

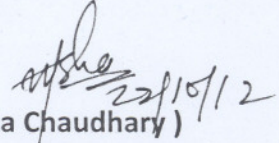
ADMINISTRATION OF DAMAN & DIU
OFFICE OF THE COLLECTOR
COLLECTORATE, DAMAN.

NO.COL/DMN/MINING/2012-13/ 423

DATED: 19.10.2012
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NOTIFICATION

Vide notification No.COL/DMN/MINING/2012-13/2663 dated 14.08.2012, the UT Administration of Daman & Diu has published a draft Daman & Diu Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of illegal Mining Rules, 2012 inviting objections, suggestions etc. whereas, no objections/suggestions have been received so far. However, the UT Administration of Daman & Diu hereby re-publishes the Draft Daman & Diu Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of illegal Mining Rules, 2012 with modifications for information of general public for inviting objections/suggestions etc., on or before 5th November, 2012. Those who wish to file their suggestion, objections etc., may address the same to the Deputy Collector (HQ), Collectorate, Daman before the due date.


(Asha Chaudhary)
Deputy Collector (HQ)/
Deputy Secretary (Rev)

To

1. All the Head of Offices, UT Administration of Daman & Diu.
2. The District Informatic Centre, NIC, Daman with a copy of the Draft Daman & Diu Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of illegal Mining Rules, 2012 with a request to arrange to hoist the same in Daman & Diu website immediately and inform this office.
3. The Field Publicity Officer to give wide publicity.
4. The Deputy Director, Planning & Statistics, Printing Press, Daman to publish the same immediately in the Extraordinary Official Gazette.

Cc to:

1. The P.S. to Hon'ble Administrator, DD & DNH, Daman for information.
2. The PS to the Development Commissioner/Finance Secretary, DD & DNH, Daman.

THE DRAFT DAMAN AND DIU MINOR MINERALS RULES, 2012

In exercise of the powers conferred by sub-section (i) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957), read with Govt. of India, Ministry of Home Affairs, Notification No. _____ dated _____, the Administrator of Union Territory of Daman and Diu, hereby makes the following rules namely:

CHAPTER-1

PRELIMINARY

1. Short title and commencement:-

- (i) These rules may be called the **Union Territory of Daman and Diu Minor Minerals Rules, 2012**.
- (ii) They shall come into force from the date of their publication in the Official Gazette.

2. Application: - These rules shall apply to entire territory of Daman and Diu.

3. Definition:-

(1) *In these rules, unless the context otherwise requires:-*

- (i) **"Act"** means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957).
- (ii) **"Administrator"** means the **Administrator** of Union Territory of **Daman and Diu appointed under Article 239 of the Constitution of India**.
- (iii) **"Assessee"** means a person holding a quarry lease and includes any other person who has excavated, removed or processed or is excavating, removing or processing minor minerals or minerals.
- (iv) **"Assessment Year"** means the period beginning from the first day of July and ending on the thirtieth day of June of the following year or part thereof;
- (v) **"Authorised Officer"** means any officer appointed under the provisions of Goa, Daman and Diu Land Revenue Code and rules made there under or any other Officer as designated under these rules by Administrator.
- (vi) **"Catchment area"** means the total notified area draining into a given waterway or water body.
- (vii) **"Cluster of mining"** means a group of quarry lease holders each having area less than one hectare and mining together within a minimum area of two hectares.
Explanation:- An individual quarry lease granted over an area of more than one hectare shall not be considered for computation of minimum two hectares area for the purpose of these rules:

- (viii) **"Competent Authority"** means the **Collector** of the District or any other authority authorized by the **Administrator** to implement the provisions of these rules;
- (ix) **"Crushing"** means processing of quarry products.
- (x) **"Excavation"** means digging and / or collecting of minor minerals from any land.
- (xi) **"Form"** means forms prescribed by the Administrator.
- (xii) **"Minor Mineral"** means Minor minerals as defined in section 3(e) of the Act.
- (xiii) **"Pollution Control Committee"** means the Pollution Control Committee of **Union Territory of Daman and Diu**.
- (xiv) **"Quarry"** means each plot available for quarrying lease.
- (xv) **"Quarrying"** means extraction of minor minerals from the Quarry.
- (xvi) **"Quarry Lease"** means a lease for quarrying granted under these rules wherein a lessee is allowed to win minerals and required to pay fixed rent, dead rent, royalty, fee, fines or any other charges as prescribed under these rules;
- (xvii) **"Quarry Plan"** means a comprehensive mining plan for systematic and scientific development of the quarry lease for undertaking quarrying operation and for the purposes of these rules the quarry plan in respect of any minor minerals shall be deemed to be the mining plan;
- (xviii) **"Rent"** means charge levied for the use of land during subsistence of the quarrying as may be prescribed by the **Administrator** from time to time.
- (xix) **"Revisional Authority"** means the **Administrator**.
- (xx) **"River"** - Includes any stream, canal, creek, or other channels, natural or artificial.
- (xxi) **"Village site"** means any area recognized according to Goa, Daman and Diu Land Revenue Code. 1968.

(2) Words and expressions used but not defined in these rules shall have the meaning respectively assigned to them in the Mines and Mineral (Development and Regulation) Act, 1957 and Mineral Conservation and Development Rules, 1988 made by the Central Government under Section 18 of the Act and the Mines Act, 1952

CHAPTER-II

GENERAL RESTRICTION ON QUARRYING OPERATIONS

4. Quarrying to be under quarry lease :-

- (i) No person shall undertake any quarrying operation in respect of any minor mineral in any land except in accordance with these rules.
- (ii) No quarrying shall be allowed within the distance of :-
 - a. 500 metres from any educational institution, health institution or **outer periphery of defined limits of any village site** in case where explosive is used for blasting.
 - b. 200 metres from **any educational institution, health institution or outer periphery of the defined limits of any village site** in other cases.
- (iii) No quarrying shall be allowed within **50 metres of State Road / major /other District Road.**
- (iv) No quarrying shall be allowed on **land surrounded on all sides by Reserved Forest or protected forest or wildlife sanctuary.**
- (v) **No quarrying shall be allowed below 50 feet from the ground surface or below the ground water table in any area, whichever is less.**
- (vi) **No quarry shall be allowed within 100 meters of boundary of a Reserved Forest, wild life sanctuary or protected forest.**
- (vii) No quarrying shall be allowed within notified catchment area;
- (viii) No quarrying shall be allowed in a depression;
- (ix) No quarrying shall be allowed without Environment clearance obtained from Competent Authority.

5. Criteria to be considered by Competent Authority for grant or renewal of quarry lease:- No quarry lease shall be granted or renewed by the Competent Authority unless he is satisfied that.-

- (i) there is evidence to show that the area for which the lease is applied has existence of minor minerals; and
- (ii) there is a quarry plan duly approved by the Administrator or any officer authorized by the Administrator for this purpose in respect of such deposits for the development of minor mineral deposits in the area concerned.

CHAPTER-III

QUARRY LEASES

- 6. Identification of areas for quarrying.-** The Competent Authority shall, with the approval of the Administrator, identify contiguous areas for quarrying having due regard to the restrictions mentioned in Rule 4, general topography and environmental aspects.
- 7. Grant of quarry leases.-** All areas identified for quarrying shall be allotted to the successful bidder by open auction
Provided that a Government Department undertaking quarrying operation under its own direct supervision shall be exempted from bidding process.
- 8. Bidding process for quarry leases.-** (1) the Competent Authority shall publish notice fixing the date of auction.
(2) There shall be at least thirty clear days between the date of publication of the notice and the date fixed for auction
(3) The notice of auction shall also indicate the minimum reserve price for each quarry below which bids will not be accepted.
- 9. Terms and conditions for granting quarry lease:-**
(1) Only one quarry lease shall be permitted to a successful bidder except that such restriction shall not apply in case of Government Departments.
(2) Successful bidder shall have to execute a quarry lease deed **in a model form of lease deed as may be prescribed by Administrator**, within the period specified in the award letter.
(3) No sub-lease of the quarry shall be permitted.
(4) **Every mining lease will be subject to such other conditions as may be required for enforcement of the Act and these rules and any other law for the time being in force in Union Territory of Daman and Diu , as may be required by the Administrator in the public interest.**
- 10. Quarry lease deeds:-** the following conditions shall be followed, namely:-
(1) The lease deed shall include the quarry plan of the quarry lease alongwith a site map.
(2) No quarry lease holder is entitled to raise any dispute with reference to survey and demarcation of the quarry permitted out to him after execution of the quarry lease deed.
- 11. Period for which leases may be granted or renewed:-**
(1) A quarry lease for a minor mineral shall be granted for a period of not more than three years.

- (2) The date of commencement of the period of lease granted under these Rules shall be the date on which the lease deed is executed;
- (3) The lease shall expire on the date specified in the lease deed unless it is renewed for a period of not more than six months on such terms and conditions as may be specified therein.

12. Minimum and Maximum area of the Quarry lease:-

- (1) The minimum area that can be granted under a quarry lease shall be one hectare and the maximum area that can be granted under a quarry lease shall be two hectares:

Provided that the Administrator for reasons to be recorded in writing may, in respect of any area and any minor mineral, relax the said minimum or maximum area.

- (2) **The area under quarry lease shall be in a compact block and the lease holder shall install boundary marks after its demarcation by the authorized officer.**
- (3) **The boundaries of the area covered by a quarrying lease shall run vertically downward below the surface towards centre of the earth.**

13. Responsibility of the holder of quarry lease :-

Every lease holder including its Owner, Manager or Supervisor shall:

- (1) Ensure that the protective measures contained in the quarry closure plan including reclamation and rehabilitation work shall be carried out in accordance with the approved quarry closure plan or with such modifications as approved by the Administrator or the authority authorized for such purposes under these rules:
- (2) submit to the Competent Authority, a yearly report before the 1st June of every year setting forth the extent of protective and rehabilitative works carried out as envisaged in the approved quarry closure plan and if there is any deviation, reasons thereof
- (3) carryout the quarry operations in such a manner as to ensure systematic development and conservation of minor minerals deposits and take all possible precautions for the protection of environment and control of pollution while conducting quarrying of minor mineral in the area for which lease is granted;
- (4) control air pollution including dust, exhaust emissions or fumes during quarry operations for minor mineral and related activities

and maintain permissible limits specified under any environmental laws for the time being in force;

- (5) Take all possible precautions to prevent or reduce to a minimum the discharge of toxic and objectionable liquid effluents from minor mineral quarry, workshop or processing plant into surface of ground water bodies and usable lands and such effluents shall conform to the standards laid down by the Government.
- (6) Control noise pollution arising out of quarrying or any processing operation for minor mineral at the source so as to keep it within the permissible limit.
- (7) **The quarry lease may contain and provide for such other responsibilities as the Administrator may deem necessary in compliance of a law for the time being in force in the Union Territory of Daman and Diu.**

CHAPTER-IV

QUARRYING OPERATIONS

14. Quarrying operations to be in accordance with quarry plan :-

- (1) Every lease holder shall carryout quarrying operations for minor minerals in accordance with the quarry plan.
- (2) If the quarrying operations are not carried out in accordance with the quarry plan as referred to under sub-rule (1), the Competent Authority may order suspension of all or any of the quarry 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.

15. Quarry plan to be prepared.-(1)

The Administrator shall notify a Committee for entire Territory which shall be responsible for preparing quarry plan for the area identified under Rule 6 through a competent agency and the cost of preparation of such plan or plans shall be apportioned amongst the leaseholders of quarries established on such area in such manner as the committee may decide

- (2) The quarry plans shall include for each identified area outer boundary, potential for extraction or crushing, progressive and final closure plan of quarry, plans for reclamation and restoration of land, measures for

pollution control, responsibility of the quarry lease holder and any other matter that the Committee may decide

16. Approval and notification of Quarry Plan: - On approval of the quarry plan by the Administrator or any officer authorised for this purpose, with or without modifications, it shall be duly notified

17. Mine Closure Plan.- Every quarry shall have quarry Closure Plan as a component of quarry plan, which shall be of two types:- (i) a progressive quarry closure plan: and (ii) a final quarry closure plan

18. Cluster Mining.- (1) Where more than one quarry lease with an area less than one hectare has been granted, all those quarry leases shall be allowed to operate only as a cluster, and in such clusters the provisions of quarrying of minor minerals shall be complied within a systematic and scientific manner in terms of quarrying plan individually by each quarry lease holder.

(2) The programme of restoration and reclamation of the mined out area and rehabilitation must be made jointly in phased manner in the abandoned areas in the entire cluster of the minor minerals as specified by the Competent Authority

19. Removal and utilization of top soil.- (1) Every holder of a quarry lease shall wherever top soil exists and is to be excavated for quarry operations, remove it separately.

(2) The top soil so removed shall be utilized for restoration or rehabilitation of the land which is no longer required for prospecting or mining operation or for stabilizing or landscaping the external dumps.

(3) When the top soil cannot be utilized concurrently, it shall be stored separately for future use.

20. Storage of overburden, waste rock, etc.- Every holder of a quarry lease shall

(1) Take steps so that the overburden, waste rock, rejects and fines generated during quarrying operations shall be stored in separate dumps;

(2) Properly secure the dumps so as to prevent escape of materials there from in harmful quantities which may in turn cause degradation of environment or cause floods;

(3) Select the site for dumps as far as possible on impervious ground to ensure minimum leaching effects due to precipitations:

(4) Wherever possible, back-fill the waste rock, overburden. etc., into the quarry excavations with a view to restoring the land to its original use as far as possible:

- (5) In case the back-filling of waste rock in the area excavated during quarry operations is not feasible, suitably terrace and stabilize the waste dumps through vegetation or otherwise

CHAPTER-V

ENVIRONMENT

- 21. Reclamation and rehabilitation of lands.-** Every holder of quarry lease shall undertake the phased restoration, reclamation and rehabilitation of lands affected by quarry operations and shall complete this work before the conclusion of such operations and the abandonment of prospect or quarry.
- 22. Precaution against ground vibrations.-** Whenever any damage to public buildings or monuments is apprehended due to their proximity to the quarry lease, scientific investigations shall be carried out by the holder of quarry lease so as to keep the ground vibrations caused by blasting operations within safe limit.
- 23. Precaution against air pollution.-** Air pollution due to fines, dust, smoke or gaseous emissions during quarrying and related activities shall be controlled and kept within permissible limits as specified under various environmental laws of the country including the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the Environment (Protection) Act, 1986 (29 of 1986) by the holder of quarry lease
- 24. Discharge of toxic liquid.-** Every holder of quarry lease shall take all possible precautions to prevent or reduce the discharge of toxic effluents and objectionable liquid effluents from quarry, quarry workshop, into surface water bodies, ground water aquifer and useable lands, to a minimum and such effluents shall be suitably treated, if required, to conform to the standards laid down in this regard by the Government.
- 25. Precaution against noise.-** Noise arising out of quarrying shall be abated or controlled by the holder of prospecting licence or a quarry lease at the Source so as to keep it within the permissible limit.
- 26. Permissible limits and standards.-** The standards and permissible limits of all pollutants, toxic effluents and noise referred to in rules 23, 24 and 25 shall be in terms of standards notified by the Government.
- 27. Restoration of Flora:-** Every holder of the lease shall-
- (1) carry out operations in such manner as to cause least damage to the flora of the area held under quarry lease and the nearby areas;
 - (2) take immediate measures for planting in the same area or any other area selected by the Competent Authority not less than twice the

number of trees destroyed by reason of quarrying operations and look after them during the subsistence of the lease after which these trees shall be handed over to any other authority as may be nominated by the Administrator and restore to the extent possible, other flora destroyed by quarrying operations.

CHAPTER-VI

EXCAVATION OF BRICK EARTH

28. A permit of excavation of brick earth may be granted by the Competent Authority or an officer authorized by him in favour of the brick kiln owner only for the purposes of manufacturing of bricks.
29. The initial permit may be granted for a period up to two years, and may be renewed for a maximum period of one year on an application made for renewal at least 90 days before expiry of the permit.
30. The excavation of brick earth under the permit shall not be permissible beyond a depth of nine feet measured from the natural ground level of the area;
31. The application for excavation of brick earth shall be made to the Competent Authority or an officer authorised by him in this behalf in a Form as may be prescribed along with the following supporting documents:
- (1) The particulars/details of the land, i.e. revenue estate, survey number, field numbers etc. from where he proposes to extract/remove the brick earth;
 - (2) Lay out Plan of the area from where brick earth is to be removed;
 - (3) Written consent of the land owner(s) along with certified copy of the agreement signed between the landowner and the applicant after mutual settlement of compensation between the parties.
 - (4) A copy of the partnership deed or Articles of Memorandum in case the applicant is a partnership firm or a company, as the case may be.
32. The royalty on account of excavation of brick earth shall be charged as per rates prescribed by the Administrator. The amount in such cases shall be payable in advance for the complete financial year or part thereof;
33. The permit for excavation of brick earth will be granted in Form as may be prescribed by the Administrator.

CHAPTER-VII

RIVER BED MINING

34. In order to ensure safety of river-beds, structures and the adjoining areas, the following conditions shall be applicable for excavation of minor mineral(s) from river beds:

- (1) No mining would be permissible in a river-bed up to a distance of five times of the span of a bridge on up-stream side and ten times the span of such bridge on down-stream side, subject to a minimum of 250 metres on the up-stream side and 500 metres on the down-stream side;
- (2) There shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be decided by the Administrator.
- (3) The maximum depth of mining in the river-bed shall not exceed three metres measured from the un-mined bed level at any point in time with proper bench formation;
- (4) Mining shall be restricted within the central half of the total width of the river/ rivulet;
- (5) No mining shall be allowed on the stretch of the river passing through any Reserved Forest, Wildlife Sanctuary or Protected Forest.
- (6) Any other condition(s), as may be prescribed by the Administrator.

CHAPTER-VIII

TRANSIT OF MINOR MINERALS

35. Display of quarry lease- Every lease holder shall display the details of quarry lease granted to him on a board in a prominent place within the quarry lease site.

36. Maintenance of Records and production of the same for inspection.- A lease holder shall maintain a record in Form as prescribed and such records shall be open to inspection by the competent authority or by any other person so authorized in this behalf by the competent authority.

37. Furnishing of statement of accounts by a leaseholder. Every quarry lease holder within fifteen days of the last date of each month shall submit to the Competent Authority a return of the total sales affected by him during such month in a Form as may be prescribed.

38. Intimation of landing of minor minerals in Union Territory of Daman and

Diu. Where a person brings minor minerals into the Union territory of Daman and Diu from any other place, he shall intimate to the competent authority on arrival of such minor minerals, in the form as may be prescribed along with copy of the bill of lading and wharfage.

39. Cash Memorandum.- (1) Every person, while selling minor minerals shall give to the purchaser a cash memorandum prepared in duplicate and every purchaser, owner, driver, and the person in charge of any vessel or vehicle or other conveyances shall produce the Cash Memorandum at the time of inspection and verification as required by the Competent Authority or by any other person authorized by the Competent Authority in this behalf

(2) Any consignment of minor mineral without a valid Cash Memorandum including the receptacle, carts, vehicles or other conveyances used for carrying such mineral, shall be liable for seizure by the Competent Authority or such authorized person.

(3) The date and time on each cash Memorandum issued shall be entered in words and figures by the seller at the time of dispatch of the consignment.

(4) The Cash Memorandum shall indicate the registration number of the holder of the quarry lease or the importer of minor mineral from whom the mineral has been purchased or sourced.

40. Transit pass.- (1) Every quarry leaseholder before transporting minor mineral to crushing site and every importer of minor mineral before transporting minor minerals shall obtain transit pass in triplicate from the Competent Authority.

(2) A copy of the Transit Pass shall be required to be produced by every purchaser, owner, driver, and the person in charge of any vessel or vehicle or other conveyances at the time of inspection and verification as required by the Competent Authority or by any other person authorized by the Competent Authority in this behalf.

(3) Any consignment of minor mineral without a valid transit pass including the receptacle, carts, vehicles or other conveyances used for carrying such mineral, shall be liable for seizure by the Competent Authority or such authorized person.

(4) The date and time on each Transit Pass issued shall be entered in words and figures by the quarry lease holder, and the importer of minor mineral, at

the time of dispatch of the minor minerals in a separate register to be maintained by such lease holder or importer.

(5) The transit pass shall indicate the registration number of the holder of the quarry lease or the importer of minor mineral from whom the mineral has been purchased or sourced.

41. Checking of unauthorized transaction or transit of minor minerals.- Any person who possesses any minor mineral for processing consumption or for sale has sold any minor mineral shall, if so required, produce sufficient proof including Cash Memorandum or copy of transit Pass, to the Competent Authority or to any other person authorized in this behalf by the Competent Authority to the effect that the minor mineral had been purchased from any duly authorized quarry lease holder or importer of minor mineral, as the case may be, failing which the Competent Authority or such authorized person may seize the minor mineral and realize an amount not exceeding a sum calculated at double the market value of such mineral thereof.

CHAPTER-IX

REGISTRATION, RETURNS AND NOTICES

42. Registration and Monthly and Annual Returns.-(1)The owner, agent, or manager of every quarry lease and every importer of minor mineral shall register himself with the Competent Authority and the registration number so allotted by the Competent Authority shall be mentioned in all reporting and correspondence connected therewith.

(2) For the purpose of registration under sub-rule (1) the owner, agent, or manager of quarry lease shall obtain registration within one month from the execution of the lease deed and every importer of minor mineral shall obtain registration before arrival of the mineral into the territory of Daman and Diu

(3)The owner, agent, or manager of every quarry lease, shall submit to the Competent Authority returns in respect of each quarry lease, in the following manner, namely:-

(a) a quarterly return which shall be submitted before 15th of every month for the preceding month in Forms as prescribed: and

(b) a annual return which shall be submitted before the first day of July each year of the preceding financial year in Form as prescribed:

Provided that in the case of abandonment of a quarry, the annual return shall be submitted within ninety days from the date of abandonment.

(4) If it is found that the owner, agent, or manager of quarry has submitted incomplete or wrong or false information in quarterly or annual returns or fails to submit any of the returns within the date specified, then the Competent

Authority may,-

- (a) order suspension of all quarrying operations in the quarry and may revoke the order of suspension only after ensuring proper compliance;
 - (b) take action to initiate prosecution under these rules;
 - (c) recommend termination of the quarry lease, in case such suppression or misrepresentation of information indicates abetment or connivance of illegal quarrying.
- (5) If more than one mineral is produced from the same quarry return shall be submitted in specified forms for each mineral separately.
- (6) In case of temporary discontinuance of quarrying operations or suspension of quarrying operations, the owner, agent, or manager of quarry, shall submit return in the specified form furnishing relevant particulars, inclusive of "Nil" information.

43. Abandonment or surrender of quarries site.- (1) The leaseholder of every quarry shall not abandon or surrender quarry site or a part of such quarry site during the subsistence of the lease except with prior permission in writing of the Competent Authority.

(1) Notice for abandonment or surrender of quarry site or a part thereof shall be given in Form as prescribed by the Competent Authority and shall be accompanied by plans and sections on a scale of not less than (1 cm = 10 metres) showing accurately the work done in such quarry site up to the date of submission of the notice.

(2) The Competent Authority may, by an order in writing prohibit abandonment or refuse surrender or allow the abandonment or surrender of quarry site or a part thereof with such conditions as he may specify.

(3) Where an abandonment of a quarry lease site or part thereof takes place as a result of the occurrence of a natural calamity beyond the control of the leaseholder or the lease is terminated in compliance of any order or directions issued by any Statutory Authority established under any law for the time being in force or any tribunal or a Court, an intimation shall be sent to the Competent Authority within a period of twenty-four hours of such abandonment or termination and within a period of fifteen days of such abandonment or termination in other circumstances, in the manner provided in sub-rule (2).

44. Intimation of re-opening of a quarry site.- The holder of every quarry lease site shall send to the Competent Authority an intimation in Form as prescribed for reopening of such quarry lease after discontinuance so as to reach within seven days from the date of such reopening.

CHAPTER X

POWER TO INVESTIGATE AND ISSUE DIRECTIONS

45. Power to investigate and report.- (1) An authorized officer or any other officer authorised by the Administrator may enter and inspect a quarry, and examine or direct the examination of any mineral deposit in any area under quarry lease and take samples there from at any time for the purposes of these rules.

(2) Subject to the provisions of this rules, the Authorised officer and Competent Authority shall have the powers to authorize investigation and institute prosecution against any person for offences under the Act or these rules in respect of minor minerals in the following cases, namely:—

(a) quarrying operations for any mineral without a quarry lease:

(b) undertaking of any quarrying operations outside the area granted under quarry lease:

(c) transactions relating to possession of mineral stock of unknown origin, or such mineral which cannot be satisfactorily accounted for;

(d) transportation, storage trade or export, of illegally raised mineral without lawful authority;

(e) any other matter pertaining to illegal quarrying referred to the Union Territory of Daman and Diu Administration by the Central Government

46. Prohibition of deployment in certain cases.- If any quarry, in the opinion of the Competent Authority, poses a grave and immediate threat to the conservation of mineral resources or to the environment, the Competent Authority may, by an order in writing to the holder of quarry lease, require such lease holder to take such measures as may be specified in the order and may prohibit, until the requirements as specified in the order are complied with to the satisfaction of such officer, the deployment of any person other than those required for compliance with the requirement of the order or operation of any quarrying operations.

CHAPTER XI

ROYALTIES AND DEAD RENT

47. Royalty payable in respect of minerals: (1) The holder of quarry lease, whether granted before or after the commencement of these rules shall, notwithstanding, anything in the instrument of lease or in any other law for the time being in force, pay royalty in respect of any mineral removed or consumed by him or by his agent, manager, employee or contractor on the leased area to the Daman and Diu Administration.

(2) The Administrator may by notification, declare the rate at which royalty shall be payable in respect of minor minerals in the union territory of Daman and Diu.

48. Dead Rent Payable by lessee:- (1) The holder of quarry lease, whether granted before or after the commencement of these rules shall, notwithstanding anything contained in the instrument of lease or in any other law for the time being in force, pay every year, "dead rent" for all the areas included in the quarry lease to the Daman and Diu.

(2) Where the holder of such quarry lease becomes liable under sub rule (1) of Rule 47 to pay royalty for any mineral removed or consumed by him or by his agent manager employee or contractor from the leased area, he shall be liable to pay either such royalty, or "the dead rent" in respect of that area whichever is higher.

(3) The Administrator may by notification, declare the rate at which "dead rent" shall be payable in respect of any minor minerals.

Provided that in respect of such portion of a lease in which both major and minor minerals occur, higher of the two dead rents shall be payable.

(4) In order to encourage mining of small deposits in cluster, "dead rent" for the area shall be determined with regard to the actual mineralised area under quarrying operations.

CHAPTER XII

REVISION

49. Revision:- (1) Any person aggrieved by any order made by the competent authority or authorized officer, as the case may be under these rules, may, within two months from the date of communication of the order to him, prefer a revision application to the Administrator who shall be the Revisional Authority in such matter.

- (2) In every application under sub-rule (1) against order of the competent authority to grant a quarry lease, any person to whom a quarry lease was granted in respect of the same area or for a part thereof, shall be impleaded as party.
 - (3) Every revision petition, under rule (1) shall be accompanied by a receipt of payment of ₹ 1000/- at Government Treasury, Silvassa
 - (4) Along with the revision petition under sub-rule (1) the applicant shall submit as many copies thereof as there are parties impleaded under sub-rule (2).
 - (5) On receipt of the revision petition and the copies thereof, the Revisional Authority, shall send a copy of the revision petition to the Competent Authority or the Authorized Officer whose orders are being challenged, and to each of the parties impleaded under sub-rule (2) specifying a date on or before which he may make his representation, if any, against the revision petition.
- 50. Stay orders .-** Pending the final disposal of revision application, the Revisional authority may for sufficient cause, stay the execution of the order against which revision has been made.
- 51. Final order.-** (1) Where a revision application is made under rule (1) of rule 51, the Revisional Authority may confirm, modify or set aside the order or pass such other order in relation there to as it may deem just and proper.
- (2) The order passed by the Revisional Authority shall be final and binding on the parties.
- 52. Opportunity of being heard:-** - No order under this Chapter shall be passed against any person interested unless he has been given a reasonable opportunity of being heard.

CHAPTER-XIII

OFFENCES AND PENALTIES

- 53.** Save as otherwise provided in the Goa Daman and Diu Land Revenue Code, 1968, and any other law for the time being in force, any act of illegal or unauthorized mining shall be liable to the following:
- (i) for a first time violation, the said mineral shall be liable to be seized along with the impounding of all such tools, equipment, vehicles or any other things used for such unauthorised operation, which may be released only upon realisation of the payment of price of the mineral and the applicable royalty for the mineral extracted and, in addition, a fine which

shall not be less than One Lakh rupees;

(ii) for a second time violation, the said mineral shall be liable to be seized along with the impounding of all such tools, equipment, vehicles or any other things used for such unauthorised operation for a minimum period of seven days, which may be released only upon realisation of the payment of price of the mineral and the applicable royalty for the mineral extracted and, in addition, a fine which shall not be less than One Lakh Fifty Thousand rupees;

(iii) Wherever a person is found to be indulging in such offence for the third time or more, the officer concerned shall register an FIR and handover all such tools, equipment, vehicles or any other things used for such unauthorised operation to the Police. Any such offence shall entail (a) confiscation of all such tools, equipment, vehicles or any other thing used for such unauthorised operation for a period of minimum thirty days or more, and (b) pecuniary penalty and punishment for the offence as provided under Section 21 of the Mines & Minerals (Development & Regulation) Act, 1957.

54. (1) If the person committing an offence under these rules is a company registered under the Companies Act, every person, who at the time when the offence was committed, was in-charge and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-rule shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Where an offence under these rules has been committed with the consent or connivance of any director, manager, secretary or other authorized representative of the company, such director, manager, secretary or other authorised representative shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER-XIV

MISCELLANEOUS

55. Cancellation of a lease: - (1) If a leaseholder fails to comply with any of the conditions of the quarry lease or any of the provisions of the Act, rules

applicable on quarrying operations or any directions issued by the Competent Authority or an Authorized Officer in this regard, or if the quarry area is urgently required for any public purpose, the Competent Authority may by an order in writing cancel the lease issued under these Rules

(2) In the event of cancellation of the lease under sub-rule (1), the stock of minor mineral with the leaseholder shall be seized and put to auction by the Competent Authority or any authorized officer, and the proceeds of such action shall be credited to government account

(3) A leaseholder whose lease has been cancelled under these rules shall not be eligible for grant of a lease or participate in the bidding process for a period of five years from the date of cancellation of such lease and other penal provisions in the Act, as applicable, would also be simultaneously instituted by the Competent Authority or any authorized officer.

(4) Before issue of any final orders of cancellation of a quarry lease under sub-rule (1), the Competent Authority shall give an opportunity of being heard and record reasons in writing, and communicate to the quarry lease holder

56. Quarrying for domestic or agricultural purposes .- (1) In cases of improvement of land for construction of residential building, creation of playground for public purpose, construction of canals, wells, roads or for agricultural and such other purposes where extraction of minor mineral is inevitable and for **removal of minor mineral such as mauram, kankar, sand and stone etc for bonafide domestic consumption or land filling requirements of village residents and hereditary kumbhars**, the Competent Authority may grant permit in Form to be prescribed, on such terms and conditions, as it may specify, other than those specified in these rules on the basis of an application by interested party along with a sworn affidavit to the effect that such excavation will not pose any danger to life and property of any person in the vicinity:

Provided that a transit pass shall be issued for transport of such minor mineral by the authorized officer on application by the interested party.

(2) A person permitted to extract minor mineral under sub-rule (1) shall be exempted from obtaining quarrying lease.

(3) Removal of minor mineral by any person, firm, association or company for the purposes as mentioned in sub-rule (1) without a valid permit shall amount to an offence under the provision of the Act and these rules.

(4) Royalty for the mineral extracted shall be paid at the rates fixed for the said mineral in the Union Territory

57. Revenue Recovery: - All sums due to the Government under or by virtue of these rules may be recovered under the provisions of the Goa, Daman and Diu Land Revenue Code 1968 and the rules framed there under as though such sums are arrears of land revenue.

58. Repeal and Saving (1) The Goa, Daman and Diu Minor Mineral Extraction Rules 1985 are hereby repealed.

(2) Notwithstanding the repeal, anything done or any action taken or proceedings commenced under 'Goa, Daman and Diu Minor Mineral Extraction Rules 1985' shall be deemed to have been done, taken or commenced under these rules provided that wherever the terms and conditions of any mineral concession, granted before the commencement of these rules, are inconsistent with or repugnant to these rules, the same shall be deemed to have been modified in accordance with these rules from the date of notification thereof.