
26. ಟೆಂಡರ್ ಕಂ ಹರಾಜು ಪ್ರಕ್ರಿಯೆಯನ್ನು ನಿಯಮ 31-Tರನ್ವಯ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದರಿಂದ ಇ-ಹರಾಜು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಪ್ರಸ್ತುತ ಲಭ್ಯವಿರುವ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯ e-platform ಮೂಲಕ ನಿರ್ವಹಿಸುವುದು.
27. ಸರ್ಕಾರದಿಂದ ಹೊರಡಿಸಿರುವ ಮಾದರಿ ಟೆಂಡರ್ ಡಾಕ್ಯುಮೆಂಟ್ ಹೆಚ್ಚುವರಿಯಾಗಿ ನಿಬಂಧನೆ ವಿಧಿಸಬೇಕಾದಲ್ಲಿ ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯ ಅನುಮೋದನೆಯೊಂದಿಗೆ ಅಗತ್ಯ ಷರತ್ತುಗಳನ್ನು ಸೇರಿಸಿಕೊಳ್ಳಬಹುದಾಗಿದೆ.
28. ಮರಳಿನ ಉತ್ಪಾದನಾ ವೆಚ್ಚ, ರಾಜಧನ, ಅನ್ವಯಿಸುವ ತೆರಿಗೆಗಳು, ನದಿ ದಡದಿಂದ ಸ್ಟಾಕ್‌ಯಾರ್ಡ್‌ಗೆ ಸಾಗಾಣಿಕೆ ಮಾಡಲು ತಗಲುವ ವೆಚ್ಚ, ಜಿಲ್ಲಾ ಖನಿಜ ಪ್ರತಿಷ್ಠಾನ ನಿಧಿ, ದಾಸ್ತಾನು ವೆಚ್ಚ, ಲೋಡಿಂಗ್-ಅನ್‌ಲೋಡಿಂಗ್ ವೆಚ್ಚ, ಲಾಭಾಂಶ ಇತ್ಯಾದಿ ವೆಚ್ಚಗಳನ್ನು ಸೇರಿಸಿ ಜಿಲ್ಲಾ ಮರಳು ಸಮಿತಿಯು ಗರಿಷ್ಠ ಮರಳು ಮಾರಾಟ ದರವನ್ನು ನಿಗದಿಪಡಿಸುವುದು. ಗುತ್ತಿಗೆದಾರರು ಸದರಿ ದರಕ್ಕೆ ಮರಳು ಮಾರಾಟ ಮಾಡುವಂತೆ ನಿರ್ದೇಶಿಸಲು ನಿಯಮದಲ್ಲಿ ಅವಕಾಶ ಕಲ್ಪಿಸಿದೆ. ಸದರಿ ದರವನ್ನು ಟೆಂಡರ್ ಡಾಕ್ಯುಮೆಂಟ್‌ನಲ್ಲಿ ಅಳವಡಿಸತಕ್ಕದ್ದು.

ಮೇಲ್ಕಂಡಂತೆ ನದಿ ಮರಳು ಗಣಗಾರಿಕೆಯಲ್ಲಿ ಅನುಷ್ಠಾನ ಅಧಿಕಾರಿಗಳು ಮೇಲ್ಕಂಡ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಪಾಲಿಸತಕ್ಕದ್ದು. ಈ ಮಾರ್ಗಸೂಚಿಗಳೊಂದಿಗೆ ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಗಳು, 1994ನ್ನು ಪಾಲಿಸತಕ್ಕದ್ದು.

GOVERNMENT OF KARNATAKA

District Sand Committee,..... District

C/o Deputy Commissioner,.....

TENDER-CUM-AUCTION DOCUMENT FOR DISPOSAL OF RIVER SAND BLOCKS

INTRODUCTION:

Sand is used as fine aggregate in mortars and concrete. River sand is a product of natural weathering of rocks over a period of millions of years. It is mined from the river beds. River sand has become scarce commodity now. In recent years rapid urbanization and development has lead increase in demand of river sand as a source of construction material.

The Government of Karnataka amended the KMMCR, 1994 on 12-8-2016 wherein provision has been made for sand block of appropriate size as specified under Schedule II-A of KMMCR, 1994 will be granted through e-auction to the private person/company/firm for extraction of sand.

The.....District Sand Committee here by invites e-applications in response to the Notification No. dated..... from the interested parties for grant of River Sand quarry leases for extraction of sand for the areas specified in the tender notification.

The interested parties' viz. Individuals/Firms/Companies may download the e-Tender document from the e-portal Government of Karnataka web site <https://eproc.karnataka.gov.in> and participate in the Tender-cum-Auction process. The interested parties may register in the e-procurement portal well in advance. For any support please contact:

1.

2.

1. DETAILS OF AREA: (as specified in Annexure page No. 01 to.....) of tender document.

2. ELIGIBILITY CRITERIA:

- (a) Bidder should be an Indian Registered Income Tax assessed or Company with a Positive Net Worth of not less than Rs. 5.00 Lakhs for SC/ST and Physically challenged and Rs.10.00 lakhs for others in any one of the preceding three financial years.
- (b) Bidder should be an Indian Registered Income Tax assessee Individual Firm or Company with a Turn over of not less than Rs. 25.00 lakhs in any one of the preceding three financial years. For SC/ST Bidders it should be 12.50 lakhs.
- (c) Bidder should have a valid PAN and/or TIN No.

3. INSPECTION OF THE SAND BLOCKS:

- (a) Bidders should inspect the sand blocks and satisfy themselves of the prevailing operational conditions and availability of sand before submission of bids. Objections raised subsequently will not be entertained.
- (b) All bids shall be construed and pursued on as-is-where is basis.
- (c) For sand blocks inspections, the bidders are requested to contact the concerned district Deputy Director/Senior Geologist, Department of Mines and Geology.
- (d) The bid document shall be provided along with the notified sketch and other relevant documents if any.
- (e) The bidders shall be provided a fixed period, as specified by the District Committee to study the bid document and reports. Bidding process shall commence only on expiry of the said period.
- (f) Incomplete application and application submitted without the requisite fees and document shall be rejected.

4. DOWNLOADING OF e-TENDER APPLICATION FROM:

The bidder shall download Application in Form-I (Annexure-I) from e-governance platform <http://eproc.karnataka.gov.in> and also the instructions thereon to submit their tender with relevant documents as attachments.

5. APPLICATION, PROCESSING FEE AND EARNEST MONEY DEPOSIT (EMD):

- (a) The application fee for SC/ST and Physically challenged tenderer shall be Rs. 5,000/- and for others it shall be Rs. 10,000/-.
- (b) The tenderer shall also pay processing fee as fixed by the e-governance department
- (c) The EMD amount equal to one year dead rent per acre as mentioned in the Schedule I of KMMCR, 1994 shall be paid through e-governance platform.
- (d) The EMD payable for SC/ST and Physically challenged shall be 50% of the EMD as prescribed for others category.
- (e) EMD and processing fee amount shall be paid to e-governance department through any of the following e-payment modes i.e. credit/debit card, NEFT/RTGS or OTC
- (f) EMD will be refunded to the successful bidder after the e-Tender cum auction process within a month of completion of auction process.
- (g) EMD shall not carry any interest.
- (h) The EMD will be forfeited if the successful tenderer fails to pay the Security Deposit in time.
- (i) The representative of a firm/company shall produce a letter of authorisation for the purpose of e-auction, in Form III (Annexure-3) written on non judicial stamp of Rs. 100/-.

PER-BID MEETING:

A pre-bid meeting will be held on.....date..... time at the Office of Any clarifications required will be discussed and suitable corrigendum if required will be issued in e-portal.

6. SUBMISSION OF THE BIDS /UPLOADING OF DOCUMENTS:

The bidder shall upload duly filled prescribed e-Tender application Form-I (Annexure 1) along with the documents

as mentioned in Annexure 7. Separate application forms and enclosures should be uploaded for each sand block.

7. TECHNICAL BID:

7.1. The Tenderer shall submit the following documents.

- (i) e-Tender application in form-AQL.
- (ii) Payment of EMD as mentioned above.
- (iii) Copy of the ownership/ establishment certificate for proprietary firms, partnership deed in respect of partnership firm/Registration Certificate in case of a company.
- (iv) Required, turnover and net worth certificate issued by registered Chartered Accountant.
- (v) Copy of PAN card and / or TIN No.
- (vi) No Due Certificate from the DD/Senior Geologist of the concerned District where the block is put to auction.
- (vii) Copy of the income tax returns filed /IT assessment orders for the previous financial year should be produced.
- (viii) An affidavit stating that the Tenderer has filed;
 1. IT returns of 3 preceding year as per IT Act, 1961.
 2. Paid income tax assessed on him.
 3. He/she abide by the terms and conditions of the Tender cum auction.
 4. He/she is not a minor or an undischarged insolvent or unsound mind.
 5. He/she is not holding an office of profit under the State Government or Central Government concerned.
 6. Has not been convicted of any offence involving moral turpitude.
 7. He/she has no dues payable to the Government.
 8. He/she does not belong to the category for whom the block is so reserved.

9. Bid once offered shall not be withdrawn till the grant of sand quarry lease in respect of such block.

7.2. The Tenderer who have not uploaded any one of the above documents and submission of insufficient documents will not be considered for technical bid evaluation and shall be treated as disqualified.

7.3. The Tenderer shall specifically mention the name of the sand block for which EMD has been remitted.

7.4. No Price bid shall be uploaded or mentioned in the Technical Bid, if done so, such application shall be rejected and EMD will be forfeited.

7.5. Bidder shall produce the original documents at the time of technical bid scrutiny on the date to be intimated.

7.6. In case the Tenderer submits Tender for more than one sand block, the complete documents listed under technical bid, shall be submitted separately for each block.

8. PRICE BID:

- (a) The Financial bid in e-tender shall be made in Annexure-2 with percentage of initial price offer payable equal or greater than the Base Price payable per tonne both in words and figures. Incomplete or corrections, modifications in the initial price offer and conditional bids, shall be deemed as defective and shall be rejected.
- (b) The minimum percentage of royalty payable as Base Price is 20%. Hence, the tenderer has to offer/bid above 20% If more than one bid is quoted by the same applicant, the highest quoted bid will be valid.

For example: At present Royalty for one tonne of sand is Rs. 60/- and the minimum of 20% of Rs. 60/- will be Rs. 12/-, which is the minimum base price payable to the Government from the bidder.

- (c) Technically qualified bidders shall participate through online bidding of e-auction on the date and time mentioned in the notification with bidding in multiples of 2.5% of Floor Price.

- (d) If, for any reason the auction is not held on the day fixed the auction will be held at the same time on the next working day for which no further notification will be issued. If not on next day, the same shall be published in the web site/e-portal for which no further notification or notice shall be necessary.
- (e) The maximum price of sale of sand at loading point by the lessee Rs.

9. WITHDRAWAL OF TENDER:

- (a) The tenderer shall not be allowed to withdraw his offer or bid till the tender is concluded.
- (b) The bid once offered shall not be withdrawn till the grant of sand quarry lease in respect of such area.
- (c) Amongst the bidders found eligible, successful bidder shall be decided solely on the basis of highest price offered by the eligible bidder.

10. PROCESS OF e-AUCTION:

Tender cum-Auction shall be online and shall have the following two rounds, of auction namely;

- (a) In the first round of auction, the bidder shall submit a technical bid comprising the application in Form AQL (please see KMMCR, 1994) along with relevant documents to confirm eligibility as per the provisions of KMMCR, 1994 to participate in the auction, earnest money deposits and such other documents and payments along with initial price offer as may be specified in the bid document approved by the District Committee.
- (b) Only those bidders who are found to be eligible in accordance with the terms and conditions of eligibility specified in the bid document and whose initial price offer is equal to or greater than the base price shall be considered for evaluating the technically qualified bidders for second round of auction.
- (c) The technically qualified bidders shall be ranked on the basis of descending initial price offer submitted by them and the technically qualified bidders holding the first fifty

percent of the ranks (rounded off to next integer, fraction if any) or top five bidders, whichever is higher shall be qualified for second round of auction.

- (d) If the total number of technically qualified bidders is less than three, the auction process shall be annulled, it shall not be applicable for the auction process after third and subsequent call.
- (e) If the number of technically qualified bidders is between three and five, then all the technically qualified bidders shall be considered as qualified bidders for the second round of auction. However, in the event of identical initial price offer being submitted by two or more technically qualified bidders; all such bidders shall be assigned the same rank and aforementioned fifty per cent shall stand enhanced to fifty per cent plus the number of persons with same rank.
- (f) The highest price offer amongst the technically qualified bidders shall be the floor price for price for the second round of auction.
- (g) In the second round of auction, the technically qualified bidders may offer their final price offer which shall be greater than the Floor Price.
- (h) The final price offer shall be increased in multiples of 2.5% of Floor Price till the conclusion of the auction.
- (i) The auction process shall be annulled if none of the qualified bidders offer the final price offer on the online electronic auction platform.
- (j) The qualified bidder who offers the highest final price offer shall be declared as the successful bidder in the auction process.

11. SELECTION OF SUCCESSFUL TENDERER:

- (1) The qualified bidder who offers the highest final price offer shall be declared as the successful bidder in the auction process.
- (2) Except the successful bidder all other applications of the bidders shall be deemed to have been rejected.

(3) A provisional acceptance letter shall be issued to the successful bidder by the Deputy Director or Senior Geologist upon approval of the e-auction from the District Committee.

(4) Successful bidder shall deposit security deposit equal to 4 times the earnest money, failing which earnest money deposited along with the application shall be forfeited and application shall be rejected.

(5) On depositing of security amount a letter of intent shall be issued to the successful bidder by the concerned Deputy Director or Senior Geologist requiring successful bidder to submit approved quarrying plan/simplified quarry plan and such other documents within three months for issue of grant notification.

If the condition specified above is not complied with by the successful bidder, the security amount and earnest money deposited by him shall be forfeited and acceptance letter of intent shall stand cancelled.

(6) On Compliance of all conditions Deputy Director/Senior Geologist shall issue grant notification.

12. EXECUTION OF SAND QUARRY LEASE:

(1) The Deputy Director or Senior Geologist shall grant quarry lease in favour of successful bidder upon confirmation by District Sand Committee.

(2) The holder of such grant shall get executed a lease deed, and get it Registered with concerned Sub-Registrar Office.

(3) On registration of lease deed after furnishing of performance guarantee the earnest money deposit shall be refunded.

13. PERIOD OF QUARRY LEASE:

Sand quarrying lease shall be for a period of five years from the date of execution of lease deed which shall be inclusive of non quarrying periods like rainy season, flood or any other natural calamities for which no extension is allowed. The lease shall not be extended or renewed for any reason.

14. MINIMUM ASSURED PRODUCTION:

The lease shall produce and dispatch minimum fifty per cent of the permitted annual production quantity, and if he fails to achieve the same, he shall be liable to pay royalty and Additional periodic payment as per the minimum production and dispatch requirement of fifty per cent of permitted annual production quantity.

If lessee fails to achieve minimum production and dispatch requirement for reasons beyond his control, the Deputy Director/Senior Geologist, on an application made by the lessee and after giving opportunity of hearing may waive the requirement of the minimum production and dispatch for such period as it may deem fit with approval of District Sand Committee.

15. TRANSFER OF LEASE:

Transfer of sand quarry lease or sub lease is prohibited.

16. PAYMENT TERMS:

1. Successful bidder shall deposit 4 times the earnest money deposit as security within 3 weeks from the date of acceptance letter, failing which earnest money deposit shall be forfeited and acceptance letter shall stand cancelled.

2. The lessee shall be bound to pay the Royalty, Survey and Demarcation fees, Additional Periodic Payment, DMF, Deed book fees, Environment Protection fees, Special Security Permit Paper fees, processing fees, quarry plan approval fees *etc.*

Any violation of the lease conditions shall make the performance guarantee liable for being forfeited and suitable action will be initiated as per KMMCR, 1994.

17. GESTATION / MORATORIUM PERIOD:

The successful bidder shall formally obtain all necessary clearances within a period of three months and operationalise the quarrying within a period of four months.

In case lessee is unable to get the clearance within the stipulated time due to reasons beyond his control such period may be extended to six months and nine months respectively by the District Sand Committee.

18. STATUTORY OBLIGATIONS:

- (i) The lessee at his own cost should get the quarrying plan prepared and approved shall also obtain necessary statutory requirements like Environmental Clearance;
- (ii) The lessee shall obtain approved quarry plan and Environment Clearance from the Authorities concerned as per Act and Rules made their under;
- (iii) Lessee shall comply with provisions of,-
 - (a) KMMCR, 1994
 - (b) MM (D and R) Act, 1957
 - (c) Environment Protection Act, 1986
 - (d) All labour loss including Contract (Labour Regulation and Obligation) Act, 1971 and Rules.
 - (e) Workmen's Compensation Act and Rules.
 - (f) Minimum Wages Act and Rules.
 - (g) Employees Provident Fund and Miscellaneous Rules and all other statutory rules governing the service conditions and safety of the workers engaged by him.
- (iv) The lessee is bound by the Rules, Regulations, Circulars, Compliances and Directions issued from the Competent Authority, Competent Courts and Government from time to time.

19. FORCE MAJEURE CLAUSE:

In case, the contract is to be cancelled/terminated for any reason arising out of the law governing the Contract Labour Regulation and Abolition Act or any other law or for any reasons like war, hostility, military operation of any character, civil commotions, sabotage, quarantine restriction, acts of Government embargoes, the Tenderer shall not be entitled for any compensation.

20. ARBITRATION:

If any dispute arises between the parties it shall be settled through mutual discussion in good faith. If not settled, the matter may be referred for Arbitration. The Regional Commissioner of the respective Revenue Division shall be the solo Arbitrator for the

purpose and his/her decision shall be final and binding on both the parties.

21. ASSIGNMENT:

The contract is not assignable on either side.

22. POWERS OF DISTRICT SAND COMMITTEE

The District Sand Committee reserves the right to reject all or any of the tender / bids without assigning any reason thereof or split up the tender as he deems fit.

The District Sand Committee also reserves the right to cancel the bid or lease even after acceptance of bid or during performance of the contract.

Annexure-1

FORM-I**GOVERNMENT OF KARNATAKA****District Sand Committee**

.....District

**DISPOSAL OF RIVER SAND BLOCKS THROUGH TENDER
CUM AUCTION AS PER CHAPTER IV-B, OF KMMCR, 1994**

Notification No: dated:

APPLICATION FOR RIVER SAND QUARRY LEASE [AQL]

Sl. No.	ITEM	DETAILS
1	Name and full address of the Bidder	
	Telephone No.	
	Mobile No.	
	Fax No.	
	E-Mail ID	
2	Date of Birth: Age as on the last date of tender:	

3	Address for communication and Name of contact persons Mobile No.	
4	Status of the Applicant: Individual (specify Nationality) or Private/Public Company/Partnership firm/Proprietorship firm/Government undertakings, (a copy in this regard to be enclosed)	
5	Nature of Organization (Please specify)	
	(i) Small Scale Industry	
	(ii) Medium and Large scale unit	
	(iii) Trader-Domestic	
	(iv) Mine/Quarry owner	
6	Nature of Business	
	(i) Manufacturing	
	(ii) Mining	
	(iii) Trading	
	(iv) Others (please specify)	
7	Details of the applied Area:	
	District:	
	Taluk:	
	Village:	
	Block No:	
	Sy. No:	
	Extent of Block:	
8	Payment details:	
	(i) EMD Amount paid:	
	Payment mode: DD/RTGS/NIFT	
	Details of payment:	

	(ii) Application fee	
	Amount paid:	
	Payment mode: DD/RTGS/NIFT	
	Details of payment:	
9	Category to which the applicant belongs [SC/ST/Physically affected]	
	If bidder belongs SC/ST/ Physically challenged produce relevant document issued by competent authority	
10	Turnover of the applicant during the preceding 3 years [Rs. in lakhs]:-	
	2013-2014	
	2014-2015	
	2015-2016	
	(should furnish in Annexure-5)	
11	Positive Net worth of the applicant during preceding 3 years [Rs. in lakhs]:-	
	2013-2014	
	2014-2015	
	2015-2016	
	(should furnish in Annexure-6)	
13	Bankers reference, if any	
14	Brief write up about the Company/firm/individual	
15	Particulars of areas, mineral wise already applied & holding any quarry leases	
16	Proposed method of quarrying and investment	

	(a) mechanised/quasi/manual	
	(b) investment in accordance	
17	Clearance Certificate with respect to royalty, dead rent, surface rent and any other dues towards department.	
18	Does the applicant hold office of profit: Yes/No	
19	Does the applicant has convicted of any offence involving moral turpitude / illegal mining activity.	
20	Any other relevant information like:	
	(i) Duly registered GPA document, if the application is filed by the GPA holder.	
	(ii) Authorisation letter to represent Firm/ Company etc., along with board resolution to this effect.	

DECLARATION

I/We hereby declare that:-

(a) The particulars uploaded are factual and correct and we are agreeable to furnish any other information/details as may be required by District Sand Committee,.....District.

(b) I/We agree and declare that I/we are fully familiar with the terms and conditions of the tender cum auction process as notified by Commissioner/Director, Department of Mines and Geology/District Sand Committee District and agree to abide by the terms and conditions issued by Commissioner/Director, Department of Mines and Geology/District Sand Committee..... District.

Date: _____ Signature of the Bidder

Place: _____ Name with Full address

Annexure-2

FORM-II
FINANCIAL TENDER BID FORM

District.....Taluk.....Village.....
Survey No. Extent..... Block No.....

Sl. No. as in the Notification	Name of the Sand Quarry Block	Initial Price offer (in %)	
1	2	3A (In numerical)	3B (In words)

Note:

(1) The tender offer format shall be submitted for each sand block separately and should be submitted in this format only. If any deviation in the tender offer, such bidders will be summarily rejected.

(2) The tender offer/Bid shall be quoted in % basis only and shall be equal or greater than 20% of royalty.

Signature of the Tenderer
with official seal

Date:

Place:

Annexure-3

FROM-III
AUTHORISATION LETTER FORMAT

(To be presented by the authorised person at the time of Technical/ Commercial Bid Opening in their Official letterhead)

Ref. No: _____ Date:

To,

The Chairman
District Sand Committee
..... District.

Dear Sir,

Sub.: Authorization Letter for attending the Bid Opening

Ref.: 1. Notification No.....dated.....

2. Meeting resolution No.....dated.....

This has reference to your above for the tender so specified

Smt./Sri. is hereby authorised to attend the bid opening of the above tender on behalf of Firm/Company/ Government Organisation under signed.

The specimen signature is attested

Specimen of Signature of Representative

Signature of Authorising person/Tenderer:

Name and Designation of Authorising Authority

Annexure-4

COVERING LETTER FORMAT

To,

The Chairman

District Sand Committee

.....district.

Dear Sir,

Tender Notification Ref..... dated:.....

Having examined the tender document including all Annexure the receipt of which is hereby duly acknowledged, we, the undersigned, offer to participate in the tender in conformity with the said tender in accordance with the schedule of rates indicated in the commercial offer and made part of this offer.

If our offer is accepted, we undertake to work as specified in the offer document and enter into agreement within two weeks from the date of issue or order.

If our offer is accepted, we undertake to abide by all the rules and regulations as prescribed and changed from time to time during the tender period. I/We also undertake that we will not resort to illegality in the work and any illegality found we are liable for any action from the Department. We also undertake that we will be paying the royalty and premium as quoted from time to time. Default in payment if any lease may be terminated.

We also undertake that we will abide that we will not cause any degradation in the environment.

We are aware that it is the discretion of the Chairman, District Sand Committee..... district, for accepting or rejecting the tender. We accept all the Instructions, Terms and Conditions and Nature of Work in the tender.

Dated

Signature.....

Name of the company with seal/individual

Annexure-5

TURNOVER CERTIFICATE

This is to certify that Sri/Smt./M/s..... have turnover in the preceding three financial years as stated below:

Financial Year	2013-2014	2014-2015	2015-2016
Turnover (in lakhs)			

The above information is given on the basis of audited financial statement and the turnover stated in the return of income filed by the Individual/Firm/Company/etc. with the income tax department.

Place:

Date:

Signature
(Registered Chartered Accountant)

Annexure-6**NETWORTH CERTIFICATE**

This is to certify that Sri/Smt./M/s.....
.....have net worth
in the preceding three financial years as stated below:

Financial Year	2013-2014	2014-2015	2015-2016
Networth (in lakhs)			

The above information is given on the basis of audited financial statement and the net worth stated in the return of income filed by the Individual/Firm/Company/etc. with the income tax department.

Place:

Date:

Signature
(Registered Chartered Accountant)

Annexure-7**LIST OF DOCUMENTS TO BE SUBMITTED**

The submission of Technical Offer for this tender is strictly in the following order:—

1. Tender processing fee to be payable at E-Proc portal.
2. Authorisation letter as in Annexure 3.
3. Bidder's Covering letter. This should be per Annexure 4.
4. Information of the Tenderers as per Annexure 1.
5. Documents in proof of the Eligibility Criteria.
6. Profile of the Company/ Firm.
7. Copies of Income tax returns.
8. Documents to show net worth of the amount specified, [Annexure 5]
9. Document to show turnover as specified. [Annexure 6].
10. EMD amount proof.

11. Power of Attorney/Authorisation letter signed by the Competent Authority with the seal of the bidder's company/firm in the name of the person signing the tender documents.
12. An Affidavit for the contents as specified in point 7 (viii) of the bid document.
13. If the bidder belongs to SC/ST caste certificate/Physically Handicapped certificate should be submitted.
14. If the bidder is a company/firm.

Sl. No.	Criteria	Documents required
1	If the bidder is a company/firm. Document duly attested by Registered Chartered Accountant.	Details of certificate from Registered Chartered Accountant
2	Net worth details as prescribed in eligibility criteria (para 2)	Audited Balance Sheet and P and L Accounts for the year 2015-2016, duly attested by the Chartered Accountant.
3	Turn over details as prescribed in eligibility criteria (para 2)	Audited Balance Sheet and P and L Accounts for last 3 financial years, duly attested by the Registered Chartered Accountant.
4	PAN/TIN/VAT	Xerox copies duly attested by the Chartered Accountant.
5	Affidavit stating that	
	1. IT returns of 3 preceding year as per IT Act, 1961.	
	2. Paid income tax assessed on him.	
	3. He/she abide by the terms and conditions of the Tender cum auction.	

	4. He/she is not a minor or an undischarged insolvent or unsound mind.	
	5. He/she is not holding an office of profit under the State Government or Central Government concerned.	
	6. Has not been convicted of any offence involving moral turpitude.	
	7. He/she has no dues payable to the Government.	
	8. He/she does not belong to the category for whom the block is so reserved.	
	9. Bid once offered shall not be withdrawn till the grant of sand quarry lease in respect of such block.	
6	Copy of the income tax returns filed/ IT assessment orders for previous year.	

Note: Failure to comply with the above instruction is liable for rejection.

GUIDELINES FOR IMPORT AND SALE OF SAND

G.O. No. CI 376 MMN 2017(P-1), Bengaluru dated 26th December, 2017
[Published in Karnataka Gazette, Extraordinary No. 1292, dated 26-12-2017]

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA COMMERCE & INDUSTRIES DEPARTMENT

Subject: Guidelines for Import and Sale of Sand as per Karnataka Minor Mineral Concession Rules, 1994.

Read: 1. Notification No. CI 302 MMN 2017, dated 16-11-2017.
2. Notification No. CI 376 MMN 2017, dated 23-12-2017.

Preamble:

Sand is an important, vital and indispensable minor mineral used in construction and allied activities. The availability of natural sand in rivers is limited hence there is huge gap between the demand and supply. To ease the situation and match demand and supply of sand, Government of Karnataka has amended the Karnataka Minor Mineral Concession Rules, 1994 on 16-11-2017 and on 23-12-2017 vide reference cited above. In the said amendment, provisions have been made under Rules 31-ZF to Rule 31-ZL of Chapter-IV-B of Karnataka Minor Mineral Concession (Amendment) Rules, 2017 to import natural sand from foreign countries for use in the State. In furtherance to these Rules the following Guidelines and Relevant Forms are issued for smooth import, transport, stock and sale of imported sand in the State.

**Government Order No. CI 376 MMN 2017(P-1),
Bengaluru, dated 26-12-2017**

As per the content explained in the Preamble the Government are pleased to issue the following guidelines:-

GUIDELINES

I. Registration of Importer of Sand and conditions thereof:

Any person or firm or Company having an Import / Export permit or having an agreement for Import/Export or a concession

for mining in sand issued by the competent authority of the Country from where the sand is proposed to be Imported;

Shall be eligible to import sand and may apply for registration as "Importer of Sand". Any person or firm or company, desirous of obtaining registration as Importer of sand shall make an application in the prescribed format to the Commissioner / Director, Department of Mines and Geology, No. 49, Khanija Bhavan, Race Course Road, Bengaluru-560 001.

(1) Application Form:

The intending Importer shall submit an application in the prescribed Form i.e. Form-IR (as appended in the KMMC Rules, 1994) to the Commissioner/Director, Department of Mines and Geology, along with non-refundable fee of Rs.25,000/- by Demand Draft or Pay Order drawn in the name of Commissioner/Director, Department of Mines and Geology, payable at Bengaluru)

(2) Documents to be submitted with application form:

- (a) If applicant is an individual, he/she shall submit the copy of a valid address proof issued by Central / State Government.
If applicant is a Firm or a Company it shall, submit registration details of company or firm.
- (b) GST Registration and Pan Card details. (Enclose photo copies)
- (c) IEC (Import Export Code) certificate issued by the Director General of Foreign Trade, Ministry of Commerce, Government of India
- (d) The Importer shall submit an affidavit duly sworn on non-judicial stamp paper of value of Rs.200/- stating that he shall adhere to all conditions mentioned in the Rules and guidelines issued and to be issued from time to time by the Government.

3. Registration and Renewal:

After verification of the above documents, if satisfied and found fit, the Commissioner/Director, Department of Mines and Geology, shall issues certificate of registration as Importer in Form-IRS. Short comings if any, shall be intimated to the applicant for compliance. The Importer of sand shall register in ILMS with

Department of Mines and Geology, Bengaluru. While considering a request / application for registration, Commissioner / Director, Department of Mines and Geology shall take note of the previous antecedents of the applicant including earlier violation or cancellation of Importer licence (if any).

The period of the Importers' Registration is valid for a period of five years from the date of issue. The Importer of sand should submit the renewal application in prescribed Form, 30 days before the expiry of the Registration to the Commissioner / Director, Department of Mines and Geology, along with non-refundable renewal fee of Rs.25,000/- by Demand Draft or Pay Order drawn in the name of Commissioner/Director, Department of Mines and Geology, payable at Bengaluru.

4. Statutory conditions to be adhered by the Importer at time of Import of sand:

- (a) The Registered Importer, after importing every batch of sand to the State shall intimate to the Deputy Director/ Senior Geologist of the District through which import to the State has been made with the following documents.
 1. Bill of Lading.
 2. Import Export Code Certificate.
 3. Physical and Chemical Analysis Report of the sample of Imported Sand in original meeting with BIS-383/2016 standards from an accredited Laboratory, prescribed by Central or State Government.
 4. A Certificate that imported sand does not bear metal as prescribed under chapter 26 of Import policy (EXIM Code-2505) from an Accredited Laboratory, prescribed by Central or State Government.
 5. The Importer of sand shall obtain and submit Phytosanitary Certificate duly issued by the Competent Authority of the exporting Country.
 6. The Importer of Sand shall obtain and submit Phytosanitary Certificate duly issued by the Competent Authorities of Central/ State Government after import of sand to the country.

7. The licence/permit issued for extraction of sand by the exporting country.
 8. The Importer of sand shall also submit the copies of Invoice issued by Country of Origin for every purchase of sand from other Nations.
 9. Importer shall submit details of the land on which imported sand stock yard is proposed to be established in the State along with GPS co-ordinates and documents of title or registered agreement between Importer and owner of the property with the copy of title deed.
- (b) The Imported Sand shall be transported from the place of its entry into the State (in case port of discharge is located outside the State) to the designated Importer stock yards only by obtaining valid rake permits issued by the Deputy Director/Senior Geologist of the District where the imported sand makes its first entry into the State. The Deputy Director/Senior Geologist of the District shall issue Mineral Dispatch Permit/s (MDP) for transportation of Imported Sand from the port of discharge (in case same is located in the State) to the designated Importer stock yard after due verification of all documents mentioned at Para (4) and shall also collect cess / fee / rent etc., at the rate as prescribed by the Government from time to time.
 - (c) The Imported Sand shall be sold only in the bags of 50 to 100 kg or large size jumbo bags containing following particulars.
 - (d) (i) Batch No. (ii) Date and place of packing (iii) Net quantity (iv) Quality of Sand (v) MRP (vi) Bulk Permit Number & Date (vii) Details of Importer including Registration number (viii) Origin of Sand.
 - (e) Provided that in special circumstances, the Government may relax the above conditions for the sale of sand in the State.
 - (f) That the Importer shall pay processing fee of Rs.60/- per ton and Rs.10/- towards Special Security Permit Paper per trip sheet to transport the Imported Sand.
 - (g) That apart, the Importer of Sand shall pay all necessary fees, taxes and charges that are payable to Central/State Government/s as amended from time to time.

- (h) The Importer shall not deal with any other sand other than imported sand without prior permission of the Government.
- (i) In view of ¹[clause (1)] of Rule 31-ZG of the KMMC Rules, 1994, it shall be necessary for an Importer of Sand to obtain Dealer's License in case such Importer intends to sell the Imported Sand directly to consumers.
- (j) All other provisions of KMMC Rules, 1994 not repugnant to above Guidelines and Rules shall be applicable to Importer.
- (k) The Importer shall submit periodical returns every quarterly before 5th of succeeding month in Form-IS to the Commissioner/Director, Department of Geology, Bengaluru.
- (l) Imported Sand shall not be sold outside the State without prior permission of the Government.
- (m) Whoever contravenes provisions of the rules and guidelines and imports or purchases or sells or stocks the imported sand other than in accordance with the provisions of the Rules made in this regard and guidelines framed hereinabove shall be punishable under the provisions of Rule 43 of KMMC Rules, 1994.

II. Registration of Dealer of imported Sand and conditions thereof:

(1) Application Form:

Every application for Dealer Licence shall be made in Form-DL to Competent Authority by paying non-refundable application fee of Rs. 10,000/- through Demand Draft or Pay Order in the name of Deputy Director/Senior Geologist of concerned District payable at the concerned district.

(2) Documents to be submitted along with application form:

- (a) If the Importer of Sand desires to sell the sand through a dealer, then such dealer shall submit a copy of letter of appointment as "Authorised Dealer" by the registered Importer of Sand.
- (b) If applicant is an individual, he/she shall submit the copy of a valid address proof issued by Central / State Government.

1. NOTE: Read as sub-rule (1).

If applicant is a Firm or a Company it shall, submit registration details of company or firm.

- (c) The applicant shall furnish the details of GST Registration Certificate and PAN Card.
- (d) Dealer of Imported Sand shall submit details of stock yard along with GPS co-ordinates where storage of the imported Sand is made along with details of ownership. If the land for such stockyard is not owned by individual or firm or company, then consent of such land owner in non-judicial stamp paper of value of Rs.200/- shall be submitted along with the application.
- (e) The dealer shall produce affidavit in the prescribed proforma duly sworn on non-judicial stamp paper of value of Rs. 200/- stating that he/it shall adhere to all the conditions mentioned in the Rules and Guidelines issued and to be issued from time to time by the Government.

Registration: On receipt of application along with documents for grant of Dealer Licence, the Deputy Director/Senior Geologist of concerned district after making such enquiries as he deems fit shall grant a dealer's licence in FORM-GR. While considering a request/application for registration, the concerned Deputy Director/Senior Geologist shall take note of the previous antecedents of the applicant including earlier violation or cancellation of Dealer Licence (if any).

(3) Statutory conditions to be adhered by the Dealer of the Imported Sand:

- (a) Dealer shall register themselves in the ILMS (Integrated Lease Management System) of the Department of Mines and Geology
- (b) The Dealer while selling the sand to the general public shall pay the prescribed SSPP - Special Security Permit Paper fee of Rs. 10/- per trip sheet and obtain Mineral Dispatch Permit to transport such Sand.
- (c) The Imported Sand shall be sold only in the bags of 50 to 100 kg or large size jumbo bags containing the following particulars.

- d) (i) Batch No. (ii) Date and place of Packing (iii) Net quantity (iv) Quality of Sand (v) MRP (vi) Bulk Permit Number & Date (vii) Details of Importer including Registration number (viii) Origin of Sand.
- (e) Provided that in special circumstances, the Government may relax the above conditions for the sale of sand in the State.
- (f) That apart, the Dealer of Imported Sand shall pay all necessary fees, taxes and charges that are payable to Central/State Government/s as amended from time to time.
- (g) The holder of Dealers License has to furnish Statement of Accounts of the total purchase and sale of sand in FORM-W, on or before 7th day of the succeeding month, to Deputy Director/Senior Geologist of the concerned district.
- (h) The Dealer of Imported Sand shall not sell the Imported Sand outside the State.
- (i) The Dealer shall not deal with any other sand other than the Imported Sand.
- (j) The Dealer's License is valid for a period of Five years. The Dealer shall submit the Renewal Application in prescribed form, 30 days before the expiry of the License by paying the non-refundable application fee of Rs. 10,000/- to the concerned Deputy Director / Senior Geologist, Department of Mines and Geology.
- (k) Whosoever contravenes the provisions of the Rules and Guidelines and purchases or sells or stocks the Imported Sand other than in accordance with the Rules made in this regard and guidelines framed hereinabove, shall be punishable under the provisions of Rule 43 of KMMC Rules, 1994 and the Dealer Licence shall be liable for cancellation which shall become an ineligibility to obtain future Dealer Licence for a period of three years from the date of such cancellation.

FORM-IR*[See sub-rule (1) of Rule 31-ZF]***Application for grant of registration for importer of sand**

To,

The Competent Officer,

Sir,

I/We requested to register as Importer of sand under the Karnataka Minor Mineral Concession Rules, 1994 be registered to me/us.

The fee of Rs. 25,000/- payable for registration to Importer of sand has been paid and Treasury Chalan Receipt No.....dated.....is enclosed in original.

The required particulars are given below:-

1. Name of applicant with complete address, Phone/Mobile/ Fax Nos. and email address:
2. Is the applicant a individual/company/firm or Association?
3. In case applicant is,
 - (a) An individual's, his nationality:
 - (b) A private company, give details of certificate of registration:
 - (c) A public company, give details of company registered under Indian Companies Act, 2013.
 - (d) A firm or association, Give details of firm registered under [Indian Partnership Act, 1839].
4. Name of Minor Minerals (s) to be imported:-
5. Name of the Country from which sand is imported:-
6. Quantity to be imported during the year:-
7. Details of the Port from which sand is imported:-
8. Any other information

I/We do hereby declare that particulars furnished above are correct and am/are ready to furnish other details including security deposit etc. as may be required by you.

Place:

Yours faithfully,

Date:

Name and Designation of the applicant

1. NOTE: See Indian Partnership Act, 1932.

Form-IRS*[See Rule 31-ZF]***REGISTRATION CERTIFICATE**

This is to certify that following Individual / Firm / Company has been registered in the Department of Mines and Geology as Importer of sand.

Registration No. DMG/

Name: Sri/Smt./M/s:

Address:

GST Registration No:

PAN card No:

CIN No. :

IEC Code No:

This Certificate has been issued under Rule 31-ZF of Karnataka Minor Mineral Concession Rules, 1994. This certificate is valid for a period of five years from the date of its issuance.

Date:

Commissioner / Director

Place:

Department of Mines and Geology

FORM-IS*[See sub-rule (4) of Rule 31-ZF]***Submission of quarterly report by the Importer of Sand**

Name of the Importer of sand:

Registration No:

Name of Minor Mineral:

Date	Opening Balance	From whom to purchased		Total	To whom to sold		Balance of stock	Remark
		Quantity	price		Quantity	Price		

Date:

Place:

Name and Signature of Importer

FORM-DL*[See clause (a) of sub-rule (2) of Rule 31-ZG]***Application for Dealer's License or Renewal**

To,

The Competent Officer,
Sir,

I/We requested that a dealer's License to stock and sell minor minerals under the Karnataka Minor Mineral Concession Rules, 1994 be granted/renewed to me/us.

The fee of Rs. 10000/- payable for the grant/renewal of dealer's license has been paid and

Treasury Chalan Receipt. No.....dated.....is enclosed in original.

The required particulars are given below:-

1. Name of applicant with complete address, Phone/Fax Nos. and email address:
2. Is the applicant a individual/company/firm or Association?
3. In case application is,
 - (a) An individual's, his nationality:
 - (b) A private company, give details of certificate of registration:
 - (c) A public company, give details of company registered under Indian Companies Act, 2013.
 - (d) A firm or association, Give details of firm registered under Indian Partnership Act, 1932.
4. Name of Minor Minerals(s) to be sold:-
5. Quantity to be stocked during the year:-
6. Details of the location of the Depot:-
(Address, Sy. No. etc. of the area in which the depot is situated are to be furnished along with GPS Co-ordinate location map)
7. Particulars of the previous dealer's license, if applying for renewal:
8. Detail of the Importer:

I/We do hereby declare that particulars furnished above are correct and am/are ready to furnish other details including security deposit etc. as may be required by you.

Place:

Yours faithfully,

Date:

Name and Designation of the applicant.

FORM-GR*[See clause (a) of sub-rule (3) of Rule 31-ZG]***Grant or Renewal of License**

[A Dealer's License to sell stock and exhibit for sale of minor mineral under the Karnataka Minor Mineral Concession Rules, 1994]

..... is hereby licensed to sell stock and exhibit for sale under mentioned minor mineral (s)

1. Name of minor mineral (s):-
2. Quantity allowed to be stocked during the year:- (Mineral-wise)
3. Location of the office and depot:-

* Validity of Licence: From.....To.....

CONDITIONS OF THE LICENCE

1. This license shall be displayed in a prominent place in a part of the premises open to the public.

2. The dealer shall afford all facilities for seeking his accounts and verifying the stock of minor mineral(s) and shall furnish fully and correctly any information in his Possession as may be required by the Competent Officer or any person authorized by the Competent Officer in that behalf.

3. The dealer shall display in a prominent place in a part of the premise the price list of minor mineral(s) offered for sale by him.

Dated this.....Day of.....20.....

Signature and seal of the competent Officer.

FORM-W*[See Rule 31-ZI]***SUBMISSION OF STATEMENT OF ACCOUNTS BY DEALER**

Name of Dealer:-

License No.:-

Name of Minor Mineral:-

For the month of:-

Opening Balance (M.T)	Quantity purchased (M.T)	From whom purchased	Price paid	To whom to sold (Name and Address)	Quantity sold M.T)	MDP (Trip sheet) No. of each sale	Sale price	Balance quantity (M.T)
1	2	3	4	5	6	7	8	9

Date:

Place:

Name and Signature of Dealer

PROFORMA AFFIDAVIT

(Registration as Importer/ applicant for Dealer's license)

BEFORE THE Competent Authority.....

When the applicant is an individual:Name of the Firm....., and.....
(address and occupation)**When the applicant is a Registered Firm:**Name of the Firm.....of (address) represented by its
duly authorized signatory..... and (Name of the person)
..... (address and occupation)**When the applicant is a Registered Company:**(Name of the Company) a company registered
under (Act under which incorporated).....and having its
registered office at (address) represented by its duly authorized signatory
and Name of the person) (address and occupation)I / We, the above named deponent solemnly affirms and state on oath
as under:

1. I am the duly authorized signatory of the Firm/Company and I am competent to swear to the present affidavit in case applicant is a Firm/ Company)

2. I/We do not owe any dues to the State Government or Department of Mines and Geology
3. I/We am/are an income tax payer, filing returns regularly and not due of any income tax payable as on the date of making the application.
4. I/We undertake to pay all the necessary fees, taxes and other charges that may be made applicable by the Central/State Government as amended from time to time in connection with the License / Registration held by me/us.
5. I/We undertake not to resell the imported sand outside the State of Karnataka.
6. I/We undertake to strictly abide by the provisions of the MMDR Act, 1957 and the Rules made there-under and to adhere to the guidelines made under provisions of KMMC Rules, 1994 and shall pay the processing fee of Rs.60/- per ton and Rs.10/- towards Special Security Permit Paper per trip sheet to transport the imported sand.
7. I/We by submitting all the statutory documents pertaining to import of sand/distribution of imported sand within State do undertake that nothing material has been concealed and that they are true and correct.

VERIFICATIONI,....., the above named deponent do
hereby verify that the contents of this affidavit form in para 1 to 6 are true
and correct and nothing has been concealed therein.

Deponent/Applicant

CHECK LIST FOR REGISTRATION AS IMPORTER OF SAND

Sl. No.	Documents to be submitted	Remarks
1.	Application in Form-IR	
2.	Registration Details of Company or Firm	
3.	Valid Address Proof	
4.	GST and Pan Card details.(enclose photo copies)	
5.	IEC (Import Export Code) Certificate issued by DGFT, Gol	
6.	Affidavit in non-judicial stamp paper of Rs. 200/- (as per pro-forma)	

**CHECK LIST FOR ISSUANCE OF
MINERAL DESPATCH PERMITS**

Sl. No.	Documents to be submitted	Remarks
1.	Bill of lading	
2.	Import Export Code Certificate	
3.	Physical and Chemical Analysis Report in original	
4.	Certificate under Chapter 26 of Import policy (EXIM code-2505)	
5.	Phytosanitary Certificate issued by Sand Importing Country	
6.	Phytosanitary Certificate issued by Competent Authority of Central / State Government after Import of Sand	
7.	Copy of the licence/permit issued for extraction	
8.	Copy of Invoice of Imported Sand	
9.	Stock yard details along with GPS co-ordinates.	

**CHECK LIST FOR ISSUANCE OF DEALER LICENCE FOR
SALE OF IMPORTED SAND**

Sl. No.	Documents to be submitted	Remarks
1.	Application in Form DL	
2.	Authorisation letter from the Importer of Sand.	
3.	GST Registration Certificate and PAN Card.	
4.	Stock yard details along with GPS co-ordinates and ownership details	
5.	Consent of Owner of Stock Yard (in non-judicial Stamp Paper of Rs. 200/-) if applicable	
6.	Affidavit: Non-judicial stamp paper of Rs. 200/- (as per pro-forma)	

**THE
KARNATAKA
REGULATION OF
STONE CRUSHERS ACT, 2011**

ARRANGEMENT OF SECTIONS

<i>Sections</i>	<i>Page No.</i>
1. Short title and commencement	315
2. Definitions	315
(a) Appellate Authority	315
(b) Authority	316
(c) Deputy Commissioner	316
(d) Licence	316
(e) Licensee	316
(f) Licensing Authority	316
(g) Licence fee	316
(h) Pollution Control Board	316
(i) Rules	316
(j) Safer Zone	316
(k) Stone crusher	316
(l) Year	316
3. Stone crushers to obtain licence	316
4. Application for licence	318
5. Term of licence	318
6. Conditions for declaring Safer Zone	319
6-A. Conditions for grant of Licence	319
7. Licence for stone crushers for Government projects	321
8. Establishment of the District Stone Crushers Licensing and Regulation Authority	321
9. Duties of the Authority	322
10. Cancellation of licence	323
11. Power to issue directions	323
12. Victim Relief Fund	323
13. Accounts and Audit	324
14. Annual report	324
15. Appeals against the orders of the Licensing Authority	325
16. Penalties	325
17. Cognizance of offences	325
18. Power to make rules	326
19. Removal of difficulties	326
20. Repeal and savings	326

STATEMENT OF OBJECTS AND REASONS

Act No. 8 of 2012.- The Hon'ble High Court of Karnataka by its order dated 10-7-1998 in Writ Petition No. 17078/1997 has directed the State Government to formulate a policy regulating the carrying on the business related to the crushing of stones by prescribing reasonable conditions including guidelines and licenses and their periodical renewals. It is considered necessary to enact a legislation to provide for,-

(1) grant of licence for stone crushers; (2) establishment of district stone crushers regulation committee; (3) inspection of stone crushers; (4) victims relief fund; (5) appeals against the orders of Licensing Authority; (6) penalties and certain other consequential matters. As the matter was urgent and both the Houses of the Karnataka State Legislature were not in session, the Karnataka Regulation of Stone Crushers ordinance, 2011. (Karnataka Ordinance No. 2 of 2011) was promulgated on 07-09-2011.

This bill seeks to replace the said ordinance.

Hence the Bill.

Amending Act No. 64 of 2013.- It is considered necessary to amend the Karnataka Regulation of Stone Crushers Act, 2011 (Karnataka Act No. 8 of 2012) for the following reasons, namely,-

1. It was difficult to declare safer zones in strict compliance with the conditions stipulated in the Act on account of various administrative reasons, by the Licensing Authority.

2. The Act envisaged identification of safer zone, procurement of land and development of the same for locating stone crushers by the licensing Authority, which has led to delay in declaration of safer zone.

3. As the safer zones could not be developed in time it prevented the shifting of existing stone crushers to the developed safer zones. Because of the same administrative problem licenses could not be issued to the new stone crushers.

4. The above reasons further led to the order of Hon'ble High Court of Karnataka in WP 40894-956/2012 dated 27-03-2013 which in turn resulted in stoppage of large number of crushers leading to scarcity of supply of crushed stone to the developmental projects and construction activities in the State.

5. Non supply of metal has brought infrastructural projects and industrial development to a standstill.

The enactment now provides for the following:-

(1) Prescribing conditions for declaring areas as safer zone, based on the scientific studies and practices.

(2) Provision for declaring the existing stone crushers as safer zone if they satisfy the conditions stipulated in this proposed Act/rules.

(3) The onus of identifying and procuring of land lies on the applicant.

(4) Emphasis is given on arresting the pollution from the crushers by mandating safeguards to protect the environment rather than prescribing distance only, as the basis of declaring "safer zone".

(5) The permission from the Karnataka State Pollution Control Board is made compulsory before issue of license.

(6) Establishment of the District Stone Crushers licensing and regulation Authority to issue license and regulate the business of stone crushing without delay.

Hence the Bill.

THE KARNATAKA REGULATION OF STONE CRUSHERS ACT, 2011

[KARNATAKA ACT No. 8 OF 2012]

(Received the assent of the Governor on the Third day of January, 2012)

(First published in the Karnataka Gazette, Extraordinary, on the Fifth day of January, 2012)

[As amended by Karnataka Act No. 64 of 2013.]

An Act to provide for the Regulation of Stone Crushers in the State of Karnataka.

Whereas, the Hon'ble High Court of Karnataka by its order dated 10-7-1998, in Writ Petition No. 17078 of 1997 has directed the State Government to formulate a policy regulating the carrying on the business related to the crushing of stones by prescribing reasonable conditions including guidelines and licenses and their renewals.

And whereas, it is considered necessary to enact a legislation providing for licenses and their renewals in the State of Karnataka and for certain other matters.

Be it enacted by the Karnataka State Legislature in the Sixty-second year of Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Karnataka Regulation of Stone Crushers Act, 2011.

(2) It shall be deemed to have come into force with effect from the Seventh day of September, 2011.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "Appellate Authority" means the Regional Commissioner of the concerned region;

- ¹[(b) "Authority" means the District Stone Crushers Licensing and Regulation Authority constituted under Section 8;]
- (c) "Deputy Commissioner" means the Deputy Commissioner of the concerned Revenue District;
- (d) "Licence" means a licence granted under this Act;
- (e) "Licensee" means a person or a company holding licence under this Act;
- ²[(f) "Licensing Authority" means the Authority defined in clause (b);]
- (g) "Licence fee" means the licence fee payable under this Act;
- (h) "Pollution Control Board" means the Karnataka State Pollution Control Board established under the provisions of the Water (Prevention and Control of Pollution) Act, 1974;
- (i) "Rules" means rules made under this Act;
- (j) "Safer Zone" means a location or a zone declared as such by the Licensing Authority under Section 6;
- (k) "Stone crusher" means any power driven machinery of any size which crushes stone;
- (l) "Year" means year commencing on the first day of April and concluding on 31st day of March of the succeeding year.

(2) All other words and expressions used in this Act but not defined shall have the same meanings respectively assigned to them in the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957) and rules issued thereunder.

3. Stone crushers to obtain licence.—(1) No person shall carry on the business of stone crushing in the State except under and in accordance with the terms and conditions of a licence issued under this Act.

(2) Any person who is carrying on the business of stone crusher on the date of commencement of this Act with a licence issued

1. Clause (b) substituted by Act No. 64 of 2013, w.e.f. 26-12-2013

2. Clause (f) substituted by Act No. 64 of 2013, w.e.f. 26-12-2013.

by any authority shall apply to the Licensing Authority ¹[with a declaration in the prescribed form that the existing area conforms to the condition stipulated in Section 6 or any other suitable area conforming to the conditions stipulated under Section 6, within three months from the date of commencement of the Karnataka Regulation of Stone Crushers (Amendment) Act, 2013 for a licence under Section 4 of the Act].

²[(3) On receipt of the application along with declaration under sub-section (2), the existing stone crusher units may be allowed to function till the grant or refusal of Certificate of compliance of safer zone under sub-section (4) by the authority or till three months from the date of application, whichever is earlier.]

³[(4) On receipt of application under sub-section (2) or for renewal of licence, the Licensing Authority shall cause joint inspection of the location under sub-section (3) of Section 6 and declaration of safer zone, the Licensing Authority shall issue a certificate of compliance of safer zone to the applicant. If the area specified in the declaration is not declared as safer zone the licensing authority shall reject the application for the reasons to be recorded in writing and inform the applicant accordingly. However, applicant is at liberty to make fresh application for alternate location:

Provided further that if the application is rejected, the applicant shall stop the operation of stone crusher forthwith and submit fresh application to the Licensing Authority.

(5) If the Licensing Authority issues a certificate of compliance of safer zone, the applicant shall approach the Karnataka State Pollution Control Board and obtain Consent for Operation (CFO) and submit the same to the Licensing Authority.

(6) The Licensing Authority, after production of Consent for Operation (CFO) from the Karnataka State Pollution Control Board by the applicant, shall issue licence subject to compliance of conditions specified in Section 6-A.

1. Substituted for the words and figures "for a licence under Section 4 of the Act within three months from the date of declaration of safer zone under Section 6" by Act No. 64 of 2013, w.e.f. 26-12-2013

2. Sub-section (3) substituted by Act No. 64 of 2013, w.e.f. 26-12-2013..

3. Sub-section (4) substituted as sub-sections (4) to (7) by Act No. 64 of 2013, w.e.f. 26-12-2013.

(7) If the person having existing stone crusher gets any other place certified as safer zone by the Licensing Authority other than the presently working place, such crusher shall be shifted to such safer zone so certified within one year from the date of grant of certificate of compliance of safer zone under sub-section (4).]

4. Application for licence.—(1) Every application for grant or renewal of licence to carry on the business of stone crushing under this Act shall be made to the Licensing Authority in such form, in such manner, accompanied by such documents and such fees as may be prescribed. An application for renewal of licence shall be made to the Licensing Authority three months before the expiry of the licence.

¹[(2) On receipt of application for grant or renewal of licence, the Licensing Authority shall cause joint inspection of the location under sub-section (3) of Section 6. After declaration of safer zone, the Licensing Authority shall issue a certificate of consent of safer zone to the applicant. If the area proposed in the application is not declared as safer zone, the Licensing Authority shall reject the application for the reasons to be recorded in writing and inform the applicant accordingly. However, applicant is at liberty to make fresh application for alternate location.

(3) If the Licensing Authority issues a certificate of consent of safer zone, the applicant shall approach the Karnataka State Pollution Control Board and obtain Consent for Operation (CFO) and submit the same to the Licensing Authority.]

5. Term of licence.—A licence shall be valid for a period of ²[five years] and may be renewed for a further period of ³[five years] subject to fulfilment of the conditions laid down under this Act or the rules made thereunder.

Explanation.—Where a licence has been granted in the middle of a year, for the purpose of computing the term of licence, the remaining part of the year shall be deemed to be a year.

1. Sub-section (2) substituted as sub-sections (2) and (3) by Act No. 64 of 2013, w.e.f. 26-12-2013.

2. Substituted for the words "three years" by Act No. 64 of 2013, w.e.f. 26-12-2013.

3. Substituted for the words "three years" by Act No. 64 of 2013, w.e.f. 26-12-2013.

¹**[6. Conditions for declaring Safer Zone.**—The declaration of safer zone for stone crushers under this Act, shall be subject to the following conditions, namely,—

(1) The safer zone shall not be located within,—

- (a) Two hundred meter from the limits of the National Highways or State Highways;
- (b) One hundred meter from the limits of major district roads or other roads;
- (c) Five hundred meter from revenue village, temples, schools;
- (d) The boundary of Municipal Corporations, City Municipal Corporation, Town Municipal Council.

(2) Each stone crusher unit shall be located in a minimum area of one acre of land.

(3) The Licensing Authority shall, within a period of three months from the date of receiving application, verify the above conditions through joint inspection from the concerned Officers of Mines and Geology, Revenue, Forest Department and Environmental Officer, Karnataka State Pollution Control Board and declare safer zone within their jurisdiction by notification, specifying the area and its limits:

Provided that the Licensing Authority shall declare the safer zone for existing stone crusher within one month in any case not later than three months from the date of receipt of application.

6-A. Conditions for grant of licence.—(1) No licence shall be issued for stone crushers outside the safer zone.

(2) The Licensing Authority on production of Consent for Operation (CFO) certificate issued by the Karnataka State Pollution Control Board shall grant licence to the applicant in such form as may be prescribed. The licensee shall adhere to the following conditions, namely,—

- (1) each unit shall abide by the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the

1. Section 6 substituted as Sections 6 and 6-A by Act No. 64 of 2013, w.e.f. 26-12-2013.

Environment (Protection) Act, 1986 and rules made thereunder as prescribed by KSPCB from time to time.

- (2) each unit shall conform to the Noise Pollution (Regulation and Control) Rules, 2000.
- (3) an individual or cluster of stone crushers shall provide 15 to 20 feet wall/GI sheet protection on all the three sides (parallel to National Highway or State Highway or major district road or village habitation or temple or school as the case may be) in addition to the air pollution control measures.
- (4) the applicant has to,—
 - (a) adopt necessary dust containment system like building enclosures to the major dust emission sources to prevent dust going out of the place;
 - (b) construct enclosures of G.I. sheets (1.66 mm and 1.25 mm thick) and supported by angle structures to withstand strong wind;
 - (c) give the roof a gradual slope/curvature so as to prevent accumulation of water;
 - (d) provide material transfer point such as hopper bottom/product unloading conveyor to be covered suitably to prevent dust release into the atmosphere;
 - (e) ensure that where complete enclosures are not possible such as openings in jaw crushers side and bottom they are to be covered suitably with GI sheets/rubber flap or any other material to prevent dust release into the atmosphere;
 - (f) ensure that telescopic chutes are provided at product unloading conveyor to prevent dust release into the atmosphere during free fall of material from height. These chutes can be adjusted in length according to size of the heap;
 - (g) provide openings in the enclosures over Shatter motor driver conveyor belts etc., with rubber flaps (wherever possible) to prevent release of dust;

- (h) provide effective dust suppression system comprising of spraying of fine water mist through special nozzles shall be carried out over the dust generation sources to suppress the dust cloud;
- (i) make periodical cleaning of water spray nozzles to avoid choking;
- (j) provide as an occupational safety, nose masks to all the workers.
- (5) All stone crushing units shall provide adequate green belt comprising evergreen high foliage type of trees like neem, tamarind, gold mohar, flame of the forest and any other local varieties to restrict the spread of particulate matter.]

7. Licence for stone crushers for Government projects.—

Notwithstanding anything contained in this Act, licence for temporary stone crushers exclusively for construction of National Highway, State Highway or any other infrastructural Government project and Government approved Public Private Partnership Projects may be granted for the project period on their fulfilling the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 and Rules made thereunder.

1[8. Establishment of the District Stone Crushers Licensing and Regulation Authority.—(1) On and from the date of commencement of the Karnataka Regulation of Stone Crushers (Amendment) Act, 2013 there shall be established in each of the Revenue District, the District Stone Crushers Licensing and Regulation Authority consisting of the following members, namely,—

- | | |
|--|----------------------------|
| (a) The Deputy Commissioner of the District | - Chairman |
| (b) The Superintendent of Police of the District | - Member <i>ex officio</i> |
| (c) The Chief Executive Officer of Zilla Panchayat of the District | - Member <i>ex officio</i> |

1. Sections 8 and 9 substituted by Act No. 64 of 2013, w.e.f. 26-12-2013.

- (d) The Deputy Conservator of Forest of the concerned jurisdiction - Member *ex officio*
- (e) All Assistant Commissioners of the District, Revenue Department - Member *ex officio*
- (f) The Environmental Officer, Karnataka State Pollution Control Board - Member *ex officio*
- (g) The Deputy Director/Senior Geologist, Department of Mines and Geology - Member-Secretary

(2) The Member-Secretary shall receive all the applications for grant of licence and place them before the Authority for decision.

(3) The procedure of transaction of business of the Authority shall be such as may be prescribed.

9. Duties of the Authority.—(1) The Authority shall meet once in a month and meeting shall be called by the Member-Secretary. If for any reason it is necessary, the Member-Secretary may with the approval of the Chairman, convene the meeting at any time. One-third of the total members shall form the quorum for the meetings.

(2) The duties of the Authority shall be,—

- (i) to cause Joint Inspection of stone crushers and obtain report by the concerned officers of Mines and Geology, Revenue, Forest Departments and KSPCB to verify the conditions stipulated for declaring the safer zone;
- (ii) to declare the safer zone, which are conforming the norms;
- (iii) to issue Certificate of compliance of safer zone in such form as may be prescribed to the applicants having stone crusher located in declared safer zone;
- (iv) to issue licence in the form as may be prescribed;
- (v) to supervise licensed premises and report any violations to the Chairman;
- (vi) to suspend/cancel the licence for non-compliance of the conditions;
- (vii) to invite any of the officers of any other departments of Government to assist the Authority on any specific issues

like computation of compensation, provide technical advice etc.;

(viii) to follow the orders and guidelines issued by the Government from time to time; and

(ix) to inspect or authorize an officer to inspect each stone crushers periodically at least once a year.]

10. Cancellation of licence.—The licence issued under this Act may be cancelled *suo motu* for the reasons to be recorded in writing by the Licensing Authority or on considering any complaint or application filed by any person to the effect that the licence granted is not in accordance with the provisions of this Act and rules or that the licensee has violated the conditions of licence:

Provided that no order of canceling the licence shall be made under this section without giving an opportunity of being heard to the licensee or a person aggrieved by such cancellation.

11. Power to issue directions.—Subject to the provisions of this Act and to any directions that the Central Government or State Government may give in this behalf, the Licensing Authority may in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—The power to issue directions under this section shall include, the power to direct,—

- (a) the closure, prohibition or regulation of any stone crusher; or
- (b) the stoppage or regulation of supply of electricity, water or any other service to the stone crusher.

[12. Victim Relief Fund.—(1) The Authority shall have and maintain a separate fund called Victim Relief Fund, to which all money received by it as application fee, licence fee, fines and penalties levied shall be credited. It shall be, applied and disbursed in accordance with such rules as may be prescribed.

1. Section 12 substituted by Act No. 64 of 2013, w.e.f. 26-12-2013.

(2) The Chairman and the Member-Secretary of the Authority shall jointly operate the Victim Relief Fund in accordance with the procedure as may be prescribed.

(3) The Victim Relief Fund shall be kept in any of the Nationalized Banks in such manner as may be prescribed.

(4) The Authority shall receive complaints or applications or claim from the victims regarding the health hazards caused by the stone crushers within a period of three months from the date of cause of action and decide the relief or amount of compensation to be granted to the victim or their legal representatives within a period of three months from the date of receipt of such application. The Authority while determining the amount of relief or compensation shall invite one representative of the registered association of stone crusher and one representative of the stone crusher labourers. The Authority is at liberty to condone the delay of filing complaint or application or claim for good and sufficient reasons.

(5) The Authority may also direct the licence holder to pay such amount to such of the victims as determined under sub-section (4) in addition to the amount paid by it, within the time specified by the Authority in its order. Failing which, the amount specified in the order shall be recovered as arrears of Land Revenue and licence shall be cancelled:

Provided that the order so passed shall be communicated to all parties concerned, immediately.]

13. Accounts and Audit.—(1) The Accounts of all receipts and expenditure of the Victim Relief Fund shall be kept in such manner and in such form as may be prescribed.

(2) The accounts of the Victim Relief Fund shall be subject to audit annually by the State Accounts Department and the audit report shall be forwarded annually to the State Government.

¹[**14. Annual Report.**—The Authority shall draw proceedings of each meetings and shall prepare a annual report of its activities under this Act and submit the same to the State Government in such form as may be prescribed, within three months from the end of each financial year.]

1. Section 14 substituted by Act No. 64 of 2013, w.e.f. 26-12-2013.

15. Appeals against the orders of the Licensing Authority.—(1) The Regional Commissioner of the concerned region shall be the Appellate Authority of respective jurisdiction to whom appeals in respect of the orders passed by the Licensing Authority shall lie.

(2) Every appeal shall be presented within thirty days from the date on which the order appealed against was communicated to the person affected:

Provided that an appeal may be admitted after the said period of thirty days, if the appellant show sufficient cause that the appeal could not be presented in time.

(3) Every appeal shall be in the form of memorandum setting forth concisely the grounds of objection to the order and shall be accompanied by a copy of the order appealed against.

(4) The appeal shall be disposed off on hearing both sides within a period of three months.

16. Penalties.—(1) Whoever contravenes the conditions of licence shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to twenty-five thousand rupees or with both.

(2) Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees or with both and in the case of continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

17. Cognizance of offences.—(1) No Court shall take cognizance of an offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Licensing Authority.

(2) No Court other than the Court of Judicial Magistrate First Class shall try any offence punishable under this Act.

18. Power to make rules.—(1) The State Government may, after previous publication by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act, shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. Removal of difficulties.—If any difficulty arises in giving effect to the provision of this Act, the State Government may, by order published in the Official Gazette as the occasion may require do anything which appears to it be necessary to remove the difficulty.

20. Repeal and savings.—(1) The Karnataka Regulation of Stone Crushers Ordinance, 2011 (Karnataka Ordinance No. 2 of 2011) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

The above translation of the “ಕರ್ನಾಟಕ ಕಲ್ಲುಪುಡಿ ಮಾಡುವ ಘಟಕಗಳ (ಕ್ರಷರ್‌ಗಳ) ನಿಯಂತ್ರಣ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2013” (2013ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 64) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

THE KARNATAKA REGULATION OF STONE CRUSHERS RULES, 2012

ARRANGEMENT OF RULES

<i>Rules</i>	<i>Page No.</i>
1. Title and commencement.....	329
2. Definitions.....	330
(a) Act.....	330
(b) Revenue Village	330
(b1) Other roads	330
(c) Victim	330
3. Application for licence	330
3-A. Register of application for licence.....	331
3-B. Registration of Stone Crushing/Sand Manufacturing units in ILMS.....	331
3-C. Mineral Dispatch Permit for Stone Crushing/ Sand Manufacturing Units	331
4. Victim Relief Fund.....	332
5. Accounts and Audit	334
6. Annual Report	335
7. Appeals against the orders of the Licensing Authority.....	335
FORM A Application for grant/renewal of Licence for Stone Crusher.....	336

FORM A-1 Declaration	338
FORM A-2 Register of application for licence	339
FORM B Acknowledgement for Receipt	340
FORM B-1 Certificate of Compliance.....	341
FORM C Licence for Stone Crusher	341
FORM D Refusal Letter for Stone Crusher Licence	342
FORM E Annual Report	343
FORM F Application for Appeal.....	343
FORM G Register Crusher Victim Claim Petitions.....	344

THE KARNATAKA REGULATION OF STONE CRUSHERS RULES, 2012

NOTIFICATION

No. CI 18 MMN 2012, Bangalore, dated 22nd June, 2012
[Karnataka Gazette, Extraordinary No. 419, dated 22-6-2012]

As amended by Notification Nos.

CI 20 MMN 2014, dated 6-2-2014 [KG(E)D 6-2-2014]

CI 20 MMN 2014, dated 21-5-2014 [KG(E)D 21-5-2014]

CI 358 MMN 2014, dated 26-12-2014 [KG(E)D 27-12-2014] and

CI 358 MMN 2014, dated 8-1-2015 [KG(E)D9-1-2015].

Whereas, the draft of the Karnataka Regulation of Stone Crushers Rules, 2012 was published as required by sub-section (1) of Section 18 read with Sections 12 and 13 of the Karnataka Regulation of Stone Crushers Act, 2012, in Notification No. CI 18 MMN 2012, dated 17-5-2012, in Part IV of Special Karnataka Gazette, dated 18th May, 2012, inviting objections and suggestions from persons likely to be affected thereby within fifteen days from the date of its publication in the Official Gazette.

Whereas, the said Gazette was made available to the public on 18th May, 2012.

And, whereas, the objections or suggestions received in this behalf have not been considered by the State Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 18 of the said Act, 2011 (Karnataka Act No. 8 of 2011), the Government of Karnataka hereby makes the following rules, namely:—

1. Title and commencement.—(1) These rules may be called the Karnataka Regulation of Stone Crushers Rules, 2012.

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

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

(a) “Act” means the Karnataka Regulation of Stone Crushers Act, 2011 (Karnataka Act No. 8 of 2011);

¹[(b) “Revenue Village” means the limits of gramthana in accordance with the revenue records and where there is no limit of gramthana, ²[the Licensing Authority may decide the limits of revenue village] for the purpose of the Act and rules;

(b1) “Other roads” means all other roads excluding National Highway, State Highway, cart roads, foot path/roads and roads ³[used] for approaching stone crushers;]

(c) “Victim” means a person who is affected or has suffered by the pollutants emitted by the Stone Crusher as recognized by the Committee.

(2) All other words and expressions used in these rules but not defined shall have the same meaning respectively assigned to them in the Karnataka Regulation of Stone Crushers Act, 2011.

3. Application for licence.—(1) Every application for grant or renewal of a licence to carry on the business of stone crushing shall be made to the licensing authority in Form ‘A’ ⁴[and in respect of existing Stone Crushers in Form A and a declaration in Form A-1 that the existing location of stone crushers or any other suitable area conforms to Section 6] along with the project report regarding machinery details and power requirement to run the machinery. The licence fee for a sum calculated at the rate of rupees one hundred per horse power of energy required for such stone

1. Clause (b) substituted as Clauses (b) and (b-1) by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.

2. Substituted for the words “a cluster of houses and the number of houses as may be decided by the Licensing Authority considering the topography, geography and vegetation” by Notification No. CI 358 MMN 2014, dated 26-12-2014.

3. The word “ment” read as “used” by Notification No. CI 20 MMN 2014, dated 21-5-2014.

4. Inserted by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.

crusher along with an application fee of rupees Five thousand shall be paid in the form of a Bank Demand Draft.

¹[(2) On receipt of application for grant or renewal of licence in Form A or in Form A and Form A-1, it shall be acknowledged in Form B. The Licensing Authority shall cause joint inspection of the location as specified in sub-section (3) of Section 6 of the Act and shall issue certificate of compliance of safer zone after notification of safer zone or reject the application within the time specified in the Act. The certificate of compliance shall be in Form B-1 and the refusal shall be in Form D.

Explanation.—For the purpose of this rule, any habitation, schools, temples established ²[within the restricted area subsequent to filing application for licence] shall not be considered as contravention.]

(3) If the licensing authority rejects the application the licence fee paid shall be refunded within three months from the date of rejection.

³[3-A. Register of application for licence.—The Member-Secretary shall maintain a register of applications received for licence in Form A-2.

3-B. Registration of Stone Crushing/Sand Manufacturing units in ILMS.—Every stone crushing/sand manufacturing units as the case may be, intending to utilize minor minerals as raw materials shall be registered with the Integrated Lease Management System of Department of Mines and Geology through concerned Deputy Director/Senior Geologist and shall receive and crush the mineral duly covered by Mineral Dispatch Permits and transport the beneficiated/processed mineral products with computerized mineral dispatch permit.

3-C. Mineral Dispatch Permit for Stone Crushing/Sand Manufacturing Units.—(1) No crusher licensee shall receive, cause to receive, store or cause to store any mineral or processed

1. Sub-rule (2) substituted by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.

2. Substituted for the words “subsequent to issue of Certificate of compliance within the restricted area” by Notification No. CI 358 MMN 2014, dated 26-12-2014.

3. Rules 3-A to 3-C inserted by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 8-2-2014.

mineral in his premises without valid mineral dispatch permits issued in accordance with mineral concession rules.

(2) The licensee shall acknowledge the mineral received with permits in electronic form in Integrated Lease Management System of Mines and Geology Department.

(3) Any person intending to transport the beneficiated mineral or any mineral processed in the crusher, shall apply for Mineral Dispatch Release Order (MDRO) to the concerned Senior Geologist/Deputy Director as envisaged in Karnataka Minor Mineral Concession Rules, 1994.

(4) The concerned Senior Geologist/Deputy Director shall verify whether the royalty has been paid in respect of the mineral received in the crusher and after satisfying about such payment shall issue the Mineral Dispatch Release Order (MDRO) by collecting a processing fee of rupees fifty per Mineral Dispatch Release Order and thereafter the crusher licensee shall generate permits. However the quantity of Mineral Dispatch Release Order shall not exceed the quantity of minor mineral acknowledged in Integrated Lease Management System.

(5) If any mineral or its processed product is found in the premises belonging to crusher licensee, having not been covered under royalty, the Competent Authority shall after giving an opportunity of hearing initiate penal action under the provisions of the Act.]

4. Victim Relief Fund.—(1) The ¹[Authority] shall maintain the victim relief fund in accordance with Section 12 of the Act.

²[(2) The Authority shall maintain a register of Crusher Victim Claim Petitions in Form G containing the details of claim petitions under the nomenclature Crusher Victim Claim Petition.]

(3) The fund shall be utilised for the purpose of liability arising out of any claim awarded to the victims.

1. Substituted for the word "Committee" by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.

2. Sub-rule (2) substituted by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.

(4) The Chairman shall be the controlling authority of the victim relief fund.

¹[(5) The Member-Secretary shall register the complaints received in the register in Form G and shall fix the date for hearing in consultation with the Chairman of the authority and issue notice to both the parties.

(5-A) The chairman shall.—

- (1) Place the respondent-owner of the crusher or any representative on his behalf if he fails to appear, as *ex parte* and decide the matter on merits;
- (2) Permit on appearance of the respondents-owner of crusher, to file the objections, rejoinder, if any;
- (3) Allow both the parties to prove allegations and defence in writing by way of affidavits;
- (4) Dismiss the application if applicant fails to produce evidence on the date fixed, without reasonable cause;
- (5) Permit the parties to examine witnesses and their evidence by way of affidavit;
- (6) Permit the opposite party, if desires to cross-examine the other party or witness, by interrogatories. The authority may get the service of any expert and put questions to any of them;
- (7) Conduct proceedings in a quasi-judicial manner;
- (8) Hear the parties or get the written arguments and shall pass orders within 15 days from the date of arguments;
- (9) Communicate the orders passed to all concerned parties under RPAD.]

(6) The Applicant shall be referred to the District Health Officer to certify as to whether the victim is suffering with a disease related to and as a result of pollutants released by the Stone Crusher units.

1. Sub-rule (5) substituted as sub-rules (5) and (5-A) by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.

(7) The ¹[certificate] shall be considered by the committee for determining the amount of relief to be granted to the victim.

²[(8) The authority while granting compensation or relief to the petitioner in a victim claim petition shall take into consideration the facts like, the nature of injury suffered, age, occupation of the victim, money spent or to be spent by the victim, loss of earning capacity in future, income of victim at relevant time and loss of financial or economical support by the victim to their legal representatives, in case of death of victim.

(9) Any victim relief claim petition shall be disposed of within 180 days from the date of receiving the application. The authority may also pass interim orders if necessary.]

³[(10) *****.]

5. Accounts and Audit.—(1) The accounts of victim relief fund shall be maintained in the manner specified in the Karnataka Financial Code.

(2) The accounts of all the receipts and expenditure of victim relief fund shall be maintained in double entry system.

(3) The monthly transaction report and monthly reconciliation statement shall be certified by the Chairman or his authorised officer.

(4) The annual balance sheet of Victim Relief Fund shall be included in the annual report.

(5) The administrative expenditure of the Committee shall be borne out of Victims Relief Fund.

(6) The accounts of Victim Relief Fund shall be subject to annual audit by State Accounts Department and the audit report shall be forwarded annually to the State Government.

1. Substituted for the word "application" by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.

2. Sub-rules (8) and (9) substituted by Notification No. CI 20 MMN 2014, dated 6-2-2014 w.e.f. 6-2-2014.

3. Sub-rule (10) omitted by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.

6. Annual Report.—The committee shall prepare for every year a report of its activities under Section 14 of the Act and submit the same to the Government in Form 'E' on or before 30th April of every year.

7. Appeals against the orders of the Licensing Authority.—The Appeal under Section 15 of the Act shall be made in Form 'F' to the Appellate Authority.

FORM A
[See Rule 3(1)]
GOVERNMENT OF KARNATAKA

Application for grant/renewal of Licence for Stone Crusher

Office of the Deputy Commissioner,.....District

Received at.....(Place), on.....(date) and entered in the Register (FORM A), Vol. No....., at Serial No.....on page No.....

Signature and

Designation of Receiving Officer

From,

.....
.....
.....

To,

The Deputy Commissioner,

.....
.....District

Sir,

I/We submit an application for grant/renewal of Stone Crusher licence for a period of '[5 years] over an extent of..... acres of land in the area specified in this application.

A total sum of Rs.....being the Licence Fee calculated at..... per H.P Power and Rs.....being the application fee has been paid to Government vide D.D. No....., dated.....for Rs..... respectively.

The required particulars are given below:

1.	Name of the applicant with permanent and correspondence address in full.	
2.	Is the applicant a Government Company/ Firm/Association or Registered Co-operative Society. Memorandum of Association, partnership deed, Registration certificate.	

1. Substituted for the word and figure "3 years" by Notification No. CI 358 MMN 2014, dated 26-12-2014, w.e.f. 27-12-2014.

3.	(a) Names of the Directors/Members and their Nationality. (b) Nationality of the individual applicant.				
4.	Place and address of registration of the Company/Firm/Association Registered Co-operative Society.				
5.	Profession or nature of business of the applicant.				
6.	Details of the area applied for				
	District	Taluk	Village	Survey No.	Extent of Applied area
7.	Project report with full details.				
8.	Stone crusher Machinery details.				
9.	Stone crushing capacity per hour.				
10.	Required Electricity power in Horse power.				
11.	For renewal of Licence copy of the earlier licence to be enclosed				
12.	Financial resources of the applicant (To be supplemented by documents)				
13.	Any other particulars which the applicant wishes to furnish.				

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

Date:

Place:

Signature of the Applicant

Note:

- (1) If the applicant is signed an authorized agent, the power of attorney should be attached.
- (2) Delete whichever is not applicable.

[FORM A-1]*[See Rule 3(1)]***Declaration**

From,

.....

To,

The Chairman, District Stone
 Crusher Licensing and Regulation Authority,
 District.

Sir/Madam,

I/We hereby declare that the stone crusher established in the name of M/s..... located in Sy. No..... of Village, ... Taluk, ... District over an extent of acre is in existence since and on the basis of the documents produced herewith;

I certify that conditions stipulated in the Act for declaring the safer zone is complied and I request that safer zone be declared and a certificate is issued to me in this regard;

or

I certify that conditions stipulated in the Act for declaring the safer zone is not satisfactorily complied by the place/land of existing stone crusher mentioned above and therefore I propose the land at Sy. No..... of Village, ... Taluk, ... District over an extent of acre may be considered for the purpose of declaring the safer zone and issue a certificate in this regard.

** strike out, whichever is not applicable.*

The details are as follows:

Sl. No.	Particulars	Prescribed	Existing
1.	The distance from the nearest National Highway	200 meters	
2.	The distance from the nearest State Highway	200 meters	
3.	The distance from the nearest major District road or other roads	100 meters	

1. Forms A-1 and A-2 inserted by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.

4.	The distance from the nearest: (i) revenue village (ii) temple (iii) school	500 meters 500 meters 500 meters	
5.	Whether located outside the limits of Municipal Corporation, city municipal corporation, town municipal council, as the case may be	Yes	
6.	Details of licence issued by any other authorities prior to commencement of Act (enclose copies if any)		
7.	Extent of land available for establishing stone crusher	Minimum 1 acre	
8.	Reasons for non-compliance of the conditions stipulated in the Act/any other documents enclosed in support of compliance of conditions stipulated in the Act		
9.	Remarks/any other information		

Mandatory Enclosures:

- (1) Revenue or land sketch of the existing crusher/proposed area showing material details.
- (2) RTC or property extract of the existing/proposed land.
- (3) Licence/consent copy of any authorities issued for stone crusher before the commencement of the Act.
- (4) Consent of landowner if any.

Date:

Place:

Signature of the applicant.

FORM A-2*[See Rule 3-A]***Register of application for licence**

Sl. No.	Name of the applicant and address	Details of location applied for establishing stone crusher					
		District	Taluk	Village	Sy. No.	Extent	Land type

Date of application received	Whether existing/new stone crusher	Date of Certificate of compliance issued and its number	Licence number and date of issue]

FORM B

[See Rule 3(2)]

Acknowledgement for Receipt of application for Grant/Renewal of stone crusher licence in Sy. No....., Village of....., Taluk of....., District..... from Sri/M/s.....on (date).....

Enclosures are as follows:—

- (1)
- (2)
- (3)
- (4)
- (5)

Place:

Date:

Signature of the Competent Authority

To

.....

[FORM B-1

[See Rule 3(2)]

Government of Karnataka**Certificate of Compliance**

Certificate No.....

This is to certify that the existing/proposed place/land for establishing stone crusher by Mr./Mrs./M/s.....in the name of.....situated in Sy. No..... of Village, ... Taluk, ... District is located in declared safer zone and is conforming to the conditions stipulated in the Act.

It is directed that the holder of this certificate shall obtain the Consent for Operation (CFO) from Karnataka State Pollution Control Board and submit the same to Licensing Authority and obtain licence in Form C, upon which he/she shall commence the operation of stone crusher.

This certificate is issued to obtain the CFO and shall not be considered as licence to commence the operation of stone crusher.

Date:

Place:

Licensing Authority,
District.]

FORM C

[See Rule 3(2)]

Licence for Stone Crusher

Licence No.....

The licence for the establishment of a Stone crusher in favour of M/s./Sri/Smt.....in Sy. No.....of..... Village,..... Taluk,..... District is accorded for a period of ²[five years] from the date of issue. The licensee should strictly adhere to the relevant Act and Rules.

This licence is valid upto.....

Licensing Authority

1 Form B-1 inserted by Notification No. CI 20 MMN 2014, dated 6-2-2014, w.e.f. 6-2-2014.
 2. Substituted for the words "three years" by Notification No. CI 358 MMN 2014, dated 26-12-2014, w.e.f. 27-12-2014.

To,

M/s./Sri/Smt.

.....

.....

.....

FORM D*[See Rule 3(2)]***Refusal Letter for Stone Crusher Licence**

The licence for the establishment of Stone crusher by M/s./Sri/Smt..... in Sy. No..... of..... Village..... Taluk..... District is rejected for the following reasons:—

(1)

(2)

(3)

Licensing Authority

To,

M/s./Sri/Smt.

.....

.....

.....

FORM E*[See Rule 6]***Annual Report**

District.....

Year.....

- | | |
|--|-------|
| 1. Number of applications receive | ..... |
| 2. Number of licence sanctioned | ..... |
| 3. Number of Applications rejected | ..... |
| 4. Number of Applications pending | ..... |
| 5. Amount received towards application fee | ..... |
| 6. Amount received toward licence fee | ..... |
| 7. Number of applications received for Victim Relief | ..... |
| 8. Number of applications considered for Victim Relief | ..... |
| 9. Number of applications rejected | ..... |

- | | |
|--|-------|
| 10. Total amount sanctioned for Victim Relief | ..... |
| 11. Amount released from the Victim Relief Fund | ..... |
| 12. Amount paid by the licence holders as per Section 12(5) of the Act | ..... |
| 13. Statement of income and expenditure balance sheet as per Section 14 of the Act | ..... |

Signature of the Licensing Authority.

FORM F*[See Rule 7]***Application for Appeal**

1.	Name and Address of Individual/ Firm/ Company/Registered Co-Operative Society/ Association.	
2.	Profession or nature of business.	
3.	Full details of the order of the Competent Authority/Deputy Commissioner which the revision application is made (copy to be enclosed).	
4.	Stone Crusher forming the subject-matter of the revision petition.	
5.	Details of the area in respect of which the revision application is filed: District: Taluk: Village: Sy. No.	
6.	Is the application filed within Thirty days of the date, order of the Competent Authority/ as in Sl. No. 3 above.	
7.	Ground for revision.	
8.	If the revision applications is filed by the holder of power of Attorney, please attach the power of Attorney.	

Place:

Date:

Signature of the
Applicant/Power of Attorney Holder.

[FORM G
[See Rule 4(2)]

Register of Crusher Victim Claim Petitions

Sl. No.	Crusher Victim Claim Petition No.	Name, age, occupation and address of the claim petitioner	Nature of claim in brief	Details of respondents/ crusher	Date of receiving application	Date of disposal	Order in brief	Signature of Chairman/ Member-Secretary]

CIRCULARS

ಸುತ್ತೋಲೆ

ಸಂಖ್ಯೆ ಗಧೂಇ/ಉ.ನಿ.(ಖ.ಆ) ಕಗಸುಕಾ ಇತರೆ/2016-17, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 2-9-2016

ವಿಷಯ : ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡುವ ಮುನ್ನ ನಿಯಮಗಳನ್ನು ಪಾಲಿಸುವ ಕುರಿತು.

ಉಲ್ಲೇಖ : ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಐ 418 ಎಂಎಂಎಸ್ 2015(ಭಾಗ), ಬೆಂಗಳೂರು, ದಿನಾಂಕ 12-8-2016.

ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿ, 1994ರಂತೆ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡುವ ಮುನ್ನ ನಿಯಮ 8(5)ರಂತೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಮತ್ತು ವರದಿಗಳನ್ನು ಪಡೆಯಬೇಕಾಗಿರುತ್ತದೆ.

1. ಉಲ್ಲೇಖಿತ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿ 1994ಕ್ಕೆ (ತಿದ್ದುಪಡಿ), 2016ರ ನಿಯಮಗಳನ್ನು ಜಾರಿಗೆ ತರಲಾಗಿದೆ. ಸದರಿ ತಿದ್ದುಪಡಿ ನಿಯಮ 8-B(2)(c) ಮತ್ತು 8-B(2)(d) ರಂತೆ ದಿನಾಂಕ 16-6-2015ರ ಪೂರ್ವದಲ್ಲಿ ಸ್ವೀಕರಿಸಿರುವ ಉಪ-ಖನಿಜ ಕಲ್ಲುಗಣಿ ಅರ್ಜಿಗಳಿಗೆ (ಎಂ-ಸ್ಯಾಂಡ್ ಗುತ್ತಿಗೆ ಅರ್ಜಿಗಳನ್ನು ಹೊರತುಪಡಿಸಿ) ದಿನಾಂಕ 11-8-2016 ರೊಳಗೆ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ನಿಯಮ 8(5)ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಮತ್ತು ವರದಿಗಳು ಸ್ವೀಕೃತವಾಗಿದ್ದಲ್ಲಿ ಅಂತಹ ಅರ್ಜಿಗಳಿಗೆ ರಾಜಧನದ ಜೊತೆಗೆ ಸರಾಸರಿ ಹೆಚ್ಚುವರಿ ನಿಯತಕಾಲಿಕ ಸಂದಾಯದ ಮೊತ್ತವನ್ನು ಪಾವತಿಸುವ ಷರತ್ತಿಗೆ ಒಳಪಟ್ಟು ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿದೆ.
2. ಕಂಡಿಕೆ (1)ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಲು ಅರ್ಹವಿರುವ ಅರ್ಜಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ನಿಯಮ 8(5)ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಮತ್ತು ವರದಿಗಳನ್ನು ಈ ಕೆಳಗೆ ವಿವರಿಸಿರುವಂತೆ ಪಡೆದಿರತಕ್ಕದ್ದು.
3. ಸರ್ಕಾರಿ ಜಮೀನುಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟ ಉಪ-ಖನಿಜಗಳ ಗುತ್ತಿಗೆ ಮಂಜೂರಾತಿಗೆ ನಿಯಮ 8(5)(i)ರಂತೆ ಕಂದಾಯ ಇಲಾಖೆಯ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಜಿಲ್ಲಾಧಿಕಾರಿರವರಿಂದ ದಿನಾಂಕ 11-8-2016ರ ಒಳಗಾಗಿ ಪಡೆದಿರತಕ್ಕದ್ದು.
4. ಸರ್ಕಾರಿ ಜಮೀನುಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟವಲ್ಲದ ಉಪ-ಖನಿಜಗಳ ಗುತ್ತಿಗೆ ಮಂಜೂರಾತಿಗೆ ನಿಯಮ 8(5)(ii) ರಂತೆ ಕಂದಾಯ ಇಲಾಖೆಯ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ತಾಲ್ಲೂಕಿನ ತಹಶೀಲ್ದಾರರವರಿಂದ ದಿನಾಂಕ 11-8-2016ರ ಒಳಗಾಗಿ ಪಡೆದಿರತಕ್ಕದ್ದು.
5. ಎಲ್ಲಾ ರೀತಿಯ ಉಪ-ಖನಿಜ ಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರಾತಿಗೆ ನಿಯಮ 8(5)(iii) ರಂತೆ ಅರಣ್ಯ ಇಲಾಖೆಯ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಉಪ-ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು, ಅರಣ್ಯ ಇಲಾಖೆ ಇವರಿಂದ ದಿನಾಂಕ 11-8-2016ರ ಒಳಗಾಗಿ ಪಡೆದಿರತಕ್ಕದ್ದು.

6. ಗೋಮಾಳ, ಗೈರಾಣ, ಹುಲ್ಲುಬಣ್ಣ ಖರಾಬು ಜಮೀನುಗಳಲ್ಲಿ ಎಲ್ಲಾ ರೀತಿಯ ಉಪ-ಖನಿಜ ಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರಾತಿಗೆ ನಿಯಮ 8(5)(iv) ರಂತೆ ಸಂಬಂಧಪಟ್ಟ ಕಂದಾಯ ಇಲಾಖೆಯ ಉಪ-ವಿಭಾಗಾಧಿಕಾರಿ ಮತ್ತು ಉಪ-ನಿರ್ದೇಶಕರು/ಹಿರಿಯ ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ ಇವರು ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ RD 72 LGP 98, ದಿನಾಂಕ 24-2-1999 ರಂತೆ ಜಂಟಿ ಸ್ಥಳ ಪರಿಶೀಲನೆ ನಡೆಸಿ, ಸದರಿ ವರದಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಮೂಲಕ ದಿನಾಂಕ 11-8-2016ರ ಒಳಗಾಗಿ ಪಡೆದಿರತಕ್ಕದ್ದು.
7. ಉಪ-ನಿರ್ದೇಶಕರು/ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿ/ಭೂವಿಜ್ಞಾನಿಗಳು ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆಯವರು ನಿಯಮ 8(5)(v) ರಂತೆ GPS co-ordinatesವುಳ್ಳ ಸಕಾಶ ಮತ್ತು ತಾಂತ್ರಿಕ ವರದಿಯನ್ನು ದಿನಾಂಕ 11-8-2016ರ ಒಳಗಾಗಿ ಪಡೆದಿರತಕ್ಕದ್ದು.
8. ಕಂಡಿಕೆ (1)ರ ಪ್ರಕಾರ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡುವ ಮುನ್ನ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್. 1994ರ ನಿಯಮ 8(5) ರಂತೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಮತ್ತು ವರದಿಗಳು ಕಂಡಿಕೆ (3) ರಿಂದ (7)ರವರೆಗೆ ವಿವರಿಸಿರುವಂತೆ ದಿನಾಂಕ 11-8-2016ರ ಒಳಗಾಗಿ ಸ್ವೀಕೃತವಾಗಿದ್ದಲ್ಲಿ ಅಂತಹ ಅರ್ಜಿಗಳನ್ನು ಮಾತ್ರ ಗುತ್ತಿಗೆ ಮಂಜೂರಾತಿಗೆ ಪರಿಗಣಿಸತಕ್ಕದ್ದು ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಿದಲ್ಲಿ, ಮಂಜೂರಾತಿ ಅಧಿಸೂಚನೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಮತ್ತು ವರದಿಗಳನ್ನು ಕೇಂದ್ರ ಕಛೇರಿಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು ಕಂಡಿಕೆ (3) ರಿಂದ (7)ರವರೆಗೆ ವಿವರಿಸಿರುವಂತೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಮತ್ತು ವರದಿಗಳು ಸ್ವೀಕೃತವಾಗಿರದಿದ್ದಲ್ಲಿ ಅಂತಹ ಅರ್ಜಿಗಳನ್ನು ತಿರಸ್ಕರಿಸಿ ಸದರಿ ಪ್ರದೇಶಗಳಲ್ಲಿ ಟೆಂಡರ್-ಕಂ-ಹರಾಬು ಮೂಲಕ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಲು ತುರ್ತಾಗಿ ಕ್ರಮಕೈಗೊಳ್ಳತಕ್ಕದ್ದು.
9. ಕಂಡಿಕೆ (3) ರಿಂದ (7)ರವರೆಗೆ ವಿವರಿಸಿರುವಂತೆ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಮತ್ತು ವರದಿಗಳು ದಿನಾಂಕ 11-8-2016ರ ಒಳಗಾಗಿ ಬಾರದ ಪ್ರಕರಣಗಳಿಗೆ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡುವುದು ಕಂಡು ಬಂದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಜಿಲ್ಲೆಯ ಉಪ-ನಿರ್ದೇಶಕರು/ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿರವರನ್ನೇ ನೇರ ಹೊಣೆಗಾರರನ್ನಾಗಿ ಶಿಸ್ತು ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.

ಆದ್ದರಿಂದ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡುವ ಮುನ್ನ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್. ನಿಯಮ 8(5) ರಂತೆ ಪರಿಶೀಲಿಸಿಕೊಂಡು ನಿಯಮಾನುಸಾರ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಜಾರಿ ಮಾಡಲು ಸೂಚಿಸಿದೆ.

ಸುತ್ತೋಲೆ

ಸಂಖ್ಯೆ ಗಭೋ/ಉ.ನಿ.(ಖ.ಆ)ಕಗು/ಉಪ-ಖನಿಜ/2016-17, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 6-9-2016

ವಿಷಯ : ಅಲಂಕಾರಿಕ ಶಿಲೆ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಪ್ರದೇಶದಲ್ಲಿ ಉತ್ಪಾದನೆಯಾಗುವ ಅನುಪಯುಕ್ತ ಶಿಲೆಯನ್ನು M-sand ತಯಾರಿಕೆ ಉದ್ದೇಶ ಹಾಗೂ ಜಿಲ್ಲೆಯಾಗಿ ಪರಿವರ್ತಿಸಲು KMMCR, 1994ರ ನಿಯಮ-ಷೆಡ್ಯೂಲ್-IIರ ಕ್ರಮ ಸಂಖ್ಯೆ 19ರಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವ ರಾಜಧನ ವಿಧಿಸುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ : ತಿದ್ದುಪಡಿ ನಿಯಮಾವಳಿ, 2016ರ ಷೆಡ್ಯೂಲ್-IIರಲ್ಲಿನ ಕ್ರಮಸಂಖ್ಯೆ 19 ರಂತೆ.

ಪ್ರಸ್ತಾಪಿತ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖಿತ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆಯಂತೆ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್. (ತಿದ್ದುಪಡಿ) 2016ನ್ನು ದಿನಾಂಕ 12-8-2016 ರಂದು ಜಾರಿಗೆ ತರಲಾಗಿದೆ. ಉಲ್ಲೇಖಿತ

ತಿದ್ದುಪಡಿ ನಿಯಮಾವಳಿ, 2016ರ ಷೆಡ್ಯೂಲ್-IIರಲ್ಲಿನ ಕ್ರಮಸಂಖ್ಯೆ 19 ರಂತೆ ಅಲಂಕಾರಿಕ ಶಿಲೆ ಗಣಿಗುತ್ತಿಗೆ ಪ್ರದೇಶದಲ್ಲಿ ಉತ್ಪಾದನೆಯಾಗುವ waste rocks not suitable for ornamental purpose ಉಪ-ಖನಿಜಕ್ಕೆ ಪ್ರತಿ ಟನ್‌ಗೆ ರೂ. 60/-ಗಳಂತೆ ರಾಜಧನ ಸಂದಾಯಿಸಿಕೊಂಡು ಖನಿಜ ರವಾನೆ ಪರವಾನಿಗೆಗೆ ಅವಕಾಶ ಕಲ್ಪಿಸಿದೆ. ಈ ಕೆಳಕಾಣಿಸಿದ ಅಂಶಗಳಡಿ ಪರಿಶೀಲಿಸಿಕೊಂಡು ರವಾನೆ ಪರವಾನಿಗೆಗೆ ನೀಡಲು ಸೂಚಿಸಿದೆ:

1. ಗುತ್ತಿಗೆ ಪ್ರದೇಶದಲ್ಲಿ ಉತ್ಪಾದನೆಯಾಗುವ ಅನುಪಯುಕ್ತ ಶಿಲೆಯನ್ನು M-sand ತಯಾರಿಕೆ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಥವಾ ಜಿಲ್ಲೆಯಾಗಿ ಮಾರ್ಪಡಿಸಲು ಕ್ರಷರ್ ಘಟಕದಲ್ಲಿ ಬಳಕೆ ಮಾಡುವ ಮುನ್ನ ಸದರಿ ಅನುಪಯುಕ್ತ ಖನಿಜವು ಅಲಂಕಾರಿಕ ಶಿಲೆಗೆ ಯೋಗ್ಯವಾಗಿಲ್ಲದಿರುವುದನ್ನು ಪರಿಶೀಲಿಸಿಕೊಂಡು ಖನಿಜ ರವಾನೆ ಪರವಾನಿಗೆ ನೀಡುವುದು.
2. ಎಂ-ಸ್ಯಾಂಡ್/ಕ್ರಷರ್ ಘಟಕವು ಕ್ರಷರ್ ಕಾಯ್ದೆ ಹಾಗೂ ನಿಯಮದಡಿಯಲ್ಲಿ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಬಗ್ಗೆ ಖಡಿತಪಡಿಸಿಕೊಳ್ಳುವುದು.
3. ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಪ್ರದೇಶದಲ್ಲಿ ಉತ್ಪಾದನೆಯಾಗುವ ಅಲಂಕಾರಿಕ ಶಿಲಾ ಉದ್ದೇಶಕ್ಕಾಗಿ ಬಳಕೆಯಾಗದ ಅನುಪಯುಕ್ತ ಶಿಲಾ ದಿಮ್ಮಿಗಳನ್ನು ಖನಿಜ ಸಾಗಾಣಿಕೆ ಪರವಾನಿಗೆ ಪಡೆದೇ ಬಳಸತಕ್ಕದ್ದು.
4. ಎಂ-ಸ್ಯಾಂಡ್ ಘಟಕಕ್ಕೆ ಬೇಕಾಗಿರುವ ಕಚ್ಚಾಕಲ್ಲನ್ನು ಸೂಚಿತ ಗುತ್ತಿಗೆ ಪ್ರದೇಶದಲ್ಲಿ ಅಲಂಕಾರಿಕ ಶಿಲೆಗೆ ಯೋಗ್ಯವಲ್ಲದ ಹಾಗೂ 0.08 ಕ್ಯೂಬಿಕ್ ಮೀಟರ್ ಗಿಂತ ಕಡಿಮೆ ಇರುವ ಅನುಪಯುಕ್ತ ಖನಿಜವನ್ನು ಮಾತ್ರ ಬಳಸುವುದು.
5. ಅಲಂಕಾರಿಕ ಶಿಲೆ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಪ್ರದೇಶದಲ್ಲಿ ಉತ್ಪಾದನೆಯಾಗುವ ಅನುಪಯುಕ್ತ ಶಿಲೆಗಳನ್ನು ಸಾಗಾಣಿಕೆ ಮಾಡಲು ಪ್ರಸಾರ ಅನುಮತಿ ಪತ್ರದಲ್ಲಿ ಒಪ್ಪಿಗೆ (carrying consent capacity) ಇರುವ ಬಗ್ಗೆ ಖಚಿತಪಡಿಸಿಕೊಂಡು ಸದರಿ ಪ್ರಮಾಣೀಕೃತಗೊಳಿಸಿ ಖನಿಜ ಸಾಗಾಣಿಕೆ ಪರವಾನಿಗೆ ವಿತರಿಸುವುದು ಒಂದು ವೇಳೆ ಪ್ರಸಾರ ಅನುಮತಿ ಪತ್ರದಲ್ಲಿ (carrying consent capacity) ನಮೂದಿಸದಿದ್ದಲ್ಲಿ DEAC/DEIAA ಸಮಿತಿಯ ಪೂರ್ವಾನುಮತಿ ಪಡೆದು ಅನುಪಯುಕ್ತ ಶಿಲೆಗಳನ್ನು ಸಾಗಾಣಿಕೆಗೆ ಖನಿಜ ಪರವಾನಿಗೆ ವಿತರಿಸಲು ಕ್ರಮವಹಿಸುವುದು.
6. ಎಂ-ಸ್ಯಾಂಡ್ ಘಟಕದಲ್ಲಿ ಬಳಕೆ ಮಾಡುವ ಅನುಪಯುಕ್ತ ಶಿಲೆಯು (ಕಚ್ಚಾವಸ್ತು) ಎಂ-ಸ್ಯಾಂಡ್ ತಯಾರಿಸಲು ಸೂಕ್ತವಿರುವ ಬಗ್ಗೆ NABL ಅನುಮೋದಿತ ಪ್ರಯೋಗಶಾಲೆ/ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ಪ್ರಯೋಗ ಶಾಲೆಯಲ್ಲಿ ಪರೀಕ್ಷೆಗೆ ಒಳಪಡಿಸಿ ವಿಶ್ಲೇಷಣಾ ವರದಿಯನ್ನು ಪಡೆಯುವುದು.
7. ಎಂ-ಸ್ಯಾಂಡ್ ಘಟಕದಲ್ಲಿ ಉತ್ಪಾದನೆಯಾದ ಎಂ-ಸ್ಯಾಂಡ್ ಕಟ್ಟಡದ ಬಳಕೆಗೆ ಯೋಗ್ಯವಾಗಿರುವ ಬಗ್ಗೆ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ಪ್ರಯೋಗ ಶಾಲೆಯಿಂದ ಪಡೆದ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.
8. ಎಂ-ಸ್ಯಾಂಡ್ ಘಟಕವನ್ನು ILMS ನಲ್ಲಿ ನೋಂದಣಿ ಮಾಡಿ, ಉತ್ಪಾದಿಸಿದ ಅಂತಿಮ ಉಪ-ಖನಿಜವನ್ನು ರವಾನಿಸಲಾಗುತ್ತಿದೆಯೇ ಎಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವುದು.

ಈ ಅನುಮತಿ ಆದೇಶವು ಕಾಲಕಾಲಕ್ಕೆ ಒದಲಾವಣೆಯಾಗುವ ಎಲ್ಲಾ ನಿಯಮ/ಕಾಯ್ದೆಗಳ ಪಾಲನೆಯ ವರದಿಗೊಳಪಟ್ಟಿರುತ್ತದೆ.

ಸುತ್ತೋಲೆ

ಸಂಖ್ಯೆ ಗಭೂಇ/ಉ.ನಿ.(ಖ.ಅ.)ಕ.ಗ.ಗು/ಎಂ-ಸ್ಯಾಂಡ್-1/2016-17, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 21-9-2016

ವಿಷಯ : ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್. 1994ರ ತಿದ್ದುಪಡಿ-2016 ನಿಯಮ 31-ZC ರಂತೆ ಚಾಲ್ತಿ ಎಂ-ಸ್ಯಾಂಡ್ ಘಟಕದ ಮಾಲೀಕರಿಗೆ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡುವ ಕುರಿತು.

ಉಲ್ಲೇಖ : ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಐ 418 ಎಂಎಂಎನ್ 2015(ಭಾಗ) ಬೆಂಗಳೂರು, ದಿನಾಂಕ 12-8-2016.

ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆಯಂತೆ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್. 1994ರ ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮಗಳನ್ನು ಜಾರಿಗೆ ತರಲಾಗಿದೆ. ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮಗಳಲ್ಲಿ ರಾಜ್ಯದಲ್ಲಿ ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದನೆಯನ್ನು ಹೆಚ್ಚಿಸುವ ಸಲುವಾಗಿ ಅನೇಕ ಪ್ರೋತ್ಸಾಹಕ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಅನುಷ್ಠಾನಗೊಳಿಸಿದೆ:

1. ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದನೆ ಮಾಡುವ ಕ್ರಷರ್ ಘಟಕಗಳನ್ನು ಖನಿಜ ಆಧಾರಿತ ಕೈಗಾರಿಕೆಗಳ ವ್ಯಾಪ್ತಿಗೆ ತರಲಾಗಿದೆ.
2. ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದಿಸಲು ಬಳಸುವ ಕಟ್ಟಡ ಕಲ್ಲನ್ನು ನಿರ್ದಿಷ್ಟ ಉಪ-ಖನಿಜಗಳ ವ್ಯಾಪ್ತಿಗೆ ತಂದು ಕಟ್ಟಡ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಅವಧಿಯನ್ನು 30 ವರ್ಷಗಳಿಗೆ ಮಂಜೂರು ಮಾಡಲು ಹಾಗೂ ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದಿಸುತ್ತಿರುವ ಘಟಕದ ಮಾಲೀಕರು ಹೊಂದಿರುವ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆಗಳನ್ನು ನಿಯಮ 8-A ರಂತೆ 30 ವರ್ಷಗಳಿಗೆ ನಿಯಮಾನುಸಾರ ವಿಸ್ತರಿಸಲು ಕ್ರಮಕೈಗೊಳ್ಳಲಾಗಿದೆ.
3. ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮ 15ರಂತೆ ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದಿಸುವ ಘಟಕದ ಮಾಲೀಕರಿಗೆ ಗರಿಷ್ಠ 50.00 ಎಕರೆ ವಿಸ್ತೀರ್ಣದ ವರೆಗಿನ ಕಲ್ಲುಗಣಿ ಪ್ರದೇಶದಲ್ಲಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಬಹುದಾಗಿದೆ.
4. ತಿದ್ದುಪಡಿ 2016ರಂತೆ ಈ ನಿಯಮಗಳು ಜಾರಿಯಾದ ದಿನಾಂಕದ ಪೂರ್ವದಲ್ಲಿ ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದನೆ ಮಾಡುತ್ತಿರುವ ಮತ್ತು ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದಿಸಲು ಉದ್ದೇಶಿಸಿ ಕ್ರಷರ್ ಆಕ್ಟ್ ಮತ್ತು ನಿಯಮಾವಳಿಗಳಂತೆ ಕ್ರಷರ್ ಲೈಸೆನ್ಸ್ ಪಡೆದು ಎಂ-ಸ್ಯಾಂಡ್ ಘಟಕ ಆಳವಡಿಸಿರುವ ಮಾಲೀಕರುಗಳಿಗೆ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್. 1994ರ ತಿದ್ದುಪಡಿ-2016 ನಿಯಮ 31-ZC ರಂತೆ ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದನೆಯನ್ನು ದ್ವಿಗುಣಗೊಳಿಸಲು ಘಟಕದ ಪ್ರದೇಶದಿಂದ 10 ಕಿ.ಮೀ. ವ್ಯಾಪ್ತಿಯೊಳಗೆ ಹೆಚ್ಚುವರಿಯಾಗಿ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಲು ನಿಯಮ ರೂಪಿಸಿದೆ.
5. ತಿದ್ದುಪಡಿ 2016 ರಂತೆ ಈ ನಿಯಮ 31-ZC ರಂತೆ ಈ ನಿಯಮಗಳ ಲಾಭವನ್ನು ಪಡೆಯಲು ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ತಿದ್ದುಪಡಿ 2016 ನಿಯಮ ಜಾರಿಯಾದ 6 ತಿಂಗಳ ಒಳಗಾಗಿ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಕೋರಿ ಕೇಂದ್ರ ಕಛೇರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಬೇಕಾಗಿರುತ್ತದೆ.
6. ಆದ್ದರಿಂದ ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮಗಳು ಜಾರಿಯಾದ ದಿನಾಂಕದ ಪೂರ್ವದಲ್ಲಿ ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದನೆ ಮಾಡುತ್ತಿರುವ ಮತ್ತು ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದಿಸಲು ಉದ್ದೇಶಿಸಿ, ಕ್ರಷರ್ ಆಕ್ಟ್ ಮತ್ತು ನಿಯಮಾವಳಿಗಳಂತೆ ಕ್ರಷರ್ ಲೈಸೆನ್ಸ್ ಪಡೆದು ಎಂ-ಸ್ಯಾಂಡ್ ಘಟಕ ಆಳವಡಿಸಿರುವ ಮಾಲೀಕರುಗಳ

ಸಭೆಯನ್ನು ದಿನಾಂಕ 30-9-2016ರ ಒಳಗೆ ನಡೆಸಿ, ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್. 1994ರ ತಿದ್ದುಪಡಿ-2016 ನಿಯಮ 31-ZCರಂತೆ ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದನೆಯನ್ನು ದ್ವಿಗುಣಗೊಳಿಸಲು ಹೆಚ್ಚುವರಿಯಾಗಿ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಲು ರೂಪಿಸಿರುವ ನಿಯಮ 31-ZC ಕುರಿತು ಮಾರ್ಗದರ್ಶನ ನೀಡಿ, ಘಟಕದ ಪ್ರದೇಶದಿಂದ 10 ಕಿ.ಮೀ. ವ್ಯಾಪ್ತಿಯೊಳಗೆ ಮುಕ್ತವಿರುವ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಪ್ರದೇಶದ ಮಾಹಿತಿಗಳನ್ನು ಒದಗಿಸಿ, ಕೇಂದ್ರ ಕಛೇರಿಗೆ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಕೋರಿ, ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ತಿಳಿಸುವುದು, ಸಭೆಯಲ್ಲಿ ಹಾಜರಾಗುವ ಎಲ್ಲಾ ಎಂ-ಸ್ಯಾಂಡ್ ಕ್ರಷರ್ ಘಟಕದ ಮಾಲೀಕರ ಹಾಜರಾತಿಯನ್ನು ಪಡೆದು, ನಡವಳಿಕೆಗಳನ್ನು ಸಿದ್ಧಪಡಿಸಿ, ಕೇಂದ್ರ ಕಛೇರಿಗೆ ಸಲ್ಲಿಸುವುದು.

7. ಕೇಂದ್ರ ಕಛೇರಿಯಲ್ಲಿ ಈ ರೀತಿ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಕೋರಿ ಸಲ್ಲಿಸುವ ಅರ್ಜಿಗಳನ್ನು ನಿಯಮಾನುಸಾರ ಪರಿಶೀಲಿಸಿ, ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಲು ಕ್ರಮಕೈಗೊಳ್ಳಲಾಗುವುದು.

ಆದ್ದರಿಂದ ಕಂಡಿಕೆ 6ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ, ಈ ಕೂಡಲೇ ಕ್ರಮಕೈಗೊಂಡು ರಾಜ್ಯದಲ್ಲಿ ಎಂ-ಸ್ಯಾಂಡ್ ಉತ್ಪಾದನೆಯನ್ನು ಹೆಚ್ಚಿಸಲು ಕ್ರಮಕೈಗೊಳ್ಳುವಂತೆ ತಿಳಿಸಿದೆ. ಈ ಸುತ್ತೋಲೆಯನ್ನು ಜಿಲ್ಲಾಡಳಿತ ಕಛೇರಿ ಹಾಗೂ ಜಿಲ್ಲಾ ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಕಛೇರಿಯ ಸೂಚನಾ ಫಲಕದಲ್ಲಿ ಅಳವಡಿಸಿ, ಎಂ-ಸ್ಯಾಂಡ್ ಕ್ರಷರ್ ಘಟಕದ ಮಾಲೀಕರಿಗೆ ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಮಂಜೂರಾತಿಗೆ ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ಅರಿವು ಮೂಡಿಸುವಂತೆ ತಿಳಿಸಿದೆ. ಈ ಸುತ್ತೋಲೆಯಲ್ಲಿ ತಿಳಿಸಿರುವ ಅಂಶಗಳಂತೆ ಕೈಗೊಂಡ ಕ್ರಮದ ವರದಿಯನ್ನು ದಿನಾಂಕ 5-10-2016ರೊಳಗೆ ಕೇಂದ್ರ ಕಛೇರಿಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

ಸುತ್ತೋಲೆ

ಸಂಖ್ಯೆ ಗಭೂಇ/ಉ.ನಿ.(ಖ.ಅ.)ಕ.ಗ.ಗು/ಸಿ.ನಿ.-/2016-17, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 21-9-2016

ವಿಷಯ : ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್. 1994ರ ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮ 8-Aರಂತೆ ಉಪ-ಖನಿಜ ಗಣಿ ಗುತ್ತಿಗೆಗಳ ಅವಧಿಯನ್ನು ವಿಸ್ತರಿಸಲು ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹೊರಡಿಸುವ ಕುರಿತು.

ಉಲ್ಲೇಖ : ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಐ 418 ಎಂಎಂಎನ್ 2015(ಭಾಗ), ದಿನಾಂಕ 12-8-2016.

ಪ್ರಸ್ತಾಪಿತ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖಿತ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆಯಂತೆ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ನಿಯಮಗಳಿಗೆ ತಿದ್ದುಪಡಿ ತರಲಾಗಿದ್ದು (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು 2016ರನ್ನು ಜಾರಿಗೆ ತರಲಾಗಿದೆ.

ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮ 8-A ರಂತೆ ಉಪ-ಖನಿಜ ಗುತ್ತಿಗೆಗಳ ಅವಧಿಯನ್ನು ವಿಸ್ತರಿಸಲು ಕ್ರಮಕೈಗೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ. ಗುತ್ತಿಗೆಗಳ ಅವಧಿಯನ್ನು ವಿಸ್ತರಿಸುವ ಮುನ್ನ ತೆಗೆದುಕೊಳ್ಳಬೇಕಾದ ಕ್ರಮಗಳ ಸಂಬಂಧ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ತಯಾರಿಸಿ ಈ ಸುತ್ತೋಲೆಯೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ. ಆದ್ದರಿಂದ, ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮ 8-Aರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವಂತೆ ಗುತ್ತಿಗೆಗಳ ಅವಧಿಯನ್ನು ವಿಸ್ತರಿಸಲು ಈ ಸುತ್ತೋಲೆಯೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುವ ಮಾರ್ಗಸೂಚಿಗಳನ್ವಯ ನಿಯಮಾನುಸಾರ ಕ್ರಮಕೈಗೊಳ್ಳಲು ತಿಳಿಸಿದೆ.

ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್-1994ರ ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮ 8-A ರಂತೆ ಕಲ್ಲುಗಣ ಗುತ್ತಿಗೆ ಅವಧಿಯನ್ನು ತಿದ್ದುಪಡಿಮಾಡಿ ವಿಸ್ತರಿಸುವ ಕುರಿತು ಮಾರ್ಗಸೂಚಿಗಳು

ವಿಷಯ : ಕರ್ನಾಟಕ ಉಪ-ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿಗಳು, 1994ರ (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು, 2016ರನ್ವಯದ ಅಧಿಸೂಚನೆಯಂತೆ ಹೊರಡಿಸಿರುವ ಮಾರ್ಗಸೂಚಿ ಕುರಿತು.

ಉಲ್ಲೇಖ : 1. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಐ 357 ಎಂಎಂಎನ್ 2012, ದಿನಾಂಕ 16-12-2013.

2. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಸಿಐ 418 ಎಂಎಂಎನ್ 2015(ಭಾಗ), ದಿನಾಂಕ 12-8-2016.

ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖ-02 ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆಯಂತೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ನಿಯಮಾವಳಿಗಳಿಗೆ (ತಿದ್ದುಪಡಿ) ನಿಯಮಾವಳಿಗಳು, 2016ರನ್ನು ಜಾರಿಗೊಳಿಸಲಾಗಿದೆ.

ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮ 8-Aರಂತೆ ಈ ನಿಯಮಗಳು ಜಾರಿಗೆ ಬರುವ ಮುನ್ನ ಮಂಜೂರು ಮಾಡಿದ್ದ ಕಲ್ಲುಗಣ ಲೀಸ್/ಲೈಸೆನ್ಸ್ ಮತ್ತು Prospecting-Cum-Quarrying Leaseಗಳ ಅವಧಿಯನ್ನು ನಿಯಮಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವಂತೆ ವಿಸ್ತರಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮ 8-Aರಂತೆ ಉಪ-ಖನಿಜ ಗುತ್ತಿಗೆಗಳ ಅವಧಿಯನ್ನು ಮೇಲೆ ತಿಳಿಸಿರುವಂತೆ ವಿಸ್ತರಿಸುವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಪಾಲಿಸತಕ್ಕದ್ದು.

1. ಉಪ-ಖನಿಜ ಗಣ ಗುತ್ತಿಗೆಗಳ ಲೀಸ್/ಲೈಸೆನ್ಸ್‌ದಾರರು ಕಲ್ಲುಗಣ ಲೀಸ್/ಲೈಸೆನ್ಸ್‌ಗಳ ನವೀಕರಿಸಲು ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ನಿಯಮಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ್ದ ಅವಧಿಯ ಒಳಗೆ ನವೀಕರಣ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರಬೇಕು. ನವೀಕರಣ ಅರ್ಜಿಯು ತಿರಸ್ಕೃತವಾದ ಪ್ರಕರಣಗಳ ಗುತ್ತಿಗೆಗಳು ಅವಧಿ ವಿಸ್ತರಣೆಗೆ ಅರ್ಹವಿರುವುದಿಲ್ಲ.
2. ಉಪ-ಖನಿಜಗಳ ಲೀಸ್/ಲೈಸೆನ್ಸ್ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ನಿಯಮಗಳಂತೆ ರದ್ದಾಗಿದ್ದಲ್ಲಿ ಅಂತಹ ಪ್ರಕರಣಗಳ ಲೀಸ್/ಲೈಸೆನ್ಸ್ ಅವಧಿ ವಿಸ್ತರಣೆಗೆ ಅರ್ಹವಿರುವುದಿಲ್ಲ.
3. ಗುತ್ತಿಗೆದಾರರು ಸರ್ಕಾರಕ್ಕೆ ಪಾವತಿಸಬೇಕಾದ ರಾಜಧನ/ಸ್ಥಿರಬಾಡಿಗೆ/ದಂಡ/ಪರಿಸರ ಸಂರಕ್ಷಣಾ ಶುಲ್ಕ ಹಾಗೂ ಇನ್ನಿತರ ಶುಲ್ಕಗಳನ್ನು ಪಾವತಿಸಿದ ನಂತರವೇ ಗುತ್ತಿಗೆ ಅವಧಿ ವಿಸ್ತರಣೆಗೆ ಕ್ರಮಕೈಗೊಳ್ಳುವುದು.
4. ಗುತ್ತಿಗೆದಾರರು ಹೊಂದಿರುವ ಗುತ್ತಿಗೆ ಅವಧಿಯನ್ನು ವಿಸ್ತರಿಸುವ ಮುನ್ನ ಗುತ್ತಿಗೆದಾರರು ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮ 8(4)ರಂತೆ ಗುತ್ತಿಗೆ ಮಂಜೂರು ಮಾಡಲು ಅನರ್ಹರಾಗಿರಬಾರದು.
5. ಗುತ್ತಿಗೆದಾರರು ಗುತ್ತಿಗೆ ಪ್ರದೇಶವನ್ನು ಒತ್ತುಪರಿ ಮಾಡಿ ಗಣಗಾರಿಕೆ ನಡೆಸಿ ಖನಿಜ ತೆಗೆದು ಅನಧಿಕೃತ ಗಣಗಾರಿಕೆ ನಡೆಸಿರುವುದಾದಲ್ಲಿ ಪರಿಶೀಲನೆ ನಡೆಸಿ ನಿಯಮಾನುಸಾರ ಕ್ರಮಕೈಗೊಂಡು ಗುತ್ತಿಗೆ ಅವಧಿ ವಿಸ್ತರಣೆಗೆ ಕ್ರಮಕೈಗೊಂಡು ಗುತ್ತಿಗೆ ಅವಧಿ ವಿಸ್ತರಣೆಗೆ ಕ್ರಮಕೈಗೊಳ್ಳುವುದು.

6. ಗುತ್ತಿಗೆದಾರರು ಹೊಂದಿರುವ ಕಲ್ಲುಗಣ ಗುತ್ತಿಗೆ ಅವಧಿಯನ್ನು ವಿಸ್ತರಿಸುವ ಮುನ್ನ ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ನಿಯಮ 8(1-A) ರಂತೆ ಗುತ್ತಿಗೆ ಪ್ರದೇಶದ ಅನುಮೋದಿತ ಕ್ವಾರಿಯಿಂಗ್ ಪ್ಲಾನ್ ಮತ್ತು ಪರಿಸರ ಅನುಮತಿ ಪತ್ರ ಪಡೆಯತಕ್ಕದ್ದು.
7. ಗುತ್ತಿಗೆದಾರರು ಹೊಂದಿರುವ ಗುತ್ತಿಗೆಯನ್ನು ವಿಸ್ತರಿಸುವ ಮುನ್ನ ಸದರಿ ಗುತ್ತಿಗೆ ಅರಣ್ಯ/ಪರಿಸರ ಸೂಕ್ಷ್ಮವಲಯ/ವನ್ಯಜೀವಿಧಾಮಗಳ/ಡೀಮ್ಡ್ ಫಾರೆಸ್ಟ್ ವ್ಯಾಪ್ತಿಯೊಳಗೆ ಬರುವ ಕುರಿತು ಪರಿಶೀಲಿಸಿಕೊಂಡು ನಿಯಮಾನುಸಾರ ಕ್ರಮಕೈಗೊಳ್ಳತಕ್ಕದ್ದು.
8. ಗುತ್ತಿಗೆದಾರರು ಗುತ್ತಿಗೆ ಕರಾರು ಪುಸ್ತಕವನ್ನು ಸ್ಟಾಂಪ್ ಕಾಯ್ದೆ ಮತ್ತು ನಿಯಮಗಳಂತೆ ಕಡ್ಡಾಯವಾಗಿ ನೋಂದಣಿ ಮಾಡಿಸಿ ಪ್ರತಿಯನ್ನು ಸಲ್ಲಿಸಿದ ನಂತರವೇ ಗಣಕಾರ್ಯ ನಿರ್ವಹಿಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸತಕ್ಕದ್ದು.
9. ಗುತ್ತಿಗೆ ಅವಧಿ ವಿಸ್ತರಿಸುವ ಮುನ್ನ ಗುತ್ತಿಗೆ ಪ್ರದೇಶದಲ್ಲಿ ಈಗಾಗಲೇ ತೆಗೆದಿರುವ ಉಪ-ಖನಿಜದ ಪ್ರಮಾಣದ ವಿವರಗಳನ್ನು ಅಂದಾಜು ದಾಖಲೆಗಳನ್ನು ದೃಢೀಕರಿಸಿಕೊಂಡು ಕಡತದಲ್ಲಿರಿಸತಕ್ಕದ್ದು.
10. ಗಣ ಕಾರ್ಯಕ್ಕೆ ಅನುಮತಿ ನೀಡುವ ಮುಂಚಿತವಾಗಿ ಗಣ ಪ್ರದೇಶದ ನಾಮಫಲಕ, ತಂತಿಬೇಲಿ ಮತ್ತು ಗಡಿ ಗುರುತುಗಳನ್ನು ಗುರುತಿಸಿ ಗಡಿ ಸ್ತಂಭಗಳನ್ನು ನಿರ್ವಹಿಸುವುದು.
11. ಗುತ್ತಿಗೆ ಪ್ರದೇಶದಲ್ಲಿ ಉತ್ಪಾದಿಸುವ ಉಪ-ಖನಿಜವನ್ನು ಖನಿಜ ರವಾನೆ ಪರವಾನಿಗೆ ಪಡೆದೇ ಸಾಗಾಣಿಕೆ ಮಾಡಲು ಕಲ್ಲುಗಣ ಗುತ್ತಿಗೆದಾರರಿಗೆ ಸೂಚಿಸತಕ್ಕದ್ದು.
12. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯ ಹಂತದಲ್ಲಿಯೇ ಗಣ ಗುತ್ತಿಗೆ ಅವಧಿಯನ್ನು ವಿಸ್ತರಿಸಿದ ನಂತರ ಹೆಚ್ಚುವರಿಯಾಗಿ ಪರತ್ತು ಮತ್ತು ನಿಬಂಧನೆಗಳನ್ನು ವಿಧಿಸಬಹುದಾಗಿದೆ.

ಈ ಮೇಲೆ ತಿಳಿಸಿರುವ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದ ನಂತರ ಸರ್ಕಾರ/ಜಿಲ್ಲಾ ಟಾಕ್ಸ್ ಫೋರ್ಸ್ ಸಮಿತಿ (as the case maybe) ಅನುಮೋದನೆ ಪಡೆದು ಗುತ್ತಿಗೆ ಅವಧಿಯನ್ನು ಕೆ.ಎಂ.ಎಂ.ಸಿ.ಆರ್., 1994ರ ತಿದ್ದುಪಡಿ 2016ರ ನಿಯಮ 8-Aರಂತೆ ವಿಸ್ತರಿಸಲು ಕ್ರಮಕೈಗೊಳ್ಳಲು ತಿಳಿಸಿದೆ.

Notes

[illegible]

RNI No. KARBIL/2001/47147



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರ

ಭಾಗ-IVA	ಬೆಂಗಳೂರು, ಶುಕ್ರವಾರ, ಆಗಸ್ಟ್ ೧೨, ೨೦೧೬ (ಶ್ರಾವಣ ೨೧, ಶಕ ವರ್ಷ ೧೯೩೮)	ನಂ. ೧೦೦೭
Part-IVA	Bengaluru, Friday, August 12, 2016 (Shravana 21, Shaka Varsha 1938)	No. 1007

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION

No. CI 418 MMN 2015(Part), Bengaluru, Dated: 12-08-2016

In exercise of the powers conferred by sections 15, 15A and 23C of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the Government of Karnataka, hereby makes the following rules further to amend the Karnataka Minor Mineral Concession Rules, 1994, namely:-

RULES

1. Title and commencement.- (1) These rules may be called the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.

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

2. Amendment of rule 2.- In the Karnataka Minor Mineral Concession Rules, 1994, (hereinafter referred to as the said rules), in rule 2 in sub rule(1),-

(1) after clause (a), the following shall be inserted, namely:-

"(a-a) **"Additional Periodic Payment"** means the payment made or to be made by the holder of a lease or license, as a percentage of Royalty, in addition to Royalty, for the concerned mineral on dispatch of that mineral as per the final price offer obtained in auction."

(2) in clause (a-1), after sub-clause(ii), the following shall be inserted, namely:-

"(iii) in respect of Quarry Plan for 31 minor minerals notified by the Government of India in notification number S.O.423 (E) dated: 10.2.2015 shall be such Officer or Agency as notified by the State Government from time to time."

(3) after clause (a-1), the following shall be inserted, namely:-

"(a-1-a) **"Authorised Officer"** means an officer not below the rank of Group B authorised by the State Government or the Commissioner or Director of Mines and Geology or Deputy Commissioner of the District to act for the specific purpose under these rules;

(a-1-b) **"Average Selling Price"** of a mineral shall mean the average selling price of that mineral, at the mine site, as published by the Indian Bureau of Mines or by the State Government or any other Agency notified by the State Government in this regard, published separately for domestic sale or for exports or both;"

(4) after clause (b), the following shall be inserted, namely:-

"(b-1) **"Composite license"** means prospecting license -cum quarrying lease granted under rule 9;"

(5) after clause (d), the following shall be inserted, namely:-

"(d-a) **"e-auction"** means the electronic auction by using such online electronic auction platforms as notified by the State Government so to be used.

(d-b) **"End Use"** mean the final use of mined minor mineral including for captive use by the lessee or licensee holder himself for production of another material;

(d-c) **"End-Product"** means the final product for sale that is derived from the minor mineral.";

(6) after clause (e), the following shall be inserted, namely:-

"(e-a) **"Local Authority"** means a Municipal Corporation or Municipal Council or Town Panchayat or Panchayat constituted under the Karnataka Municipal Corporations Act, 1976 or the Karnataka Municipalities Act, 1964 or the Grama Swaraj and Panchayath Raj Act, 1993 as the case may be;"

(7) after clause (k-5), the following shall be inserted, namely:-

"(k-6) **"Sale Value"** means the value at which the mineral is sold by the holder of lease or license at the mine site."

(8) in clause (m), after the words "minor minerals specified" the words "in Part-A of the schedule-IA and such other minor minerals, as may be notified" shall be inserted; and

3. Amendment of rule 3. - In rule 3 of the said rules, in sub-rules (1) and (2), the words "or quarrying Permit" shall be omitted.

4. Insertion of new rules 3A, 3C, 3D, 3E, 3F and 3G. - After rule 3 of the said rules, the following shall be inserted, namely:-

"3A. Exemption of certain rules in certain cases:- The following activities are exempted from obtaining Quarrying lease or license and from provisions of sub rule (1-A) of rule 8 and chapter-IIA, namely:-

(a) the digging of wells for water and digging of earth for foundation of building and disposal of the minor mineral extracted thereof; and

(b) removal of minor mineral from the agricultural field for bonafide use and / or for betterment of the agricultural land by the occupant himself subject to certification by the Agriculture Department to that effect and subject to the condition that such activity shall not render the land less fit for cultivation than before and also subject to the condition that the mineral is removed in a manner that does not pose danger to the neighbouring areas:

Provided that in case of clause (b) above prior Working Permission in writing shall be obtained from the jurisdictional Deputy Director or Senior Geologist before commencement of extraction and that the removal of minor mineral shall be done within a period of twelve months of the date of grant of permission by the jurisdictional Deputy Director or Senior Geologist.

Provided further that in case of clause (b) above if the minor mineral is sold by the owner or occupant of the agricultural land he shall pay the royalty to the State Government at the rate specified in Schedule-II as well as average Additional Periodic Payment, and that transportation of the minor mineral shall be undertaken only with a valid Mineral Dispatch Permit.

3B. Special Provisions for minor minerals required for National and State Highways, Major Irrigation Works and Railways:- (1) Notwithstanding anything contained in these rules, the District Task Force may, after obtaining approval of the State Government, grant quarry lease or license for minor minerals required in construction of National and State Highways, major irrigation works, railways or other major infrastructure projects including Airports (herein after called as Major Development Works) to either the concerned Department of Central Government or State Government or to the Corporation or Agency or Authority set up by the Central Government or State Government (hereinafter called the Development Agency) which is in charge of the work or to the Project Developer or the Contractor appointed by the said Development Agency for Major Development Works or to the assignee of such Project Developer or Contractor.

Provided that grant of such lease or license to Project Developer or Contractor or their assignee shall be done on recommendation of an Engineer, not below the rank of Executive Engineer or Tender Inviting Authority of the concerned Development Agency.

(2) Notwithstanding anything contained in rule 8A, Quarry Lease or license under this rule shall be issued for a period as recommended by an Engineer not below the rank of Executive Engineer or Tender Inviting Authority of the Development Agency which has awarded the work, and may be further extended by the Deputy Director or Senior Geologist of the District as recommended by the said Executive Engineer or the Tender Inviting Authority as may be required for completion of the work.

(3) Quarry Lease or license under this rule shall be granted on the condition that the Lessee or licensee shall pay, in addition to the royalty, an amount which shall be equal to

the average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019; and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring Districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided that when such Royalty and Average Additional Periodic Payment is paid, the payment to the District Mineral Foundation by the concerned lessee or license holder, as the case may be, shall be as payable by holders of lease in an auction.

(4) The provisions of the Chapter-IIA, Chapter-V, Chapter-VI, Chapter-VII, Chapter-VIII and Chapter-IX shall apply Mutatis and Mutandis to these cases.

3C. Powers of the District Task Force Committee for ensuring that ordinary building stone is available for other Government works of significant importance in the District.-

(1) In case of extreme shortage of ordinary building stone for other Government works of significant importance in the District, the District Task Force Committee shall have the power to direct quarry operators in the District to reserve specific percentage of their production for these specific works.

(2) Quarry operators shall, on receipt of such direction from the District Task Force Committee, reserve the specified percentage of their production as directed by the District Task Force Committee for supply to specific Government works of significant importance in the District.

3D. Reservation of area for Government company or corporation and grant without auction,-

(1) The State Government may reserve any area not currently held under any prospecting license or quarry lease, for undertaking prospecting or quarry operations through a Government company or corporation owned or controlled by it, and where it proposes to do so, it shall by notification in the Official Gazette, specify the boundaries of such area and mineral or minerals in respect of which such area shall be reserved.

(2) If the State Government reserves any area for undertaking prospecting or quarry operations under sub-rule(1), the State Government shall grant prospecting license or quarry lease, as the case may be, in respect of such area to such Government Company or Corporation.

(3) A quarry lease granted to a Government company or corporation under sub rule (2), shall be granted on the condition of payment, in addition to royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019; and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided that when such Royalty and Average Additional Periodic Payment is paid, the payment to the District Mineral Foundation by the Government Company or Corporation as the case may be, shall be as payable by holders of lease in an auction.

3E. Special provision for discovery of new mineral or use as different mineral or product:

(1) If any minor mineral not specified in a major or minor mineral lease or license is discovered in the leased area or if it is discovered that the mineral included in the lease is now to be extracted or used in a manner that it qualifies for being considered as a different minor mineral as per schedule IA (both the cases hereinafter referred as new mineral discovered), the lessee or licensee shall not win and dispose of such mineral unless such mineral is included in the lease, and shall report the discovery within a period of sixty days of its discovery to the concerned officer in-charge of the District and shall await orders of the Competent Authority in this regard:

Provided that the Officer in-charge of the District shall report the matter to the District Task Force Committee.

(2) The lessee shall have preferential rights over the mineral so discovered if it is a minor mineral.

(3) The lessee shall submit an application before concerned Deputy Director or Senior Geologist of the discovery as mentioned in sub rule (1) above within ninety days of its discovery and the Deputy Director or the Senior Geologist shall,-

(a) if new mineral discovered under sub-rule (1) above is a non-specified minor mineral, place the matter before District Task Force Committee and on its approval include the minor mineral so discovered in the lease deed and allow the holder of the lease to win and dispose of the new mineral

Provided that submission of approved modified quarry plan and environmental clearance shall be necessary before the new mineral is included in the lease or license ;

(b) if new mineral discovered as under sub-rule (1) is a specified minor mineral, place the matter before the District Task Force Committee and on its recommendation further send it to the Competent Authority for approval, and on approval of the Competent Authority include the mineral in the lease deed and allow the holder of the lease to win and dispose the new mineral;

Provided that submission of approved modified quarry plan and environmental clearance shall be necessary before the new mineral is included in the lease or license .

(4) The grant of permission for new mineral discovered under sub-rule (1) shall be subject to the extent of land possessed by him and the minimum area stipulated for grant of minor minerals in Schedule II-A and necessary clearances from the concerned authorities:

Provided that the period of lease for the mineral so discovered under sub-rule (1) shall be restricted to the period of lease that the lessee is entitled under the original lease.

Provided further that when such grant of quarrying for the new mineral discovered under sub-rule (1) is made the lessee shall pay, in addition to royalty applicable to the new mineral discovered as under sub-rule (1) as given in Schedule II, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license of the new mineral discovered granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty percent of Royalty of the new mineral discovered. This deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019, and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment.

Provided also that the Royalty and Average Additional Periodic Payment payable as under the above proviso, shall not be less than that what he was paying before such inclusion or as payable as per his bid in auction.

Provided also that when such Royalty and Average Additional Periodic payment is paid, the payment to the District Mineral Foundation shall be as payable by holders of lease in an auction.

3F. Exemption of certain rules in case of ordinary building stone

(1) Notwithstanding anything contrary contained in Chapter IV A, quarry leases of extent five acres and below in case of individuals and 10 acres and below in case of Registered Societies having all the members belonging to the Schedule Caste or Schedule Tribes or having all members who are traditional quarry operators and whose livelihood is dependent on quarrying for ordinary building stone in the lands belonging to the State Government, shall be allotted following procedure prescribed under this rule.

(2) Blocks of ten acres and below identified by the jurisdictional Deputy Director or Senior Geologist shall be notified by him, after approval in the District Task Force Committee, in any two newspapers having wide circulation, of which at least one shall be in Kannada, inviting applications for grant of quarry lease specifying the area available for grant of quarrying lease, reservation of the block and its location with boundaries.

Provided that such notification shall be published at least thirty days prior to the last date for receiving such applications.

(3) The extent of areas so identified in blocks of extent ten acres and below for allotment under rule 3F shall not exceed the percentage prescribed in rule 31B.

Provided that the State Government may issue operational guidelines for identification of such blocks, along with other blocks, and the identification by the jurisdictional Deputy Director or Senior Geologist shall be done as per guidelines notified by the Government from time to time.

(4) Blocks so identified for the purpose of this rule shall be reserved, by way of lottery, for allotment to the residents of the District for quarrying by them, in the following percentages, namely:-

- (i) Persons belonging to the Scheduled Castes or Scheduled Tribes or registered society of such persons - 24%;
- (ii) Persons belonging to economically weaker section who is a quarry operator by tradition and whose livelihood is depending on quarrying of ordinary building stone or registered society of such persons - 24%
- (iii) Persons with disabilities (physically challenged)- 2%; and
- (iv) Others - 50%

Provided that the Tahsildar of the concerned Taluk in which the persons reside or where the Registered Society of such persons is located shall be competent to certify with regard to eligibility of persons or Registered Society of such persons for the purpose of sub rule (4)

(5) The blocks so identified under clause (i) and (ii) of sub rule (4) shall be allotted with the following preference, namely:-

- (i) to registered societies having all the members belonging to the Schedule Caste or Schedule Tribes or having all members who are traditional quarry operators and whose livelihood is dependent on quarrying of ordinary building stone; and
- (ii) to individuals belonging to the Schedule Castes or Schedule Tribes or to category of persons who are traditional quarry operators and whose livelihood is dependent entirely on quarry of ordinary building stone.

(6) Without prejudice to sub-rule (5) above, quarrying lease shall be granted under this rule to eligible applicant by way of lottery, if more than one application is received amongst the categories specified in sub-rule (4) above.

(7) No person or registered society shall be eligible for making application for quarrying lease to be granted under this rule, if he or a member of his family or if the concerned registered society, as the case may be, already holds another quarrying lease in the District or anywhere else in the State of Karnataka

(8) All applications of the applicants other than the applicant who is selected for grant of quarrying lease shall be deemed to have been rejected and application fee in respect of such applications shall be forfeited.

(9) The successful applicant in the "others" category in this rule shall pay, in addition to Royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be 50 per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019; and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment.

Provided that when such Royalty and fifty percent of Average Additional Periodic payment is paid, then the payment by the lessee or holder of license to the District Mineral Foundation shall be as payable by the holders of lease or license through auction.

3G. Relaxation for quarry leases granted under rule 12.- (1) Where quarry lease has been granted on priority basis under clause (ii) of sub-rule(1) of rule 12 that existed before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, a relaxation may be granted by the Deputy Director or Senior Geologist of the District, to the lessee to sell such part of the quarried minor mineral locally that is found to be defective and not fit for export:

Provided that no such permission of relaxation shall be required from the Deputy Director or Senior Geologist of the District in cases where the quantity of minor mineral sold in domestic market is less than twenty five percent of the total quantity sold in any financial year. In such cases a self-certification by lessee shall be accepted by the Deputy Director or Senior Geologist.

Provided further that if more than seventy five percent of the quantity of minor mineral is sold in domestic market consecutively for three financial years, then the lease shall be cancelled and fresh process of grant of lease shall be undertaken."

5. Amendment of rule 4. – In rule 4 of the said rules, after the word and punctuations "rules." the words and punctuation "including Competent Authority for approval of Quarrying Plan." word and punctuations shall be inserted.

6. Amendment of rule 6.– In rule 6 of the said rules,-

(i) in sub-rule(3),-

(a) for the words "two thousand rupees" the words "ten thousand rupees" shall be substituted;

(b) for the words "ten thousand rupees" the words "fifty thousand rupees" shall be substituted; and

(ii) after sub rule (3), the following proviso shall be inserted, namely:-

"Provided that if a lease or license holder has been imposed with a fine under the above rule for three times during the lease period, the lease or license shall be terminated."

7. Amendment of rule 8. – In rule 8 of the said rules,-

(i) in sub rule (4),-

(a) for the word "contravened" the words "been convicted for the violations of" shall be substituted.

(b) after the word "thereunder" the words brackets and figures "or if the lease or license of such person has been determined or cancelled under sub-rule (3) of rule 6 or rule 39 or sub-rule (4) of rule 44 or rule 45 of these rules" shall be inserted.

(ii) in sub-rule (6), for the words, "the same shall be placed invariably before the District Task Force (Mines) Committee in its monthly meetings by the Competent Authority. The opinion from the concerned departmental officers shall be obtained in the meeting and recorded in the proceedings of the meeting and be disposed off accordingly" the words "it shall be deemed that the Deputy Commissioner or the Tahsildar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director or Senior Geologist, as the case may be, has given his no objection and the District Task Force (mines) Committee shall communicate the same to the Competent Authority for processing such applications for conditional grant to that effect" shall be substituted.

(iii) after sub rule (6), the following shall be inserted, namely:-

"Provided that while communicating the deemed no objection to the Competent Authority, a communication shall also be sent to the concerned Deputy Commissioner or the Tahsildar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director or Senior Geologist as the case may be that taking into consideration the deemed no objection the matter has been further processed."

8. Substitution of rule 8A. – For rule 8A of the said rules, the following shall be substituted, namely:-

"8A. Periods for which Quarrying Lease, license or Prospecting license may be granted.-(1) On and from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, all the Quarrying leases, licenses and Prospecting cum quarrying lease shall be granted for a period of Thirty years for Specified minor minerals and for a period of twenty years for the non-specified minor minerals.

(2) All the quarrying leases or licenses granted before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, shall be deemed to have been granted for a period of thirty years in respect of specified minor minerals and for a period of twenty years in respect of non-specified minor minerals:

Provided that the mining leases of the minerals which are now classified as minor minerals by the Central Government vide notification number S.O.423 (E) dated 10.2.2015 shall be deemed to have been granted for thirty years, for an area already granted under such lease and be considered as Quarrying lease or license as the case may be.

(3) The period of all the lease or license of the specified minor minerals and mining leases of the minerals now classified as minor minerals granted before the date of commencement of the Karnataka Minor Mineral Concession

(Amendment) Rules, 2016, the validity of their leases or license have expired or are about to expire under sub-rule (2), shall be extended and be deemed to have been extended

with effect from the date of expiry of the period of renewal last made up-to a period ending on 31st March 2020 or till the completion of renewal period, if any, or a period of thirty years from the date of grant of such lease or license, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with and also subject to the condition that application for renewal of the expired lease had been made by the lessee within the time required for making such renewal application.

(4) The period of all the lease or license of the non-specified minor minerals except the mining leases of the minerals now classified as minor minerals granted before the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, the validity of their leases or license are expired or about to be expired under sub-rule (2), shall be extended and be deemed to have been extended with effect from the date of expiry of the period of renewal last made up-to a period ending on 31st March 2020 or till the completion of renewal period, if any, or a period of twenty years, from the date of grant of such lease or license, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with and also subject to the condition that renewal application for the expired lease had been made by the lessee within the time period required for filing such renewal application.

(5) On expiry of the validity of lease or license period as specified in sub-rule (1), (2), (3) and (4), the lease or license shall be put up for auction as per the procedure specified in these rules:

Provided that if the lease or license was held by a mineral based industry as prescribed in Schedule IB and the mineral was utilized by it for end use, the mineral based industry that was holding the lease or license shall have the first right of refusal in the auction.

(6) The period of Prospecting license shall not exceed one year extendable by one more year by the State Government in the interest of mineral development upon recording the reasons in writing.

(7) Notwithstanding anything contained in this rule, the period of quarrying leases, including existing quarrying leases or mining leases, of Central or State Government companies or corporations or its undertakings shall be valid for a period of thirty years. In case of existing leases that have been granted to a Government company or corporation, the tenure of the same shall be deemed to be thirty years from its date of issuance.

Provided that where, upon expiry of such period of thirty years the lessee Government Company or Corporation so requests the State Government, the period of Quarrying lease shall be extended by the state government for additional periods, each time not exceeding thirty years.

(8) The provisions of this rule, notwithstanding anything contained therein, shall not apply to a quarrying lease or license or mining lease of minerals now classified as minor minerals vide notification of Government of India bearing number S.O.423 (E) dated 10.2.2015 granted before the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, for which renewal has been rejected, or which has been determined, or lapsed."

9. Substitution of rule 8B. - For rule 8B of the said rules, the following shall be substituted, namely:-

"8B. Status of applications received.-(1) All applications received and pending for grant of lease or license prior to the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, shall become ineligible including the applications received for grant of mining leases of the minerals that are now classified as minor mineral.

(2) Notwithstanding anything contained in sub-rule (1), the following shall remain eligible on and from the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, namely:-

(a) Applications received upon the notification issued under rule 8B existed before the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.

(b) Where the Committee that existed under the provisions of rule 11 or District Task Force Committee has recommended for grant of a quarrying lease or license for grant of mining lease, before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.

(c) Where in the case of minerals now re-classified as minor mineral by the Central Government by notification No. S.O. 423 (E) dated 10.2.2015, no objection certificates from

revenue and forest departments and the approved mining plan from the Indian Bureau of Mines (IBM) have been received before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.

(d) Applications received before 16.6.2015 and for which No Objection Certificates (NOCs) and reports as under sub rule (5) of rule 8 of these rules have been received from the concerned departments before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016; and

(e) these applications shall be considered for grant of quarrying lease or license, or otherwise as per the provisions that existed before the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 subject to fulfillment of the conditions specified for the same, if any and registration of leases or license deed within a period of twelve months from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016:

Provided that in case of grant of quarrying lease or license covered by clause (b), (c) and (d) of sub rule (2), the lessee shall pay, in addition to the royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019; and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighboring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment.

Provided further that when such Royalty and Average Additional Periodic Payment is paid, then the payment by the lessee for the District Mineral Foundation shall be as payable by the holders of lease or license through auction

Provided also that in respect of any mineral that are now re-classified as minor minerals by the Central Government vide notification number S.O.423 (E) dated 10.2.2015, no quarrying lease or license shall be granted except with the previous approval of the State Government.

(3) Where before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 a reconnaissance permit or prospecting license has been granted in respect of any land for any mineral, the permit holder or the licensee shall have a right for obtaining a prospecting license followed by quarrying lease, or license, as the case may be, in respect of that mineral in that land, if they have carried out the reconnaissance or prospecting in accordance with the terms and conditions stipulated in their permit or license:

Provided that on grant of quarry lease or license in case of sub rule(3) the lessee shall pay, in addition to the royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019; and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighboring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment.

Provided further that when such Royalty and Average Additional Periodic payment is paid, then the payment by the lessee or holder of license to the District Mineral Foundation shall be as payable by the holders of lease or license through auction.

10. Amendment of Chapter-III. – In the heading of chapter III to the said rules, the words “for Specified Minor Minerals” shall be omitted.

11. Substitution of rule 9.– For rule 9 of the said rules, the following shall be substituted, namely:-

“9. Application for grant of a quarrying lease: Every application for grant of a lease to quarry minor minerals in the land belonging to the State Government shall be made in Form-AQL to the Competent authority and shall be accompanied by various fees and documents as may be specified by the State Government in the tender document from time to time.”

12. Insertion of new rules 9A and 9B.- In the said rules, after rule 9 as so substituted, the following new rules shall be inserted, namely:-

“9A Grant of quarrying lease by auctions. (1) The provisions of this rule shall be applicable to cases other than cases covered under sub rule(3), of rule 8 or rule 3A,3B, 3D, 3E , or rules covered under Chapter IV B or to land in respect of which the minerals do not vest in the Government or to rules covered in Chapter V.

(2) In areas where the existence of mineral contents of any minor mineral specified in schedule-IA is established, the competent authority shall notify such areas inviting applications for grant of quarrying lease for such minor minerals. The terms and conditions subject to which such quarrying Lease be granted shall be in accordance with the provisions of chapter-IVA and such other conditions specified in the tender bulletin or Notification:

Provided that any broken area or previously held area of the minerals specified in schedule-IA, shall be notified for grant of quarrying lease through auction.

Provided further that the maximum and minimum extent of any blocks so identified shall not be in contravention of rule 15 and 15A.

(3) For the purpose of granting a Quarrying lease in respect of any minor mineral specified in schedule-IA in such notified area, the competent authority shall select through auction by method of competitive bidding including e-auction, an applicant who fulfils the eligibility conditions as specified in the notification inviting applications.

(4) The general procedures and manner of conducting auction including reservation of blocks shall be in accordance with chapter-IVA of these rules and the bidding parameters for the selection, which may include a share in the production of the mineral, or any payment linked to the royalty payable, or any other relevant parameter, or any combination or modification of them, as may be specified by the State Government in the tender bulletin or notification.

(5) Without prejudice to the generality of sub-rule (4), the State Government may, if it is of the opinion that it is necessary and expedient to do so, notify terms and conditions including reservation of any particular quarry or quarry blocks for a particular end use and be subject to such conditions which allow only such eligible end users to participate in the auction.

Provided that where any quarry block is reserved for specified end use, the minerals extracted under the quarrying lease shall be utilized solely for the specified end use; and not be sold or transferred or otherwise disposed of, either directly or indirectly.

(6) Without prejudice to the generality of sub-rule (4), the State Government may, if it is of the opinion that it is necessary and expedient to do so, notify terms and conditions, including reservation of any particular quarry or quarry blocks for production of a particular end product:

Provided that, when any quarry block is reserved for production of specified end product, mineral from the quarry shall be extracted for production of that end product in such minimum percentage as notified by the Government in special or general order.

(7) The competent authority shall grant a quarrying lease to the successful applicant selected in accordance with the procedures laid down in this regard in chapter IVA.

9B. Application of other Provisions.- The grant of permission to quarry ordinary sand shall only be in accordance with the provisions of the Chapter IV-B and Chapter IIA of these rules.”

13. Insertion of new Chapter-IIIA. – In the said rules, after rule 9B as so inserted the following new shall be inserted, namely:-

Chapter-III A Grant of Composite license

9C. Application for grant of Composite license .-(1) Every application for grant of a Composite license to quarry minor minerals in the land belonging to the State Government shall be made in Form-AQL to the Competent authority and shall be accompanied by various fees and documents as may be specified by the State Government in the tender document.

9D. (1) The provisions of this rule shall be applicable to cases other than cases covered under sub rule(3) of rule 8 or rule 3A or 3B or sand mining or to land in respect of which the minerals do not vest in the State Government.

(2) In areas where there is inadequate evidence to show the existence of mineral contents of any minor mineral specified in schedule-IA, the Competent Authority shall issue notification

inviting application for grant of Composite license for such minor minerals after obtaining prior approval of the Controlling Authority. The terms and conditions subject to which such Composite license be granted shall be in accordance with the provisions of chapter-IVA and such other conditions as may be specified in the tender bulletin or notification.

(3) For the purpose of granting Composite license in respect of any minor mineral specified in schedule-IA in such notified area, the controlling authority shall select through auction by method of competitive bidding, including e-auction, an applicant who fulfils the eligibility conditions as specified in the notification inviting applications.

(4) The general procedures and manner of conducting auction including reservation of blocks shall be in accordance with chapter-IVA of these rules and the bidding parameters for the selection, which may include a share in the production of the mineral, or any payment linked to the royalty payable, or any other relevant parameter, or any combination or modification of them, as may be specified by the State Government with tender bulletin or Notification.

(5) The Competent Authority shall grant a prospecting license (PL) for the successful applicant selected through auction. The bidding parameter for Prospecting license shall be either the least cost of prospecting or least amount of revenue sharing which the prospecting license holder shall charge in case he refuses to undertake the quarrying lease in the auction or, any other relevant parameters that may be specified by the State Government.

Provided that the holder of Prospecting license shall have the right of first refusal once the area is put for auction for grant of quarrying lease on successful completion of prospecting.

(6) The prospecting operations shall be carried out in such a manner so as to ensure systematic development and conservation of mineral deposits and protection of environment. In case of any breach on the part of the licensee of any covenant or condition contained in the license deed or the rules made by the Central or State Government, the competent authority may determine the license and take possession of the said land and forfeit the security deposit. Such action shall not be taken unless the licensee has failed to remedy the breach a period of fifteen days from the date of notice having been served upon him.

(7) Once the holder of a prospecting license completes the prospecting operation and establishes the existence of mineral contents in the area in conformity with such parameters as may be specified for this purpose by the State Government, the said block shall be put for auction for grant of quarrying lease with right of first refusal to the holder of Composite license.

Provided that the quarrying lease shall be granted only with respect to area for which mineral existence is established and the extent shall not be in contravention of the provisions of rule 15 and 15A.

Provided further that any area, if found excess, shall be deemed to be surrendered by the holder of Composite license after completing its reclamation.

(8) If a holder of a composite license fails to complete the prospecting operations or fails to establish the existence of mineral contents required to put the blocks for auction to grant quarry lease, such holder shall not be eligible to receive quarrying lease and the composite license shall be terminated.

(9) The quarry lease shall be granted in favour of successful bidder in accordance with the provisions of rule 9A."

14. Amendment Chapter-IV. - In chapter of the said rules, for the heading the following shall be substituted namely:-

"General Procedures and Statutory Requirements"

15. Substitution of rule 11. - For rule 11 of the said rules the following shall be substituted, namely:-

"11. The provisions of this chapter shall be applicable for all grants of quarrying lease, composite license, quarrying license granted under these rules except for sand and M sand."

16. Omission of rule 12. - The rule 12 of the said rules shall be omitted.

17. Substitution of rule 13. - For the rule 13 of the said rules the following shall be substituted, namely:-

"13. Register of quarrying lease or license and Composite license .-

(1) The Competent authority shall cause to be maintained the following registers, namely:-

- (a) Register of blocks for which notification is issued for inviting applications for grant of quarrying leases in Form-QLN;
- (b) Register of quarrying leases in Form-QL with area sketches appended;
- (c) Register of applications received for quarry license in patta land in Form-AWPL;

- (d) Register of license in Form-WPL with area sketches appended;
- (e) Register of blocks for which notification is issued for inviting applications for grant of Composite license in Form-CLN; and
- (f) Register of Composite license in Form-CL.

(2) Every such registers referred to in sub-rule (1) shall be open to inspection by any person on written request and payment of rupees one hundred at the discretion of the Competent Authority."

18. Omission of rule 14.- The rule 4 of the said rules shall be omitted.

19. Substitution of rule 15. - For rule 15 of the said rules, the following shall be substituted, namely:-

"15. Maximum Area for which a quarrying lease or Prospecting license may be granted.- (1) No person shall acquire in respect of any minor mineral in the State,-

- (a) One or more prospecting license s covering a total area of more than five hundred acres;
- (b) One or more quarrying leases or license s covering a total area of more than fifty acres for the purpose of Mineral based industries and ten acres in case of other purposes; and
- (c) Any quarrying lease or prospecting license in respect of any area which is not compact or contiguous.

Provided that if the State Government is of the opinion that in the interest of the development of any mineral, it is necessary so to do, it may, for reasons to be recorded in writing, permit any person to acquire a prospecting license or quarry lease, in relation to any area which is not compact or contiguous.

(2) Nothing in sub-rule (1) shall apply to State Government or central Government Departments or undertakings and to Joint Sector Projects undertaken by the State Government or Central Government Departments or undertakings within the State or to cases covered under rule 3B.

(3) for the purpose of determining the total area referred to in sub-rule (1), the area held under a quarrying lease or composite license by a person as a member or partner of a company or corporation or firm or Hindu Undivided family or a Co-operative Society shall be deducted from the area referred to in sub-rule (1) so that sum total of the area held by such person, under a quarry lease or prospecting cum quarrying lease, whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-rule (1)."

20. Substitution of rule 15A. - For rule 15A of the said rules, the following shall be substituted, namely:-

"15A. Minimum area for quarrying lease or license or Composite license to be granted.-(1) No quarry lease or license or Composite license shall be granted with the extent less than the minimum extent specified in Schedule IIA for concerned mineral:

Provided that the State Government may, if it is satisfied on the basis of proposed production level, Geological or topographical conditions and for the reasons to be recorded in writing, grant a lease over an area less than minimum extent specified in schedule IIA. However, the implementation of Environmental Management Plan in such cases shall be in cluster approach.

(2) Nothing in this rule shall apply for the existing quarry leases till the date of its expiry."

21. Substitution of rule 16. - For rule 16 of the said rules the following shall be substituted, namely:-

"16. Notification of grant of quarry lease or Composite license .- (1)The Competent authority shall issue a grant notification for quarrying lease in Form-GL for an applicant selected through auction after obtaining the approved Quarry plan or simplified quarry plan, as the case may be.

(2) The Competent Authority shall issue a grant notification for Prospecting license in Form-GPL or in a form as near thereto as circumstances of each case may require for an applicant selected through auction after obtaining scheme of prospecting."

22. Amendment of rule 17. - In rule 17 of the said rules in sub-rule (1), for the words, brackets and figures "is notified under sub-rule (5) of rule 11" the words "or prospecting license is notified," shall be substituted.

23. Amendment of rule 18. - In rule 18 of the said rules,-

- (i) in the heading after the words "quarrying lease" the words "or quarry license or prospecting license or composite license" shall be inserted;
- (ii) in sub-rule (1), for the words and figures "is granted under rule 11, lease deed," the words "or quarry license , or prospecting license or composite license is granted the quarry lease, quarry license , prospecting license or composite license ," shall be substituted;
- (iii) after sub rule (1), the following shall be inserted, namely:-

"Provided that the date of commencement of the period for which a quarry lease or quarry license or prospecting license or composite license is granted shall be the date on which the deed is duly executed,-

Provided further that the duly executed quarry lease/license deed or prospecting license deed or composite license deed shall be registered with payment of requisite stamp duty and a copy of the registered deed shall be furnished by the lessee or license holder to the Competent Authority

Provided also that unless the deed is registered, no quarrying or prospecting operations shall be commenced, and that the Mineral Dispatch Permits shall not be issued."

(iv) for sub-rule (2), the following shall be substituted, namely:-

"(2) Before execution of a lease or license deed, the grantee shall submit all statutory documents and make all the mandatory payments as specified in the bidding documents or the rules."

(v) for sub-rule (4), the following shall be substituted, namely:-

"(4) As soon as the lease or license deed is executed a copy of the same shall be forwarded to the concerned Revenue and Forest department authorities entitled to issue No Objection Certificate for grant;" and

(vi) for the word "lessee" wherever it occurs and in this rule, the words " lessee or licensee" shall be substituted.

24. Amendment of rule 19B.- In rule 19B of the said rules,-

(i) in sub-rule (2), the words and figure "and 25" shall be omitted; and

(ii) the sub-rule (4) shall be omitted.

25. Omission of rules 21, 22, 23, 24, 25, 25A, 26, 27, 28, 29, 30 and 31 .- the rules 21, 22, 23, 24, 25, 25A, 26, 27, 28, 29, 30 and 31 of the said rules shall be omitted.

26. Substitution of Chapter-IVA.- In the said rules for chapter-IVA and the entries relating thereto the following shall be substituted, namely:-

"Chapter-IVA

GRANT OF QUARRYING LEASE OR COMPOSITE LICENSE BY AUCTION

31. A: Notification of area available for grant of Quarrying Lease or Composite license .

– (1) For the purpose of grant of quarrying lease or Composite license through auction, the competent authority shall issue a notification on website and in the official Gazette and also in more than two news papers having wide circulation of which at least one shall be in Kannada specifying the area available for grant and the particulars as specified in sub-rule (4) after obtaining the in-principle concurrence of the concerned authorities prescribed under sub rule (5) of rule 8 and formal approvals shall be obtained by the successful bidder by following due procedures, if any before execution of the deed.

Provided that in addition to the above, the prior approval of the controlling authority shall be obtained before issue of notification, inviting applications for grant of Composite license .

(2) Prior to issue of notification inviting application, the competent authority shall identify and demarcate the area where quarrying lease is proposed to be granted through auction by using total station and differential global positioning system and the area so demarcated shall be classified into forests land, land owned by the State Government and land not owned by the State Government.

(3) The extent of area so demarcated shall include area required for all the activities including non-quarrying activities also.

(4) The notification under sub-rule (1) and (2) shall contain the following particulars, namely:-

- (i) Name of the minor mineral;
- (ii) Survey Number, extent of the area and **Global Positioning System** co-ordinates;
- (iii) Name of the Village, Taluk, District and the block number;
- (iv) The period of lease;
- (v) The time schedule of auction events;
- (vi) Reservation category of the block; and
- (vii) General conditions governing the e-auction and any other relevant information.

(5) For the purpose of this Chapter it shall be recognized that assessment of mineral resources is inherently subject to some level of uncertainty and that the reported quantities are estimates as at the effective date of the submission of technical report, based on the available data and there is always a scope for further up-gradation in resources based on new exploration data and processing technology for using low grade resources.

31B. Reservation of Blocks.- (1) Area to be granted for quarrying lease or composite license shall be delineated by the jurisdictional Deputy Director or Senior Geologist and the blocks will be

suitably numbered and Deputy Director or Senior Geologist shall prepare a technical report containing minerals available, estimated resource or reserve, sketch of the block with Global Positioning System co-ordinates and details of approach road and land marks, to guide the prospective applicant to the area to be auctioned, which shall be part of bidding document.

(2) For the purpose of reservation, the concerned jurisdictional Deputy Director or Senior Geologist shall group the blocks of all the minor minerals specified in part-A & part-B of schedule-IA separately for the entire district proposed for grant of quarry lease and follow the roster system. Similar method of grouping shall separately be adopted for the blocks proposed for grant of composite license.

Provided that for geological formations that can be used for production of ordinary building stone and production of manufactured sand as well as for other uses, the inter-se ratio of allocation of blocks shall be as follows:

- (a) Ordinary building stone for allocation under rule 3F : not exceeding 25% of the area identified in the District;
- (b) M sand blocks through auction: twenty five percent of the area identified in the District; and
- (c) Others, including for ordinary building stone through auction: balance of the area identified in the District.

Provided further that in case of shortage of sand in any District, the District Task Force Committee shall have the powers to increase the area for M sand blocks in the District up-to a level of fifty per cent by reducing the area under Others category.

Provided also that the District Task Force Committee shall have powers to increase the area for Others category in case M sand blocks to that extent are not required in the District.

(3) After grouping of the blocks as under sub-rule (2), concerned District Task Force Committee shall reserve the blocks so numbered, except blocks that have been identified for allotment as under rule 3F, by way of lottery to the following categories as per percentage mentioned against each category:-

- (i) Persons or company or firm belonging to Scheduled Caste or Scheduled Tribes - 24%;
- (ii) Persons or company or firm who have already established or intend to establish any mineral based industries that use minor minerals as raw material in the State - 14% ;
- (iii) Persons belonging to economically weaker section who is a quarry operator by tradition and whose livelihood is depending on quarrying or registered society of such persons - 10%;
- (iv) Persons with disabilities (physically challenged)- 2%; and
- (v) Others - 50%

Provided that no blocks shall be reserved for the category at clause (ii) of sub-rule (3) to grant composite license and the same shall be considered as others category.

Provided further that the Tahsildar of the concerned Taluk in which the persons reside or where the registered society of such persons is located shall be competent to certify with regard to eligibility of persons or Registered Society of such persons for the purpose of clause (iii) of sub rule (3) of rule 31B.

(4) Notwithstanding anything in sub-rule (3), for quarry blocks for production of M Sand, the concerned District Task Force Committee shall reserve the blocks so numbered for M sand production, by way of lottery, to the following categories as per percentage mentioned against each category,-

- (i) Persons or company or firm belonging to Scheduled Caste or Scheduled Tribes or registered society of such persons - 24%;
- (ii) Persons or companies or firms who have already established M-sand production units in the State - 24%;
- (iii) Persons with disabilities (physically challenged)- 2%; and
- (iv) Others - 50%.

(5) The blocks reserved as under sub-rule (3) and (4) above shall be disposed only through auctions. Persons belonging to respective category shall only be allowed to participate in the auction.

Provided that allotment of blocks reserved under clause (a) of first proviso sub-rule (2) of rule 31 B, shall be done as per procedure prescribed in rule 3F.

(6) If the blocks so reserved are not disposed even after two notifications, it shall be notified for the "Others" category. Any shortfall for the category specified in clause (i) of sub-rule (3) shall be made good in the next allotment treating it as backlog.

Provided that if the backlog continues for more than three rounds of application of roster cycle, and there are no bidders from the said category, then the Director Mines and Geology shall have the power to declare the backlog to have lapsed and such backlog blocks shall go to the General Category for auction.

(7) Operational guidelines for identification of blocks, reservation and roster, carrying of backlog and lapsing of backlog shall be notified by the State Government by way of general or special orders from time to time.

31C. Process of auction.- (1) The bidding document shall be provided to the participants along with reports and documents enumerated in sub-rule (1) of rule 31B.

(2) The bidders shall be provided a fixed period, as notified by the competent authority, to study the bidding document and reports and bidding process shall commence only on expiry of period.

(3) Applications which are not duly filled or submitted with required enclosures, proof of deposit of earnest money, application fees and any other requirement shall be rejected under intimation to the applicant through e-portal.

(4) Auction shall be through e-auction and shall have the following two rounds, namely:-

(a) in the first round of auction, the bidder shall submit a technical bid comprising the application in form **Acceptable Quality Limit**, along with relevant documents to confirm eligibility as per the provisions of these rules to participate in the auction, earnest money deposits and such other documents and payments along with initial price offer as may be specified in the bidding document approved by the State Government;

(b) only those bidders who are found to be eligible in accordance with the terms and conditions of eligibility specified in the bidding document and whose initial price offer is equal to or greater than the base price shall be considered for evaluating the technically qualified bidders for second round of auction;

(c) the technically qualified bidders shall be ranked on the basis of descending initial price offer submitted by them and the technically qualified bidders holding the first fifty percent of the ranks (rounded off to next integer, fraction if any) or top five bidders, whichever is higher shall be qualified for second round of auction;

Provided that where the total number of technically qualified bidders is less than three, then no technically qualified bidder shall be considered to be qualified bidder and the auction process shall be annulled, but the same shall not be applicable for the auction process after third and subsequent call.

Provided further that if the number of technically qualified bidders is between three and five, then all the technically qualified bidders shall be considered as qualified bidders for the second round of auction. However, in the event of identical initial price offer being submitted by two or more technically qualified bidders, all such bidders shall be assigned the same rank and aforementioned fifty percent shall stand enhanced to fifty percent plus the number of persons with same rank.

(d) The highest price offer amongst the technically qualified bidders shall be the floor price for the second round of auction.

(5) In the second round of auction, the qualified bidders may submit their final price offer which shall be greater than the floor price:

Provided that the final price offer may be revised till the conclusion of the auction as per the technical specifications prescribed in the auction platform;

(6) The auction process shall be annulled if none of the qualified bidders submits a final price offer on the online electronic auction platform;

(7) The qualified bidder who submits the highest final price offer shall be declared as the successful bidder in the auction process;

(8) All applications other than applicant who is selected for grant of quarry lease or Composite license shall be deemed to have been rejected and application fee in respect of such applications shall be forfeited;

(9) A provisional acceptance letter shall be issued to the successful bidder by the competent authority upon approval of the e-auction from the controlling authority;

(10) Successful bidder shall deposit 4 times the earnest money deposit as security within three weeks from the date of acceptance letter, failing which earnest money shall be forfeited and application shall be rejected;

(11) On depositing of security amount as per sub rule (10), letter of intent shall be issued to the successful bidder by the concerned competent authority requiring him to submit approved quarrying plan/ simplified quarry plan and such other documents within two months for issue of grant notification;

Provided that the successful bidder of a Composite license shall submit scheme of prospecting for grant of prospecting license and quarrying plan/ simplified quarry plan, as the case may be during grant of quarry lease.

(12) If the provisions of sub-rule (11) is not complied with by the successful bidder, the security amount deposited by him and earnest money deposited shall be forfeited and application shall be rejected; and

(13) Notwithstanding anything contained in the sub-rules above, the State Government may prescribe a simplified tender cum auction procedure which may not be e-auction, as well as bid formats, for grant of quarry blocks for minor minerals for the category of persons belonging to the Scheduled Castes or Scheduled Tribes or for persons belonging to economically weaker section who is a quarry operator by tradition and whose livelihood is depending on quarrying or for registered society of such persons.

31D. Eligibility.- (1) The eligibility for participating in the auction shall be determined as per the terms and conditions of eligibility specified in sub-rule (2) and in the bidding document for participating in the auction and among the eligible bidders, the successful bidder shall be decided solely on the basis of financial bids submitted by the eligible bidders.

(2) No person or company or firm shall be considered as eligible to participate in the auction, if he,-

- (i) is a minor or an undischarged insolvent or is of unsound mind; or
- (ii) is holding an office of profit under the State Government or Central Government; or
- (iii) has not paid the arrears of royalty or dead rent in respect of lease held by him; or
- (iv) has been convicted of any offence involving moral turpitude or illegal mining; or
- (v) does not belong to the category for whom the block is so reserved.

(3) The controlling authority shall maintain and publish the list of persons who have defaulted in payment of royalty, dead rent, penalty or any dues to Government.

31E. Withdrawal of bid.- The bid once offered shall not be withdrawn till the grant of quarry lease or Composite license in respect of such area.

31F. General conditions of auction.- (1) the competent authority shall, on the date and at the time specified in the notification conduct the auction. If the e-auction is not held on that day due to the day being a public holiday or for any other reasons, the auction shall be held on the date and time that shall be published in the website or e-portal in case of e-auction for which no further notification or notice shall be necessary, and in same newspapers where original notification of auction was published in case of tender cum auction, not being e-auction;

(2) All the fees and Earnest Money Deposit (EMD) shall be in accordance with the directions contained in e-portal and bidding documents;

(3) The quarrying lease or composite license shall be granted for minerals published in the notification for auction and if any new mineral is discovered, then the holder of quarry lease or composite license shall report within sixty days of such discovery to the competent authority

Provided that the lessee shall not win and dispose of such mineral unless the same is included in the lease or license as per provisions under Rule 3 D and shall be liable to pay the dead rent or royalty plus premium in respect of each mineral, whichever be higher in amount, but not both;

Provided further that, where an area is auctioned for more than one mineral or more than one mineral is included in the lease or license, the final quote of successful bidder shall be applicable for the purpose of payment in respect of each such mineral.

(4) If the lessee or licensee holding a quarrying lease or composite license, is found winning the minerals not specified in their lease or license, he shall not be eligible to continue the quarrying operation and the lease or license shall stand terminated, for which the competent authority shall pass an order after giving an opportunity of being heard and recording the reasons in writing with forfeiture of whole or part of security deposit, performance guarantee etc.,

31G. Undertaking to be given for auction.- The person offering a bid shall give a prior undertaking that such offer shall not be withdrawn.

31-H. Rejection of bids in auction.- The Competent authority or Approving authority may reject any offer or bid offered through auction on the ground that such offer or bid is too low or for any other reason, to be recorded in writing.

31-I. Confirmation.- (1) Where the Competent Authority has provisionally accepted offer or bid, he shall forthwith submit to the controlling authority or the State Government, as the case may be, the records of the proceedings conducted by him, for confirmation.

(2) The controlling authority or State Government shall, on a consideration of the records under sub-rule (1) pass an order either confirming the bid for grant of a quarrying lease or refusing to confirm the same. The order passed thereon shall be communicated forthwith to all the concerned.

31-J. Grant of Quarrying Lease.- (1) The quarrying lease shall be granted in favour of successful bidder upon confirmation of the bid under rule 31-I by the Competent Authority in accordance with the provisions of rule 9A and chapter IV subject to following additional conditions namely:-

- (i) The successful bidder shall submit Performance Guarantee as specified in sub-rule (5) of rule 36 before execution of lease deed.
- (ii) The successful bidder shall formally obtain all necessary clearances, if any within a period of six months and operationalise the quarrying within a period of one year.

Provided that such period may be extended to a period of nine months and eighteen months respectively by the competent authority, in case the lessee is able to show that the delay was due to reasons beyond his control;

- (iii) The Successful bidder for blocks reserved for mineral based industries shall establish the mineral based industries, within a period of eighteen months of execution of lease deed and start the production; and
- (iv) The lessee shall produce and dispatch minimum fifty per cent of the permitted Annual production quantity, and if he fails to achieve the same, he shall be liable to pay royalty and premium as per the minimum production and dispatch requirement of fifty percent of permitted Annual production quantity;

Provided that where the failure to achieve minimum production and dispatch requirement is due to reasons beyond the control of the holder of the lease or license, the Competent Authority on an application made by the lessee or licensee, and after giving opportunity of hearing, may waive the requirement of the minimum production and dispatch for such period as it may deem fit.

(2) The holder of such grant shall execute a lease deed in accordance with the provision of rule-17 subject to compliance of all statutory requirements and additional conditions;

31K. Grant of Composite license .- (1) The prospecting license shall be first granted in favour of successful bidder upon confirmation of the bid under rule 31-I by the competent authority in accordance with the provisions of rule 9D and chapter IV, subject to the additional conditions specified in clause (i) and (ii) of sub-rule (1) of rule 31J.

(2) The holder of such grant shall execute a license deed in accordance with the provision of rule-17 under this rule subject to compliance of all statutory requirements and additional conditions;

(3) After successful completion of the prospecting, the holder of composite license shall submit his geological exploration report along with delineated area suitable for auction to grant quarrying lease to the competent authority.

(4) After satisfaction of the report submitted by the holder of composite license, the competent authority shall conduct auction to grant quarrying lease in accordance with provisions of Rule 9A and grant the quarry lease to successful bidder with first right of refusal to the holder of composite license

Provided that in case the composite license holder does not win the bid or does not exercise his right of first refusal, he shall be entitled to get from the successful bidder a compensation for the expenses incurred by him on prospecting activity.

31L.- Surrender of lease: (1) A Lessee may surrender his lease granted under this Chapter by giving notice in writing of not less than ninety days to the competent authority and by delivering possession of the area leased.

(2) The competent authority may accept the surrender of the lease, subject to the condition that the lessee has paid all the dues payable to the State Government under the lease up to the date of application and complied all statutory requirements.

(3) The competent authority shall dispose of the application under this Rule within Ninety days from the date of receipt of the application.

(4) The surrender shall take effect at the end of the said period of Ninety days subject to fulfillment of the condition specified in sub-rule (2) and in other cases; it shall take effect only, when the competent authority accepts surrender. lessee or ex-lessee shall not be entitled to continue in possession or re-enter possession of the quarry thereafter.

31M. Transfer of Lease.- (1) No lessee shall without the previous consent in writing of the competent authority:-

- (i) assign, sublet, mortgage or in any other manner transfer the Quarrying Lease or any right, title or interest therein, or ; and
- (ii) enter into an agreement, contract or understanding with any persons whereby the lessee is directly or indirectly financed to a substantial extent by such person and quarry operations and any other activities connected there with are substantially controlled by such person.:

Provided that nothing in this rule, shall apply to mortgage made by the lessee in favour of the Institution specified in Schedule-VI.

Provided further that the holder of original quarrying lease shall intimate the Competent Authority the consideration payable by the successor-in-interest for the transfer.

(2) The competent authority shall not give its consent to transfer of Quarrying Lease unless the transferee,-

- (i) has accepted all the conditions attached to the lease and liabilities which the transferor was having in respect of such lease;

- (ii) Is eligible to hold the quarrying lease and has accepted to make payment of premium and other fees in accordance with the original lease; and
- (iii) belongs to the same category for which the transferor was considered during grant.
- (3) The competent authority by order in writing determined any lease at any time, if the lessee has in the opinion of the Competent Authority committed breach of any of the provisions of sub-rule(1) or has transferred any lease or any right, title or interest therein otherwise than in accordance with Sub-Rule(2).

Provided that no such order shall be made without giving the lessee a reasonable opportunity of stating his case.

(4) An application for transfer of lease shall be disposed of by the competent authority within ninety days from the date of receipt of the application.

(5) The sanction for the transfer shall take effect from the date of such sanction, subject to the fulfillment of the conditions specified in sub-rule (2).

(6) Where on an application for transfer of quarrying lease, previous consent for the transfer has been obtained under this rule, a deed in such form as may be specified by the Competent Authority, shall be executed within ninety days from the date of sanction order for the transfer or within such period as the Competent Authority may allow in this behalf.

(7) Transfer of mineral concessions shall be allowed only for leases that are granted through auction.

(8) Transfer of mineral concessions may be allowed as per provisions above subject to the condition that the premium payable by the transferee lease holder shall not be less than the Average Premium payable by the holders of quarry lease or license through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighbouring Districts, such Average Premium shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019, and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment.

31-N. Application of Certain rules for lease or composite license granted under this Chapter: The provisions of rules 3, 4, 5, 6, 7, 8, 8A, 13, 15, 15A, 16, 17, 18, 19A, 19B, 19C, 20, and chapter IIA Chapter VI, Chapter VII and Chapter VIII and rule 54 and 55 of Chapter IX shall *mutatis mutandis* apply to Quarry leases or composite license s granted under this Chapter:

Provided that for the Composite license s granted under this chapter, chapter IIA shall not be applicable during the period of prospecting license .”

27. Substitution of Chapter IV-B. - In the said rules, for Chapter-IV-B and the entries relating thereto the following shall be substituted namely:-

“CHAPTER IV-B

Permission for quarrying of ordinary sand in river bed, patta land, removal of sand bars in Coastal Regulation Zone areas of coastal districts and special provisions for production of M-sand as well as for and transportation of sand and M-Sand.

31-R. Permission for quarrying and transportation of ordinary sand in river bed.- (1) There shall be constituted for each district a sand monitoring committee, (hereinafter referred as the ‘District Committee’,) consisting of the following namely:-

1.	The Deputy Commissioner of the District	Chairman
2.	The Chief Executive Officer of the Zilla Panchayat	Member
3.	The Police Commissioner and the Superintendent of Police in-charge of the city or district.	Member
4.	The Executive Engineer of the Public Works Ports and Inland Water Transport Department.	Member
5.	The Executive Engineer of the Major Department of Water Resources	Member
6.	The Deputy Conservators of Forest (Territorial)	Member
7.	The Regional Transport Officer	Member
8.	The Officer in-charge of the Karnataka Pollution Control Board.	Member
9.	The Assistant Commissioners of the sub-divisions of Revenue	Member
10.	The Deputy Director or Senior Geologist, Department of Mines and Geology	Member-Secretary

Note:- The Chairman of the committee may invite any officer or other knowledgeable person on the subject, to be the Member, depending on the specific issues.

(2) There shall be a Taluk Sand Monitoring Committee, (hereinafter referred as 'Taluk Committee') consisting of following namely:-

1.	Assistant Commissioner of respective sub-division of Revenue	Chairman
2.	Concerned Deputy Superintendent of Police having jurisdiction over the Taluk	Member
3.	Geologist, Department of Mines and Geology	Member
4.	Executive Officer of concerned Taluk Panchayat	Member
5.	Concerned Inspector of Police and the Sub-Inspectors of Police.	Member
6.	Assistant Executive Engineer or Assistant Engineer Public works, Ports and Inland Water Transport Department and Water Resources Department.	Member
7.	The Assistant Executive Engineer/ Assistant Engineer of the Water Resources Department	Member
8.	Taluk Social Welfare Officer	Member
9.	Range Forest Officers of the concerned Taluk or range	Member
10.	Motor Vehicle Inspector of concerned Taluk of Transport Department	Member
11.	Concerned Revenue Inspectors of Revenue Department	Member
12.	Concerned Panchayat Development Officer or Secretary of the concerned sand bearing Grama Panchayats	Member
13.	Tahsildar of the respective Taluk	Member Secretary

Note:- The Chairman of the committee may invite any officer or other knowledgeable person on the subject, to be the Member.

(3) **Powers and Functions of the District Sand monitoring Committee.-** The District Committee shall exercise and perform the following powers and functions, namely:-

The District Committee shall,-

- (i) Meet at least once in two months;
- (ii) take decision to grant lease or license for the sand blocks for sand quarrying in accordance with the provisions of these rules;
- (iii) after considering the recommendations of the Taluk Committee, shall either after accepting or accepting with such modifications as necessary, notify in the Official Gazette the specific sand blocks for grant of quarrying lease through auction for sand quarrying, or reserving for Government works or low income housing or for extraction by Central or State Government or Body Corporation owned or controlled by the Central Government or State Government;
- (iv) require the successful bidder to obtain quarry plan and other necessary documents or clearance as per chapter II-A and as per the notification of Ministry of Environment and Forest, Government of India for Environmental Clearance;
- (v) Take necessary steps to regulate illegal sand quarrying, storage, and transportation, through its members and Taluk Committee and also through other law enforcement agencies;
- (vi) direct the lease or license holder to allocate up-to twenty five percent percentage of the sand extraction to government works or to low income house construction viz., Ashraya houses at rates not exceeding the Public Works, Ports and Inland Water Transport Department schedule of rates;
- (vii) follow the orders and guidelines issued by the State Government from time to time.
- (viii) may reserve any sand block for the purpose of Central Government or State Government Development works and grant lease or license, to the contractor or to the authorized assignee of the contractor who has been awarded the contract by the Central Government or State Government Department.
- (ix) reserve any sand block for the purpose of the extraction and sale of sand to public by any Central or State Government body or Corporation owned or controlled by the Central Government or State Government.
- (x) have the right of purchasing the sand at Public Works, ports and Inland Water Transport Department schedule of rates prevailing at the time of such purchase;
- (xi) establish check post wherever necessary to regulate transportation of sand and make suitable arrangements for patrolling to monitor illegal transportation including river patrol wherever necessary; and
- (xii) issue directions to officers of Government or Zilla Panchayat or of local authorities constituted under the Karnataka Municipalities Act, 1964 or the Karnataka Municipal

Corporations Act, 1976 or the Karnataka Grama Swaraj and Panchayat Raj Act, 1993 to assist in any or all works for the implementation of these rules.

(4) **Powers and functions of the Taluk Sand Monitoring Committee:-** The Taluk Committee shall exercise and perform the following powers and functions namely:-

The Taluk Committee shall,-

- (i) meet once in a month at place of convenience;
 - (ii) conduct site inspection and identify sand blocks for the purpose of tender cum auction or for reservation for Government works or for extraction of sand by Central Government or State Government or body corporation owned or controlled by the Central Government or State Government.
 - (iii) estimate approximate quarriable sand available in each identified block, by restricting quarrying to three meters depth or water level whichever is less, with the assistance of the Officers of the Revenue, Public Works, ports and Inland Water Transport Department, Water Resources, Mines and Geology and Forest. The blocks shall be identified by incorporating the Co-ordinates in the certified sketch;
 - (iv) assist the District Environmental Impact Assessment Authority (DEIAA) for preparation of the District Mineral Survey report as per the notification issued by the Ministry of Environment and Forest, Government of India (MOEF).
 - (v) submit joint inspection report and documents with a clear recommendation report to the District Committee for the purpose of notification of sand blocks and their extent, which may be either individual blocks or cluster of blocks, for tender- cum- auction or for reservation for Government works or for extraction of sand by Central Government or State Government or body corporation owned or controlled by the Central Government or State Government.
 - (vi) supervise and monitor all sand quarrying blocks in accordance with the provisions of these rules and also in consonance with environmental clearance conditions;
 - (vii) enforce laws and regulate illegal sand quarrying, storage and transportation with the assistance of members and its subordinate officers authorized by the District Committee and also through other law enforcing agencies.
 - (viii) recommend any other matter to the District Committee for implementation of these rules.;
 - (ix) seize and dispose of the illegal sand as per Public Works, ports and Inland Water Transport Department SR rates of concerned Public Works, ports and Inland Water Transport Department division;
 - (x) carry out such other assignment as given by the District Committee from time to time;
- (5) The royalty, Additional Periodic Payment and fines collected shall be credited to the State Consolidated Fund.
- (6) Payment to the District Mineral Foundation by holders of lease for extraction of sand shall be ten percent of Royalty and the DMF amount shall be credited in a manner specified by the State Government.
- (7) Twenty five percent of the royalty and Additional Periodic Payment so collected shall be provided to concerned Gram Panchayaths through an appropriate budget provision.
- (8) Provided there shall be a State Corpus Fund account created and managed by Director or Commissioner, of the Department of Mines and Geology as under rule 31-Y
- (9) Quarrying, Generation, Production, Storage and Sale of Filter Sand in any category of land including patta land is prohibited.
- (10) Mechanized boats and Dredgers in river sand quarrying are prohibited.
- (11) Use of backhoe equipment like JCB and screening in river bed sand quarrying shall be in accordance with guidelines issued by the Ministry of Environment, Forest and Climate Change, Government of India (MoEF) from time to time.
- Provided that loading equipment like dumpers, tractor mounted loaders, may be used on the river banks, only for loading without destabilizing river banks.
- (12) No person or entity, other than the holder of a lease or license for sand quarrying or a Government Department or Corporation owned by the Central Government or State Government, shall stock sand for sale.
- (13) The District Committees and Taluk Committees shall regulate, monitor and take legal action against any contravention of these rules. All the members of the District and Taluk Committees and subordinate officers of the member departments, as authorized by the District Committee shall exercise the powers under sub-section(1) and (1A) of section 4 and section 21 and 22 of the Act and sub-rule (3) of rule 43 and file a complaint with jurisdictional court either directly or through the jurisdictional police station.
- (14) No transport of sand shall be made across the border to other States.

Provided that in case of exigencies the State Government on the recommendation of the District Committee, or on its own, may allow transportation of sand across the border to other States.

(15) No sand quarrying shall be allowed within a radius of five hundred meters from wells meant for Water Supply to the villages and towns.

(16) Quarrying activity shall be done in accordance with Ministry of Environment Forest and Climate Change, Government of India notifications issued from time to time.

(17) In-stream sand extraction is prohibited except in cases provided below:

Provided that in-stream sand extraction may be allowed by the State Government on specific justification provided by the District Committee and on such terms and conditions that the State Government may specify.

Provided further that such permission shall be given by the State Government only where this is permissible as per the general or specific notifications or guidelines issued by Ministry of Environment, Forest and Climate Change Government of India from time to time in this regard, and also only after specific consultation in each case with the Forest, Ecology and Environment (FEE) Department of the State Government.

Provided also that all statutory clearances including environmental clearances shall be required for such in-stream sand extraction.

(18) The Mineral Dispatch Release Order (herein after referred to as MDRO) and Computerised Mineral Dispatch Permit (herein after called as CMDP) for transportation of sand from the leased blocks shall be as per rule 42 of these rules.

(19) All sand transporting vehicles shall install Global Positioning System or Radio Frequency Identification and shall transport only in the approved route as indicated in the Mineral Dispatch Permit. Government may by special order require that the sand transport vehicles be registered with the Department of Mines and Geology for monitoring purpose. The Transport Department, the Taluk Committee and the District Committee must ensure that sand transporting vehicles carry sand within their permissible limits (RWL).

(20) No sand quarrying shall be undertaken without a Quarry Plan and Environmental Clearance.

(21) Sand quarrying permission shall be up to a period of five years, which shall be inclusive of non-quarrying periods like rainy season, flood or any natural calamities for which no extension is allowed, and subsequent renewals of sand quarry lease will not be allowed.

Provided that renewal may be given for lease or license given to Central or State Government or body corporations owned by the Central or State Governments.

(22) Premature surrender of lease or license granted for quarrying of sand is allowed subject to review, ascertaining completion of all necessary protective measures and its acceptance by the District Committee with no compensation.

(23) Sand quarrying shall be allowed from 6 AM to 6 PM only.

(24) Nothing in this chapter shall apply for disposal of any derivatives and associated minerals generated in sand quarrying by the lessee and the same shall be disposed for the purpose of environmental reclamation, in accordance with the environmental clearance conditions or in accordance with rule-8-N of these rules..

31-S: Reservation of Sand Blocks: (1) District Committee may by notification in the official Gazette, reserve sand blocks for low income housing and or for government works or for sand extraction by Government agencies or Boards or Corporations owned by the Central Government or State Government. The rest of the blocks shall be notified for grant by way of tender cum auctions.

(2) District Committee shall reserve the sand blocks identified for grant through tender cum auction, by way of lottery to the following categories as per percentage mentioned against each category; namely:-

- (i) Persons or company or firms or Societies belonging to Scheduled Caste or Scheduled Tribes - 24%;
- (ii) Persons with disabilities (physically challenged)- 2%; and
- (iii) Others - 74%.

(3) The blocks reserved shall be disposed only through public auctions. Persons belonging to respective category shall only be allowed to participate in the auction.

(4) If the blocks so reserved under clauses(i) and (ii) of sub rule(2) are not disposed even after two notifications, it shall be notified for the "Others" category by the District Committee.

(5) For the purpose of reservation the roster shall contain 33 points, out of which 1, 7, 14, 17, 21 and 27th points shall be reserved for the scheduled castes and 2 and 18th point shall be reserved for the scheduled tribes and 3rd point shall be reserved for physically handicapped person and remaining point shall be for other category.

Provided that the Tahsildar of the concerned Taluk in which the persons reside or where the registered society of such persons is located shall be competent to certify with regard to eligibility of persons or registered society of such persons for the purpose of claiming the reservations.

31-T. Disposal of Sand Blocks through Tender-cum-auction.- (1) For the purpose of grant of sand quarrying lease by tender cum auction in respect of the lease area notified by the District Committee, the Committee shall issue a notification containing the following particulars, namely:-

- (i) Sand blocks details, Survey Number, extent of the area, GPS Co-ordinates (boundaries) and approximate sand quantity available in the blocks;
 - (ii) Name of the Village, Taluk and District;
 - (iii) Reservation and category of the Block;
 - (iv) The period of lease;
 - (v) The last date for receipt of tender, the time at which and time schedule of auction events; and
 - (vi) General condition governing the tender which shall be issued by the District Committee.
- (2) The notification shall be published in at least two daily newspapers having wide circulation (one in English and one Kannada) at least fifteen days before the last date specified in the notification for the receipt of tender.
- (3) The District Committee may, as part of the tender condition, fix the maximum price of sale of sand at the loading point by the lessee who is granted sand quarry lease or license through tender cum auction, with escalation factor for every year of the lease period, and indicate these in the tender document before the bid.
- (4) All bids shall be construed and pursued on **as-is-where is** basis. Tender applicants shall inspect the notified sand blocks and satisfy themselves of the prevailing operational conditions before submission of tender application or bids. Objection raised subsequently shall not be considered.
- (5) (a) the bidding document shall be provided, to the participants along with the notified sketch and any other relevant documents.
- (b) the bidders shall be provided a fixed period, as notified by the District Committee to study the bidding document and reports and bidding process shall commence only on expiry of the said period.
- (c) Applications which are not duly filled or submitted with required enclosures, proof of deposit of earnest money, application fees and any other requirement shall be rejected under intimation to the applicant through e-portal.
- (d) Tender-cum-auction shall be online and shall have the following two rounds, namely:-
- (i) In the first round of auction, the bidder shall submit a technical bid comprising the application in form AQL, along with relevant documents to confirm eligibility as per the provisions of these rules to participate in the auction, earnest money deposits and such other documents and payments along with initial price offer as may be specified in the bidding document approved by the District Committee;
 - (ii) Only those bidders who are found to be eligible in accordance with the terms and conditions of eligibility specified in the bidding document and whose initial price offer is equal to or greater than the base price shall be considered for evaluating the technically qualified bidders for second round of auction;
 - (iii) The technically qualified bidders shall be ranked on the basis of descending initial price offer submitted by them and the technically qualified bidders holding the first fifty percent of the ranks (rounded off to next integer, fraction if any) or top five bidders, whichever is higher shall be qualified for second round of auction:
- Provided that where the total number of technically qualified bidders is less than three, then no technically qualified bidder shall be considered to be qualified bidder and the auction process shall be annulled, but the same shall not be applicable for the auction process after third and subsequent call.
- Provided further that if the number of technically qualified bidders is between three and five, then all the technically qualified bidders shall be considered as qualified bidders for the second round of auction. However, in the event of identical initial price offer being submitted by two or more technically qualified bidders, all such bidders shall be assigned the same rank and aforementioned fifty percent shall stand enhanced to fifty percent plus the number of persons with same rank.
- (iv) The highest price offer amongst the technically qualified bidders shall be the floor price for the second round of auction.
- (6) In the second round of auction, the qualified bidders may submit their final price offer which shall be greater than the floor price.
- Provided that the final price offer may be revised till the conclusion of the auction as per the technical specifications prescribed in the auction platform.
- (7) The auction process shall be annulled if none of the qualified bidders submits a final price offer on the online electronic auction platform.
- (8) The qualified bidder who submits the highest final price offer shall be declared as the successful bidder in the auction process.

(9) All applications other than applicant who is selected for grant of quarry lease of sand shall be deemed to have been rejected and application fee in respect of such applications shall be forfeited.

(10) A provisional acceptance letter shall be issued to the successful bidder by the Deputy Director or Senior Geologist, upon approval of the e-auction from the District Committee.

(11) Successful bidder shall deposit four times the earnest money deposit as security within three weeks from the date of acceptance letter, failing which earnest money shall be forfeited and application shall be rejected.

(12) On depositing of security amount as under sub rule (11), letter of intent shall be issued to the successful bidder by the concerned Deputy Director or Senior Geologist requiring him to submit approved quarrying plan and such other documents and statutory clearances within three months for issue of grant notification.

(13) If the provisions of sub-rule (12) is not complied with by the successful bidder, the security amount deposited by him and earnest money deposited shall be forfeited and application shall be rejected.

31-U Eligibility.- (1) The eligibility for participating in the auction shall be determined as per the terms and conditions of eligibility specified in the underlying sub-rule-(2) and in the bidding document for participating in the auction and among the eligible bidders.

(2) No person or company or firm shall be considered as eligible to participate in the auction, if he,-

- (i) is a minor or an undischarged insolvent or is of unsound mind; or
- (ii) is holding an office of profit under the State Government or Central Government; or
- (iii) has not paid the arrears of royalty or dead rent in respect of lease held by him; or
- (iv) has been convicted of any offence involving moral turpitude or illegal quarrying.
- (v) does not belong to the category for whom the block is so reserved.

(3) The Deputy Director or Senior Geologist shall maintain and publish the list of persons who have defaulted in payment of royalty, dead rent, penalty or any dues to Government.

31-V: General conditions of auction and withdrawal of the bid: (1) The bid once offered shall not be withdrawn till the grant of sand quarry lease in respect of such block.

(2) The Competent Authority shall, on the date and time specified in the notification conduct the e-auction. If the e-auction is not held on that day due to the day being a public holiday or for any other reasons, the auction shall be held on the date and time that shall be published in the website or e-portal for which no further notification or notice shall be necessary.

(3) All the fees and Earnest Money Deposit (EMD) shall be in accordance with the directions contained in e-portal and bidding documents.

(4) The person offering a bid shall give a prior undertaking that such offer shall not be withdrawn.

(5) Amongst the bidders found eligible, successful bidder shall be decided solely on the basis of financial bids submitted by the eligible bidders.

(6) Where the Deputy Director or Senior Geologist has provisionally accepted offer or bid, he shall forthwith submit to the District Committee, the records of the proceedings conducted by him, for confirmation.

(7) The District Committee shall, on a consideration of the records under sub-rule (1) pass an order either confirming the bid for grant of a quarrying lease or refusing to confirm the same. The order passed thereon shall be communicated forthwith to all the concerned.

31-W Grant, Transfer and Surrender of Quarrying Lease.- (1) The Deputy Director or Senior Geologist shall grant quarrying lease in favour of successful bidder upon confirmation of the bid under sub-rule(7) of rule 31-V subject to following additional conditions namely:

- (i) the successful bidder shall submit Performance Guarantee which shall be equal to one fourth of the Royalty on permitted annual production quantity in advance in the form of bank guarantee or fixed deposit receipts or demand draft or in any other manner as may be specified by the State Government from time to time before execution of the lease. The same shall be reconciled every year before 30th April for the forthcoming year with the prevailing rates of royalty and the lessee shall make good the shortfall payments, if any, by way of additional guarantee;
- (ii) Any violation of the lease conditions shall make the performance guarantee liable for being forfeited;
- (iii) the successful bidder shall formally obtain all necessary clearances within a period of three months and operationalise the quarrying within a period of four months:

Provided that such period may be extended up to a period of six months and nine months respectively by the District Committee, in case the lessee is able to show that the delay was due to reasons beyond his control.

- (iv) The lessee shall produce and dispatch minimum fifty per cent of the permitted Annual production quantity, and if he fails to achieve the same, he shall be liable to pay royalty and Additional Periodic Payment as per the minimum production and dispatch requirement of fifty percent of permitted Annual production quantity:

Provided that where the failure to achieve minimum production and dispatch requirement is for reasons beyond the control of the holder of lease or license the Competent Authority, on an application made by the lessee or licensee, and after giving opportunity of hearing, may waive the requirement of the minimum production and dispatch for such period as it may deem fit.

- (2) The holder of such grant shall execute a lease deed, subject to compliance of all statutory requirements and additional conditions;

Provided that the executed lease deed shall be registered within one month of the execution of lease.

- (3) A Lessee may make an application for surrender the entire area of the sand quarrying lease after giving a notice in writing of not less than ninety days from the intended date of surrender. Such application shall be accompanied by an approved final quarry closure plan.

- (4) The Deputy Director or Senior Geologist may accept the surrender of the lease within ninety days from the date of application, subject to the following conditions:-

- (i) the lessee has submitted documents to evidence implementation of the approved final quarry closure plan;
- (ii) all dues with respect to the sand quarrying lease have been settled;
- (iii) in case of surrender of sand quarrying lease, the performance guarantee provided by the lessee shall be forfeited; and
- (iv) The lessee shall pay any expenditure over and above the performance security incurred by the District Committee towards protective reclamation and rehabilitation measures in the leased area of sand quarrying lease area which has been surrendered.

- (5) The surrender shall take effect at the end of the said period of Ninety days subject to fulfillment of the condition specified in Sub-Rule (4) and in other cases it shall take effect only, when the Deputy director or Senior Geologist accepts surrender and he shall not be entitled to continue in possession or re-enter possession of the quarry thereafter.

- (6) On registration of lease deed or license after furnishing of performance guarantee, the Earnest Money Deposit (herein after called as EMD) and the security deposit as under sub rule (11) of rule 31-T shall be refunded.

- (7) Transfer of Sand Quarry Lease is prohibited.

31-X. Transitory provisions for tendered working blocks.- Notwithstanding anything contained in this chapter, wherein work order has been issued by Public Works Department (PWD) for a specific period for already tendered sand blocks, such sand blocks shall be continued and monitored as per the provisions existing before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 by Public Works, ports and Inland Water Transport Department till expiry of such work order:

Provided that Public Works, ports and Inland Water Transport Department shall ensure that the existing permit system for sand transport from such blocks shall be fully integrated with the ILMS of the Department of Mines and Geology block by block by the 31st of October 2016, and that no transport shall be allowed without such integration from the 1st of November 2016. A calendar of such block by block integration shall be issued by the Commissioner of Mines and Geology by the 31st of August 2016.

Provided further that in case of difficulty the Commissioner of Mines and Geology may extend the date of such integration by another thirty days, only for specific blocks.

31-Y. Responsibilities of the lessee and holder of license .- Sand quarrying activity shall take place only in accordance with terms and conditions of the environmental clearance and the lease deed or license under these rules and methods approved in the quarry plan.-

- (i) the lessee may store the sand beyond 20 meter but within 200 meter from the river bank. The lessee shall make his own arrangements for the same;
- (ii) the lessee shall adhere to pay the Royalty, Survey and Demarcation fees, Additional Periodic Payment amount, Deed book fees, Environment Protection fees, Special Security Permit paper fees, Processing fees, quarry plan approval fees etc and shall abide by the terms and conditions of thereunder document and the lease deed or license;
- (iii) the lessee shall install the Office, Computer facility, Electricity supply, CC camera, Weigh Bridge, Security at dump yard or stock yard of the sand;
- (iv) the lessee shall maintain an inward and dispatch registers and stock register in the camp office and allow for inspection by the Official of the Taluk and District Committee and such other officers authorized in this regard by the State Government;

- (v) sand stored in dump yard or stock yard shall be disposed off, by issuing Comprehensive Medical and Dental Program(CMDP) to the public or transporters;
- (vi) Lessee shall not sell sand to public or transporters above the maximum price as indicated in the tender documents and incorporated in the lease deed or license;
- (vii) monthly or quarterly or yearly as the case may be progress returns of sand production, dispatch details shall be submitted by the lessee in Forms Q(a), Q(b) and Y(a) to the Deputy Director or Senior Geologist of the District;
- (viii) CMDPs shall be issued to the border villages of the State after obtaining the certification from Panchayat Development Officer of concerned Panchayat regarding sand requirement for building construction activity of the person residing in that villages;
- (ix) if the lessee is found to violate any of the conditions or rules of the statutes, the competent authority shall issue a notice for rectification and if the lessee is found to continue with the violation, the lease shall be terminated and the amounts paid including performance guarantee shall be forfeited;
- (x) the lessee shall supply sand up-to twenty five percent of production for low income housing and or for other Government works, as directed by the District Committee; and
- (xi) the lessee shall not charge for sale of sand a rate exceeding the rate that has been indicated in the Tender document or in the lease or license.

31-Z: Constitution of Corpus Fund.- (1) There shall be a State Corpus Fund which shall be in the nature of a bank Account created and managed by the Director or Commissioner of Department of Mines and Geology which shall be credited with advance drawal of the annual budgetary provisions.

(2) There shall also be District Corpus Funds which shall be in the nature of bank Accounts created and managed by Chairpersons of the concerned District Committee for which funds shall be allocated out of the State Corpus Fund Account.

(3) After approval of the District or Taluk Committee, as the case may be, the amount from District Corpus Fund Account shall be utilized for the following purposes namely:-

- (a) expenses towards regulatory efforts of all minor minerals, use of man power and machineries for that purpose logistics of mobile squads and any unforeseen expenses incurred thereof;
- (b) meeting expenditures of District and Taluk Sand Committees and expenditure pertaining to District survey for identification of sand blocks and preparation of District Survey Report;
- (c) expenses shall be paid through the corpus fund, in case of lessee having failed to undertaken the implementation of rehabilitation and reclamation and environmental safeguard measures in the sand quarries;
- (d) expenses for getting the quality of sand or M sand tested in specified laboratories; and
- (e) any other expenses that the State Government may by order specify.

(4) The facility of State Corpus Fund is only to facilitate advance drawal of funds from the budgetary provision and thereafter transfer or withdrawal to the respective District Corpus Fund accounts. This fund account shall not be used for incurring any specific expenditure from the Commissioner or Director, Department of Mines and Geology.

(5) The Commissioner or Director, Department of Mines and Geology shall draw in advance, the funds available in the budgetary provision once in a Quarter and deposit the same in "State Corpus Fund" account and shall thereafter release the funds to the concerned District Corpus Fund accounts utilizing the Core Banking facility.

(6) The advance drawals by the Commissioner or Director of Department of Mines and Geology shall be limited to the net requirement in subsequent quarter based on available balances in the State and District Corpus Fund including the interest, if any, accrued thereon.

(7) The Commissioner or Director of Department of Mines and Geology shall release the money to concerned district account based on need and shall be at liberty to withdraw or re-allocate the unspent money, if the same is required for any other districts. However release of funds to District Corpus fund in subsequent request shall normally be subject to utilization of 85% of funds already released.

(8) The Commissioner or Director of Department of Mines and Geology shall submit the consolidated quarterly reports of the State Corpus Fund along with District wise details to the Secretary to Government, Commerce and Industries Department and Finance Department or as intimated by the Government from time to time.

(9) No funds shall be released to District Corpus fund account from State Corpus Fund account until the certified details of having closed the Revolving Fund and having transferred the balances to District Corpus Fund is submitted by the District Sand Monitoring Committee to the Director or Commissioner, Department of Mines and Geology.

(10) All Deputy Commissioners shall send a request to Director, Department of Mines and Geology for release of funds based only on the actual requirement.

(11) The Deputy Commissioner shall make the payments for the expenditure components specified in the rules from the District Corpus Fund account through cheque after scrutiny and certification of the bills from the concerned Deputy Directors or Senior Geologist before making payments.

(12) Every District Sand Monitoring Committee shall send the Utilization Certificate (UC) of the funds released in previous quarter within 10th of succeeding month to the Commissioner or Director, Department of Mines and Geology.

(13) The Member Secretary of the concerned District Sand Monitoring Committee shall maintain the accounts of the District Corpus Fund account. There shall be separate Cash book for the purpose of District Corpus Fund.

(14) The accounts of Corpus Fund shall be maintained in accordance with the Karnataka Financial Code. The accounts of all receipts and expenditure of Corpus Fund shall be maintained in double entry system.

(15) The monthly transaction report and monthly reconciliations statement shall be certified by the Chairman or his Authorised Officer.

(16) The Accounts of Corpus Fund shall be subject to annual audit by State Accounts Department and the audit report shall be forwarded annually by the State Government.

31-ZA. Permission for quarrying and transportation of ordinary sand in or from patta land.- (1) Sand quarrying in patta land is prohibited except in cases of where based on recommendation of the District Committee with adequate justification, the State Government may permit sand quarrying in specified patta lands with such terms and conditions as may be specified by the State Government from time to time:

Provided that before making such recommendations, the District Committee shall carry out tests and establish that the quality of such sand in the patta land is such that it can be used for construction purposes.

(2) Such permission shall be granted after demarcating a 50 meter safe zone from the high flood level of the river.

Provided that additional safeguards shall be prescribed in each such permission to ensure stability of river banks.

(3) the license shall be provided for extraction of sand in patta land with the condition that the holder of license shall pay, in addition to royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. The deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019, and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate shall become the final rate for the Average Additional Periodic Payment.

(4) The District Committee shall have powers to fix the maximum rate at which the holders of license can sell sand at the loading point and indicate this in the license condition, and can also allocate up-to 25% of sand for low income housing or government work from holders of license.

31-ZB: Permission for removal of sand bars and transportation of ordinary sand in Coastal Regulation Zone (CRZ) areas.- (1) Notwithstanding anything contained in these rules, nothing in this Chapter shall apply for sand quarrying within the area of coastal regulation zone (CRZ) in coastal district and in the Coastal Regulation Zone sand shall be disposed in accordance with the official memorandum issued by Ministry of Environment, Forest and Climate change, Government of India vide No.11-83/2005-IA-III (Vol-III), dated 08-11-2011 and as amended from time to time.

(2) The royalty collected for the sand disposed after removal of sand bars from Coastal Regulation Zone (CRZ) shall be remitted to the State Consolidated Fund. twenty five percent of the royalty so collected shall be provided to the concerned Gram Panchayats through the District Committee.

31-ZC: Special provisions for M-sand: (1) Notwithstanding anything contained anywhere in these rules, Manufactured Sand (herein after called as M-sand) units commissioned or operational as on the date of commencement of these rules producing M-sand of the quality that meet the standards for being used in building construction for use in masonry and concrete shall be granted quarry lease, following the procedure prescribed hereunder, to enable them to produce M-sand for the next twenty years at a capacity that may go up-to two times their present average annual production in the last three years or up-to two times the capacity shown in the environmental clearance of the quarry lease that they may have.

(2) M-sand units commissioned or operational as on the date of commencement of these rules shall, if they are in requirement of quarry blocks, apply to the Commissioner or Director, Department of Mines and Geology for their requirement with exact area, sketch and DGPS readings

of the boundary points of quarry blocks identified by these units within a distance of ten kilometers of the present location of the M-sand unit.

Provided that in case the M-sand unit is owned by a company or firm then the application shall be made by the said company or firm that owns the M-sand unit, and in case the M-sand unit is owned by an individual then the application shall be made by the concerned individual who owns the M-sand unit.

Provided further that an application under Form AQL shall be made within a period of six months of the commencement of these rules.

(3) The Commissioner or Director, Department of Mines and Geology shall satisfy himself through getting necessary tests done in laboratories or institutes notified by the Government that the concerned unit is producing M-sand of quality that meets the standards for being used in building constructions for masonry and concrete.

(4) The Commissioner or Director, Department of Mines and Geology shall assess the requirement of quarry blocks size to be allotted to the applicant to enable him to produce M-sand for the next twenty years at a rate up-to two times the annual average production done in the past three years or up-to two times the capacity shown in the environmental clearance in case the applicant undertakes to enhance the production of M-sand within a period of six months from the date of grant of quarry lease.

(5) The Commissioner or Director as the case may be shall then issue a letter of intent for grant of quarry lease for the M-sand unit clearly specifying the area to be allotted with DGPS readings of the boundary points.

(6) Based on the letter of intent, the applicant of the M-sand unit shall proceed to procure the necessary No Objection Certificates from the Revenue Department and the Forest Department, environmental as well as pollution board clearances and any other necessary statutory clearances that may be needed as under existing applicable law.

(7) On submission of the No Objection Certificates and other necessary clearances the Commissioner or Director of Mines and Geology, as the case may be, shall grant quarry lease to the applicant for a period of twenty years clearly specifying the extent of grant with the DGPS readings of the boundary points of the lease, the period of the grant and the minimum annual production of M-sand that the lessee shall produce:

Provided that the M-sand unit granted quarry lease under these rules shall pay in addition to Royalty, and additional sum which shall be equal to *fifty percent* of the Average Additional Periodic Payment by the holders of quarry lease or license through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighbouring Districts if such average is not available for the District, and if such average is not available within the neighbouring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019, and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided further that when such Royalty and Additional Periodic Payment is paid as provided above, the payment to District Mineral Foundation by the lessee shall be as payable by holders of lease in an auction.

(8) In case the grantee fails to enhance the production as indicated in the lease within six months of the signing of quarry lease deed, the grant made under these rules shall be liable to be cancelled.

Provided that in case the grantee is able to show genuine reasons for not being able to enhance production within the above prescribed period of six months the Commissioner shall have the power to extend the period up-to another six months.

(9) In case market conditions are such that demand for M-sand has come down substantially, then the minimum annual production that has been indicated in the quarry lease conditions can be suspended by the Commissioner for a period that would be indicated in an order issued by the Commissioner in this regard and during such period the M-sand unit shall produce as per the quantity shown in the said order.

(10) M-sand units shall produce M-sand of the quality that meets the specified standards for being used in building construction for use in masonry and concrete and failure to do so will make the lease liable for cancellation:

Provided that M-sand units shall keep a stock register of M-sand as well as by products in a format prescribed by the Commissioner and update the stock register on a daily basis. Such stock register shall be kept in the premises of the concerned M-sand unit.

Provided further that M-sand units shall declare to the Authorised Officer every month the quantity of M-sand and by products in opening balance, produced during the month, sold or disposed of during the month and in closing balance at the end of the month.

Provided also that the M-sand unit shall keep the M-sand and the by-products always physically separate in stock.

(11) Any officer authorized by the Commissioner or Director of Mines and Geology or by the Deputy Commissioner of the District in this regard, by a general or special order, or a member or the District or Taluk Committee shall be competent to draw samples of M-sand produced by the lessee and get it tested in laboratories or institutes notified by the Government and if the sample fails to meet the standards for M-sand to be used in building construction for use in masonry and concrete, the Competent Authority shall issue a notice to the M-sand unit to stop production forthwith and suspend supply of M-sand and on receipt of such notice the M-sand unit shall comply with the order forthwith.

(12) The Competent Authority shall give a period of sixty days to the M-sand unit to comply with the standards for M-sand to be used in building construction for use in masonry and concrete standards and if the unit fails to comply with these standards, the Quarrying Lease shall be cancelled.

(13) The stock of M-sand in the M-sand unit that does not meet the standards for M-sand to be used in building construction for use in masonry and concrete shall be seized and confiscated by the Competent Authority and disposed of in a manner that it cannot be used for building construction for use in masonry and concrete.

(14) The quarry lease shall be liable to be cancelled if the M-sand unit is found to be producing for the third consecutive time M-sand of quality that does not meet standards for M-sand to be used in building construction for use in masonry and concrete.

(15) Whoever produces and or supplies, for construction purpose, M sand that does not meet the specified standards for M sand to be used in building construction for use in masonry and concrete shall be punished with imprisonment of up-to two years or fine that may extend up-to rupees five lakh or both.

31-ZD Special Provision in case of applications pending for grant of quarry lease for production of M-sand.- Notwithstanding anything contained in these rules, applications pending for grant of quarry leases for production of M-sand which were filed before the commencement of these rules and for which No Objection Certificates and Reports under sub rule (5) of rule 8 have been received before the commencement of the Karnataka Minor Minerals Concession (Amendment) Rules, 2016 shall be processed and decided by the District Task Force Committee as per the rules that existed before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rule, 2016.

Provided that the M-sand unit granted quarry under rule 31-ZD shall pay in addition to Royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. The deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019; and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided further that when such Royalty and Average Additional Periodic Payment is paid the payment to District Mineral Foundation by holders of lease, license shall be as payable by holders of lease in an auction.

31-ZE Application of certain provisions to this chapter.- (1) The provisions of rule 3, 4, 5, 6, 7, 8 of Chapter II, Chapter IIA, Chapter VI, Chapter VII and rules 54 and 55 of Chapter IX shall apply *mutatis mutandis* to this Chapter.

(2) The provision of Chapter V shall apply *mutatis mutandis* apply to M_sand.

(3) The provision of Chapter V shall also apply *mutatis mutandis* to sand to the extent that it is not inconsistent to provisions of sub-rules under Rule 31ZA."

28. Amendment of rule 32.- In rule 32 of the said rules, -

(i) in sub rule (1),-

(a) for the words "who are full owners of sub soil minor minerals situated in their patta land" the words "in whose lands sub soil minor minerals are situated" shall be substituted; and for the words "working permission" the words "quarrying license" shall be substituted.

(b) in the explanation after the word "pattadar" the word "by" and after the word "acquired" the word "through" shall be inserted;

(c) after sub-rule (1), the following shall be inserted, namely:-

"(1A). The provisions of this chapter shall be applicable for such minor minerals that may be notified by the State Government from time to time."

- (ii) in sub-rule (5), for the words and figures "area, subject to the pattadar paying the expenses which shall be at the rate as specified in rules 17 and 29, as the case may be depending on the mineral applied.", the words and figures "area upon payment of the expenses by the pattadar at the rate as specified in rule 17" shall be substituted
- (iii) in sub-rule (6) for the words, letters and figure "Rules 17,18,19-A, 19-B,19-C and 29, sub-rule (3) of Rules 36 and 39, shall mutatis mutandis apply for grant of quarrying permission under this rule as applicable to specified and non-specified minor mineral" the words, letters and figure "rules 13, 15A, 17, 19, 19A, 19B, 19C and Chapter VI, Chapter VII, Chapter VIII and Chapter IX shall mutatis mutandis apply for grant of Quarrying license under this chapter" shall be substituted.
- (iv) for sub-rule (7), the following shall be substituted, namely:
 "(7) Notwithstanding anything contained in this Chapter, the provisions of this chapter shall not be applicable, except for provisions of sub rule (6), for granted patta lands for which the rules in Chapter IV A shall apply.
- (v) after sub-rule (7) as so substituted, the following shall be inserted, namely,-

(8) license may be given to GPA holders of patta-lands or for holders of consent from the Pattadars for extraction of minerals from patta lands:

Provided that every application under this rule shall be accompanied by a Consent Letter specified in form CFQ from the owner of the land to the effect that he has no objection for carrying minor mineral by the applicant.

Provided further that this consent once given in the Consent Letter shall not be withdrawn for any reason during the pendency of the application for grant of quarrying license or during the currency of the quarrying license granted in favour of the applicant.

- (9) Grant of license in patta lands (to pattadars, GPA holder or consent holder) for specified minor minerals shall be done only after recommendation of the District Task Force and approval of the State Government.

(10) In cases where the mineral rights of minor mineral do not vest with the pattadar, the holder of the license shall pay, in addition to the royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighbouring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage being reset after three years based on average obtained in auctions by 31.3.2019; and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment.

Provided that when such Royalty and Average Additional Periodic Payment is paid, then the payment by the lessee for the District Mineral Foundation shall be as payable by the holders of lease through auction

- (11) All existing Working Permissions shall be converted into Quarrying license s within a period of eighteen months from the commencement of these Rules.
- (12) Holders of Working Permissions granted under these rules shall apply within nine months of commencement of these rules to convert their working permissions into quarrying license .
- (13) A quarrying license granted under this Chapter may be renewed for a further period of 20 years for non-specified minor mineral and 30 years for specified minor minerals, subject to establishment of mineral availability and workability of the quarry, and further subject to provisions of rules in Chapter II and IIA.

Provided that renewal of license under this rule shall be done only on approval of the District Task Force for non-specified minor minerals, and on recommendation of the District Task Force and approval of the State Government for specified minor minerals."

29. Amendment of rule 36.- In rule 36 of said rules,-

- (i) after proviso to sub-rule (1), the following shall be inserted, namely:-

"Provided further that if the lease or license permits the working of more than one mineral in the same area the lessee or licensee shall be liable to pay the dead rent **for the entire lease area on the mineral for** which the dead rent is higher but not both.

Provided also that the State Government may provide for Royalty on any mineral to be charged on ad-valorem basis on Sale Value or Average Selling Price of the mineral or the notified royalty per cubic meter or per metric tonne whichever is higher.

Provided also that the State Government may prescribe an Additional Periodic Payment or Average Additional Periodic Payment as a percentage of Royalty to be charged, in addition to royalty, on lease or license as per these rules."

(ii) after sub-rule (4), the following shall be inserted, namely:-

"(5) Notwithstanding anything contained in this rule, the grantee of quarry lease or license shall pay one-fourth of the royalty amount of the permitted annual production quantity in advance as performance guarantee in the form of Bank guarantee, Fixed deposit receipts or Demand draft or in any other manner as may be specified by the Government from time to time before execution of lease or license. The same shall be reconciled every year before 30th April for the forthcoming year with the prevailing rates of royalty and make the shortfall payments, if any:

Provided that the holders of existing quarry lease or license and mining leases, which are now considered as minor minerals shall also make the similar payment."

30. Insertion of new rule 36A.- After rule 36 of the said rules, the following shall be inserted, namely,-

"36A. Payment to District Mineral Foundation.- (1) Every holder of the quarry lease or license or composite license of minor minerals except Ordinary Sand shall, in addition to the royalty, make payment towards the District Mineral Foundation of the district in which the mining operations are carried on, an amount which is equivalent to ten percent of the royalty in case of leases granted through auction and thirty percent of royalty in case of leases granted without auction:

Provided that for ordinary sand the payment to District Mineral Foundation by the Public Works, Ports and Inland Water Transport Department or by holders of lease or license or working permission for extraction of sand or removal of sand bars shall be ten percent of Royalty.

(2) Payment to the District Mineral Foundation shall be deposited into an account as per the provisions of the rules made by the State Government under sub-section (4) of section 15 of the Act."

31. Amendment of rule 40.- After rule 40 of the said rules, the following proviso shall be inserted, namely:-

"Provided that if the lessee or licensee fails to submit the documents required to finalize the annual audit report or the information submitted are incorrect or the competent authority has reasons to believe that the lessee or licensee had evaded or avoided royalty, may after giving a reasonable opportunity of being heard to the lessee or licensee, and after making such enquiry, as the Competent Authority considers necessary, the competent authority shall finalize the annual audit report to the best of its judgment:

Provided further that no such annual audit report shall be finalized on best judgment basis without obtaining prior approval of the next higher authority for the same".

32. Amendment of rule 42.- In rule 42 of the said rules, in sub rule (5) after the words "thereof from the date of issue" the words "and two hours of additional time together for loading and unloading of the minor mineral" shall be inserted.

33. Amendment of rule 43.- In rule 43 of the said rules,-

(i) in sub rule (5), for the words "five times" the words "fifteen times" shall be substituted;

(ii) in sub-rule (6), after the words "by a vehicle", the words "and also seize and confiscate the vehicle" shall be inserted.

34. Amendment of rule 44.- in rule 44 of the said rules,-

(i) in sub-rule (1) for the words "one year or with fine which may extend to rupees five thousand" the words "two years or with fine which may extend to rupees five lakh" shall be substituted;

(ii) in sub-rule (2) for the words "five thousand" the words "fifty thousand" shall be substituted;

(iii) in sub-rule (3), for the words "is liable to pay a penalty of rupees five thousand or value of the mineral, whichever is higher" the words "is liable to pay a penalty equal to fifteen times of royalty" shall be substituted; and

(iv) after sub-rule (3), the following shall be inserted, namely:-

"(4) If any lessee or licensee or his managers, employees, contractors, consumers or buyers dispatch or transport mineral without valid permit, such lessee or licensee shall be liable to pay a penalty equal to 15 times of royalty of mineral so dispatched or transported and if such dispatch or transport without valid permit happens for any subsequent times of such levy of penalty, then he shall be liable for additional levy of penalty equal to 15 times of royalty for mineral so dispatched or transported for the subsequent time also and the Competent Authority shall also order for determination of lease or license:

Provided that, no such order of determination shall be made with giving the lessee or licensee an opportunity being heard.

(5) When the offender is not known or cannot be found, the Court competent, may, if he finds, that an offence has been committed, order the property in respect of which the offence has been committed to be forfeited to the State Government together with mineral, tools, equipment,

vehicles or any other thing used in committing the offence and taken charge of by the authorised Officer, or to be made over to the person whom the Court competent deems to be entitled to the same:

Provided that no such order shall be made until the expiration of thirty days from the date of seizing the property, or without hearing the person, if any, claiming "

35. Amendment of rule 53.- In rule 53 of the said rules,-

(i) in sub-rule (2A), for the words, figures and letter "the Director rejecting any tender or offer or bid under Rule 31 I may", the words, figures and letter "the competent authority or approving authority rejecting any offer or bid under rule 31H may" shall be substituted;

(ii) after sub-rule (2A), the following shall be inserted, namely,-

"(2B) notwithstanding anything contained in these rules, any applications which are referred to the committee existed under rule 11 before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 by the competent court shall be considered and disposed by the State Government."

(iii) after sub-rule (5) the following shall be inserted, namely:-

(6) The revision applications pertaining to renewal of lease or license that are pending before the Competent Revision Authority where renewal applications were filed before expiry of lease or license shall be disposed by the Revision Authority in accordance with the rules that existed before the commencement of the KMMCR Amendment Rules, 2016."

36. Omission of rule 57.- Rule 57 of the said rules shall be omitted.

37. Substitution of rule 59.- for rule 59 of the said rules, the following shall be substituted, namely:-

"59. Transitory Provisions.- All the applications received before 12th January 2015 for grant of mining lease with respect to 31 Major minerals, which are now classified as minor minerals vide Government of India notification number S.O.423 (E) dated 10.2.2015 shall be deemed to have been applied under these rules and shall be disposed in accordance with rule 8B of these rules:

Provided that, in case if there is evidence of major mineral in such area then the lease for such minor mineral shall not be granted."

38. Insertion of new rule 60 and 61: After rule 59 of the said rules, the following shall be inserted namely:-

"60. Special provision for lease or licenses granted on or after 16.6.2015, but before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, for which lease deed have not been executed before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules 2016.- All leases or licenses granted on or after 16.6.2015 but before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 which have not been executed any lease deed or license deed as on the commencement of the Karnataka Minor Mineral Concession (Amendment) Rule 2016 shall pay, in addition to royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31.3.2019; and if no auctions have taken place by 31.3.2019 for deriving the average from Taluk, District or neighbouring districts, as the case may be, then the deemed rate shall become the final rate for the Average Additional Periodic Payment.

Provided that when such Royalty and Average Additional Periodic Payment is paid, the payment to the District Mineral Foundation by the concerned lessee or license holder, as the case may be, shall be as payable by holders of lease in an auction.

61. Removal of difficulty.- (1) If any difficulty arises in giving effect to the provisions of these rules, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of these rules, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this rule after the expiry of a period of two years from the commencement of the said rules."

39. Amendment of Schedule I.- In the schedule-I to the said rules, for item at serial no.18 and the entries relating thereto the following shall be substituted, namely:-

18.	Ball clay, Fire clay	11,000
19.	Barytes	11,000
20.	Calcareous Sand	16,500
21.	Calcite and Gypsum	16,500
22.	Chalk	5,500
23.	China clay and Kaolin	27,500
24.	Clay (others)	16,500
25.	Corundum	37,500
26.	Diaspore	11,000
27.	Dolomite	16,500
28.	Dunite or Pyroxenite	27,500
29.	Quartz, Feldspar and Mica	16,500
30.	Quartzite and Fuchsite Quartzite	16,500
31.	Jasper	16,500
32.	Laterite	11,000
33.	Ochre	16,500
34.	Ordinary building stone used for M-sand purpose	35,000
35.	Pyrophyllite	11,000
36.	Shale and Slate	27,500
37.	Silica Sand	27,500
38.	Steatite or Talc or Soapstone	37,500
39.	Sand (Others)	16,500
40.	All Other minor minerals	5,500

40. Insertion of new Schedule IA and IB.- In the said rules, after schedule-I, the following shall be inserted, namely:-

**"SCHEDULE IA
(See sub-rule (m) & (f) of Rule 2)**

**Part-A
Specified Minor Minerals**

Sl.No	Name of the Minor Minerals
1.	Corundum
2.	Dolomite
3.	Dunite or Pyroxenite
4.	Fuchsite and its varieties suitable for use as Ornamental Stones
5.	Feldspar
6.	Fuchsite Quartzite
7.	Jasper
8.	Marble or crystalline Limestone as Ornamental Stone.
9.	Mica
10.	Ornamental and decorative building Stones.
11.	Sandstone and their varieties, suitable for use as Ornamental stones.
12.	Steatite suitable for use as Ornamental stone.
13.	Silica Sand
14.	Kaolin and China Clay
15.	Ordinary building stone and any other minor mineral used for M-sand purpose

**Part-B
Non-Specified Minor Minerals**

Sl.No	Name of the Minor Minerals
1.	Agate
2.	Ball clay
3.	Barytes
4.	Bentonite
5.	Brick and Tile clays
6.	Calcareous Sand
7.	Calcite

8.	Chalk
9.	Chalcedony
10.	Clay (others)
11.	Diaspore
12.	Fire clay
13.	Fuller's Earth
14.	Gypsum
15.	Laterite
16.	Lime Kankar
17.	Lime shell used for other than industrial purpose
18.	Limestone under title "Shahabad Stone" where used for building stone
19.	Lime stone (Non-Cement)
20.	Murram
21.	Ochre
22.	Ordinary Sand
23.	Ordinary Building Stones for other than M-sand purpose.
24.	Pyrophyllite
25.	Quartz
26.	Quartzite
27.	Sand (others)
28.	Sandstone used for making household articles
29.	Shale
30.	Slate
31.	Steatite or Talc or Soapstone
32.	All other minor minerals

Schedule I B

(See Sub Rule (5) of rule 8A)

List of Mineral Based Industries

Sl. No	Name of the Minor Mineral	Mineral Based Industry
1	Dolomite	Cement and Lime Industry
2	Feldspar and Kaolin (crude and processed)	Ceramic Industry
3	Ornamental and Decorative Stones	Granite Cutting and Polishing Units including 100% Export Orient Units
4	Silica Sand	Glass Industry and Ferro Foundries
5	Ordinary Building Stone and any other minor mineral used for M-Sand Purpose	M-Sand Manufacturing Units

41. Substitution of Schedule II.- In the said rules for Schedule II the following shall be substituted, namely:-

SCHEDULE-II

[See sub-rule (1) of Rule 36]

ROYALTY

Sl.No.	Name of the Mineral	Royalty
1	2	3
1.	Ornamental and Decorative Building Stones as defined under clause (m) of Rule 2 (A) Dyke Rock (i) Black granites: (a) Chamarajanagar District (b) All other Districts other than (a) above	15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 4,500 per m ³ whichever is higher 15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 1,500 per m ³ whichever is higher

	(ii) Other varieties of dyke other than black granites (Entire State)	15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 1,500 per m ³ whichever is higher
	(B) (1) Pink and Red Granites (Ilkal Pink Variety) (i) Hungunda and Badami Taluk of Bagalkot District, Kustagi of Koppal District. (ii) Pink and Red granites, gneisses and their structural Varieties (other than Ilkal Pink Variety)	15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 1,200 per m ³ whichever is higher 15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 1,800 per m ³ whichever is higher
	(C) Grey and White Granites and their varieties: (i) Very fine grained Grey granite (Sira grey Variety) Chinthamani, Siddlaghatta of Chikkaballapura District Hoskote of Bangalore District. (ii) Grey and white granites and their textural varieties having shades of grey, black and white colours (other than (i) above) Entire State. (iii) Grey Granite of Sadarahalli, Koira of Bangalore Rural District.	15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 1,350 per m ³ whichever is higher 15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 1,050 per m ³ whichever is higher 15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 600 per m ³ whichever is higher
2.	Felsite and its varieties suitable for use as Ornamental Stone – Entire State	15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 1,800 per m ³
3.	Quartzite and sand stone and their varieties suitable for use as Ornamental Stones – Entire State	15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 1,800 per m ³
4.	Marble and Crystalline Limestone as ornamental stone – Entire State	15% of Sale Value or of Average Selling Price on ad-valorem basis or Rs. 1,800 per m ³
5.	Bentonite – Entire State	Rs. 400 per MT
6.	Fullers Earth – Entire State	Rs. 125 per MT
7.	Buff colour (waste) The permits should not exceed 20% of permit issued For Fullers Earth	Rs. 60/- per MT
8.	Limestone under the title "SHAHABAD STONE"	Rs. 70/ per 10sq. meters or Rs. 70/- per MT
9.	Limestone (non-cement) when used for Building Stone – Entire State	Rs. 25/- per MT
10.	Ordinary Building Stones (Entire State as defined under clause (g) of Rule-2(1)	Rs. 60/- per MT
11.	Lime Shell – Entire State	Rs. 100/- per MT
12.	Lime Kankar (Non-cement) – Entire State	Rs. 50/- per MT
13.	Agate, Chalcedony, Flint – Entire State	Rs. 240/- per MT
14.	Ordinary Sand – Entire State	Rs. 60/- per MT
15.	Steatite and sandstone used for making household utensils/ articles – Entire State	Rs. 40/- per MT

16.	(a) Murram (All types of soils) –Entire State (b)Clay used for manufacturing tiles and bricks.	Rs. 20/- per MT Rs. 40/- per MT
17.	All other minerals – Entire State.	30% of sale value at pit mouth on ad-valorem basis
18.	Waste rocks generated in ornamental stone quarry – Entire State (see explanation under Rule-36)	Rs. 300/- per MT or Rs. 850/- per m ³
19.	Irregular shaped waste rock generated in Ornamental stone quarry, which is not suitable for ornamental purpose – Entire State.	Rs. 60/- per MT
20.	Waste rocks generated in Shahabad stone quarry – Entire State (see explanation under Rule-36)	Rs. 60/- per MT
21.	Finished Kerb Stones/cubes not exceeding 30 cms each face – Entire State.	Rs. 110/- per MT
22.	Barytes	6.5% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
23.	Calcite	15% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
24.	China clay and Kaolin (including Ball clay and White shell, White clay) (a) Crude (b) Processed	8% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis 12% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
25.	Clay (others)	Rs.40 per MT
26.	Corundum	12% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
27.	Dolomite	Rs.75 per MT
28.	Dunite and Pyroxenite	Rs.30 per MT
29.	Felsite (other than for ornamental purpose)	12% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
30.	Fire clay	12% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
31.	Gypsum	20% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
32.	Jasper	12% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
33.	Quartz, Feldspar	15% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
34.	Mica	4% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
35.	Quartzite & Fuchsite Quartzite	12% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
36.	Laterite	Rs. 60 per MT
37.	Ochre	Rs.24 per MT

38.	Pyrophyllite	20% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
39.	Shale	Rs.60 per MT
40.	Slate	Rs.45 per MT
41.	Silica Sand	10% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis
42.	Steatite or Talc or Soapstone (other than for household articles)	18% of Average Selling Price or of Sale Value whichever is higher on ad-valorem basis

Note: MT means Metric Tonne.

42. Amendment of Schedule IIA.- In the schedule-IIA to the said rules,-

(1) in the heading for the brackets, words, figures and letters "(see rules 15A, 25A and sub-rule (1A) of Rules 32) the brackets, words, figures and letter "(see rule 15-A)" shall be substituted.

(2) in the item at serial no.7 and 9, at column 3, for the figure "0.20" the figure "1.00" shall be substituted.

(3) for item at serial no.18 and the entries relating thereto the following shall be substituted, namely:-

18.	Ball clay, Fire clay	1.00
19.	Baytes	1.00
20.	Calcareous Sand	2.20
21.	Calcite and Gypsum	2.20
22.	Chalk	1.00
23.	China clay and Kaolin	10.00
24.	Clay (others)	1.00
25.	Corundum	2.20
26.	Diaspore	1.00
27.	Dolomite	10.00
28.	Dunite or Pyroxenite	2.20
29.	Quartz, Feldspar and Mica	2.20
30.	Quartzite and Fuchsite Quartzite	2.20
31.	Jasper	2.20
32.	Laterite	1.00
33.	Ochre	2.20
34.	Pyrophyllite	1.00
35.	Shale and Slate	1.00
36.	Silica Sand	10.00
37.	Steatite or Talc or Soapstone	1.00
38.	Sand (Others)	12.20
39.	Ordinary building stone used for M-sand purpose	5.00
40.	All Other minor minerals	1.00

43. Substitution of Form Q(a) and Q(b).- In the said rules, for the Forms Q(a) and Q(b), the following shall be substituted, namely:-

FORM-Q(a)

[See clause (vii) of rule 31-Y]

Monthly returns for the month of _____

Important: Please return this form duly filled to the Commissioner/Director of Mines & Geology, Bangalore, the Chairman, District Committee and the Member Secretary of the Committee on or before 5th day of the succeeding month

- (1) Name and Address of the lessee/licensee
- (2) Q.L.No _____ Date of grant _____ Date of expiry _____
- (3) Sand Sale price fixed for MT/M³ Rs. _____

- (4) Royalty paid during the month Rs _____ Progressive from the _____ month of in Rs _____
- (5) Total No. of CMDP's issued with quantity
- (a) Total No. of CMDP's _____
- (b) Total quantity (in MT's) _____
- (c) Total quantity at dump yard/stock yard (in MT's) _____
- (6) River stretch and its sand blocks , Production and Dispatch of river sand quarried details.

Month	Name of the River and River stretch in kms Taluk and District,	Portion of the River Stretch Sand Block No and its Geo Co-ordinates details	Extent in Acres	Survey No & Village	Quantity permitted from the DEIAA/SEIAA/ MoEF (in MT's)	Production (in Mts)	Dispatch (in Mts)
Total							

Date: _____

Signature of the Lessee/licensee

FORM-G (b)

[See clause (vii) of rule 31-Y]

Quarterly returns for the period from _____ to _____

Important: Please return this form duly filled to the Commissioner/Director of Mines and Geology, Bangalore, the Chairman, District Committee and the Member Secretary of the Committee on or before 5th day of the succeeding month

- (1) Name and Address of the lessee/license e
- (2) Q.L.No _____ Date of grant _____ Date of expiry _____
- (3) Sand Sale price fixed for MT/M³ Rs. _____
- (4) Royalty paid during the
- (a) Rs _____ for the month of _____
- (b) Rs _____ for the month of _____
- (c) Rs _____ for the month of _____
- (5) Total Royalty paid for 3 months Rs. _____ Progressive for the year Rs _____
- (6) Total No. of CMDP's issued with quantity
- (a) Total No. of CMDP's _____
- (b) Total quantity (in MT's) _____
- (c) Total quantity at dump yard/stock yard (in MT's) _____
- (7) River stretch and its sand blocks , Production and Dispatch of river sand quarried details.

Months	Name of the River and River stretch in kms Taluk and District,	Portion of the River Stretch Sand Block No and its Geo Co-ordinates details	Extent in Acres	Survey No & Village	Quantity permitted from the DEIAA/SEIAA/ MoEF (in MT's)	Production (in Mts)	Dispatch (in Mts)
Total							

Date: _____

Signature of the Lessee/licensee

44. Insertion of new Form-JIR- In the said rules, after Form-Q(b) as so substituted, the following shall be inserted, namely:-

"FORM -JIR

(See clauses (ii),(iii),(iv), (v) and (vi) of sub rule (1-C) of rule 31-R.)

Joint Inspection and Recommendation report.

- (1) Quarriable Sand Reserve Details (Deposit should be shown in 1'=660' and the same should be enclosed with this report).

Sl. No.	Name of the River, River Stretch in kms Taluk and District,	Blocks Details and Mineable Sand Reserves						Extent in Acres	Survey No & Village	Block No.
		Portion of the River Stretch Sand Block and its Geo Co-ordinates details	Length of the block recommended for mineral concession (in Mtr)	Average width of the block recommended for mineral concession (in Mtr)	Depth of the Sand block recommended for mineral concession (in Mtr)	Total area of the block recommended for mineral concession (in Sq.Mts)	Total quarriable mineral potential in the block (in MTs)			
1.										
Total										

- (2) Are there any public structures like bridges, drinking water tanks and irrigation tanks within 500 mts from the sand blocks of the river stretch? If so, give details and indicate them on the river stretch and its blocks map.

- (3) Whether the area was held previously for sand quarrying by the Public Works Ports and Inland Water Transport Department. If so give sand production and dispatch details of the last quarry period, year.

Sl. No.	Name of the River, Taluk and District,	Portion of the River Stretch Sand Block and its Geo Co-ordinates details	Extent in Acres	Survey No and Village	Block No.	Production (in Mts)	Dispatch (in Mts)
1.							
Total							

- (4) Whether any river stretch and its blocks are reserved for the purpose of Government works or for Ashraya or low income group housing. If yes, give details.

Sl. No.	Name of the River, Taluk and District,	Block No.	Geo Co-ordinates details	Total quantity of quarriable Sand Reserves (in Mts)	Extent in Acres	Survey No & Village
1.						
Total						

- (5) Whether any river stretch and its blocks is required to declare as Cluster. If yes, give details.

Sl. No.	Name of the River, Taluk and District,	Block No.	Geo Co-ordinates details	Total quantity of quarriable Sand Reserves (in Mts)	Extent in Acres	Survey No & Village
1.						
Total						

- (6) Whether any river stretch and its blocks contravene the forest/land revenue, acts and its rules. If yes, give details.

Sl. No.	Name of the River, Taluk and District,	Block No.	Geo Co-ordinates details	Total quantity of quarriable Sand Reserves (in Mts)	Extent in Acres	Survey No & Village	Brief Information
1.							
Total							

- (7) Whether any river stretch and its blocks comes under the eco-sensitive zone or not. If yes, give details.

Sl. No.	Name of the River, Taluk and District,	Block No.	Geo Co-ordinates details	Total quantity of quarriable Sand Reserves (in Mts)	Extent in Acres	Survey No & Village	Brief Information
1.							
Total							

- (8) For sand quarrying clear recommendation of the Joint Inspecting Officers (Along with this report, all necessary maps, village maps & Geological sections should be enclosed)

Signature of the
Inspecting Officers."

Date:

45. Substitution of Form QLA.- In the said rules, for Form-QLA, the following forms shall be substituted, namely:-

"FORM-AWPL

[see clause (c) of sub rule (1) of rule 13]

Register of applicants for quarry license in patta land

Sl. No	Date of application & purpose	Date on which the application is received	Name of the pattadar with full address	Name of the applicant with full address (if not same as (4))
(1)	(2)	(3)	(4)	(5)

Particulars of applied area					
District	Taluk	Village/Forest range	Sy.No	Extent in acres	Name of the minor mineral
(6)	(7)	(8)	(9)	(10)	(11)

Other details			
Particulars of the amount paid	Final disposal of the application together with No. and date of order.	Remarks	Signature of the officer
(12)	(13)	(14)	(15)

FORM-WPL

[see clause (d) of sub rule (1) of rule 13]

Register of quarry license

Sl. No	Name of the holder of quarry license with full address (permanent and correspondence)	Date of issuing quarry license with order No.	Date of execution of quarry license & period	quarry license No.
(1)	(2)	(3)	(4)	(5)

Particulars of land permitted/license d					
District	Taluk	Village/Forest range	Sy.No	Extent in acres	Name of the minor mineral
(6)	(7)	(8)	(9)	(10)	(11)

Other details	
Particulars of the amount paid	Remarks
(12)	(13)

FORM-CLN

[see clause (e) of sub rule (1) of rule 13]

Register of Notifications for composite license by e-auction

Sl.No	Name of the minor mineral(s)	District	Taluk	Name of the village/Forest range
(1)	(2)	(3)	(4)	(5)

Block No.	Extent in Acres-Guntas	Reservation category of the block	Notification No and date	Last date to issue bidding documents	Date of e-auction	Remarks and additional information
(6)	(7)	(8)	(9)	(10)	(11)	(12)

Form-CL

[see clause (f) of sub rule (1) of rule 13]

Register of composite license

Sl. No	Name of the holder of composite license with full address (permanent and correspondence)	Date of issuing prospecting license with order No.	Date of execution of prospecting license & period	Composite license No.	Details of Final bid accepted
(1)	(2)	(3)	(4)	(5)	(6)

Particulars of land license d						Other details
District	Taluk	Village/ Forest range	Sy. No	Extent in acres	Name of the minor mineral(s)	Particulars of amount paid
(7)	(8)	(9)	(10)	(11)	(12)	(13)

Details of quarry lease				
Name of the holder of quarry lease, if other than holder of composite license with full address (permanent and correspondence)	Details of Final bid accepted	Details of Sy.No, extent, name of minor mineral(s), if any changes from the prospecting license	Date of quarry lease executed and period.	Remarks and payment details, if any
(14)	(15)	(16)	(17)	(18)

46. Insertion of new Form-Y.- In the said rules, after Form-Y, the following shall be inserted, namely:-

FORM-Y(a)

[See clause (vii) of rule 31-Y]

Annual returns for the Year ending 31st March_____

Important: Please return this form duly filled to the Commissioner/Director of Mines & Geology, Bangalore, the Chairman, District Committee and the Member Secretary of the Committee on or before 5th day of the succeeding month

- (1) Name and Address of the lessee/license e
- (2) Q.L.No_____ Date of grant_____Date of expiry_____
- (3) Sand Sale price fixed for MT/M³ Rs._____

(4) Total Royalty paid for 12 months Rs. _____

(5) Total No. of CMDP's issued in the year with quantity

(a) Total No. of CMDP's _____

(b) Total quantity (in MT's) _____

(c) Total quantity at dump yard/stock yard (in MT's) _____

(6) River stretch and its sand blocks , Production and Dispatch of river sand quarried details.

Months.	Name of the River and River stretch in kms Taluk and District,	Portion of the River Stretch Sand Block No and its Geo Co-ordinates details	Extent in Acres	Survey No and Village	Quantity permitted from the DEIAA/SEIAA/ MoEF (in MT's)	Production (in Mts)	Dispatch (in Mts)
Total							

Date: _____

Signature of the Lessee/licensee

**GOVERNMENT OF KARNATAKA
DEPARTMENT OF MINES AND GEOLOGY
FORM-APR**

YEARLY REPORT OF PROSPECTING OPERATIONS CARRIED OUT

[See sub rule (3) of rule 31K]

To
The Competent Authority
Department of Mines and Geology

1. Type of the mineral for which
prospecting operations has
been granted : (a)
(b)

2. Name and address of the
license e :

3. Particulars of the prospecting
license e :

(i) Date of execution :
(ii) Period : years : From : To:
(iii) Area under license : Acres/Hectares
(iv) Composite license No :

4. Location of the prospecting
license d area :

(i) Toposheet Number:
(ii) Cadastral Survey or
Khasra Number:
(iii) Village :
Taluk:
District:
State:
(iv) Post Office:
Police Station:
(v) Nearest Railway Station:
Distance:

5. Particulars of the Geologist or qualified person employed optionally, if any,
for the prospecting license d area:

(i) Name and address :
(ii) Qualification :
(iii) Date of appointment :
(iv) Status of employment : Whole time: Part time:

6. Status of prospecting operations:

In progress:

Please tick mark one whichever is applicable

Completed :
Abandoned:

7. Total surface area covered by prospecting work (hectare):

8. Prospecting work completed during the year :

(a) Geological mapping :

Area in Hectare:

Scale:

(b) Pitting

(i) No. of Pits :

(ii) Grid Pattern :

(iii) Depth (Mts.) Average:

Maximum :

Minimum :

(c) Trenching

(i) No. of trenches (with interval) :

(ii) Length (Mts) Average :

Maximum :

Minimum :

(d) No. and size of samples :

(e) Drilling :

(i) No. of boreholes completed during the year (with size of core):

(ii) No. of boreholes in

Progress :

(iii) Total yearly drilling (Mts) :

(f) Particulars of drilling

Machines

Type

Make Capacity

No. of drills

(g) Details of samples tested :

(i) No. of samples tested :

(ii) Complete report :

(testing the suitability as per market requirement)

Place:

Date:

Signature

Name in full

Designation

Note: Please enclose a geological report describing the prospecting operations undertaken so far accompanied by the detailed geological plans and sections showing structures details such as joints, fractures, folds, grain size, texture etc. and also showing locations of (a) bore hole, (b) pits, (c) trenches (d) sample position etc. The report shall also contain the bore hole logs and inferences drawn as a result of the study of the geology of the area and the interpretation of bore hole cores, pits, trenches, reserves of mineral and complete report of at least two representative samples indicating stone quality and suitability as per market requirements and the blocks proposed for quarrying operations."

Form-CFQ
Consent Letter for Quarrying
(See sub rule (8) of rule 32)
(To be presented by the applicant along with the application for quarrying)

Date: -----

To,
(The Competent Authority),
Department of Mines and Geology,
Office of
.....District
Karnataka

Dear Sir,

SUB: Consent Letter to carry out quarrying activities in the private land.

The undersigned I/we being owner/owners/ Legal heirs of Private land bearing Sy.No..... of village, ...Taluk, ...District measuring an extent of Acres/ Hectares do hereby give my/ our consent to Sri/Smt/m/s....., resident of to apply for quarrying license and to carryout quarrying activities of mineral/s available in the said schedule property.

I/We hereby declare that this consent has been given after understanding the provisions of sub rule 8 of Rule 32 of KMMCR, 1994 and that the consent shall not be withdrawn for any reason during the pendency of the application for grant of quarrying license or during the currency of the quarrying license granted in favour of the applicant.

The schedule of the property having consent for quarrying is as follows;
Sy.No....., Extent:..... Acres/Hectares, Village:.....,
Taluk:.....
North:
South:
East:
West:

Signature of the Consentee/s

Signature of Consenter/s

1.
2.

1.
2.

Witness:

1)
2)

Note: Name and Full Address of the above signatories shall be specified and shall submit relevant proof of address.

47. Amendment of Form E: In the said rules, in Form E, under clause (4) of part V for the words "five times" the words "fifteen times" shall be substituted.

By order and in the name of the Governor of Karnataka.

K.VENKATESH

Under Secretary to Government (Mines)-2
Commerce and Industries Department



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - ೪ಎ Part - IVA	ಬೆಂಗಳೂರು, ಮಂಗಳವಾರ, ೩೦, ಜೂನ್, ೨೦೨೦ (ಆಷಾಢ, ೯, ಶಕವರ್ಷ ೧೯೪೨) Bengaluru, TUESDAY, 30, JUNE, 2020 (Ashadha, 9, ShakaVarsha 1942)	ನಂ. ೨೬೫ No. 265
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GOVERNMENT OF KARNATAKA

No: CI 115 MMN 2019

Karnataka Government Secretariat,
Vikasa Soudha,
Bengaluru, dated 30.06.2020.

NOTIFICATION

In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the Government of Karnataka, hereby makes the following rules further to amend the Karnataka Minor Mineral Concession Rules, 1994, namely:-

RULES

1. Title and commencement.- (1) These rules may be called the Karnataka Minor Mineral Concession (Amendment) Rules, 2020.

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

2. Amendment of rule 3A.- In rule 3A of the Karnataka Minor Mineral Concession Rules, 1994, (hereinafter referred to as the said rules), in sub rule (b) for the words “minor mineral except sand” the words, “Laterite or fullers earth or murram” shall be substituted.

3. Amendment of rule 3B.- In rule 3B, of the said rules,-

- in sub-rule (1), for the words “Notwithstanding anything contained in these rules, the District Task Force may, after obtaining approval of the State Government, grant quarry lease or licence for minor minerals,” the words, “Notwithstanding anything contained in these

rules, the Deputy Director or Senior Geologist of Concerned district shall grant quarry lease or licence for minor minerals only on the recommendation of the District Task Force and approval of State Government.” shall be substituted.

- (ii) after sub-rule (4), the following sub rule (5) shall be inserted, namely:-

“(5) Notwithstanding anything contained in this rule, those lease granted under the sub-rule (1), during the lease period, the lessee shall dispatch minor minerals along with Royalty Exempted Mineral Dispatch permit to be issued by the concerned Deputy Director or Senior Geologist duly mentioning the details of works, place of activity and name of the Work Executing Department for transportation of minor minerals from the leased quarry.

Provided that at the time of payment of bill to the contractor the Work Executing Department shall deduct Royalty, Average Additional Periodic payment and payment to District Mineral Foundation.

Provided further that the quantity of Minor Mineral supplied under royalty exempted Mineral Dispatch permit to Government work, shall be reconciled with Royalty recovery statement furnished by the work executing department for accountability of annual audit.”

4. Amendment of rule 3E.- In rule 3E of the said rules, after sub-rule (3), the following shall be inserted, namely:-

“(4) If new mineral so discovered under sub-rule (1) is specified minor mineral, the lessee or licensee is entitled to win and dispose the discovered minor mineral for a period of thirty years from the date of original grant of lease or licence or ten years from the date of inclusion of the discovered mineral to original lease deed or whichever is later.

Provided that, in case if the new mineral discovered under sub-rule (1) is non-specified minor mineral, the period of lease shall be co-terminus with the original grant of lease or license.

Provided further that, when such grant of quarrying lease or licence for the new mineral discovered under sub-rule (1) is made the lessee or licensee shall pay, in addition to royalty applicable to the new mineral discovered as under sub-rule (1) as given in Schedule II, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or license of the new mineral discovered granted through auction within the Taluk, if such average is available for the Taluk or within the District if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty percent of Royalty of the new mineral discovered. This deemed percentage shall be reset after three years based on average obtained in auctions

by 31.3.2019, and if no neighboring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment.

Provided also that, the Royalty and Average Additional Periodic Payment payable as under the above proviso, shall not be less than that what he was paying before such inclusion or as payable as per his bid in auction.”

5. Amendment of rule 3G.- In rule 3G of the said rules, in sub rule (1),-

(i) the second proviso shall be omitted.

(ii) for third proviso, the following shall be substituted, namely:-

“Provided also that if the average quantity of the of minor mineral is sold in domestic market more than seventy five percent during any two financial year of lease period, then lease shall be cancelled and fresh process of grant of lease shall be undertaken.”

6. Amendment of rule 8.- In rule 8 of the said rules, for sub rule (6), shall be omitted.

7. Amendment of rule 8B.- In rule 8B of the said rules, in clause (e), of sub-rule (2) for the words, “if any and registration of leases or license deed within a period of twenty-four months from the date of commencement of the Karnataka Minor Mineral concession (Amendment) Rules, 2016.”, the words “with the approval of the State Government” shall be substituted.

8. Amendment of rule 19A.- For rule 19A of the said rules, the following shall be substituted, namely:-

“19A. Transfer of mineral concession:- (1) The lessee or licensee shall not, without the previous consent in writing of the competent authority.-

- (i) assign, sublet, mortgage or in any other manner transfer the lease or license or any right, title or interest therein;
- (ii) enter into or make any agreement or bona-fide arrangement, contract or understanding whereby the lessee or licensee will or may be directly or indirectly financed to a substantial extent by or under which the quarrying operations or undertakings will or may be substantially controlled by, any person or body of persons other than the lessee or licensee;

Provided that, nothing in sub-rule (1) shall apply to a corporation or an undertaking or owned or controlled by the State Government or to a mortgage made by a lessee or licensee in favour of the institutions specified in Schedule-VI for transfer the lease or licence.

(2) Every application for transfer of quarry lease or quarry licence shall be submitted to the Commissioner or Director or Deputy Director or Senior Geologist of the concerned District, as the case may be, along with,-

(i) a non-refundable application fee of rupees twenty five thousand for quarry lease and quarry licence.

(ii) undertaking to pay one time premium on the basis of residual period of lease as per sub-rule (7):

(iii) a valid no dues certificate of transferor, transferee and their family members from the Deputy Director or Senior Geologist concerned if they hold or has held any quarry lease or licence in the State:

Provided that, in case the transferor and transferee is an association of person, a partnership firm or a private limited company, such certificate shall also be furnished by all the members of association of person, all the partners of the partnership firm or all the directors of the private limited company, as the case may be. No dues certificate is to be submitted by the company or undertaking in case of limited company or Government undertaking, as the case may be.

(iv) an affidavit giving particulars of mineral-wise areas already held under quarry lease, prospecting licence or quarry licence by the transferor and transferee.

(v) an affidavit by the transferee stating that he shall be abide by all the terms, conditions and liabilities of lease or licence;

Provided that where transfer application for quarry lease or quarry licence is not complete in all material particulars or is not accompanied by the required documents or any additional information or documents as specified by the Government, a thirty days notice shall be given by the Commissioner or Director or Deputy Director or Senior Geologist requiring the applicant to complete the application or provide documents, as the case may be, failing which the transfer application shall be rejected with forfeiture of application fee.

(3) Where order for transfer of a quarry lease has been issued, a transfer lease deed in Form-T shall be executed within three months from the date of the order or within such period as the Commissioner/Director or Deputy Director or Senior Geologist may allow:

(4) The transfer of lease or licence shall be effective from the day of registration of transfer lease deed:

Provided that, if transfer deed has not been registered within the stipulated time, the order for transfer shall be revoked by the Commissioner or Director or Deputy Director or Senior Geologist with forfeiture of transfer application fee and premium.

(5) The following cases shall also be treated as transfer:-

(i) change from one form of business organization to another form of business organization i.e, partnership, limited liability partnership, private limited company, public limited company or any law to another form of business organization;

(ii) Change in partner of a partnership firm;

(iii) the transfer of shares in a company, resulting in the change of control of management or ownership right of the said company;

(iv) merger or amalgamation of the lessee's or licensee's company into another company; and

(v) change of a private limited company to limited company:

Provided that in case of death of any partner or director in a firm or company and mutation has been made in favour of this legal heir, it shall not be treated as transfer but if application of mutation is not made, it shall be treated as transfer.

(6) The lessee or licensee shall inform regarding any change as mentioned in sub-rule (5) to the Commissioner or Director or Deputy Director or Senior Geologist concerned within sixty days along with the application fee and premium amount as per sub-rule (7). In such case, the transfer shall be effective from the date of such change of partner or director, as the case may be, under relevant law.

Provided that lease or composite licence granted through tender cum auction and licence granted under rule 32 shall not require to pay premium amount as per sub-rule (7).

(7) Transfer of lease shall be permitted subject to payment of one time premium at the time of transfer and shall not be adjusted against dead rent, annual license fees or Royalty, as the case may be, as mentioned below,-

Sl. No.	Residual period of lease	Premium per Acre
(1)	(2)	(3)
1	Upto five years	Two times of annual dead rent.
2	More than five years and upto ten years	Three times of annual dead rent.
3	More than ten years and upto fifteen years	Four times of annual dead rent.
4	More than fifteen years and upto twenty years	Five times of annual dead rent.
5	More than twenty years	Six times of annual dead rent.

(8) Lock-in period for transfer of mineral concession granted other than through auction shall be for two years and subsequent transfer shall be allowed subject to condition that at least two year has elapsed since last transfer:

Provided that above lock-in period shall not be applicable to quarry licence granted under rule 32.

Provided also that, the transfer of leases shall be allowed among the same category of people or business entities under which such grant was made.

Explanation: If lease is granted as provided under rule 12 of these rules that existed before the commencement of the Karnataka Minor Mineral Concession (amendment) Rule, 2016, the transferee claiming the transfer of lease shall belongs to the same category for which the transferor was considered during grant.”

9. Amendment of rule 19B.- In rule 19B of the said rules, after sub rule (3), the following shall be inserted, namely:-

“(4) The Competent Authority may, in the interest of mineral development and with reasons to be recorded in writing permit amalgamation of two or more adjoining leases held by different lessees to operate as single lease subject to fulfilment of following conditions:-

- (i) The intended lessees shall form association involving all the lessees who are planning to amalgamate their leases or licence and run under single entity.
- (ii) All lessee or licensee shall give consent for amalgamation of their lease or licence to such association.
- (iii) The competent Authority after satisfying that a scientific quarrying can be taken up under such amalgamated lease or licence may allow amalgamation of such lease or licences after obtaining modified quarrying plan and environmental clearance.

Provided that, the period or tenure of the amalgamated lease or licence shall be co-terminus with the lease or licence whose period will expire first.”

10. Amendment of rule 31A.- In rule 31A of the said rules, in sub-rule (1),-

- (i) for the words “Competent Authority” the words and brocket “District Task Force Committee (Mines)” shall be substituted.
- (ii) after the words “after obtaining” the words “No objection certificate from the concerned authorities prescribed under sub-rule (5) of Rule 8.” shall be inserted.

11. Amendment of rule 31R.- In rule 31R of the said rules,-

(i) in sub-rule (4) for item (xii), the following shall be substituted, namely:-

“(xii) If sand found to be stored or transported illegally shall be seized and confiscated by any member of the District or Taluk Sand Monitoring Committee through a mahajar and be handed over to the Public Works Department or any other department as decided by the District Sand Monitoring Committee who in turn dispose the same to the Central or State Government works at the rate as fixed by the District Sand Monitoring Committee with computerized mineral Dispatch Permit issued by the Department of Mines and Geology of the Concerned District.”

(ii) in sub-rule (7), the words “and additional periodic payment” shall be omitted.

12. Amendment of rule 31ZB.- In rule 31ZB of the said rules, in sub rule (2), the words “twenty five percent of the royalty so collected shall be provided to the concerned gram panchayats through the District Committee” shall be Omitted.

13. Amendment of rule 32.- In rule 32 of the said rules, after sub-rule (9), the following proviso shall be inserted, namely:-

“Provided that, if no recommendation is received from the District Task Force Committee within forty five days from the date of receipt of no objection certificates as specified under sub-rule (5) of rule 8, recommendation for grant of quarrying licence shall be deemed to have been made by the District Task Force Committee.”

14. Amendment of rule 36.- In rule 36 of the said rules, in sub-rule (5), the words “fixed deposit receipts or Demand draft or in any other manner as may specified by the Government from time to time” shall be omitted.

15. Amendment of rule 40.- In rule 40 of the said rules, in first proviso, in seventh line, for the words "the competent authority shall finalise the annual audit report to the best of its judgement" the words “the competent Authority may finalize the annual audit report by obtaining Drone or Light Detection and Ranging (LIDAR) or total station survey or any other suitable survey report from the concerned lessee or license” shall be substituted.

16. Amendment of rule 42.- In rule 42, of the said rules,-

(i) in sub-rule (2), the words, “along with rupees fifty as processing fees for each Mineral Dispatch Release Order (MDRO) for specified Bulk quantity of specified or non-specified minor mineral intended to transport” shall be omitted.

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- (ii) Sub-rule (3), shall be omitted.
 - (iii) In sub rule (5), for the word “ten kilometer” the word “thirty kilometer” shall be substituted, and the words, “and two hours of additional time together for loading and unloading of the minor mineral” shall be omitted.
 - (iv) After sub-rule (5), the following shall be inserted, namely:-
 - “(6) If the permit holder is unable to transport the mineral for reasons beyond his control after obtaining MDP through ILMS, the permit holder shall apply for revalidation of the MDP before expiry of its validity period to the Competent Authority giving valid reasons in an application which shall be accompanied by a process fee of Rupees five hundred. Such MDP shall be revalidated by the Competent Authority.
 - (7) Transportation of processed building stones from other States: An amount of rupees seventy per metric ton shall be collected from the person who transports the processed building stone materials like aggregates or jelly, size stone, boulders, M-sand and other varieties from other States with valid permit.”

17. Amendment of rule 42A.- In rule 42A of the said rules,-

- (i) in the second line, for the words “the competent Authority shall issue one permit per take wise computerized Mineral Dispatch permit mentioning the quantity of the mineral and place from to which it is transported in the Form-RKP(Rake permit).” the words, “lessee or license shall generate rake permit in the Form-RKP(Rake Permit) by following the procedure to generate permit as specified in sub rule (2) of Rule 42” shall be substituted.
- (ii) after the rule the following proviso shall be inserted, at the end. namely:-

“Provided that validity of Rake Permit shall be maximum of fifteen days for transportation minerals through rail.”

18. Amendment of rule 43.- In rule 43, of the said rules, for sub-rule (5) to sub rule (11) the following shall be substituted, namely,-

“(5) The Officer- in charge of the check post or the barrier or the authorized officer under the sub rule (3), shall seize any minor minerals including the vehicle or carrier used for transit of such minor Mineral, if the driver or person in charge of such vehicle or carrier fails to produce a valid permit.

(6) Vehicle or carrier seized under sub-section (5), shall be liable to be confiscated by an order of the court competent to take cognizance of the offence under sub-rule (1) of rule 44 and shall be disposed of in accordance with the directions of such court.

Provided further that authorized officer, authorized under sub-rule (3), may either before or after the institution of the prosecution, compound the offence committed in contravention of sub-rule (5) on payment of compounding fee in addition to royalty as specified in schedule I-C.

Provided that, the seized vehicle shall be released only upon payment of regulation fee specified below in addition to the compounding fee specified in schedule I-C.

Sl. No	Type of vehicle/carrier	Regulation fee in Rs.
1	Bullock cart	5000/-
2	Tractor and other small laden vehicle	10,000/-
3	Vehicle below 10 M.T capacity	20,000/-
4	Vehicle above 10 M.T capacity	30,000/-

(7) The Authorized officer empowered under sub-rule (3) to take action under this rule may request in writing for the help of the police and the police authorities shall render such assistance, as may be necessary, to enable the officer or official to exercise the powers conferred on them by these rules to stop the illegal movement of minerals.”

19. Amendment of rule 43A.- In rule 43A, of the said rules, for sub-rule (2) the following shall be substituted, namely,-

“(2) Any Minor Mineral, tool, equipment seized under sub-section (1), shall be liable to be confiscated by an order of the court competent to take cognizance of the offence under sub-rule (1) of Rule 44 and shall be disposed of in accordance with the directions of such court.

Provided that authorized officer, authorized under Rule 54, may either before or after the institution of the prosecution, compound the offence committed in contravention of sub-rule (5) on payment of compounding fee in addition to royalty as specified in schedule I-C.

Provided further that, the seized equipment, tool or machinery shall be released only upon payment of regulation fee specified below in addition to the compounding fee specified in schedule I-C.

Sl. No	Name of the Equipment/tool/Machinery	Regulation fee (in Rs.)
1	Drilling machine, compressor, power tiller and other tool	10,000
2.	Crane, dumper	30,000
3	Heavy duty dumper, excavator (JCB, Hitachi), power hammer.	50,000
4	Any other equipment, tools, machine.	20,000

Provided that, illegally extracted and stored mineral shall be seized and disposed of by public auction as specified in chapter-VIII of these rules.

Explanation: Any offence under these rules shall be tried by the Court of Sessions in accordance with the Procedure laid down under the Code of Criminal Procedure, 1973;

20. Amendment of rule 44.- In rule 44, of the said rules,-

(i) for sub-rule (1) to (3) the following shall be substituted, namely,-

“(1) Whoever contravenes the provision of rule 3 or sub-rule (1) of rule 42, shall, on conviction be punished with imprisonment for term which may extend to two years or with fine five lakhs rupees per hectare of the area used to extract minerals illegally, and in case of continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention is continued.

(2) Lease or licensee who undertakes any quarrying operation in respect of any minor mineral by violating the terms and conditions of any lease or licence shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both and in case of a continuing contravention, with an additional fine which may extend to five hundred rupee for every day during which such contravention is continued.”

Provided further that no such order making a premature termination shall be made without giving reasonable opportunity to the Lessee or Licensee.”

21. Amendment of rule 45.- After rule 45 of the said rules, the following proviso shall be inserted, namely:-

“Provided that, where the Commissioner or Director of Mines and Geology, after consulting the State Government, is of opinion that it is expedient in the interest of regulation of mines and mineral development, preservation of natural environment, control of floods, prevention of pollution or to avoid danger to public health or communications or to ensure safety of buildings, monuments or other structures for conservation of mineral resources or for maintaining safety in

the mines or for such other purposes, or encumbered the quarry lease otherwise than in accordance with these rules or the terms of the quarry lease deed as the Commissioner/ Director may deem fit, it may, by an order in respect of any minor minerals, make premature termination of a lease or license or composite license with respect to the area or any part thereof covered by such license or lease.

Provided further that, no such order making a premature termination shall be made without giving reasonable opportunity to the Lessee or Licensee.”

22. Amendment of rule 51.- In rule 51 of the said rules, in sub-rule (7), after the word “auctioned mineral” the words “The bidder shall transport the mineral from the auction site within the time prescribed in the tender document.” shall be inserted.

23. Amendment of rule 59.- In rule 59 of the said rules, for the words the evidence of major mineral” the words, “availability of major mineral above the threshold value as specified by the Indian Bureau of Mines or any Competent Authority from time to time” shall be substituted.

24. Amendment of SCHEDULE I-C.- After schedule IB, the following SCHEDULE I-C shall be inserted

SCHEDULE I-C
Compound fee for seized minor mineral
(See sub-rule (6) of Rule 43 and sub-rule (2) of 43-A)

Sl.No	Name of the Mineral	Compounding fee (in Rs per Metric tonne.)
1	Ornamental and Decorative Building Stones as defined under clause(m) of Rule 2 A) Dyke Rock, Granite and their variety	4000
2	Felsite and its varieties suitable for use as Ornamental Stone-Entire State	3000
3	Quartzite and sand stone and their varieties suitable for use as Ornamental Stones-Entire State.	3000
4	Marable and Crystalline Limestone as ornamental stone-Entire State.	5000
5	Bentonite-Entire State	1000
6	Fuller Earth-Entire State	1500
7	Buff colour (waste) the permits not exceed 20% of permit issued for Fullers Earth	500

8	Limestone under the title “Shahabad Stone”	1000
9	Limestone(non-cement)when used for building stone-Entire State	1500
10	Ordinary Building Stone(Entire State as defined under clause(g) of Rule 2(1)	1500
11	Lime shell-Entire State	2000
12	Lime Kankar (non cement) Entire State	1000
13	Agate, Chalcedony, Flint-Entire State	2000
14	Ordinary Sand-Entire State	3000
15	Steatite and sandstone used for making household utensils/articles-Entire State.	2000
16	(i)Murram (All types of soils)-Entire State	300
	(ii)Clay used for manufacturing tiles and bricks	500
17	Waste rocks generated in ornamental stone quarry-which is suitable for ornamental purpose Entire State (See explanation under Rule 36)	3000
18	Irregular shaped waste rock generated in Ornamental stone quarry, which is not suitable for ornamental purpose (used for making aggregates and m-sand) Entire State.	1500
19	Waste rocks generated in Shahabad stone quarry-Entire State (See explanation under Rule-36)	600
20	Finished Kerb stones/cubes not exceeding 30cms each face-Entire State.	1500
21	Barytes i) A Grade(Grey colour ii) B Grade(Grey colour) iii) C, D Grade & Waste	5000
22	Calcite	5000
23	China clay and Kaolin(including Ball clay, White shell, Fire clay and white clay) i) Crude/Raw ii) Processed	2000
24	Corundum	1000/KG
25	Dolomite	1500
26	Dunite and Pyroxenite	1500
27	Felsite (Other than for ornamental purpose)	1500

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28	Gypsum	1500
29	Jasper	3000
30	Quartz, feldspar	3000
31	Mica i)Crude ii)Waste	4000
32	Quartzite& Fuchsite Quartzite not suitable for use as Ornamental/Gem Stones	3000
33	Laterite i)/dispatched for use in cement or chemical industries or Abrasive or Refractory purpose (below threshold value as specified by IBM from time to time) ii) for use as building stone (below threshold value as specified by IBM)	1500
34	Ochre	2000
35	Pyrophyllite	2500
36	Shale	1500
37	Slate	1500
38	Silica Sand	3000
39	Steatite or Soapstone (Other than for household articles)	5000
	Talc	2000
40	All other minerals (which is not specified in schedule-II) Entire State	1500

25. Amendment of SCHEDULE II.- For schedule II of the said rules, the following shall be substituted, namely:-



SCHEDULE II

(See sub-rule(1) of Rule 36)

Sl. No.	Name of the Mineral	Present Rate of Royalty	Royalty to be revised	
			Export	Domestic
1	Ornamental and Decorative Building Stones as defined under clause(m) of Rule 2			
	A) Dyke Rock			
	(i) Black granites: (a) Chamarajanagar District:	15% of Sale Value or of Average Selling Price on advalorem basis or Rs.4,500 per m ³ which is higher.	Rs.1,200 per MT	Rs.600 per MT
	(b) All other Districts other than (a) above	15% of Sale Value or of Average Selling Price on advalorem basis or Rs.1,500 per m ³ which is higher.	Rs.1700 per MT	Rs.400 per MT
	(ii) Other varieties of dyke other than black granites (Entire State)	15% of Sale Value or of Average Selling Price on advalorem basis or Rs.1,500 per m ³ which is higher.	Rs.500 per MT	Rs.375 per MT
	(B) (1) Pink and Red Granites (Ilkal Pink Variety)			
	(i) Hungunda and Badami Taluk of Bagalkot District, Kustagi of Koppal District.	15% of Sale Value or of Average Selling Price on advalorem basis or Rs.1,200 per m ³ which is higher.	Rs.1,000 per MT	Rs.400 per MT
	(ii) Pink and Red granites, Gneissess and their structural Varieties (Other than Ilkal Pink Variety)	15% of Sale Value or of Average Selling Price on advalorem basis or Rs.1,800 per m ³ which is higher	Rs.600 per MT	Rs.350 per MT

	(C) Grey and White Granites and their varieties: (i) Very fine grained Grey granite (Sira grey Variety) Chintanmani, Siddlaghatta of Chikkaballapura District Hoskote of Bangalore District. (ii) Grey and white granites and their textural varieties having shades of grey, balck and white colours (Other than (i) above)Entire State. (iii) Grey Granite of Devanahalli Taluk of Bangalore Rural District and Chikballapur taluk of Chikballapur District.	15% of Sale Value or of Average Selling Price on advalorem basis or Rs.1,350 per m3 which is higher. 15% of Sale Value or of Average Selling Price on advalorem basis or Rs.1,050 per m3 which is higher. 15% of Sale Value or of Average Selling Price on advalorem basis or Rs.600 per m3 which is higher	Rs.500 per MT Rs.375 per MT Rs.300 per MT	Rs.350 per MT Rs.250 per MT Rs.200 per MT
2	Felsite and its varieties suitable for use as Ornamental Stone-Entire State	15% of Sale Value or of Average Selling Price on advalorem basis or Rs.1,800 per m3 which is higher	Rs.900 per MT	
3	Quartzite and sand stone and their varieties suitable for use as Ornamental Stones-Entire State.	15% of Sale Value or of Average Selling Price on advalorem basis or Rs.1,800 per m3 which is higher	Rs.900 per MT	
4	Marable and Crystalline Limestone as ornamental stone-Entire State.	15% of Sale Value or of Average Selling Price on advalorem basis or Rs.1,800 per m3 which is higher	Rs.1000 per MT	
5	Bentonite-Entire State	Rs.400 per MT	Rs.500 per MT	
6	Fuller Earth-Entire State	Rs.125 per MT	Rs.125 per MT	
7	Buff colour (waste) the permits not exceed 20% of permit issued for Fullers Earth	Rs.60 per MT	Rs.70 per MT	
8	Limestone under the title "Shahabad Stone"	Rs.70 per 10 Sq meters or Rs.70 per MT	Rs.50 per 10 Sq meters or Rs.50 per MT	
9	Limestone(non-cement)when used for building stone-Entire State	Rs.25 per MT	Rs.60 per MT	
10	Ordinary Building Stone(Entire State as defined under clause(g) of Rule 2(1)	Rs.60 per MT	Rs.70 per MT	
11	Lime shell-Entire State	100 Per MT	120 Per MT	
12	Lime Kankar (non cement) Entire State	50 per MT	80 per MT	
13	Agate, Chalcedony, Flint-Entire State	240 per MT	300 per MT	

14	Ordinary Sand-Entire State	60 Per MT	80 Per MT
15	Steatite and sandstone used for making household utensils/articles-Entire State.	40 per MT	80 per MT
16	(i)Murram(All types of soils)-Entire State	20 per MT	40 per MT
	(ii)Clay used for manufacturing tiles and bricks	40 per MT	60 per MT
17	Waste rocks generated in ornamental stone quarry-which is suitable for ornamental purpose Entire State(See explanation under Rule 36)	300 per MT or 850 CUM	300 per MT
18	Irregular shaped waste rock generated in Ornamental stone quarry, which is not suitable for ornamental purpose (used for making aggregates and m-sand) Entire State.	60 per MT	40 per MT
19	Waste rocks generated in Shahabad stone quarry-Entire State (See explanation under Rule-36)	60 per MT	40 per MT
20	Finished Kerb stones/cubes not exceeding 30cms each face-Entire State.	110per MT	150 per MT
21	Barytes (i) A Grade (Grey colour) (ii) B Grade (Grey colour) (iii) C, D Grade & Waste	6.5% of average selling price or of sale value whichever is higher on ad-valorem basis	400 per MT 300 per MT 200 per MT
22	Calcite	15% of average selling price or of sale value whichever is higher on ad-valorem basis	80 per MT
23	China clay and Kaolin(including Ball clay, White shell, Fire clay and white clay) i)Crude/Raw ii)Processed	8% of average selling price or of sale value whichever is higher on ad-valorem basis. 12% of average selling price or of sale value whichever is higher on ad-valorem basis	80 Per MT 600 per MT
24	Corundum	12% of average selling price or of sale value whichever is higher on ad-valorem basis	15% of Sale Value or of Average Selling Price on advalorem basis which is higher.
25	Dolomite	Rs.75 per MT	100 per MT
26	Dunite and Pyroxenite	Rs.30 per MT	60 per MT

27	Felsite (Other than for ornamental purpose)	12% of average selling price or of sale value whichever is higher on ad-valorem basis	120 per MT
28	Gypsum	20% of average selling price or of sale value whichever is higher on ad-valorem basis	150 per MT
29	Jasper	12% of average selling price or of sale value whichever is higher on ad-valorem basis	150 per MT
30	Quartz, feldspar	15% of average selling price or of sale value whichever is higher on ad-valorem basis	100 per MT
31	Mica i)Crude ii)Waste	4% of average selling price or of sale value whichever is higher on ad-valorem basis	1500 per MT 500 per MT
32	Quartzite& Fuchsite Quartzite not suitable for use as Ornamental/Gem Stones	12% of average selling price or of sale value whichever is higher on ad-valorem basis	100 per MT
33	Laterite i)/dispatched for use in cement or chemical industries or Abrasive or Refractory purpose (below threshold value as specified by IBM from time to time) ii) for use as building stone (below threshold value as specified by IBM)	Rs.60 per MT	160 per MT 60 per MT
34	Ochre	Rs.24 per MT	60 per MT
35	Pyrophyllite	20% of average selling price or of sale value whichever is higher on ad-valorem basis	200 per MT
36	Shale	Rs.60 per MT	150 per MT
37	Slate	Rs.45 per MT	150 per MT
38	Silica Sand	10% of average selling price or of sale value whichever is higher on ad-valorem basis	100 per MT
39	Steatite or Soapstone (Other than for household articles)	18% of average selling price or of sale value whichever is higher on ad-valorem basis	200 per MT
	Talc	--	200 per MT
40	All other minerals (which is not specified in schedule-II) Entire State	30% of Sale Value on advalorem basis	30% of Sale Value or of Average Selling Price on advalorem basis which is higher.

26. Amendment of Form.- For Form- AP and Form - MDP of the said rules, the following shall be substituted, namely:-

FORM -AP
(see rule 42 (2))

Government of Karnataka Department of Mines and Geology Form AP for CMDP Form AP (Printed Date: & Time:)	
Form AP No : Type of Stake holder : Lease/license holder : Code : Lease/license holder : name : Mineral /Grade : Buyer Name : Destination : Mode of : Transportation : Route(Road, Rail, : Road) Total Quantity (in : CUM/MT/Sq.mt) Mineral rate : Purpose : DSC No/Name : Crushing/Mineral : based Unit : GSTIN :	Date: Lease/License/Work Permission/Auction/Seized Sand Check post : Total amount :

Block Detail:				
Total Blocks :				
Block	Length (CM)	Breadth(CM)	Height(CM)	Area in Cu Meter

Declaration: I/we hereby declare that the particular furnished above are correct.

Note: This is a Form AP not valid for the transportation of Minerals. This form is digitally and electronically signed.

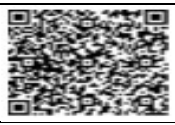
FORM – (MDP)

(see rule-42 (1))

Government of Karnataka Department of Mines and Geology Mineral Dispatch Permit(MDP) (See Rule 42-1 of KMMCR-1994)				
MDP NO.	:			
Form AP No	:		Sr No.:	
Lease/license No.	:		Barcode :	
Lease/license Name	:		Type of Land/Sy No:	
DSC No/Name	:		GST No.	
Village/Taluk/District	:		Loading Place:	
Quantity/Unit	:			
MDRO Purpose	:			
Mineral/Grade	:			
Total Amount Paid	:	(Royalty:DMF: /AAPP:		
Buyer	:			
Route /Distance	:	0		
Crushing/Mineral Based Unit	:		Check post :	
Vehicle NO./Type/Mobile No	:			
Validity /Hrs	:			
Destination	:			

Sign & Seal of Lessee

Sign & Seal of Check post officer



Lease holder copy

Block	Length(CM)	Breadth (CM)	Height (CM)	Volume. Cu. Mt
Total volume				
Total Blocks				

Government of Karnataka Department of mines and geology Mineral Dispatch Permit (MDP)			
(See Rule 42-1) of KMMCR-1994)			
MDP No	:		
Form AP No	:	Sr No.:	
Lease/license No.	:	Barcode :	
Lease/license Name	:	Type of Land/Sy No:	
DSC No/Name	:	GST No.	
Village/Taluk/District	:	Loading Place:	
Quantity/Unit	:	Sign & Seal of Lessee	
MDRO Purpose	:		
Mineral/Grade	:		
Total Amount Paid	:	(Royalty: DMF: APP/AAPP:	Sign & Seal of Check post officer
Buyer	:		
Route/Distance	:		
Crushing/Mineral based Unit	:	Check post :	
Vehicle NO./Type/Mobile No	:		
Validity/Hrs	:		
Destination	:	Destination copy	

Block	Length(CM)	Breadth(CM)	Height (CM)	Volume. Cu. mt
Total volume				
Total Blocks				

27. Amendment of Form E (part-V) – In Form E (part-V) in clause 4, for the words “fifteen times” the words, “five times” shall be substituted.

By Oder and in the name of the
Governor of Karnataka

(SHIVAPRAKASH)
DESK OFFICER (MINES)
COMMERCE AND INDUSTRIES DEPARTMENT



केन्द्रीय प्रदूषण नियंत्रण बोर्ड CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

NGT Matter- Urgent
November 18, 2024

F.No. Tech/ 39/ NGTSZ (258/2024)/ RDB/2024-25

525

To

The Deputy Director
Department of Mines and Geology
Jugal Travels, Kadri, Mallikatta, Mangalore-575001
Dakshina Kannada

Sub: Request to provide report of Mines and Geology on Sand mining in Pavoor uliva Kudru island

Sir,

Hon'ble NGT, Principal Bench, New Delhi registered a *suo-moto case* OA No: 1007 of 2024 dated 02.08.2024, based on the News item published in Udayvani dated 25.06.2024 titled "Pavoor Uliya Kudru shrinking due to illegal sand mining, Locals demand justice". The matter relates to the shrinkage of Pavoor Uliya Kudru near Magalore, Karnataka due to illegal sand mining. As per the article, Pavoor Uliya Kudru, a small island in the Netravati River between Pavoor and Adyar, is facing severe erosion and reduction in size due to illegal sand mining. The island has dramatically reduced from 80 acres and 2 kilometers in length to 40 acres and 1 kilometer.

In the said matter, Hon'ble NGT has impleaded Central Pollution Control Board, Karnataka Pollution Control Board, National Centre for Sustainable Coastal Management, Ministry of Environment and Forest & Climate Change through its Regional Office Bengaluru and Deputy commissioner, Dakshina Kannada and directed the respondents to file response. The case was then transferred to Southern Bench, Chennai and renumbered as No.258 of 2024(SZ). In this connection, in order to facilitate the respondents to file responses, it is requested to provide status report of sand mining in pavoor uliva kudru pl. The case is listed for hearing on 20-11-2024.

Yours faithfully

(J. Chandra Babu)
Regional Director

Encl: Copy of Hon'ble NGT Orders

क्षेत्रीय निदेशालय (बेंगलूरु) : निसर्ग भवन, ए-ब्लॉक, प्रथम एवं द्वितीय तल, तिम्मय्या रोड, 7-डी मैन, शिवनगर, बेंगलूरु - ५६० ०७९.

Regional Directorate (Bengaluru) : " Nisarga Bhawan ", A-Block, 1st & 2nd Floors, Thimmaiah Road, 7th D - Main, Shivanagar, Bengaluru - 560 079.

दूरभाष / Telephone : 080-23233739, 23233827, 23222539, Fax : 080-23234059

ई-मेल / E-mail : zobangalore.cpcb@nic.in

प्रधान कार्यालय : परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली- ११० ०३२.

Head Office : Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष / Telephone : 011-43102030, Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल / E-mail : cpcb@nic.in वेबसाइट / Website : www.cpcb.nic.in



केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA
NGT Matter- Urgent
November 18, 2024

Eno. Tech/ 39/ NGTSZ (258/2024)/ RDB/2024-25

526

To

The Deputy Director
Department of Mines and Geology
Jugal Travels, Kadri, Mallikatta, Mangalore-575001
Dakshina Kannada

Sub: Request to provide report of Mines and Geology on Sand mining in Pavoor uliva Kudru island

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Yours faithfully

(J. Chandra Babu)
Regional Director

Encl: Copy of Hon'ble NGT Orders

Copy to

1	The Member Secretary, KSPCB	For kind information and with a request to instruct concerned officials to furnish factual report in the matter.
2	The Regional Officer, KSPCB Plot No.10 B, Baikamapady Indl Area, Mangaluru-575011	With request to furnish factual report in the matter
3	PS to MS, CPCB, Delhi	For kind information of 'MS' please
4	DH, IPC-II, CPCB Delhi	For information and record pl
5	DH-Law Division, CPCB Delhi	For information and record pl

(J. Chandra Babu)

क्षेत्रीय निदेशालय (दक्षिण) : निसर्ग भवन, ए-ब्लॉक, प्रथम एवं द्वितीय तल, तिममय्या रोड, 7-डी मैन, शिवनगर, बेंगलूरु - ५६० ०७९.

Regional Directorate (South) : " Nisarga Bhawan ", A-Block, 1st & 2nd Floors, Thimmaiah Road, 7th D - Main, Shivanagar, Bengaluru - 560 079.

दूरभाष / Telephone : 080-23233739, 23233827, 23233996, 23233600, 23232559, 23226002, 23222539, Fax : 080-23234059

ई-मेल / E-mail : cpcbszo@yahoo.com, zobangalore.cpcb@nic.in

प्रधान कार्यालय : परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली- ११० ०३२.

Head Office : Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष / Telephone : 011-43102030, Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल / E-mail : cpcb@nic.in वेबसाइट / Website : www.cpcb.nic.in

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION NO. 285/2024 (SZ)

IN THE MATTER OF:

Suo Moto matter in respect of news item appearing in Udayavani dated 25.06.2024 titled **"Pavoor Uliya Kudru shrinking due to illegal sand mining, Locals demand justice"**

AND

Central Pollution Control Board and Others ...RESPONDENTS

**REPORT ON BEHALF OF RESPONDENT NO. 5 (DEPUTY
COMMISSIONER, DAKSHINA KANNADA DISTRICT)**

MOST RESPECTFULLY SHOWETH:

1. It is submitted that the present Original Application was registered *Suo Moto* based on the news item published in 'Udayavani' titled **"Pavoor Uliya kudru shrinking due to illegal sand mining locals demand justice"** dated 25.06.2024 and the issue relates to the reduction of Pavoor and Uliya Kudru at Ullala Taluk Dakshina Kannada District of Karnataka. The allegation in the said news report is that due to illegal sand mining in the said area the island is facing severe erosion and reduction in size, that the island has been reduced from 80 acres area to 40 acres and has led to drastic reduction of island's size, threatening its very existence and also alleged that occupants who are

Handwritten signature

primarily dependent on agriculture are losing their land and means of livelihood due to shrinking of island thereby decreasing the number of families from 50 to 35 indicating a significant impact on the community's wellbeing.

2. It is further submitted that a complaint was received in the year 2014 dated 23.09.2014 by the inhabitants of the said island on which the then District Commissioner inspected the said area on 23.11.2014 with member department officers of the District Sand Monitoring Committee directed the officers to take appropriate action as per law. The Regional Director of Environment Department has submitted that the said area comes with in the ambit of Costal Regulation Zone I and as of the Notification made by the MOEF dated 07.01.2011, sand mining is prohibited, and from an environmental perspective, the area is found to be eco-sensitive zone. The Environmental Officer, KSPCB, Dakshina Kannada also visited the said area and reiterated the same. Based on the reports and opinions received from the concerned departments in the interest of the Uliya Island and the inhabitants' life, the concerned Tahsildar passed an order under Section 133, CrPC for prohibition of sand quarrying in and around the said island for 1



kilometre circumference. True copy of order passed by the Tahsildar dated 28.11.2014 is annexed herewith as **Annexure R1.**

3. True copy of order dated 02.04.2024 passed by the Tahsildar is annexed herewith as **Annexure R2.**
4. It is further submitted that the Pavoru Uliya Island inhabitants have given again a complaint on 02.04.2024 which is a replicate of the complaint given on 23.09.2014 on which the concerned department officers have inspected and reported stating that presently there is no sand mining activity in the said area but it is observed that sand dunes at the eastern edge of the island had previously been mined in Pavuru, Adyar and Valchil areas as cited in the complaint and no such sand mining boats were observed in the area during the time of inspection.
5. True copy of inspection report dated 03.05.2024 is annexed herewith as **Annexure R-3.**
6. True Copy of representation made by some of the residents of Pavur Uliya Village is annexed herewith as **Annexure R-4.**
7. It is further submitted that this office has received complaint by the villagers about illegal sand mining near Pavoru uliya kudru on



31.05.2024 which is again about the same set of facts of the previous complaints on which a team has been constituted by the Deputy Director Department of Mines and Geology headed by the Senior Geologist of the office of the Deputy Director Department of Mines and Geology, Dakshina Kannada. The technical officers' team has submitted the report stating that the findings revealed that there is alluvial soil entwined with sand has been slipped at the east of the Island due to lack of mangrove vegetation whereas the remaining part is intact and the present area of the Island is 98.02 acres which is twofold than the actual area as of the revenue records. True copy of letter dated 21.06.2024 written by the Senior Geologist, Department of Mines and Geology is annexed herewith as **Annexure R-5**

8. True copy of the Taluk Sand Monitoring Committee dated 23.10.2024 is annexed herewith as **Annexure R-6**.
9. It is submitted that the meetings of District Sand Monitoring Committee have been convened on 06.05.2024, 10.06.2024 and 07.10.2024 and decisions have been held on prevention measures such as installing CC cameras at the sites where illegal sand mining and transportation are said to be taking place. The department of Mines and Geology and the Police Department shall monitor the CCTV footage and register



complaints at jurisdiction police stations. Further in the view of preventing illegal mining, departments like Coastal Zone Management Authority, Mines and Geology Department and Police Department should team up with and to take strict action in this regard under the chairmanship of Joint Director, Fisheries Department. The Assistant Commissioner, Mangaluru Divisional has been instructed to form teams at their respective levels to inspect illegal sand mining and submit a report often.

10. The lead of the said CCTV footages has been monitored by the office of the Senior Geologist, Department of Mines and Geology and cases have been registered against the individuals who are into illegal sand extraction and transportation in the district.
11. It is submitted that the Taluk Sand Monitoring Committee meetings have been held on 04.09.2024, 30.10.2024 and 15.11.2024 under the Chairmanship of the Assistant Commissioner, Mangaluru Sub-Division and the said committee has made three successive drives to the said area and patrolled on boats in the river and seized the boats used for sand extraction away from the said Pavor Uliya village and dug trenches all along the way paved to dock yards.



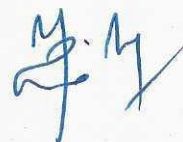
12. On the report submitted by the Department of Mines and Geology a committee has been formed in the chairmanship of Assistant Commissioner on 28.06.2024 to re-inspect the illegal sand mining activity and to give a detailed report, on which the said team has submitted the report stating as such that there was no illegal sand mining activity found in the said area and have recommended certain measures to combat illegal sand mining in the said area such as day and night patrol, to make trenches at the roads which make way to river bank/ dock, to make teams of officials of the member departments of Taluk sand monitoring committee, to seize the illegal sand stocking if found and to proceed legally against the land owner.
13. As per the recommendations made by the committee to prevent unauthorised sand mining in the said area teams have been formed and appropriate directions have been issued to Senior Geologist, Department of Mines and Geology, Dakshina Kannada, Assistant Commissioner of Police, Mangaluru City (North) and concerned Tahsildars. Further, a Magisterial order under Section 152 of BNSS prohibiting sand quarrying in the said island for 2 km has been passed by the Assistant Commissioner Mangaluru Sub Division. True Copy of order dated 09.10.2024 passed by the Sub Divisional Officer,



Mangalore Sub Division, Dakshina Kannada District is annexed herewith as **Annexure R-7.**

14. It is further submitted that on the said report submitted by the committee led by the Assistant Commissioner, Mangalore Division, teams were formed to monitor and combat illegal sand mining activity in the said area, frequent rounds including day and night patrol around the said area is on till date. True Copy of the complaint filed before the Additional Civil Judge and JMFC, Bantwal is annexed herewith as **Annexure R-8.**

15. It is further submitted that on 04.10.2024 a drive has been conducted by the Taluk sand monitoring committee, where 21 boats, 6 boat machines and 8 commercial gas cylinders were seized at the upstream near Pudu Village of Bantwal Taluk from the said area and a case has been registered in jurisdictional court for illegal sand mining and transportation, bearing PCR No. 15/2024 before the Additional Civil Judge and JMFC, Bantwal. True copy of case status pertaining to PCR No. 15/2024 before the Additional Civil Judge and JMFC, Bantwal is annexed herewith as **Annexure R-9.**



16. It is further submitted that, there are no illegal sand mining activity at Pavoor Uliya at the moment and the area is being constantly monitored by teams formed and stringent action regarding the same will be taken if illegal activity takes place. In light of the above submissions it is humbly prayed that the above suo moto case may be kindly disposed of.


Deputy Commissioner
Dakshina Kannada District
Mangaluru
Deputy Commissioner
Dakshina Kannada District
Mangaluru

Filed By

Darpan KM
Standing Counsel
State of Karnataka

Date:19.11.2024

Annexure - 01

**Karnataka Government
(Revenue Department)
Taluk Office, Mangalore**

Office: 0824-2220587
Fax: 0824-2410953
Email: tah.mngir@gmail.com

No: M.A.G/CR/121/14-15 (A3)

Date: 28-11-2014

The behavior of the Mangalore Tahsildars and Taluk Executive Magistrates.

Subject: An order has been issued under Section 133 of the Criminal Procedure Code, prohibiting activities such as sand mining, sand storage, and transportation of sand through boats and other vehicles, within a 1 km radius surrounding the 'Uliya Island' (Kudru) in the Pavor and Adyar Gram Panchayat areas of Mangalore Taluk, except for ferrying boats.

Reference:

- 1) Complaint petition from the residents of Uliya Island dated: 23-09-2014
- 2) Site inspection and directions by the Honorable District Commissioner dated: 23-11-2014
- 3) Letter from the Deputy Director, Mines/Geology Department, Mangalore, letter number; DMG/DD/(MAN)Sand/2014-15/5344 dated: 27-11-2014
- 4) Letter from the Regional Director (Environment), Forest, Environment, and Wildlife Department, Mangalore, letter number CR JD/GL/354/14-15 dated: 27-11-2014
- 5) Letter from the Environmental Officers, Karamanimam, Mangalore, letter number Manimam/Prak(Mangal)/2014-15/1774 dated: 28-11-2014.

In Uliya Island (Kudru), located within the Pavor Gram Panchayat area of Mangalore Taluk, there are over 50 residential houses and agricultural land. It has been observed that unauthorized sand mining is being carried out around the island using mechanized boats and various types/models of machines, and that sand is being stored and transported.

On the right side of Uliya Island (Kudru), located between the river Netravati, lies the Adyar Gram Panchayat, while on the left side is the Pavoor Gram Panchayat. Unauthorized and unscientific sand mining of the public mineral resource, sand, is continuously taking place around the island.

- a. Areas around Uliya Island (Kudru), such as soil erosion zones, are being washed away by the water, posing a threat to the existence of the island.
- b. It has also been reported that the residents of the island are facing life threats from those engaged in unauthorized sand mining. This was confirmed through an on-site investigation as well.
- c. Laborers who have come from other states (e.g., Jharkhand, Uttar Pradesh, etc.) to work in the sand mining industry are setting up temporary tents on the island's edge. They are not only damaging the environment but are also trespassing on the private lands of island residents, stealing coconuts, vegetables, etc., and creating disturbances in their livelihoods.
- d. The area where sand mining is being carried out falls within the prohibited CRJD-1 zone.
- e. The district-level committee, chaired by the District Commissioner, has not yet approved the suitability of this area for sand mining.
- f. Sand mining around the island, using both manual labor and machinery, is causing continuous harm to aquatic plants and animals, leading to environmental damage.
- g. Unauthorized and unscientific sand mining is subjecting the island to continuous erosion, and areas around the island are being washed away, with coconut trees falling, which has also been observed.

In this context, the Honorable District Commissioner of Dakshina Kannada conducted an on-site inspection on the morning of 23-11-2014, along with officials from various departments. He issued directions to take necessary actions to preserve the island and its surrounding environment.

Regarding the matter, the Deputy Director of the Mines and Geology Department has provided latitude and longitude information in his report.

Similarly, the Regional Director of the Environment Department has noted that the area in question, according to the Coastal Zone Management Plan, falls under CRZ-1. As per the Coastal Regulation Zone Notification of 2011, no new activities are permitted in this area. The vicinity of the location has a variety of mangrove species, making it an ecologically sensitive area. The Director opined that granting permission for sand mining around the area (Kudru) is inappropriate.

The Environmental Officers of the Karnataka State Pollution Control Board conducted an inspection of the location on 28-11-2014. They observed that Uliya Island (Kudru) contains houses, a church, a school, and various plant species and trees. From an environmental perspective, it is considered to be a highly sensitive area. The use of JCBs, Hitachi machines, and dredging equipment for sand mining near Uliya Island is likely to gradually have an adverse impact on the island's environment, as well as on the aquatic life and plant species in the river. Therefore, they opined that granting permission for sand mining around Uliya Island (Kudru) is not appropriate.

In light of all these considerations, in order to protect the lives and property of the residents of Uliya Island (Kudru), and in the exercise of the powers conferred under Section 133 of the Criminal Procedure Code, I, Shri K. Mohan Rao, Mangalore Tahsildar and Taluk Executive Magistrate, have issued an order to immediately prohibit all types of sand mining within a 1 km radius surrounding Uliya Island (Kudru) to prevent public nuisance. The order shall be effective immediately.

I hereby immediately prohibit all sand excavation and transportation using any boat or machine, except for ferrying boats, within the restricted area.

Additionally, I am also immediately prohibiting the storage of sand and filling of vehicles with sand in the unauthorized dumps located in the areas described below. The latitude and longitude coordinates are as follows:

A: N12° 52' 6.26" E 74° 56' 31.91"

B: N12° 51' 57.65" E 74° 56' 37.7"

From:

A: N12° 51' 47.47" E 74° 55' 14.83"

B: N12° 51' 35.07" E 74° 55' 15.65"

This area is included within the prohibited zone.

1. Adyar village's Valachil dump.
2. The dump located behind the Sahyadri Engineering College in Adyar village.
3. The dump on the left side of the river/island near Pavor.

If any violations of this prohibition order are observed from today, legal action will be taken against the individuals involved, as per the applicable laws.

(K. Mohan Rao)

Tahsildar and Taluk Executive
Magistrate, Mangalore Taluk,
Dakshina Kannada District

Public Notification:

1. The Village Panchayat Development Officer, Pavor Village Panchayat, Mangalore, is instructed to affix and circulate the notice on the notice board of Pavor Village Panchayat.
2. The Village Panchayat Development Officer, Adyar Village Panchayat, Mangalore Taluk, is instructed to affix and circulate the notice on the notice board of Adyar Village Panchayat.
3. The Revenue Inspectors of B Hobli, within the jurisdiction of Pavor Village Panchayat, are instructed to affix and circulate the notice near the dumps and submit a report along with the village residents' statement today.
4. The Revenue Inspectors of Gurupura Hobli, within the jurisdiction of Adyar Village Panchayat, are instructed to affix and circulate the notice near the dumps and submit a report along with the village residents' statement today.
5. The Press Officer, Mangalore, has been requested to publish the details of the matter in local and district-level newspapers.

Submitted with respect:

1. Regarding the kind consideration of the Honorable District Magistrates and the Honorable District Commissioner, Dakshina Kannada, Mangalore.
2. Regarding the kind consideration of the Honorable Police Commissioner, Mangalore, and the strict adherence to the order, with a request to provide appropriate instructions to the Mangalore Rural and Konaje Police Stations and to take action through the Police Traffic Squad.
3. Regarding the consideration of the Honorable Assistant Commissioner and Sub-Divisional Magistrates.

Copy to:

1. The Assistant Director, Department of Mines and Geology, Mangalore, with a request to take strict action through departmental staff and to install flexes related to the prohibition order near the specified dumps.
2. The President/ Village Panchayat Development Officer, Pavor/Adyar Village Panchayat.
3. The Station House Officer, Konaje Police Station/Mangalore North Police Station, with a request to implement a beat system to ensure strict compliance with the order.

Annexure-02

From

The Villagers

Pavur uliya

Adyar, Mangaluru- 575007

Reagrading Illegal Sand Mining

This is to bring to your notice that we are inhabitants of Pavur Uliya island and around about 30 families are residing in the said area from last 50 years. In the recent times there have been instances of illegal sand mining in an around of our isaland due to which there has been depletion in the coastal zone. There illegal sand mining starts at 5 am and goes on till 7 pm in the evening due to which soil erosion has taken place in the island.

In view of te above it is requested to kindly take necessary action and curb illegal sand mining in the area and save our island from sand mining theft.

Thanking you,

The villlagers of Pavur

Uliya.

Date- 02-04-2024

Annexure-03

Submitted:

Subject: Report on Inspection and Action Taken in Response to the Complaint Regarding Unauthorized Sand Mining in Pavor-Uliya Island (Kudru) within Mangalore and Ullal Taluk Jurisdiction

References:

1. Complaint from Mr. Shivappa, Member of Pavor-Uliya, Adyar-575007, dated 02-04-2024
2. Honorable District Commissioner's Letter No: IDS/MMC/CR:95/2024/E-405577/B2, dated 19-04-2024, received on 24-04-2024.
3. Mangalore Taluk Tahsildar and Taluk Executive Magistrate, Dakshina Kannada District, Order No: MAG/CR/121/14-15(A3), dated 28-11-2014.

In connection with the above-mentioned subject, on 02-05-2024, at 12:10 PM, the Geological Department officials, along with junior engineers, visited the Pavor-Uliya Island (Kudru) area in Mangalore and Ullal Taluks, as per the complaints received in references (1) and (2), to investigate the unauthorized sand mining activities. During the inspection, it was observed that the previously cleared sand dunes in the area had been removed, and at present, no sand mining activities were found to be taking place. In the inspection of the island, it was observed that the sand dunes at the eastern edge of the island had previously been cleared. The sand layers and the upper layer of loamy soil in the area where the dunes had been cleared were found to be naturally eroding. It was mentioned in the complaint that the sand removed from the site was being transported to Pavor, Adyar, and Valchill areas. However, during the site inspection, no sand deposits were found in the mentioned sand transportation routes. No sand mining boats were observed in the area during this time. Photographs were taken at the site during the inspection, and necessary actions will be taken accordingly.

Regarding the mentioned island (Uliya), the following decisions were made by the Tahsildar and the Taluk Executive Magistrate of Mangalore Taluk, South Kannada District, as referenced in item (3):

- The Uliya Island (Kudru) area, falling under the Pavor and Adyar Gram Panchayats in the Mangalore and Ullal Taluks, was subject to the following restrictions within a 1-kilometer radius surrounding the island: The extraction, storage, and transportation of

sand, including by boats and other vehicles, is prohibited. This area is declared a prohibited zone under Section 133 of the Criminal Procedure Code, effectively banning all sand-related activities.

- Coastal Regulation Zone Opinion: The Regional Director of the Environment Department has stated that the area in question falls under CRZ-1 as per the Coastal Zone Management Plan. According to the Coastal Regulation Zone Notification of 2011, no new activities are allowed in this area. Surrounding the area are plant species of the mangrove category, which makes it a highly sensitive environmental area. Therefore, the opinion was given that allowing sand mining in the vicinity of Kudru Island would not be appropriate.
- Environmental officials from the Karnataka State Pollution Control Board inspected the area on 28-11-2014. It was observed that the island (Kudru) contains houses, a church, a school, various species of plants, and sand. The area is considered highly sensitive from an environmental perspective. The sand mining activities in the vicinity of the island using JCBs, Hitachi machines, and dredging equipment could gradually have a detrimental impact on the island's environment, as well as on the aquatic life and plant species in the river. Therefore, it is opined that granting permission for sand mining near the island (Kudru) is not advisable.
- In light of all these factors, and in the responsibility of protecting the lives and properties of the residents of the island (Kudru), under the powers vested by Section 133 of the Criminal Procedure Code, the Tahsildars and Taluk Executive Magistrates of Mangalore Taluk, South Kannada District, have issued an order as per reference (3). The order also directs the Panchayat Development Officers of Pavoor Village Panchayat and Adyar Village Panchayat to issue a public notice regarding the said order. Additionally, the Revenue Inspectors of B Hobli, Revenue Inspectors of Gurupura Hobli, and the News Officer of Mangalore have been instructed, as per the proceedings found in reference (3).
- The order regarding the Pavoor-Uliya Island, as mentioned in reference (3), has been brought to the attention of the respected Deputy Commissioner of South Kannada District, the respected Police Commissioner of Mangalore, and the respected Assistant Commissioner of Mangalore Sub-Division for their kind consideration.

- Further, a copy of the said order has been communicated to the Assistant Directors of the Department of Mines and Geology, the Presidents/Panchayat Development Officers of Pavoor/Adyar Village Panchayat, and the Station House Officers of Konaje Police Station, Mangalore/North Police Station, instructing them to take stringent action and ensure compliance with the order in the designated area.

Details of actions taken by the Department of Mines and Geology during the 2023-24 financial year in the areas of Adyar, Valachil, and Pavoor:

- In the Pavoor area, an unauthorized sand stockpile of 210 metric tons was penalized with a fine of Rs. 1,47,000, and the sand was disposed of as per regulations.
- In the Adyar area, an unauthorized sand transportation/stockpile totaling 110 metric tons was penalized with a fine of Rs. 1,20,900, and the sand was disposed of as per regulations.
- In the Valachil area, an unauthorized sand stockpile of 830 metric tons was penalized with a fine of Rs. 5,81,240, and the sand was disposed of as per regulations.

The Pavoor-Uliya area, as per the order in reference (3), is designated as a prohibited area for sand mining, transportation, and other sand-related activities. Since the area falls within the coastal regulation zone, and as already noted in reference (3), relevant departments have been instructed to take appropriate and strict measures. Accordingly, it is recommended to issue letters to the following authorities to enforce stringent action to prevent any unauthorized sand mining/transportation/stockpiling activities in the area: 1) Regional Director (Environment), Coastal Regulation Zone, Mangalore, 2) Environmental Officers, Karnataka State Pollution Control Board, Mangalore, 3) Panchayat Development Officers, Adyar/Pavoor, 4) Revenue Inspectors, B Hobli Pavoor Area/Gurupura Hobli Adyar Area, 5) Presidents/Panchayat Development Officers, Pavoor/Adyar Village Panchayat, 6) Station House Officers, Konaje Police Station Mangalore/North Police Station.

The detailed report above is submitted for your consideration and further action.

Enclosures:

1. Photographs (5 pages)
2. Location Map

Date: 03-05-2024

Place: Mangalore

Geologist

Annexure - 04

From

The Villagers

Pavur uliya

Adyar, Mangaluru- 575007

Reagrading Illegal Sand Mining

This is to bring to your notice that we are inhabitants of Pavur Uliya island and around about 30 families are residing in the said area from last 50 years. In the recent times there have been instances of illegal sand mining in an around of our isaland due to which there has been depletion in the coastal zone. There illegal sand mining starts at 5 am and goes on till 7 pm in the evening due to which soil erosion has taken place in the island.

In view of te above it is requested to kindly take necessary action and curb illegal sand mining in the area and save our island from sand mining theft.

Thanking you,

The villlagers of Pavur

Uliya.

Date- 31-05-2024

Annexure-05

Submitted:

Subject: Regarding the report published in Daijiworld media about unauthorized sand mining/transportation activities taking place in Kudru Island, Pavor, Ullal Taluk, please investigate the matter and submit a report.

Reference: Memorandum from this office, No. DMG/SG(MAN)/Staff/2024-25, Dated: 21-06-2024.

In relation to the above matter, it has been reported in Daijiworld media on 20-06-2024 that hundreds of laborers are continuously engaged in sand mining using boats in the Pavor Kudru area of Ullal Taluk. As a result, the area of the 80-acre island has now been reduced to 40 acres, causing significant distress to the residents living on the island. Given the urgency of the issue as highlighted in the media, it is directed that an investigation be conducted regarding the unauthorized sand mining/transportation activities in the area. Appropriate action should be taken as per regulations, and a report should be submitted within 12 hours as per the referenced letter.

On 21-06-2024, a field inspection was conducted in the Pavor-Uliya Kudru area of Ullal Taluk. According to the inspection, the water levels around the Pavor-Uliya Kudru area have increased due to the rains, and the flow of water has intensified. As a result of the strong water flow, the layers of sand and silt around Kudru have been submerged by the water, and the sand layers found in Kudru are observed to be collapsing naturally. During this time, no sand mining activities were observed in the Kudru area. During the inspection, a motorized boat was used to conduct the survey around Kudru, accompanied by local residents Mr. Shivappa, Mr. Bajil, and Mr. Babble Vency. According to the locals, it was reported that sand mining boats arrive near Kudru during the night to extract sand.

It is worth mentioning that a night patrol team has already been formed in Mangalore and Ullal Taluks. This team conducts regular patrols every day of the week in the areas related to the taluk.

A letter will be written on 03-05-2024 to the following authorities requesting strict action to prevent any unauthorized sand mining/transportation/stocking activities in the Kudru area of the Pavor region: Regional Directors (Environment) Coastal Regulation Zone, Mangalore; Environmental Officers, Karnataka State Pollution Control Board, Mangalore; Revenue

Inspectors of B Hobli Pavor area/Gurupur Hobli Adyar area; Presidents/Development Officers of Pavor/Adyar Gram Panchayats; and Police Station Heads of Konaje Police Station Mangalore/North Police Station.

However, as complaints from the public/media regarding sand mining activities in the Pavor-Uliya Kudru area are being received by this office, it is recommended that a letter be written to the Commissioner of Police, Mangalore City, requesting instructions to the concerned police station to deploy daily patrol staff to prevent any unauthorized sand mining/transportation/stocking activities in the Pavoru-Uliya Kudru area. The above report, along with photographs, is submitted for your awareness and further action.

Dated: 21-06-2024

Dr. Mahadeshwara H.S

Geologist

Annexure-07

(Revenue Department)

Office of the Assistant Commissioner, Mangalore Sub-Division

2nd Floor, Taluk Administrative Building, Mangalore - 575001

Phone/Fax Office: 0824-2220569, E-Mail: acmangalore@ka.gov.in

No: M.M.C.R.01/2024

Date: 09-10-2024

"Proposal"

Subject: Regarding the prohibition of sand mining activities in the areas of Pavoor, Uliya Kudru villages within the jurisdiction of Mangalore and Ullal taluks, South Kannada district.

Reference:

1. Official Memorandum No: M.M.C.C.R: 32/2024/E-324878/B2, dated 28.06.2024, from the respected Deputy Commissioner, South Kannada District, Mangalore.
2. This office's letter No: M.M.C.R: 01/2024, dated 20.08.2024.
3. Official Memorandum No: M.M.C.C.R: 32/2024/E-324878/B2, dated 17.09.2024, from the respected Deputy Commissioner, South Kannada District, Mangalore.

Pavoor-Uliya village in Mangalore Taluk, South Kannada district, is located in both Mangalore and Ullal taluks of Dakshina Kannada district, approximately 8 km east of Mangalore city. The physical area of the village covers about 30.79 acres. Kudru, a part of the village, is situated 11 km from the Arabian Sea coast and lies at an elevation of 19 meters above sea level. It is approximately 1.5 km upstream from the Harekal Vented Dam. The village has a population of approximately 150 people, consisting of around 35 families. The survey numbers of the village are 84, 119, and 119/2. Uliya village is situated on the riverbed of the Netravathi River, and Kudru (Island) lies in the Netravathi river's course. The Netravathi River originates in the Yellinira Ghat in Kudremukh, Chikkamagaluru district, and flows approximately 107 km through the Western Ghats before merging with the sea. The river, as it reaches the coastal region, loses its turbulent flow and deposits sediments in its meanders and along the riverbank, where new landforms, including islands like Kudru, are formed. The area is predominantly composed of sand. Similarly, new land formation has been observed in the northern, northeastern, and eastern directions of Uliya Kudru.

Following complaints from locals regarding illegal sand mining activities in the Pavoor-Uliya (Kudru) area, which are leading to land erosion and degradation of the region, and with the issue being covered in newspapers and media, the District Commissioner of South Kannada, Mangalore, in reference (1), has instructed that an immediate investigation be conducted. In reference (2), the District Commissioner has directed the formation of a 6-member investigation team under the chairmanship of the Sub-Divisional Officer, Mangalore Sub-Division. The team is to submit a detailed report with clear recommendations within one week.

Further, the Department of Mines and Geology has clarified that no licenses have been issued for sand mining in the area. After reviewing the published news reports on illegal sand mining in the Pavoor-Uliya Kudru village of Mangalore and Ullal taluks, South Kannada district, and analyzing the area's maps, extent, and satellite images using the Google Engine Portal, the investigation team studied 15 years' worth of images. The team carefully examined the maps and areas where complaints of illegal sand mining were reported. Based on the findings, the committee, as per reference (2), has made recommendations on measures to prevent illegal sand mining. These recommendations, after in-depth discussion with the relevant local authorities, will be submitted to the District Commissioner of South Kannada, Mangalore.

1. Planting vegetation along the riverbank to control soil erosion and prevent the bank from collapsing due to water flow.
2. Constructing retaining walls made from geo-textile materials in appropriate areas to control erosion and landslides caused by river flow.
3. Installing trenches along the riverbank roads to prevent illegal sand mining from spreading in the region.
4. A team consisting of officials from the Mining and Geology Department, Revenue Department, and Police Department should periodically conduct raids. If illegal sand mining is detected, confiscate the boats and take legal action. Also, take legal action against those involved in illegal sand storage.
5. Officials may be provided with necessary speedboats and support from trained Coastal Security Police for the raids.

6. Contractors handling government work should be mandated to procure sand only from authorized license holders, and a wide public awareness campaign should be conducted.

As per the recommendations submitted by the committee in the investigation report to prevent unauthorized sand mining, the unauthorized mining activity taking place in the Nethravathi River near Pāvuru Uliya Kadru will be addressed in the official notice referenced in (3). In this regard, appropriate instructions will be issued to senior geologists, the Mining and Geology Department, Mangalore, the Assistant Commissioner of Police, Mangalore North, and the concerned Taluk Tahsildars from the Dakshina Kannada district to prevent the illegal mining activities.

Considering the above points, I hereby order that, to prevent any disturbances to the residents living in the Pāvuru Uliya Kadru area, the environment, and other resources, and to protect the lives and property of the people residing on the Uliya Island (Kadru), the necessary actions will be taken to safeguard the area and stop illegal mining activities.

Order

After reviewing the proposal, I, Harshavardhan S.J. K.A.S.E., Sub-Divisional Officer and Division-level Nuisance Officer, Mangalore Sub-Division, Dakshina Kannada District, exercising the powers granted under Section 152 of the Indian Civil Security Code-2023 (BNSS), hereby issue the following order to prevent public nuisance: Effective immediately, all types of sand mining are prohibited within a 2 km radius surrounding the "Uliya Island" (Kadru) area.

I hereby immediately prohibit the transportation of sand products through any boats or vehicles, other than the authorized boats, within the restricted area.

Additionally, I also impose an immediate ban on the storage of sand in unauthorized stockpiles and its distribution to vehicles in the areas detailed below. The affected area includes the following latitude and longitude coordinates:

A	12° 52' 6.26" N	74° 56' 31.91" E
B	12° 51' 57.65" N	74° 56' 37.7" E
From		
A	12° 51' 47.47" N	74° 55' 14.83" E
B	12° 51' 35.07" N	74° 55' 15.65" E

1. The stockpile at Valachil Dakke in Adyar village.
2. The stockpile behind the Sahyadri Engineering College in Adyar village.
3. The stockpile at Pāvuru Dakke, located on the left bank of the river/island.

Any violations of this ban, effective from today, will lead to legal action against the individuals concerned, as per the applicable laws.

This order has been issued on the date: 09/10/14, with my signature and seal.

(Harshavardhan S.J. K.A.S.E.)
Sub-Divisional Officer and Division-Level
Nuisance Officer, Mangalore Sub-Division,
Dakshina Kannada District,

To,

- 1) The Honorable Police Commissioner, Mangalore City, Mangalore.
- 2) The Honorable District Commissioner, Dakshina Kannada District, Mangalore.
- 3) Senior Geologist, Mining and Geology Department, Mangalore.
- 4) Concerned Taluk Tahsildars, Dakshina Kannada District – For appropriate action.

Copy to for information and necessary action:

- 1) The Honorable Chief Executive Officer, Dakshina Kannada Zilla Panchayat, Mangalore.
- 2) Senior Assistant Director, Department of Information and Public Relations, Mangalore.
- 3) Executive Officer, Taluk Panchayat, Mangalore Taluk.

Regarding Public Notice:

- 1) To the Village Panchayat Development Officer, Pāvuru Village Panchayat, Mangalore Taluk, for posting and widely publicizing the notice on the Pāvuru Village Panchayat notice board.
- 2) To the Village Panchayat Development Officer, Adyar Village Panchayat, Mangalore Taluk, for posting and widely publicizing the notice on the Adyar Village Panchayat notice board.
- 3) To the Revenue Inspectors, B Hobli, Pāvuru Village Panchayat, to post and publicize the notice near the stockpiles within the Pāvuru Village Panchayat jurisdiction and report back with the public's acknowledgment.