

CT-4107/70

(PUBLISHED IN THE GAZETTE OF INDIA PART II, SECTION 3 SUB-SECTION (i) DATED 1.8.1970 AS GSR No. 1117)

Government of India
Ministry of Petroleum & Chemicals and Mines & Metals
(DEPARTMENT OF MINES AND METALS)

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NEW DELHI, THE 23RD MAY, 1970
2 JYAIŠHA, 1892

NOTIFICATION

G.S.R. 1117. In exercise of the powers conferred by section 13 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules further to amend the Mineral Concession Rules, 1960 namely:-

1. (1) These rules may be called the Mineral Concession (Second Amendment) Rules, 1970.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Mineral Concession Rules, 1960, -
 - (1) in rule 9, -
 - (i) in sub-rule (2), after clause (c), the following clause shall be inserted, namely:-
"(d) a valid clearance certificate, in the form prescribed by the State Government, of payment of mining dues, such as royalty or dead rent and surface rent payable under the Act or the rules made thereunder, from that Government or any officer or authority authorised by that Government in this behalf:

Provided that where any injunction has been issued by a court of law or any other competent authority staying the recovery of any such mining dues, the non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said prospecting licence:

Provided further that where a person has furnished an affidavit to the satisfaction of the State Government stating that he does not hold a prospecting licence, it shall not be necessary for him to produce the said valid clearance certificate.";

(ii) after sub-rule (2), the following sub-rules shall be inserted, namely:-

"(3) The State Government may, for reasons to be recorded in writing, relax the provisions of clause (d) of sub-rule (2) of rule 9.

(4) The grant of a clearance certificate under clause (d) of sub-rule (2) of rule 9 shall not discharge the holder of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by him under the Act or the rules made thereunder.";

(2) in rule 22, in sub-rule (3), -

(1) in clause (i), after sub-clause (c), the following sub-clause shall be inserted, namely:-
"(d) a valid clearance certificate, in the form

prescribed by the State Government, of payment of mining dues, such as royalty or dead rent and surface rent payable under the Act or the rules made thereunder, from that Government or any officer or authority authorised by that Government in this behalf:

Provided that where any injunction has been issued by a court of law or any other competent authority staying the recovery of any such mining dues, the non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said mining lease:

Provided further that where a person has furnished an affidavit to the satisfaction of the State Government stating that he does not hold a mining lease, it shall not be necessary for him to produce the said valid clearance certificate:

Provided also that the grant of a clearance certificate under sub-clause (d) shall not discharge the holder of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by him under the Act or the rules made thereunder.":

(ii) after clause (i), the following clause shall be inserted, namely:-

"(ia) The State Government may, for reasons to be recorded in writing, relax the provision of sub-clause (d) of clause (i).":

...../-

Provided that where any injunction has been issued by a court of law or any other competent authority staying the recovery of any such mining dues, the non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said prospecting licence:

Provided further that where a person has furnished an affidavit to the satisfaction of the State Government stating that he does not hold a prospecting licence, it shall not be necessary for him to produce the said valid clearance certificate.";

(ii) after sub-rule (2), the following sub-rules shall be inserted, namely:-

"(3) The State Government may, for reasons to be recorded in writing, relax the provisions of clause (d) of sub-rule (2) of rule 9.

(4) The grant of a clearance certificate under clause (d) of sub-rule (2) of rule 9 shall not discharge the holder of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by him under the Act or the rules made thereunder.";

(2) in rule 22, in sub-rule (3), -

(1) in clause (i), after sub-clause (c), the following sub-clause shall be inserted, namely:-
"(d) a valid clearance certificate, in the form

prescribed by the State Government, of payment of mining dues, such as royalty or dead rent and surface rent payable under the Act or the rules made thereunder, from that Government or any officer or authority authorised by that Government in this behalf:

Provided that where any injunction has been issued by a court of law or any other competent authority staying the recovery of any such mining dues, the non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said mining lease:

Provided further that where a person has furnished an affidavit to the satisfaction of the State Government stating that he does not hold a mining lease, it shall not be necessary for him to produce the said valid clearance certificate:

Provided also that the grant of a clearance certificate under sub-clause (d) shall not discharge the holder of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by him under the Act or the rules made thereunder.";

(ii) after clause (i), the following clause shall be inserted, namely:-

"(ia) The State Government may, for reasons to be recorded in writing, relax the provision of sub-clause (d) of clause (i).";

...../-

(3) in Schedule I, -

(i) in Form B, after item (vi) of para 3, the following items shall be inserted, namely:-

"(via) No. and date of the valid clearance certificate of payment of mining dues (copy attached).

(vib) If on the date of application the applicant does not hold a prospecting licence, it should be stated whether an affidavit to this effect has been furnished to the satisfaction of the State Government.";

(ii) in Form E, after item (vi) of para 2, the following item shall be inserted, namely:-

"(via) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed).";

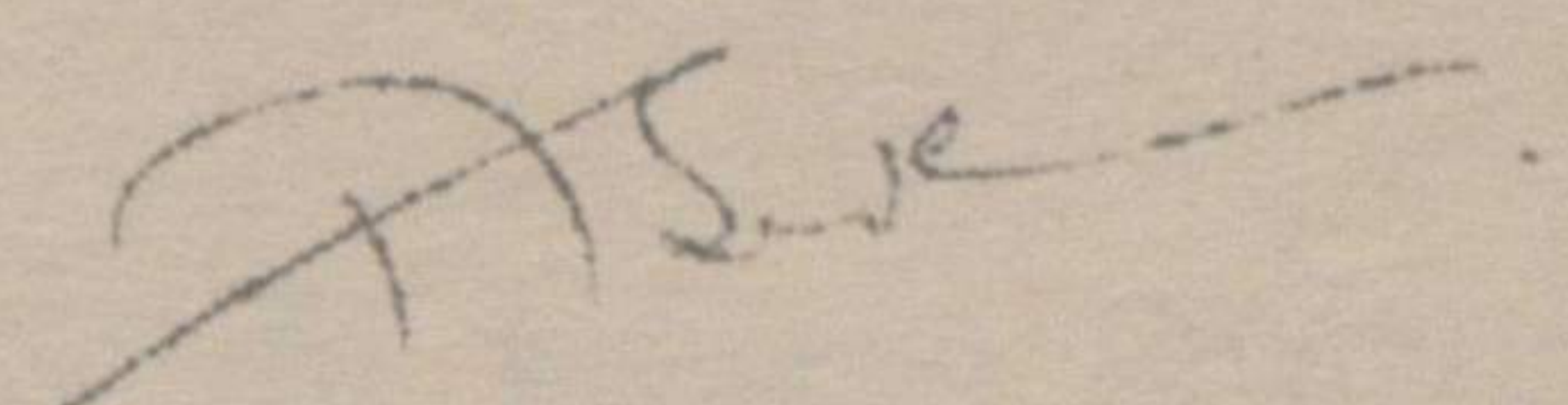
(iii) in Form I, after item (vi) of para 3, the following items shall be inserted, namely:-

"(via) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed).

(vib) If on the date of application, the applicant does not hold a mining lease, it should be stated whether an affidavit to this effect has been furnished to the satisfaction of the State Government.";

(iv) in Form J, after item (vi) of para 2, the following item shall be inserted, namely:-
"(via) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed)".

(F.NO.1(34)/68-MVI)


(A. SETHUMADHAVAN)

Under Secretary to the Government of India.

To

The General Manager,
Government of India Press,
Minto Road,
NEW DELHI:

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परन्तु यह और कि जहाँ राज्य सरकार को समाधान होने तक किसी व्यक्ति ने यह कहे हुए शपथ-पत्र दे दिया है कि उसके पास पूर्वक्षण अनुज्ञप्ति नहीं है तो उसके लिये कथित विधान-नियम निकासी प्रमाण पत्र को पेश करना आवश्यक नहीं होगा " ;

(2) उप-खण्ड (2) के बाद- निम्नलिखित उप-नियम अन्तः स्थापित किये जायेंगे, अर्थात् :-

" (3) राज्य सरकार, उन कारणों के लिये जो अधिलिखित किये जायेंगे, नियम 9 के उप-नियम (2) के खण्ड (घ) के उपबन्धों को शिथिल कर सकेगी ।

(4) नियम 9 के उप-नियम (2) के खण्ड (घ) के अधीन निकासी प्रमाण-पत्र का अनुदान इस प्रकार के प्रमाण-पत्र के धारक को उस खनन शोधों को संदाय करने के दायित्व से उन्मोचित नहीं करेगा जो तत्पश्चात् पाये गये अधिनियम अथवा तद्दीन बताये गये नियमों के अधीन उसके द्वारा संदेय किये हों " ;

(2) नियम 22 में, उप-नियम (3) में,-

(1) खण्ड (1) में उप-खण्ड (ग) के बाद निम्नलिखित उप-खण्ड अन्तः स्थापित किये जायेंगे, अर्थात् :-

" (घ) अधिनियम के अथवा तद्दीन बनाये गये नियमों के अधीन संदेयः स्वाभिस्व अथवा अनिवार्य-आटक और - भूतल धाटक जैसे खनन शोध का संदाय का उस सरकार से अथवा किसी अधिकारी अथवा इस निमित्त उस सरकार द्वारा प्राधिकृत प्राधिकारी से राज्य सरकार द्वारा विहित प्रश्न में विधान-नियम निकासी प्रमाण-पत्र :

परन्तु जहाँ किसी न्यायालय अथवा अन्य किसी सक्षम प्राधिकारी द्वारा इस प्रकार की किसी खनन-शोध की वसूली को रोकते हुये कोई व्यादेश निकाल दिया गया हो तो उसका संदाय न किया जाना कथित खनन पट्टे के अनुदान अथवा नवीकरण के प्रयोजन के लिये निरर्हता नहीं जानी जायेगी :

परन्तु यह और कि जहाँ राज्य सरकार को समाधान होने तक किसी व्यक्ति ने यह कहते हुए शपथ-पत्र दे दिया है कि उसके पास खनन पर्चा नहीं है तो उसके लिए कथित विधिवानुय निकासी प्रमाण पत्र को पेश करना आवश्यक नहीं होगा " ;

परन्तु यह और भी कि निकासी प्रमाण-पत्र का अनुदान इस प्रकार के प्रमाण-पत्र के धारक को उस खनन शोधों को संदाय करने के दायित्व से उन्मोचित नहीं करेगा जो तत्पश्चात् पार गण अधिनियम अथवा तद्धीन बतार गण नियमों के अधीन उसके द्वारा संदेय करने हो " ;

(2) खण्ड (1) के बाद, निम्नलिखित खण्ड अन्तः स्थापित किया

जाएगा, अर्थात्:-

"(1क) राज्य सरकार, उन कारणों के लिए जो अधिलिखित किए जाएंगे,

खण्ड (1) के उप-खण्ड (घ) के उपबन्धों को शिथिल कर सकेगी " ;

(3) अनुसूची I में,-

(1) प्ररूप ख में, पैरा 3 के बंद (6) के बाद निम्नलिखित मंद

अन्तः स्थापित किए जाएंगे, अर्थात्:-

"(6क) खनन शोध के संदाय के विधिवानुय निकासी प्रमाण-पत्र की संख्यांक और तारीख (प्रतिलिपि संलग्न) ।

(6ख) यदि आवेदन पत्र की तारीख को, आवेदक पूर्वक्षण अनुज्ञप्ति को धारण नहीं करता है, तो यह कहा जाना चाहिए कि क्या राज्य सरकार को समाधान होने तक इस बारे में शपथ-पत्र दे दिया है, " ;

(2) प्ररूप (ड) में, पैरा 2 के बंद (6) के बाद, निम्नलिखित

अन्तः स्थापित किया जाएगा, अर्थात्:-

"(6क) खनन शोध के संदाय के विधिवानुय निकासी प्रमाण-पत्र की संख्यांक और तारीख (प्रतिलिपि संलग्न) " ;

(3) प्ररूप (इ) में, पैरा 3 के बंद (6) के बाद निम्नलिखित

अन्तः स्थापित किया जाएगा; अर्थात्:-

"(6क) खनन शोध के संदाय का विधिमान्य निकासी प्रमाण-पत्र की संख्या और तारीख (प्रतिलिपि संलग्न)।"

(6ख) यदि आवेदन पत्र की तारीख को, आवेदक खनन पट्टे को धारण नहीं करता है, तो यह कहा जाना चाहिए कि क्या राज्य सरकार का समझाना होने तक इस बारे में शपथ-पत्र दे दिया है";

(4) प्ररूप (अ) में पैरा 2 के बाद (6) के बाद निम्नलिखित शब्द अन्तः स्थापित किया जाएगा, अर्थातः-

"(6क) खनन शोध के संदाय के विधिमान्य निकासी प्रमाण-पत्र की संख्या और तारीख (प्रतिलिपि संलग्न)" -

(संख्या 11(34)/68-खान-6)

सेवा में,

प्रबन्धक,

मुद्रणालय भारत सरकार,

लिनो रोड,

नई दिल्ली ।

अवर सचिव भारत सरकार