

# **ARYAN SCHOOL OF ENGINEERING & TECHNOLOGY**

**BARAKUDA, PANCHAGAON, BHUBANESWAR, KHORDHA-752050**



## **LECTURE NOTE**

**SUBJECT NAME- MINE LEGISLATION & GENERAL SAFETY - II**

**BRANCH – MINING ENGINEERING**

**SEMESTER – 6<sup>TH</sup> SEM**

**ACADEMIC SESSION - 2022-23**

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# **Course Content**

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## **1. Metalliferous Mines Regulations 1961**

**Discuss various provisions of Metalliferous Mines Regulations 1961.**

## **2. Mines V.T. Rules 1966**

**Discuss various provisions of Mines V.T. Rules 1966.**

## **3. Mines Creche Rules 1966**

**Discuss various provisions of Mines Creche Rules 1966.**

## **4. Maternity Benefit Act**

**Discuss various provisions of Maternity Benefit Act.**

## **5. Mines Accident & Safety**

- i. Discuss their classification, causes & prevention.**
- ii. Develop concept about accident cost, accident report, procedure for conducting an enquiry to ascertain the causes of accidents.**
- iii. Discuss procedure for investigation & reporting Mine accident, accident proneness, fatality rate, frequency rate & severity rate.**
- iv. Explain role of supervision in accident prevention, accident due to opencast workings, statistical analysis of accidents, accident statistics, its head & method of data processing.**
- v. Develop basis concepts of safety, safety & productivity, safety consciousness & safety campaign, safety organization, safety audit.**
- vi. Describe rules of safety committee.**
- vii. Explain the role of workmen inspectors.**
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## **6. Forest Conservation Act (FCA) 1980.**

**Discuss various provisions of Forest Conservation Act (FCA) 1980.**

## **7. Environmental Protection Act 1986**

**Discuss various provisions of Environmental Protection Act 1986.**

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**Various provisions of Mineral conservation & exploitation.**

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**As amended up-to-date.**

## THE METALLIFEROUS MINES REGULATIONS, 1961

G.S.R. 337, dated the 18<sup>th</sup> October, 1960 – In exercise of the powers conferred by section 57 of the Mines, Act, 1952 (35 of 1952), the Central Government hereby makes the following Regulations, the same having been previously published as required by sub-section (1) of section 59 of the said Act.

### Chapter I. – Preliminary

1. Short title, extend and applications (1) These regulations may be called the Metalliferous Mines Regulations, 1961.
  - (2) They extend to the whole of India 2[\*\*\*]
  - (3) They shall apply to every mine of whatever description other than a coal or an oil mine.
2. Definitions. – In these regulations, unless there is anything [repugnant in the subject or contest –
  - (1) “Act” means the Mines Act, 1952;
  - (2) “approval safety lamp” and “approved electric torch” mean, respectively, safety lamp and an electric torch manufactured by such firm and of such type as the Chief Inspector may from time to time specify by notification in the Official Gazette;
  - (3) “Assistant Manager” means a person possessing a Manager’s Certificate appointed in writing by the owner, agent or manager to assist the manager in the control, management and direction of the mine or part thereof, and who takes rank immediately below the manager;
  - (4) “auxiliary fan” means a forcing fan or an exhausting fan, used belowground wholly or mainly for ventilating a face or faces or blind ends;
  - (5) “bankman” means a person appointed to superintend the lowering and raising of persons, tools and materials and the transmission of signals at the top of a shaft or winze;
  - (6) “blaster” means a person possessing a Manager’s, Foreman’s, Mate’s or Blaster’s Certificate and appointed by the manager in writing to perform the duties of a blaster under these regulations, and includes a shotfirer;
  - (7) “belman” means a person appointed to superintend the raising and lowering of persons, tools, materials and the transmission of signals at any landing;
  - (8) “Committee” means a committee appointed under section 13 of the Act;
  - (9) “competent person” in relation to any work or any machinery, plant or equipment means a person who has attained the 3[age of 20 years] and who has been duly appointed in writing by the manager as a person competent to supervise or perform that work or to supervise the operation of that machinery, plant or equipment, and who is responsible for the duties assigned to him, and includes a blaster;

- (10) “District Magistrate” in relation to any mine, means the District Magistrate or the Deputy Commissioner, as the case may be, who is vested with the executive powers of maintaining law and order in the revenue district in which the mine is situated;

Provided that in the case of a mine which is situated partly in one district and partly in another, the District Magistrate for the purposes of these regulations shall be the District Magistrate authorised in this behalf by the Central Government;

- (11) “explosive” shall have the same meaning as is assigned to that term in the Indian Explosive;
- (12) “face” means the moving front of any working place or the inbye end of any drive, level, crosscut, raise or winz;
- (13) “gas” includes fume or vapour;
- (14) “landing” means any floor or platform in a winze, which is an authorised stopping place of the cage or other means of conveyance, and includes a ‘plate’;
- (15) “machinery” means –
- (i) any locomotive or any stationary or portable engine, air compressor, boiler or steam apparatus which is, or
  - (ii) any such apparatus, appliance or combination of appliances intended for developing, storing transmitting, converting or utilising energy, which is, or
  - (iii) any such apparatus, appliance or combination of appliances if any power developed, stored transmitted, converted or utilised thereby is,
- used or intended for use in connection with mining operations;
- (16) “Manager” means a person possessing the prescribed qualifications and appointed in writing by the owner or agent to be in charge of a mine under the Act, and includes Mine Superintendent if appointed under section 17 of the Act;
- (17) “material”. Includes rock, debris, stone, mineral, ore or any other material;
- (18) “Metalliferous mine” includes every mine other than a coal or an oil mine;
- (19) “mine foreman” means a person possessing a Manager’s or Foreman’s Certificate and appointed by the manager in writing, under the designation whatsoever, to perform the duties of supervision or control in a mine or part thereof and includes a Shift Boss;
- (20) “mining mate” means a person possessing a Manager’s, Foreman’s or Mate’s Certificate and appointed by the Manager in writing, under any designation whatsoever, to perform the duties of a mining mate under these regulations, and includes an Overseer or Head Mestri;
- (21) “misfire” means the failure to explode of an entire charge of explosives in a shot-hole;
- (22) “month” means a calendar month;
- (23) “Official” means a person appointed in writing by the owner, agent or manager to perform duties of supervision in a mine or part thereof and includes an assistant manager, an underground manager, a mine foreman, a mining mate, an engineer and a surveyor;

- (24) “permitted explosive” means an explosive manufactured by such firm and of such type as the Chief Inspector may from time to time specify by notification in the Official Gazette;
- (25) “public road” means a road maintained for public use and under the jurisdiction of any Government or local authority;
- (26) “quarter” means a period of three months ending on the 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September or 31<sup>st</sup> December;
- (27) “railway” means a railway as defined in the Indian Railways Act, 1890;
- (28) “Regional Inspector” means the Inspector of Mines in charge of the region or local area or areas in which the mine is situated or the group or class of mines to which the mine belongs, over which he exercises his powers under the Act;
- (29) “river” means any stream or current of water, whether seasonal or perennial, and includes its banks extending up to the highest known flood level;
- (30) “roadway” means any part of a passage or gallery belowground which is maintained in connection with the working of a mine;
- (31) “Schedule” means a schedule appended to these regulations;
- (32) “shaft” means a vertical or inclined way or opening leading from the surface to workings belowground or from one part of the workings belowground to another, and includes an incline;
- (33) “signalman” means a person appointed to transmit signals;
- (34) “socket” means a shot-hole or part of a shot-hole remaining after being charged with explosive and blasted, and which is not known to be a misfired shot-hole;
- (35) “Support” includes timber-work, masonry, packwalls, sandpacks, iron-work, or any other form of support;
- (36) “tub” includes a wagon, car, truck, hutch, bandy, bucket or any other vehicle for conveying material, but does not include a railway wagon;
- (37) “underground Manager” means a person possessing a Manager’s Certificate appointed in writing by the owner, agent or manager to be in charge of the whole of the underground workings or a specified portion thereof, under the direction of the manager, and is thus superior to a mine foreman and a mining mate, and includes an Underground Agent;
- (38) “ventilating district” means such part of a mine belowground as has an independent intake airway commencing from a main intake airway and independent return airway terminating at a main return airway and, in the case of mine or part thereof which is ventilated by natural means, the whole mine or part;
- (39) “Winze” or “Raise” means a small shaft, either vertical or inclined, in the workings belowground;
- (40) “working place” means any place in a mine to which any person has lawful access.

## **Chapter II – Returns, Notices and Records**

3. Notice of opening – (1) The notice required by section 16 of the Act shall be submitted in Form I or First Schedule 1 [and a copy thereof shall be submitted to the

Regional Inspector. The form shall be accompanied by a plan showing the boundaries of the mine and the shafts or opening of the mine, trijunction or revenue pillars and other prominent and permanent surface features :

Provided that, in respect of amine which has already been opened such a plan shall be submitted within sixty days of coming into force of the Metalliferous Mines (Amendment) Regulations, 1985:

Provided further that if the boundary of amine is changed as per sub-regulation(1) of regulation 111 a plan showing the boundary shall be submitted within seven days of the said change]

- (2) When a mine has been opened, the owner, agent or manager shall forthwith communicate the actual date of opening to the Chief Inspector and to the Regional Inspector.
4. Quarterly Returns – On or before the 20<sup>th</sup> day of January, April, July, and October in every year, the owner, agent or manager shall submit to the Chief Inspector and the Regional Inspector correct returns in respect of the preceding quarter in Form II of First Schedule.
5. Annual Returns – (1) On or before the 20<sup>th</sup> day of February in every year, the owner, agent or manager shall submit to the District Magistrate and to the Chief Inspector annual returns in respect of the preceding year in Form III of First Schedule.

(2) If a mine is abandoned or working thereof is discontinued for a period exceeding 60 days, or if a change occurs in the ownership of a mine, the returns required under sub-regulation(1) shall be submitted within 30 days of abandonment or change of ownership or within 90 days of discontinuance, as the case may be:

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, allow such returns to be submitted up to any date not later than the 20<sup>th</sup> day of February in the year following that to which they relate :

Provided further that nothing in this sub-regulation shall be deemed to authorise the submission of any return later than the 20<sup>th</sup> day of February in the year following that to which it relates.

6. Notice of abandoned or discontinuance – (1) (a) When it is [intended to abandon a mine or to discontinue working thereof for a period exceeding four months, the owner, agent or manager shall, not less than 30 days before such abandonment or discontinuance, give to the Chief Inspector and the Regional Inspector a notice stating the reasons for the proposed abandonment or discontinuance and the number of persons likely to be affected thereby :

Provided that in the case of a mine or part thereof to which Regulation 142 applies, notice as aforesaid shall also be given whenever it is intended to abandon a district or part of the mine, or to discontinue working thereof for a period exceeding four months :

Provided further that when, on account of unforeseen circumstances, a mine or part as aforesaid is abandoned or discontinued before the notice has been given or when without previous intention the discontinuance extends beyond a period of four months, the notice shall be given forthwith.

(b) Notwithstanding anything contained in clause (a), when it is intended to abandon, or discontinue for more than four months, any workings belowground over which is situated any property vested in the Government or any local authority or any railway or any building or permanent structure not belonging to the owner, the owner, agent or manager shall not less than 30 days before the date of such abandonment or discontinuance, give notice of his intention to the Chief Inspector and the Regional.

(2) When a mine or part aforesaid has been abandoned, or working thereof has been discontinued over a period exceeding four months, the owner, agent or manager shall, within seven days of the abandonment or of the expiry of the said period, give to the Chief Inspector, the Regional Inspector and the District Magistrate notice in Form I of First Schedule.

7. Notice of reopening – (1) When it is intended to reopen a mine after abandonment, or after discontinuance for a period exceeding four months, the owner, agent or manager shall, not less than 30 days before resumption of mining operations, give to the Chief Inspector, the Regional Inspector and the District Magistrate notice in Form I of First Schedule :

Providing that in the case of a mine or part thereof to which Regulation 142 applies, notice as aforesaid shall also be given whenever it is intended to reopen a district or part of the mine after abandonment or after discontinuance for a period exceeding four months.

(2) When a mine or part as aforesaid has been reopened, the owner, agent or manager shall forthwith communicate the actual date of reopening to the Chief Inspector and the Regional Inspector.

8. Change of ownership and address etc. – (1) (a) When a change occurs in the name or ownership of a mine or in the address of the owner, the owner, agent or manager shall, within seven days from the date of the change, give to the chief Inspector and the Regional Inspector a notice in Form I of First Schedule :

Provided that where the owner of a mine is a firm or other association of individuals, a change –

- (i) of any partner in the case of a firm;
- (ii) of any member in the case of an association
- (iii) of any director in the case of a public company; or
- (iv) of any shareholder in the case of a private company

shall also be intimated to the Chief Inspector and the Regional Inspector, within seven days from the date of the change.

(b) When the ownership of a mine is transferred, the previous owner or his agent shall make over to the new owner or his agent, within a period of seven days of the transfer of ownership, all plans, sections, reports, registers and other records maintained in pursuance of the Act and of the regulations, all orders made thereunder and all correspondence relating to the working of the mine relevant thereto; and when the requirements of this clause have been duly complied with, both previous and the new owners or their respective agents shall forthwith send the Chief Inspector and the Regional Inspector a detailed list of the plans, sections, reports, registers and other records that have been transferred.

(2) When any new appointment is made of an agent, manager, assistant manager, underground manager, surveyor or an engineer, if any, or when the employment of any such person is terminated or any such person leaves the said employment, or when any change occurs in the address of any agent or manager, the owner, agent or manager shall, within seven days from the date of such appointment, termination, leaving or change, give to the Chief Inspector and the Regional Inspector a notice in Form I of First Schedule.

1[“8A. Appointment of agent. – (1) The owner of a mine shall submit in writing to the Chief Inspector and the Regional Inspector, a statement showing name and designation of every person authorised to act as an agent on behalf of the owner of a mine in respect of management, control, supervision or direction of the mine.

(2) The statement shall also show the responsibilities of every such person and the matters in respect of which he is authorised to act on behalf of the owner of a mine.

(3) The statement aforesaid shall be submitted within one month from the date of coming into force of the Metalliferous Mines (Amendment) Regulations, 1985, in the case of mines already opened or reopened as the case may be, and in other cases within one month from the date of opening or reopening of the mine.

(4) Any change, addition or alteration in the names or other particulars of the aforesaid statement shall be reported in writing to the Chief Inspector and the Regional Inspector within seven days from the date of such change, addition or alteration]

9. Notice of Accident – (1) (a) When there occurs in or about a mine –

- (i) an accident causing loss of life or serious bodily injury in connection with mining operations;
- (ii) an explosion or ignition;
- (iii) a spontaneous heating or outbreak of fire, or appearance of smoke or other indication of heating or outbreak of fire;
- (iv) an influx of noxious gases;



- (v) an occurrence of inflammable gas in a mine to which Regulation 142 does not apply;
- (vi) an irruption of water;
- (vii) a rock-burst in workings belowground;
- (viii) a premature collapse of any part of the workings;
- (ix) any accident due to explosives;
- (x) a breakage or fracture of a rope, chain, headgear pulley or axle or bearing thereof, or other gear by which persons are lowered or raised;
- (xi) an overwinding of cases or other means of conveyance while men are being lowered or raised;
- (xii) a breakage or fracture of any essential part of winding engine, crank-shaft, coupling, bearing, gearing, clutch, drum or drumshaft; or failure of emergency brake;
- (xiii) a bursting of any equipment containing steam, compressed air or other substance at high pressure; or
- (xiv) a breakage, fracture or failure of any essential part of any machine or apparatus whereby the safety of persons may be endangered;

the owner, agent or manager shall forthwith inform the Regional Inspector about the occurrence by telephone or express telegram or by special messenger; and shall also, within 24 hours of every such occurrence, give notice thereof in Form IV-A of First Schedule to the District Magistrate, the Chief Inspector and the Regional Inspector and shall simultaneously exhibit a copy of the notice on a special notice board outside the office of mine and shall ensure that the notice is kept on the board in a legible condition for not less than 14 days from the date of such exhibition.

- (b) When a n accident causing loss of life or serious bodily injury occurs in or about a mine in connection with the generation, storage, transformation, transmission, supply or use of electrical energy, the owner, agent or manager shall also forthwith inform the Electrical Inspector of Mines by telephone, express telegram or special messenger;

(2) If death results from any injury already reported as serious 1[under sub-regulation (1) or if an injury other than the serious injury becomes serious, the owner, agent or manager shall, within 24 hours of his being informed of the same], give notice thereof to the District Magistrate, the Chief Inspector and the Regional Inspector.

(3) In respect of every person killed or injured as above, the owner, agent or manager shall send to the Chief Inspector particulars in Form IV-B and IV-C of First Schedule, within seven days of the occurrence or 15 days of the injured person returning to duty, as the case may be.

10. Notice of disease – Where any person employed in a mine contracts any disease notified by the Central Government in the Official Gazette, the owner, agent or manager shall, within three days of his being informed of the disease, send notice thereof in Form V of First Schedule to the District Magistrate, the Chief Inspector, the Regional Inspector and the Inspector of Mines (Medical).

### CHAPTER III – Examinations and Certificates of competency and of Fitness

2[11. Board of Mining Examinations – (1) For the purposes of these regulations, there shall be constituted a Board of Mining Examinations (hereinafter referred to as the “Board).

(2) The Board shall consist of the Chief Inspector who shall be its Chairman Ex-officio and five members possessing technical qualification in mining, and

- (a) having practical experience in metalliferous mines, or
- (b) serving in an institution imparting education in mining engineering at the degree or equivalent level, or
- (c) engaged in mining research,

to be appointed by the Central Government:

Provided that the Board shall be so constituted that it shall include at least three members possessing qualifications laid down in clause (a) and at least one member possessing qualifications laid down either in clause (b) or in clause (c).

(3) Every member (other than the Chairman) of the Board shall hold office for a period of three years from the date of the notification appointing him as a member of the Board or until his successor is appointed and takes charge whichever is later :

Provided that –

- (i) a member may at any time resign his office;
- (ii) a member appointed under clause (b) or sub-regulation(2) shall cease to hold office upon his ceasing to serve in any such institution, as is referred to in that clause;
- (iii) a person appointed to fill a vacancy caused by reason of the death, resignation, or by reason of cesser of office under sub-clause (ii), of a member, shall hold office for the remaining period for which such member would have, but for such reason, continued as member.

(4) A person who holds, or who has held office as member of the Board shall, subject to the other provision of this regulation, be eligible for re-appointment to that office.

(5) A member of the Board (other than the Chairman) shall receive such remuneration as the Central Government may fix.

(6) An Inspector nominated in this behalf by the Chief Inspector shall act as the 1[Secretary to the Board hereinafter referred to in this regulation as the Secretary]

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(8)Notwithstanding anything contained in this regulation, the Central Government, may, if satisfied that it is necessary so to do in the public interest, re-

constitute to Board even though the term of office of all or any of the members thereof has not come to an end.

1[(9) Meetings of the Board shall be held as and when the Chairman considers them necessary, and unless otherwise decided by the Chairman, all meetings of the Board shall be held at Dhanbad

(10) (a) For every meeting of the Board, not less than ten clear days' prior notice intimating the time and place of the proposed meeting and signed by the Chairman or the Secretary shall be given to each members who is not absent from India.

(b) Such notice shall be delivered at, or posted to, the usual place of residence of the member, and each such notice shall be accompanied by a list of items of business to be disposed of at that meeting.

(c) Notwithstanding what is contained in clauses (a) and (b), in cases of urgency, an emergent meeting may be called for by the Chairman at any time, by intimating the members, only two days in advance, of the time and date of such meeting and the subject matter for discussion at such meeting.

(11) (a) The Chairman shall preside at every meeting of the Board.

(b) If the Chairman is absent for any reason, the members present shall elect one from among themselves to preside over the meeting; and the member so elected shall, for the purposes of that meeting; have all powers of the Chairman.

(12) No business shall be transacted at a meeting of the Board unless at least three members, including the Chairman, are present.

(13) (a) All matters which the Board is required to consider shall be considered at its meeting, or, if the Chairman so decides, by circulation of the papers, to every member who is not absent from India.

(b) When any matter is referred to by circulation as aforesaid, any member can request that it should be considered at a meeting of the Board and the Chairman may direct that it shall be so considered but when two or more members so request, the Chairman shall direct that it shall be so considered at a meeting to be held.

(14) (a) The Secretary shall place, before the Board, a list of business to be transacted at the meeting.

(b) No business which is not included in such list shall be considered unless the Chairman permits.

(15) (a) Every matter at a meeting, shall be decided by the majority of votes of the members present at such meeting.

(b) Every matter referred to the members by circulation under sub-regulation(13) shall be decided by the majority opinion of the members to whom the papers were circulated, unless the Chairman reserves it for consideration at a regular meeting to be held later.

(c) In case of equal division of votes or opinions of the members the Chairman shall have a casting vote or opinion.

(16) (a) The Secretary shall record the minutes of each meeting in a bound-page book kept for the purpose and copies of such minutes of the meeting shall be circulated to all members present in India.

(b) The minutes so recorded shall be confirmed at the next meeting of the Board and signed by the Chairman in token thereof.

(17) (a) The Chairman, in addition to any other powers and duties conferred upon him under these regulations, shall, -

- (i) present all important papers and matters to the Board as early as possible;
- (ii) issue orders for carrying out the decisions of the Board;
- (iii) have power to refer, in his discretion, any matter to the Central Government for their orders; and
- (iv) have powers generally to take such action or pass such orders necessary to implement the decisions of the Board.

(b) The Chairman may, during his temporary absence by reason of leave or otherwise, authorise any member of the Board to perform all or any of the duties of the Chairman during such absence.

(c) Unless the Chairman otherwise directs all proceedings of the Board shall be conducted in camera and be regarded as confidential].

12. Certificate granted by the Board –(1) Certificates under these regulations shall be granted by the Board.

(2) Certificates granted by the Board shall be valid throughout the territories to which these regulations extend, and shall be of the following kinds –

- (a) Manager's first class certificate of competency to manager a metalliferous mine (in these regulations referred to as a First Class Manager's Certificate);

- (b) Manager's second class certificate of competency to manage a metalliferous mine (in these regulations referred to as a Second Class Manager's Certificate);
- (c) Surveyor's certificate of competency to survey the workings of a mine (in these regulations referred to as a Surveyor's Certificate);
- (d) Mine Foreman's certificate of competency to carry out inspections and duties as required under these regulations (in these regulations referred to as a Foreman's Certificate);
- (e) Mining Mate's certificate of competency to carry out inspections and duties as required under these regulations (in these regulations referred to as a Mate's Certificate);
- 1[(f) winding engineman's I Class certificate (in these regulations referred to as a First Class enginedriver's Certificate) to drive a winding engine of any type or class or of such type or class or of such type or class or types or classes as may be specified in the certificate;
- (g) winding engineman's II class certificate (in these regulations referred to as a Second Class enginedriver's Certificate) to drive a winding engine of any type or class or of such type or class or of such type or class or types or classes as may be specified in the certificate;
- (h) Blaster's certificate of competency to fire shots in a metalliferous mine (in these regulations referred to as a Blaster's Certificate); and
- (i) Certificate of competency to test for the presence of inflammable gas (in these regulations referred to as a Gas-testing Certificate) : Provided that 2[any of the certificates aforesaid, other than an Engine Driver's Certificate and a Gas-testing Certificate] may be restricted to mines having open-cast workings only and this fact shall be endorsed on the certificate.

13. Examinations and Examiners. – (1) Certificates of competency shall be granted to successful candidates after such examination and in such form as the Board may prescribe :

3[Provided that the Board may, subject to the conditions to b specified in the bye-laws framed for the purpose, exempt any person 4\*\*\*\*\* from appearing at the examination or part thereof for the grant of a certificate referred to in regulation 12]

1[Provided further that the Board may, for a period of five years from the date of coming into force of the Metalliferous Mines (Amendment) Regulations, 1977 and subject to such conditions as may be prescribed in the bye-law made by the Board for the purpose, exempt any person, possessing such experience or such qualifications or both in

mining as may be approved by the Board in this behalf, from appearing at the examination or part thereof for the grant of a certificate referred to in regulation 12.]

(2) The examinations shall be held at such times and at such centres as may be fixed by the Board, and shall be conducted by examiners appointed by the Board.

(3) The examiners so appointed shall be subject to the orders of the Board in respect of all matters relating to the conduct of the examinations, and shall receive such remuneration as the Board, with the sanction of the Central Government, may fix.

(4) The Board may make bye-laws as to the conduct of the examinations and as to the granting of certificates of competency and of fitness as required under these regulations, and shall, so far as may be practicable; provide that the standard of knowledge required for the grant of certificates of any particular class and the standard of medical fitness shall be uniform throughout the territories to which these regulations extend. Every bye-law made by the Board under this regulation shall be published in the Official Gazette; and no such bye-law shall have effect until three months after the date on which it was so published.

14. Submission of applications – (1) Applications for an examination conducted by the Board shall be made on a form supplied for the purpose.

(2) Notice regarding the date and place of the examinations for the Manager's and Surveyor's certificates shall be published under the order of the Board, in such periodicals as the Board may direct, not less than 60 days prior to the date fixed by the Board for receiving applications. The closing date for receipt of applications shall not be less than 60 days prior to the date fixed for the examination.

15. Age and general qualifications etc. of candidates – (1) (a) No person shall be admitted as a candidate at any examination held by the Board unless he is 3[20 years of age].

(b) No person shall be admitted as a candidate at any examination for a Manager's, Surveyor's, Foreman's, Mate's or Blaster's Certificate unless he holds a valid first-aid certificate or the standard of the St. John Ambulance Association (India):

Provided that if any candidate satisfied the Board that he has not had sufficient opportunity to obtain such first-aid certificate, the Board may admit him to the examination on such conditions, if any, as it thinks fit to impose.

(d) Every application for any examination as aforesaid shall be accompanied by :-

(i) A certificate of age granted by a Gazetted Officer or by the head master of a school or a Higher Secondary or equivalent standard;

Provided that in the case of a person holding a matriculation or equivalent certificate, such certificate shall be submitted as evidence of age;

- (ii) a medical certificate obtained not more than two year prior to the date of this application, from a qualified medical practitioner not below the rank of a Civil Assistant Surgeon, or from a Certifying Surgeon certifying the candidate to be free from deafness, defective vision or any other infirmity, mental or physical, likely to interfere with the efficiency of his work; and
- (iii) a certificate from some person of good repute as to the general good conduct and sobriety of the candidate.

(2) 1[After the 31<sup>st</sup> December, 1961] no person shall be admitted as a candidate at any examination for a Manager's or Surveyor's Certificate unless he has passed the matriculation examination of a recognised university, or its equivalent, and for a Foreman's, Mate's Engine-driver's or 2[Blaster's] Certificate unless he satisfies the Board that he is literate :

3[Provided that nothing in this sub-regulation shall be deemed to debar a person, not satisfying the provisions thereof, from being admitted at such an examination after the said date, if he had been admitted at a similar examination before that date].

4[(3)(a) No person shall be admitted as a candidate of an examination for a Manager's or Foreman's Certificate, which is not restricted to mines having opencast working only, unless he has obtained a Mate's certificate not so restricted and a Gas-testing Certificate and no person shall be admitted as a candidate at an examination for Manager's or foreman's Certificate restrcted to miens having opencast workings only, unless he has obtained a Mate's Certificate;

Provided that this clause shall not apply –

- (i) to a candidate for a Manager's Certificate, if he already holds a Foreman's Certificate granted under regulation 22 or 23; and
- (ii) to a candidate for a Manager's First Class Certificate, if he already holds a Manager's Second Class Certificate granted under regulation 22 or 23.

(b) Notwithstanding anything contained in clause (a), if a candidate satisfied the Board that he did not have sufficient opportunity to obtain a Mate's or Gas-testing Certificate, the Board may admit him to the examination for a Manager's or Foreman's Certificate on such conditions if any, as it may think fit to impose].

16. Practical experience of candidates for Manager's Examinations – (1) No person shall be admitted as a candidate at any examination for a First or Second Class Manager's

Certificate (other than an Exchange or Service Certificate to which the provisions of Regulations 22 and 23 respectively apply), unless he has satisfied the Board that he has had practical experience in a metalliferous mine for a period of not less than five and three years respectively :

Provided that –

- (a) in the case of a candidate who has received 5[a diploma or degree in mining or mining engineering or other equivalent 6[qualification] approved in that behalf by the Central Government, such period shall be reduced to three and two years, respectively; and
- (b) in the case of a candidate who has received 5[a certificate, diploma or degree in applied geology, civil, mechanical or electrical engineering, or other equivalent 6[qualification] approved in that behalf by the Central Government, such period shall be reduced to four and two and a half years, respectively.

(2) The nature of the practical experience required of a candidate for a Manger's Certificate shall be experience approved by the Board and gained in one or other of the following capacities in a metallifeous mine having an average employment of not less than 60 in workings belowground or not less than 160 in all in the mie 7[or in such other 8(mines) as the Boad may approve in this behalf] –

- (a) as a workman, or a mining apprentice having direct practical experience of getting ore and of store work, timbering and repairing ;  
or
- (b) as an official in respect of mining operations :

9[Provided that out of the period of experience required under sub-regulation(1) from candidates for the examination of –

- (i) First Class Manager's Certificate, not restricted to mines having opencast workings only, a period of not less than eighteen months should have been spent in the working below ground of a mine.
- (ii) Second Class Manager's Certificate, not restricted to mines having opencast workings only, a period of not less than twelve months should have been spent in the working below ground of a mine.

10[Provided further that the Board may approve a part of the period of the experience gained while engaged in inspection, rescue, research, planning or any other work, connected with mining operation, so however, that, the aforesaid period shall not, inclusive of the period of experience in coal mines approved under regulations 19, exceed one year in case of 1[Second Class] and one and half years in a First Class Manager's Certificate].



2[17. Practical experience of candidates for Surveyor's Examination – No person shall be admitted as a candidate at any examination for a Surveyor's Certificate unless he has satisfied the Board that he has had not less than two year's practical experience of surveying of a type approved by the Board, In case of candidates for a certificate which is not restricted to mines having opencast workings, the said experience shall include practical experience for a period of not less than six months of surveying the workings belowground of a mine having an average employment of not less than 60 in workings below ground or such other mines as the Board may approve in this behalf :

Provided that the aforesaid period of two years shall be reduced to six months in case of candidate who has received a certificate, diploma or degree in mining or mining engineering, mine surveying, or civil engineering or other equivalent qualification approved in that behalf by the Central Government, subject, however, to the condition that in case of a candidate for a certificate which is not restricted to mines having opencast workings, the said six months experience should have been gained in workings below ground of a mine as aforsiad.]

3[18. Practical experience of candidates for Mate's and Blaster's Examinations. (1) No person shall be admitted as a candidate at any examination for a Mate's Certificate unless the Board is satisfied that he has had practical experience and training in a metalliferous mine for a period of not less than three year :

Provided that the said period shall be reduced –

- (a) to two years in the case of a candidate who has received a diploma or certificate in mining subjects or other equivalent qualification after a course of at least two years' duration approved in that behalf by the Central Government 4[or who received has a degree in applied geology or in civil, mechanical or electrical engineering or other equivalent qualification approved in that behalf by the Central Government] ; and
- (b) to one year in the case of a candidate who has received a diploma or degree in mining or mining engineering or other equivalent qualification approved in that behalf by the Central Government .

(2) No person shall be admitted as a candidate at any examination for a Blaster's Certificate unless the Board is satisfied that he has had practical experience and training in a metalliferous mine for a period of not less than two years, of which not less than six months shall be experience and training in connection with shot-firing :

Provided that the said period shall be reduced :

- (a) to one year (including not less than four months in shot-firing) in the case of a candidate who has received a diploma or certificate in mining subjects or other equivalent qualification

after a course of at least two years' duration approved in that behalf by the Central Government 4[or who has received a degree in applied geology or in civil, mechanical or electrical engineering or other equivalent qualification approved in that behalf by the Central Government] and

(b) to six months (including not less than two months in shot-firing) in the case of a candidate who has received a diploma or degree in mining or mining engineering or other equivalent qualification approved in that behalf by the Central Government.

(3) The nature of practical experience required of candidates for the aforesaid examinations shall be experience of such a type as may be approved by the Board.]

19. Approval of experience of candidates for Engine-driver's Certificates. – In the case of a candidate part of whose experience has been obtained in a coal mine, the period of practical experience in a metalliferous mine as prescribed in 6[regulations 16,17 and 18] may be reduced by the Board to such an extent and subject to such conditions as it may specify.

20. Practical experience of candidates for Engine-driver's Certificate – No person shall be admitted as a candidate at any examination for an Engine-driver's Certificate unless he has satisfied the Board that he has had practical experience of driving a winding engine or as an assistant to a qualified winding enginedriver for a period of at least one year :

Provided that no person shall be permitted to appear at any examination for a I Class Engine Driver's Certificate unless he holds a II Class Engine Driver's certificate.

1[21 Examination fees – (1) Fees on the following scale shall be paid in respect of every application for admission to an examination :-

	Rs
(a) in the case of an examination for a First Class Manager's Certificate	50
(b) in the case of an examination for a IInd Class Manager's Certificate	30
(c) in the case of an examination for a Surveyor's Certificate	20
(d) in the case of an examination for a Foreman's Certificate	20
(e) in the case of an examination for a Mate's Certificate	10
(f) in the case of an examination for a I Class Engine Driver's Certificate	20
(g) in the case of an examination for a IInd Class Engine Driver's Cert.	10
(h) in the case of an examination for a Blaster's Certificate	6
(i) in the case of an examination for a Gas testing's Certificate	4

(2) The Chief Inspector may permit the refund of any fee paid under sub-regulation (1) where the candidate has died before the examination or where the fee has been erroneously paid.

(3) Except as aforesaid examination fee paid shall not once be refundable.

22. Exchange Certificates – (1) The Board may grant to any person holding a Manger's Surveyor's, Overman's or Foreman's, Sirdar's or Mate's or Engine-driver's or shotfirer's or Blaster's Certificate granted under any Act for the regulation of mines for the time being in force in any other country, a certificate of similar class under these regulations if he 2[ possesses such practical experience and] passes such examination as the Board may stipulate :

Provided that a candidate for the grant of a Manger's Exchange Certificate shall also satisfy the Board that he has undergone, for a period of not less than six months, a course of practical training in India in the manner and in the mines approved by the Chief Inspector for the purpose. Before the commencement of his practical training in India as aforesaid, every such candidate shall submit to the Chief Inspector an application in a form supplied for the purpose.

(2) The Board may grant to any person holding a certificate referred to in sub-regulation (1) granted under the Coal Mines Regulations made under the Act a similar certificate under these relations if he 3[possesses such practical experience and] passes such examination as the Board may stipulate :

4[Provided that the Board may, subject to such conditions as it may specify, exempt any person from appearing at the examination or part thereof, for the grant of an Exchange Certificate].

5[(2-A) An Exchange Certificate other than a Winding Engine drive' or Blaster's Certificate granted under sub-regulation (1) or (2) may be restricted to mines having open-cast working only, and in such a case the certificate shall contain an endorsement to that effect].

(3) Every application for the grant of an Exchange Certificate under this regulation shall be accompanied by :

- (i) a medical certificate obtained not more than two years prior to the date of his application, from a qualified medical practitioner not below the rank of a Civil Assistant Surgeon or from a Certifying Surgeon, certifying the candidate to be free from deafness, defective vision or any other infirmity, mental or physical likely to interfere with the efficient discharge of his duties ; and
- (ii) a certificate from some person of good repute as to the general good conduct and sobriety of the candidate.

(4) Fees on the scale laid down in regulation 21 shall be paid in respect of every examination under the regulation.

23. Service Certificate – (1) The Board may grant, until such date as may be notified by the Central Government for the purpose in the Official Gazette without written examination;

(a) a Manager's Certificate to any person –

1(i) who has attained the age of 35 years and who satisfied the Board that he has worked, for a period of not less than eight years in the case of an applicant for First Class Manager's Certificate and six years in the case of an applicant for the Second Class Manager's as an Assistant Manager, underground manager, or manager or in any capacity accepted by the Board as equivalent or superior thereto in the planning, control and direction of mining operations of metalliferous mines of a type approved by the Board if he passes a viva voce examination in such subjects as the Board may specify ; or]

2[(I-A) who has attained the age of thirty years and has received a diploma or certificate in mining or mining engineering or an Honours or a Master's Degree in Geology or other equivalent qualification, approved in the behalf by the Central Government, if he satisfied the Board that he has had such practical experience as complies with the provisions of sub-regulation (2) of regulation 16 for a period of not less than eight years, in the case of a First Class Manager's Certificate and six years, in the case of Second Class Manager's Certificate and if he passes a viva voce examination in such subject as the Board may stipulate :

Provided that practical experience for period of not less than three of the eight years in the case of a First Class Manager's Certificate and for a period of not less than two of the six years in the case of Second Class Manager's Certificate shall be in the capacity of an assistant manager or under manager or manager or in a capacity accepted by the Boards as equivalent or superior thereto in the control and direction of mining operation in mines of a size approved by the Board];

(iii) who has attained the age of 25 years and has received 3[a diploma, certificate or degree in mining engineering, applied geology, civil, mechanical, or electrical engineering or other equivalent qualification] 4approved in this behalf by the Central Government, if he satisfied the Board that he has had practical experience of the nature approved by the Board for periods of not less than five years for a First Class Manager's Certificate and three years for a Second Class Manager's Certificate and if he passes a viva voce examination in such subjects as the Board may stipulate :

Provided that not less than two years and one year respectively, of the said practical experience shall have been obtained in metalliferous mines in India;

For the purpose aforesaid only such experience shall be approved, as complies with the provisions of regulation 16(2), or is experience in the capacity of a manager or in a superior capacity in the control and direction of mining operations ;

5[(b) a Foreman's, Mate's or Blaster's Certificate to any person –

- (i) who has attained the age of 25 years and who satisfies the Board that he has worked in the capacity of mine foreman, a mining mate or a blaster, as the case may be, in a metalliferous mine in India for a period of not less than three years in the case of a certificate restricted to mines having open-cast workings only and not less than four years in case of a certificate not so restricted and has passed such viva voce examination as the Board may stipulate;
- (ii) who has attained the age of 23 years and has received a diploma or certificate in mining or mining engineering or other equivalent qualification approved under sub-clause (iA) of clause (a) or a degree in geology from any recognised university, if he satisfied the Board that he has had such practical experience for a period of not less than two years in the case of a certificate restricted to mines having open-cast workings only and not less than three years in the case of a certificate not so restricted as has been specified in sub-regulation(2) of regulation 16 or in the capacity of a manager or in a capacity accepted by the Board as equivalent or superior thereto in the planning, control and direction of mining operations in metalliferous mines of a type approved by the Board and if he passes such viva voce examination as the Board may stipulate; or
- (iii) who has attained the age of 21 years and has received a diploma, certificate or degree in mining engineering, applied geology, civil, mechanical or electrical engineering or other equivalent qualification approved under sub-clause (ii) of clause (a), if he satisfied the Board that he has had such practical experience for a period of not less than one year in the case of a certificate restricted to mines having open-cast workings only and not less than two years in the case of a certificate not so restricted as has been specified in sub-regulation (2) of regulation 16 or in the capacity of a manager or in a capacity accepted by the Board as equivalent or superior thereto in the planning, control and direction of mining operation in metalliferous mines of a type approved by the Board and if he passes such viva voce examination as the Board may stipulate].

(2) Any Service Certificate granted under sub-regulation (1) may be restricted to miens having open-cast workings only; and this fact shall be endorsed on the Certificate.

(3) Every application for the grant of a Service Certificate under this sub-regulation shall be accompanied by :

- (i) a certificate of age granted by a Gazetted Officer of the Central Government or by the head-master of a school of a Higher Secondary or equivalent standard or by a qualified medical practitioner no below the rank of a Civil Assistant Surgeon ;

Provided that in case of a person holding a matriculation or equivalent certificate, such certificate shall be submitted as evidence of age ;

- (ii) a medical certificate obtained not more than two years prior to the date of his application, from a qualified medical practitioner not below the rank of a Civil Assistant Surgeon or from a Certifying Surgeon, certifying the candidate to be free from deafness, defective vision or any other infirmity, mental or physical, likely to interfere with the efficient discharge of his duties; and
- (iii) a certificate from some person of good repute as to the general good conduct and sobriety of the candidate.

(4) Fees on the scale laid down in Regulation 21 shall be paid in respect of every examination under this regulation.

24. Service Certificate for Surveyors. – (1) The Board may grant, until such date as may be notified by the Central Government for the purpose in the Official Gazette, a Surveyor's (restricted to metalliferous mines) to any person –

- (i) 1[who has attained the age of 30 years and who satisfied the Board that he has worked as surveyors of metalliferous mines in India for a period not less than six years, and has had practical experience in surveying of the nature approved by the Board, if he passes such viva voce examination as the Board may stipulate; or]
- (ii) who has attained the age of 25 years and has received 1[certificate, diploma or degree in mining, mining engineering, mine surveying or civil engineering or other equivalent 2qualification] approved in this behalf by the Central Government, if he satisfied the Board that he has had practical experience in surveying of the nature approved by the Board for a period of not less than two years (including not less than six months in the workings belowground of a metalliferous mine in India) and if he passes such viva voce examination as the Board may stipulate.

[NOTE- Any service certificate granted under this sub-regulation may be restricted to mines having opencast workings only, and such restriction shall be endorsed on the certificate].

(2) Every application for the grant of a Service Certificate under this sub-regulation shall be accompanied by :

- (i) a certificate of age granted by a Gazetted Officer of the Government or by the head-master of a school of a Higher Secondary or equivalent standard or by a qualified practitioner not below the rank of a Civil Assistant Surgeon :

Provided that in case of a person holding a matriculation or equivalent certificate, such certificate shall be submitted as evidence of age;

(ii) a medical certificate obtained not more than two years prior to the date of his application, from a qualified medical practitioner not below the rank of a Civil Assistant Surgeon or from a Certifying Surgeon, certifying the candidate to be free from deafness, defective vision or any other infirmity, mental or physical, likely to interfere with the efficient discharge of his duties; and

- (iii) a certificate from some person of good repute as to the general good conduct and sobriety of the candidate.

(3) Fees on the scale laid down in Regulation 21 shall be paid in respect of every examination under this regulation.

25. Validity of old Certificates – Any Engine-driver's or Blaster's Certificate granted under the Mysore Gold Mines Regulations, which is valid at the commencement of these regulations shall be deemed respectively to be the equivalent of an Engine-driver's or Blaster's Certificate granted under these regulations.

26. Duplicate Certificates – If any person proves to the satisfaction of the Board that he has, without any fault on his part, lost or been deprived of a certificate granted to him, under these regulations, the Board may, upon realisation of the following fees and subject to such terms and conditions as it thinks fit, cause a copy of the certificate to be delivered to him –

- |  |       |
|--|-------|
| (a) in the case of a Manager's or Surveyor's Certificate | Rs. 5 |
| (b) in the case of any other certificate                 | Rs. 2 |

The word "DUPLICATE" shall be stamped across every such copy.

27. Certificates to be delivered to the manager. – When the holder of a Foreman's, Mate's, Engine-driver's, Blaster's or Gas-testing certificate is employed in a mine in a capacity which requires the possession of the said certificate, he shall deliver such certificate to the manager of the mine in which he is for the time being employed. The manager shall deliver to him a receipt for the same; and shall retain the certificate in the office at the mine so long as the holder thereof is so employed, and shall return it to him on his ceasing to be so employed.

28. Court of Enquiry into fitness of a person to hold a Manager's or Surveyor's Certificate. –(1) If a person who is the holder of a Manager's or Surveyor's Certificate, has been convicted of an offence made punishable under the Act with fine which may extend to RS. 500 or more or with imprisonment, or if it appears to the Central Government that he is unfit to continue to hold such a certificate by reason of incompetence or misconduct in the performance of his duties under the Act or under these regulations, the Central Government may appoint a Court to hold an inquiry to determine as to whether or not such person is fit to continue to hold such certificate.

(2) The following provision shall have effect with respect to the constitution and procedure of the Court holding an enquiry :-

- (a) The court shall consist of a person or persons appointed by the Central Government and may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.
- (b) The Central Government may pay to the person or persons constituting the Court and to any assessor appointed to assist the Court, such remuneration and allowances as it may fix.
- (c) The inquiry shall be public and shall be held at such place as the Central Government may appoint.
- (d) The central Government may appoint any person to undertake the management of the case.
- (e) The Central Government shall, before the beginning of the inquiry, furnish to the person whose fitness to continue to hold a certificate to be inquired into, a statement of the case on which the inquiry is instituted.
- (f) The said person may appear at the inquiry either in person or by counsel, solicitor or agent approved by the Court, and may give evidence or call such witnesses as he thinks fit.
- (g) If a majority of the persons constituting the Court thinks fit, the person whose conduct is under inquiry may be required to deliver up his certificate at any time before or during the inquiry; and such person shall be bound to comply with such requisition, unless he shows to the satisfaction of the Court sufficient cause to the contrary.
- (h) The Court shall, for the purpose of the inquiry, have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908) for the purpose of enforcing the attendance of witnesses and compelling the production of registers, plans, sections, reports and other records and



material objects; and any person required as aforesaid to attend or to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code, 1860 (45 of 1860).

- (i) The Court, for the purpose of the inquiry, may exercise such of the powers of an Inspector under the Act as it may think necessary or expedient.
- (j) The Court shall, subject to the foregoing, have powers to regulate the procedure of the inquiry and to adjourn it from time to time.
- (k) A person appearing as a witness before the Court may be paid by the Central Government such expenses as would be allowed to a witness attending a civil or criminal court.
- (l) As the conclusion of the inquiry, the Court shall send to the Central Government a report containing a full statement of the case together with its opinion thereon, note of dissent, if any, submitted by the assessor or assessors and such account of or extracts from, the evidence as it may think fit; and if it considers that the certificate in question should be cancelled or suspended, it shall add a recommendation to the effect. Where the Court consists of more than one person, not including the assessors(s), and there is disagreement between the members of the Court, a dissentient from the opinion of the majority may forward a separate report to the Central Government with a statement of his recommendations.

(3) The Central Government may, on the recommendation of the Court, cancel or suspend a certificate; and if it does so the fact of such cancellation or suspension shall be notified in the Official Gazette and if the certificate or a duplicate thereof granted under regulation 26, is produced, be endorsed upon it.

1[29. Suspension of Certificate of Foreman, Mate, Engine driver, Blaster or Gas testing. –

- (1) If the Regional Inspector is of the opinion that the holder of a certificate of Foreman, Mate, Engine-driver, Blaster or Gas testing is incompetent or is guilty of negligence or misconduct in the performance of his duties, he may hold an enquiry to determine whether or not such a person (hereinafter referred to as the delinquent) is to continue to hold such certificate.
- (2) During such enquiry he shall record, -
  - (a) any evidence that the delinquent may like to give;
  - (b) the evidence of any witness that the delinquent may like to produce;
  - (c) the evidence of the Manager of the mine; and
  - (d) any other evidence that may be considered necessary or relevant by the Regional Inspector.

Unless the delinquent fails to be present in spite of sufficient notice, the evidence aforesaid shall be recorded in the presence of the delinquent and he shall be given

a reasonable opportunity to cross-examine the witnesses (other than those produced by him.). The Regional Inspector also may cross-examine the delinquent and the witnesses produced by him.

- (3) If as a result of the enquiry the Regional Inspector is of the opinion that the delinquent is not fit to hold the certificate, he shall, within fifteen days from the date of the conclusion of his enquiry, submit a report to the Chairman of the Board together with his findings, notes of evidence recorded during the enquiry and other relevant records. After considering such report, evidence and records, the Chairman may without any further reference to the Board suspend the certificate of the delinquent for a period not exceeding three months.
- (4) Where the Chairman is of the opinion that the suspension of the certificate for a period exceeding three months or its cancellation is called for, he shall recommend to the Board accordingly together with the findings of the Regional Inspector, the notes of evidence and other relevant records. A copy of such communication addressed to the Board together with the copies of the notes of evidence and the findings of the Regional Inspector shall also be sent to the delinquent who may submit his written representation within thirty days from the date of receipt of such copies.
- (5) The Board may, after considering the evidence and other records and the written representation, if any, submitted by the delinquent, either increase the period of suspension or cancel the certificate as it deems fit.
- (6) Where a certificate is suspended or cancelled under this regulation, the Chairman of the Board may call for such certificate and make suitable endorsement thereon.].

30. Validity of Foreman's, Mate's, Engine-driver's, Blaster's and Gas testing Certificates, - (1) (a) No Foreman's, Mate's, Engine-driver's, Blaster's shall remain valid for a period of more than five years unless the certificate bears an endorsement by the Regional Inspector to the effect that the holder thereof has, within the preceding five years, been examined and certified by a qualified medical practitioner appointed by the Chief Inspector to be free from deafness, defective vision or any other infirmity, mental or physical, likely to interfere with the efficient discharge of his duties.

- (b) An application in respect of an examination of fitness in pursuance of clause(a) shall be made to the Chief Inspector, accompanied by a fee of 2[fifteen rupees].

3[(2) (a) A medical examination undergone in accordance with rule 29B of the Mines Rules, 1955 shall also be deemed to be an examination for the purpose of sub-regulations(1).

- (b)The application for endorsement on a certificate by the Regional Inspector shall be accompanied by the certificate of fitness granted in terms of rule 29B of the Mines Rules, 1955 and a fee of five rupees.].

31. 4[Retirement age for Managers and Official etc. – (1) No person shall act as a manger or an official or a blaster or a winding engine man in a mine after attaining the age of 60 years unless he has obtained, within the preceding one year, a medical certificate of fitness certifying him fit to carry out the duties prescribed for him in the Act and in the regulations and orders made thereunder :

Provided that if the Chief Inspector or the Regional Inspector is of the opinion that a person as aforesaid though less than 60 years' of age, is medically unfit to carry on the duties prescribed for him in the Act and in the regulations and orders made thereunder, the Chief Inspector or the Regional Inspector may, by an order in writing, exceeding three months as he may specify therein; and no such person shall continue to act in any capacity as aforesaid after the period so specified unless he has obtained a medical certificate of fitness.

(2) The medical certificate of fitness as aforesaid shall be obtained from such authority and in such manner and after the payment of such fees as the Board may prescribe.

1[31. A. Right of the workers' representative to inspect the register maintained under the Mines Rules 1955 – The register maintained in Form 'B' under the Mines Rules, 1955 shall be made available for inspection to a workers' representative duly authorized by the persons employed in the mine on an application made by him in his behalf].

#### CHAPTER IV – Inspection and Mine Officials

32. Qualifications of Inspectors – (1) After the coming into force of these regulations, no new person shall be appointed as Chief Inspector unless he holds a degree or diploma in mining engineer of an educational institution approved by the Central Government and also a First Class Manager's Certificate granted under these regulations.

(2) After the coming into of these regulations, no person shall be appointed as in Inspector unless he holds a degree or diploma in mining engineering of an educational institution approved by the Central Government and also a First Class Manager's Certificate granted under these regulations:

Provided that –

- (i) in relation to electrical machinery installed in mines, a persons holding a degree or diploma in electrical engineering of an educational institution approved by the Central Government may be so appointed;
- (ii) in relation to other machinery or mechanical appliances installed in mines, a person holding a degree or diploma in mechanical engineering of an educational institution approved by the Central Government may be so appointed; and
- (iii) in relation to the provisions of the Act and of the regulations, and of orders made thereunder, which relate to matters concerning the health and welfare of persons, a person holding a degree or diploma in medicine, surgery, and/or social science or labour welfare, as the case may be, of an educational institution approved by the Central Government 2[or a person holding such other qualifications as the Central Government may approve in this behalf] may be so appointed.

4[33. Definition – For the purpose of these regulations –

- (a) all excavations within the mine boundary and all premises, plants, machinery and works as specified in clause (j) of sub-section (1) of section 2 of the Act shall collectively constitute the mine;
- (b) the expression, “average employment” of any mine, means the average per day during the preceding quarter of the total employment in all excavations and specified ancillary facilities within the specified mine boundaries (obtained by dividing the number of man days worked by the number of working days excluding the restdays and other non-working days.]

34. Qualifications and appointment of managers – (1)(a) No mine shall be opened, worked or re-opened unless there is a manager of the mine, being a person duly appointed and having such qualifications as are required by these regulations.

(b) No person shall act or be employed as a manager unless he is 23 years of age and is paid by, and is directly answerable to, the owner or agent of the mine.

(2) Except as hereinafter provided in sub-regulation (6), and subject to the provisions of sub-regulation (3), no person shall act or continue to act, or be appointed, as manager of a mine or mines the average employment of which corresponds to the figures given in column (i) of the table below unless he holds the corresponding qualifications given in column (ii) thereof :

(i)	(ii)
(a) In excess of 150 in workings belowground or of 400 in all the mine	A First Class Manager’s Certificate
(b) In excess of 75 but not exceeding 150 in workings below ground, or in excess of 150 but not exceeding 400 in all in the mine.	A First or Second Class Manager’s Certificate
(c) In any other case .....	A First or Second Class Manager’s Certificate or a Managers permit granted under sub-regulation (5).

Provided that no person shall act or continue to act, or be appointed, as manager of a mine or mines where work is being carried on by a system of deep-hole blasting and/or with the help of heavy machinery for the digging, excavation and removal, etc., of earth, stone, mineral or other material unless he holds a first class manager’s certificate :

Provided further that where special conditions exist, the Chief Inspector may, by an order in writing, direct that in the case of any such mine as is referred to in clause (b) of the table, the manager thereof shall be the holder of a First Class Manager’s Certificate, and that in the case of any such mine as is referred to in clause (c) of the table, the manager thereof shall be the holder of a First or Second Class Manager’s Certificate:

Provided further that if any mine undertaking consists of two or more separate mines and if, in the opinion of the Chief Inspector, they are not sufficiently near to one another to permit of daily personal supervision being exercised by one manager, he may, by an order in writing, require the appointment of a separate manager for each of such mines.

(3) Where under the provisions of sub-regulation (2) a person holding a First or Second Class Manager's Certificate has been appointed as manager, a person holding lower qualifications shall not, except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein, be so appointed during the succeeding twelve months, notwithstanding any reduction in the average output of the mine.

(4) No person shall act, or be appointed, as manager of more than one mine except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein. No such permission shall have effect for a period exceeding 12 months, unless renewed. The Chief Inspector may at any time, by an order in writing, vary or revoke any such permission in the circumstances under which the permission was granted have altered or the Chief Inspector finds that the manager has not been able to exercise effective supervision in the mines under his charge.

(5)(a) The Chief Inspector may, after holding such examination as he may deem necessary and subject to such conditions as he may specify therein grant to any person holding a Forman's Certificate, a permit (in these regulations referred to as Manager's Permit) authorised such person to act as the manager of any specified mine, the average employment of which does not exceed 75 in workings below ground or 150 in all in the mine.

(b) A Manager's Permit shall be valid only for such period, not exceeding 12 months as may be specified therein. The Chief Inspector may renew any Manager's Permit for further periods not exceeding 12 months at a time.

(c) A fee of Rs.10 shall be payable in respect of every application for the grant of a Manager's Permit. No fee shall be charged for renewal thereof.

(d) The Chief Inspector may, by an order in writing, after giving the holder of such permit an opportunity to make his representation, cancel a Manager's Permit.

(6) The Chief Inspector may, by an order in writing, and subject to such conditions as he may specify therein, authorise any person whom he considers competent, being appointed to act as manager of any mine or mines for a specified period, notwithstanding that such person does not possess the qualifications prescribed in that behalf by sub-regulation (2); and may by a like order revoke any such authority at any time.

(7)(a) Where by reason of absence or for any other reason, the manager is unable to exercise daily personal supervision or is unable to perform his duties under the Act or these regulations, or orders made thereunder, the owner, agent or manager shall authorise in writing a person whom he considers competent to act as manager of the mine:

Provided that –

- (i) such person holds a Manager's or Forman's Certificate;
- (ii) no such authorisation shall have effect for a period in excess of 30 days, except with the previous consent in writing of the Chief Inspector and subject to such conditions as he may specify therein; nor without a like consent shall a second authorization be made to take effect upon the expiry of the first. The Chief Inspector shall not permit any such authorisation to extend over a period exceeding 60 days unless the persons holds such qualifications specified in sub-regulation (2);
- (iii) the owner, agent or manager, as the case may be, shall forthwith send by registered post to the Chief Inspector and the Regional Inspector a written notice intimating that such an authorisation has been made, and stating the reason for the authorisation, the qualifications and experience of the person authorised, and the date of the commencement and ending of the authorisation; and
- (iv) the Chief Inspector or the Regional Inspector may, except in the case of a persons possessing the qualifications specified in sub-regulation (2), by an order in writing, revoke any authority so granted.

(b) The persons so authorised shall, during the period of such authorisation, have the same responsibilities discharge the same duties, and be subject to the same liabilities as the manager.

(8)(a) No manager shall vacate his office without giving due notice in writing to the owner or agent at least 30 days before the day on which he wishes to vacate his office:

Provided that the owner or agent may permit the manager to vacate his office after giving a shorter notice.

(b) No owner or agent shall transfer, discharge or dismiss a manager unless the manager has been relieved by a duly qualified person as prescribed under sub-regulation (2).

(c) Nothing in sub-regulation (7) shall confer on the owner, agent or manager the right to authorise during any period of such notice, any person not duly qualified to manager the mine under sub-regulation (2), to act as the manager except in case of illness or other causes over which the manager has no control, or except with the previous written permission of the Chief Inspector and subject to such conditions as he may specify therein:

(d) A copy of every such notice and authorisation shall forthwith be sent to the Chief Inspector and to the Regional Inspector by registered post.

(9)(a) The owner or agent shall provide suitable residential accommodation for the manager and the under-manager or assistant manager within a distance of three miles from all mine openings; and every manager, under manager and assistant manager shall reside in the accommodation so provided:

Provided that where special difficulties exist which render compliance with these provisions not reasonably practicable, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, grant exemption from the same.

(b) No manager shall be entrusted by the owner or agent with any work, nor shall he himself perform any work, which will necessitate his frequent or prolonged absence from the mine.

(c) If any doubt arises as to any matter referred to in the foregoing clauses of this sub-regulation, it shall be referred to the Chief Inspector for decision.

(10) No manager shall act as agent or under manager or assistant manager or in any other supervisory capacity in another mine,

35. Appointment of assistant managers or underground managers – In every mine the average employment of which exceeds 450 in working below ground or 1,200 in all in the mine, the manager shall be assisted by assistant managers and/or underground managers on the following scale:

Average employment	Number of assistant managers and/or underground managers
Upto 600 workings belowground, or 1,600 in all in the mine.	One
In excess of 600 workings belowground, or 1,600 in all in the mine	One additional assistant manager or underground manager, for every additional 500 persons employed belowground or 800 in all in the mine, or part thereof, for a period of five years from the commencement of the Regulations, and thereafter, for every 300 additional persons employed belowground or 800 in all in the mine or part thereof:

Provided that in a mine where the average employment exceeds 1200 in workings belowground or 3,200 in all in the mine, at least one of the assistant managers or underground managers as aforesaid shall hold a First Class Manager's Certificate:

Provided further that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit or require the appointment of assistant managers or underground managers in variation with these provisions.

NOTE. – For the purpose of this regulation, the expression “assistant manger or underground manager” shall include persons such as safety officers who hold equivalent qualifications.

36. Appointment of engineers – (1) At every mine where machinery is used, an engineer or other competent person not less than 23 years of age shall be appointed to hold general charge of such machinery, and to be responsible for its installation, maintenance and safe working.

Provided that nothing in this sub-regulation shall be deemed to ;prohibit the employment of two or more engineers or competent persons at one mine so long as the jurisdiction and sphere of responsibility of every such engineer or competent person is defined by the manager in his letter of appointment :

Provided further that after such date as the Central Government may notify in this behalf in the Official Gazette, no person (unless he holds 1[a degree or diploma in mechanical engineering or equivalent qualification] approved for the purpose by the Central Government) shall, except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein, be appointed in an open cast mine worked by heavy earth-moving machinery in which the aggregate h.p. of all the machinery used exceeds 750, or in any other mine in which the aggregate h.p. of all the machinery used exceeds 250.or shall continue to act as an engineer or competent person as

(2) A notice of every such appointment, giving the name and full particulars of the qualifications and experience of the person so appointed, shall be sent to the Regional Inspector within seven days of such appointment :

(3) No person shall undertake the duties of an engineer of more than one mine without the previous permission in writing of the Regional Inspector and subject to such conditions as he may specify therein. The Regional Inspector may at any time, by an order in writing, vary or revoke such permission.

(4)Where by reason of temporary absence by any cause, the engineer, or competent person appointed under sub-regulation (1) is unable to perform his duties, the manager shall authorise in writing a person whom he considers competent to act in his place:

Provided that –

- (a) notice of every such authorisation shall be sent to the Regional Inspector forthwith;
- (b) no such authorisation shall have effect for a period in excess of 30 days except with the previous written consent of the Regional Inspector and subject to such conditions as he may specify therein; and
- (c) the Regional Inspector may by an order in writing, revoke any authority so granted.

37. Appointment and qualifications of senior officials – (1)(a) At every mine, one or more overman shall be appointed to hold charge of the different districts of the mine on each working shift.

(b) The mine or district assigned to a Forman shall not be of such a size, nor shall any additional duties other than his duties under these regulations be such, as are likely to prevent him from carrying out in a thorough manner the duties prescribed for him under these regulations and in case any doubt arises as to the foregoing duties it shall be referred to the Chief Inspector for decision.

(2) Every person employed under sub-regulation (1) (a) as an official subordinate to the manager or to an assistant manager or underground manager and superior to the Mining Mate shall hold either a Manager’s Certificate or an Forman’s Certificate.

38. Appointment of surveyors – (1) At every mine having workings belowground and at such other mines or classes of mines as may be notified from time to time by the Central Government a person not less than

23 years of age and holding a Surveyor's Certificate shall be appointed to be the Surveyor for carrying out the surveys and levellings and for preparing the plans and sections required under the Act or the regulations, or orders made thereunder.

Provided that nothing in this sub-regulation shall be deemed to prohibit the employment of two or more surveyors at one mine so long as the jurisdiction and sphere of responsibility of each of the surveyors is defined by the manager in his letter of appointment.

(2) A notice of every such appointment giving the name and full particulars of the qualifications of the person so appointed, shall be sent to the Regional Inspector within seven days of such appointment.

(3) No person shall be appointed as a surveyor of more than one mine or in any other capacity in the same mine, without the previous permission in writing of the Regional Inspector and subject to such conditions as may be specified therein. The Regional Inspector may, by an order in writing, revoke such permission if the circumstances under which it was granted have altered or the Regional Inspector finds that the surveyor has not been able to carry out satisfactorily the work allotted to him.

39. Appointment of Officials and competent persons – (1)(a) The owner, agent or manager shall appoint such number of competent persons, including officials and technicians as is sufficient to secure, during each of the working shifts –

- (i) adequate inspection of the mine and the equipment thereof;
- (ii) a thorough supervision of all operations in the mine;
- (iii) the installation, running and maintenance, in safe working order, of all machinery in the mine; and
- (iv) the enforcement of the requirements of the Act and these regulations and orders made thereunder:

Provided that if the Regional Inspector finds that those appointed are inadequate, he may require the appointment of such number of additional competent persons by the owner, agent or manager as he considers necessary.

(b) Without prejudice to the requirement of clause (a), where the mine is worked on more than one shift, the owner, agent or the managers shall arrange that during the afternoon shift and the night shift, the mine is under the general supervision or an undermanager or assistant manager, if any, and of an experienced mine forman in other cases.

(2) It shall be the responsibility of the manager to see that the persons so appointed are competent to perform the duties assigned to them. No person shall be so appointed unless he is paid by the owner or agent and is answerable to the manager.

(3) Copies of all appointments made under sub-regulation (1) shall be entered in a bound-paged book kept for the purpose. A list of all such competent persons shall also be maintained.

(4) Without prejudice to the requirements of sub-regulation (2), every manager on taking over charge of a mine, shall satisfy himself that all persons already appointed under sub-regulation (1) are competent to perform the duties assigned to them; and if he finds them competent, he shall either countersign their authorisations or issue fresh ones.

40. General Management – (1) The owner, agent and manager shall provide for the safety and proper discipline of persons employed in the mine.

(2) Except in a case of emergency, no person who is not an official or a competent persons shall give, otherwise than through the manager, instructions to a person employed in a mine, who is responsible to the manager.



**CHAPTER-V : Duties and Responsibilities of Workmen,  
Competent Persons and Officials, etc.**

41. Duties of persons employed in mines – (1)(a) Every person shall strictly adhere to the provisions of the Act and of the regulations and orders made thereunder, and to any order or direction issued by the manager or an official with a view to the safety or convenience of persons not being inconsistent with the Act and these regulations; nor shall he neglect or refuse to obey such order or directions.

(b) No person shall interfere with, impede or obstruct any person in the discharge of his duties, nor shall he offer or render any service, or use any threat, to any other person with a view to preventing him from complying with the provisions of the Act and of the regulations, and orders made thereunder or from performing his duties faithfully. If any person who receives any such offer or threat, fails to inform the manager forthwith, he shall also be guilty of a breach of these regulations.

(2) Every person shall, immediately before proceeding to work and immediately after terminating work at the end of his shift, have his name recorded in the register maintained under section 48(4) of the Act. In case of workings belowground, he shall get his name recorded every time he proceeds belowground or returns to the surface.

(3) No person shall go below ground unless he wears a hat of a type approved by the Chief Inspector.

(4)(a) No person shall, except with the authority of an official, remove or pass through any fence, barrier or gate, or remove or pass any danger signal.

(b) Subject to any directions that may be given by an official, no person shall, except for some justifiable purpose, go into any part of the mine other than that part in which he works, or travels to or from his working place by any roadway other than the proper travelling roadway.

(5) No person shall, while on duty, throw any stone or other missile with intent to cause injury, or fight or behave in a violent manner.

(6) Every person receiving any injury in the course of his duty shall, as soon as possible report the same to an official who shall arrange for the necessary first-aid to the injured person.

(7) No person shall sleep whilst on duty.

(8)(a) No person shall test for inflammable gas with a naked lamp, or brush or waft out inflammable gas. Should any person having a flame safety lamp find himself in the presence of inflammable gas, he shall not throw the lamp away or attempt to blow it out; but shall shelter it, hold it near the floor, avoid jerking it, and take it steadily into fresh air. Where he cannot take it into fresh air, he shall smother out the light or extinguish it in water.

(b) No person shall, when trying to examine for the presence of inflammable gas with a flame safety lamp, raise the lamp higher than may be necessary to allow the presence of inflammable gas to be detected.

(c) Every person using a safety lamp shall take proper care of it and shall not place it within 0.6 metre of the swing of any tool except in the case of a lamp which is actually worn, attached to the body of such person. In the case of a flame safety lamp he shall not place it on the floor unless it is necessary to do so for the safe performance of any particular work; and if the lamp becomes damaged, he shall at once carefully lower the flame until it is extinguished, and shall, at the first opportunity, report the damage to his superior official.

(9) Subject to the provisions of the Act and of these regulations and orders made thereunder, no person shall remain in a mine beyond the period over which his shift extends.

42. Duties of competent persons – Every competent person shall be responsible for the duties assigned to him. He shall be subject to orders of superior officials, and shall not –

- (a) depute another person to perform his work without the sanction of his superior official;
- (b) absent himself without having previously obtained permission from such official for the term of his absence or without having been relieved by a duly competent person; and
- (c) without permission from such official, perform during his shift any duties other than those for which he has been appointed.

43. Duties of officials – (1) Every official shall carry out the duties assigned to him by the manager, under-manager or assistant manager in accordance with the provisions of the Act and of the regulations and orders made thereunder.

(2) Every official shall, to the best of his power, see that persons under his charge understand and carry out their respective duties properly.

44. Duties and responsibilities of managers – (1)(a) In every mine daily personal supervision shall be exercised by the manager; and in case of workings belowground, he shall visit and examine the workings belowground on at least four days in every week to see that safety in every respect is ensured. Of these inspections one at least in every fortnight shall be made during the night shift :

Provided that in the case of a mine where an assistant manager or underground manager holding a First Class Manager's Certificate is employed in compliance with the first proviso to regulation 35 and visits and examines the workings belowground on not less than five days in every week, it shall suffice if the manager visits and examines the workings belowground on not less than two days in every week:

Provided further that when owing to any unavoidable cause the manager or the assistant manager or underground manager aforesaid is unable to carry out the aforesaid duties or inspections, he shall record the reason for the same in the book kept under clause (b).

(b) The manager, the undermanager and the assistant manager, if any, shall each maintain, in a bound paged book kept for the purpose, a diary; and shall record therein the result of each of his inspections and also the action taken by him to rectify the defects mentioned, if any.

(2) The manager shall make arrangements for all overmen and other officials to meet him or an undermanager, or assistant manager once in every working day for the purpose of conferring on matters connected with their duties.

(3)(a) The manager shall see that a sufficient supply of proper materials and appliances for the purpose of carrying out the provisions of the Act and of the regulations or orders made thereunder and for ensuring the safety of the mine and the persons employed therein, is always provided at the mine; and if he be not the owner or agent of the mine, he shall report in writing to the owner or agent when anything is required for the aforesaid purpose, that is not within the scope of his authority to order. A copy of every such report shall be recorded in a bound-paged book kept for the purpose.

(b) On receipt of a requisition under clause (a) the owner or agent shall take immediately and also shall, within three days of receipt of the requisition, inform the manager in writing of the action taken .

(4) The manager shall assign to every competent his particular duties, shall on his appointment make over to him a copy of the regulations, rules and bye-laws and of any orders made thereunder which affect him, and shall take all possible steps to ensure that every such person understands, carries out and enforces the provisions therein contained in a proper manner.

(5) The manager shall provide every overman with a tracing, upto the date of the last survey, showing the workings of the district belowground assigned to him. Where any work of reduction or extraction of pillars

is being carried out, such tracing shall show clearly the order in which such reduction or extraction is to be carried out.

(6) The manager shall examine all reports, registers and other records required to be made or kept in pursuance of the Act or of the regulations, or orders made thereunder, and shall countersign the same and date his signature. He may, however, by an order in writing, delegate this duty to an undermanager or assistant manager except in cases where a specific provision is made requiring the manager to countersign a report or register.

(7) The manager shall give attention to, and cause to be carefully investigated, any specific representation or complaint that may be made to him in writing by an employee of the mine as to any matter affecting the safety or health of persons in or about the mine.

(8) When any accident, resulting in serious bodily injury to any person or in loss of life, occurs in a mine, the manager shall inspect the site of accident as soon as possible, and shall also either himself or through an undermanager or assistant manager, have an inquiry made into the cause of and circumstances attending the accident. The result of every such enquiry and a plan of the site of the accident showing details, shall be recorded in a bound paged book kept for the purpose.

(9) The manager shall perform such other duties as have been prescribed in that behalf under the Act, the regulations, or orders made thereunder.

(10) The manager may suspend or take such disciplinary action against any employee for contravention of any of the provisions of the Act, these regulations or orders made thereunder.

45. Duties and responsibilities of assistant managers or underground manager – (1) The assistant manager or underground manager shall carry out the duties assigned to him by the manager, and shall see that in the part of the mine assigned to him by the manager, all work is carried out in accordance with the provisions of the act and of the regulations and orders made thereunder.

(2) The assistant managers or underground manager shall, subject to the orders of the manager, visit and examine the workings under his charge, or part thereof, on every working day.

(3) The assistant managers or underground manager shall, from time to time, carefully examine every travelable part of the mine or part thereof placed under his charge, whether frequented by workpersons or not.

(4) In the absence of the manager, assistant managers or underground manager shall have the same responsibility, discharge the same duties and be subject to the same liabilities as the manager, but not so as to exempt the manager therefrom.

43. Duties and responsibilities of mine – The mine foreman or other competent person appointed under regulation 37(1) shall strictly observe the following provisions, namely –

(1) (a) Subject to the orders of superior officials, he shall have responsible charge and control of such part of the mine, and shall carry out such duties, as may be assigned to him by the manager.

(b) In the case of working belowground he shall, while on duty, carry a tracing of the workings of such district and shall keep the tracing up-to-date.

(c) He shall, in his district, make the inspections and reports required by these regulations.

- (2) (a) He shall be responsible to see that the subordinate officials and competent persons in his district carry out their respective duties in a proper manner.
- (b) He shall, to the best of his power, enforce in his district the provisions of the Act, of these regulations and orders made thereunder, and shall, subject to the control of the manager and the underground manager, assistant manager, if any, give such directions as may be necessary to ensure compliance with those provisions, and to secure the safety of the district and the safety and proper discipline of the persons employed therein.
- (c) He shall have power to send out of the mine any person under his charge infringing or attempting to infringe any provision of the Act or of the regulations or orders made thereunder, or failing to carry out any direction given with regard to safety; and shall report in writing any such infringement or attempted infringement or failure to the manager.
- (3) He shall see that sufficient supplies of timber brattice and other necessaries required for the safe working of his district are kept in convenient places therein.
- (4) (a) He shall see that every air-crossing, stopping, door, brattice and other ventilation device is maintained in good order.
- (b) He shall, in his district, see that the ventilation is effective; and when brattices or air pipes are required to be used for the ventilation of the working places, he shall see that they are kept sufficiently advance to ensure that an adequate amount of air reaches every such working place.
- (5)(a) He shall see that all tracks and tramlines are properly laid, graded, ballasted or otherwise packed.
- (b) He shall see that the manholes on the haulage roadways are kept safe, clear of any obstruction, and properly white-washed.
- (c) He shall see that the stop-blocks, runway switches and other safety devices are fixed and used as required under the regulations, that drag or back-stays are provided and regularly used behind tubs ascending declines and that a sufficient supply of suitable sprags is provided where tubs are loaded on a gradient or lowered down a gradient by hand.
- (d) He shall, if he finds any of the ropes, chains, signals, brakes, jig wheels and post or other apparatus in use in his district to be in an unsafe condition, stop the use of the same forthwith.
- (6) He shall be responsible to see that except for the purpose of inspection, examination and repairs every person other than an official or a haulage attendant travels by the travelling roadway.
- (7) He shall give prompt attention to the removal of any danger observed or reported to him, and shall see that dangerous places are adequately fenced off.
- (8) He shall, under the direction of the manager, see that approved safety lamps are used and naked lights excluded wherever and whenever danger from inflammable gas is apprehended.
- (9)(a) He shall devote the whole of his time to his duties and shall visit each working place in his district as often as may be necessary or possible.
- (b) He shall not, except for justifiable cause, leave the district in his charge until he had finished the inspections required under these regulations and any other duties that he is required to perform, or until relieved by a duly appointed substitute.
- (c) He shall, if the mine is working in a continuous succession of shifts, confer with the official succeeding him and give him such information as may be necessary for the safety of his district and of persons employed therein.

(10) He shall, at the end of his shift, record in a bound-paged book kept for the purpose a general report on the performance of all his duties during the shift, including anything concerning the proper working of the mine and the safety and discipline of persons employed in his district.

47. Duties and responsibilities of mining mates – Every mining mate or other competent person appointed under regulation 116 shall strictly observe the following provisions, namely :-

(1)(a) Subject to orders of superior officials, he shall have responsible charge and control of the district of the mine assigned to him by the manager or the assistant manager or underground manager.

(b) He shall take reasonable means to ensure the proper observance of the requirements of the Act and of the regulations, and orders made thereunder by persons under his charge and shall, as soon as practicable, report any contravention thereof to his superior official.

(2)(a) He shall make such inspection and reports as are required by these regulations, and in making such examination, he shall pay particular attention to edges of the goaf, if any, for checking supports.

(b) Except in the case of a mine working in a continuous succession of shifts, he shall, on completion of the first inspection of the district, proceed to the station appointed under regulation 116 and instruct all persons as to their places of work and as to any special precautions necessary to be observed by them.

(c) If he finds any person in a place other than the one assigned to him, he may order such person out of the mine, and shall forthwith report the matter to his superior official.

(d) He shall ensure that no inexperienced person is employed on any work except under the supervision of an experienced person.

(3)(a) He shall see that all travelling roadways to, and working places in, his district are made and kept secure.

(b) He shall report to his superior official any deficiency in timber, appliances and other necessaries required for the safe working of the district.

(4) Where either of the two ways affording means of egress from the district to the surface is not ordinarily used for travelling, he shall travel, once at least in every seven days, the whole of such way in order to make himself thoroughly acquainted with the same.

(5)(a) If he observes any dangerous place during the course of his inspections or if any danger at a place where workpersons are employed is reported to him, he shall, if the danger cannot be removed forthwith withdraw all persons from such place and shall not leave the place until the danger has been removed in his presence or all approaches to the place have been fenced off so as to prevent persons from inadvertently entering such place.

(b) He shall take care that any dangerous operation is carried out with due precaution, and in such cases shall be present throughout whenever any work of clearing falls of ground and setting of supports therein is being carried out.

(c) He shall cause the entrance to every place which is not in actual use or in course of working or extension, to be fenced across the whole width, so as to prevent persons from inadvertently entering such place.

(d) If he finds any accumulation of inflammable or noxious gases, he shall carry out the provisions of regulations 141 and shall not remove such accumulation until he has received instructions in that behalf from his superior official.

(6) He shall, on receipt of information of an accident to any person in his district, proceed at once to the place of accident, inspect the place and, if required, supervise the rescue operations, and shall report or send notice of the accident to the manager or assistant manager or underground manager.

(7)(a) He shall devote the whole of his time to his duties, and shall not leave the district under his charge until the end of the shift or until relieved by a duly appointed substitute.

(b) If the mine is worked by a continuous succession of shifts, he shall, before leaving his district, confer with the sirdar or competent person succeeding him, and shall acquaint him with all matters requiring his personal attention and give him such other information as may be necessary for the safety of his district and of the persons employed therein.

48. Duties and responsibilities of blasters – Every blasters shall –

- (a) carry out his duties in accordance with the provisions of the regulations and of any orders made thereunder with respect to the transport and use of explosives;
- (b) be responsible for the observance by his assistants, if any, of such provisions and of any direction with a view to safety which may be given to them by a superior official;
- (c) not hand over any explosives to any unauthorised person;
- (d) see that clay, sand or other suitable stemming material is available in sufficient quantities at convenient places;
- (e) be present when shots are being charged and stemmed; and shall himself fire the shots; and
- (f) be responsible, when a shot has misfired, for seeing that the place is adequately fenced, and that the provisions of regulations 167 are strictly observed.

49. Duties of timberman – Every timberman shall carry out the orders of the manager, assistant manager or underground manager, foreman, mining mate or other competent person with respect to the securing of hangwall, footwall and back(roof). He shall at once report to the sirdar or other competent person any shortage of timber in his district. He shall also be responsible to see that woodcuttings are not left in any working belowground.

50. Duties of attendants of main mechanical ventilators – Every person in charge of the main mechanical ventilator shall –

- (a) keep the ventilator running at the speed fixed by the manager;
- (b) examine the machinery and observe the pressure-recorded or water gauge and the speed-indicator at intervals of not more than one hour, and shall, enter the readings of the indicator in a bound-paged book kept for the purpose at the fan-house;
- (c) immediately report to his superior official any stoppage of, damage to, or defect or derangement in the machinery, or any unusual variation in the water-gauge or other indicators; shall also immediately report to him any unusual circumstances in regard to mine ventilation which may come to his notice; and
- (d) where the ventilator is continuously operated, shall not leave his post until received by a duly appointed substitute.

51. Duties of lamp -room incharges – Every competent person in charge of a safety lamp-room-

- (a) shall be responsible for ensuring that all lamps in the safety lamp -room are properly maintained in accordance with the provisions of the regulations;

- (b) shall see that the safety lamp -room is kept in a neat and tidy condition, and that all damaged and defective gauges, glasses and other parts of safety lamps are not kept or stored in such room;
- (c) shall see that fire extinguishers or other means of dealing with fires provided in the safety lamps room are in good condition and readily available for use;
- (d) shall see that all records required by the regulations for the issue, return and maintenance of safety lamps are properly maintained; and
- (e) shall carry out such other duties relating to the maintenance, issue and return of safety lamps as may be specified by the manager or the undermanager or assistant manager.

52. Duties and responsibilities of surveyors – (1) Every surveyor shall –

- (a) make such accurate surveys and levellings, and prepare such plans and sections and tracings thereof, as the manager may direct or as may be required by the Act or by the regulations or orders made thereunder, and shall sign the plans, sections and tracings and date his signature; and
- (b) be responsible for the accuracy of any plan and section, or tracings thereof that has been prepared and signed by him.

(2) The surveyor shall record in a bound-paged book kept for the purpose –

- (a) the full facts when workings of the mine have approached to about 75 metres from the mine boundary, or from disused or waterlogged workings;
- (b) any doubts which may exist concerning the accuracy of the plans and sections prepared under these regulations; and
- (c) any other matter relating to the preparation of the plans and sections that he may like to bring to the notice of the manager.

Every entry in the book shall be signed and dated by the surveyor and countersigned and dated by the manager :

Provided that where in any mine two or more surveyors are employed, each of the surveyors shall make the entries aforesaid in respect of the workings in his jurisdiction or of the plans and sections in his charge.

(3) Nothing in sub-regulation (2) shall absolve the owner, agent or manager of his responsibility under the Act and under these regulations or orders made thereunder.

53. Duties and responsibilities of engineers – The engineer or other competent person appointed for the purpose –

- (a) shall, subject to the orders of the manager and other superior official, hold general charge of all machinery at the mine; and shall be responsible for the proper installation, maintenance and safe working of such machinery;
- (b) shall, when any machinery is shifted or newly installed, see that it is given a trial run before it is put into use and shall be present during every such trial run;
- (c) shall be present throughout whenever any work is installing, changing or recapping of any winding rope, or of installing changing or annealing any suspension gear, is being carried on;
- (d) shall see that the provisions of the Act and of the regulations and orders made thereunder relating to the installation, maintenance, operation or examination of machinery are properly carried out by himself or by subordinate officials, competent persons or workpersons as the case may be, appointed for the purpose; and
- (e) shall, if mechanics, electricians or other subordinate officials or competent persons are appointed for the purpose, examine all reports, registers and other records relating to the installation, maintenance, operation or examination of machinery required to be made or kept in pursuance of the Act, these regulations or orders made thereunder, and shall countersign the same and date his signature.

54. Duties of winding enginemen – (1) At the beginning of his shift the winding engineman shall examine the engine, brakes and all appliances in his charge, and shall satisfy himself that they are in good working order.

(2) Every winding engineman shall during his shift keep the winding engine and apparatus connected therewith properly cleaned and oiled, and shall see that the engine room is clean and free of inflammable material.

(3) The winding engineman shall immediately report in writing to the engineer or other competent person appointed for the purpose any defect which he has noticed in the engine, brake, indicator, drum, rope or other appliances under his charge.

(4) The winding engineman shall not allow any unauthorised person to enter the engine room or in any way to interfere with the engine.

(5) Every winding engineman shall thoroughly acquaint himself with, and carefully attend to, the prescribed code of signals; and shall not start the engine until he has received the proper signal to do so. If the signal is indistinct, he shall not start the engine until it has been repeated and he clearly understands it.

(6) The winding engineman shall avoid jerk in starting, running and stopping the engine, and shall cause the cage or other means of conveyance to be brought gently to rest at any stopping place.

(7) While persons are being lowered or raised in the shaft, the winding engineman shall not drive the engine at a speed higher than that fixed by the manager for manwinding purposes and approved by the Regional Inspector by an order in writing.

(8) The winding engineman shall not unclutch the drum of his engine until he has assured himself immediately beforehand by testing the brake of the drum against the full power of the engine that the brake is in proper condition to hold the load suspended from the said drum. When the drum is unclutched, he shall use the brake only for the purpose of maintaining such drum stationary, and shall not lower men or materials from an unclutched drum.

(9) The winding engineman shall on no pretext leave the handle or brake whilst the engine is in motion, or while persons are riding a cage or other means of conveyance in the shaft.

(10) The winding engineman shall not leave the engine whilst persons are at work in the shaft. Whenever he has occasion to leave the engine, he shall secure the drums with the brake and cut off the power.

(11) The winding engineman of a winding engine by which persons are lowered or raised in a shaft, shall not leave the engine at the end of his shift unless all the persons have come out of shaft or unless relieved by a duly appointed substitute.

55. Duties of banksman, bellmen and signalmen. – (1) Every banksman, bellmen and signalmen, as the case may be, shall observe the following provisions, -

(a) He shall, subject to the orders of a superior official, have full control of the top or bottom of shaft and the inset, as the case may be and shall report to such official any person who, without authority, gives a signal or disobeys instructions.

(b) He shall thoroughly acquaint himself with, and carefully attend to, the prescribed code of signals, and shall properly transmit the signals by the means provided. He shall not act on any signal the correctness of which he is in doubt, except a signal which he believes to be “to stop”. He shall not allow any unauthorised person to give signals.

(c) He shall immediately report to his superior official any defect in the signalling installation.



- (d) He shall devote the whole of his time of duties, and shall not leave his post during the period of his duty. Where persons are raised or lowered in the shaft, he shall not leave his post at the end of his shift unless all the persons have come out of the shaft or unless relieved by a duly appointed substitute.
- (e) He shall not allow more than the authorised number of persons to enter the cage or other means of conveyance at any one time.
- (f) He shall not, unless specially authorised in writing by the manager in that behalf, allow any persons when riding in a cage or other means of conveyance, to take with him any bulky material other than tools and instruments:

Provided that nothing in this clause shall be deemed to prohibit the carrying, in a cage or other means of conveyance, the explosives by a blaster or other competent person.

- (g) After any stoppage of winding for repairs or for any other cause for a period exceeding two hours, he shall not allow any person to ride in the cage or other means of conveyance unless it has been run at least one complete trip up and down the working portion of the shaft.
  - (h) He shall not allow any person to ride on the top or edge of any cage or other means of conveyance except when engaged in examination, repair or any other work in the shaft.
  - (i) He shall, after persons have entered the cage, see that the cage gates on both sides are in position and closed, before signalling for the cage to be lowered or raised.
  - (j) He shall not allow any unauthorised person to handle tubs in or out of the cage. While tubs are being lowered or raised, he shall also see that the catches are holding the tubs properly before signalling the cage or other means of conveyance away. If he notices any defect in the tub-catches, he shall immediately inform his superior official.
  - (k) He shall not, at any entrance into a shaft or inset which is provided with gates or fences not worked by the cage or other means of conveyance, begin to remove the gate or fence until the cage or other means of conveyance has stopped at the entrance, and shall close the gate before he has signalled the cage or other means of conveyance away. He shall not permit any unauthorised person to open or interfere with the gate.
  - (l) He shall see that all fences and gates provided at the top of the shaft or at any inset are in position.
  - (m) He shall not permit any unauthorised person to remove a fence or gate; and if he notices any defect in such fence or gate he shall immediately inform his superior official.
  - (n) He shall keep the top of the shaft or the inset and the floor of every cage free from loose material.
  - (o) He shall, when long timber, pipes, rails or other material projecting over the top of a cage or other means of conveyance are lowered or raised, see that the projecting ends are securely fastened to the rope, chains or bow.
  - (p) He shall, when he suspects that the cages are not working smoothly in the shaft or when he hears anything unusual happening in the shaft while the winding engine is working, immediately give signal to the winding engineman to stop the engine.
- (2)(a) At the beginning of his shift, the banks man shall see that the keps are in proper working order.
- (b) The banksman, when he is informed of any danger in the shaft, shall not allow any person to descend except for the purpose of examination or repair; and during the time that such examination or repair is going on, shall be on duty and listen for signals.

(c) The banksman shall not permit any person descending the shaft to carry any intoxicating drink or drug, or allow any intoxicated person to descend.

(3) Where the manager so directs by an order in writing the banksman or the bellman, as the case may be, shall also carry out the duties of a signalman.

56. Duties of haulage enginemen, brakemen, and signallers. – (1) At the beginning of his shift, the haulage engineman shall examine the engine, its brake and all appliances in his charge, and shall satisfy himself that they are in good working order.

(2) The haulage engineman shall, during his shift, keep the haulage engine and apparatus connected therewith properly cleaned and oiled, and the engine-room clean and free of inflammable material.

(3) The haulage engineman and banksman shall report immediately to the engineer or other competent person appointed for the purpose any defect which he has noticed in the engine, drum, rope or other appliances under his charge.

(4) Whenever the haulage engineman has occasion to leave the engine, he shall cut off the power and secure the engine with the brake.

(5) The haulage engineman, brakeman and signaller shall not allow any unauthorised person to enter the engine-room or in any way to interfere with the engine or signal, as the case may be.

(6) Every haulage engineman, brakeman and signaller shall thoroughly acquaint himself with, and carefully attend to, the prescribed code of signals. The haulage engineman shall not start the engine until he has received the proper signal to do so. If the signal is indistinct, he shall not start the engine until it has been repeated and he clearly understands it.

(7) The person in charge at the top of any haulage plane or incline shall see that the stop-block are blocking the way, before allowing any tub to be brought on to the tope landing; and shall cause the tubs to be securely coupled up to each other and to the rope or chain, before the stop block is opened. In case any alternative safety appliance is provided, he shall cause the same to be brought into use on every such occasion.

(8) The person who is responsible for the attachment, to the haulage rope, of any tub or set of tubs at any stopping place on any haulage plane or incline, shall see that no person remains in a position of danger at or near such stopping place while the rope is in motion.

(9) The person in charge of any tubs or set of tubs, which it is intended to sent up any haulage plane or incline on which drags or back-stays are required to be used, shall securely fix the drag or back-stay or cause it to be so fixed, before such tub or set of tubs is set in motion.

(10) The person in charge at the top or bottom of the incline shall see that no unauthorised person rides on any tub or haulage rope.

(11) Before a train of side-tipping tubs is set in motion, the person in charge shall see that the safety catches of all such tubs are properly secured.

57. Duties of Locomotive drivers and shunters – (1) The locomotive driver shall, before commencing work in his shifts, ensure that the audible signal and the brakes of the locomotive are in proper working order.

(2) The locomotive driver shall not work the on locomotive except during hours of daylight, unless the locomotive is fitted with sufficient headlights as prescribed.

- (3) The locomotive driver shall immediately report to the engineer or other competent person appointed for the purpose any defect which he has noticed in the locomotive or any part or fitting thereof.
- (4) The locomotive driver shall not set the locomotive in motion until audible warning has been given by him to persons whose safety may be endangered. He shall also give the audible warning when the locomotive is approaching a level crossing or any place where any person is at work or where the driver's sight is intercepted.
- (5) The locomotive driver shall not leave a locomotive unattended away from the places where it is housed, unless he has ensured that it cannot be set in motion by any unauthorised person.
- (6) The locomotive driver shall ensure that no unauthorised person drives, handles or raised on a locomotive.
- (7) When tubs or wagons are being pushed in front of the locomotive, the shunter shall accompany the leading wagon.

58. Duties of magazine incharge – Every magazine incharge –

- (a) shall, subject to the orders of superior officials, be responsible for the proper receipt, storage and issue of explosives in and from the magazine;
- (b) shall maintain such records of explosives so received, stored and issued, as are required by the rules made under Indian Explosives Act, 1884, and under the Act and under the regulations, rules, byelaws and orders made thereunder;
- (c) shall not issue explosives to any person other than a competent persons; and when explosives are returned to the magazine, shall re-issue such explosives before issuing fresh stock;
- (d) shall record in a bound-paged book kept for the purpose the names of various competent persons and the quantity and nature of explosives issued to each of them; and shall similarly record the quantity and nature of explosives returned to the magazine by each such person;
- (e) shall securely lock each canister before issuing it to the competent persons and shall also check whether the canister is returned to the magazine in locked condition; he shall not issue explosives in any canister which is not in proper repair or which cannot be securely locked;
- (f) shall not allow any unauthorised person to enter the magazine; and
- (g) shall, if he discovers any shortage of explosives in the magazine forthwith inform the manager in writing.

59. Duties of register keepers and attendance clerks, etc. – (1) Every person appointed to keep registers or other records required by or under the Act and the regulations and any orders made thereunder, or to make entries therein, shall make the necessary entries in ink and with reasonable despatch.

(2) During the whole time that persons are at work, the attendance clerk shall remain on duty at attendance cabin which shall be provided near the workplaces, or in case of workings belowground, near the outlet used by the workpersons to enter and leave such workings.

(3) No person who is not an employee of the mine or is not entitled to enter the mine under the Act or under the regulations, or orders made thereunder, or is not so authorised by the manager, shall enter the mine. It shall be the duty of the attendance clerk to see that no such person enters the mine; if any such person forcibly enters the mine, the attendance clerk shall immediately report the matter in writing to the manager.

(4) If after the commencement of a shift any official or a competent person has not got his attendance recorded in the register maintained under section 48(4) of the Act, the attendance clerk concerned shall, within two hours after the commencement of the shift, report the fact in writing to the Manager, or the under manager or assistant manager or other official in charge of the shift.

## CHAPTER-VI : Plans and Sections

60. General requirements about mine plans and sections – (1) Every plan or section prepared or submitted in accordance with the provisions of the regulations shall –

- (a) show the name of the mine and of the owner, and the purpose for which the plan is prepared;
- (b) show the true north, or the magnetic meridian and the date of the latter;
- (c) show a scale of the plan at least 25 centimeters long and suitably subdivided;
- (d) unless otherwise provided, be on a scale having a representative factor of
  - (i) 200 : 1, in case of mica mines and other mines having small scale workings below ground;
  - (ii) 2,000 : 1, in case of mines having large open cast workings and also in case of surface plans of large leasehold areas ; and
  - (iii) 1,000 : 1, in other cases.

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit or required the plans to be prepared on any other suitable scale; and

- (e) be properly inked in or durable paper or on tracing cloth, and be kept in good condition.
- (2) The conventions shown in the Second Schedule shall be used in preparing all plans and sections required by the regulations.
- (3) The plans and sections shall be accurate within such limits or error as the Chief Inspector may specify by a general or special order.
- (4) The plans and sections required under these regulations shall be maintained up-to- date within three months except in case of open-cast workings in respect of which it shall suffice if the plans are maintained up-to-date within 12 months :

Provided that where any mine or part is proposed to be abandoned or the working thereof to be discontinued or rendered inaccessible, the plan and section shall be brought up-to-date before such abandonment or at the time of discontinuance; as the case may be, unless such abandonment or discontinuance has been caused by circumstances beyond the control of the owner, agent or manager, in which case the fact that the plan or section is not up-to-date shall be recorded on it.

(5) Plans and sections required to be maintained under the regulations shall be kept available for inspection in the office at the mine, and shall not be removed therefrom except by or with the approval in writing of the Regional Inspector, unless a true copy thereof has been kept therein.

61. Types of plans and sections – (1) The owner, agent or manager of every mine shall keep the following plans and sections :

- (a) A surface plan showing every surface feature within the boundaries, such as telephone, telegraph or power transmission line, watermain, tram-line, railway, road, river, watercourse, reservoir, tank, bore-hole, shaft and incline opening, opencast working, subsidence and building on the surface.
- (b) An underground plan showing :
  - (i) the position of the workings of the mine belowground;
  - (ii) every bore-hole and shaft (with depth), drive cross cut, winze, rise, excavation (stopped ground) and every tunnel and air passage connected therewith;

- (iii) every pillar or block of mineal left for the support of any structure on the surface; and underground magazines, if any;
- (iv) every important surface feature within the boundaries, such as railway, road, river, stream, watercourse, tank, reservoir, opencast working and building which is within 200 metres of any part of the workings measured on the horizontal plane;
- (v) the general strike of the veins, lodes, reefs an mineral beds or deposits;
- (vi) the position of every dyke, fault and other geological disturbance with the amount and direction of its throw; and
- (vii) an abstract of all statutory restrictions in respect of any specified workings with a referred to the order imposing the same.

Whatever this plan is brought up-to-date the then position of the workings shall be shown by dotted line drawn through the ends of the workings and such dotted line shall be marked with the date of the last survey.

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, approve any other method of showing the up-to-date position of the working of the mine.

- (c) A transverse section or sections of the workings through the shaft or shafts and main adits indicating clearly the surface and the dips of the vein, lode, reef or mineral bed or deposit at different points; and such sections of the strata sunk or driven through in the mine or proved by boring, as may be available.
- (d) A vertical mine section or sections showing a vertical projection of the mine workings, where a reef, vein, lode or mineral bed or deposit has an average dip of more than 30 degrees from the horizontal;
- (e) A ventilation plan, and section where necessary, showing the system of ventilation in the mine, and in particular –
  - (i) the general direction of air-current;
  - (ii) every point where the quantity of air is measured;
  - (iii) every air-crossing, ventilation door, stopping and every other principle device for the regulation and distribution of air;
  - (iv) every fire-stopping and its serial number;
  - (v) every room used for storing inflammable material;
  - (vi) the position of fire-fighting equipment;
  - (vii) every water-dam with dimensions and other particulars of construction;
  - (viii) every pumping, telephone and ambulance station; and
  - (ix) every haulage and travelling roadway.
- (f) A water-danger plan and section showing :
  - (i) the position of the working belowground; an every borehole ans shaft (with depth), drive, crosscut, winze, rise, excavation and air passage connected therewith;
  - (ii) the position of every dyke, fault and other geological disturbance with the amount and direction of its throw;
  - (iii) levels taken in workings belowground at easily identifiable points sufficient in number to allow of the construction of sections along all drives, mainheadings and haulage roadways;
  - (iv) every source of water such as river, stream, water-course, reservoir, water-logged opencast workings on the surface, and also the outline of all water-logged workings belowground lying within 60 metres of any part of the workings measured in any direction ;
  - (v) every reservoir, dam or other structure, either above or belowground, constructed to withstand a pressure of water or to control in inrush of water, along with reference to its design and other details of construction;
  - (vi) surface contour lines drawn at vertical intervals not exceeding five metres (or ten metres in the case of a mine where there are no working belowground ; or in cases of mines

- situated in hilly terrain, such other larger interval as the Regional Inspector may permit by an order in writing and subject to such conditions as he may specify) over the whole area lying within 200 metres of any part of the workings; and
- (vii) the highest flood level of the area.

All levels taken above and belowground shall be referred to a plane in relation to a bench mark which shall be established on the surface in the mine. Particulars of this bench mark, together with its height above the Mean Sea Level, shall be shown on the plans and sections maintained under this clause.

- (g) A geological plan of the area of leasehold, on a suitable scale specified or approved by the Chief Inspector by a general or special order in writing.

(2) where different reefs, lodes, veins or mineral beds or deposits overlie or run parallel to one another, the workings of each reef, lode, vein or mineral bed or deposit shall be shown on a separate plan and/or longitudinal section or sections; so however that if two reefs, lodes, veins or mineral beds or deposits are so situated in relation to each other that the parting between workings made therein is less than 10 metres at any place, such workings shall also be shown on a combined plan and/or longitudinal section, as the case may be in different colours.

(3)(a) (i) The plans kept under clauses (a) and (b) of sub-regulation (1) shall also show the settled boundary of the mine, or where the boundary is in dispute, the boundaries claimed by the owner of the mine and by the owners of the mines adjacent to the disputed boundary :

Provided that where it is not possible to show the complete boundary of leasehold on the same plan, an additional key plan or any other suitable scale showing such boundaries and the outline of the workings shall also be maintained.

(ii) The plans required to be kept under clause (b) of sub-regulation (1) shall also show the workings both above and belowground of all adjacent mines as are situated within 60 metres, measured on any plane, of the boundary claimed by the owners of the mines. The position of these workings also shall be maintained up-to-date within three months, or 12 months if permitted under regulations 60(4)

- (iii) The plans required to be kept under clause (b) of sub-regulation (1) shall also, on every occasion that the workings are brought up-to-date in compliance with the provisions of clause (ii) of this sub-regulation, be signed by the surveyor and the manager of every adjoining mine having workings within 60 metres of the common boundary (or where the boundary is in dispute, within 60 metres of the boundary claimed by the owner of the mine) signifying the correctness of the common boundary, or the disputed boundaries as the case may be, and of the position of the workings in relation to one another.

- (b) The owner, agent or manager of every mine shall give all reasonable facilities to the surveyors of its adjacent mine to carry out the surveys and levellings required to be made under this sub-regulation.

(4)(a) The Regional Inspector may, by an order in writing, require such additional details to be shown on the plans and sections required to be kept under these regulations, or the preparation and maintenance of such other plans and sections showing such details and on such scale and within such time as he may specify in the order.

(b) The Regional Inspector may, by an order in writing, require the owner, agent or manager to submit to him within such time such plans and sections, or tracings thereof, as he may specify in the order.

(c) The owner, agent or manager shall, at any time if required by the Regional Inspector, show on any plan or section the then position of the workings of the mine.

62. Copies of plans and sections to be submitted – The owner, agent or manager shall, on or before the 30 April of every year, submit to the Chief Inspector two up-to-date copies of the plans and sections maintained under clauses (b) , (c) and (d) of regulation 61(1). The provisions of this regulation shall be deemed to have been complied with if the owner, agent or manager gets the copies of plans and sections submitted hereunder during the previous years brought up-to-date at his own expense.

63. Plans and sections to be submitted after abandonment or discontinuance – (1) Where any mine (or in case of a mine to which regulation 142 applies, any part thereof) is abandoned or the working thereof has been discontinued over a period exceeding four months, the person who was the owner of the mine at the time of abandonment or discontinuance shall, within 30 days after the abandonment or within five months after the discontinuance of the workings, as the case may be, submit to the Chief Inspector two true copies of the up-to-date plan and section of the workings of the mine or seam or section maintained under clauses (b), (c) and (d) of regulation 61(1). Every such copy shall show the bearing and distance of at least one of the shafts or openings of the mine from a trijunction or revenue pillar or from any other prominent and permanent surface feature, the position of all water-dams built belowground (with their dimensions and other particulars of construction) and also the spot levels at the ends of the workings:

Provided that if a change of ownership occurs after the abandonment or discontinuance and before the expiry of the 30 days or five months aforesaid, as the case may be, such plans and sections shall be submitted forthwith.

(2) The original or a certified true copy of the plan and section submitted under sub-regulation (1) shall be kept in the office at the mine.

(3) The Chief Inspector may, on such conditions as he thinks fit to impose, and on payment of the cost of preparing copies as determine by him, supply copies of a plan or section submitted to him under sub-regulation (1) or such parts thereof as he thinks fit -

- (a) to any person having a bona fide interest in the mine, seam or section;
- (b) to the owner, agent or manager of an adjacent mine.

64. Survey instruments and materials – The owner or agent shall provide accurate and reliable survey instruments and materials for the proper carrying out of all survey and levelling work and for the preparation of plans and sections required under these regulations; and no other instruments shall be used in connection with any such survey or levelling work.

65. List of plans, sections and instruments and their storage – (1) All plans and sections, and tracings or copies thereof, kept at the mine shall be serially numbered or suitably indexed.

(2) Suitable arrangements shall be made at every mine for the proper storage and maintenance of every plan and section of all instruments and materials. Such arrangements shall, unless otherwise permitted by the Chief Inspector by an order in writing an subject to such conditions as he may specify, provide for flat storage of every plan and section maintained under clauses (b), (c) and (d) of regulation 61(1).

(3) Every field book and other notes used in the preparation of plans and sections required under these regulations shall be duly indexed and kept in the office at the mine.

(4) A list of all plans and sections maintained under these regulations, or any orders made thereunder, and tracings or copies thereof; of all survey instruments provided under regulation 64 with their respective types specifications and identification numbers; and of all field books and other notes kept under sub-regulation (3) shall be kept in a bound paged book kept for the purpose, and shall be brought up-to-date

whenever necessary. Every entry in the book shall be signed and dated by the surveyor, and countersigned and dated by the manager.

66. Preparation of Plans by Surveyors – (1) Every plan and section, and tracing thereof, prepared under these regulations shall be prepared by or under the personal supervision of a surveyor appointed under regulation 38.

(2) Every plan or section, or any part thereof, prepared by or under the supervision of a surveyor shall carry thereon a certificate by him to the effect that the plan or section or part thereof is correct; and shall be signed and dated by the surveyor and countersigned and dated by the manager on every occasion that the plan or section is brought up-to-date.

(3) Every tracing of a plan or section or of any part thereof shall bear a reference to the original plan or section from which it was copied and shall be certified thereon by the surveyor to be a true copy of the original plan or section. The certificate shall be signed and dated by him.

(4) If the surveyor fails or omits to show any part of the workings or allow the plans or sections to be inaccurate, he shall be guilty of a breach of these regulations. Nothing in this sub-regulation shall, however, exempt the owner, agent or manager of their responsibility to ensure that every plan or section prepared, kept or submitted under these regulations or by any order made thereunder is correct and maintained up-to-date as required thereunder.

67. Plans to be checked on change of ownership or on re-opening. – (1) When there is a change in ownership of a mine, or where a mine or part thereof is reopened, or where in any mine or part thereof it is intended to start any extraction or reduction of pillars or blocks of minerals, the owner, agent and manager shall ensure that the plans and sections of the mine or part are accurate. If any doubt arises as to the accuracy of the plans and sections in any respect, he shall have accurate plans and sections prepared afresh before any drivage or other work of development or of extraction or reduction of pillars is commenced.

(2) If the Regional Inspector is of the opinion that any plan or section prepared, kept or submitted under the regulation is inaccurate, he may, by an order in writing, require a fresh survey made and a new plan or section prepared within such time as he may specify therein.

(3) If the plan or section required to be prepared under sub-regulation (2) is not prepared within the time specified in the order, or to the satisfaction of the Regional Inspector, or the plan or section is not prepared or brought up-to-date as required under these regulations, he may get the plan or section prepared by any other agency; and the cost thereof, as certified by the Chief Inspector, shall be defrayed by the owner of the mine and recoverable from him as an arrear of land revenue.

## **CHAPTER-VII : Means of Access and Egress**

66. Outlets from a mine – (1) No person shall be employed, or be permitted to enter or remain for purposes of employment, in any working belowground, unless the working is provided with at least two shafts or other outlets to the surface–

- (a) with which every lode, reef, vein or mineral bed or deposit or section thereof, for the time being at work has a communication so as to afford separate means of ingress and egress to the persons employed therein;
- (b) which do not have their surface openings in the same building; and
- (c) which are under the sole control of the manager :

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the employment belowground of persons even in a case where the two shafts or outlets are not under the control of the same manager.



(2) Suitable arrangements shall be made for persons to descend and ascend by each of such shafts or outlets. Where the shaft is vertical and more than 60 metres in depth, such arrangements shall be by means of a proper winding engine.. Every such winding engine shall be to installed and maintained as to be constantly available for use. In any doubt arises to whether any such arrangement is suitable or not, it shall be referred to the Chief Inspector for decision :

Provided that, if required by the Regional Inspector by an order in writing a proper winding engine shall be provided in a shaft more than 60 metres in depth even if it is not vertical.

(3) Such shafts, inclines or outlets shall not be less than 15 metres distant from one another at any point, and each shall be connected with the other by means of a walkable passage, not less than 1.8 metres high 1.5 metres wide, through the workings belowground that are being served by such shafts or outlets :

Provided that outlets made before the coming into force of these regulations may be closer than 15 metres but not less than 6 metres apart.

(4) Whenever the connection between two outlets which are required to be maintained under sub-regulation (1) has been obstructed or found dangerous, only such persons as are necessary to clear the obstruction or to repair the dangerous part of the connection or to make a new second outlet, as the case may be, shall be employed belowground until such time as the connection has been re-established or a new second outlet has been provided.

(5) The foregoing provisions of this regulation with respect to shafts and outlets shall not apply -

- (a) to a shaft which is being sunk or to an incline or outlet which is being made;
- (b) to any working for the purpose of making a connection between two or more shafts or outlets; and
- (c) to any working for the sole purpose of searching for or proving minerals;

so long as not more than 20 persons are employed belowground at any one time in the whole of the different seams in connection with a single shaft or outlet:

Provided that if the single outlet is an un-walkable shaft (other than a shaft in the course of being sunk) and exceeds 30 metres in depth, it shall be provided both with ladders and with other means of raising and lowering persons :

Provided further that nothing in this sub-regulation shall be deemed to authorise the driving of roadways for the development purposes before a second outlet has been made in accordance with the said provisions.

(6) The Chief Inspector may, by an order in writing and subject to such conditions as he may specify, exempt from the operation of this regulation any mine in the case of which special difficulties exist which in his opinion make compliance with the provisions thereof not reasonably practicable.

69. Working shafts and winzes – (1) Every shaft in use or in course of being sunk and every other outlet shall be made and kept secure.

(2) Every shaft (and every winze or raise intended to be used for purposes of winding or haulage) in the course of being sunk shall be provided with a permanent lining of metal, concrete or masonry, which shall at no time be more than six metres from the bottom of the shaft or winze:

Provided that where iron or steel rings with a substantial lagging are used below the permanent lagging and are kept close to the bottom of the shaft, this distance may be increased to not more than 20 metres:

If any doubt arises as to whether the strata are stable or not, it shall be referred to the Chief Inspector for decision.

(3) Every shaft or winze regularly used for lowering and raising persons or materials, in which water seeps out of the strata, shall be provided with water garlands or other means of collecting and conducting away seepage water.

(4) The top, all insets and bottom of every working shaft and the sump thereof shall be kept clear and free from loose materials, tools and debris.

70. Fencings and gates at outlets – (1) Every entrance to a mine from the surface, and the top and all entrances between the top and bottom, including the sump, if any, of every working, ventilating or pumping shaft, shall be kept securely fenced.

(2) Every walkable entrance from the surface to the workings belowground shall be provided with a substantial gate which shall be kept closed and locked when there are no persons belowground:

Provided that where such entrance is not used as a means of ingress or egress in or out of the mine, it shall be permanently closed so as effectively to prevent persons from entering therein.

71. Outlets from mine parts – Every part of a mine shall, where practicable, be provided with at least two ways affording means of egress to the surface. If any doubt arises as to whether the provision of two such ways is practicable or not, it shall be referred to the Chief Inspector for decision.

72. Periodic examination of outlets – (1) Every shaft, incline and other outlets provided as required by regulation 68 shall be examined, once at least in every seven days, by a mine foreman or other competent person. A report of every such examination shall immediately thereafter be recorded in a bound paged book kept for the purpose and shall be signed and dated by the person making the examination.

(2) If at the time of such examination or at any other time, the shaft or other outlet is found to be not safe, it shall not be used for any purpose, except as a natural airway, until it has been made safe in all respects. Report of every such action taken shall be recorded in the book kept under sub-regulation (1).

## **CHAPTER-VIII : Ladders and Ladderways**

73. Provision of ladderways. – (1) Every shaft or winze, including shaft or winze in the course of being sunk, which has an inclination exceeding 25 degrees from the horizontal, shall be provided with a ladderway from the top to the bottom :

Provided that in the case of a shaft or winze in the course of being sunk, the ladderway may be provided within such distance, not exceeding 20 metres, from the bottom as to secure it from danger during blasting operations and a chain or rope ladder shall be provided from this point to the bottom of the shaft or winze :

Provided further that where the Chief Inspector is of the opinion that compliance with the provisions of this sub-regulation is not reasonably practicable, he may, by an order in writing and subject to such conditions as he may specify therein, grant an exemption therefrom.

(2) Every working place shall be provided with platforms or other means of keeping a foothold, and where necessary, with ladders from climbing.

74. Ladders. (1) Every ladder used in a mine shall –

- (a) be of strong construction;
- (b) subject to the provision of sub-regulation (2), be securely fixed in the shaft, winze or stope at an inclination of not more than 80 degrees from the horizontal;
- (c) be made continuous or without perceptible overlapping or break except at a platform or collar;

- (d) project at least one metre above the mouth of the shaft, winze rise of stope and above every platform, except where strong holdfasts or hand-rails are provided;
- (e) have rungs equally spaced and at a sufficient distance from the wall or from any timber to ensure proper foothold; and
- (f) be maintained in good repair.

(2) Except in respect of the lowest 10 metres or a sinking shaft or winze, no ladder shall be placed at an inclination of more than 80 degrees from the horizontal.

Provided that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit a ladder to be fixed at a steeper inclination.

75. Provision of sollars etc. – (1) If a ladderway provided under regulation 73(1) exceeds 20 metres in depth and has an inclination of more than 30 degrees with the horizontal, platforms or sollars shall be provided at intervals of not more than 15 metres along the underlie or slope of the shaft or winze. Where the inclination is more than 60 degrees from the horizontal, the platforms or sollars shall be provided at intervals of not more than 10 metres.

(2) If a manhole is provided at any platform in any shaft or winze, it shall be placed behind the ladder leading up from the platform.

(3) Every opening in a platform provided for the handing of timber or other materials shall be effectively closed off from the rest of the platform.

76. Guarding of ladderways. – (1) Every ladderway in a shaft or winze used for winding or other purposes shall be in a separate compartment or shall be adequately guarded from other compartments.

(2) Every ladderway below any place or travelling roadway where persons are stationed or pass, shall be provided with a suitable cover of substantial fence or guard.

77. Carrying of materials on ladderways. – No person shall carry or be permitted to carry a drill, tool, explosives or any loose material on a ladderway in a shaft or winze having an inclination of more than 45 degrees from the horizontal except so far as may be necessary for carrying out repairs :

Provided that nothing in this regulation shall prevent a person from carrying a drill, tool or explosives in suitable sling or container secured to his person.

## **CHAPTER-IX : Transport of Men and Materials – Winding in shafts**

78. Appointment of winding enginemen and their duties – (1) No person shall be appointed as a winding engineman unless he holds –

- (a) in the case of an electric winding engine of 75 h.p. or more or of a steam or compressed air winding engine which has cylinders exceeding 30 centimetres of diameter, a I Class Engine Driver's Certificate and
- (b) in any other case a II Class Engine Driver's Certificate:

Provided that this clause shall not apply to the driver of an Electrical Winding Engine upto 30 h.p. or of a steam or compressed air winding engine which has cylinders not exceeding 18 centimetres in diameter and which is not used for raising or lowering persons.

(2) Where special difficulties exist which made compliance with the provisions of sub-regulation (1) not reasonably practicable, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, relax and said provisions.

(3) No person, other than a winding engineman appointed under sub-regulation (1) or a duly appointed assistant working under his direct personal supervision shall operate any winding engine:

Provided that in an emergency any other competent person may be permitted to operate the engine.

(4) The name of the winding engineman on duty, together with the period of his shift shall be posted in the winding engine room. Where the Regional Inspector is of the opinion that the duties of any winding engineman are unduly arduous, he may by an order in writing require the period of his shift to be reduced to such period, not less than five hours, as he may specify.

79. New winding installations – (1) When it is intended to bring into use any new winding installation for lowering and raising persons, the owner, agent or manager shall, not less than 30 days before such use, give notice of such intention to the Chief Inspector and the Regional Inspector. The notice shall contain detailed specifications of the installation.

(2) If the Chief Inspector, by an order in writing requires, such additions or alterations shall be made to the installation, as he may specify in the order.

80. Construction and installation of winding equipment – (1) Every part of a winding installation, including headgear shall be of sound construction and adequate strength, and shall be maintained in safe working order. In case of any doubt as to the foregoing, it shall be referred to the Chief Inspector for decision.

(2) The engine shall be firmly connected to a rigid foundation and shall be so designed, constructed and maintained that with the power provided, the raising and lowering of persons or materials can be carried out with ease, regularity and safety.

(3) Unless otherwise permitted in writing by the Chief Inspector and subject to such conditions as he may specify therein, every engine for winding shall be so situated in relation to the headgear that the winding rope shall not, in the extreme position, subtend in either direction an angle more than one and a half degrees with the plane of the sheave or pulley used in connection with the rope.

(4)(a) The diameter of the drums or sheaves of the winding engine, and of the pulleys and sheaves used in connection with the winding shall, unless otherwise permitted in writing by the Chief Inspector and subject to such conditions as he may specify therein, be not less than 80 times the diameter of the rope in the case of winding installations installed before the coming into force of these regulations and not less than 100 times the diameter of the rope in other cases:

Provided that the Chief Inspector may, by an order in writing, require that in the case of any specified winding installation installed before the date aforesaid, the diameter of the said drums, pulley or sheaves shall not be less than such size, upto 100 times the diameter of the rope, as he may specify in the order.

(b) The grooves of such sheaves or pulleys shall be suited to the diameter of such rope.

(c) Every pulley or sheaves used in connection with winding shall, while in motion, rotate in a vertical plane, and shall be maintained in such a condition that slipping is reduced to a minimum.

81. Spare rope to be kept in store. – At every mine where a shaft or winze is used for lowering or raising persons, at least one spare winding rope, suitable for use in such shaft or winze shall be kept in reserve.

82. Fittings of winding engines – At every shaft, including a shaft in the course of being sunk, where winding is effected by means of an engine, the following provisions regarding winding engines shall have effect, namely:

(1) There shall be on the drum such flanges, and also if the drum is conical or spiral such other appliances, as will be sufficient to prevent the rope from slipping or coiling unevenly. Except in the 'Koepe' system of

winding, the end of the rope shall be securely fixed in such a manner that the rope is not unduly strained. There shall be at least two turns of the rope on the drum when the cage or other means of conveyance is at its lowest working point in the shaft or winze.

(2)(a) There shall be provided one or more brakes on the drum which :

- (i) if there are two cages or other means of conveyance, will hold such cages or other means of conveyance when the maximum torque is applied in either direction; or
  - (ii) if there is only one cage or other means of conveyance, will hold the loaded cage or other means of conveyance in midshaft when the maximum torque is applied downwards.
- (b) At least one of the brakes shall be so designed that the brake remains at the 'on' position except when operated.
- (c) Where the brake or brakes are power-operated, at least one of them shall be arranged to be applied automatically at all times if the power supply fails. In no case shall a brake be operated by an auxiliary electric current.
- (d) The brake on the drum shall be used only for the purpose of keeping such drum stationary and not for lowering the cage or other means of conveyance, except in cases where the engine is to be worked at a very low speed as when examining the winding rope or the shaft or winze.

(3) Where the winding engine is worked by steam or compressed air, a screw stop-valve shall not be used as controlling valve of the engine.

(4) Every engine shall be equipped with a reliable depth-indicator (in addition to any mark on the rope) showing to the winding engineman the position of the cage or other means of conveyance in the shaft, and an automatic device that will ring a bell in the engine room when the ascending cage or other means of conveyance is at a distance of not less than two revolutions of the drum from the top of the shaft or winze. The depth-indicator shall be tested after every adjustment or replacement of the winding rope.

83. Shaft fittings – At every winding shaft, other than a shaft in the course of being sunk – to which the provisions of regulation 87 shall apply – the following provisions shall have effect, namely:

(1)(a) Efficient means shall be provided and maintained for interchanging separate, distinct and definite signals between the top of the shaft or winze and –

- (i) the bottom or other permanent landing of the shaft; and
- (ii) every inset for the time being in use.

There shall also be provided and maintained efficient means for transmitting such signals from the top of the shaft to the winding engineman. All signals shall be transmitted by mechanical or electrical means.

(b) In signalling, the following code of signals shall be used and strictly observed :

ONE RAP	:	STOP
TWO RAPS	:	LOWER
THREE RAPS	:	RAISE
FOUR RAPS	:	MEN ready to ascend or descend
FOUR RAPS	:	IN REPLY – men may enter the cage or other means of conveyance.

Any other signals shall be addition to, and shall not interfere with, the foregoing.

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the use of any code of signalling other than that specified above.

- (c) A printed copy of the code of signals, including additional signals, if any, shall be posted prominently at the top of the shaft and at every such inset and landing and also in the winding engine room.
  - (d) No person other than the banksman, bellman or signalman shall give any signal unless he is an official of the mine or is authorised in writing by the manager to give signals.
- (2)(a) Where the shaft or winze is vertical and exceeds 45 metres in depth, it shall be provided with sufficient number of guides to ensure smooth and safe travel of the cage or other means of conveyance.
- (b) Where rope guides are used, the cheese-weights or bottom clams shall be kept so exposed as to permit regular examination.
- (3) Above the topmost landing, 'dogs' or other devices for holding the cage or other means of conveyance in the event of an overwind shall be provided, or the guides, runners or receivers shall be sprung.
- (4) Where the shaft or winze is vertical, protective roofing or pent-house sufficient to prevent danger from anything falling in the shaft or winze, shall be provided and maintained at the bottom of the shaft or winze and at all landings where persons ascend or descend. The gap, both vertical and horizontal, between the protective roofing and the top of cage, when the cage is at the bottom of the shaft, shall not exceed 15 centimeters.

84. Manwinding – At every shaft or winze, other than a shaft in the course of being sunk, where a winding engine is used for the purpose of lowering or raising persons, the following provisions shall have effect, namely :-

- (1) In respect of every part of the winding installation, including pulleys or sheaves, cages, chains, distribution plates and detaching hooks, the following particulars shall be recorded in a bound paged book kept for the purpose -
  - (a) Name of the manufacturer and the year of manufacture;
  - (b) Specifications and dimensions;
  - (c) Reference to every certificate supplied with the part; and
  - (d) Any other detail that may be necessary or required by the Regional Inspector;

All entries in the book shall be made and signed by the engineer or other competent person, and shall be countersigned and dated by the manager.

- (2) Whenever any part or article is replaced or any repaired part or article used in any winding installation, the fact of such replacement or repair shall be recorded in the book kept under sub-regulation (1).
- (3) Where drumclutches are provided, the following provisions shall have effect, namely –
  - (a) The operating gear of the clutch of the drum shall be provided with locking gear to prevent inadvertent withdrawal of the clutch.
  - (b) Every engine used for the lowering or raising of persons shall have a suitable interlocking device so fitted that it is not possible –
    - (i) to unclutch any drum unless the brakes of such drum are applied; or
    - (ii) to release the brakes until the drum clutch is fully engaged and securely locked.
  - (c) Unless the cage or other means of conveyance attached to the drum is resting at the bottom of the shaft, the drum shall not be unclutched unless the winding engineman has assured himself immediately beforehand that the brake is fully applied.

(4) If the shaft or winze is vertical, except in the 'Koepe' system or winding, there shall be provided between the rope and the cage or other means of conveyance a detaching hook. The space between such detaching hook, measured from the centre of the hole for attaching it to the rope shackle, and the detaching-bell or plate when the cage or other means of conveyance is at its normal position at the top of the shaft or winze, shall be not less than 3.6 metres where a geared engine is used, and not less than 7.5 metres where a direct acting engine is used.

(5) If the shaft or winze exceeds 300 metres in depth, there shall be a clear over-run space of not less than 7.5 metres below the lowest landing place. The sump below the lowest landing place shall be kept free from water or other liquid matter to such an extent that in case of an overwind, the persons riding in the case or other means of conveyance will not be submerged.

(6) In the case of every shaft or winze exceeding 100 metres in depth, unless exempted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, the engine shall be fitted with an automatically recording speed indicator.

(7)(a) In case of every shaft or winze exceeding 100 metres in depth, there shall be provided an effective automatic contrivance to prevent overspeeding and overwinding, hereinafter called the 'Automatic Contrivance'. The Automatic Contrivance shall prevent the descending cage from being landing at the pit bottom or other permanent landing at a speed exceeding 1.5 metres per second and shall also control the movement of the ascending cage in such a manner as to prevent danger to persons riding therein. The Regional Inspector may, by an order in writing, specify the maximum speed of winding in any shaft.

Provided that in case of any shaft or winze the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, grant exemption from the provisions of this sub-regulation.

(b) Tests of every Automatic Contrivance and every brake shall be made by the engineer or other competent persons appointed for the purpose, in the following manner -

- (i) once at least in every seven days, by raising each cage or other means of conveyance, in turn, to pass the last control point above the topmost landing; and
- (ii) once at least in every three months, by attempting to land the descending cage at excessive speed. For the purpose of this test, the setting of the Automatic Contrivance may be altered so that pre-determined point in the shaft or winze is regarded as the landing.

The results of every such tests shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person making the test.

Provided that where special conditions exist, the Chief Inspector, may, by an order in writing and subject to such conditions as he may specify therein, permit the tests aforesaid to be carried out in such other manner as he may specify in the order.

(c) Unless the Automatic Contrivance is in full and fixed engagement with the winding engine, it shall be fully engaged, either automatically or by the winding engineman, wherever necessary to be lowered or raised; and a proper automatic indicator to show that this has been done shall be provided in such a position as to be easily seen by the banksman. No person shall be allowed to enter any cage or other means of conveyance until the indicator shows that the Automatic contrivance has been fully engaged.

(8) Except where an Automatic Contrivance is provided to prevent overwinding, a point shall be fixed and marked on the indicator of the engine in such a way as to show when the cage or other means of conveyance is at a distance of not less than twice the circumference of the drum from the completion of the wind; and if such cage or other means of conveyance contains persons, the winding engineman shall not, as soon as it has reached the point aforesaid, raise it for the remaining distance at a speed exceeding 1.2 metres per second.

(9) Where the only means of egress in a mine is by apparatus worked by steam or electricity, precautions shall be taken to ensure that the two winding engines do not fail simultaneously, and in particular, in the case of electric winding engines, the engines shall be capable of being connected to two separate power supplies. Unless the Chief Inspector by an order in writing otherwise directs, the provisions of this sub-regulation shall be deemed to be satisfied if an emergency winding gear is maintained.

(10)(a) Except in the 'koepe' system of winding, at the top of every shaft or winze where cages are used, suitable keps shall be provided and so arranged as to fall into the 'on' position when the operating lever is released.

(b) At every inset where keps or folding platforms are provided, arrangements shall be made to lock the keps or platforms securely in the 'off' position; and when in the 'off' position, such keps or platforms shall leave the shaft or winze clear for the passage of the cage. In every such case, a proper automatic indicator to show the position of the keps or platforms, as the case may be, shall be provided in such a position as to be easily seen by the banksman.

(11)(a) Unless otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein every cage or other means of conveyance in which persons ride in a vertical or steeply inclined shaft or winze shall be –

- (i) covered completely at the top;
- (ii) closed in at the two sides in a manner sufficient to prevent persons or things from projecting beyond the sides;
- (iii) provided with a rigid hand-bar fixed in a position where it can be easily reached by all persons in the cage or other means of conveyance; and
- (iv) provided with suitable gates or other rigid fences such that the gap between the floor of cage or other means of conveyance and the lowest part of the gate or fence does not exceed 15 centimetres and that between any two members of the gate or fence does not exceed 25 centimetres. Gates or fences shall not open outwards; and they shall be so fitted and maintained that they cannot be accidentally opened.

Provided that so much of this sub-regulation as requires a covering at the top shall not apply in a shaft or winze which is less than 30 metres in depth.

(b) The floor of every cage or other means of conveyance shall be strongly constructed and so maintained to prevent any part of the body of a person riding in the cage or other means of conveyance from projecting beyond the floor.

(12) Not more than such number of persons as may be authorised by the manager shall be allowed to ride in the same cage or same deck of a cage or other means of conveyance at one time; and a notice specifying the number shall be posted at the top of every shaft or winze and at every inset and landing :

Provided that where the Regional Inspector is of the opinion that the number so authorised is high, he may, by an order in writing, require the manager to fix a lower maximum number of persons as may be specified by him.

(13)(a) Unless permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, the total load when the authorised number of persons ride at any one time in any cage or other means of conveyance shall not exceed 60 per cent of the maximum load when materials are wound.

(b) No person shall, when ascending or descending a shaft, take with him any bulky material other than tools and instruments, except when engaged in repairing the shaft or with the written authority of the manager.



85. Multi-decks – Where a cage has two or more decks which are used simultaneously, each floor at a landing shall be connected by an effective signalling device with the main floor of the landing; and only the banksman or the bellman or the signaller or an official, as the case may be, at such main floor shall give action signal, and only after he has satisfied himself that all cage gates are closed.

78 Winding of material – (1) Every cage used for the raising or lowering of tubs shall be provided of tubs shall be provided with catches or other effective contrivances to prevent the tubs falling out. The cage shall not be set in motion unless the catches or other effective contrivances are in position.

(2)(a) The floor of every cage shall be kept clean; and no skip, bucket or tub shall be filled up to such height that any of the contents can fall out.

(b) Before long timber, pipes, rails, or other material projecting over the top of the cage or other means of conveyance are lowered or raised, the projecting ends shall be securely fastened to the rope, chain or bow.

87. Winding in sinking shafts – At every shaft or winze in the course of being sunk, where a winding engine is use the following provisions shall have effect, namely :

(1) If the shaft or winze is vertical and exceeds 45 metres in depth, there shall be provided for each bucket or other means of conveyance a detaching-hook. Between the centre of the hole for attaching the detaching-hook to the rope shackle and the detaching bell or plate, when the bucket or other means of conveyance is at the tope landing, there shall be a clear over-run space of not less than 3.6 metres.

(2) Where the shaft or winze is vertical and exceeds 150 metres in depth –

(a) the bucket or other means of conveyance, when used for lowering or raising persons, shall be provided with sufficient cover overhead for protection from things falling down the shaft; and

(b) these shall be provided for each bucket or other means of conveyance a sufficient number of guides which shall be kept extended to within 22.5 metres of the shaft bottom at all times when sinking is in progress:

Provided that the Regional Inspector may, by an order in writing, require the provision of guides in a shaft or winze which is less than 150 metres in depth or is not vertical.

(3)(a) There shall be provided and maintained two separate means of interchanging distinct and definite signals between the bottom and the top of the shaft or winze. Efficient means shall also be provided and maintained for transmitting such signals from the top of the shaft or winze to the winding engineman. The signalling appliances shall be examined by a competent person once at least in every 24 hours. The result of every such examination shall be recorded in a bound paged book kept for the purpose and shall be signed and dated by the person making the examination.

1[ (b) In signalling, the following code of signals shall be used and observed

ONE RAP	..	STOP
TWO RAPS	..	LOWER
THREE RAPS	..	TAKE UP SLACK or RAISE
FOUR RAPS	..	TAKE UP SLACK or RAISE when men are riding.

Any other signals shall be in addition to, and shall not interfere with, the foregoing.

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the use of any code of signalling other than that specified above.

(c) A printed copy of the code of signals, including additional signals, if any, shall be posted prominently at the top of the shaft or winze and also in the winding engine room.

(d) Except while riding in a bucket or other means of conveyance, no person other than the chargeman or a person authorised in writing by the manager, shall give any signal.

(4) Every bucket or other means of conveyance in which persons or materials are conveyed, shall be of strong construction and so maintained as to prevent persons or materials from falling.

(5)(a) At the top of the shaft or at the landing where the bucket or other means of conveyance is normally landed, suitable doors or covering shall be provided. Except as may be required for the passage of the bucket or other means of conveyance, the doors or covering shall always be kept closed.

(b) Where the shaft or winze has an inclination of 35 degrees or more from the horizontal and exceeds 45 metres in depth measured along its plane, persons working at the bottom shall also be protected by a suitable protective covering extending over the whole area of the shaft or winze, sufficient space being left therein only for the passage of the bucket or other means of conveyance; and the cover or scaffold shall be kept lowered –

- (i) if the shaft or winze is vertical to not more than 22.5 metres from the bottom; and
- (ii) in any other case, not more than 30 metres from the bottom :

Provided that where special circumstances exist, the Chief Inspector may, by an order in writing subject to such conditions as he may specify therein, grant an exemption from the provisions of this clause.

(6) Not more than such number of persons as may be authorised by the manager shall be allowed to ride in the bucket or other means conveyance at one time; and a notice specifying such number shall be posted prominently at the top of the shaft or winze.

(7) When tools, implements or other materials are lowered or raised, the banksman or chargeman, as the case may be, shall see that -

- (a) the bucket is properly loaded;
- (b) materials are not loaded above the rim;
- (c) long timber, pipes, rails, tools or other material with ends projecting over the rim are securely fastened to the rope, chains or bow; and
- (d) the bucket, before being sent away, is steadied, and the bottom and sides thereof are free from adhering material.

(8) Where guides are provided, the bucket or other means of conveyance shall be raised slowly from the bottom of the shaft or winze, until the rider is picket up.

(9) While persons are at work on any scaffold or platform in the shaft or winze, the following precautions shall be strictly observed :

- (a) The scaffold or platform shall be secured to the sides of the shaft in order to prevent it from swinging;
- (b) The opening for the passage of the bucket or other means of conveyance, shall be so protected as effectively to prevent anything falling through it;
- (c) The scaffold or platform shall not be lowered or raised except under the order of the chargeman or other competent person.

88. Winding ropes, etc. – At every shaft where a rope is used for winding purposes, the following provisions shall have effect, namely :

(1)(a) No rope, bar, link, chain or other attachment to a cage or other means of conveyance shall be used unless it is of good quality and manufacture, is free from any visible defect and is of adequate calculated strength :

Provided that the Chief Inspector may, by an order in writing prohibit the use of any rope or type of rope or bar, link, chain or other attachment where, in his opinion such use is unsafe.

(b) A single-linked chain shall not be used, except for the short coupling chain attached to a cage or other means of conveyance. Such singlelinked chain shall be attached to the safety hook through a distribution plate or other approved appliance.

(c) Where safety-chains are used, their length shall be such that if the kingbolt breaks, the shock to the cage or other means of conveyance is as slight as possible.

(d) The attachment between the rope and the cage or other means of conveyance shall be of such type and be maintained in such manner as to obviate accidental disconnection.

(e) In case of a doubt, as to the fitness of any rope, bar, link, chain or other attachment used or intended for use, it shall be referred to the Chief Inspector for decision.

(2)(a) Except, in a sinking shaft less than 30 metres in depth, every winding rope shall be made of cold drawn steel wire, and the gauge of the wires used in the construction of such rope shall be suited to the diameter of the drums, pulleys and sheaves of the winding installation.

(b) In any shaft, including a shaft in course of being sunk, where persons are lowered or raised and where guides are not provided, no rope other than a rope of non-spinning type shall be used.

(c) No rope which has been spliced shall be used for winding purposes.

(d) No winding rope shall be used or continued in use, if its safety factor (i.e. the ratio between breaking load on the rope at any point and the maximum static load on it when the cage or other means of conveyance is at the lowest working point) is or becomes –

(i) less than 10 in the case of a shaft not exceeding 300 metres in depth;

(ii) less than 9 in the case of a shaft exceeding 300 metres but not exceeding 500 metres in depth;

(iii) less than 8 in the case of a shaft exceeding 500 metres but not exceeding 700 metres in depth;

(iv) less than 7 in the case of a shaft exceeding 700 metres but not exceeding 1000 metres in depth;

(v) less than 6 in the case of a shaft exceeding 1000 metres but not exceeding 1500 metres in depth;

(3)(a) For every rope in use or intended for use, a certificate showing its breaking load, quality, construction and diameter (obtained from the manufacturer or supplier) and a history of its use, including a record of diameters of the drums, sheaves and pulleys used in conjunction with the rope, shall be kept in a bound paged book kept for the purpose. All entries therein shall be made and signed by the engineer or other competent person, and shall be countersigned and dated by the manager.

(b) If in the case of a new rope a test certificate as to the amount of its breaking load is not available, it shall not be used unless a portion thereof, not less than three metres in length, has been cut off and tested in a laboratory, institution or test house approved by the Central Government for the purpose.

(4) No winding rope which has been in use for more than three and half year shall be used for winding purposes :

Provided that where the Regional Inspector is satisfied that due to sparing use any such rope is in good condition even after the expiry of the said period, he may, by an order in writing and subject to such conditions as he may specify therein, allow the use of such rope for a longer period. Every application for permission to use a rope after the period of three and a half years aforesaid shall be accompanied by a copy of the entries, in respect of the rope, in the book kept for the purpose under sub-regulation (3), and also by a certificate as to the strength of the rope, obtained in the manner laid down in clause (b) of the sub-

regulation. The certificate aforesaid shall relate to a piece of the rope cut off not more than three months prior to the date of the application:

Provided further that where the Regional Inspector is of the opinion that any rope has become unsafe for use in a shaft before the expiry of the period of three and a half years aforesaid, he may, by an order in writing, prohibit the use of such rope for winding purposes. An appeal any such order may be preferred to the Chief Inspector.

(5)(a) No mode or type of capping shall be used, which fails to withstand a load of at least 10 times the maximum static load thereon.

(b) The cappel of a round rope shall not be attached to the rope by rivets passing through the rope.

(c) In those forms of capping, in which the wires at the end of the rope are bent back on the rope itself to form a cone, wedges formed by the lapping of soft iron wire shall be placed between the rope and that portion which is bent back. The length of the tapered portion of the socket shall be not less than 12 times the diameter of the rope.

(d) Where white metal is used in the capping of ropes, the tapered portion of the socket shall not be less than eight times the diameter of the rope.

(e) If white metal is used in the capping of ropes -

- (i) its melting point shall not exceed 300 degrees centigrade, and its temperature when poured into the socket shall not exceed 363 degree centigrade;
- (ii) in the length of rope which is to lie within the tapered part of the socket, the fibre core, if any, shall be cut and the wires shall be untwisted and thoroughly cleaned; and
- (iii) the socket shall be heated to a temperature of about 100 degrees centigrade before the white metal is poured into it.

(6) Except in the 'Koepe' system of winding, every rope shall be recapped once at least in every six months, or if necessary, at shorter intervals and also after every overwind. Before every such recapping, a length, including the capping, of at least two metres shall be cut off the rope. Each piece of rope so cut-off shall be opened and its internal condition examined. The operation shall be carried out under the supervision of the engineer or other competent person, who shall record the date and other particulars thereof (including the length of the rope remaining after recapping) in a bound paged book kept for the purpose and shall sign and date the same.

89. Suspension gear – (1) All parts of suspension gear in regular use shall unless otherwise permitted by the Chief Inspector, be renewed after a period of service of not more than ten years, and at shorter intervals, if necessary.

(2)(a) All cage chains in general use and all other parts of suspension gear between the rope and the cage or other means of conveyance, including the detaching-hook, shall be taken apart, cleaned and carefully examined as to wear and tear (where necessary by gouging) and for rust and cracks, once at least in every six months, or if necessary, as shorter intervals. The various parts shall be annealed or given other proper heat treatment before being refitted. :

Provided that in the case of such chains or gear manufactured from a steel which is not liable to deterioration necessitating annealing or heat treatment, the Chief Inspector may by an order in writing and subject to such conditions as he may specify therein, grant exemption from the carrying out of this operation;

b) Every detaching bell or plate used in connection a safety-hook shall be examined, and the opening therein checked by calipers or gauges, once at least in every 30 days.

(c) The operations and examination required under this sub-regulation shall be carried out by or under the supervision of the engineer or other competent person, who shall record the date and other particulars thereof in a bound paged book kept for the purpose, and shall sign and date the same.

90. Precautions after recapping, etc - After every installation or recapping of a rope and after every renewal or refitting of any suspension gear, the engineer or other competent person shall, after the cages or other means of conveyance fully loaded with materials have made five trips up and down the working portion of the shaft, examine the cappel and other parts of the suspension gear to see that they are in proper working order. A report of every such examination shall be recorded in the book kept under regulation 89(2), and shall be signed and dated by the persons making the examination.

91. Examination of winding equipment – (1) It shall be the duty of the engineer or other competent person to examine –

(a) Once at least in every 24 hours –

- (i) the attachment of the winding rope to the drum, the depth indicator, every part of the suspension gear in the shaft, including cages or other means of conveyance and their gates, and every external part of the winding apparatus, upon the proper working of which the safety of persons depends; and
- (ii) the brakes of the winding engines;

(b) Once at least in every seven days –

- (i) each winding rope, by passing the rope at a speed not exceeding one meter per second; and
- (ii) the external parts of the winding engine, the guides and the signalling arrangements fitted in a shaft or winze;

(c) Once at least in every 30 days, every winding rope, by passing the rope at a speed not exceeding 0.5 metre per second. For the purpose of this examination, the rope shall be cleaned of any entrusted dirt and grease at all places particularly liable to deterioration and at other places, not more than 30 metres apart throughout the length, and any reduction in the circumference of the rope and the superficial condition of the wires as to wear, corrosion, brittleness and fracture at every such place shall be noted; and

(d) Once at least in every 12 months, the winding engine as to the condition of its internal parts.

(2) A report of every such examination shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person who made the examination and countersigned and dated by the engineer, or where there is no duly qualified engineer, by the manger.

(3) If on any examination made as aforesaid, there is discovered any weakness or defect by which the safety of persons may be endangered, such weakness or defect shall be immediately reported in writing to the engineer or other competent person and to the manager; and until such weakness or defect is remedied the winding installation shall not be used.

92. Gates and fences – (1) At the tope of every shaft or winze and at every inset which is in use, there shall be provided suitably gates or fences which shall effectively close the openings into the shaft or winze at all times when a cage or other means of conveyance is not at the tope or the landing. Except with the permission of the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, every such gate at the tope of a shaft shall be self-operating.

(2)(a) At every landing where it is necessary for persons to pass from one side of the shaft to the other, an adequate passby shall be provided for enabling them to do so without entering or crossing the shaft. Every passby so provided shall be not less than 1.8 metres high and 1.2 metres wide, and shall be kept clear of all obstructions.

(b) No person shall enter or cross, or be permitted to enter or cross the winding compartment of a shaft or winze except for the purpose of entering or leaving a cage or other means of conveyance or for undertaking an examination, repair or any other work therein; and no persons shall be allowed to work in any such space unless the cages or other means of conveyance, if any, have been stopped and adequate precautions have been taken for the protection of such person.

93. Duties of persons riding or working in shafts – (1) No person shall get on or off a cage or other means of conveyance after the same has been signalled to be set in motion or leave it until it has reached the appointed stopping place; nor shall any person ride on the top or edge of any cage or other means of conveyance except when engaged in an examination, repair or any other work in the shaft or winze.

(2) Every person, when at or about the top or bottom of a shaft or any inset, shall obey the lawful orders and directions of the banksman or bellman, as the case may be.

(3)(a) NO person shall carry out any examination, repair or other work in any shaft while winding operations are being carried on; and no winding shall be carried on or permitted while persons are engaged in such examination, repair or work, except where winding is necessary for the same.

(b) The person in immediately charge of any examination, repair or work in any shaft shall warn the banksman and the winding engineman that such examination, repair or work is about to be undertaken.

(c) Every person while engaged in any examination, repair or other work in a shaft shall be accompanied by at least one other person; and all such persons shall be provided with effective safety belts unless otherwise efficiently protected against the risk of falling.

(d) Every person engaged in trying out an examination, repair or other work in a shaft shall be protected by a suitable covering from objects falling from above. Every such person shall also be provided with a protective hat; and shall wear the same when so engaged.

94. General precautions – (1) No unauthorised person shall enter or be allowed, in a winding engine room.

(2) No adolescent or woman shall descend or ascend a shaft in a cage or other means of conveyance unless accompanied by one or more adult males.

## **CHAPTER-X : Transport of Men and Materials – Haulage**

95. Haulage roadways – The following provisions shall have effect with respect to every length of road or roadway in a mine where materials are transported in tubs by means of gravity or mechanical power, namely :

(1) Every such roadway shall –

- (a) be of adequate dimensions and, as far as practicable, shall be straight and of regular gradient; and
- (b) have tracks properly laid with rails of adequate section.

(2)(a) Pulleys, sheaves and rollers that alter the direction of a rope shall be securely fixed.

(b) No person shall guide or adjust a moving rope on to a drum, pulley, sheave or roller except with a lever or other proper appliance.

(3) Where haulage is effected by one or more ropes, there shall be provided and maintained -

- (a) at the top of every inclined plane, at least one stop-block or other effective contrivance to arrest tubs from running or moving out of control;
- (b) at least one run way switch or other effective contrivance below the first stop-block or other effective contrivance at a distance greater than the length of a set or train of tubs:

Provided that such distance shall not exceed the length of a set or train of tubs by more than 10 metres:

Provided further that where the Regional Inspector, by an order in writing so requires, the stop-block and the switch or other effective contrivance aforesaid shall be so intercoupled that they do not remain simultaneously ineffective:

(c) an attachment, behind an ascending tub or set or train of tubs, of a back-stay, drag or other suitable contrivance for preventing the tub, set or train of tubs running back. Where an endless rope or chain is used, the provisions of this clause shall be deemed to be satisfied if suitable automatic catches or other effective contrivance are provided at suitable intervals along the track to prevent the ascending tubs running back :

Provided that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, grant exemption from the operation of this clause on grounds that compliance with the provisions thereof is not reasonably practicable;

(d) safety hooks, jazz-rails or other suitable contrivances to prevent runaway in the forward direction;

(e) tub re-railers at intervals of not more than 250; and

(f) on every haulage roadway exceeding 30 metres in length, effective means of transmitting signal from every stopping place on the roadway to the place at which the machinery working the rope is operated. All signals shall be transmitted by mechanical or electrical means:

Provided that the Regional Inspector may, by an order in writing, require means of transmitting signals in the reverse direction also. If any doubt arises as to whether any means of transmitting signal is effective or not, it shall be referred to the Chief Inspector for decision.

(4)(a)(i) The following code of signals shall be used and strictly observed –

ONE RAP	..	STOP when in motion
TWO RAPS	..	LOWER or haul in slowly
THREE RAPS	..	START when at rest
FOUR RAPS	..	RAISE or haul out slowly

Any other signals shall be in addition to, and shall not interfere with, the foregoing.

Provided that the Chief Inspector may, by an order in writing an subject to such conditions as he may specify therein, permit the use of any code of signals other than that specified above.

(ii) A printed copy of the code of signals, including additional signals, if any, shall be posted prominently at the place in which the machinery that works the rope is operated and at all regular stopping places along the roadway.

(iii) No person, other than a competent persons or an official, shall give any signal.

(b) Where in any mine belowground, a system of haulage roadway (and conveyors, if any) extent to distance of more than 600 metres from the shaft or the entrance to the mine, efficient telephonic

communication shall be provided and maintained between the end of every such system and the bottom and top of the shaft or the entrance to the mine as the case may be :

Provided that where travelling is unduly arduous, the Regional Inspector may, by an order in writing, require the provision and maintenance of telephonic communication in any other case also.

(c) Where telephones or electrical signals are provided -

- (i) adequate precautions shall be taken to prevent signal and telephone wires coming into contact with other cables and electrical apparatus;
- (ii) signal wires shall be supported on insulators, and shall not be energised at more than 30 volts;
- (iii) contact makers shall be so constructed as to prevent accidental closing of the circuit; and
- (iv) in every gassy seam of the second or third degree], all signalling or telephonic communication circuit shall be constructed, installed, protected, operated and maintained in such a manner as be intrinsically safe.

(5) At places where telephone receivers are installed or where signals and safety contrivances are regularly operated, every person using the telephone or operating any such signal or safety contrivance shall be afforded adequate protection against tubs moving out of control.

(6)(a) Where any person is allotted to work or pass while the haulage is in motion, manholes for refuge shall be provided at intervals of not more than 10 metres:

Provided that where the gradient is less than 1 in 6 such manholes may be provided at intervals of not more than 20 metres.

(b) Manholes shall be not less than 1.8 metres in height and 1.2 metres in depth, and not less than 0.75 metres but not more than one metre in width:

Provided that the Regional Inspector may, by an order in writing and subject to such condition as he may specify therein, permit the use as manholes or cross-roadways other than haulage roadways, of dimensions larger than those aforesaid.

(c) Every manhole shall be kept clean and clear of obstruction, and white washed both inside and for a distance of not less than 0.3 metres around the aperture.

(d) As far as practicable, all manholes shall be provided on one side of the haulage roadway.

(e) In case where there are serious practical difficulties in providing manholes as specified in clauses (a) and (b), the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit manholes to be at greater intervals or of other dimensions.

(f) Except where haulage is effected by means of an endless rope or chain, whenever the haulage rope is in motion, every person on the haulage roadway shall take shelter in a manhole.

(7) The manager or assistant manager or underground manager shall, by an order in writing, in respect of every haulage road or roadway, fix the maximum number of tubs, according as to whether they are loaded or not loaded, that may be coupled together to run as a set or train. A notice specifying the number of tubs so fixed shall be posted prominently at the top and at all regular stopping places of the haulage road or roadway.

(8) At all places where tubs are coupled or uncoupled, there shall be a clear space of not less than one metre

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- (a) between, the tubs and one side of the roadway; and
- (b) where there are two or more tracks also between the adjacent tracks.

(9)(a) When any roadway or face is in direct line with a haulage track and persons may be exposed to danger from runaway tubs, a strong buffer or other effective contrivance to prevent such danger shall be provided and maintained.

(b) A stopblock or other effective contrivance shall be provided near the entrance of every tramping roadway branching off the main haulage road or roadway, and on every track which slopes towards a shaft or winze.

96. Travelling roadways – (1) Except when an exemption in writing has been granted by the Regional Inspector and subject to such conditions as he may specify therein, travelling roadways, separate from haulage roadways on which haulage is effected by mechanical means or gravity, shall be provided for persons to travel to and from their working places.

(2) Every such travelling roadway shall –

- (a) be not less than 1.8 metres high throughout;
- (b) where the inclination exceeds 30 degrees from the horizontal, be provided with suitable steps or ladders;
- (c) where the inclination exceeds 45 degrees from the horizontal, be provided, in addition to steps or ladders, with hand rails or ropes so as to ensure safe travel; and
- (d) where the inclination exceeds 60 degrees from the horizontal, be provided, in addition to the steps or ladders and rails or ropes, with suitable platforms at intervals not exceeding 10 metres measured along the slope.

(3) Except for purposes of inspection, examination or repair, every person other than an official of a haulage attendant shall travel by the travelling roadway or compartment.

(4) Where persons using a travelling roadway or compartment have to cross a conveyor or a haulage worked by mechanical means or gravity, a suitable cross-over or cross-under bridge or other suitable device approved in writing by the Regional Inspector shall be provided.

(5) No haulage shall be used for the general conveyance of persons except with the permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

97. Tubs and their movement – (1)(a) On every tub there shall be provided and maintained at each coupling end a strong buffer projecting beyond the end and so arranged that when two such tubs are in tandem, the gap between the innermost ends shall not be less than 20 centimeters.

(b) On every side-tipping tub in use, safety-catches shall be provided to prevent accidental tipping. No tub or set or train of tubs shall be set in motion unless all the safety catches are properly secured.

(c) The attachment between a rope or locomotive and a tub or set or train of tubs, and the attachment between any two tubs in a set or train, shall be of a type approved in writing by the Chief Inspector by a general or special order and so maintained as to obviate accidental disconnection.

(d) The state of every buffer and drawbar of every tub in use and of every safety-catch, coupling-chain and other attachment shall be examined once at least in every seven days, by a competent person appointed for the purpose. A report of every such examination shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person who made the examination.

(2)(a) When tubs are about to be moved, persons likely to be endangered shall be warned.

(b) Two or more tubs shall not be moved by hand in close succession but shall be coupled and moved together. Two tubs shall be deemed to be in close succession when the distance between them at any time in less than 10 metres.

(c) No person shall cause or permit a tub to run uncontrolled except with the written permission of the manager:

Provided that the Regional Inspector may, by an order in writing, prohibit the uncontrolled movement of tubs at any place if he is of the opinion that such movement is likely to cause danger.

(d) No person while taking a tub down a gradient exceeding 1 in 20, shall go in front of the tub; and in every case where conditions are such that a person cannot control the tub from behind, he shall not take the tub down unless sprags or other suitable contrivances are used to control it.

(e) Where required for use, a sufficient number of sprags of suitable material and dimensions shall be provided.

(f) Every tub while standing on a track having a gradient of more than 1 in 20, shall unless held effectively by brakes or securely coupled to a haulage rope or locomotive, be effectively blocked, chained or otherwise secured.

(g) Except where haulage is effected by means of an endless rope, the coupling and uncoupling to tubs shall as far as practicable, be done only when the tub or set of the tubs, and the rope if connected to the set is not in motion.

(h) As far as practicable tubs shall not be coupled or uncoupled on a gradient.

(i) Whenever it comes to the attention of a haulage attendant that a tube being hauled by a rope, chain, locomotive or other mechanical means has got derailed, he shall immediately cause the haulage to be stopped. The tube shall then be re-railed, or detached from the rope etc., before the haulage is started again.

(3) No person shall ride on any tub or haulage rope except with the written authority of the manager. A list of all persons so authorised shall be maintained.

98. Protection at loading chutes. – Every chute where tubes are loaded shall be provided with suitable gates for holding back the column of material.

99. Haulage engines and ropes – (1) Every haulage engine shall be provided with an effective brake.

(2) (a). No rope shall be used for purposes of haulage if it has any serious visible defect over any length.

(b) Every rope which is capped shall be recapped once at least in every six months, and if necessary, at shorter intervals, under the supervision of a competent person.

(c) For every haulage rope in use, a record of size, construction, quality, name of supplier, and dates of installation and of recapping, shall be kept in a bound paged book kept for the purpose, and all entries therein shall be made by the competent person who shall sign the same and date his signature.

100. Roadway Conveyors – (1) Every roadway conveyor shall be so installed that –

(a) between the conveyor and one side of the roadway, there is a travelling space from obstruction not less than one metre wide;

(b) the conveyor or any part thereof does not scrape against wooden props or supports;

(c) the anchoring of the return station of the conveyor is independent of the face or roadway support.

(2) Where the inclination of the conveyor is such as to give rise to danger from sliding objects or material suitable devices shall be used to provide adequate protection against such danger.

(3) On every length of roadway in which a conveyor is installed for transporting loads over a distance exceeding 30 metres, there shall be provided and maintained effective means of transmitting signals from every point on the length of the road to the place at which the machinery working the conveyor is operated:

Provided that the Regional Inspector may, by an order in writing, require means of transmitting signals in the reserve direction also.

(4) No belt conveyor shall be used in a mine belowground without the permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

101. Examination of haulage engines and track etc. – (1) It shall be the duty of a competent person to examine carefully -

- (a) once at least in every 24 hours, every haulage engine, brake-wheel, rope and other appliance in use; and
- (b) once at least in every seven days, every track where the haulage is effected by means of mechanical power of gravity, and every safety contrivance fitted thereon.

(2) A report of every such examination shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person who made the examination.

102. Examination of haulage and travelling roadways – It shall be the duty of the forman or other competent person to examine carefully, once at least in every seven days, the state of all haulage and travelling roads and roadways, including roadways leading to all the outlets of the mine which are in use. A report of every such examination shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person who made the examination.

103. Locomotives – (1) No locomotive shall be used belowground otherwise than in accordance with the permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

(2) No locomotive shall be used where the gradient of the track exceeds 1 in 15.

(3) No person other than the driver shall ride on any locomotive unless authorised in writing to do so by the manager.

(4) Except during shunting operations, the locomotive shall lead the tubs or set or train of tubs.

104. Movement of railway wagons – (1) No adolescent shall be employed in moving railway wagons.

(2) The movement of railway wagons shall be carried on under the supervision of a competent male person who shall himself control the brake.

(3) Before wagons are moved, persons likely to be endangered shall be warned by the competent persons appointed under sub-regulation (2).

(4) No person shall move or attempt to move a wagon by pushing at the buffer, or by pulling from in front.

(5) Where two or more wagons are moved simultaneously, the wagons shall be coupled together, and the number shall not exceed the number which can be effectively controlled; they shall be moved only by pushing from the sides or from behind the last wagon.

- (6) No locomotive or wagon shall be moved when the natural light is insufficient, unless the approaching end is distinguished by a suitable light or is accompanied by a person carrying a lamp.
- (7) No person, other than the competent person referred to in-sub-regulation (2), shall pass immediately in front of wagons moving under bins or screens, nor between moving wagons and the under-structure of the bins or screens.
- (8) No person shall be upon the buffer of a locomotive or wagon in motion unless there is a secure handhold, or stand thereon unless there is also a secure footplace. No person shall pass over the coupling between any two wagons while the wagons are moving.
- (9) No person shall cross a line of rails by crawling or passing underneath a train or wagon, nor shall a person sit or sleep underneath a wagon.
- (10) Wherever railway wagons are specially placed so as to afford a thoroughfare, such thoroughfare shall be not less than five metres in width.
- (11) No material shall be placed or dumped within 1.2 metres from either side of a track of rails.

105. Fencings and gates – (1) Where any haulage road or tramline passes over a public road, suitable gates shall be provided to prevent danger to public from a moving tubs, sets or trains of tubs or locomotive. Every such gate shall be fitted with a danger signal, and when the natural light is insufficient, also with warning lamps.

(2) Where occupied buildings are situated within 15 metres of any haulage road or tramline, a substantial fence shall be provided and maintained between such buildings and the haulage road or tramline.

## **CHAPTER-XI : Mine Workings**

106. Opencast workings – In opencast workings, the following precautions shall be observed, namely: -

(1) In alluvial soil, morum gravel, clay, debris or other similar ground -

(a)(i) the sides shall be sloped at an angle of safety not exceeding 45 degrees from the horizontal or such other angle as the Regional Inspector may permit by an order in writing and subject to such conditions as he may specify therein; or

(ii) the sides shall be kept benched and the height of any bench shall not exceed 1.5 metres and the breadth thereof shall not be less than the height:

Provided that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, exempt from the operation of this clause any working in the case of which special difficulties exist, which in his opinion make compliance with the provisions thereof not reasonably practicable; and

(b) where any pillar is left 'in situ' for the purpose of measurement, its height shall not exceed 2.5 metres; and where the height of such pillar exceeds 1.25 metres, the base of the pillar shall not be less than 1.6 metres in diameter.

(2) (a) Where 'float' or other similar deposit is worked by manual means on a sloping face, the face shall be benched and the sides shall be sloped at an angle of not more than 60 degrees from the horizontal. The height of any bench shall not exceed six metres and the breadth thereof shall not be less than the height:

Provided that where the ore-body consists of comparatively hard and compact rock, the Regional Inspector may, by an order in writing subject to such conditions as he may specify therein, permit the height of the bench to be increased up to 7.5 metres while its width is not less than six metres :

Provided further that in case of a mine or part where special difficulties exist, the Chief Inspector may, by an order in writing subject to such conditions as he may specify therein, relax the provisions of this sub-regulation.

(b) Where in any mine or part it is proposed to work by a system of deep-hole blasting and/or with the help of heavy machinery for its digging, excavation and removal in such manner as would not permit of compliance with the requirement of sub-regulation (1) the owner, agent or manager shall, not less than 60 days before starting such work, give notice in writing of the method of working to the Chief Inspector and the Regional Inspector; and no such work shall be commenced or carried out except in accordance with such conditions as the Chief Inspector may specify by an order in writing. Every such notice shall be in duplicate, and shall give the details of the method of working including the precautions that are proposed to be taken against the danger from falls of sides and material.

(3) In an excavation in any hard and compact ground or in prospecting trenches or pits, the sides shall be adequately benched, sloped or secured so as to prevent danger from fall of sides.

(4) No tree, loose stone or debris shall unless otherwise permitted in writing by the Chief Inspector be allowed to remain within a distance of three metres from the edge or side of the excavation.

(5) No person shall undercut any face or side or cause or permit such undercutting as to cause any overhanging.

107 Underground workings. – In every mine worked by a system of workings below ground, the following provisions shall have effect, namely –

(1) Unless otherwise permitted by the Regional Inspector by an order in writing and subject to such condition as he may specify therein, the height of every main drive shall be not less than 1.8 metres.

(2) The dimensions of pillars or blocks formed in any vein, load, reef or mineral bed or deposit shall be such as to ensure stability of the workings during the development and stoping stages and between such stages.

[(3) No extraction or splitting or reduction of pillars or blocks of minerals shall be commenced, conducted or carried out except with the prior permission in writing of the Chief Inspector and in accordance with such conditions as he may specify therein. An application for such permission shall be accompanied by an up-to-date plan of the area where the pillars or blocks of mineral are proposed to be extracted or reduced, showing the proposed extent of extraction or reduction, the manner in which such extraction or reduction is proposed to be carried out, the thickness and other characteristics of the mineral deposit, the rate and direction of general dip and of the pitch of the vein, the nature of hangwall, and footwall, the stoping width, the depth of the workings, and such other particulars as the Chief Inspector may require. A copy of the application and the plan shall simultaneously be sent to the Regional Inspector.

(3-A) The operations of extraction, splitting and reduction of pillars or blocks of mineral shall be commenced, conducted or carried out in such a manner as to prevent, as far as possible, the extension of a collapse in the stoped-out area over-riding the pillars or blocks of minerals that have not been extracted].

(4) Nothing in sub-regulation (3) shall prevent the splitting or reduction of any pillar or block of mineral bed or deposit where, in the opinion of the manager such work is necessary for haulage, ventilation, drainage or any other purpose necessary for the proper working of the mine, if 14 days' previous notice in writing of the intention to commence such work has been given to the Regional Inspector. Every such notice shall be accompanied by an offset plan showing details of the operation. If in the opinion of the

Regional Inspector such work is likely to endanger the stability of the workings, he may, by an order in writing, require the completion, before commencing such drivage or enlargement, of such protective works as he may specify therein.

(5) Proper provision shall be made to prevent the premature collapse of workings; and adequate steps shall be taken to isolate, control or remedy any such collapse which may occur.

108. Powers of Inspectors – If in any mine or part thereof, it appears to the Regional Inspector that the provisions of regulations 106 and 107 or of any order issued under any of these regulations have not been complied with, he may give notice in writing to the owner, agent or manager requiring him to take such protective measures, within such time as he may specify in the notice. In case of non-compliance with the requirements of the notice, the Regional Inspector may, by an order in writing, prohibit until the requirements specified in the notice are complied with to his satisfaction, the employment of any person other than those required for complying with the said requirements, in the part or parts of the mine in which protective measures are required to be taken.

1[108A. Pointing out contraventions during inspections – (1) If the Chief Inspector or an Inspector, during his inspection of any mine, finds or comes to know of any contravention of any provisions of Act or the regulations, rules, bylaws or orders made thereunder, he shall enter such contravention in an inter leafed paged and bound register kept for the purpose at the mine, in Form VI and shall also point out such contravention to the owner, agent or manager, it present on the spot. The Chief Inspector or the Inspector making the entry in the Register aforesaid shall duly sign such entries with date, and take a carbon copy of the entries for his record:

Provided that the Chief Inspector or the Inspector need not enter such contraventions which require confirmation after a survey or other further examination and he may subsequently intimate the owner, agent or manager, specifying the contraventions, if confirmed, and also any other contraventions which were, by inadvertence, not entered in the register aforesaid.

(2) The owner agent or manager shall check the aforesaid register once every day and countersign each entry therein. He shall et copies of such entries made out within three days of the ate of entry and display one such copy on the notice board of the mine for a period of at least fifteen days. When so required, the owner, agent or manager shall also supply copies of the entries to the registered trade unions of workers in the mine and to the State Government concerned.

(3) The owner, agent or manager of the mine shall return one copy, within a period not exceeding fifteen days from the date of the entry, to the Chief Inspector or the Inspector who made the entry with remarks thereon showing the action taken to remedy the contravention and the date on which such action was taken.

109. Workings under railways and roads, etc. – (1) No workings shall be made and no work of extraction or reduction of pillars shall be conducted at, or extended to, any point within 45 metres of any railway, or of any public works in respect of which this regulation is applicable by reason of any general or special order of the Central Government, or of any public road or building, or of other permanent structure not belonging to the owner of the mine, without the prior permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

(2) Every application for permission under sub-regulation (1) shall specify the position of the workings of the mine in relation to the railway or public road or works or building or structure concerned, the manner in which it is proposed to carry out the intended operations, and the limits to which it is proposed to carry out the said operations; and shall be accompanied by two copies of a plan showing the existing and the intended mining operations in so far as they affect the railway or public road or works or building or structure concerned. A copy of the application shall also be sent in the case of a railway, to the railway

administration concerned; and in the case of any public works as aforesaid, in such authority as the Central Government may by general or special order direct.

(3) Notwithstanding anything contained in the regulations, the stability of such railway, road, works, building or structure shall not be endangered until it has been dismantled, diverted or vacated, as the case may be.

(4) Where the stability of such railway, road, works, buildings or structure has been endangered due to any mining operations, the Chief Inspector may, by an order, in writing, require the owner to construct in the mine belowground or on the surface such protective works within such time as he may specify in the order.

110. Protective works before a mine is closed – [(1) The Chief Inspector may, by an order in writing, require the owner of any mine to which regulation 6 applies, to construct in the mine belowground or on the surface such protective works within such time as he may specify therein.

(2) If the owner fails to construct such protective works within the time specified in the order, the Chief Inspector may get the works executed by any other agency, and the cost thereof, as certified by the Chief Inspector shall be defrayed by the owner of the mine and recoverable from him as an arrear of land revenue.

(3) Until the protective works have been constructed to the satisfaction of the Chief Inspector, the means of entering the mine at not less than two entrances shall be kept intact and in working order.

111. Working near mine boundaries – 2[(1) The owner, agent or manager of every mine shall fix boundaries of the mine. Notwithstanding anything contained in sub-regulation (2), the boundaries shall not be changed except with the permission of the Chief Inspector in writing and subject to such conditions as he may specify therein].

3[(2)] No working shall be made within a distance of 7.5 metres of the boundary of any mine and, in case of a disputed boundary, no working shall be made within a distance of 7.5 metres of the boundary claimed by the owner of an adjacent mine until such time as a binding agreement has been reached as to the correct boundary or the question has been finally determined by a court of law:

1[Provided further that, where the workings of any 2[mine], for any reason, are extended or get extended within any shorter distance than what is laid down herein above, the Chief Inspector may, by an order in writing, require the owner to construct such protective works within such time as he may specify in the order].

3[(3)] Notwithstanding anything contained in sub-regulation (1), the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the workings of any mine or part thereof to extend within any shorter distance than 7.5 metres aforesaid, or may require that the said working shall not extend further than a specified distance, not exceeding 60 metres, of such boundary.

112. Support of workings. – (1) The roof or back, hanging wall, footwall and sides of every roadway and working place, including airways and travelling roadways to second outlets, shall be made and kept secure.

(2)(a) If the Regional Inspector is of the opinion with respect to any mine or part thereof that systematic support for the roof or back hanging wall, footwall and sides, or either, or them, ought to be provided and maintained for the purpose of securing the safety of persons employed therein, he may serve upon the owner, agent or manager an order in writing specifying the mine or part, stating that he is of opinion aforesaid and requiring the provision and maintenance of support in accordance with a code of Timbering Rules which he may specify in the order.

(b)The manager shall hand over copies of the code of Timbering Rules to the assistant manager, the underground manager and to all other supervising officials concerned, and shall also post such copies at conspicuous places in the mine.

- (c) The manager, assistant manager, underground manager and such supervising officials shall be responsible for securing effective compliance with the provisions of the Timbering Rules, and the mine or part thereof shall not be worked in contravention thereof.

113. Setting of supports. – (1) Every piece of timber used as a support shall be set securely and on a secure foundation and whenever it becomes loose or broken shall, as soon as possible, be tightened or replaced.

- (3) Every crib set or pigstye used as a support shall be well built on a secure foundation, and shall be made and kept tight. Only rectangular pieces of material shall be used as members of a crib set or pigstye; so however that in case of timber it shall be sufficient to joggle two opposite sides to provide flat surfaces.
- (4) The sides of every pack used for the purpose of support shall be well built on secure foundation. The pack shall be filled with debris or other suitable incombustible material, if so required by the Regional Inspector as shall be made as tight as practicable over its whole area.
- (5) Where sand or other material is stowed for the purpose of support, it shall be packed tight.
- (6) Except where it is no longer necessary for purposes of support, any support dislodged by or removed for any operation shall be replaced with the least possible delay.
- (7) In every place wherein a fall of ground involving the displacement or breakage of supports has occurred, no work of clearing the fall or any part thereof shall be undertaken until the newly exposed roof or back hanging wall, footwall or side has been examined and made safe- if necessary, by temporary supports.

114. Steep workings – (1) In workings having an inclination of 30 degrees or more from the horizontal adequate precautions shall be taken to prevent danger to persons from falling or rolling of timber, tools or other appliances or material.

(2) No person shall work or be permitted to work at any place having an inclination of 45 degrees or more from the horizontal, where he is likely to slip or overbalance, unless he is secured by a safety belt or life line or is otherwise safeguarded.

115. Fencing and gates – (1)(a) Unless otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify the top of every opencast working shall be kept securely fenced.

(b) Where an excavation which has been formed as a result of any mining operation, extends within a distance of 15 metres from a public road or any building, substantial fencing shall be erected and maintained around the excavation.

(c) Where as a result of mining operations, a subsidence of the surface has taken place or is likely to take place and persons are likely to be endangered thereby, the owner, agent or manager shall keep the entire surface area securely and effectively fenced.

(2) Every entrance to a shaft, winze, ore-pass, chute sump, store or other dangerous place shall be provided with an efficient fence, barrier or gate, so designed and constructed as to effectively prevent any person from entering or falling therein.

(3) Where a shaft, winze rise, chute, ore-pass or stope leads directly into a working place or travelling roadway, such place or roadway and any working place situated on its dip side, shall be securely guarded or otherwise protected as to prevent danger to persons from falling materials.

(4) Every entrance from a roadway in a mine to a part of the mine which, for the time being, is neither being worked nor being used for any purpose, by reason of any cause whatsoever, shall be provided with a fence, barrier or gate so designed and constructed as to prevent any person from inadvertently entering that part of the mine.



(5) (a) Shaft and opencast workings temporarily or permanently out of use and any place in or about an excavation which is dangerous shall be completely filled in or kept securely fenced:

Provided that if in the opinion of the Regional Inspector, any disused trench, pit or other excavation is dangerous, he may, by an order in writing, require the same to be filled in to the level of the adjacent ground.

(b) Before a mine is abandoned or the working thereof discontinued, the owner, agent or manager shall cause the top or entrance of every shaft, incline or other opening into the mine to be fenced by a structure of a permanent character sufficient effectively to prevent persons falling into or entering the same.

116. Examination by mining mate – (1) Every place in a mine, whether belowground or in opencast working including travelling roadways and landings, where work is carried on or where persons are stationed or required to pass shall be placed under the charge of a mining mate or other competent person.

(2) The mine or district assigned to a mining mate or other competent person shall not be of such a size, nor shall any additional duties other than his duties under the regulations be such, as to be likely to prevent him from carrying out in a thorough manner the duties prescribed for him under the regulations. If any doubt arises as to the foregoing, it shall be referred to the Chief Inspector for decision.

(3)(a) At the entrance to every mine or district, one or more stations shall be fixed by the manager; and except in the case of a mine working in a continuous succession of shifts no person other than the persons making the examination under clause (b) or an official shall pass beyond any such station until all the roadways and working places to which such persons are required to have access, have been examined by the competent person in charge of the mine or district and found to be satisfactorily ventilated and in safe condition. Every such station shall be legibly marked 'STATION' and shall be of such a size as to accommodate all the persons employed in the district in any one shift.

(d) The mining mate or other competent person accompanied by such assistants as may be required shall, within two hours before the connection of work in a shift, inspect every part of the mine or district assigned to him, in which persons have to work or pass during the shift and all roadways and working places where work is temporarily stopped and shall ascertain the condition thereof as regards ventilation, sanitation, the presence of gases, the state of the roof and sides, presence of spontaneous heating and other fire risks, and generally so far as the safety of the persons is concerned.

Provided that in the case of a mine or part to which regulation 142 applies, such inspection shall be made with an approved flame safety lamp; and that in the case of a mine or part to which regulation 123(1) applies, a cage containing suitable birds or other means of detecting carbon monoxide gas approved by the Chief Inspector shall be carried during every such inspection.

(e) Similar inspections shall be made once at least in every four hours during which the shift continues, of all the roadways and other working places to which persons engaged in the mine or district are required to have access;

(f) The mining mate or other competent person shall, at the completion of his shift, record without delay the result of his inspections in a bound paged book kept for the purpose. Every such report shall be a full and accurate report of the inspections and shall include the following.

- (i) the details referred to in clause (b);
- (ii) the number of persons working under his charge;
- (iii) such instructions for the purposes of securing the safety of the persons as he may have given during his shift; and
- (iv) the date and time of the inspections, the signature of the mining mate or other competent person, and the date and time when the report was written.

(g) In case of a mine where any other system of examination of working places has been in force, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit such a system to be continued in lieu of the system of examination laid down in this sub-regulation.

(12) In the case of a shaft in the course of being sunk, the competent person or chargeman shall –

(a) have entire charge of the shaft bottom and shall, in his shift, remain in the shaft while persons are at work at the bottom of the shaft. He shall be the last person to ascend the shaft at the end of the shift and if his shift is succeeded immediately by another shift, he shall not leave the bottom of the shaft until after the descent of the chargeman of the succeeding shaft; and

(b) after each round of shots, and at the beginning of every shift, and after every cessation of work in the shaft for a period exceeding two hours, shall examine the sides of the shaft and remove all loose pieces before persons are allowed to descend.

114. Avoidance of dangers – (1) If at any time it is found by a competent person in charge of a mine or district, that by reason of any cause whatsoever, the mine or district is dangerous, he shall immediately withdraw all persons from the mine or district; and the mine or district shall be fenced off so as to prevent persons inadvertently entering therein.

(2) The competent person shall also immediately inform the manager or under-manager or assistant manager about the danger, and shall record the fact in the book kept under sub-regulation (3).

(3) The manager or assistant manager or underground manager shall make, or cause to be made by a competent person, a careful examination of the mine or district; and no person shall, except in so far as is necessary for enquiring into the cause of the danger or for the removal thereof or for exploration, be re-admitted into the mine or district until the mine or district is reported to be safe. A report of every such examination shall be recorded without delay in a bound paged book kept for the purpose and shall be signed and dated by the person who made the examination.

(4) If the work of removing the danger is suspended before the danger is removed, the mine or district shall be securely fenced off effectively to prevent persons entering therein during the period of suspension.

(13) Notwithstanding anything contained in these regulations –

(a) where the danger arises from the presence of inflammable or noxious gas, the provisions of regulation 141 shall apply; and

(b) where the appearance in any part of a mine of smoke or other sign indicates that a fire or spontaneous heating has or may have broken out the provisions of regulation 120 shall apply.

118. General precautions – (1) Where several persons are working together in any place, one of them shall be placed in charge. No person shall be so appointed unless he is 21 years of age and has had not less than three years' experience in the workings of a mine.

(2) No person shall work in any place other than his authorised working place.

(3) Every person shall carefully examine his working place before commencing work and also at intervals during the shift. If any dangerous conditions is observed, he shall cease all work at that place and shall either take immediate steps to remove such danger or inform an official or the competent person in charge of the mine or district. Where several persons are working together and one of them is in charge, the examination required by this sub-regulation shall be made by the person in charge.

(4) No person shall work or travel on any ledge or footpath less than 1.5 metres wide, from which he will be likely to fall more than 1.8 metres, unless he is protected by guard rails, fence or rope suitably fixed and sufficiently strong to prevent him from falling.

(5) (a) No person shall carry or be permitted to carry any load along a road or footpath having an inclination of 30 degrees or more from the horizontal.

(b) Every road or footpath, along which loads are carried by human agency, shall comply with the following requirements -

- (i) its breadth shall not be less than one metre; and
- (ii) at every place where the inclination exceeds 15 degrees from the horizontal, level steps shall be provided such that the vertical height of every step does not exceed 0.20 metre and the distance from the edge to the back is not less than 0.35 metre.

Explanation – Gang-planks used for loading purposes shall not be deemed to be part of a footpath for the purposes of this sub-regulation, provided that every gang-plank shall be so inclined or constructed as to give a secure foot-hold.

(6) No person shall be employed to lift, carry or move a load so heavy as is likely to cause bodily injury or injury to health of that person. In case of any doubt as to whether risk of bodily injury or injury to health is involved, it shall be referred to the Chief Inspector for decision.

(8) Every person shall ensure that tools, wood, stones, or other articles are not put down or allowed to remain, in or near a shaft, winze or opening into a stope where work is going on, in such position as may result in their falling into the shaft, winze, or stope, as the case may be.

(8) No person shall cast any material down any chute, pass or stope or other place until he has assured himself that no person is in the way.

(9) No person shall work or be permitted to work alone in any remote part of a mine where, in any accident occurred he would not soon be discovered or assisted.

(10) No inexperienced person shall be employed in the mine for any work whereby he or other persons can be seriously endangered, except under the supervision and guidance of an experienced person.

## **CHAPTER XII – Precautions against Dangers from Fire, Dust, Gas and Water**

119. Precautions against Fire – (1) (a) No oil, grease, canvas or other inflammable material shall be stored in any mine except in a fire-proof receptacle. Greasy or oily waste in workings belowground, shall be regularly removed to the surface.

(b) No person shall place or throw, or cause or permit to be placed or thrown, any naked light or lamp or ‘cheesa stick’ or kai-piece’ on or near any timber, wooden structure or other combustible material.

© Where explosives are used in blasting any timber forming part of stulls, sets and chutes sufficient water shall be applied to the timber both before and after firing a shot.

(2) (a) All surface structures and supports within a horizontal distance of 10 metres from all entrances to a mine shall be of incombustible material :

Provided that this clause shall not apply to temporary structures, supports and coverings at the top of a shaft or winze which is in the course of being sunk an to the small lid of a shaft-covering operated by the rope cappel.

- (b) Dead leaves or dry vegetation shall not be allowed to accumulate or remain, and combustible materials other than material required for use within a period of 24 hours, and inflammable materials, shall not be stored within a distance of 15 metres from any entrance to a mine, which is not effectively sealed off from the workings belowground.
- (c) No person shall light a fire or permit a fire to be lighted on the surface within a distance of 15 metres from any entrance to a mine, except by an order I writing of the manager and only for a special purpose specified in such order. All such orders shall be recorded in a bound paged book kept for the purpose:

Provided that this clause shall not apply to boilers other than vertical boilers.

- (3) (a) Except with the previous permission in writing of the Regional Inspector and subject to such conditions as he may specify therein, no timber or other combustible material shall be used I the construction of or in connection with, any shaft lining or any room housing any machinery or apparatus belowsround.
- (b) Wood cuttings shall not be left in any working belowgroud, but shall be removed to the surface at the end of every shift.

©No person shall light a fire or permit a fire to be lighted in any workings belowground :

Provided that –

- (i) in the case of a mine to which regulation 142 does not apply, flame or electric welding or repairing apparatus may be used belowground if permitted by a order in writing of the manager or assistant manager or underground manager. Every such order shall specify person who shall be in charge of the apparatus; and it shall be the duty of such person to bring the apparatus back to the surface when no longer required belowsround; and
- (ii) in the case of a mine to where the provisions of regulation 142 apply, a flame or electric welding or repairing apparatus may be used belowground if prior permission in writing has been obtained from the Regional Inspector and subject to such conditions as he may specify therein.
- (d) No person shall leave a portable light or lamp belowground unless he has placed it in charge of some other person remaining therein.
- (e) At the end of a shift, unless the mine is worked by a continuous succession of shifts, after all persons have left the mine, all lights shall be extinguished and all power cut off :

Provided that nothing in this clause shall be deemed to prohibit the running of a mechanical ventilator or auxiliary fan belowground after the shift is over.

- (f) Proper provision shall be made to prevent an outbreak of fire or spontaneous heating belowground or the spread of fire to the mine from any adjoining mine; and adequate steps shall be taken to control or isolate any such fire or heating that may occur. Where in the opinion of the Regional Inspector the provisions of this clause have not been complied with or the steps so taken are inadequate, he may, by an order in writing, require such additional precautions or steps to be taken within such time as he may specify therein. If any such order is not complied with within the specified period, the Regional

Inspector may prohibit until the order has been complied with, the employment in the mine or part, of any person whose employment is not, in his opinion, necessary for the purpose of complying with the order.

120. Precautions after a fire has broken out – (1) (a) On the appearance in any part of a mine of smoke or other signs indicating that a fire or spontaneous heating has or may have broken out, all persons other than those whose presence in the mine is deemed necessary for dealing with the fire or heating shall be immediately withdrawn from the mine. No person, other than those required for dealing with or sealing off the fire or heating, shall be admitted in the mine until the fire or heating has been extinguished or effectively sealed off and an examination has been made by the manager or by the assistant manager or underground manager and the mine has been declared to be safe. A report of every such examination shall be recorded in a bound paged book kept for the purpose and shall be signed and dated by the person making the examination :

Provided that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the employment in the mine, of persons other than those required to deal with the fire or heating.

(b) The examination required by clause (a) shall be made with a cage contain in suitable birds or other means of detecting carbon monoxide gas approved by the Chief Inspector.

(2) During the whole time that any work of dealing with or sealing off a fire or heating belowground is in progress –

- (a) a competent person shall be present on the spot throughout.
- (b) There shall be available, at or near the place, two smoke helmets or other suitable apparatus for use in emergency; and \
- (c) A cage containing suitable birds or other means of detecting carbon monoxide gas approved by the Chief Inspector shall be kept at all places where persons are employed.

121. Equipment for fire-fighting – (1) a sufficient supply of sand or incombustible dust or sufficient portable fire extinguishers shall be provided at every entrance to a mine, at every landing and the bottom of every shaft or winze in use, at every engine room and at every other place where timber, canvas, grease, oil or other inflammable material is stored.

(2) At every mine, the following provisions shall be made for dealing with any fire or heating belowground –

- (a) A sufficient supply of sand or incombustible dust or sufficient portable fire extinguishers shall be kept at suitable places at the entrance to every district; and
- (b) In every mine employing 100 persons or more belowground on any one day in that of the previous year –
  - (i) where pipes containing water under pressure are available, an adequate number of hose-pipes, not more than 120 metres apart, shall be provided on such pipes, Hose-pipes not less than 60 metres in length and the necessary fittings shall be provided.
  - (ii) Portable water tanks fitted with hand pressure pumps and hose-pipes not less than 60 metres in length and the necessary fittings shall be provided.

(3)(a) Soda acid type extinguishers or water shall not be used for fighting oil or electrical fires.

(b) Foam type extinguishers shall not be used for fighting electrical fires.

(c) Fire extinguishers containing chemicals which are liable, when operated, or give off poisonous or noxious gases, shall not be provided or used belowground :

Provided that nothing in this clause shall be deemed to prohibit the use belowground of fire extinguishers giving off carbon dioxide when operated.

(9) A competent person shall, once at least in every three months, examine every fire -extinguisher so provided, and shall discharge and refill it as often as may be necessary to ensure that it is in proper working order. A report of every such examination or refilling shall be kept in a bound paged book kept for the purpose, and shall be signed and dated by the person making the examination or refilling.

122. Apparatus for testing for Carbon Monoxide – In every mine to which regulation 123 (1) and 142 apply there shall be kept at the mine, constantly available for use, two or more suitable birds or other means of detecting carbon monoxide gas approved by the Chief Inspector :

Provided that the Regional Inspector may, by an order in writing, require compliance with this regulation in case of any other mine also.

123. Precautions when a fire exists belowground . – (1) In every mine in which a fire of spontaneous heating exists in workings belowground (whether such fire has been isolated by means of suitable seals or not), no work whatsoever shall be done in any part or section adjacent to the part or section on fire or believed to be on fire, except with the permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

(2) In every mine to which sub-regulation (1) and regulation 142 apply, arrangements shall be made, once at least in every 30 days, to ascertain the atmospheric conditions behind the seals of an area of old workings or a fire or spontaneous heating unless such seals are capable of resisting the force of an explosion :

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, exempt any mine or part thereof from the operation of this sub-regulation where in his opinion special difficulties exist which make compliance with provisions thereof not reasonably practicable.

(4) (a) Every seal erected to isolate or control a fire or spontaneous heating belowground shall be numbered, and shall be of adequate strength and shall be so maintained as to prevent any leakage of air or gas through it. Where water is likely to accumulate behind any such stopping, there shall be provided in the stopping a suitable pipe or other device to drain away the water without permitting any leakage of air or gas etc.

(b) where in any mine or part thereof the provisions of clause (a) have not been complied with or where in the opinion of the Regional Inspector the steps so taken are inadequate, he may give notice in writing to the owner, agent or manager requiring him to take such protective measures, within such time, as he may specify therein. In case of non-compliance with the requirements of the notice, the Regional Inspector may, by an order in writing, prohibit until the requirements of the notice have been complied with to his satisfaction, the employment in the mine or part, of any person whose employment is not, in his opinion, necessary for the purpose of complying with the requirements aforesaid.

(4) A competent person shall, once at least in every seven days, inspect all seals erected to isolate or control a fire or spontaneous heating belowground. During every such inspection, he shall ascertain the general condition of every seal, check it for leakage and presence of gas and ascertain the temperature and humidity of the atmosphere outside the seal. For every seal, he shall place his signature, with date, on a check-board provided for the purpose at a suitable position on the seal; and this record shall be maintained for a period of not less than three months. A report of every such inspection shall also be recorded in a bound pagged book kept for the purpose and shall be signed and dated by the person making the inspection :

Provided that the Regional Inspector may, by an order in writing, require such inspection to be made at such shorter intervals as he may specify therein.

1124. Precautions against dust. – (1) The owner, agent or manager of every mine shall take such steps as are necessary for the minimising of emissions of dust and for the suppression of dust which enters the air at any work place belowground or on surface and for ensuring that the exposure of workers to respirable dust is limited to an extent that is reasonably practicable but in any case not exceeding the limits that are harmful to the health of persons.

(2) For the purpose of this regulation, a place shall not be deemed to be in a harmless state for person to work or pass or be therein, if the 8 hours time – weighted average concentration of airborne respirable dust –

- (i) in milligrams per cubic metre of air sampled by a gravimetric dust sampler of a type approved by and determined in accordance with the procedure as specified by the Chief Inspector by a general or special order, exceeds five in case of manganese ore and the value arrived at by dividing the figures of fifteen with the percentage of free respirable silica present in other cases; or
- (ii) in case of respirable asbestos fibres, exceeds two fibres per millilitre of air sampled by an open membrane filter and measured by a phase contrast optical microscope of a type approved by and in accordance with the procedure as specified by the Chief Inspector or by a general or special order.

Explanation – For the purpose of this regulation, the term “respirable asbestos fibre” means any fibrous form of mineral silicates of chrysolite, actinolite, amosite, anthophyllite, crocidolite, tremolite or any admixture thereof with a length of greater than 5 micrometres and a diameter of less than 3 micrometres and a length to – diameter ratio greater than three is to one.

(3) (a) The owner, agent or manager of every mine shall, within six months of the coming into force of the Metalliferous Mines (Amendment) Regulations, 1988 and once at least every six months thereafter or whenever the Regional Inspector so requires by an order in writing, cause the air at every work place where airborne dust is generated to be sampled and the concentration of respirable dust therein determined :

Provided that, if any measurement at any workplace shows the concentration in excess of fifty percent or seventy five percent of the allowable concentration as specified in sub-regulation(2) (hereinafter referred to as ‘permissible limit’) the subsequent measurements shall be carried on at intervals not exceeding three months or one month respectively :

Provided further that, such measurements shall also be carried on immediately upon the commissioning of any plant, equipment or machinery or upon the introduction of any new work practice or upon any alteration therein that is likely to bring about any substantial change in the level of airborne respirable dust.

(b) The location, frequency, timing, duration and pattern of sampling shall be such that the samples drawn are, as far as practicable, truly representative of the levels of dust exposure of work persons, and the sampling shall include –

- (i) 'static monitoring' to identify sources of dust emission and levels of dust concentration in working environment ; and
- (ii) 'personal monitoring' of air reaching the breathing zone of work persons.

The sampling shall be duly supplemented by short-term sampling during peak-emissions.

(c) Samples shall be taken –

- (i) by a person who has been specially trained for the purpose; and
  - (ii) by the sampling equipment and accessories that have been checked to ensure correct maintenance and efficient operation thereof and examined, tested and calibrated on a date which is not earlier than one year.
- (d) Respirable dust content of the samples and quartz content shall be determined as soon as practicable at a properly equipped laboratory approved in writing by the Chief Inspector in that behalf.
- (e) All results of measurements of airborne respirable dust and all other relevant particulars shall be systematically recorded within fourteen days of the date of collection of samples, in a bound paged book kept for the purpose. Every entry in the book aforesaid shall be countersigned and dated by the manager within twenty four hours after such recording.

(4) When the dust monitoring results have established that the permissible limit of dust concentrations being exceeded at any place, the relevant operation or operations causing excessive dust shall cease. The operation or operations shall not be resumed and allowed to be carried on until improvements have been made in the prevention and suppression of dust and fresh sampling carried out immediately on resumption of the said operation or operations has established that such improvements have reduced the dust concentration below the 'permissible limit' :

Provided that if the dust prevention and suppression device of any machinery or equipment fails to operate efficiently, the operation of the said machinery or equipment shall likewise cease and shall not be resumed until the defect therein has been rectified:

Provided further that, purely as a contingency measure or as a secondary means of protection in a work situation wherein it is technically not feasible to reduce the respirable dust concentration below the 'permissible limit' or during the time period necessary to install and commission any device or to institute any new work practice for dust prevention or suppression, compliance with the 'permissible limit' of dust exposure may be achieved by remote operation or by job rotation and failing which by the use of a respiratory equipment of a type specified from time to time by the Chief Inspector, by a general or special order in writing in this behalf.

(5) The owner, agent or manager of every mine where need of dust respirators might arise shall –

- (a) ensure that, subject to the second proviso to sub-regulation (4), no person goes into or works or is allowed to go into or work at any place where the respirable dust concentration is in excess of the 'permissible limit' unless he wears a suitable dust respirator; and
- (b) Provide –



- (i) sufficient dust respirators of appropriate design at no costs to concerned work persons for their use
  - (ii) for the dust respirators to be regularly cleaned, disinfected and maintained in efficient working order; and
  - (iii) for the proper fitting of and for thorough training of the concerned workers in the need for and correct use of respirators.
- (6) To prevent the liberation and accumulation of dust and the propagation of airborne dust, the following provisions shall have effect, namely :-
  - (a) dust shall be suppressed as close as possible to its source of formation.
  - (b) During any operation of drilling or boring on surface or belowground -
    - (i) the production of dust shall be reduced by using bits which are sharp and of proper shape, by keeping suitable pressure on the bits and by keeping the holes clear of the cuttings,
    - (ii) a jet of water shall be directed on to the cutting edge to wet the cuttings or other equally efficient device approved by the Chief Inspector shall be provided and kept in operation throughout the drilling or boring operation to prevent the atmosphere being charged with dust. Where pneumatic drilling is performed, water shall be turned on before turning on compressed air to the drill. When, however, drilling is done by hand, it shall be sufficient if holes are kept constantly moist during such drilling.
  - (c) Roadways on surface or below ground where mobile mining machinery ply shall be regularly wetted or shall be effectively treated with some other equally efficient agent to reduce dust being raised in the atmosphere to a minimum.
  - (d) No plant for the screening or sorting of minerals or ores and as far as practicable, no heap of cinder, cement, sand, mortar or other dry and fine material shall be placed within 80 m. of the top of any down-cast shaft or other intake airway not shall any such material be so handled as to make it air-borne an drawn into such shaft or airway.
  - (e) In every working belowground—
    - (i) no machinery or equipment which is likely to emit dust in excess of 'permissible limit' shall be operated unless it is equipped with a suitable dust-prevention and suppression device and unless such device is operating efficiently ;
    - (ii) work places and rock walls in the vicinity thereof shall be, unless naturally wet throughout regularly washed down to prevent accumulation of dust and shall be kept thoroughly wetted during work shifts;
    - (iii) a current of air sufficient to clear away the dust emitted by any machinery or operation and to dilute the dust concentration below the 'permissible limit' shall be maintained by means of general ventilation and if necessary, by local ventilation, so however that, as far as practicable, the velocity of air in any roadway or workplace shall not be such as to raise dust in the atmosphere;

- (iv) after blasting, working places shall not be entered, unless sufficient time has elapsed for dust, smoke and fumes to be cleared by a current of air and the broken ore or rock shall not be moved unless it has been thoroughly wetted with water;
  - (v) vehicles, tubs and conveyors used for transport of mineral or ores shall be maintained in good condition so as to minimise spillage or leakage and chutes, spiral conveyors, ore passes, bins, tipplers conveyor discharge points and skip loading and unloading installations shall be so controlled as to reduce the formation of dust to the minimum. Such material shall be also thoroughly wetted with water unless it is already wet or other effective means of dust suppression are used;
  - (vi) unless, owing to special difficulties, exempted in writing by Regional Inspector in that behalf and subject to such conditions as he might specify therein, water in pipes in sufficient quantity and under adequate pressure and independent of any pumping system shall be provided and maintained so as to get maximum efficiency in the laying of dust.
- (f) No process of crushing, breaking, disintegrating, opening, grinding, screening or sieving of ores, minerals or stone or any operation incidental thereto shall be carried out at any mine unless appropriate and effective dust control measures, such as, but not limited to isolation, enclosure, exhaust ventilation and dust collection are designed, provided, maintained and used.
- (g) The exhausted air, belowground or on surface, which contains dust in excess of the 'permissible limit' shall be efficiently diluted and if necessary filtered so as to reduce the concentration of respirable dust therein below ten percent of the 'permissible limit' before being recirculated into working places or before emission into atmosphere.
- (h) Every device used for the prevention and suppression of dust produced by any machinery, equipment or process as also for the filtering of the exhausted air and every dust respirator shall be inspected once at least in every seven days and shall be thoroughly examined and tested at least once in every period of six months and reports of the results of every such inspection, examination and test shall be recorded in the register maintained under clause (e) or sub-regulation (3).
- (7) The owner, agent, or manager of every asbestos mine where mining operations are carried on and where 'permissible limit' of dust concentration is exceeded, shall also –
- (a) Provide –
    - (i) sufficient protective clothing in good condition for the use of, at no cost to, the persons employed in such operations, as well as arrangements for proper dusting by means of a vacuum cleaner and for regular washing thereof;
    - (ii) suitable place for putting on and taking off the protective clothing;
    - (iii) well maintained washing and bathing places;
    - (iv) separate place for storing and changing personal clothing;
    - (v) clean and hygienic place for taking food or snacks -

(b) cause –

(j) sorting, separation, grading, mixing, compression and packing of asbestos fibres and collection and disposal of waste including filtered dust to be carried out in such a manner that asbestos dust does not escape into air ;

(ii) All machinery, plant, work premises and all internal surfaces of the building where milling operations are carried on to be maintained in clean state and free of asbestos waste. Such cleaning shall be carried out by means of a vacuum cleaner or by some suitable exhaust draught ad persons undertaking these operations or present thereat shall be provided with and wear appropriate respiratory equipment and protective clothing;

(iii) asbestos fibres to be packed in impermeable bags;

(iv) cautionary notices, in language or languages understood by the majority of work persons with standard warning symbol to be prominently displayed at every such place where milling of asbestos is carried on and where the ‘permissible limit’ of dust exposure is likely to be exceeded, to warn the persons as to the hazards to health from asbestos dust, as to the need for the use of protective clothing and of appropriate dust respiratory by persons entering therein and as to the synergistic effect on the hazards of smoking cigarettes, beedis, cigars, etc. and occupational exposure to asbestos dust.

(8) The manager of every mine where airborne dust is generated, shall formulate and implement a scheme specifying –

(a) the location, frequency, timing duration and pattern of sampling ;

(b) the instruments and accessories to be used for sampling ;

(c) the laboratory at which respirable dust content of samples and quartz content shall be determined ;

(d) the format in which the results of measurements of dust concentration and other particulars have to be recorded ;

(e) the organization for dust monitoring and for the examination and maintenance of dust prevention and suppression measures and dusts respirators ; and

(f) the manner of making all persons concerned with the implementation of the dust control measures fully conversant with the nature of work to be performed by each in that behalf.

(9) The Regional Inspector may, where special conditions exist, permit, or require by an order in writing and subject to such conditions as he may specify therein, any variation in the foregoing provisions or in the manager” scheme.

(10) If any doubt arises as to any matter referred to in this regulation, it shall be referred to the Chief Inspector for decision]1.

125. Precautions against irruption of gas – Where any working is extended to within 30 metres of any stoped-out area or disused workings containing or likely to contain an accumulation of inflammable or noxious gases, there shall be maintained at least one bore-hole not less than 1.5 metres in advance of the working. The operation of drilling the bore hole shall be carried out under the supervision of a competent person; and where

inflammable gas is present or likely to be present, no lamp or light other than an approved safety lamp or torch shall be used in any such working.

126. Recovery and exploratory work – (1) After an explosion of inflammable gas has occurred in a mine only such persons as are authorised by the manager or by the principal official present at the surface, shall be allowed to enter the mine.

(2) When it is intended or proposed to reopen a mine or part thereof, which has been isolated, sealed off or flooded with water to deal with a fire or spontaneous heating, the owner, agent or manager shall, not less than 14 days before the commencement of such work, give notice in writing of such intention or proposal to the Regional Inspector and the Chief Inspector.

(3) Where it is intended to carry out any exploratory work in a mine or part belowground likely to contain irrespirable atmosphere –

(a) no party of less than three persons shall be allowed to proceed to carry out such work; and

(b) every such party shall carry a cage containing suitable birds or other means of detecting carbon monoxide gas approved by the Chief Inspector and also an approved flame safety lamp.

127. Danger from surface water – (1) Where any mine or part thereof is so situated that there is any danger of inrush of surface water into the mine or part, adequate protection against such inrush shall be provided and maintained. If any dispute arises as to whether such protection is adequate or not, it shall be referred to the Chief Inspector for decision.

(2) No workings shall be made in any mine vertically below –

(a) any part of any river, canal, lake, tank or other surface reservoir; or

(b) any spot lying within a horizontal distance of 15 metres from either bank of a river or canal or from the boundary of a lake, tank or other surface reservoir;

except with the permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

(3) Every application for permission under sub-regulation (2) shall be accompanied by two copies of a plan and section showing the existing position of the workings of the mine, the proposed layout of workings, the depth of the workings from the surface, the position and depth of any stoped-out area in the neighborhood, all faults and other geological disturbances and such other particulars as may affect the safety of the mine or of the persons employed therein.

Explanation. – Where sand or alluvium are lying in the course of a river, canal, lake, tank or reservoir, the depth from the surface shall be reckoned from the surface of hard ground underlying such sand or alluvium.

128. Danger from underground inundation. – (1) Proper provision shall be made in every mine to prevent irruption of water other liquid matter from the workings of the same mine or of an adjoining mine.

(2) (a) No working which has approached with a distance of 60 metres of any disused or abandoned workings (not being workings which have been examined and found to be free from accumulation of water or other liquid matter), whether in the same mine or in an adjoining mine, shall be extended further except with the prior permission in writing of the Chief Inspector and subject to such conditions as he may specify therein :

Provided that if any heavy seepage of water is noticed in any working approaching, but not within 60 metres of, any such disused or abandoned working, such working shall be immediately stopped, and the Chief Inspector and the Regional Inspector shall forthwith be informed about the occurrence. The workings shall not be extended further except with the prior permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

Explanation. – For the purpose of this sub-regulation, the distance between the said workings shall mean the shortest distance between the said workings measured in any direction whether horizontal vertical or inclined.

(b) Every application for permission under clause (a) shall be accompanied by two copies of a plan and section showing the outline of such disused or abandoned workings in relation to the workings which are approaching the said workings and such other information as may be available in respect of the said workings.

(c) Except where otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, no such working shall exceed two metres in width or height; and there shall be maintained at least one bore-hole near the center of the working face, and sufficient flank holes on each side and where necessary, bore-holes above and below the workings, at intervals of not more than five metres. All such bore-holes shall be, and shall be constantly maintained, at sufficient distance in advance of the working and such distance shall in no case be less than three metres. These precautions shall be carried out under the direct supervision of a competent person specially authorised for the purpose.

(d) The precautions laid down in clause (c) shall also be observed in any other working where any heavy seepage of water is noticed whether approaching disused or abandoned workings or not.

129. International flooding . (1) When the owner, agent or manager intends or proposed, by introducing water from the surface or from any other part of the mine or from an adjacent mine, to flood any part of the workings of his mine, he shall give in writing not less than 14 days' notice of such intention or proposal to the Chief Inspector and the

Regional Inspector and to the management of all adjoining mines and of such other mines as might be affected by such flooding.

Provided that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit such operations to be commenced on any day prior to the expiry of the said 14 days:

Provided further that the Regional Inspector may, by an order in writing, either prohibit any such operation or require that such operation shall not be commenced until such precautions as he may specify therein, have been taken to his satisfaction.

Explanation. – For the purposes of this sub-regulation, a mine shall have the meaning assigned to it under regulation 33.

- (2) If the operations in respect of which notice is given under sub-regulation (1), are not commenced within 60 days from the expiry of the said 14 days, the notice shall be deemed to have lapsed and the provision of the sub-regulation(1) shall apply as if no such notice had been given.

130. Construction of a reservoir, dam or other structure. – (1) Where in any mine it is intended to construct a reservoir, dam or other structure to withstand a pressure of water or other material which will flow when wet, or to control an inrush of water (other than a reservoir, dam or structure for storing small quantities of water) the owner, agent or manager shall give in writing not less than 14 days notice of such intention to the Regional Inspector. Every such notice shall be accompanied by two copies of plans and sections showing the design and other details of the proposed construction.

Provided that where the safety of the mine or of the persons employed therein is seriously threatened, the provisions of this regulation shall be deemed to have been complied with if the said notice is given to the Regional Inspector as soon as the work of construction is commenced :

Provided further that where such a reservoir, dam or other structure was constructed before the coming into force of these regulations, the said copies of the plans and sections shall be submitted to the Regional Inspector within three months of the coming into force of these regulations. Where these details are not available, the Regional Inspector shall be informed of the fact within the aforesaid period.

- (2) The Regional Inspector may, by an order in writing, require such modification or alternations to be made by the design of any such reservoir, dam or structure as he may specify therein.

## **CHAPTER – VIII - Ventilation**

131. Standard of ventilation. – (1) It shall be the duty of the owner, agent or manager of every mine to take such steps as are necessary for securing that there is constantly produced in all parts of the mine belowground, ventilation adequate to clear away smoke, steam and dust; to dilute gases that are inflammable or noxious so as to render them harmless; to provide air containing a sufficiency of oxygen; and to prevent such excessive rise of temperature or humidity as may be harmful to the health of persons. If any doubt arises as to whether the ventilation in a mine or part thereof is adequate or not, it shall be referred to the Chief Inspector for decision.

- (2) For the purpose of this regulations, a place shall not be deemed to be in a safe state for persons to work or pass therein if the air contains either less than 19 percent of oxygen or more than 0.5 percent of carbon dioxide or any noxious gas present in quantity likely to affect the health of any person; and such place shall not be deemed to be normally kept free from inflammable gas if the percentage of such gas at any point in that place exceeds one in a quarter.
- (3) If with respect to any mine or part thereof the Regional Inspector is of the opinion that the ventilation is not adequate, he may, by an order in writing, require the installation and maintenance of such a mechanical ventilator as is capable of producing adequate ventilation in the mine or part.

132. Mechanical ventilators and their fittings. – (1) Every mechanical ventilator shall be installed in a fireproof housing situated at a safe distance from the opening, shaft or winze; and every mechanical ventilator, other than an auxiliary fan, shall be so designed and maintained that the current of air can be reversed when necessary.

- (2) In every mine to which regulation 142 applies, if electricity is used for driving the mechanical ventilator, current shall be supplied to the drive motor of the ventilator through a separate circuit from the main distribution point of the mine.
- (3) There shall be provided and maintained at every main mechanical ventilator –
  - (a) a suitable pressure-recording gauge or water gauge; and
  - (b) except where the ventilator is driven by a constant speed drive, a recording instrument by which the speed of the ventilator shall be continuously registered.
- (4) At every shaft or winze ordinarily used for lowering or raising of persons or material, where a mechanical ventilator is installed, there shall be provided a properly constructed air-lock.

Provided that unless the Regional Inspector so requires by an order in writing, the provision of this sub-regulation shall not apply to a shaft or winze where a

mechanical ventilator was installed before the coming into force of these regulations.

- (5) The flow of air produced by a mechanical ventilator shall, as far as practicable, be so arranged as to aid the natural ventilation.
- (6) Every mechanical ventilator shall be in charge of a competent person appointed for the purpose, who shall not be entrusted with any other additional duties which may require him to go outside the fan house or which may interfere with his duties as incharge of the mechanical ventilator.
- (7) In every mine in which a mechanical ventilator is in use, the quantity of air circulating in every ventilating district shall be measure once at least in every 30 days and recorded in a bound paged book kept for the purpose.

133. Standing Orders. – (1) For the purpose of ventilation, every mine shall be divided into such number of districts or splits as to ensure that separate current of fresh air is made available in every such district or split.

- (2) The intake air shall be so arranged as to travel away from all stagnant water.
- (3) In any mine or part where a mechanical ventilator is used, every drive, crosscut, winze or rise which is a connection between a main intake airway and a main return airway shall, until it has ceased to be required and has been sealed off, be provided with at least two doors so spaced that whenever one door is opened, the other door can be kept closed. Steps shall be taken or ensure that at least one of the doors is always closed. Any such connection which has ceased to be so required, shall be effectively sealed.

135. Brattices, doors, stoppings ad aircrossings. - (1) There shall be provided ad maintained in every mine such number of stoppings , doors and other devices as may be adequate to ensure compliance with the provision of regulations 131. If any doubt arises as to the adequacy of such ventilation devices, it shall be referred to the Chief Inspector for decision.

(2) (a) The space between the frame or every ventilation door and the roof and sides of the road, shall be built up with masonry or concrete, not less than 25 centimetres in thickness.

- (b) Every such door shall be self-closing; and whenever opened, it shall be closed as soon as possible, and shall not be propped or fixed so as to remain open.
- (c) If such door is required to be frequently kept open for the passage of men or material, there shall be, throughout every working shift, a door attendant at the door.
- (d) Unless required for purposes of control of fire or otherwise, if a door is not in use, it shall be taken off its hinges and placed in such a position that it shall not cause any obstruction to the air current.



(3)(a) Every stopping between the main intake and main return airways shall be constructed of masonry or brickwork, not less than 25 centimetres in thickness or such greater thickness as may be required by the Regional Inspector, and shall be faced with a sufficient thickness of lime or cement plaster to prevent leakage of air.

(c) Every stopping in use shall be kept accessible for inspection.

(4) The partitions and walls of every air-crossing shall be not less than 25 centimetres in thickness if constructed of masonry or of concrete not properly reinforced, and not less than 15 centimeters in thickness if constructed of properly reinforced concrete.

(5) Every air-crossing, ventilation stopping, door or brattice shall be maintained in efficient working order and good repair.

(6) A competent person shall, once atleast in every 30 days, examine every airway, air crossing, ventilation stopping and door in use, and shall record the result thereof in a bound paged book kept for the purpose, and shall sign the same and date his signature.

136. Auxiliary fans.- (1) Every auxiliary fan :

(a) shall be installed, located and worked in such a manner that –

(i) a sufficient quantity of air shall, at all times, reach it so as to ensure that it does not re-circulate air; and

(ii) there is no risk of the air which it circulates being contaminated by any substantial quantity of inflammable or noxious gases or dust; and

(b) shall have an air-duct for conducting the air to or from the face or blind end; and such air-duct shall be so maintained as to minimise any leakage of air and to ensure an adequate supply of air to within 4.5 metres of the face or blind end.

(2) No auxiliary fan shall be started, stopped, removed, replaced or in any way altered or interfered with, except by or on the authority of an official.

(3) No person shall enter or remain in any place which is dependent for its ventilation on an auxiliary fan, unless such fan is operating efficiently. Whenever the ventilation of any such place has been interrupted, whether by the stoppage of the fan or otherwise, no person shall so enter or remain therein, except for the purpose of restoring the ventilation, unless the place has been examined by a competent person and declared safe.

137. Precautions against fire in ventilation appliances. - The covering of every shaft, winze or rise sealed off or covered for ventilation purposes, every fan drift, duct or casing and every part of a mechanical ventilator or fan within such drift, duct or casing, and every air-crossing and ventilation door shall be constructed of fire-proof material :

Provided that this regulation shall not apply to the small lid of a shaft covering operated by the rope cappel.

138. Ventilation plants to be brought up-to-date. – As soon as any alteration is made in the ventilation of a mine, involving the erection or removal of an air-crossing or stopping or the alteration in the position or installation of a ventilator below ground, the erection, removal, alteration or installation, as the case may be, shall be shown on the ventilation plan maintained under-regulation 61.

139. Obstructions, interruptions and alterations. (1) No material or debris shall be allowed to accumulate in any level, drive, crosscut or any other part of the working below ground so as to impede the ventilation.

(2) Every roadway an working below ground which is not adequately ventilated shall be fenced or barricaded so as to effectively prevent persons entering the same.

(7) If any person becomes aware of any obstruction in, or interference with, or deficiency of, ventilation in any mine or part thereof, he shall –

(a) if it falls within his power to remedy such obstruction, interference or deficiency, immediately take steps to do so; or

(b) cease all work at that place, and shall forthwith inform his superior official of such obstruction interference or deficiency.

(4) whenever there is any interruption of ventilation by the stoppage or any mechanical ventilator, including an auxiliary fan, installed below ground, the official in charge of the mine or part shall immediately take precautionary measures including withdrawal of men, if necessary against dangers that may arise out of non-compliance with the provisions of regulation 131, to restore the ventilation in the mine or part.

(5) No person shall alter the general system of ventilation in any mine or part except with the authority of the manger :

Provided that, in an emergency, an official or the mine may carry out such alteration as he may deem necessary for the safety of persons, but he shall as soon as possible inform his superior official an the manager about the same in writing.

140. Precautio ns against gas during de-watering and re-opening.- (1) No disused mine or shaft shall be de-watered except under the constant supervision of a no competent person and during such de-watering, approved safety lamps or torches shall be exclusively used, and there shall also be kept burning at every place where persons are at work at least on e approved flame safety lamp.

(2) (a) The first inspection of a mine or part which is re-opened after a discontinuance of mining o0erations for a period exceeding seven days and of any part of amine after being de-watered shall be made by a competent person with an approved

flame safety lamp and during such inspection, no additional light or lamp other than an approved electric torch or lamp shall be used.

- (c) The result of every such inspection shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the persons making the inspection, and countersigned and dated by the manager.

141. Precautions against inflammable and noxious gases . – (1) For the purpose of this regulation, inflammable gas shall be deemed to have been found or detected when it is indicated by the lowered flame of a flame safety lamp or, where methane indicators are used, they indicate one and a quarter percent, or more of inflammable gas.

(2) When any person detects the presence of inflammable gas, he shall not brush or waft it out, but shall immediately withdraw from the place and shall inform his superior official about the same.

(3) Where in any place in a mine, inflammable or noxious gas is detected, all persons shall be withdrawn from the place, and the place shall be immediately fenced off so as to prevent persons invariably entering the same. The competent person in charge shall, without delay, take steps to remove the gas by improving the ventilation.

(4) During the removal of such gas all persons except those necessary for such removal, shall be withdrawn from the return side of the ventilating district in which the gas has been detected unless the quantity of gas is, in the opinion of the competent persons, so small that such withdrawal is not necessary :

Provided that where the danger arises from the presence of inflammable gas, no naked light shall be used in the ventilating district in which the gas is detected.

- (5) No person shall be re-admitted into the place where the gas was detected until a competent person has examined the place and has reported that the place is free from gas, Every such examination shall be made with an approved flame safety lamp and, in the case of noxious gas, also with a cage containing suitable birds or other means of detecting carbon monoxide gas approved by the Chief Inspector.
- (6) Particulars of every occurrence referred to in sub-regulation (2) and of every examination made under sub-regulation(5) together with a statement as to where and when the gas was found and when it was removed, and in case of inflammable gas, the percentage thereof, shall be recorded in a bound paged book kept for the purpose, Every such entry shall be signed and dated by the competent person making the report, and countersigned and dated by the manager.
- (7) In any part of a mine to which regulations 123(1) and 142 apply, or where the Regional Inspector may require by an order in writing, all unused workings which have not been sealed off, shall once at least in every seven days be

inspected by a competent person for the presence of inflammable or noxious gas. A report of every such inspection shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person who made the inspection.

142. Safety lamps to be used in gassy mines. – No lamp or light other than an approved safety lamp or torch or other installation permitted under the Indian Electricity Rules, 1956 shall be used or permitted to be used below ground in any mine, -

- (a) in any part of a mine in which an explosion or ignition of inflammable gas has occurred;
- (b) in any ventilating district in which inflammable gas has been found; and
- (c) in any place in which, in the opinion of the Regional Inspector, inflammable gas is likely to be present in such quantities as to render the use of naked lights dangerous :

Provided that if safety lamps are not immediately available in the case of any mine to which clauses (b) and (c) apply, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, grant a temporary exemption from the operation thereof until such time as safety lamps can be obtained :

Provided further that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, exempt any mine or part thereof from the operation of this regulation on the ground that on account of the special character of the mine or part, the use of safety lamps is not necessary therein.

143. Contrabands. – In every mine or part of which regulation 142 applies, the following provisions shall have effect, namely –

- (1) No person shall have in his possession belowground any cigar, cigarette, biri or other smoking apparatus, or any match or other apparatus of any kind capable of producing a light, flame or spark :

Provided that nothing in this sub-regulation shall be deemed to prohibit the use belowground of any apparatus for the purpose of shot firing or of relighting safety lamps, of a type approved by the Chief Inspector.

- (2) For the purpose of ascertaining whether any person proceeding belowground has in his possession any article as aforesaid, a competent person other than the banksman, if any, shall be appointed to search every such person immediately before he enters the mine. The competent person shall be on duty throughout the shift, and no duties other than those under this regulation and regulation 149(2) shall be entrusted to him.

- (3) The competent person so appointed shall make a thorough search for the articles aforesaid and in particular shall –
- (a) search or turn out all pockets;
  - (b) pass his hand over all clothings; and
  - (c) examine any article in the possession of the person searched.
- (4) If the competent person suspects that the person searched is concealing any articles as aforesaid, he shall detain him, and as soon as possible refer the matter to the manager or assistant manager or underground manager. No such person shall be allowed to enter the mine until the manager or other superior official is satisfied that the person has no such article in his possession.
- (5) Any person who refused to allow himself to be so searched or who on being searched is found to have in his possession any of the article aforesaid, shall be guilty of an offence against this regulation.

144. Determination of environmental conditions. – In every mine having workings belowground extending to a depth of more than 50 metres from the surface, determinations shall, once at least in every 30 days be made of temperature, humidity and such other environmental conditions as the Regional Inspector may by an order in writing stipulate, at the blind end of every drivage and at such other points as the Regional Inspector may specify.

145. Appointment of Ventilation Officer.- In the case of any mine having extensive workings below ground, if the Chief Inspector by an order in writing so requires, the manager shall be assisted by a Ventilation Officer, holding such qualification as the Chief Inspector may specify in the order, who shall be responsible for supervising the maintenance of the ventilation system of the mine in accordance with the provisions of these regulations.

#### **CHAPTER XIV – Lighting and Safety Lamps**

146. General lighting : (1) Adequate general lighting arrangements shall be provided during working hours –
- (a) on the surface where the natural light is insufficient : in every engine house, in the vicinity of every working shaft, at every open cast working, at every shunting or marshaling yard, and at every place where persons have to work; and
  - (b) belowground –
    - (i) at every shaft landing and shaft bottom or siding which is in regular use;
    - (ii) in every travelling roadway normally used by 50 or more persons during any shift and in every working stope :

Provided that the provisions of this clause shall be deemed to have been complied with where electric or carbide lamps or lights are provided to every workperson;

- (iii) at the top and bottom of every self-acting incline in regular use;
- (iv) at every place on a haulage roadway, at which tubs are regularly coupled or uncoupled or attached to or detached from a haulage rope;
- (v) at every place at which tubs are regularly filled mechanically;
- (vi) at every room and place containing any engine, motor or other apparatus in regular use; and
- (vii) at every first aid station below ground :

Provided that in a mine or part where regulation 142 applies, the lighting fixtures shall comply with the provisions of the Indian Electricity Rules, 1956.

(2) The lighting provided in a mine shall, as far as possible, be so arranged as to prevent glare or eye strain.

(3) Where electric energy is available at the mine, the lighting arrangement made under sub-regulation (1) shall unless otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify by electrical means.

(4) Where electric lighting is used, an additional light or lamp having no connection with electric supply shall be kept continuously burning –

- (i) belowground, in every shaft bottom or landing in regular use and in every engine room; and
- (ii) on the surface, after dark, at the top of every working shaft and in every engine room.

(5) Every electrical lamp-fitting shall be so constructed as to protect it from accidental damage; and adequate precautions shall be taken to prevent lamps being damaged from shot-firing.

147. Every person to carry a light. – The owner, agent or manager shall provide every person employed belowground with a light or lamp adequate to enable him to perform his duties in a proper and thorough manner and no such person shall proceed or remain belowground without such light or lamp.

148. Standards of lighting. – (1) If any doubt arises as to whether any lamp or light is of adequate lighting performance or not, it shall be referred to the Chief Inspector for decision.

(2) The Chief Inspector may, from time to time, by notification in the Official Gazette, specify –

- (a) The type of lamp to be provided to specified categories of persons employed in a mine; or
- (b) The standard of lighting to be provided in specified areas or places in a mine.

149. Maintenance and examination of safety lamps. – In every mine or part thereof in which the use of safety lamps is for the time being required by or in pursuance of the regulations, the following provisions shall have effect, namely –

- (1) A competent person appointed for the purpose shall clean, trim, examine and lock securely all such lamps before they are issued for use, and no such lamp shall be issued for use unless it is in safe working order and securely locked.
- (2) A competent person appointed for the purpose shall examine every safety lamp at the surface immediately before it is taken belowground for use and shall assure himself, as far as practicable from external observation that such lamp is in safe working order and securely locked. \The person so appointed shall not perform any other duties, other than those prescribed under regulation 143(2).
- (3) A competent person appointed for the purpose shall examine every safety lamp on its being returned after use. \If on such examination, any lamp is found to be damaged or misused, he shall record the nature of the damage or misuse in a bound paged book kept for the purpose. Every such entry shall be countersigned and dated by the manager.
- (4) The manager, assistant manger, under ground manager or a competent person appointed for the purpose shall, once at least in every seven days, examine thoroughly every safety lamp in use, and shall record the result of examination of every such lamp in a bound paged book kept for the purpose.
- (5) No person shall be appointed as a competent person under this regulation unless he holds a Gas testing Certificate.

150. Use of safety lamps. – (1) Every safety lamp shall be numbered, and so long as the lamp is in use the number thereof shall be maintained in a legible condition.

(2) A competent person appointed for the purpose shall maintain a correct record of the lamps issued from and returned to the lamp-room, and in the record so maintained, the number of the lamp issued to and person shall be entered against his name.

(3) If any person returns to the lamp-room a lamp other than the one issued to him, he shall explain the cause and circumstances of the change.

(4) No unauthorized person shall either himself take or give out any safety lamp from the lamp-room.

(5) Every person who receives a lamp shall satisfy himself that it is complete and in good order; and should he find any defect therein, he shall immediately return it to the lamp-room.

(6) No person shall willfully damage or improperly use, or unlock or open, or attempt to unlock or open any safety lamp.

(7) Should any person find that the safety lamp in his possession has become defective, he shall at once carefully extinguish the flame, if any, and report the defect to his superior official.

151. Maintenance and repairs of safety lamps. – (1) Every safety lamp shall be properly assembled and maintained in good order. If any lamp is found to be defective or damaged, it shall not be issued for use until the defect or damage has been remedied.

(2) If the wires of any gauge of a flame safety lamp are broken or burnt away, the gauge shall not be reconditioned for further use.

(3) Damaged and defective gauges, glasses and other parts of a safety lamp shall not be kept or stored in the safety lamp-room.

(4) No glass of a safety lamp and no bulb of an electric safety lamp, shall be replaced except by a glass or bulb of such type as the Chief Inspector may, from time to time specify by notification in the Official Gazette; and no other part of a safety lamp (other than a wick or battery, as the case may be) shall be replaced except by a part manufactured by the manufacturers of the lamp to approved specifications. No repaired part shall be used in a safety lamp.

(5) In every flame safety lamp kept for the purpose of inspection or of testing for or detecting the presence of inflammable gas, no oil other than an oil of a type approved by the Chief Inspector shall be used.

152. Precautions to be taken in safety lamp-room. – (1) No unauthorised person shall enter the safety lamp room.

(2) No person shall smoke in the safety lamp-room

(3) Where petrol, benzol, or any other highly volatile spirit is used in safety lamps, the following precautions shall be observed–

- (a) lamps shall be cleaned, refitted and refilled in a separate room;
- (b) only such quantity of volatile spirit as is required for one working day shall be kept in any such room;
- (c) internal relighters shall not be taken out of lamps and cleaned, repaired or refitted on the same table where lamps are cleaned, refitted or refilled; and
- (d) adequate number of suitable fire extinguishers shall be provided and kept ready for use in every such room.

## **CHAPTER XV – Explosives and Shotfiring**



153. Type of Explosives to be used in mines. – No explosive shall be used in a mine except that provided by the owner, agent or manager. The explosives provided for use shall be of good quality and, as far as can be known, in good condition.

154. Storage of explosives. – (1) No owner, agent or manager shall store, or knowingly allow any other person to store, within the premises of a mine any explosives otherwise than in accordance with the provisions of rules made under the Indian Explosives Act, 1884.

(2) Explosives shall not be taken into or kept in any building except a magazine duly approved by the Licencing Authority under the Indian Explosives Act, 1884 :

Provided that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the use of any store or premises specially constructed at or near the entrance to a mine for the temporary storage of explosives intended for use in the mine or of surplus explosives brought out of the mine at the end of a shift.

(3) Explosives shall not be stored below ground in a mine except with the approval in writing of the Chief Inspector and subject to such conditions as he may specify therein. Such storage shall be done only in a magazine or magazines duly licenced in accordance with the provisions of rules made under the Indian Explosives Act, 1884.

(4) Every licence granted by the Licencing Authority under the Indian Explosives Act, 1884 for the storage of explosives, or a true copy thereof, shall be kept at the office of the mine.

155. Cartridges. (1) Unless otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, no explosive, other than a fuse or a detonator, shall be issued for use in mine, or taken into or used in any part of a mine, unless it is in the form of a cartridge. Cartridges shall be used only in the form in which they are received.

(2) The preparation of cartridges from loose gunpowder, the drying of gunpowder and the reconstruction of damp cartridges shall be carried out by a competent person and only in a place approved by the Licencing Authority and in accordance with the rules made under the Indian Explosives Act, 1884.

156. Magazines, stores and premises to store explosives. – (1) Every magazine, or store or premises, where explosives are stored shall be in charge of a competent person who shall be responsible for the proper receipt, storage and issue of explosives.

(2) Explosives shall not be issued from the magazine unless they are required for immediate use. If any explosives are returned to the magazine or store or premises, they shall be reissued before fresh stock is used.

(3) Explosives shall be issued only to competent persons upon written requisition signed by the blaster or by a official authorised for the purpose, and only against their signature or thumb impression. Such requisition shall be preserved by the person in charge of the magazine or store or premises.

(4) The person in charge of the magazine or store or premises shall maintain, in a bound paged book kept for the purpose, a clear and accurate record of explosives issued to each competent person and a similar record of explosives returned tot he magazine or store or premises.

157. Cases and containers for carrying explosives. (1) No explosive shall be issued from the magazine or taken into any mine except in a case or container of substantial construction and securely locked. Cases or containers made of iron or steel shall be heavily galvanised; and no case or container provided for carrying detonators shall be constructed of metal or other conductive material.

(2) No detonator shall be kept in a case of container which contains other explosives, materials or tools; and two or more types of detonators shall not be kept in the same case of container :

Provided that nothing in this sub-regulation shall restrict the conveyance of primer cartridges fitted with detonators in the same case or container for use in a wet working or in a sinking shaft or winze.

(3) No detonator shall be taken out from a case or container unless it is required for immediate use.

(4) No case or container shall contain more than five kilogrammes or explosives, and no person shall have in his possession at one time in any place more than one such case or container :

Provided that nothing in this sub-regulation shall prohibit the conveyance of larger quantity of explosives in bulk for supplying an under ground magazine :

Provided further that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the carrying of a larger quantity of explosives in a single case of container, or the use, at one time in one place, of more than one such case or container.

(5) Every case or container shall be numbered; and as far as practicable, the same case or container shall be issue to the same blaster or competent person, as the case may be, every day.

(6) The key of every case or container shall be retained by the blaster in his own possession throughout his shift.

158. Transport of explosives. – (1) While explosives in bulk are lowered or raised in a shaft or winze, a distinguishing mark shall be attached to the cage, skip or bucket

containing the explosive; or the person in charge of explosives shall travel in the same cage, skip or bucket.

(2) Every cage, skip or bucket containing explosives shall be gently lowered or raised; and it shall be the duty of the banksman or bellman, as the case may be, to adequately warn the winding engineman before the cage, skip or bucket is set in motion.

(3) Where explosives are being carried on a ladder, every case or container shall be securely fastened to the person carrying it.

(4) No person other than a blaster shall carry any priming cartridge into a shaft which is in the course of being sunk. No such cartridge shall be so carried except in a thick felt bag or other container sufficient to protect it from shock.

159. Reserve Stations. – No case container containing explosives shall be left or kept below ground except in a place appointed by the manager or assistant manager or underground manager for the purpose and so situated that it is not frequented by workpersons. Every such place shall be kept clean, safe and adequately fenced and legibly marked 'RESERVE STATION'.

160. Blasters. – (1) The preparation of charges and the charging and stemming of holes shall be carried out by or under the personal supervision of a competent person, in these regulations referred to as a 'blaster'. The blaster shall fire the shots himself.

- (2) No person shall be appointed to be a blaster unless he is the holder of Manager's, Foreman's Mate's or Blaster's certificate.
- (3) If 30 or more persons are employed belowground at any one time in any mine or district under the charge of a competent person referred to in regulation 116, such person shall not perform the duties of a blaster.
- (4) No person whose wages depend on the amount of mineral, rock or debris obtained by firing shots, shall be appointed to perform the duties of a blaster.
- (5) The manager shall fix, from time to time, the maximum number of shots that a blaster may fire in any one shift; and such number shall not unless the Regional Inspector by an order in writing and subject to such conditions as he may specify therein otherwise permits, exceed 80 in case they are fired electrically or by means of an igniter cord and 50 in other cases, and shall be based upon –
  - (i) the time normally required to prepare and fire a shot in accordance with the provisions of these regulations;
  - (ii) the time required for that blaster to move between places where shots are fired;
  - (iii) the assistance, if any, available to him in the performance of his said duties; and
  - (iv) any other duties assigned to him, whether statutory or otherwise :

Provided that the Regional Inspector may, by an order in writing an subject to such conditions as he may specify, permit the manager to fix the maximum number of shots to be fired by a blaster differently from the limits specified in this sub-regulation.

- (6) The number of detonators issued to, and in the possession of, a blastr during his shift shall not exceed the maximum number of shots that he is permitted to fire under sub-regulation (5).

161 Shotfiring tools. - (1) Every blaster on duty shall be provided with –

- (a) a suitable electric lamp or torch ;
- (b) a tool, made entirely of wood, suitable for charging and stemming shotholes;
- (c) a scraper made of brass or wood suitable for cleaning out shotholes;
- (d) where fuses are used, a knife for cutting off fuses an, unless machine-capped fuses are provided, also a pair of suitable crimpers for crimping detonators; and
- (e) where detonators are used, a pricker made of wood or a non-rerrous metal for priming cartridges.

(2) No tool or appliance other than that provided as above shall be used by a blaster.

162. Drilling, charging, stemming and firing of shotholes. – (1) No rill shall be used for boring a shothole unless it allows a clearance of at least 0.3 centimetre over the diameter of the cartridge of explosive which it is intended to use.

(2) No shothole shall be charged before it is thoroughly cleaned.

(3) Before any shothole is charged, the direction of the hole shall, where practicable, be distinctly marked on the roof or other convenient place.

(4) No detonator shall be inserted into a priming cartridge until immediately before it is to be use : however that in case of wt workings, priming cartridges may be prepared at the nearest convenient dry place; and such primed cartridges shall be cartied to the working place in a securely closed case or container. Detonators once inserted into a priming cartridge shall not be taken out.

- (5) Unless otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, the charge in any shothole shall consist of one or more complete cartridges of the same diameter and the same type of explosive.
- (6) The blaster shall, to the best of his judgment, ensure that no charge in a shothole is over-charged of under-charged, having regard to the task to be performed.

- (7) No shothole shall be fired by a fuse less than 1.2 metres in length.
- (8) Every shothole shall be stemmed with sufficient and suitable non-inflammable stemming so as to prevent the shot from blowing out. Only sand loosely filled in, or soft clay lightly pressed home, or a compact but not hard mixture of sand and clay or water shall be used as stemming.
- (9) In charging or stemming a shothole, no metallic tool, scraper or rod shall be used; and no explosive shall be forcibly pressed into a hole of insufficient size.
- (10) No shot shall be fired except in a properly drilled, charged and stemmed shothole.
- (11) Blasting gelatine or other high explosives shall not be lighted in order to set fire to fuses; but specially prepared 'kai-pieces' of such explosives may be so used. Such 'kai-pieces' shall be prepared only in the magazine, and a correct record of the issue, use and return of such 'kai-pieces' shall be maintained in the books kept under regulations 156(4) and 169(b).
- (12) All surplus explosives shall be removed from the vicinity of a shothole before a light is brought near it for the purpose of lighting the fuse.
- (13) As far as practicable, a shot shall be fired by the same blaster who charged it.
- (14) In any mine in which explosives other than gunpowder are used, every shot shall, if so required by the Regional Inspector, be fired electrically.
- (15) No more than 10 holes shall be fired in one round unless they are fired electrically or by means of an igniter cord.
- (16) No shothole shall be charged except those which are to be fired in that round; and all shotholes which have been charged shall be fired in one round.
- (17) Where a large number of shots has to be fired, a shotfiring shall, as far as practicable, be carried out between shifts.
- (18) No person shall remove any stemming otherwise than by means of water or an approved device, or pull out any detonator lead or remove any explosive from any charged shothole.

163. Electric Shotfiring. – Where shots are fired electrically, the following provisions shall have effect, namely :-

- (1) (a) No shot shall be fired except by means of a suitable shotfiring apparatus; and the number of shots fired at any one time by the apparatus shall not exceed the number for which it is designed.
- (b) Every electrical shotfiring apparatus shall be so constructed and used that –
  - (i) it can only be operated by a removable handle or plug. This handle or plug shall not be placed in position until a shot is about to be fired and shall be removed as soon as a shot has been fired; and
  - (ii) the firing circuit is made to break either automatically or by means of a push-button switch.
- (c) (i) No apparatus shall be used which is defective; and every apparatus shall be examined at least in every three months, be cleaned and thoroughly overhauled by a competent person.

(ii) If the apparatus fails to fire all the shots in a properly connected circuit, the blaster shall return the apparatus to the manager or assistant manager or underground manager as soon as possible, and it shall not be used again unless it has been tested on the surface and found to be in safe working order.

(iii) The result of every overhaul test or repair as aforesaid shall be recorded in a bound page book kept for the purpose and shall be signed and dated by the person making the overhaul, test or repair.

(2) No current from a signalling, lighting or power circuit shall be used for firing shots.

(3) The blaster shall –

- (a) retain the key of the firing apparatus in his possession throughout his shift;
- (b) use a well-insulated cable of sufficient length to permit him to take proper shelter, and in no case, shall this cable be less than 20 meters in length;
- (c) before coupling the cable to the firing apparatus, couple up the cable himself to the detonator leads;
- (d) take care to prevent the cable from coming into contact with any power or lighting cable or other electrical apparatus;
- (e) take adequate precautions to protect electrical conductors and apparatus from injury;
- (f) himself couple the cable to the firing apparatus; and before doing so, see that all persons in the vicinity have taken proper shelter as provided under regulation 164; and
- (g) after firing the shots and before entering the place of firing, disconnect the cable from the firing apparatus.

(4) Where more than one shot are to be fired at the same time :-

- (a) care shall be taken that all connections are properly made;
- (b) all shots if fired underground shall be connected in series;
- (c) the circuit shall be tested either for electrical resistance or for continuity before connecting it to the firing apparatus. Such a test shall be made with an apparatus specifically designed for the purpose and after the provisions of regulation 164 have been complied with; and
- (d) the cable to the shotfiring apparatus shall be connected last.

164. Taking shelter etc. – 1[(1) The blaster shall, before a shot is charged, stemmed or fired, see that all persons other than his assistants, if any, in the vicinity, have taken proper shelter and he shall also take suitable steps to prevent any person approaching the shot and shall himself take adequate shelter, along with his assistants if any, before firing the shots.

(1-A) in the case of an opencast working the blaster shall not charge or fire a shot

- (a) unless he has taken the precautions laid down in sub-regulation (1).
- (b) Unless sufficient warning, by efficient signals or other means approved by the manager, is given over the entire area falling within a radius of 300 metres from the place of firing (hereinafter referred to as the danger zone) and also he has ensured that all persons within such area have taken proper shelter, and
- (c) Where any part of a public road or railway lies within the danger zone, unless two persons are posted, one in either direction at the two extreme points of such road or railway which fall within the danger zone who have, by an efficient system of telephonic communication or hooter or loudspeakers or other means approved by the Chief Inspector or Regional Inspector intimated clearance of traffic to the blaster and have also warned the passers by and whenever possible the vehicle also, if any, which have passed by such road or railway :

Provided that if blasting is done in such a manner approved in writing, by the Chief Inspector or Regional Inspector, that the flying fragments from blasting cannot project beyond a distance of ten metres from the place of firing, the provisions of clauses (b) and (c) need not be complied with,

(1-B) (a) In the case of an opencast working, where any permanent building or structure of permanent nature, not belonging to the owner, lies within the danger zone, the aggregate maximum charge in all the holes fired at one time shall not exceed two kilograms unless permitted in writing by the Chief Inspector or the Regional Inspector and subject to such conditions as he may specify therein :

Provided that if blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, a maximum charge of two kilograms can be used in each hole;

Provided further that if the shortest distance from the place of firing to any part of such building or structure is less than 50 metres irrespective of the amount of the charge, no blasting shall be done except with the permission in writing of the Chief Inspector or the Regional Inspector and subject to such conditions as he may specify therein.

(b) Notwithstanding anything contained in clause (a) the Chief Inspector may, by an order in writing and subject to such conditions as he may specify, exempt any mine or part thereof from the operation of all or any of the provisions of clause (a) on the ground that the observance of its provisions is not necessary or reasonably practicable on account of the special conditions existing thereat].

(2) Where the workings, either above or belowground, offer insufficient protection against flying fragments or missiles, adequate shelter or other protection shall be provided.

(3) When two working places belowground have approached within three metres of each other, the blaster shall not fire any shot in any one of the said workings unless all persons have been withdrawn from the other working place and the same has been so fenced off as to prevent persons inadvertently coming in direct line of the shot.

(4) In any mine to which regulation 142 applies, the following provisions shall have effect, namely :-

- (a) Notwithstanding anything contained in the regulations, no shot shall be stemmed or fired by any person who does not hold either a Manager's Certificate, or Foreman's or Mate's Certificate together with a Gas-testing Certificate.
- (b) Where more shots than one are charged for firing, the shots shall be fired simultaneously. No delay-action detonator shall be used, except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.
- (c) If in ventilating district, presence of inflammable gas is detected in any place, no shothole shall be charged, stemmed or fired in that place or in any other place situated on its return side till such place has been cleared of gas and declared safe.
- (d) Immediately before charging a shothole or a round of shotholes, and again before firing the shots, the blaster shall carefully test for inflammable gas at all places within a radius of 20 metres of the place of firing.

166. Inspections after shotfiring. – (1) After a shot has been fired, no person other than the blaster or any other competent person holding a Manager's or Foreman's Certificate appointed for the purpose by the Manager shall enter, or allow any other person to enter, the place until the area is free from dust, smoke or fumes. The blaster or other competent person shall, before any other person enters the place, make a careful examination and with his assistants, if any, make the place safe. No other person shall enter the place and where guards have been posted, they shall not be withdrawn until the examination has been made and the place has been declared to be safe in all respect. In the case of opencast workings, after shots have been fired, an all clear signal shall be given except in the case of a misfire.

(2) After shots have been fired, all persons engaged in clearing mineral, rock or debris shall look for unexploded cartridges and detonators. If such a cartridge and detonator is found, it shall be removed and shall as soon as possible be handed over to a blaster or other official.

167. Misfires. – (1) The number of shots which explode shall, unless shots are fired electrically or by means of an igniter cord, be counted by the blaster and another competent person authorized for the purpose; and unless it is certain that all the shots have been exploded, no person shall re-enter or be permitted to re-enter the place until 30 minutes after the firing of shots :



Provided that where shots are fired electrically, this interval may be reduced to not less than five minutes after the source of electricity has been disconnected from the cable.

(2) In the event of a misfire, the entrance or entrances to the working place shall be barricaded or fenced so as to prevent inadvertent access; and no work other than that of locating or relieving the misfire shall be done therein until the misfire has been located and relieved. In opencast workings, it shall be sufficient to mark the place of the misfire with a red flag.

(3) In the event of a misfire, the tamping may be sludged out with compressed air or water under pressure or removed by such other means as may be approved in writing by the Chief Inspector and subject to such conditions as he may specify therein. The hole shall thereafter be reprimed and fired.

- (4) If the misfire contains a detonator, the leads or fuse thereof shall be attached by a string to the shotfiring cable or some distinctive marker.
- (5) Except where the misfire is due to faulty cable or a faulty connection, and the shot is fired as soon as practicable after the defect is remedied, or where a shot has been reprimed and fired under sub-regulation (3) another shot shall be fired in a relieving hole which shall be so placed and drilled in such a direction that at no point shall it be nearer than 30 centimetres from the misfired hole. The new hole shall be bored in the presence of a blaster, preferably the same person who fired the shot.
- (6) After a relieving shot has been fired, a careful search for cartridges and detonators, if any, shall be made in the presence of the blaster or other competent person holding a Manager's or Forman's certificate approved for the purpose by the Manager amongst the material brought down by the shot :

Provided that in the case of workings belowground if such cartridge or detonator is not recovered, the tubs into which the material is loaded shall be marked and a further search made on the surface. As far as practicable the search for the detonators and cartridges and the loading of any ore stone or debris which may contain a detonator, shall be carried out without the aid of tools.

- (7) If a misfired hole is not dislodged by a relieving shot, the procedure laid down in sub-regulation (5) and (6) shall be repeated. A misfired hole which cannot be dealt with in the manner so prescribed, shall be securely plugged with a wooden plug; and no person other than a blaster, a mining official or a person authorised for the purpose shall remove or attempt to remove such plug.
- (8) When a misfired shot is not found, or when a misfired shot is not relieved or reblasted, the blaster shall, before leaving the mine, give information of the failure to such official as may relieve or take over charge from him. He shall

also record, in a bound paged book kept for the purpose, a report on every misfire, whether suspected, and whether relieved or not relieved. It shall be the responsibility of the relieving blaster or official also to sign the report and later to record in the said book the action taken for relieving the misfired shothole.

- (9) The blaster of the next shifts shall locate and reblast the misfired hole, but if after a thorough examination of the place where the misfire was reported to have occurred, the blaster or other competent person holding a Manager's or Foreman's certificate appointed for the purpose by the Manager, is satisfied that no misfire had actually occurred, he may permit drilling in the place.

168. Precaution in case of sockets etc. – (1) Before the commencement of drilling in any working place, the competent person in charge of the place shall see that all loose rock is removed from the face and the area lying within a radius of two metres of the proposed shothole is thoroughly cleaned or washed down with water and carefully examined for the presence of misfires or sockets :

Provided that where special conditions exist, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, grant a relaxation from these provisions.

(2) If any socket is found, it shall be dealt with in the manner prescribed in regulation 167.

(3) No person shall bore out a hole that has once been charged, or attempt to withdraw a charge either before firing or after a misfire, or deepen or tamper with any empty hole or socket left after shotfiring.

169. Duties of blaster at the end of his shift . \_Immediately after the end of his shift, the blaster –

- (a) shall return all unused explosive to the magazine, or where a store or premises or underground magazine is provided under regulation 153, to such store or premises or magazine; and
- (b) shall record, in a bound paged book kept for the purpose, the quantity of explosive taken, used and returned, the places where shots were fired and the number of shots fired by him, and misfires, if any. Every such entry shall be signed and dated by him.

170. General precautions regarding explosives. (1) No person, whilst handling explosives or engaged or assisting in the preparation of charges or in the charging of holes, shall smoke or carry or use a light other than an enclosed light, electric torch or lamp :

Provided that nothing in this sub-regulation shall be deemed to prohibit the use of an open light for lighting fuses.

- (2) No person shall take any light other than an enclosed light, electric torch or lamp into any explosive magazine or store or premises.
- (3) No person shall have explosives in his possession except as provided for in these regulation, or secret or keep explosives in a dwelling house.
- (4) Any person finding any explosives in or about a mine shall deposit the same in the magazine or store or premises. Every such occurrence shall be brought to the notice of the manager in writing.

### **CHAPTER XVI - Machinery and Plant**

171. Use of certain machinery belowground. – (1) No internal combustion engine or steam boiler shall be used belowground in a mine except with the permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

- (2) In every mine or part of a mine to which regulation 142 applies, only flameproof electric apparatus and equipment shall be used belowground unless otherwise provided for under the Indian Electricity Rules, 1956.

172. General provisions about construction and maintenance of machinery. – All parts and working gear whether fixed or movable, including the anchoring and fixing appliances, of all machinery and apparatus used as or forming part of the equipment of amine, an all foundations in or to which any such appliances are anchored or fixed shall be of good construction, suitable material, adequate strength and free from visible defect, and shall be properly maintained.

173. Apparatus under pressure. – (1) All apparatus, used as or forming part of the equipment of a mine, which contains or produces air, gas or steam at a pressure greater than atmospheric pressure shall be so constructed, installed and maintained as to obviate any risk of fire, bursting, explosion or collapse or the production or noxious gases.

- (2) Every air receiver forming part of a compressing plant shall be fitted with a safety valve and an air gauge which shows pressure in excess of the atmospheric pressure.

- (3) Before an air-received is cased in or put in commission, the engineer or other competent person shall subject it to a hydraulic test at a pressure at least one-and-a-half times the maximum permissible working pressure. A similar test shall be made after every renewal or repair and in any case at intervals of not more than three years. The result of every such test shall be recorded in a bound paged book kept for the purpose and shall be signed and dated by the person carrying out the test.
- (4) The supply of air for air-compressors shall be drawn from a source free from dust and fumes.

174. Precautions regarding moving parts of machinery – (1) Every winch or windlass shall be provided with a stopper, pawl or other reliable holder.

(2) Every fly-wheel and every other dangerous exposed part of any machinery used as, or forming part of, the equipment of a mine shall be adequately fenced by suitable guards of substantial construction to prevent danger; and such guards shall be kept in position while the parts of the machinery are in motion or in use, but they may be removed for carrying out any examination, adjustment or repair if adequate precautions are taken.

(3) No person shall, or shall be allowed to, repair, adjust, clean or lubricate machinery in motion where there is risk or injury.

(4) No person shall, or shall be allowed to, shift or adjust a driving belt or rope while the machinery is in motion unless a proper mechanical appliance is provided and used for the purpose.

(5) No person in close proximity to moving machinery shall wear, or be permitted to wear, loose outer clothing.

(6) No unauthorised person shall enter any engine room or in any way interfere with the engine.

175. Engine rooms and their exits. – Every engine, motor and transformer room on the surface and every room in which highly inflammable materials are stored on the surface shall be kept clean, and be provided with at least two exits, Every such exit shall be properly maintained and kept free from obstruction.

176. Working and examination of machinery. (1) No machinery shall be operated otherwise than by or under the constant supervision of a competent person.

(2) In every mine to which regulation 142 applies, no person shall be appointed to supervise or operate any electrical machinery, apparatus or appliance other than a telephone or signalling vice or an electric lamp or light unless he holds a Gas-testing Certificate.

(3) Every person in charge of any machinery, apparatus or appliance shall, before commencing work, see that it is in proper working order; and if he observes any defect therein, he shall immediately report the fact to the manager, engineer or other competent person.

(4) Every person in charge of an air-receiver shall see that no extra weight is added to the safety valves and that the permissible pressure of air is not exceeded.

(5) A competent person or persons appointed for the purpose shall, once at least in every seven days, make a thorough inspection of all machinery and plant in use, and shall record the result thereof in a bound page book kept for the purpose.

## **CHAPTER XVII – Miscellaneous**

177. Fences. (1) Every tank or reservoir or other dangerous place in or about a mine, which has been formed as a result of, or is used in connection with, mining operations, shall be kept securely fenced.

(2) Every fence erected on the surface shall, once at least in every seven days, be examined by a competent person. A report on every such inspection shall be recorded in a bound pagged book kept for the purpose, and shall be signed and dated by the person who made the examination.

(3) Any fence, gate or barricade may be temporarily removed for the purpose of repairs or other operations, if adequate precautions are taken.

(4) If any doubt arises as to whether any fence, guard, barrier or gate provided under these regulations is adequate, proper or secure, or as to whether the precautions taken under sub-regulation(3) are adequate, it shall be referred to the Chief Inspector for decision.

178. Notices. – where at any place smoking or unauthorised entries prohibited, notices to that effect shall be posted at conspicuous places at every entrance to the place.

179. Storage belowground of calcium carbide. – Calcium carbide shall not be taken or kept belowground until about to be used, except in a secure metal case or container containing not more than half a kilograme in weight thereof. No person shall have in the mine at any one time more than one such case or container.

180. Danger from poisonous substances. - (1) At every mineral dressing or separating plant where cyanide or other poisonous substance is used, there shall be kept a sufficient supply of a satisfactory and efficient antidose for poisoning.

(2) Water containing poisonous or injurious matter in suspension or solution must be effectively fenced off to prevent inadvertent access to it, and notice boards shall be put up at suitable places to warn persons from making use of such water.

(3) In no case shall water containing any poisonous matter in suspension or solution in a dangerous concentration be permitted to escape.

181. General Safety. – No person shall negligently or wilfully do anything likely to endanger life or limb in the mine, or negligently or wilfully omit to do anything necessary for the safety of the mine or of the persons employed therein.

1[182. Use, Supply maintenance of protective Footwear. – (1) No person shall go into, or work in, or be allowed to go into, or work in, a mine, unless he wears a protective

footwear of such type as may be approved by the Chief Inspector by a general or special order in writing.

(2) The protective footwear referred to in sub-regulation(1) shall be supplied free of charge, at intervals not exceeding six months, by the owner, agent or manager of a mine, who shall at all times maintain a sufficient stock thereof in order to ensure immediate supply as and when need for the same arises. Where a protective footwear is provided otherwise than as aforesaid, the supply shall be made on payment of full cost.

(3) The owner, agent or manager of a mine shall provide at suitable places in the mine dubbing and revolving brushes or make other suitable alternative arrangements for the cleaning of protective footwear by the persons using them. It shall however be the responsibility of the person supplied with the protective footwear to arrange the repair of the same at his own cost.

182A. Use and supply of helmet. (1) No person shall go into, or work, in or be allowed to go into or work in, a mine, other than the precincts of a mine occupied by an office building, canteen, creche, rest shelter, first aid room or any other building of a similar type, unless he wears a helmet of such type as may be approved by the Chief Inspector by a general or special order in writing :

Provided that where the Chief Inspector is of the opinion that due to special circumstances it is not necessary or reasonably practicable for any person or class of persons going into, or working in, a mine to wear a helmet, he may, by a general or special order in writing and subject to such conditions as he may specify therein, exempt such person or class of persons, from the operation of the provisions of this sub-regulation.

(2) The helmet referred to in sub-regulation(1) shall be supplied free of charge, at intervals not exceeding three years or such other interval as the Chief Inspector may specify by a general or special order in writing by the owner, agent or manager of a mine, who shall at all times maintain a sufficient stock thereof in order to ensure immediate supply as and when need for the same arises :

Provided that when a helmet is accidentally damaged during legitimate use, the owner, agent or manager shall immediately replace the damaged helmet free of cost.

(3) Where a helmet is provided otherwise than as aforesaid, the supply shall be made on payment of full cost.

182B. Supply of other protective equipment. – (1) Where it appears to the Regional Inspector or the Chief Inspector that any person or class of persons employed in a mine is exposed to undue hazard by reason of the nature of his employment, he may, by a general or special order in writing, require the owner, agent or manager of the mine to supply to such person or class of persons, free of charge, gloves, goggles, shinguards, or such other protective equipment as may be specified in the order.

(2) The protective equipment provided under sub-regulation(1) shall be replaced free of charge by the owner, agent or manager whenever it is rendered unserviceable by legitimate use. In any other event, the replacement shall be made on payment of full cost.

(3) If any dispute arises as to the life of any protective equipment, it shall be referred to the Chief Inspector for decision.

182C. Obligation of persons provided with protective equipment. – Whenever any person is supplied by the owner, agent or manager of a mine with any protective equipment, he shall use the same while doing the work for which he is supplied with such protective equipment.]

183. Information about sickness. – Every official or competent person shall, in case of sickness or of absence, give early and sufficient notice thereof to his superior official or the underground manager or the assistant manager or the manager, as the case may be, so that a substitute may be arranged.

184. Man power Distribution Plan. – During the first week of every month, a survey shall be made of the number of persons normally employed in every district and other places belowground in the mine; an a sketch plan showing the results of such a manpower survey, and signed and dated by the manager, shall be kept in the office of the mine and a copy thereof shall be kept with the attendance clerk.

185. Mining Mates and Mine Foreman. – (1) No person shall be appointed as a competent person under regulations 37(1), 72, 101, 120(2), 123(4), 135(5), 136(3) and 140(2) unless he is the holder of either a Foreman's or a Manager's Certificate :

Provided that in the case of mine having working belowground, the certificate aforesaid shall be one which is not restricted to mines having opencast workings only.

(2) No person shall be appointed as a competent person under regulations, 116,117,125,128(2)(c), 140(1) and 141, unless he is the holder of either a Mate's or a Foreman's or a Manager's Certificate :

Provided that –

- (a) in the as of a mine having workings belowground, the certificate aforesaid shall be one which is not restricted to mines having opencast workings only; and
- (b) in the case of a mine to which regulation 142 applies, every person holding a Mate's or Foreman's Certificate shall also hold a Gas-testing Certificate.

186. Delayed application of certain provisions. – The provisions of regulations 32, 34, 35, 37, 38, 160(2), 176(2) and 185 shall not come into force<sup>1</sup> in respect of any mine and the provisions of Regulation 78(1) shall not come into force<sup>1</sup> in respect of any mine other

than a gold mine until such date or dates as the Central Government may notify in that behalf in the Official Gazette :

Provided that, till such date as aforesaid, if any doubt arises as to whether any person appointed as a manager, assistant manager, underground manager, surveyor, mine foreman, mining mate, winding engine man or blaster is competent to perform the duties assigned to that post, it shall be referred to the Chief Inspector for decision.

187. Officials to be literate. – After coming into force of these regulations, no person shall be appointed as an official of a mine unless he is literate and is conversant with the language of the district in which the mine is situated or with the language understood by a majority of the persons employed in the mine :

Provided that this regulation shall not apply to any official employed in any mine on the date of coming into force of these regulations :

Provided further that so much of this regulation as requires a person to be conversant with the language of the district or of the majority of persons shall not apply to assistant managers, underground managers, engineers, and surveyors.

188. Writing of reports. – If any person required to make any report is unable to write, he shall be present when his report is written for him, and shall have it read over to him, and shall then attach his thumb mark to it or sign it. The person writing the report shall certify that it has been read over to the person for whom it was written, and shall sign the certificate and date his signature.

189. Payment of fees. – Any fees payable under these regulations shall be paid directly into the Treasury or a branch of the State Bank of India or by means of a Crossed Indian Postal Order and the receipt of the Treasury or Bank or Postal Order shall be sent to the Chief Inspector along with the application to which the fee relates.

2[190. Place of accident. – (1) Whenever an accident occurs in or about a mine causing loss of life or serious bodily injury to any person, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or the Inspector to whom notice of the accident is required to be given under sub-section (1) of section 23 of the Act unless such disturbance or alteration is necessary to prevent any further accident, to remove bodies of the deceased, or to rescue any person from danger, or unless discontinuance of work at the place of accident would seriously impede the working of the mine:

Provided that the work may be resumed at the place of accident in case the chief inspector or the inspector fails to inspect the place of accident within seventy-two hours.

(2) Before the place of accident involving a fatal or serious accident is disturbed or altered due to any reason whatsoever, a sketch of the site illustrating the accident and all relevant details shall be prepared (in duplicate) and such sketch shall be duly signed



by the manager or assistant manager, safety officers, surveyor and the workmen's inspector or, where there is no workmen's inspector by a work person nominated by the workers in this behalf :

Provided that, if the place is disturbed or altered to prevent further accident or rescue persons from danger before the sketch could be prepared, the same shall be prepared immediately thereafter giving all relevant details as existed before the place was disturbed or altered.

(3) One of the authenticated sketches shall be delivered or sent to the concerned inspector or Mines.

190A. Emergency plan. – (1) The manager of every mine having workings below ground shall prepare a general plan of action for use in time of emergency. The plan shall outline the duties and responsibilities of each mine official and men including the telephone operators, so that each person shall know his duties in case fire, explosion or other emergency occurs. All official and key men shall be thoroughly instructed in their duties so as to avoid contradictory orders and confusion at the time when prompt and efficient action is needed. The emergency plan shall also provide for mock rehearsals at regular intervals.

(2) The manager shall submit a copy of the aforesaid emergency plan prepared by him to the regional inspector, within 60 days of the coming into force of the Metalliferous Mines (Amendment) Regulations, 1985, or in the case of a mine which is opened or re-opened thereafter, within 30 days of such opening or re-opening. The regional inspector may, by an order in writing approve of such action plan, either in the Form submitted to him or with such additions and alterations as he may think fit, and the action plan so approved shall be enforced at the mine.

(3) On receiving information of any emergency, the manager and his absence the principal official present at the surface, shall immediately put emergency action plan in operation.]

191. Taking samples from mines. – Where for official purposes, an Inspector considers it necessary to take samples of any mineral, rope or other material, the owner, agent or manager shall make over to him such samples in such quantities as he may require.

1[192. \* \* \* \* \*

193. Chief Inspector etc. to exercise powers of the Regional Inspector. – Any power granted under these regulations to the Regional Inspector may be exercised by the Chief Inspector or an Additional Chief Inspector or a Deputy Chief Inspector or any other Inspector authorised in writing in this behalf by the Chief Inspector.

194. Appeals to the Chief Inspector.- Against an order made by the Regional Inspector under any of these regulations, an appeal shall lie, within 15 days of the receipt of the

order by the appellant, to the Chief Inspector who may confirm, modify or cancel the order.

195. Appeals to the Mining Boards or the Central Government. – (1) Against any order of the Chief Inspector specified below an appeal shall lie, within 20 days of the receipt of the order by the appellant, to the 2[Committee constituted under section 12 of the Act[]:

- (i) Original orders passed under proviso to regulation 34(2), regulation 107(3), regulation 109(1), and regulation 109(4), regulation 110, regulation 111(2), regulation 123(1), regulation 127(2), and regulation 128(2).
- (ii) Orders passed on appeal against Regional Inspector's orders made under regulation 108, clause (a) of regulation 112(2), clause (e) of regulation 119(3) and clause (b) of regulation 123(3) .

(2) Every order of the Chief Inspector, against which an appeal is preferred under sub-regulation(1) shall be complied with pending the receipt at the mine of the decision of 3[the committee] :

Provided that 3[the committee] may on application by the appellant, suspend the operation of the order appealed against pending the disposal of the appeal.

196. Repeal and Saving. – The Indian Metalliferous Mines Regulations, 1926 and the Mysore Gold Mines Regulations, 1953 are hereby repealed :

Provided that all acts done or orders issued under any of the said regulations shall, so far as they are not inconsistent with these regulations, be deemed to have been done or issued under the corresponding provisions of these regulations.

FIRST SCHEDULE

FORM I

(See Regulations, 3,6,7,8)

Notice of opening, closing or change etc.

From

.....  
.....

To

- 1. The Chief Inspector of Mines
- 2. The regional Inspector of Mines .....
- 3. ....
- 4. ....

Dhanbad, E.R.

Sir,

I have to furnish the following particulars in respect of (I) ..... at .....(Name)  
.....(mineral) mine of .....(owner) :

1. \*In case of CHANGE OF NAME OR MINE :  
old name of mine ..... date of change .....
- 
2. (a) Situation of the mine : Village ..... Police Station .....Sub-  
Division (Taluq) .....State.....  
\* (b) In case of ANEW MINE, particulars of situation of mine :  
Post Office ..... Telegraph Office .....  
Railway Station ..... Rest House .....  
(Give distance therefrom)  
Means of travelling .....

---

	Present	Previous*
3. (a) Name and Postal address of (ii)		
(a) Owner .....		
(b) Managing agent ,if any .....		
(c) Agents, if any.....		
(d) Manager .....		
* (b) In case of change, date of change .....		

---

- \*4. (a) Name and qualifications etc. of Manager/Assistant Manager/Underground Manger/  
Engineer/Surveyor (iii) whose appointment is terminated/who is appointed (iii):
- (b) Date of appointment/termination of appointment (iii) :

- 
- \*5 Date on which it is intended to open/re-open/abandon/discontinue (iii) the mine :
- 
- \*6 Actual date of opening/Re -opening abandonment/discontinuance (iii) of the mine :
- 

Yours faithfully,  
Signature .....  
Designation : Owner/Agent/Manager  
Date .....

**INSTRUCTIONS**

- (i) Mention the matter to which the notice refers.  
(ii) Need not be filled in if the notice relates to Item 4,  
(iii) Delete whatever is not applicable.  
\*Only such columns to be filled in respect of which notice in given.  
-----

**FORM II**  
(See Regulation 4)  
Quarterly Return for the quarter ending .....19

1. Name of mine .....Mineral worked .....postal address of mine .....
2. Situation of Mine : Place District .....

State .....

3. Name of Owner .....  
Postal address of owner.....
4. Name of managing agents, if any .....  
Postal address of managing agents, .....
5. Name of agent, if any.....  
Postal address of agent .....
6. Name of manager .....  
Postal address of manager .....
7. Tables A to C duly filled in, are attached.  
Certified that the information given above and in Tables A to C below is correct to the best of my knowledge.

Yours faithfully,  
Signature .....  
Designation : Owner/Agent/Manager

TABLE A  
MACHINERY

(I)	Number in use
-----	---------------

1. Rock drills :
  - (i)
  - (ii)
  - (iii)
2. Heavy earth moving machinery :
  - (i)
  - (ii)
  - (iii)
  - (iv)
  - (v)
3. Mechanical loaders used below ground :
  - (i)
  - (ii)
  - (iii)
4. Conveyors : (2)
  - (i)
  - (ii)
  - (iii)

---

Signature of person  
Signing the return

INSTRUCTIONS

- (1) Give types separately.  
 (2) Give length in metres.

1[TABLE A-I – OUTPUT, DESPATCH AND STOCK OF MICA\* (in kilogrammes)

1	2	3	4	5	6
	Stock at the beginning of the quarter	Output during the quarter	Sale or Dispatches during the quarter		Stock at the end of the quarter
			Consigned by rail or road	Sold locally	
Crude mica					
Dressed Mica					
Mica Splittings					
Waste Mica					

Signature of person  
 Signing the return

#### INSTRUCTIONS

\*If any other mineral, such as beryl, is also produced from the mine, particulars relating to such minerals shall be given in Table A-II

TABLE A-II – OUTPUT, DESPATCH AND STOCK OF MINERALS OTHER THAN MICA (a)

Mineral worked (b)	Stock at the beginning of the quarter	Output of mineral (c) during the quarter	Sale or dispatches during the quarter		Stock at the end of the quarter	Metal extracted if any (b)
			For export market	For home consumption		
						Name Qty.

Signature of person  
 Signing the return

#### INSTRUCTIONS

- (a) The figures should be stated
- (i) in the case of gem-stones, in carats ;
  - (ii) in the case of gold, silver and other precious metals, in grams;
  - (iii) in the case of alum, amber, asbestos, beryl, graphite, jadestone, stealite, tin-ore, tungsten-ore, radio active minerals and rare minerals, such as, molybdenite, monazite, pitch blende, samarskite, tantalite and triplite, and also in case of tin, in kilogrammes; and
  - (iv) in the case of clay, limestone, magnesite, marble, phosphetic rock, slate, salt and other stone, and all metalliferous ores except those referred to above, and also in case of other metals, in tonnes.
- (b) If more than one mineral are raised or metals extracted, separate figures should be given for each one of them.
- (c) If the mineral is dressed, processed or treated before despatch, the output of the dressed, processed or treated mineral (instead of crude ore), as the case may be, should be given].

**TABLE B**  
NUMBER OF MAN-DAYS ETC.

Give maximum number of persons employed on any one day during the quarter-

- (i) in workings belowground on .....(a).....  
 (ii) in all in the mine on .....(a).....

Number of working days during the quarter :

	Aggregate number of mandays worked		Aggregate number of man days lost on account of absence					Total	
	(b)	(c)	(d)	(e)	(f)	(g)			
Below ground (i) Face Workers and Loaders (ii) Others			Men	Women	sickness	Accident	Leave	Other cause	
Opencast Workings :									
(i) Miners & Loaders									
(ii) Others(f)									
Above ground :									
Total									

If there is any marked increase or decrease in attendance or absence, please account for it.

Signature of person  
Signing the return \_\_\_\_\_

**INSTRUCTIONS**

- (a) Give day of the week and the date and month.
- (b) The information should cover all persons "Employed" in the mine as defined in clause(h) of section 3 of the Mines Act, 1952, including clerical and subordinate supervisory staff.
- (c) Total number of man-days worked should be obtained by adding the daily attendance for the whole quarter
- (d) Total number of man-days lost by absence should be obtained by adding the daily absences for the whole quarter.
- (e) Absences should include all cases in which a person is "scheduled to work" or is expected to turn up for work, but does not. All permanent employees are to be treated as "Scheduled" to work. So far as temporary or casual employees are concerned a person who attended work during the preceding week should be considered as scheduled to work during the week under consideration unless :
  - (i) He has reported his intention to quit, or
  - (ii) His services have been terminated by the management, or
  - (iii) He does not turn up for work during the whole week.



3<sup>rd</sup> Shift

4. Number of workings days in the week :
5. If there is any major change in wages or hours of work as compared to the preceding quarter, please account for the change here.

Signature of person  
Signing the return \_\_\_\_\_

### INSTRUCTIONS

- I. the information should cover all persons "employed" as in Table C. Particulars relating to payments etc., to monthly paid staff should be included on a pro-rata basis.
- II. Average daily attendance should be obtained by dividing the aggregate number of attendances on all the shifts on all days during the week by the number of working days. Any day on which the mine did not work, for any cause whatsoever, should not be treated as a working day.
- III. Aggregate number of man-hours worked during the week should be obtained by adding for the whole week, the number of man-hours worked every day. The number of man-hours worked on a day is obtained by summing up the number of hours worked by each person attending work on each of the shifts during the day, including overtime worked, if any.
- IV. Total cash payments should include all remuneration payable (and paid) for work done during the week before making deductions, if any, towards fines, provident fund contributions, etc., Employer's contributions to the provident fund or on account of welfare provisions should not be included. Bonuses not payable for every pay-period should also not be included.
- V. Including over-time payments.
- VI. Persons employed in the removal of overburden should be included among "Others" and not among "Miners and Loaders" or "Face Workers and Loaders".
- VII. Concessions in kind (such as supply of food-stuff etc. Free or at subsidised prices) should be estimated in terms of the difference between the monetary value of the food stuffs, etc. at cost price and the value realised by sale at concessional price.

### FORM III (See Regulation 5)

Annual Return for the year ending on the 31<sup>st</sup> December, 19

1. Name of mine .....Mineral worked.....
2. Postal address of mine .....
3. Date of opening .....
4. Date of closing (if closed)
5. Situation of mine District.....  
State .....
6. Name of Owner.....  
Postal address of Owner.....
7. Name of Managing Agents (if any).....  
Postal address of Managing Agents.....
8. Name of Agent (if any) as defined in section 2(c) of the Mines Act, 1952.....  
Postal address of Agent .....
9. Name of Manager.....  
Postal address of Manager.....
10. Other superior supervisory staff employed as at the end of the year. (Please give designations and numbers employed).  
.....



- .....
11. (a) Whether machinery is used .....
- (b) Nature of power used, if any (e.g., electricity, steam, compressed air, etc.)
12. Tables A to E2 duly filled in, are attached.

Certified that the information given above and in Tables A to E2 below is correct to the best of my knowledge.

Yours faithfully,  
 Signature .....

Designation : Owner/Agent/Manager

TABLE A.-EMPLOYMENT

Maximum number of persons employed on any one day during the year \_\_\_\_\_

(i) in workings below ground on .....(a).....

(ii) in all in the mine on .....(a).....

Classification	Total number of man-days worked during the year (b)			Number of days worked during the year (3)	Average daily number of persons employed (c)				Total wages or salary bill for the year(d)
	(2A)	(2B)	(2C)		(4A)	(4B)	(4C)	(4D)	
Below ground:									
(i) Foremen and Mining Mates									
(ii) Face workers and loaders									
(iii) Others									
Opencast Working :									
(i) Foremen and Mining Mates									
(ii) Miners and Loaders									
(iii) Others (e)									
Above ground :									
(i) Clerical and Supervisory staff (excluding the superior supervisory staff mentioned in item 10 of Form III)									
(ii) Workers in any attached factory, workshop or mineral dressing plant.									
(iii) Others.									
Total									

Signature of person  
 Signing the Return .....

## INSTRUCTIONS

- (a) Give day of the week and the date and month.
- (b) Obtained by adding the daily attendance for the whole year.
- (c) Obtained by dividing the number of man-days worked by the number of working days. The total shown in column (4D) should agree with the quotient obtained by dividing the total shown in column (2C) by the number of working days shown in column (3)
- (d) Includes all cash payments including bonuses. Employer's contributions to provident funds, welfare activities, etc., and concessions in kind should not be included.
- (e) Persons employed in the removal of overburden should be included among "Others" and not among "Miners and Loaders" or "Face Workers and Loaders".

TABLE B – TYSPE AND AGREGATE HORSE-POWER OF ELECTRICAL APPARTATUS

1. Electricity generated, purchased or received otherwise (in kwh).

	Generated	Purchased or received
(a) For own use		
(b) For sale		

2. System of supply (whether direct current or alternating current) :-
  - (i) Voltage of supply
  - (ii) Periodicity
  - (iii) Source of supply

3. Voltage at which current is used for :

	Above ground	Below ground
(a) Lighting		
(b) Power		

4. Length of cables (in metres)
  - (i) High pressure
  - (ii) Medium pressure

5. Total number and aggregate horse-power of motors

	In use		In reserve	
	Number of units	Total h.p.	Number of units	Total h.p.
(a) Installed above ground for :				
(i) Winding				
(ii) Ventilation				
(iii) Haulage				
(iv) Pumping				
(v) Mineral treatment plants				
(vi) Workshops including foundry, smithy etc.				
(vii) Miscellaneous (specify)				
<hr/>				

Total :				
(b) Installed above ground for :				
(i) Winding				
(ii) Haulage				
(iii) Ventilation				
(iv) Pumping				
(v) Other portable machines (drill, etc.)				
(vi) Conveyors, loaders, scrapers, etc.				
(vii) Electric traction (locomotives, etc.)				
(viii) Miscellaneous (specify)				
<hr/>				
Total :				

Signature of person  
Signing Return .....

TABLE. C- TYPE AND AGGREGATE HORSE-POWER OF MACHINERY AND EQUIPMENT OTHER THAN ELECTRICAL APPARATUS

	In use		In reserve	
	Number of units	Total h.p.	Number of units	Total h.p.
(I) Power generators :				
(a) Boilers				
(b) Steam Turbines				
(c) Diesel Engines				
(d) Gasoline, Gas or Oil Engines other than Diesel Engines				
(e) Hydraulic Turbines or Water Wheels				
(f) Air Compressors				
Total :				
(II)Machinery Installed above ground for :				
(i) Winding				
(ii) Ventilation				
(iii) Haulage				
(iv) Pumping				
(v) Mineral dressing plants				
(vi) Workshops including foundry, smithy etc.				
(vii) Miscellaneous (specify)				
<hr/>				
Total :				
(III)Machinery Installed above				

ground for : (i) Winding (ii) Haulage (iii) Ventilation (iv) Pumping (v) locomotives, etc. (vi) Miscellaneous (specify) <hr/> <hr/> <hr/> Total :				
---	--	--	--	--

Signature of person  
Signing Return .....

TABLE D. - EXPLOSIVES, SAFETY LAMPS, ROCK DRILLS AND MECHANICAL VENTILATORS

1. Explosives :

Name of explosive	Quantity used (in kgm)	Number of detonators used	
		Electric	Ordinary

2. Safety Lamps :

Name and type of safety lamps*	Number of safety lamps according to method of locking		
	Lead rivet	Magnetic	Other

- Mention type, such as flame type, electric hand type, electric cap., etc.

3. Rock drills.

Name and type etc. of rock drill	Number in use

4. Mechanical Ventilators.

Name and size of Mechanical Ventilator	Position where installed	Average total quantity of air delivered per minute	Water gauge obtained (in centimeters)

Signature of person  
Signing the Return .....

(a) (b)  
TABLE E1. – OUTPUT ETC. OF MICA

	Opening Stocks on 1 <sup>ST</sup> Jan. , 19	Output during the year	Value of mica produced (c)	Despatches		Closing stock on 31 <sup>ST</sup> Dec. , 19
				Consigned by rail or road	Sold locally	

Cruda Mica						
Dressed Mica						
Mica Splittings						
Waste Mica						

Signature of person  
Signing the return .....

### INSTRUCTIONS

- (a) In Kilogrammes.
- (b) If any other mineral such as beryl is also produced from the mine, give particulars regarding such minerals in Table E2
- (c) The value required is the pit-head or ex-factory value. Royalty figures will not be accepted in place of value.

(a)  
TABLE E2 : OUTPUT ETC. OF MINERALS OTHER THAN MICA

Name of Mineral raised(b)	Opening stock on 1 <sup>st</sup> Jan., 19	Out put of the Mineral(c)		Value of the mineral produced (d)	Despatches		Closing stock on 31 <sup>st</sup> Dec., 19	Metal extracted, if an, at the mine(e)		
		As received from the mine	After processing if any		For export market	For home consumption		Name	Quantity	Value
1	2	3A	3B	4	5A	5B	6	7A	7B	7C

Signature of person  
Signing the Return.....

### INSTRUCTIONS

- (a) The figures should be stated :
  - (i) in the case of gem-stones, in carats;
  - (ii) in the case of gold, silver and other precious metals, in grammes;
  - (iii) in the case of alum, amber, asbestos, beryl, graphite, jadestone, steatite, tin-ore, radio-active minerals and rare minerals such as molybdenite monazite, pitch blende, samarskite, tantalite and triplite, and also in case of tin, in kilogrammes; and
  - (iv) in the case of clay, limestone, magnesite, marble, phosphetic rock, slate, salt and other stone, and all metalliferous ores except those referred to above, and also in case of other metals in tons.
- (b) If more than one minerals are raised or metals extracted, separate figures should be given for each of them.
- (c) If the mineral is dressed, processed or treated before despatch, the output of the dressed, processed or treated mineral (instead of crude ore), as the case may be, should be given.

- (d) "Value" should be calculated upon actual or estimated selling price at the pit-head. Any charges incurred in transporting the mineral outside the mine property should not be included. Royalty figures will not be accepted.
- (e) Each metal should be shown separately.

**FIRST SCHEDULE  
FORM IV-A  
(See Regulation 9)**

Notice of Accident/Occurrence

From :

.....  
.....

1. The Chief Inspector of Mines, .....Dhanbd, E.Rly.
2. The Regional Inspector of Mines .....
3. The District Magistrate/District Collector .....
4. The Electric Inspector of Mines (in case of electrical accidents only, Dhanbad).E .R. ....

Sir,

I have to furnish the following particulars of a fatal accident/a serious accident/a dangerous occurrence (I) which occurred at the..... Mine (also state name of mineral produced) of ..... (owner) :

1. PARTICULARS OF THE MINE :

Situation of mine	Mineral worked	Name and postal address of owner
Village		
Post office		
Police station		
Sub-Division (Taluq)		
District		
State		

2. PARTICULARS OF THE ACCIDENT :

Date and hour of accident /occurrence	Place and Location in mine	Number of persons(s)	
		Killed	Seriously injured
Classification of accident / occurrence(ii)		Its cause and description	

3. PARTICULARS OF INJURIES ETC. :

Name of person(s)(iii)	Nature of employment	age	sex	Nature of injury and if fatal, cause of death (iv)
Killed				
1				
2				
3				
Injured				

1  
2  
3

Particulars in respect of every person, killed or injured, in form IV-B are enclosed/ shall be forwarded within a week (I)

Yours faithfully,  
Signature .....  
Designation : Owner/Agent/Manager  
Date .....

#### INSTRUCTIONS

- (I) Delete whatever is not applicable ;
- (II) Under one or other of the following heads, namely :-
1. Explosion and ignition of inflammable gas ;
  2. Falls of ground :
    - (a) falls of roof;
    - (b) falls of side, wall or face;
    - (c) rockburst;
  3. Haulage :
    - (a) above ground
    - (b) below ground
  4. In shafts :
    - (a) Overwinding of cages or other means of conveyance ;
    - (b) Breakage of ropes, chains or drawgear;
    - (c) While ascending or descending by machinery;
    - (d) By falling;
    - (e) By falling objects (excluding falls of ground);
    - (f) Miscellaneous;
  5. Explosives;
  6. Machinery :
    - (a) Above ground;
    - (b) Below ground;
  7. Suffocation by gases;
  8. Irruption of water
  9. Premature collapse of workings;
  10. Outbreak of fire or spontaneous heating;
  11. At railway sidings belonging to the mine;
  12. Electricity; or
  13. Miscellaneous :
    - (a) above ground
    - (b) below ground
- (iii) In block capital.
- (iv) Attach separate sheet, if necessary.

FIRST SCHEDULE  
FORM IV-B  
(See Regulation 9)

Particulars of Deceased/Injured person  
(To be given separately in respect of every person killed or injured in an accident in the mine)

1. General :
  - (i) Name of mine .....
  - (ii) Mineral produced .....
  - (iii) Owner .....
  - (iv) District .....(v) State .....
2. Name of Injured Worker .....
3. Time of Accident :
  - (i) Date .....(ii) Time .....(iii) Shift .....
  - (iv) Number of shifts worked per day at the mine .....
  - (v) Time when the worker began work on the day of the accident.....
4. Occupation and Experience of the Worker :
  - (i) State the nature of job he was doing at the time of accident.....
  - (ii) Was it his regular occupation ? .....
    - (a) If yes, state length of experience at the occupation :  
At your mine .....  
Previous experience , if any .....
    - (b) If no, state how long employed at this job.....
  - (iii) State total experience in mining , coal and metalliferous .....
  - (iv) Give details of experience in mining work .....
5. Place of accident :
  - (i) if belowground, state :
    - (a) Whether development area or depillaring/stoping area.....
    - (b) Number or Name of Seam/Vein.....
    - (c) Dimensions at the place of accident .....
  - (ii) If on surface, state whether on railway, tramway, power plant or elsewhere (to be specified)....
  - (iii) If other, state whether open-workings, shaft or elsewhere (to be specified) .....
6. Nature of Injury :
  - (i) State whether fracture, amputation, laceration, bruise, sprain, crushing injury or other (to be specified).....
  - (ii) Part of body injured (to be specified precisely) .....
7. Degree of Disability :
  - (i) if fatal, date and time of expiry .....
  - (ii) If permanent disablement, specify :-
    - (a) the part or parts of the body lost, if any .....
    - (b) the part or parts of body gone out of use .....
    - (c) Whether disablement, was total or partial .....
  - (iii) If temporary disablement, state number of days forced to remain idle .....
8. Responsibility for the Accident :
  - (i) Was any safety provision(s) contravened ? .....
  - (ii) If so, by whom ? .....
  - (iii) What action was taken against the offender ? .....
  - (iv) Could the accident have been avoided ? .....
  - (v) If so, how ? .....

Signature .....

Designation : Owner/Agent/Manager



Date .....

FIRST SCHEDULE

FORM IV-C

(See Regulation 9)

Particulars of Injured person returned to duty

(To be given separately in respect of every person within 15 days of his return to duty )

1. General :

- (i) Name of mine .....
- (ii) Mineral produced .....
- (iii) Owner .....
- (iv) District .....
- (v) State .....

2. Name of Injured Worker .....

3. Return to duty :

- (i) Date when returned to work .....
- (ii) Whether returned to regular job or some other job (to be specified) .....

4. Compensation :

State amount of compensation paid, or to be paid, if any .....

Signature .....

Designation : Owner/Agent/Manager

Date .....

FIRST SCHEDULE

FORM V

(See Regulation 10)

Notice of Disease notified under section 25

From :

.....  
.....

- 1. The Chief Inspector of Mines, .....Dhanbd, E.Rly.
- 2. The Regional Inspector of Mines .....
- 3. The Inspector of Mines (in case of electrical accidents only, Dhanbad).E .R. ....
- 4. The District Magistrate/District Collector .....

Sir,

I have to furnish the following particulars with respect to an occupational disease contracted by a person employed in the..... Mine (also state name of mineral produced) of ..... (owner) :

1. PARTICULARS OF THE MINE ETC:

- (i) Situation of mine.....
  - Village.....
  - Post office.....
  - Police station.....
  - Sub-Division (Taluq).....
  - District.....
  - State.....
- (ii) Mineral worked .....
- (iii) Name and postal address of owner .....

2. PARTICULARS OF PERSON AFFECTED :

- (I) Name (in Block Capitals) .....
- (II) Caste or surname .....
- (III) Permanent address –

- Village.....
- Post office.....
- Police station.....
- Sub-Division (Taluq).....
- District.....
- State.....

- (iv) Sex.....
- (v) Date of birth (or age).....
- (vi) Occupation .....
- How long engaged ? .....
- (vii) Date of commencement of employment :
  - (a) in your mine .....
  - (b) In mining .....
  - (c) .....

3. PARTICULARS OF DISEASE ETC. :

- (i) nature of disease from which the person is suffering (state stage) .....
- (ii) Date of detection of disease .....
- (iii) Name, registration number and address of Medical Practitioner suspecting disease.....

Signature .....

Designation : Owner/Agent/Manager

Date .....

1[FORM VI  
(See regulation 108A)

Name of Mine .....Owner .....Manager .....

Seam/vein etc. Section/Area etc. ....

Inspected by .....Accompanied by Shri .....on .....19.

Places Inspected	Mines Act/Metalliferous Mines Regulations/Mines Rules/Section/Clause number etc.	Contravention observed	Action taken by Management to remedy the contravention	Date of rectification of the contravention	Remarks, if any

The contraventions mentioned above are not exhaustive. A letter giving the details of other contravention observed may follow in due course,

Signature of Inspection Officer [Signature of Mine Official]

(IO)

Date

Designation

2\*\*\*\*\*

accompanying I.O

Date

Designation]

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#### STATUTORY ORDERS ISSUED UNDER THE METALLIFEROUS MINES REGULATIONS, 1961

##### Approval of Institutions and their degrees, diplomas and certificates under the MMR, 1961

S.O. 2792, dated the 23<sup>rd</sup> September, 1963. – In pursuance of the provisions of proviso (b) to sub-regulation (1) of regulation 16 of the Metalliferous Mines Regulations, 1961, the Central Government hereby approves the educational institutions mentioned under column I of the table below in respect of such diplomas, certificates, degrees or other qualifications awarded by the them as are specified in the corresponding entry under column II of the said table.

TABLE

I Name of Institution	II Degrees, Diplomas or Certificates awarded
1. Any University in India established by law	Degree in applied Geology or in Civil, Mechanical engineering
2. Indian School of Mines, Dhanbad.	(i) Certificate in Geology (Awarded upto 1950-51) (ii) Diploma of Associateship in Geology (Awarded upto 1950-51) (iii) Diploma of Associateship in Applied Geology,
3. Delhi Polytechnic	Diploma in Civil, Electrical or Mechanical Engineering

S.O. 2793, dated the 23<sup>rd</sup> September, 1963. – In pursuance of the provisions of proviso (b) to sub-regulation (1) of regulation 16 of the Metalliferous Mines Regulations, 1961, the Central Government hereby approves the educational institutions mentioned under column I of the table below in respect of such diplomas, certificates, degrees or other qualifications awarded by the them as are specified in the corresponding entry under column II of the said table.

TABLE

I	II
Name of Institution	Degrees, Diplomas, Certificates awarded
1. Any University in India established by law	Degree in mining.
2. Indian School of Mines, Dhanbad.	(i) Certificate in Metal Mining (Awarded upto 1938-39)
1[3. The Institution of Engineers (India) incorporated by Royal Charter 1935.	(ii) Diploma of Associateship in Mining Engineering. Pass in Sections A and B of the Associate Membership Examination in Mining Engineering Branch.]
“INDIA” (only for the purpose of Manager’s Certificates restricted to open cast mines)	
1. Indian School of Mines, Dhanbad	M. Tech. (opencast Mining) D.I.S.M. (Opencast Mining)

UNITED KINGDOM

1. London University	(i) Degree in B.Sc. in Mining for Internal Students subject to the Degree being endorsed by the University with a certificate of four months’ practical experience in a mine.
	(ii) Degree of B.Sc. in Mining for External Students.
2[2 University of Sheffield	Bachelor of Engineering (Mining)
3. Leeds University	Degree of B.Sc. in Mining.
4. Birmingham University	Degree of B.Sc. in Mining
5. Camborne School of Metalliferous Mining, Cornwall (England)	Diploma of Associateship in Metalliferous Mining]
6. University of Wales	Degree of B.Sc. in Mining Engineering.

U.S.A.

1. Colorado School of Mines	Degree in Mining Engineering
3[2. Wisconsin State College and Institute of Technology, Platteville, Wisconsin	Bachelor of Science in Mining.

1[PORTUGAL REPUBLIC

1. Higher Technical Institute of the University of Lisbon	Technical Degree in Mining Engineering.
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S.O. 2795, dated the 23<sup>rd</sup> September, 1963. – In pursuance of the provisions of proviso to regulation 17 of the Metalliferous Mines Regulations, 1961, the Central Government hereby approves for the purpose of said regulation the educational institutions mentioned under column I of the table below in respect of such diplomas, certificates, degrees or other qualifications awarded by the them as are specified in the corresponding entry under column II of the said table.

TABLE

I	II
Name of Institution	Degrees, Diplomas, Certificates awarded

## INDIA

(List of Institution and authorities awarding Degree/Diploma in Mining, after full time course of study)

- |  |   |
|--|---|
| 1. Any University in India established by law  | Degree in mining.   |
| 2. Indian School of Mines, Dhanbad.  | (i) Certificate in Coal Mining (Awarded upto 1950-51)<br>(ii) Certificate in Metal Mining (Awarded upto 1938-39)<br>(iii) Diploma of Associateship in Mining Engineering. |
| 3. Bengal Engineering College, Sibpore   | Diploma in Mining (awarded up to 1929)  |
| 4. State Council for Engineering and Technical Education, West Bengal.                     | Licentiate Diploma in Mining Engineering.   |
| 5. Board of Technical Education, Rajasthan, Jodhpur  | Diploma in Mining   |
| 6. State Council of Technical Education and Training, Orissa                               | Diploma in Mining Engineering   |
| 7. Central Board of Technical Examination, Mysore  | Licentiate in Mining Engineering  |
| 8. Shri Jayachamarajendra Occupational Institute, Bangalore                                | Diploma in Mining   |
| 9. State Board of Technical Education and Training, Andhra Pradesh.                        | Diploma in Mining Engineering   |
| 10. State Board of Technical Education (formerly Technological Examination Board.), Madras | Licentiate in Mining Engineering  |
| 11. State Board of Technical Education, Bihar  | Diploma in Mining and Mine Surveying  |
| 12. Madhya Pradesh Board of Technical Education, Bhopal                                    | Diploma in Mining and Mine Surveying  |
| 13. Board of Technical Examination, Mysore   | Diploma in Mining and Mine Surveying  |
| 14. Board of Technical Examinations, Maharashtra, Bombay                                   | Diploma in Mining and Mine Surveying  |
| 15. The Institution of Engineers (India) incorporated by Royal Charter 1935.               | Pass in Sections A and B of the Associate Membership Examination in Mining Engineering Branch]  |

**5(List of Institution and authorities awarding Degree/Diploma in Mining, after part time course of study)**

- |   |   |
|---|---|
| 1. State Board of Technical Education, Bihar    | Diploma in Mining and Mine Surveying (Re-organised Mining Classes, Bhaga, Dhanbad).                                       |
| 2. Mining Education Advisory Board, West Bengal | Final Merit Certificate (Evening Mining Classes run by the Directorate of Mines and Minerals, Government of West Bengal]. |

### I

**(List of Institution and authorities awarding Degree/Diploma in Mining, after full time course of study)**

- |   |   |
|---|---|
| 1. Any University in India established by law   | Degree in Civil Engineering   |
| 2. All India council of Technical Education   | National Certificate in Civil Engineering                               |
| 3. Assam Engineering Institute, Gauhati   | Certificate in Civil Engineering  |
| 4. Bihar College of Engineering, Patna  | (1) Surveyor's Certificate<br>(2) Civil Engineering Subordinate Diploma |
| 5. Board of Technical Education, Kerala   | Diploma in Civil Engineering  |
| 6. Board of Technical Education, Rajasthan, Jodhpur   | Diploma in Civil Engineering  |
| 7. Board of Technical Examination, Mysore (formerly Central Board of Technical Examination, Mysore) | L.C.E./ Diploma in Civil Engineering                                    |
| 8. Civil Engineering School, Allahabad  | Overseers Certificate   |
| 9. Civil Engineering School, Lucknow  | Overseers Certificate   |
| 10. College of Engineering, Poona   | Civil Engineering diploma prior to 1950                                 |

### II

11. College of Engineering, Guidy	Upper Subordinate Diploma, L.C.E. from 1942 to 1953.
12. College of Engineering, Osmania Univeristy (formerly Osmania Engineering College), Hyderabad	Upper Subordinate (Ist Class) Overseer Certificate from 1941
13. College of Engineering and Technology, Jadhavpur	Diploma of the Overseer Course
14. College of Military Engineering, Kirkee	Overseers' Building and Road Course
15. Department of Technical Education, Bombay	Diploma in Civil Engineering
16. Department of Technical Education, Gujarat State, Ahmedabad (previously Bombay)	Overseers Diploma
17. Director Geneal of employment and Training (Ministry of Labour and Employment, Government of India)	Surveyor's Diploma
18. Director of Industries, Punjab	Common Civil Overseer's Certificate
19. Government Polytechnic, Nagpur University (formerly Government Engineering School, Nagpur)	(1) Surveyor's Certificate
20. Government School of Engineering, Rasual	(2) L.C.E.
(21) Governments Technical College, Hydrabad (formerly Osmania Technical College, Hyderabad)	Overseership Certificate
(22) Howett-Engineering School, Lucknow	L.C.E.
23. H.R.H. the Prince of 'wales Institute of Engineering an Technology, Jorhat	Ovearseers Certificate (Granted by the Department of Public Instruction from 1936 to 1944 and by the U.P. Government from 1946)
24. Kalikata Shilpa Vidya Pith	Certificate in Civil Engineering.
25. Kerala University (formerly Travancore University)	L.CE. awarded by the Adhoc Committee. Provincial Council for Engineering and Technical Education. West Bengal.
26. Mainamati Survey Institute, Tripura	Diploma in Civil Engineering
27. M.E.M. Engineering College, Jodhpur	Survey Final Examination.
28. Murlidhar Gajan and Technical Institute, Hathras	Diploma in Civil Engineering
29. Muslim University, Aligarh	Diploma in Civil Engineering
30.Nagpur University	L.C.E.
31. National Council for Rural Higher Education	Diploma in Civil Engineering
32. Orissa School of Engineering, Cuttack	(1) Surveyor's Certificate
33. Overseer Examination Board (Bengal ) (Before partition)	(2) Civil Engineering Subordinate Diploma, L.C.E
34. Polytechnicl Faculty of Technological (including engineering)	L.C.E
35. Punjab Polytechnic (formerly Punjab Government School of Engineering, Nilokheri).	Diploma in Civil Engineering (obtained after a course of at least three years)
36. Ramgarhia Polytechnic, Phagwara (formerly Vishwakarma polytechnic Institute.	Overseer's Diploma in Civil Engineering from December, 1947
37. Saugar University	Diploma in Civil Engineering Course, Overseer Course.
38. School of Engineering, Bangalore	Diploma in Civil Engineering
39. Shri Jaichamarajendra Occupational Institute, Banglore	Diploma in Civil Engineering
40. State Boar of Technical Education and Vocational Training, Bihar	Diploma in Civil Engineering
41. State Board of Technical Education and Training, U.P. (formerly in adhoc Board of Engineering Education , UP)	Diploma in Civil Engineering after a course of study lasting for 2 and half years
	Overseer Diploma in Civil Engineering

42. State Board of Technical Education, Pubjab	Overseer Diploma in Civil Engineering
43. State Board of Technical Education and Training, AP	LCE
44. State Board of Technical Education (formerly Technological Diploma Examination Board,) Madras	LCE/Diploma in Civil Engineering
45. State Council of Technical Education, Assam	Diploma in Civil Engineering
46. State Council of Engineering and technical Education, West Bengal	LCE
47. Technological Diploma Examinations Board, AP	LCE
48. Trihat School of Engineering, Muzaffarpur	Supordinate Engineering Course in Civil Engineering from 1952.
49. University of Roorkee (formerly Thomson Civil Engineering College, Roorkee)	Diploma in Civil Engineering (formerly Civil Overseership)
50 West Bengal Survey Institute, Bandal	Senior Surveyor's Certificate
51. State Council of Technical Education and Training, Orissa	Diploma in Civil Engineering

**FOREIGN**

1. N.E.D Engineering College, Karachi	Diploma in Engineering
2. Ashanulla School of engineering, Dacca	Sub Overseer's Diploma, LCE
3. Government Technical Institute, Insein, Burmah	Diploma in Civil Engineering
4. London University, UK	(1) B.Sc. Degree in Mining for Internal Students subject to the degree being endorsed by the University with a certificate of four months' practical experience in a mine. (2) Degree of B.Sc. in Mining for External Students.
5. Colorado School of Mines, USA	Degree in Mining Engineering
1[6. University of Sheffield	Bachelor of Engineering (Mining)
7. Leeds University	Degree of B.Sc. in Mining
8. Birmingham University	Degree of B.Sc. in Mining
2[9. Wisconsin State College and Institute of Technology, Platteville, Wisconsin	Bachelor of Science in Mining
10. Comborne School of Metalliferous Mining, Cornwall (England).	Diploma of Associateship in Metalliferous Mining
3[11. Higher Technical Institute of the Technical University of Lisbon, (Portugal ) Republic	Degree in Mining Engineering

S.O. 1675, dated the 30th May, 1966. – In pursuance of clause (b) of the proviso to Sub- regulation (1) and clause (b) of the proviso to sub regulation (2), of regulation 18 of the Metalliferous Mines Regulations, 1961. And in supersession of all the notifications issued on the subject, the Central Government hereby approves institutions and authorities mentioned in column I of the table below in respect of such diplomas, certificates, degrees or other qualifications awarded by the them as are specified in the corresponding entry under column II of the said table.

TABLE

I Name of Institution	II Degrees, Diplomas, Certificates awarded
<b>INDIA</b>	
1. Any University in India established by law	Degree in mining.
2. Indian School of Mines, Dhanbad	(i) Certificate in Metal Mining (awarded upto 1938-39)

- (ii) Diploma of Associateship in Mining Engineering)
- 4[3. "The Institution of Engineers (India) incorporated by Royal Charter, 1935 Pass in Sections A and B of the Associate Membership Examination in Mining Engineering Branch].

**UNITED KINGDOM**

1. London University (i) Degree in B.Sc. in Mining for Internal Students. Subject to the Degree being endorsed by the University with a certificate of four month's practical experience in a mine.  
(ii) Degree of B.Sc. in Mining for External students.
2. University of Sheffield Bachelor of Engineering (Mining)
3. Leeds University Degree of B.Sc in Mining
4. Birmingham University Degree of B.Sc. in Mining
5. Camborne School of Metalliferous Mining, Cornwall Diploma of Associateship in Metalliferous Mining

**U.S.A.**

1. Colorado School of Mines Degree in Mining Engineering
2. Wisconsin State College and Institute of Technology, Platteville, Wisconsin Bachelor of Science in Mining.

**1[PORTUGAL REPUBLIC**

1. Higher Technical Institute of the Technical Degree in Mining Engineering] University of Lisbon

S.O. 1676, dated the 30th May, 1966. – In pursuance of clause (a) of the proviso to Sub- regulation (1) and clause (a) of the proviso to sub regulation (2), of regulation 18 of the Metalliferous Mines Regulations, 1961. And in supersession of all the notifications issued on the subject, the Central Government hereby approves institutions and authorities mentioned in column I of the table below in respect of such diplomas, certificates, degrees or other qualifications awarded by the them as are specified in the corresponding entry under column II of the said table.

**TABLE**

I Name of Institution	II Degrees, Diplomas, Certificates awarded
<b>INDIA</b>	
1. Board of Technical Education, Rajasthan, Jodhpur	Diploma in mining.
2. Central Board of Technical Examination, Mysore	Licentiate in Mining Engineering
3. Madhya Pradesh Board of Technical Education, Bhopal	Diploma in Mining and Mining Surveying
4. Shri Jayachamarajendra Occupational Institute, Bangalore	Diploma in Mining
5. State Board of Technical Education and Training, Andhra Pradesh	Diploma in Mining Engineering
6. State Board of Technical Education, Bihar	Diploma in Mining and Mine Surveying
7. State Board of Technical Education (Formerly Technological Diplomas Examination Board), Madras	Licentiate in Mining Engineering
8. State Council for Engineering and Technical Education, West Bengal	Licentiate in Mining Engineering



9. State Council of Technical Education and Training, Orissa	Diploma in Mining Engineering
2[10. Board of Technical Examination, Mysore	Diploma in Mining and Mine Surveying
3[11. Board of Technical Examinations, Maharashtra, Bombay	Diploma in Mining and Mine Surveying
4[12. Mining Education Advisory Board, Bihar and West Bengal	Final Merit Certificate
13. State Board of Technical Education, Bihar	Final Merit Certificate

S.O 1455, dated, the 17<sup>th</sup> May, 1963. – In pursuance of the provision of sub-clause (ii) of clause (a) of sub-regulation (1) of regulation 23 of the Metalliferous Mines Regulations, 1961, the Central Government hereby approves the educational institutions mentioned under column I of the Table below in respect of such diploma certificates or degrees awarded by them as are specified in the corresponding entries under column II of the said Table.

TABLE

I Name of Institution	II Degrees, Diplomas, Certificates awarded
<b>INDIA</b>	
1. Any University in India established bylaw	Degree in mining or 5[in applied geology] or in civil, mechanical or electrical engineering.
2. Indian School of Mines and Applied Geology, Dhanbad	(i) Certificate in Metal Mining (awaded up to 1938-39). (ii) Diploma of Associateship in Geology (awarded up to 1950-51). (iii) Diploma of Associateship in Mining Engineering (iv) Diploma of Associateship in Applied Geology
3. Delhi Polytechnic	Diploma in Civil, Electrical or Mechanical Engineering
<b>UNITED KINGDOM</b>	
1. London University	(i) Degree of B.Sc. in Mining for Internal Students subject to the Degree being endorsed by the University with a certificate of four months' practical experience in a Mine. (ii) Degree of B.Sc. in Mining for External Students
1[2. University of Sheffield	Bachelor of Engineering (Mining).
3. Leeds University	Degree of B.Sc. in Mining.
4. Birmingham University	Degree of B.Sc. in Mining
2[5. Camborne School of Metalliferous Mining Cornwall - England	Diploma of Associateship in Metalliferous Mining.]
<b>U.S.A.</b>	
1. Colorado School of Mines	Degree in Mining Engineering
3[2 Wisconsin State College and Instistute of Technology, Platteville, Wisconsin	Bachelor of Science in Mining].
<b>4[“Portugal Republic”</b>	
1. Higher Technical Institute of the Technical University of Lisbon	Degree in Mining Engineering].

S.O. 250 dated the 6<sup>th</sup> January, 1966 – In pursuance of sub-clause (ia) of clause (a) of sub-regulation(1) of regulation 23 of the Metalliferous Mines Regulation, 1961, the Central Government hereby approves the qualifications mentioned in column 2 of the Table below of the institutions mentioned in the corresponding entry in column 1 thereof as equivalent qualifications for the purposes of the said sub-clause, namely :-

TABLE

I	II
Name of Institution	Degrees, Diplomas, Certificates awarded
<b>Mining Indian</b>	
1. Bengal Engineering College, Sibpore	Diploma in Mining (awarded up to 1929)
2. Mining Education Advisory Board, Bihar and West Bengal	Final Merit Certificate (awarded up to 1958)
3. Mining Education Advisory Board, West Bengal	Final Merit Certificate (Evening Mining Classes run by the Directorate of Mines and Minerals, Government of West Bengal.)
4. State Board of Technical Education, Bihar	(a) Final Merit Certificate (awarded in 1959 and 1960 to students of Evening Mining Classes, Bhaga). (b) Diploma in Mining and Mine Surveying (including students of re-organised Mining Classes, Bhaga, Dhanbad-awarded from 1961 onwards)
5. Shri Jayachamarajendra Occupational Institute, Bangalore	Diploma in Mining
6. State Board of Technical Education and Training, Andhra Pradesh	Diploma in Mining Engineering
7. Madhya Pradesh Board of Technical Education, Bhopal	Diploma in Mining and Mine Surveying
8. State Board of Technical Education (Formerly Technological Diplomas Examination Board), Madras	Licentiate in Mining Engineering
9. Central Board of Technical Examination, Mysore	Licentiate in Mining Engineering
10. State Council of Technical Education and Training, Orissa	Diploma in Mining Engineering
11. Board of Technical Education Rajasthan, Jodhpur	Diploma in Mining.
12. State Council for Engineering and Technical Education, West Bengal	Licentiate Diploma in Mining Engineering
<b>Geology - Indian</b>	
13. Any University in India established by Law	(a) Honours Degree in Geology. 5[(b) Degree of M.A. or M.Sc. in Geology]
<b>Mining – Foreign</b>	
14. Camborne School of Metalliferous Mining, Cornwall (England)	Diploma of Associateship I Metalliferous Mining.

S.O. 2796, dated the 23<sup>rd</sup> September, 1963. – In pursuance of clause (ii) of sub-regulation (1) of regulation 24 of the Metalliferous Mines Regulations, 1961, the Central Government hereby approves for the purpose of said regulation the educational institutions mentioned under column I of the table below in respect of such diplomas, certificates, degrees or other qualifications awarded by the them as are specified in the corresponding entry under column II of the said table.

TABLE

I Name of Institution	II Degrees, Diplomas, Certificates awarded
<b>INDIA</b>	
(List of Institution and authorities awarding Degree/Diploma in Mining, after full time course of study)	
1. Any University in India established by law	Degree in mining.
2. Indian School of Mines, Dhanbad.	(1) Certificate in Coal Mining (Awarded upto 1950-51) (2) Certificate in Metal Mining (Awarded upto 1938-39) (2) Diploma of Associateship in Mining Engineering.
3. Bengal Engineering College, Sibpore	Diploma in Mining (awarded up to 1929)
4. State Council for Engineering and Technical Education, West Bengal.	Licentiate Diploma in Mining Engineering.
5. Board of Technical Education, Rajasthan, Jodhpur	Diploma in Mining
6. State Council of Technical Education and Training, Orissa	Diploma in Mining Engineering
7. Central Board of Technical Examination, Mysore	Licentiate in Mining Engineering
8. Shri Jayachamarajendra Occupational Institute, Bangalore	Diploma in Mining
9. State Board of Technical Education and Training, Andhra Pradesh.	Diploma in Mining Engineering
10. State Board of Technical Education (formerly Technological Examination Board.), Madras	Licentiate in Mining Engineering
11. State Board of Technical Education, Bihar	Diploma in Mining and Mine Surveying
12. Madhya Pradesh Board of Technical Education, Bhopal	Diploma in Mining and Mine Surveying

I	II
(List of Institution and authorities awarding Degree/Diploma in Mining, after full time course of study)	
1. Any University in India established by law	Degree in Civil Engineering
2. All India council of Technical Education	National Certificate in Civil Engineering
3. Assam Engineering Institute, Gauhati	Certificate in Civil Engineering
4. Bihar College of Engineering, Patna	(3) Surveyor's Certificate (4) Civil Engineering Subordinate Diploma
5. Board of Technical Education, Kerala	Diploma in Civil Engineering
6. Board of Technical Education, Rajasthan, Jodhpur	Diploma in Civil Engineering
7. Board of Technical Examination, Mysore (formerly Central Board of Technical Examination, Mysore)	L.C.E./ Diploma in Civil Engineering
8. Civil Engineering School, Allahabad	Overseers Certificate

9. Civil Engineering School, Lucknow	Overseers Certificate
10. College of Engineering, Poona	Civil Engineering diploma prior to 1950
11. College of Engineering, Guidy	Upper Subordinate Diploma, L.C.E. from 1942 to 1953.
12. College of Engineering, Osmania Univeristy (formerly Osmania Engineering College), Hyderabad	Upper Subordinate (Ist Class) Overseer Certificate from 1941
13. College of Engineering and Technology, Jadhavpur	Diploma of the Overseer Course
14. College of Military Engineering, Kirkee	Overseers' Building and Road Course
15. Department of Technical Education, Bombay	Diploma in Civil Engineering
16. Department of Technical Education, Gujarat State, Ahmedabad (previously Bombay)	Overseers Diploma
17. Director General of employment and Training (Ministry of Labour and Employment, Government of India)	Surveyor's Diploma
18. Director of Industries, Punjab	Common Civil Overseer's Certificate
19. Government Polytechnic, Nagpur University (formerly Government Engineering School, Nagpur)	(3) Surveyor's Certificate
20. Government School of Engineering, Rasual	(4) L.C.E.
(21) Governments Technical College, Hydrabad (formerly Osmania Technical College, Hyderabad)	Overseership Certificate
(22) Howett-Engineering School, Lucknow	L.C.E.
23. H.R.H. the Prince of 'wales Institute of Engineering an Technology, Jorhat	Ovearseers Certificate (Granted by the Department of Public Instruction from 1936 to 1944 and by the U.P. Government from 1946)
24. Kalikata Shilpa Vidya Pith	Certificate in Civil Engineering.
25. Kerala University (formerly Travancore University)	L.CE. awarded by the Adhoc Committee. Provincial Council for Engineering and Technical Education. West Bengal.
26. Mainamati Survey Institute, Tripura	Diploma in Civil Engineering
27. M.B.M. Engineering College, Jodhpur	Survey Final Examination.
28. Murlidhar Gajan and Technical Institute, Hathras	Diploma in Civil Engineering
29. Muslim University, Aligarh	L.C.E.
30. Nagpur University	Diploma in Civil Engineering
31. National Council for Rural Higher Education	(1) Surveyor's Certificate
32. Orissa School of Engineering, Cuttack	(2) Civil Engineering Subordinate Diploma, L.C.E
33. Overseer Examination Board (Bengal ) (Before partition)	L.C.E
34. Polytechnicl Faculty of Technological (including engineering) M.S., University of Baroda (formerly Kalabhavan renamed as Faculty of Technology including Engineering M.S. University, Baroda)	Diploma in Civil Engineering (obtained after a course of at least three years)
35. Punjab Polytechnic (formerly Punjab Government School of Engineering, Nilokheri).	Overseer's Diploma in Civil Engineering from December, 1947
36. Ramgarhia Polytechnic, Phagwara (formerly Vishwakarma polytechnic Institute.	Diploma in Civil Engineering Course, Overseer Course.
37. Saugar University	Diploma in Civil Engineering
38. School of Engineering, Bangalore	Diploma in Civil Engineering
39. Shri Jaichamarajendra Occupational Institute, Banglore	Diploma in Civil Engineering

40. State Board of Technical Education and Vocational Training, Bihar	Diploma in Civil Engineering after a course of study lasting for 2 and half years
41. State Board of Technical Education and Training, U.P. (formerly in adhoc Board of Engineering Education , UP)	Overseer Diploma in Civil Engineering
42. State Board of Technical Education, Punjab	Overseer Diploma in Civil Engineering
43. State Board of Technical Education and Training, AP	LCE
44. State Board of Technical Education (formerly Technological Diploma Examination Board,) Madras	LCE/Diploma in Civil Engineering
45. State Council of Technical Education, Assam	Diploma in Civil Engineering
46. State Council of Engineering and technical Education, West Bengal	LCE
47. Technological Diploma Examinations Board, AP	LCE
48. Trihat School of Engineering, Muzaffarpur	Supordinate Engineering Course in Civil Engineering from 1952.
49. University of Roorkee (formerly Thomson Civil Engineering College, Roorkee)	Diploma in Civil Engineering (formerly Civil Overseership)
50 West Bengal Survey Institute, Bandal	Senior Surveyor's Certificate
51. State Council of Technical Education and Training, Orissa	Diploma in Civil Engineering
<b>FOREIGN</b>	
1. N.E.D Engineering College, Karachi	Diploma in Engineering
2. Ashanulla School of engineering, Dacca	Sub Overseer's Diploma, LCE
3. Government Technical Institute, Insein, Burma	Diploma in Civil Engineering
4. London University, UK	(1) B.Sc. Degree in Mining for Internal Students subject to the degree being endorsed by the University with a certificate of four months' practical experience in a mine.
	(2) Degree of B.Sc. in Mining for External Students.
5. Colorado School of Mines, USA	Degree in Mining Engineering
1[6. University of Sheffield	Bachelor of Engineering (Mining)
7. Leeds University	Degree of B.Sc. in Mining
8. Birmingham University	Degree of B.Sc. in Mining].
2[9. Wisconsin State College and Institute of Technology, Platteville, Wisconsin	Bachelor of Science in Mining
10. Comborne School of Metalliferous Mining, Cornwall (England).	Diploma of Associateship in Metalliferous Mining].
3[11. Higher Technical Institute of the Technical University of Lisbon, (Portugal ) Republic	Degree in Mining Engineering

# Mines Vocational Training Rules, 1966

## Chapter I

### Preliminary

#### 1. Short title, application and commencement -

- (1) These rules may be called the Mines Vocational Training 1966.
- (2) Except as otherwise expressly provided, these rules shall apply to every mine of whatever description to which the Mines Act, 1952 applies.
- (3) They shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of these rules for different classes or groups of mines or for different classes of persons or for different areas.

#### 2. Definition:- In these rules, unless there is anything repugnant in the subject or context-

- (a) "Act" means the Mines Act, 1952 (35 of 1952);
- (b) "Form" means a form appended to these rules;
- (c) "Manager" means any person who is responsible for management, supervision and direction of a mine and includes a mine superintendent who is appointed by the owner or the agent of a mine under section 17 of the Act;
- (d) "Metalliferous mine" means any mine other than a coal or an oil mine;
- (e) "Regional Inspector" means the Inspector of Mines in charge of,
  - (i) the region or local area or areas in which name is situated, or
  - (ii) the group or class of mines to which the mine belongs and over which he exercises powers under the Act;
- (f) "Schedule" means a Schedule appended to these rules.

## CHAPTER II

### PERSONS TO BE TRAINED

#### 3. Application of Rules -(1) These rules shall apply to all persons employed in a mine, other than the persons specified herein, namely :

- (a) Persons employed or to be employed for the purpose of saving life or property or dealing with circumstances arising out of an accident :

Provided that the owner, agent or manager of the mine shall forthwith give notice of every such employment to the Chief Inspector.

- (b) Persons holding positions enumerated below being persons employed in a confidential capacity or in a position of supervision or a management ;
  - (i) manager, undermanager, under ground manager, assistant manager, ventilation officer and safety officer
  - (ii) mining, electrical and mechanical engineer;
  - (iii) overman, foreman, sirdar and mate;
  - (iv) mechanical and electrical foreman and electrical supervisor;

- (v) Surveyor and assistant surveyor;
  - (vi) medical officer, chemist, assayer, metallurgist and welfare or personnel officer; and
  - (vii) any other person who, in the opinion of the Chief Inspector, holds a position of supervision or management by whatever name called.
- (c) Shortfirer and blasters.
  - (d) Clerk, accountants and register keepers.
  - (e) Persons who have undergone a course of training which is part of study at an institution approved by the Central Government in this behalf.
  - (f) Apprentice mechanics or apprentice electricians, if they have undergone an approved course of training at a mine mechanisation center or other institution approved by the Chief Inspector in this behalf:

Provided that the exemption granted to the persons specified in clause (d),(e), and (g) shall be subject to the condition that the said person shall undergo a course of refresher training as specified in Rule 8.

(2) The Chief Inspector may, by order, for reasons to be recorded in writing and subject to such conditions as he may specify therein, exempt any person, class or category of persons from undergoing any training under these rules.

- 4. Disputes regarding training to be decided by the Chief Inspector-** If any question arises as to whether a particular person or class or category of persons is required by these rules to undergo training or not, the same shall be referred to the Chief Inspector for decision.
- 5. Standard of training** - The Chief Inspector may issue such instructions, not inconsistent with these rules, as he may deem fit, to ensure that the training imparted under these rules at the various training centers conform to certain uniform standards and every such training shall be in accordance with such instructions.

### CHAPTER III

#### General Vocational Training.

- 6. Scope and Standard** - (1) Every person proposed to be employed in mine on the surface or in opencast workings ( other than a person who has held any such previous employment) shall, before he is employed, undergo a course of technical and gallery training as specified in the First Schedule :

Provided that in respect of such class or kind of work as the Chief Inspector may, from time to time, by notification specify, every person proposed to be employed thereto shall, before he is so employed, undergo a further course of practical training on actual operations for a period of not less than six working days.

- (2) Every person proposed to be employed belowground in a mine, (other than a person who has held any such previous employment) shall, before he is so employed, undergo -
  - (a) a course of theoretical and gallery training and gallery training as specified in the Second Schedule, and
  - (b) a course of practical training on actual operations for a period of not less than twelve working days

Provided that every such person proposed to be employed in a mine wherein safety lamps are required to be used (hereinafter called gassy mine) shall, before he is so employed, undergo a further course of training about the danger of inflammable gas and methods of dealing with the same as specified in the Third Schedule.

- 7. Training of persons previously employed** -Before a person who has previously worked in mines only on the surface or in opencast working is employed belowground, or before a person who has previously worked belowground in non-gassy mines only is employed belowground in a gassy mine, he shall undergo such additional courses of training as specified in sub-rule 6.

#### **CHAPTER IV**

#### **REFRESHER TRAINING**

**8. Scope and standard** - Wherever a person returns to employment on the surface or in opencast working or to employment belowground in a mine, after an absence from work for a period exceeding one year he shall, within one month of his joining duty, undergo refresher training as detailed in the Fourth Schedule, which shall include a minimum of -

- (1) Three safety lecture and demonstration in the case of persons working on the surface or in opencast workings;
- (2) Six safety lectures and demonstrations in addition to the training specified in clause (1) in the case of persons working belowground in a non-gassy mine;
- (3) Six further lectures and demonstrations about the danger of inflammable gas and methods of dealing with the same, in addition to the training specified in clause (1) and (2) in the case of persons working belowground gassy mine.

**9. Training of persons already employed** - Every person in employment in a mine at the date of commencement of this rule shall undergo the refresher training as specified in Rule 8, and it shall be sufficient compliance with this rule if, before the expiry of every year from such commencement, at least one-fifth of the person so employed are given such training.

**10, Training of persons employed belowground in gassy mines-** Notwithstanding anything contained in these rules, every person employed belowground in a gassy mine shall within a period of one year from the commencement of this rule, undergo atleast that part of the refresher training as is specified in the Fourth Schedule under the heading- " 3. Additional for gassy mine workers."

**11. Arrangement for refresher training:** - The refresher training shall be so arranged that the persons who have to undergo training can attend the same conveniently either before or after their normal working hours.

#### **CHAPTER V**

#### **TRAINING OF SPECIAL CATEGORIES OF EMPLOYEES**

**12. Training of timber Mistry** - Every person who:

- (i) is newly employed as timber mistry in a mine, or



(ii) has not worked as a timber mistry in a mine for a period of six months immediately preceding his employment or re-employment , undergo a course of training in timber as specified in the Fifth Schedule, in addition to the course of training specified under Chapter- III or Chapter IV as may be applicable to him.

**13. Training of persons in handling of explosives** - (1) Every person other than a qualified shotfirer or blaster who is likely to be employed on a job which involves handling of explosives shall , before he is so employed, in addition to the course of training specified, under Chapter III or Chapter IV as the case may be , undergo a course of training in the handling and use of explosives, as detailed in the Sixth Schedule. Every person who has undergone the said training shall undergo the training again before re-employment if he has not worked in handling explosives for a continuous period of six months or more before such re-employment. The training under this rule shall be arranged that the persons concerned can attend the same conveniently either before or after their normal working hours.

(2) Notwithstanding anything contained in sub rule (1), in the case of metalliferous mines having opencast working only, the course of training may be confined to not less than four lectures and demonstration covering only such items of the Sixth Schedule as refer to opencast working and general principals of shotfiring.

**14. Training of person on shotfiring** - (1) Every person eligible to appear at the Shotfirer's Certificate of Competency Examination and who intends to appear at the said examination within the succeeding three months, shall,, before he appears for the examination and in addition to the training specified in Rule 13 undergo a course of training as detailed in the Seventh Schedule. The training under the rule shall be so arranged that the persons concerned can attend same conveniently either before or after their normal working hours.

(2) Notwithstanding anything contained in Rule 3, the training specified in the Seventh Schedule shall also be undergone within one month of employment, or re-employment, as the case may be, by-

(i) every shotfirer or blaster on employment in an another mine except in case where he has already undergone such training and

(ii) every person who though qualified to fire shots has not worked as a shotfirer for a continuous period of six months or more, on re-employment as a shotfirer :

(3) Notwithstanding anything contained in sub-rules (1) and (2) in the case of persons, working in metalliferous mines having opencast workings only, or holding blaster, restricted certificate, it shall be sufficient if the course of training is confined to not less than eight lecture and demonstrations and covering only such items of *Seventh Schedule* as refer to opencast workings and general principles of shotfiring.

**15. Training of other categories of persons** - The Chief Inspector may by general or special order, require that every person, other that those specified in clause (a) to (g) of sub-rule (1) of Rule 3, to be newly employed in a mine in such kind of class of work, as may be specified therein, shall undergo a specified course training.

**16. Time limit in respect of the training of persons already employed on banding of explosives-** Notwithstanding anything contained in these rules, every person employed on handling of explosives shall undergo the training specified in Rule13 within a period of one year from the date of commencement of this rule.

**17. Periodical training in gas testing-** Every person holding a gas testing shall once in every year, person eligible to appear at the Gas-testing Certificate Examinations and who intends to appear at the examination within the succeeding three months, shall before he appears for the

examination, undergo a course of training as detailed in the 8<sup>th</sup> Schedule. The training under this rule shall be so arranged that the persons concerned can attend the same either before after their normal working hours.

## CHAPTER VI

### TRAINING CENTRES AND ARRANGEMENTS FOR TRAINING.

**18. Training Centre:** - The owner, agent or manager of every mine shall provide and maintain a training centre which shall be adequate for the purpose of imparting the training required to be undergone by the persons who are employed or to be employed in that mine:

Provided that the Chief Inspector may, by order, for reasons to be recorded in writing and subject to such conditions as he may specify therein, authorise that a common training centre may be provided and maintained in respect of two or more mines by the owners agents or managers thereof.

**19. Arrangements for the training centre:** - Every training centre shall have such staff, equipment and other facilities as may be approved by the Chief Inspector or as may be required by him, from time to time, by order in writing.

**20. Training Officer:** - (1) Every training centre shall be placed under the charge of a whole time or part time. Training Officer as may be specified by the Chief Inspector. The Chief Inspector may further specify the qualifications and experience required for such Training Officer.

(2) Notwithstanding anything contained in sub-rule (1), where the Training Officer is unable to perform his duties by reason of temporary absence, illness or other cause, the owner, agent or manager, as the case may be, may authorise in writing any other person to act in his place.

Provided that except in a case where the person so authorised possesses the qualifications and experience specified by the Chief Inspector under sub-rule (1), the authority to act as Training Officer shall cease to have effect on the expiry of 30 days from the date of the authorisation unless an order in writing has been obtained from the Chief Inspector or the Regional Inspector for the continuance of such person beyond the said period.

(4) A written notice of every appointment, discharge, dismissal, resignation or termination service of a Training Officer and of the date thereof shall be sent by the owner, agents or manager to the Chief Inspector and the Regional Inspector within seven days from the date of such appointment, authorisation, discharge, dismissal, resignation or termination of service as the case may be.

**21. Duties of Training Officer:** - (1) It shall be the duty of the Training Officer: -

- (i) to organise and supervise the training of every person undergoing training under him in pursuance of these rules :
- (ii) to maintain records of the training given to every person and to furnish weekly reports to the manager on the progress of the persons undergoing training ;
- (iii) to maintain records of the supervision in respect of the practical training on actual operations referred to in Rule 6 and
- (iv) to discharge such other duties as may be necessary for, to proper compliance of these rules.

(2) Every Training Officer shall keep a record of his work and shall, at the end of every year, forward to the Chief Inspector, through the owner, agent or manager of the mine concerned a summary of the report of his work during the year.

**22. Trainers:** - For the purpose of the practical training referred to rule 6, every person to be employed in a mine shall be placed under the direct supervision of an experienced workman of an appropriate category, employed on operations hereinafter referred to as trainer.

**23. Qualification of trainers:** - (1) No person shall function as a trainer unless he has attended not less than six lectures on safety in mines, as may be specified for the purpose and approved by the Chief inspector.

(2) Trainers shall be selected only amongst the persons, who in the opinion of the owner, agent or manager of the mine, are safety minded, skilled and experienced workmen who have an aptitude for giving guidance and practical training to other persons.

**24. Duties of trainers and persons undergoing training:** - (1) The trainers shall be responsible for the safety of the persons undergoing training under him.

(2) The trainer shall, apart from discharging his normal duties, see that the persons put under his charge for training, pick up work, understand the dangers inherent in the job and develop habits, which would ensure safety in mines.

(3) The trainer shall see that the persons undergoing training, under him move within the mine along with him.

(4) Every trainer shall show to the persons undergoing training under him, the quickest and safest routes of exit from the sections where he is likely to work. Every person undergoing training shall, whilst under training, comply with the directions of the trainer under whom he is put in charge.

**25. Training allowance:** - Every trainer shall, in addition to his normal wages, be paid by the owner, agent or manager a training allowance of Rs.0.50 per trainee for every day a trainee has worked under his supervision. Not more than two trainees shall be placed under the charge of a trainer at a time.

## CHAPTER VII

### ALLOWANCE OF TRAINEES AND ISSUE OF CERTIFICATES.

**26. Trainees :** - Every person to be newly employed in mine, while undergoing training in accordance with these rules, shall for all purposes be considered only as a trainee.

**27. Stipend to trainees** - (1) Every person, while undergoing training under Chapter III and under Rule 12 & 15 shall be paid by the owner, agent or manager, daily allowance, for each day of attendance, of any amount equivalent to the wages (inclusive of allowances) which will be payable to him on employment after completion of training, subject to maximum of Rs. 1.50 per day.

Provided that the maximum aforesaid shall not apply in case of a person already working in a mine while undergoing training in accordance with rule 7.

Every person undergoing training under Chapter IV and Rule 13,14 and 17 shall be paid by the owner, agent or manager, an allowance per lecture attended by him.

**28. Certificate of trainees** - (1) Every person who undergoes a course of training prescribed in these rules shall, on completion of the training be interviewed by the Training Officer and if the said officer is satisfied as to the progress and performance of the trainee, he shall grant a certificate in Form A or Form B, as the case may be. The certificate so granted shall be countersigned by the owner, agent or manager. Where the Training Officer is not satisfied with the progress or performance of any trainee, he shall report the same to the manager, who may either discharge him or, if he thinks fit arrange to give him further training.

(2) The cost of the photograph to be fixed on the certificate in Form A or Form B shall be borne by the owner or agent.

(3) A person who has obtained a certificate on successful completion of the training shall be eligible for absorption, in any mine, to the category of the post for which he has been trained.

**29. Duplicate Certificate:** - If any person proves to the satisfaction of the Training Officer that he has lost the certificate granted to him under Rule 28, the Training Officer may, on payment of the cost of the photograph to be affixed on the certificate, grant to him a copy of the certificate. The word 'DUPLICATE' shall be stamped across the copy.

**30. Certificate to be delivered to the Management:** - Every person employed in a mine shall -

(i) if he obtained the certificates prior to such employment, at the time of the employment, and

(ii) if he obtained the certificates during the course of employment, within such time as may be specified by the manager of the mine.

deliver the certificate issued to him under these rules, so the manager of the mine who shall keep the certificate in safe custody and issue a receipt for the same. On the termination of employment, certificate so deposited shall be returned to the employee.

## CHAPTER VIII

### MISCELLANEOUS

**31. Inspection:** - The Chief Inspector or any Inspector may enter, inspect and examine any training center or any part thereof and make such examination or inquiry as he thinks fit in order to ascertain whether the provisions of these rules and of any orders made thereunder are being complied with.

**32. Power to relax:** - Where in the opinion of the Chief Inspector, the conditions pertaining to a same or part thereof are such as to render compliance with any provision contained in these rules unnecessary or impracticable, he may by order in writing and subject to such conditions as he may specify therein, exempt the mine or part thereof, as the case may be, from the said provisions.

## FIRST SCHEDULE

{See Rule 6 (1) }

*Course of Theoretical and Gally training for surface and opencast workers.*

1st Day (Surface)

Talk: Organisation, time keeping, the need for discipline and punctuality, other matters of general interest.

Training in First aid:

Visit: Attendance room, Pit head bath, Canteen, Rest shelter, Crèche.

2<sup>nd</sup> day (surface)

Talk: Tramways and siding, Haulage rooms, Winding rooms, Boilers, Electrical Gears. Workshop.

3<sup>rd</sup> Day (Surface)

Talk: Benching in quarries, Dressing of overhangs, Fencing, First aid and Hygiene.

Training in First aid.

Visit: Quarries, Medical Centers,

Practical work: Tub Manipulation, Coupling, tramming lowering, re-railing to tubs.

4<sup>th</sup> Day (surface)

Talk: Shotfiring and Safety regulations.

Training in First aid.

Visit: Practical demonstration of taking shelter etc.

Practical work: Building of sound-bag stopping.

5<sup>th</sup> Day

Talk: Legislation and duties of workpersons.

Training in First aid.

Visit: What's wrong.

Practical work: Lying of tracks.

6<sup>th</sup> Day

Talk: Mine official and their duties, oral test.

## SECOND SCHEDULE

{See Rule 6 (2) (a)}

*Course of Theoretical and Gallery training for workers below ground.*

1st Day

Talk : Method of transport belowground, signaling, manhole and other safety appliances on haulage roads.

Training in First aid.

Visit: Underground pit bottom, travelling roadway, second outlet, haulage and tramming roadways, stations and fencing belowground.

Practical work: Tub manipulation, coupling, tramming, lowering re-railing of tubs and signaling, laying of pipes and track.

2<sup>nd</sup> Day

Talk: Face works, roof control, testing of roof support regulations, First aid and Hygiene.

Training in First aid.

Visit Underground working faces, underground latrines, first aid stations.

Practical work: Prop setting, chock building and withdrawal.

3<sup>rd</sup> Day

Talk: Ventilation, Lighting, Legislation and duties of work-persons.

Training in First aid.

Visit: Underground- Ventilation and Lighting devices, Fan house, air crossings, stopping, regulator doors. Etc.

Practical work: Erecting brattices, ventilation of blind ends, Practical demonstration of fire fighting device, detection of noxious gases.

4<sup>th</sup> Day

Talk: Shotfiring and safety regulations, Causes and prevention of the fire underground, care of lamps.

Training in First aid.

Visit: Underground practical demonstration of taking shelter etc.

Practical work: Building of sand bag stopping.

5<sup>th</sup> Day

Talk: Mine gases (Particularly carbon monoxide, carbon, dioxide and methane) and dangers therefrom. Testing for the same. General revision.

Training in First aid.

Practical work: Cleaning of galleries.

6<sup>th</sup> Day

Talk: Mine official and their duties, oral test.

Visit: Underground "what's wrong"

## **THIRD SCHEDULE**

**{See Rule 6 (2)(b)}**

*Course of special additional training for entrants to gassy mine,*

### **1st Day**

Talk: Dangers of inflammable gas, effects of inflammable gas in different percentages. Gas caps, Difference between combustion and explosion. After damp- its effects. Methods of testing for inflammable gas with Flame safety lamp.

Demonstration: Gas caps, Difference between combustion and explosion.

Visit: Visit to safety lamp cabin to see how lamps are maintained, cleaned etc. and to study construction of safety lamps.

### **2<sup>nd</sup> Day**

Talk: Principle of construction of flame safety lamps and of flameproof electrical equipment. Assembly of flame safety lamps. Care of safety lamps during use. Dangers of opening or tampering with safety lamps. Demonstration: Effects of wire gauze on flame.

Practical work: Testing for gas.

Visit: Visit to workshop to see flame proof equipment.

### **3<sup>rd</sup> Day**

Talk: Duties of workers in gassy mine and where inflammable gas exists. Dangers of smoking contrabands.

Visit: Visit (1) to lamps cabin to see arrangements for checking lamps before issue and after receipt and (2) to the mine entrances to see arrangement for checking safety lamps and for searching of contrabands.

Practical work: Cleaning and assembling safety lamps.

### **4<sup>th</sup> Day**

Talk: Explosion and health hazards from dust. Methods of suppressing dust. Water sprays. Cleaning and stone dusting. Wet cutting. Wet drilling. Use of respirators. Occurrences of inflammable gas. Methods of removing gas. Necessity for good ventilation at the face. Ventilation devices.

Visit: underground visit to see dust suppression arrangements and measures. Surface and underground visit to see ventilation devices.

Practical work: Erection of brattices. Ventilation of blind ends.

### **5<sup>th</sup> Day**

Talk: Dangers of Shotfiring in gassy mine. Precaution - Underground visit to Shotfiring.

### **6<sup>th</sup> Day**

General revision: Oral test.

## **FOURTH SCHEDULE**

**{See Rule 8 and 10}**

### *Course for Refresher Training.*

(Each talk to be followed by discussion. Duration of each talk and discussion to be not less than two hours.)

#### *1. Fur Surface/ Opencast Workings.*

Talk 1: Mine Organisation, time keeping, need for discipline and punctuality and other matters of general interest.

Talk 2: Rules, standing orders in force at the mine. Safety in the vicinity of machinery.

Talk 3: Benching in quarries. Dressing of overhangs. Fencing, First Aid Hygiene.

#### *2. Additional for underground workers.*

Talk 4: Dangers from haulage, Manholes and other safety appliances. Signaling.

Talk 5: Testing of roof, Dressing of roof and overhangs. Supports, Chocks, bars and props.

Talk 6: Ventilation, Control devices. Danger from old workings. Causes and prevention of fires, Noxious gases.

Talk 7: Dangers or Shotfiring, Safety precautions.

Talk 8: Legislation, Duties of workmen, Fencing.

Talk 9: General revision and discussion.

Talk 10: Occurrence of inflammable gas. Danger from inflammable gas. Combustion and explosion. After damp. Its effects.

Talk 11: Principle of construction of flame safety lamps and of flameproof equipment. Gas caps. Methods of testing for gas.

Talk 12: Duties of workers where inflammable gas exists. Contrabands. Danger of tampering with safety lamps. Methods of removing gas. Necessity of good ventilation at the face.

Talk 13: Explosion and health hazard from dust. Methods of suppressing dust.

Talk 14: Dangerous of Shotfiring in gassy mines. Precautions.

Talk 15: General revision and discussion.



## FIFTH SCHEDULE

{See Rule (12) }

### *Course of Training for Timber Mistry*

(Training in First Aid to be given to every trainee who has not already undergone such training.)

#### 1st Day

Talk: Type of rocks and their characteristics. Dangers from fall of ground. Need for artificial support. Use of protective equipment.

Talk and practical work: Handling and transport of timber including lowering in inclines and shafts. Correct methods of lifting and shifting. Stocking of timber.

#### 2<sup>nd</sup> Day

Talk: Different materials for support, their strength and characteristics. Application. Fire danger from timber and cuttings.

Talk and practical work: Tools for timbering. Their selection care and maintenance. Sylvester prop withdrawal.

#### 3<sup>rd</sup> Day

Talk: Type of support in galleries and drives. Support of faulted, disturbed and weak ground. Clearing of falls of roof and erecting supports. Roof support. Side support.

Talk and Practical work: Talking Measurements for putting supports. Selection of timber size. Preparing lids. Lagging and packing.

#### 4<sup>th</sup> Day

Talk: System for support in depillaring area/stopes and longwall faces. Systematic Timbering Rules both in development and depillaring area.

Talk and practical work: Sawing of timber. Erection of shot props and cogs. Withdrawal of supports.

#### 5<sup>th</sup> Day

Talk: Type of supports in shafts (including sinking shafts), raises and winzes, repair of such supports, Erection of barricades. Erection of brattices and temporary stopping. Erection of fences.

Talk and practical work: Erection of talk ;props and cogs. Lagging of sides.

#### 6<sup>th</sup> Day

Talk: Maintenance of supports. Tightening. Testing of roofs and sides. Typical accident in timbering and to Timbermen.

Talk and practical work: Erection of timber on steep gradients and supporting irregular places. Miscellaneous jobs for Timbermen.

## **SIXTH SCHEDULE**

**(See Rule 13)**

*Course of Training in the handling and use of explosives.*

1st Day

Talk: What is an explosive? General composition of explosives. Difference between low and high explosives. Low explosives and their firing. Safety and its burning speed.

2<sup>nd</sup> Day

Talk: High explosive, their detonation. Electric shotfiring.

3<sup>rd</sup> Day

Talk: Dangers from explosive. Charging and firing of shots clearing of fumes produced during shotfiring.

4<sup>th</sup> Day

Talk: Dangers from blasting in gassy mines. Cracks in shot holes. Permitted explosives.

5<sup>th</sup> Day

Talk: Dangerous nature explosives. Care in handling explosives. Taking shelter. Storage of explosives on surface and belowground. Issue of explosives Return of unused explosives.

6<sup>th</sup> Day

Talk: General revision and discussion.

## **SEVENTH SCHEDULE**

**{See Rule (14)}**

### *Course of Training on short firing*

#### 1st Day

High and low explosive. Difference between them. Their constituents.

#### 2nd Day

Shot-firing accessories. Safety fuse and its burning speed. Detonators.

#### 3<sup>rd</sup> Day

Provision of regulations etc. relating to transport handling and use of explosives.

#### 4<sup>th</sup> Day

Storage of explosives, both above and belowground. Issue of explosives, Return of unused explosives.

#### 5<sup>th</sup> Day

Correct drilling and placing of shot holes, Charging and firing of shots. Blown out shots. Taking shelter.

#### 6<sup>th</sup> Day

Danger from explosives in gassy mines, permitted explosives, precautions during shot firing in gassy mines. Dangers from cracks in shot holes.

#### 7<sup>th</sup> Day

Dealing with misfire. Provisions of relating to duties of shot-fires.

#### 8<sup>th</sup> Day

Examination of working places and roadway after shot firing. Clearing roadways of dust and fumes after shot firing.

#### 9<sup>th</sup> Day

Firing of shots singly and in rounds. Use of delay action detonators. Testing of circuits.

#### 10<sup>th</sup> Day

Blasting with Ammonium Nitrate- Fuel Oil Explosive. Precautions.

#### 11<sup>th</sup> Day

Heavy blasting in opencast mines. Blasting with liquid Oxygen. Precautions.

#### 12<sup>th</sup> Day

General revision and discussion. Writing of reports.

## **EIGHTH SCHEDULE**

**(See Rule 17)**

*Course of Training in Gas-Testing.*

(Demonstration to be arranged with every talk and each talk to be followed by discussion. The duration of each talk and discussion to be not less than two hours.)

1st Talk:

Physical and chemical properties of inflammable gas Occurrence of inflammable gas. Gas outbursts. Danger from inflammable gas in different percentages. Difference between combustion and explosion.

2<sup>nd</sup> Talk

Other mine gases: their properties and effects. After damp, its composition and effects.

3<sup>rd</sup> Talk

What makes a safety lamp safe? Construction and assembly of safety lamps, both of flame and electric type. Care of safety lamps. Opening, cleaning, assembling and testing of safety lamps.

4<sup>th</sup> Talk

Methods of testing for inflammable gas with flame safety lamps. Gas caps. Accumulation and Percentage tests. Precautions where gas is present.

5<sup>th</sup> Talk

Provision of regulations relating to safety lamps, and to the presence of inflammable gas. Other means of testing for inflammable gas.

6<sup>th</sup> Talk

General revision and discussion.

## FORM- A

{See Rule 28 (1)}

Certificate of Training for employment in a mine on surface and in opencast working/belowground in non-gassy mine.

I, hereby certify that Shri/Shrimati ...S/o/D/o/W/o... Village ... Thana (police Station)... P.O. ...District...State... has between \*\*... duly undergone the training required under Chapter III of the Mines Vocational Training Rules, 1966, for employment in a mine on surface and in opencast workings\*/ and belowground in non-gassy/and gassy mines.

Space for affixing the  
Photograph of the  
Person trained.

Signed...

Date

Training Officer...

Mine/Training Centre

(Specify below whether non-gassy mine)

Signature of left hand thumb impression  
of the person trained ...

Date...

Counter signature of  
The Agent or Manager...

\*Delete whichever is not applicable.

\*\* Insert dates between which the training was undergone.

**FORM- B**

**{See Rule 28 (1)}**

*Certificate of refresher Training \*/Training of special categories of workmen.*

I, hereby certify that Shri/Shrimati ...S/o/D/o/W/o...Village...Thana(Police Station)...  
P.O...District...State...has between ...duly undergone the refresher \*\*/ special training required  
under Chapter IV\*/ Chapter V of the Mines Vocational Training, 1966, for ...\*\*\*

Space for affixing the  
Photograph of the person  
Trained

Date...

Signed...  
Training Officer  
...Mine/Training Center.

(Specify below whether non-gassy or Gassy mine)  
Signature of left hand thumb  
impression of the person trained...

Date

Counter Signature of  
the Agent or Manager ...

No,24/1/65-ML/

\*Delete whichever is not applicable.

\*\* Insert dates between which the training was undergone.

\*\*\* Specify here the refresher special training undergone.

**SCHEDULE XII  
FORM I**

- 1.0 Name of Center Code No. of the center  
 2.0 State & District in which it is situated. Notice of program of training during quarter ending ...199  
 3.0 Name of mines catered  
 4.0 Approximate no of students in each batch

No.of week	Actual date from-- to	Batch						
		Session	Category of worker	Type of course	schedule	Batch no.		
1.								
2.								
3.								
4.								
12.								

Note:

- 1.For Session Use M for morning, E for evening
2. category of workers-
3. Type of Course- Use B for basic, S for special, R for refresher

Signature of Training officer/ Inspector

Name in Block letters

Date...

## SCHEDULE - XII

### FORM- 2

Notice of Training program for ... Batch.

Category of workers:

Type of course:

Schedule:

Batch No.

From:                      To:    Hours of Session

Serial No.	Name of Mine	Name and surname of trainee	Designation

Signature of the Training Officer,  
Dated...



## SCHEDULE - XII

### FORM- 3

Category of Workers.

Name of Center ...

Type of Course ...

Location ...

Batch Number ...

Program Training Week during Ending ...

Particulars of session (Special hours)	Schedule & Talk Number.	Schedule & Talk Number	Schedule & Talk Number	Schedule & Talk Number	Schedule & Talk Number	Remarks.
First day of the week.						
Second day.						
Third Day						
Fourth Day						
Fifth Day						
Sixth Day						

Signature of Training Officer...

Name in Block Letters...

Date...

## SCHEDULE - XII

### FORM- 4

Name of the Center...

Code No. of the Center.

Address ...

Index No...

Owner...

### INDEX FOLDER

1.Name of the Trainee (in block letters	General Particulars	7. Photograph of the Trainee
2. Father's name:		Pass Port Size
3. Permanent Address:		
4.Date of birth :		
5. Educational standard :		8. Identification marks
6. Language known to.(Mention: speak, Read, Write, Follow etc		9. signature or Thumb Impression of the trainee.

## SCHEDULE - XII

### FORM- 5

1.Category of Workers:

2.Course: Register of Trainees attended V.T.Centre during...

3.Batch No. ... .. Training Center

4.Duration of course ... to.....

Serial No.	Name of Mine	Name & Surname of trainee	Designation	Index Number	Talk No... Session.. Date...	Total attendance	Passed or Failed.

Total No. Present.

## SCHEDULE - XII

### FORM - 6

*Performance Chart for Trainees.*

1. Name of the Center Code No. of Center
2. State and District in which it is situated Serial No. of Report..
3. Name of Mines catered:
4. Date of commencement of course: Year:
5. Date of completion of course :
6. Type of course:
7. Batch No.

Serial No.	Name & surname of trainee	Name of the Mine	Index Number	Certificate Number	Date of issue of certificate.

Signature of Training Officer,

Name in Block letters:

Date...

**SCHEDULE XII**

**FORM - 7**

1. Name of Center... Code No. of Center.
2. State/District in which it is situated
3. Names of Mines catered ... Progress Chart of the Training Center for Quarter Ending,,,,,

Sl.No	Category of worker	Type of course	Batch No.	Schedule	Date		Number of Trainees.			Remarks.
					Commencement of course	Completion of course	Enrolled in the batch	Completed the Course	Successful in test	

Batches where training is still in Progress are also to be shown. These may be repeated in the next Quarter.

Signature of Training Officer

Name in block letters.

Date.

## SCHEDULE -XII

### Form - 8

Notice of Opening/closing/Re-opening/Change of Name of Training Center (See Rule 18)

To  
The Chief Inspector of Mines, Dhanbad.  
The Regional Inspector of Mines, No..... Region...  
P.O... Dist....  
Date.

Sir,

I have to furnish the following particulars of ... (specify Opening/Closing/Re-opening/Change of name etc.) of ... Training Center.

#### I.Particulars of the Training Center

- (a) Name of the Center:
- (b) Location:
- (c) Post Office:
- (d) District:
- (e) State:
- (f) Group/ unit
- (g) Name of Mines catered :
- (h) Name and address of the Owner, Agent of the mine in which the center is situated.  
Owner  
Agent:

#### II. Date of Opening/Closing/Re-opening/Change of Name of Training Center.

#### III. In case of change of Name of Training Center:

(a) Old Name :

(b) New Name :

#### IV. In case of closure:

- (a) Period of closing.
- (b) Reason of closure:

Date .....

.Signature.....

Place.....

Name in Block Letter .....

\*These relate to the  
Particulars of the mine  
Where the center is situated.

Designation: Owner/Agent/Manager  
Power of Attorney holder.

**SCHEDULE XII**  
**FORM- 9**

To  
The Chief Inspector of Mines, Dhanbad.  
The Regional Inspector of Mines, No...Region...  
P.O... Dist...

Sir,

I have to furnish the following particulars of ...  
(Specify appointment/termination) of Training Officer/Inspector in respect of the following  
Center.

1. Particulars of the Training Center.

- (a) Name of Center:
- (b) Group/ Unit
- (c) Post Office
- (d) District
- (e) State:
- (f) Name of mines catered to :
- (g) Name and address of the owner and Agent of the mine in which the center is situated.

II. Appointment of Training Officer Instructor.

- A. (a) Name of person appointed;  
(b) Designation: Date of joining...  
(c) Qualifications:  
  
(i) Academic.....  
(ii) Name of Certificate and No.  
(iii) Experience:  
  
(d) Full-time/part time  
(e) Signature of person appointed....

B. Termination of appointment of Officials.

- (a) Name....
- (b) Designation...
- (c) Date of termination ...

\*Strike out item not applicable

Signature  
Name in Block letters  
Designation: Owner/Agent/manager  
Power of Attorney holder (These related  
to the mine where the center is situated.)

\*\*Particulars to be furnished separately for each Training Officer/ Inspector.

**SCHEDULE -- XII**  
**FORM - A**

Number...

This is to certify that Sri/Srimati ...

S/O, D/O,W/O... of Village... Thana... Post Office...

District... State... Employed in ... mines...

Having successfully undergone the training under Schedule Number... For above ground/opencast working/Metalliferous Mines/belowground in coal mine having seams of ..... degree of gassiness/belowground in Matalliferous mine notified by the Chief Inspector of Mines is awarded this CERTIFICATE. Class of worker...

Type of Course Basic/ Refresher Special

SIGNATURE OF TRAINING OFFICER

(Name in Block letters with date)

Training Center...

Date of Commencement Of Course

Registration No.of the Training center.

Index Card Number ...

Countersigned by .....

Space for Affixing photograph

Agent/ Manager...

... Mine

\*Delete whichever is not applicable

\*\*State degree of gassiness of the mine.

\*\*\* State nature of job.

Note: See overleaf for entries of the backside of the certificate.

(Back space of Certificate)



Particulars of previous training in chronological order.

Serial No.	Name & Registration Number of the Center	Class of worker	Type of course	Date of commencement	Certificate number.	Initial of Training Officer.

N.B.- According to the result of Tripartite meeting by the representatives of Owners, Labours and the Government held in 1071, the Schedule XII are being implemented the Vocational training centers in the mines although it is not enacted.

## SCHEDULE - XII

### SYLLABUS FOR JOB- TRAINING.

Duration Revised as per D.G's Cir.No.(Legis) 4 of 1975.

Note: The management may make additions and modifications to the recommended syllabus to suit the particular conditions of the mine, with prior intimation to the Chief Inspector.

The management shall, however propose for approval of the Chief Inspector, suitable syllabus in respect of class or kind of workers for which no syllabus has been recommended in Schedule xii. The duration of Basic/Refresher job training in respect of such class or kind of workers shall not be less than 18 days and 9 days respectively.

Sl.no.	Class of workers or Trades of Workers	Recommended Syllabus of Courses	No. of Days for basic training	No. of days of Refresher training
1	2	3	4	5
1.	Track layers	<p>Track, its purpose and components thereof, their use, size and use of rails, Fish plates, sleepers, nails, bolts and nuts, tie rods, beading of rails, carrying of materials and their storage. Track laying and proper ballasting and drainage. Laying of switches left hand and right hand turn outs, bypasses, curves, crossing (various types), fixing of rollers/pulleys and their maintenance. Grade of track, super elevation of curves, check rails, bending of rails in case of electric loco track, anchoring of track on steep gradients.</p> <p>Installation of Runaway switches, drop warricks, step blocks, jazz rails re-railers and other safety contrivances, signaling code, use of manholes.</p> <p>Dangers from runaway tubs, haulage, derailments. Dangers associated with track lying near waterlogged old workings and fire/explosion area, proper use of safety lamps, workmanship norms.</p> <p>Clearance between tracks and roadway sides governing the statutory requirement.</p>	24	12
2.	Ventilation (Bratticing Gang)	Purpose of ventilation, introduction to mode of occurrence of different gases and their physiological effects. Intakes, return,	18	9

		changes therein. Tools, Ventilation materials and appliances, air lock, doors, aircrossings, regulators, stopping. Erection and withdrawal of brattice and ventilation tubing airtighten as thereof, maintenance of brattices, erection of brattice at junctions. Ventilation of cavities. Testing of roof/sides before erecting brattices/ ventilation tubes. Ventilation arrangements in special circumstances, workmanship norms.		
3.	Attendants of fan (including auxiliary & booster fans.)	Construction of fan, its accessories, operation, voltage reading on switch board meters and watergauge. Danger board meters and watergauge. Danger from sparks, electrostatic charges, overheating of motors etc. no smoking in fan house/fan drift. Earthing of fan casing bedplates of motors. Lubrication, maintenance of starters. Fire fighting equipment, its use and storage. First aid In case of electric shock. Standing orders/Instructions in the event of stoppage of fan. Fencing. Dangers from lose outer clothing. Recirculation of air, dangers therein. Reversal of fan. Precaution against bad roof sides. Mine gases action in the event of detection of gas.	18	9
4	Persons employed on installation repair and maintenance of machines.	Duties, Tools, Preparation of site, Organisaion Requisition of materials Common troubles and remedies preventive maintenance schedules, Effect of moistures dust head of motors. Earthing General conditions in a mine. Signaling code, laying of signaling system, fire extinguishing materials equipment and their use. First aid in case of electric shock. Dangers from gas. Applicable regulations. Duties under emergency organisation.	24	12
5.	General Mazdoor	Persons employed in Bailing, transport of materials, line packing and cleaning etc. Drainage, Handling transport and storage of materials, house keeping cleaning of roadways and loading of collected waste etc. art of ballasting haulage track, signaling code, general precautions and applicable regulations.	18	9
6	Tyndals	Persons employed of lifting/transport/shifting of heavy materials and equipment duties. Lifting and handing tackles, art of lifting and handling materials with stress on personal safety, transport and manipulation of materials and machinery. Protective equipment, safety belt, boots, leg guard and helmet Signaling code, workmanship norms. Installations and shifting of pipes, cables, rope, buntions and other shaft equipment, switch gear, haulage coal- cutting machines,	25	18

		conveyor, motors pumps etc. Manipulation of wire rope during installation/ replacement.		
7.	Coal cutting/drilling machine crew.	<p>Details of machines and its operation, proper use and care of machine and cables, picks, bits, sharpening,, shaping, picks laying, oiling/greasing of various parts.</p> <p>Precautions against falls/gas/coal dust, wet cutting, drilling method, drilling pattern, common troubles and remedies. Dangers from cutting/ drilling in stone band, warning to persons, fleeting of coal cutting machine on gradient, keeping machinery reasonably free from dust. Applicable regulations.</p>	36	18
8	Attendants of Haulage/Conveyors.	<p>Details of machinery and its accessories, operating thereof, operation of voltage readings on switch-board meters if any, dangers from sparks, overheating of machinery. Lubrication, maintenance of starters, tools, brakes. Fire fighting equipment, its use and storage, first aid in case of electric shock. Earthing of bed plates of engine and motor, precautions in haulage room, fencing, dangers of lose outer clothing, emergency/personal light, signaling code including emergency etc, Code, hauling capacity, type of clutch condition of rope, indicators for travel of rope, speed at gradient and curves. Conveyor- type, use, spillage sequence control, dangers from stationary rollers, machinery to be kept reasonably free from Oil/grease and coal dust, Regulations.</p>	24	12
9	Cleaning/wetting /stone dust-barriers/ watering-gangs, stone-dusting.	<p>Coal dust, how produced, hazards such as fire, explosions and Pheumoconsis, purpose of cleaning and wetting/stone during. Tools, properties of various stone dust, wetting agents, Methods of wetting blasted Coal/roof/floor/sides of wetting supports etc. Quantity of stone dust required per unit length of roadways, frequency of dusting/art of stone dusting.</p> <p>Introduction to stone dust barriers, how to load shelves, quantity per shelf. Zones and sub-zones, collection samples along roadway, transport and storage of stone dust. Workmanship norms.</p>	24	12
10.	Stowing Gang	<p>Purpose of stowing materials stowing/packing, methods, tools and accessories their use, transport and storage, types of pipe &amp; their suitability for different locations, joints and packing, pipe layout, lying of pipelines.</p> <p>Sand and water ratio, pipe jams and how to</p>	24	12

		deal with them pipe cutting during stowing operations, erections and salvaging of barricades, stowing signals, stowing efficiency, pipe wear, safe wall thickness, how to test, method of changing/turning pipes.. Working of mixing chamber locations of leakage and jams rate of stowing, workmanship norms.		
11.	Pick Miners.	Tools- How to maintain them, art of cutting coal, method/ arrangement for coal cutting at height, stability thereof, Cutting of roof/floor/side coal cutting for footpaths manholes/drainage/ stopping etc. Method of carrying coal to the loading points without leaving behind the personal light, bit size lumps not to be handled or loaded, proper way to load tubs so as to give the required amount of coal per tub, handing and manipulation of tubs, dangers from overhangs, effects of band lighting and dust.. Dangers from electric cables, testing of roof & sides.	24	12
12.	Trammers.	Construction of tubs/coupling/attachments between a rope or locomotive and a tub or set or train of tubs etc./clips for endless, haulage, use thereof. Haulage contrivances and there operation, signals, signal code, short circuiting troubles there-in, use of manholes.  Uncontrolled movement of tubes and precautions, use of sprags and drag. Warning to persons likely to be endangered, coupling/ uncoupling on gradients, handling of tubs from and to cages, tipping of tubs, negotiating curves, curves, causes of derailments, rerailling of derailed tubs, marking on defective tubs, precautions while pushing/pulling the tubes, safety contrivances such as stop block runaway switch. Switches, jazz rails, re-railers, turnouts etc.	24	12
13.	Loaders.	How to use a shovel, shoveling of material in case of high heaps, big lumps not be carried or loaded into tubs, proper filling of baskets and tubs, dangers associated with entering disused/fenced workings, entering the site of blasting without the express instructions of shotfirer/ officials, not heeding to warning of impending collapse/airblast/bump, Not to dislodge supports while loading, robbing of pillars, overhangs effects of bad lighting & coal dust. Different ways of over gang baskets, workmanship norms.	24	12

14.	Crane Operators (including mobile crane operators)	<p>Description of Diesel and Petrol Engine and their starting. Type of ropes and relative strength. Correct Selection of Slings and securing heavy parts for lifting. Effect of group slope while lifting. Heavy parts and choosing correct angle of Crane Boom. Types of shackles and V Bolts and their use.</p> <p>Starting of Electric Motors and mechanism of transmission of Power. Speeds while travelling with leads up.</p> <p>Operation of different levels and lowering of materials.</p> <p>Proper signals and their correct interpretation. Inspection of crane, slings, shackles before starting work.</p> <p>Use of warning bells and application of safety device, emergency brakes.</p> <p>Bye laws in force.</p>	24	12
15.	Drill Operators.	<p>General Knowledge about Drilling Machines Diesel Engines, Electric Motors and compressors.</p> <p>Lubrication system of Diesel Engine and drill safety devices fitted on compressors, and their maintenance in safe working order, Location of faults in engine, compressors,</p> <p>Greasing different parts of machines, inspection of machine and power cables before starting work. Checking of water and oil temperature, minor repairs and adjustments and use of correct tools, Leveling of Drill Machines &amp; operation of different layers. Correct sequence of operation of different levers.</p> <p>Transmissions of compressed air from compressor to Drill head. Location of faults in running machines. Hydraulic system and its principle. setting up of drill machines on steep slopes.</p> <p>Selection of proper rotation speed and effect excessive speeds on bit life. Grinding machines and Grinding Wheels, Correct grinding of Bits. Different types of wear on bits and general precaution to bits life. Danger from working defective machines. Correct selection and use of tools. Dangers from loose house joints and defective Houses.</p>	36	12

		<p>Need of discipline and punctuality. Company's rules. Standing orders Bye-laws in force at the mine organisation and General safety.</p>		
16.	Loco Drivers.	<p>General Knowledge about Engine and electric motor. Transmission of power. Different Gears and relative speeds.</p> <p>Lubrication and cooling system of Diesel Engines. Different Types of Brakes and Basic principles. Sequence of starting. Locomotive Inspection of Locomotives before starting works. Minor repairs and adjustments to Brakes and it's checking. Use of correct tools Location of faults in Running Loco.</p> <p>Types of crossing and switch. Types of signals. Loco speeds in shunting operations and type of wagon couplings. Railway siding rules. Use of warning Bells and safety devices provided in Locomotion for safe operations.</p> <p>Types of fire extinguishers and their use. Danger due to overspeeding. Loose shunting General safety Marshalling Yard. Discipline and punctuality. Company's rules. Standing order. Bye-laws in force in Mine. Mine organisation and General Safety. Use of protective equipment. Duties of locodriver. Precaution in shunting operation. Loose shunting.</p>	36	18
17.	Dozer, Loader operators.	<p>Pay General knowledge of working parts in Dozers. Payloaders. <u>Different types of Generals a Transmission of power.</u></p> <p>Lubrication system. Battery and Dynamo connections. Location of fault in running equipment.</p> <p>Inspection of machine before starting works. Travelling speeds, steering mechanism Checking oil levels and water temperatures Road signs and working in congested places like stock piles, below dangerous overhangs,</p>	36	24

		<p>side clearance and over head clearances.</p> <p>Filling and Dozing of tracks, Dozing on down slopes. Toeing of Heavy trailers. Use of correct sling and links. Tightening of loose Nuts and Bolts and use of correct tools. Parking of Dozers. Risks involved in working on defective machine and safety precautions in Dozing near Banks, Bench edges, Bye - laws in force.</p>		
18.	Dumper Operators.	<p>General knowledge about Diesel and petrol engines and their working parts. Different types of gears and transmission of power. Hydraulic system in Dumpers. Need of proper Lubrication and its checks. Correct Air pressure in tyres and its effect on life of tyres. Different levers provided in Dumpers. Correct sequence of starting and stopping engine. Lifting jacks. Engine cooling system, Detection of faults in running (Dumper) Engine. Brakes and its principle. Correct application of Brakes and use of other safety devices provided.</p> <p>Driving Rules. Road signs and signals. Defective driving precautions at Tipping points and correct placing of Dumpers at shovels. General inspection of Dumpers before starting work and precise reporting of any defect found during operation Parking of Dumpers. Emergency Brakes. Danger in driving defective Dumpers, dangers in overspeeding. Use of Re-tarders of down slopes. Bye laws in force.</p>	36	24
19.	Shovel Operators.	<p>General knowledge about various working parts in a Shovel like Diesel Engines, Motors Generators. Transformers. Principles of friction. Different types of Ropes, clutch, and Brakes. Different operating levers, steering mechanism in shovels and steering shovels on slopes. Crawling speeds and precaution during crawling on slopes, Minor adjustment to Brake and Clutch. Bands and use of correct tools. Greasing and oiling of different parts. Periodical checking of lubricating oil, Water temperature in Diesel operated shovels.</p> <p>Correct sequence of operation and dangers involved in running defective machine and Safety Precautions. Protective devices as Electrical units, their working and re-setting the same, Importance of earthing electrical motors, Generators, Transformers and other apparatus. Minimum working voltage and maximum working currents.</p>	36	24



		Danger from defective electric cables and careless handling of electric cables, Correct method of operation and its effect on efficiency. Safety precautions and use of safety devices provided in shovel. Danger from Explosives digging in vicinity of Misfired shots. Bylaws in force.		
20.	Persons employed in management of materials ( Stores)	Proper stocking of materials, storage of inflammable materials like. Acids, Belt, Solution, Grease, Oil Handling of Heavy parts, types of slings, ropes and their correct application and code of signals. Storage of Electric motors Batteries. Types and other articles which may deteriorate due to improper storing in humid Atmosphere. Need of good house keeping.  Dangers from naked light. Types of Fire Extinguishers and their proper use. Danger from inadequate lighting, storage of materials in piles, using of Gas Cylinder ( for welding.)	24	12
21.	Welders & Gas Cutters.	Basic principle of Gas and Arc welding. Various forms of welding. Ways and means of avoiding slag inclusion. Stresses induced due to welding. Regulating the medium of welding according to the needs. Detecting and avoiding defects arising out of improper welding on steel, Aluminum, Brass and cast Iron.  Selections of correct welding equipment, pressure welding rods. Drazing of non-ferrous materials like copper, Brass, tubes, Inherent dangers in job and safety precaution. Use of correct tools. Safety precautions while welding in confined places like crusher bottoms and fuel tanks. Welding in shafts and working belowground, precaution, use of protective equipment.	36	24
22.	Fitter Helpers.	Different types of spanners and their use. Types of jacks (Mechanical and Hydraulic) Greasing and oiling of machine parts Cleaning of welding surfaces. Identification of various Lubrication and other oils Handling of wire ropes, slings, and correct applications. Risks involved in use of wrong tools. Wrong Lubrication and working on running engines, flywheels and Belts and precautions.	36	18
23.	Fitters. Electricians etc.	Management may propose Syllabus as period requirements allotted.	70	36
24.	Members of a Team/Composite group of workers.	Where any worker performs the job related to more than one class/king of workers, he shall undergo the job training for the specified number of days for each of such class/kind of worker.	See Syllabus	

**ANNEXURE - 'G'**  
**On the Job Training For Apprentices**

**Outside Apprenticeship Act.**

**General:**

1. *Scheme:*

Apprentices are appointed in the Company outside Trade Apprenticeship Act, 1951 mostly for acquisition of surface land for Mining purpose and due to voluntary retirement and other schemes. Such Apprentice is now generally taken for a period of one year under certain terms and conditions. They have to be given exhaustive "On The Job" Training in various identified trades in order to utilise them against natural wastage of manpower in the company. In this connection, reference is invited to the letter No.ECL/HQ/CPO/C-6B/80/154 dated 23<sup>rd</sup>/26<sup>th</sup> February 1980 from the Chief Personnel officer, Sanctoria.

1. Areas Identified For Training :

AREA	SUB- AREA
(A) Conventional/Longwal/Mining	(h) As Mining Sirdar Asst. in Longwall faces. (ii) As ventilation Asst. (iii) As machinist/Fitter Helper. (iv) As Electrician Helper. (v) As stowing Mazdoor/Asst. (vi) As support Man. (vii) As conveyor Fitter Helper. (viii) As Multi-skilled face worker. (ix) As Dusting and sampling Organisation Mazdoor. (x) A Civil Engineering Underground Organisation Mazdoor.
(b) Scraper Mining	(i) As Mining Sirdar Asst. In scraper faces. (ii) As Multi-skilled face worker. (iii) As Conveyor/Haulage Fitter helper. (iv) As solid Blasting Mazdoor.
(c) Opencast Mining	(j) As Auto-Fitter Helper. (ii) As Auto-Electrician Helper. (iii) As Lubricating Asst. (iv) As Dumper/Dozer/Shovel Operator/Drill Operator Helper. (v) As workshop Fitter-helper. (vi) As Mining Sirdar Asst. in opencast Benches.
(d) Mine Surveying	(i) As survey Mazdoor. (ii) As Chainman. (iii) As Tracer. (iv) As Draughtsmen.

(e) Office Management.	(i) As General clerk. (ii) As P.F.Clerk. (iii) As Bill clerk. (iv) As pay clerk. (v) As Stenographer/Typist. (vi) As Judicial/Law Asst.
(f) Boiler maintenance	(i) As Boiler Attendant. (ii) As Boiler Fitter Helper.
(g) Vertical Transport maintenance	(i) As Winding Engine Fitter Helper (ii) As Winding Engine Operator Asst. (iii) As suspension Gear Fitter Helper. (iv) As Shaft fitting Fitter Helper. (v) As Welder Helper.
(h) Horizontal Transport Maintenance	(i) As Haulage Fitter Helper. (ii) As Rope technician Asst. (iii) As Haulage safety devices Fitter Helper. (iv) As Conveyor Fitter/Operator Asst. (v) As TrackLayer.
(i) Mining Machinery Maintenance	(i) As Fitter helper. (ii) As Electrician Helper. (iii) As Welder Helper.
(j) Blasting	(i) As explosive Carrier. (ii) As Clay Cartridge Mazdoor. (iii) As Magazine Asst. Mazdoor. (iv) As Driller. (v) As water spray/Stone dusting Mazdoor. (vi) As Shotfiring asst.
(k) Health and Sanitation.	(i) As Dresser Asst. (ii) As Compounder Asst. (iii) As staff Nurse Asst. (iv) As Health /Sanitation Asst. (v) As vaccinator Asst. (vi) As X-ray, ECG, Health Laboratory Equipment Asst. (vii) As Clinical Laboratory Asst. (viii) As Sweeping Asst.
(l) Laboratory.	(i) As Analyst/Chemist Asst. (ii) As Laboratory Asst. (iii) As Laboratory Clerk.
(m) Tele-communication.	(i) As Telephone Operator Asst. (ii) As Telephone Mechanic Asst. (iii) As lineman.
(n) Motor Vehicles.	(j) As Motor Mechanic/Driver-Helper or Khalasi.
(o) Coal/Sand Loading, Dumping.	(i) As U.G Loader. (ii) As Sand Gatherer/Dumper/Loader. (iii) As Pit Munshi Asst.

The above identified Areas and Sub-Areas may be covered by the appointed apprentices in the following trades qualification wise, age-wise gender wise.

<b>Trades</b>	<b>Qualifications</b>	<b>Age Group</b>	<b>Male/Female</b>
(1) Mining	B.Sc.H.S.(Sc.)	18-30 years	Male.
(2) Surveying	H.S.(Sc.)Land Sursveyor, Civil Draughtsman.	18- 30 years	Male
(3) Commercial	S.F.(Hu),H,S.(Ha)B.A. B.Com, LLB, Typist.	18- 35 years	Male and Female.
(4) Mechanical	H.S.(Sc),S.F.(Sc) L.M.E.and aboveClass VIII.	-do-	- do -
(5) Electrical	S.F.(Sc),H.S.(Sc) L.E.E.and above ClassVIII.	-do-	-do-
(6) HEMM	H.S.(sc) B..Sc.L.M.E., L.E.E.and above Class VIII.	-do-	-do-
(7) Para-Medical	H.S.,B.Sc.(Bio), SF and above ClassVIII	-do-	Male and Female.
(8) Telecommunication	S.F.,H.S.(Sc)and below class VIII	-do-	-do-
(9)Laboratory	H.S.(Sc),B.Sc. B.Sc(Bio).	-do-	-do-
(10) Automobile	S.F.and above Class VIII.	-do-	Male.
(11) Loading	Below Class VIII and Illiterates.	-do-	-do-

### *3. Recruitment & Allotment of Trades:*

An Expert Committee consisting of:

- (i) Representative of G.M, All Areas.
- (ii) (ii) Representative of Personnel Dept. of Hqrs.
- (iii) (iii) Representative of the Department al Head of Hqrs.
- (iv) (iv) Representative of GM (Training).

Which may be subjected to be changed suitably if deemed necessary will be formed by the Area Training Officer and this committee so formed at the Area level of the Company will assess the candidature of the recruited apprentices by the personnel Dept. This Committee will allot particular trade to the Apprentice (s) Specifying Area and Sub-Areas of deployment as identified in relation to the need of the company. Appointment letter preferably of the proforma as in Schedule 'A' is to be issued to the candidates. On joining, the candidate shall submit a joining report to the Manager/Agent Colliery/Project along with three copies of bio-data forms as Schedule 'B'. On receiving bio-data forms at the Area level, these require to be distributed to G.M.(Training), Hqrs. Personnel Manager of the Area, Colliery Manager for record.

### *4. Master Register:*

One Master Register shall be maintained detailing all the requisite of the bio-data from at the Colliery level, area Level and Hqrs.(Training) level, During official inspection, officers of the Hqrs. Training may demand the same.

#### 5. Duration:

The duration of the training period as Apprentices will normally be for one year, which may be extended to further six months. After the expiry of the Apprenticeship period, the apprentice will continue their training for 2 to 3 years till they are competent enough had develop sufficient skill up responsible assignments.

#### 6. Training Hours:

Apprentices will be exposed to (a) 5- days 'On the Job Training' at the colliery/ project under the guidance of Training Guide/ Asst. Manager/Engineer (b)1-day class room theoretical training at Regional Training Institutes, Poniat/Burradhem or at V.T.. Centers of Mining Training Institute, Poniat. It will take little bit time to cater theoretical training at these Institutes which under consideration of the Training Wing of E.C.L.

#### 2. Training period Break Down :

(a) Total Training Days available	312
(b) Initial General Vocational Training under V.T.Rule 6 as per Schedule C.	30
(c) Class Room Induction Training days at V.T. Centers as per Schedule D.	5
(d) Class Room Training for First Aid to the standard of St.John Ambulance Association as per Schedule E at the V.T.Center.	5
(e) Class Room Training for Gas Testing vide V.T.Rule 17 and as per Schedule F at the V.T.Center.	6
(f) Class Room Theoretical Training one day/week as per block Syllabus Schedule G (to be provided at the Inst.)	40
(g) 'On the job Training' Days as per Syllabus Schedule H.	226.

The total training period does not include days for leave/sick/ holidays.

Female Apprentices recruited under this scheme may be given only training under V.T.Rule 6 (l). Induction training, First Aid training at the V.T.Centres and 'On The Job Training'.

#### 8. Maintenance of Diary :

The apprentices should maintain a diary as per schedule HH of their practical training. Maintenance of a Diary for everyday of their work is necessary to enable the apprentices to know the program of their work to get proper guidance from their supervisors/Engineers/managers/ Training Guides in their respective discipline/trades allotted to them. The Diary is to be filled in duplicate one for the Office Manager/ Training guides, one for the office of the Area Training Officer.

In addition, the Apprentices should maintain Diary of the daily work in detail in a book kept in their possession, which may require to be produced before the Officer of the Training Department during inspection.

#### 9. Trade Test or Suitability Test :

Trade Test shall be conducted one month before the completion of training. The above test in the form of aptitude test/viva voice will be conducted by the Area Training Officer with the guidance of same Committee as in para 3.

**Basis of Assessment:**

(1) Report form the Manager	25
(2) Report form V.T. Manager.	25 qualified marks-40.
(3) Viva-voice/Aptitude Test	50

The final report of the assessment shall be forwarded by the Area Training Officer to the personnel Department for necessary action.

*10. Scope and Standard of General Vocational Training at V.T.Centre.*

**V.T.Rule- 6.**

Every person proposed to be employed in a mine on the surface or in open cast workings other than a person who has held any such previous employment shall before he is so employed under-go a course of theoretical and gallery training as specified in the First Schedule provided that in respect of such class or kind of work as the DGMS may, from time to time, by notification specify every person proposed to be employed thereto shall before he is so employed undergo a further course of practical training on actual operations for a period of not less than 12 working days.

(2) Every person proposed to be employed below ground in a mine (other than a person who has held any such previous employment) shall before he is so employed undergo :-

- (a) A course of theoretical and gallery training as specified in the second Schedule and
- (b) A course of Practical training on actual operations for a period of not less than 12 working days.

Provided that every such person proposed to be employed in a mine wherein safety lamps are required to be used (hereinafter called gassy mine) shall before he is so employed, undergo a further course of training about the dangers of inflammable gas and method of dealing with the same as specified in the Third Schedule.

*11. Induction Training :*

A schedule in Schedule J is appended which is to be followed for 5 days Induction Training at the V.T.Centres. Faculty Members for conducting the above course shall be paid honorarium by the V.T.Manager from the V.T.Budget. On completion of the program, a report shall be made to the General Manager (Training).

*12. Absorption as Employee :*

As and when an apprentice under this scheme is absorbed as an employee, a report in writing by the Personnel Dept. At the Area level is to be made to the G.M. (Training) & P.M. Man-power cell Hqrs. For their record starting the capacity and place of posting.

*13. Training in First-Aid.*

On completion of First-Aid training as per schedule E, V.T. Manager shall arrange in collaboration with Colliery Medical Officer for their examination in First-Aid with Department of DGMS, Sitarampur or with St.John Ambulance Association, Before the apprentices complete their training, they are definitely required to pass the above examination. Faculty cost for conducting the above training shall be borne from the training budget of the colliery.

14. *Training in Gas Testing:*

On completion of the Class Room Training on Gas Testing as per Schedule F, the Apprentices required to possess the Gas Testing Certificate shall appear at the Gas Testing Examination under Mines Act, 1952 which will be organised by the VT Manager at his V.T.Centre, Even if it required to conduct tutorial classes for the purpose, VT Manager shall arrange the same. Faculty cost for conducting the above training shall be borne from the training budget of the colliery.

15. *Class Room Theoretical Training :*

Class Room Training on theoretical subject as per Block Schedule G shall be conducted at Mining Training School, Ponati, Regional Training Institute, Ponati / Burradhemo. On request from the Principal of the above Institute, The Area. Training Officer shall sponsor candidates for the above training 1-day/week 40-class days having two sessions/day in a year will be arranged by the above Institute. Candidates having Automobile trade will be sent to Local Automobile Training School for theoretical training by the Area Training Officer. Finance for such training will be borne by the Area from their training budget. Candidates of telecommunication trade shall seek the theoretical training conducted by the telecommunication dept. At Hqrs. for which Area Training Officer shall make necessary arrangement. For the time being no theoretical training for the candidates having para-medical, Laboratory, Loading trades can be arranged. They shall week only 'On the Job Training.

16. *On the Job Training.'*

Training Guide/ Asst. Manager/Engineer shall guide the trainees to secure effective training as per Block Syllabus Schedule II.

**SCHEDULE - 'A'**

**EASTERN COALFIELDS LIMITED.**

(A subsidiary of Coal India Limited)

**OFFICE OF THE GENERAL MANAGER/PROJECT OFFICER----- AREA/PROJECT**

**P.O. ----- Dist.----- Pin-----**

Sub: Scheme for engagement as Apprentice under Land Loser's Scheme vide Circular No-----  
Dated-----

To  
Sri  
S/O

Village-----P.O.-----

Dist.-----State -----

Dear Sir,

In pursuance of the above scheme of the Company, the undersigned is pleased to offer you an appointment as ----- Apprentice in this Organisation on the following terms and

conditions specially in the development. Area/Sub-Area ----- Colliery/Workshop from -  
-----.

1. That you will work as a ----- apprentice for a period of one year.
2. That you will be paid a consolidated stipend of Rs.130/- (Rupees one hundred and thirty only) per month.
3. That after satisfactory completion of your apprenticeship period you will have to appear before the Selection Committee for a trade test for consideration of your absorption as -----  
-----.
4. That if during the above period of apprenticeship, your performance, behavior and attitude are not found satisfactory, your appointment will be terminated without any notice and without assigning any reason whatsoever.
5. That you will to make your own arrangement on accommodation for which you will not be entitled for any house rent.
6. That you are not entitled to any benefits engaged by the employees of Eastern Coalfields Limited.
7. That you are subject to transfer for posting in any of the colliery/workshop of the company.
8. That this appointment will be subject to your being found medically fit by our medical officer,--  
-----
9. That you will surrender your Employment Exchange Registration card to the undersigned for return to the Employment Exchange Officer.
- 10, That in case of any dispute arisen about the ownership of the land, your appointment as Apprentice will immediately be suspended till firm settlement of the dispute.
- .
11. That during the above apprenticeship period, you will not be entitled to join any other. In Company/Out Company training program unless deems it necessary by the training department.
12. that any leave/sick granted to you will be at the discretion of the management.
10. 13. That you are required to report to the Agent/ Manager,-----Colliery/Workshop at 8.00 A.M. on ----- for 'On the Job' training under the Training Guide/ Asst. Manager/ Engineer strictly adhering to the block syllabus Schedule ----- of the training plan. Therefore, you are required to report he Manager. ----- Vocational Training Center for Initial/General Vocational training under Mines Rules and Induction Training.

If the above terms and conditions acceptable to you, you are to give in writing stating the date of joining and fill (in the attached bio-data form in triplicate).

Signature of the General Manager/ Project Officer.



JOINING REPORT

To  
The General Manager,  
-----Area.

(THROUGH PROPER CHANNELS)

Dear Sir,

Under reference to your appointment offer No.----- dated ----- I hereby solemnly declare that I shall abide by the terms and conditions stated therein. I am joining on the forenoon/afternoon of dated... At ... Colliery as ... Apprentice. Three copies of filled in Bio-data from a duty verified by the Manager ... Colliery/Project are being sent to you for reference to my service file.

Date ...

Signature of the Apprentice.

c.c.

1. Personnel Manager----- Area/Project.
2. Agent/ Manager -----Colliery/ Project.
3. Area Safety-cum- Training Officer----- Area.
4. Finance Manager -----Area/Project.
5. Manpower Cell, ECL.Hqrs, Sanctoria.
6. General Manager (Training), M.T.I. Ratibati.
7. Service File.
8. Office file.
9. Regional Employment Exchange-with a request to note that Sri -----regd.No. -----  
----- Has been recruited as -----from -----.

## SCHEDULE 'B- I'

### BIO - DATA FORM

1. Name ( In Block letters)
2. Father's Name
3. Name and address of the owner of the land Purchased by the Company.
4. Trade Area of Deployment
5. Qualification
6. Place of Posting
7. Date of Joining
8. Date of Completion of training.
9. Whether SC/ST
10. If absorbed, capacity and place of posting.
11. Staff No./Unique Man No.(If any)
12. Scheme under which recruitment is made
13. Employment Exchange Regd.No.
14. Specimen Signature.

## SCHEDULE - C- I

### *First Schedule under V.T.Rule 6(1)*

Course of Theoretical and Gallery training for surface and opencast Workers.

1st Day (Surface)

Talk: Organisation time keeping, the need for discipline and punctuality, other matters of general interest.

Training in first aid.

Visit: Attendance room, pit head bath, canteen, Rest Shelter Crèche.

2<sup>nd</sup> Day (surface)

Talk: Rules. Standing orders etc. in force at the mine, safety in the vicinity of surface machinery.

Training in first aid:

Visit: Tramways and sidings, Haulage rooms, winding room, Boilers Electrical Gears, Workshop.

3<sup>rd</sup> Day : (Surface)

Talk: Benching in quarries, Dressing of overhangs, Fencing, First aid and Hygiene.

Training in first aid.

Visit: Quarries, Medical Centers.

Practical work: Tub Manipulation, coupling tramming, lockering, re-railing of tubs.

4<sup>th</sup> Day (Surface):

Talk: Shotfiring and Safety regulations.

Training in first aid.

Visit: Practical demonstration of taking shelter etc.

Practical work: Building of sand bags stopping.

5<sup>th</sup> Day: Talk: Legislation and duties of work persons.

Training in first aid.

Visit: "What 's wrong?"

Practical work: Laying of tracks.

6<sup>th</sup> Day:

Talk: Mine Official and their duties, Oral test.

## **SCHEDULE - C -II**

*Under 2<sup>nd</sup> Schedule of V.T.Rule (2) aa :*

Course of Theoretical and Gallery training for workers belowground.

1st Day:

Talk: Method of transport belowground, signaling, man holes and other safety appliances on haulage roads.

Training in first aid

Visit: Underground pit bottom, travelling road-way, second outlet, haulage and tramming roadways, stations and fencing belowground.

Practical work: Tub manipulation, coupling, tramming lockering, re-railing of tubs and signaling, laying of pipes and track.

2<sup>nd</sup> Day:

Talk: Face work, roof control, testing of roof, support, regulations, first aids any Hygiene.

Training in first aid:

Visit: Underground working face, underground latrines, first aid stations.

Practical work: Prop-setting, chock building and withdrawal.

3<sup>rd</sup> Day:

Talk: Ventilation, Lighting, Legislation and duties of work persons.

Training in first aid:

Visit: Underground ventilation and lighting devices, Fan house, air crossing, stopping regulator doors etc.

Practical work: Erecting brattices, ventilation of blind ends, practical demonstration of fire fighting device, detection of noxious gases.

4<sup>th</sup> Day:

Talk: Shotfiring and safety regulations, Causes and preventing of fire underground, care of lamps.

Training in first aid:

Visit: underground practical demonstration of taking shelter etc.

Practical work: Building of sand bag stopping.

5<sup>th</sup> Day:

Talk: Mine gases (particularly carbon monoxide, carbondioxide and methane) and dangers therefrom testing for the same or, General revision.

Training in First aid:

Practical work: Cleaning of galleries.

6<sup>th</sup> Day: Talk: Mine official and their duties, oral test.

Visit: Underground "What's wrong"?

## SCHEDULE - C - III

*Third Schedule under V.T. Rule (2) b:*

Course of special additional training for entrants to gassy mines.

1st Day:

Talk: Dangers of inflammable gas: Effects of inflammable gas in different percentages. Gas caps, Difference between combustion and explosion. After damp-its effect Method of testing for inflammable gas with flame safety lamp.

Demonstration: Gas caps. Difference between combustion and explosion.

Visit: Visit to safety lamp cabin to see how lamps are maintained, cleaned etc. and to study construction of safety lamps.

2<sup>nd</sup> Day:

Talk: Principle of construction of flame safety lamps and of flameproof electrical equipment. Assemblies of flame safety lamps. Care of safety lamps during use. Dangers of opening or tampering with safety lamp.

Demonstration: Effects of wire gauge on flame.

Practical work: Testing for gas.

Visit: Visit to workshop to see flame -proof equipment.

3<sup>rd</sup> Day:

Talk: Duties of workers in gassy mine and where inflammable gas exists, Dangers of smoking, Contrabands.

Visit: Visit (1) to lamp cabin to see arrangements for checking lamps before issue and after receipt and (2) to the mine entrances to see arrangement for checking safety lamps and for searching of contrabands.

Practical work: Cleaning and assembling safety lamps.

4<sup>th</sup> Day:

Talk: Explosion and health hazards from dust. Methods of suppressing dust. Water spraying. Cleaning and stone dusting wet cutting. Wet drilling. Use of respirators. Occurrences of inflammable gas. Methods of removing gas. Necessity for good ventilation at the face. Ventilation devices.

Visit: Underground visit to see dust suppression arrangements and measures. Surface and underground visit to see ventilation devices. Practical work: Erection of bratices. Ventilation of blind ends.

5<sup>th</sup> Day:

Talk: Dangers of shotfiring in gassy mines. Precaution. Underground visit to see shotfiring.

6<sup>th</sup> Day:

General revision. Oral test.

## SCHEDULE - 'D'

### CLASS ROOM INDUCTION TRAINING

Venue: Vocational Training Center

Days: (five)

I	1st session	2 <sup>nd</sup> session	3 <sup>rd</sup> session	4 <sup>th</sup> session
1st day	Organisaion in ECL the Area level.	Roll & functions of different departments/	Safety in Mining.	Safety in Mining.
2 <sup>nd</sup> day	Disciplinary procedure.	Disciplinary procedure.	Productivity	Film show in material handling.
3 <sup>rd</sup> day	Self development	Communication.	Class study in communication.	Film show in F.Aid.
4thday	Cost consciousness.	Morale with motivation.	Duties of individual.	Duties of individual/
5 <sup>th</sup> Day	Vital provisions of CMR,M/ACT.	Vital provisions of M. Rules etc.	Film show in F. Aid.	Film show in F.Aid.

Note: Each session shall be of 90 (ninety) Minutes duration.

## SCHEDULE - 'E'

### FIRST AID

Venue Vocational Training Centers.

	1st session	2 <sup>nd</sup> session	3 <sup>rd</sup> session	4 <sup>th</sup> session.
1st day.	Structure & Function of body.	Burns & Scales	Practice.	Practice.
2 <sup>nd</sup> day.	Blood circulation, wounds & Haemorrhage.	Bandages, splints etc.	Practice.	Practice.
3 <sup>rd</sup> day.	Fractures, shock & unconsciousness.	Transport of injured persons.	Practice.	Practice.
4 <sup>th</sup> day.	Respiration Mine	Artificial	Practice.	Practice.

	gas poisoning.	Respiration & Mine Diseases.		
5 <sup>th</sup> day.	Examination.			

*Note: each session is of 90 (Ninety) minutes' duration*

## **SCHEDULE -'F'**

*Eighth Schedule under V.T.Rule 17.*

### **COURSE OF TRAINING IN GAS TESTING**

(Demonstration to be arranged with every talk and each talk to be followed by discussion. The duration of each talk and discussion to be not less than two hours.)

1st day talk:

Physical and chemical properties of inflammable gas. Occurrence of inflammable gas. Gas outbursts. Dangers from inflammable gas in different percentages. Difference between combustion and explosion.

2<sup>nd</sup> day talk :

Other mine gases. Their properties and effects. After damp its composition and effects.

3<sup>rd</sup> day talk "

What makes a safety lamp safe ? Construction and assembly of safety lamps, both of flame and electric type. Care of safety lamps. Opening, cleaning, assembling and testing of safety lamps.

4<sup>th</sup> day.

Methods of testing for inflammable gas with flame safety lamps. Gas caps. Accumulation and percentage tests. Precautions where gas present.

5<sup>th</sup> day.

Provisions of regulations relating to safety lamps, and to the presence of inflammable gas. Other means of testing for inflammable gas.

6<sup>th</sup> day talk:

General revision and discussion.

**SCHEDULE - 'H-I'**

**BLOCK SYLLABOUS FOR "ON THE JOB TRAINING '**

**TRADE: MINING.**

Sl.No.	Code	Composition	Days.
1.	MIN/a General Mining	(a) Study of plans, geology of the Areas no. of Coal Seams.  (b) Aquatinting with surface features. (c) Accompanying Overman/M.Sirdar on their routine inspection and aquatinting with the mine workings.	20 days.
2.	MIN/b Mine Surveying.	(a) Preparation and tracing of different Mines plans. (b) (b) Practical surveying & leveling with surveying instrument & office calculation. (c) (c) Coal depot measurement, overburden measurement and gallery marking.	20 days.
3.	MIN/c Explosive & shotfiring.	(a) Study of explosive used in the mines magazine, keeping Reserve station, Blasting efficiency, precautions against pilferage & wastage. (b) Asst. to shotfirer, studying blasting operation, Misfired shots. (c) Study of shotfiring tools exploders. (d) Blasting in stone drifts inking shafts, opencast blasting, blasting off the solid. (e) (e) Pattern of shot holes, drilling & blasting.	20 days.
4.	MIN/d Timbering & Bratticing.	(a) With timber crew- setting of props, logs and bars, systematic timbering rules, withdrawal of supports. (b) (b) Timbering and special methods of supporting weak grounds, wide junctions, Incline months. (c) (c) Bratticing at the face, its transport underground.	20 days.
5.	MIN.e Bord & pillar Development.	(d) (a) Study of plans, panel system of development workings, driving of galleries, under cutting by C.C.Machine.	20 days.
6.	MIN/f Depillaring.	(a) A study of the plan of the depillaring area, size of the panel and its barrier, building of isolation stopping, arrangements of tracks, Sequence of pillar extraction and line of face. (b) Splitting of pillars, methods of extraction, stocking and slicing methods.	30 days.



		(c) Stowing in all details, surveying prevention of robbing, drainage.	
7.	MIN/g Longwall Mining.	Layout of longwall district cycle of operation, blasting pattern, Gate roadways, system of supports, breakage of roof.	20 days,
8.	MIN/h scraper, Mining.	Layout of scraper mining operation, scraper haulage multi-skilled workers cycle of operation,	10 days.
9.	MIN/i Opencast Mining.	(a) Layout of meachanised O.C.P., O.C. Machaneries. Organisation, Coal overburden ratio.	20 days.
10.	MIN/j Ventilation & Mine Gass.	(a) Ventilation surveying, Aircrossing, stone dust barriers, stone dusting Mine air sampling, Mine dust sampling quantity of air V.E.Q. degree of gassiness detection, determination & removal of inflammable and noxious gases, Fire fighting organisation, emergency organisation standing orders.	36 days.
11.	MIN/k Underground Transport & power.	The horizontal and vertical transport system from the coalface to the siding. Distribution of powers, water percolation, and pumping system of the mine.	10days.
12.	MIN/l workshop.	Heat treatment of diff. mining equipment, smithy shop, repair jobs of pumps, motors etc.	10 days.
			226 days.

### SCHEDULE - 'H-H'

#### BLOCK SYLLABUS FOR 'ON THE JOB TRAINING'

TRADE: SURVEYING.

Sl.No.	Code	Composition
1.	Surv/a General	Measurement of coal/overburden. Office calculation. Preparation plans & sections, tracing, use of plannimeter, use-of different scales etc. Enlargement, Reduction & copying of plans. Study of buildings, fan drift, surface structure sinking shaft haulage and winding engine installation, water reservoir and sand bunker construction and stowing plant layout.
2.	Surv/b Chain surveying,	Use of diff. kinds of chains & tapes requisites of chain surveying. Reconnaissance, selection of stations, carrying out chain triangulation, offsetting, booking, plotting from the field book, limits of error..
3.	Surv/c Dial Surveying.	Use of diff. types of dial, how to read vernier scale, centering, leveling construction of vernier Dial, carrying out Dial survey on the surface as well as underground loose needle/ fixed needle surveying. Different methods

		of fixed needle surveying. Study of advantage, and disadvantages. Borehole & shaft surveying. Extension of center and grade lines. Booking and plotting Test, care, maintenance and adjustments of dial. Limits or error.
4.	Surv/d Theodolite surveying.	Use of different kinds of theodolites. Care and maintenance. Test and adjustment, diff. Methods of surveying with theodolite and their advantages and disadvantages, calculation and use of rectangular co-ordinates and computation. Limit of error.
5.	Surv/e Triangulation Surveying.	Purpose, principles involved, methods of measuring angles study of diff. meridian, declination, dip of the needle.
6.	Surv/f True North determination.	True north line of the colliery. Study of different star, determination of the true north line etc.
7.	Surv/g Levelling & countouring.	Study of diff. Leveling Instruments & metric staff. Their care & maintenance, test and adjustment. Carrying out surface and underground leveling work. Spot determination of gradient. Calculations of cutting,filling roof ripping. Diff. Methods of contouring, preparation of contour map, subsidence survey, H.F.L. survey, water danger plan etc, Limits of error.
8.	Surv/h Plane Table Surveying.	Study of plane table surveying. Different methods involved. Carrying out plane TABLE SURVEYING. Study of cadestral maps. Geological maps etc.
9.	Surv/hh Correlation	Different methods of correlation survey. Its accuracy, determination U/G Benchmark. Trijunction pillar.
10.	Surv/j Miscellaneous.	Tachometric survey, Curve laying pit top and pit bottom layout. Drainage system of the colliery, construction of buildings, dams and civil engineering works.

**SCHEDULE - 'H-III'**

**TRADE : COMMERCIAL**

Sl.No.	Code	Subject	Days.
1.	G.Com/a	Recording and Filing, Exercise on Maintenance of records, filing system of our organisation.	25 days.
2.	G.Com/b	Mail handling & correspondence, Exercise on main handling and correspondence maintaining Registers- Diary and despatch registers- Filing and correspondence.	25 days.
3.	G.Com/c	Drafting notices: Practice on drafting notices of various types and reports.	20 days,
4.	G.Com/d	PBX & TELEX: Working knowledge of PBX & TELEX.	10 days
5.	G.Com/e	Communication & Records: Exercise on Telegraphic communications, phonogram, code telegram, savinggram, cypher telegram etc. Maintaining Registers for record of such communications.	20 days.
6.	F.Com/f	Rule & Regulations: Exercises of dealing with different cases with application of rules and regulations Mines Act, Mines rules, Compensation Act, Conservation Act, Industrial dispute Act, Wage board recommendation, service rules.	20 days,
7.	G.Com/ff	Type writing: Practice of Type writing to attain a minimum efficiency of 30 w.p.m.	0 days,
8.	S.Com/a	Sales & Desptch: Participation in the job of sale/purchase and despatch of coal, timber, plant & machinery.	56 days.
9	S.Com/b	Store keeping & Purchase: Acquaintance with the types of store to handle, design and usage of store receipt forms, dummy transactions, Issue & return of materials, store registers, forms, code and records. Magazine keeping. Issue & return of explosives.	56 days.
10.	S.Com/c.	Book-keeping & Accountancy: Entries of imprest and petty cash book, Bank Transactions, Trial balance closing stock, outstanding expenses, paid expenses, depreciation, interest on capital revenues & capital expenditure, distributions of profits, salary sheet, bonus sheet, single entry system, tax calculation, voucher writing promissory notes, bill of exchange, import & export procedure.	56 days.
11.	S.Com/d	Provident Fund. Filling up forms, submission of returns, conduction, maintenance and submission of contribution of cards.	56 days.
12.	S.Com/e.	Time keeping: Maintenance of different registers under Mines Act, pit mouths	

		attendance, piece rate/daily rate wages system. Office calculations.	
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**Note:** 1- 7 will be covered by all as general and SI.No.8- 12 each will be covered by individual to suit their attitude.

## SCHEDULE - 'H- IV'

### TRADE MECHANICAL

Sl.No.	Code	Subject	Days.
1.	Mech./a	<i>Manual Metal works skills.</i> Safety precaution, marking, chipping, filing, sawing, center punching, drilling, revetting, pipe threading & fitting.	20 days.
2.	Mech/b.	<i>Machine working skills:</i> Plain & step turning thread cutting, taper turning, boring grinding of lathe tools, surface grinding.	20 days.
3.	Mech/c.	<i>Hot working skills.</i> Head treatment of tools and component parts, normalising, annealing, case hardening simple gas and electric welding.	20 days.
4	Mech/d	<i>Development of basic skills.</i> Fitting of male & female parts, Removing/Replacing of broken stands, Replacement/Repairing of belts, checking/repairing of damaged bearings, Replacement of packing glands and seals, Preventive maintenance work, breakdown maintenance work.	30 days.
5.	Mech/e	<i>Winding Installation equipment:</i> Identification of components used in conjunction with winding installations, clear understanding of their functions and essence of mechanical maintenance they need. Dismantling and refitting of safety attachments. Lubrication of winding and guide ropes and their measurements. Steam joints, change of packing, mounting, fitting and accessories of boilers. Dismantling, and fitting of injectors.	30 days.
6.	Mech./f	<i>Pumps &amp; their fittings:</i> Diff. types of pumps used in mines, installation, alignment, metal, bearing setting, proper way of gland packing, changing, locating primary troubles, overhauling of pumps.	26 days.
7.	Mech/g.	<i>Haulage system :</i> Different types of haulage system, maintenance and routine checking of	20 days.

		haulage ropes. Safety appliances and breaking of rope haulage, installation, alignment and extension of conveyors of all types.	
8.	Mech./h	<i>Coal cutting machine:</i> Overhauling and maintenance of Coal Cutting Machine.	20 days.
9.	Mech./hh	<i>Special operators:</i> Track laying, pipe laying shaft fitting, rope splicing. Rope capping, winding rope hanging, guide rope changing and lubrication.	20 days.
10.	Mech./j	<i>Repairing and Replacement:</i> Repair of gear box, fluid couplings, driving sprocket tailend roller chains, pans & conveyors, coal drill, Dowty props, Hydraulic pulleys, compressor, ventilation fan, Gear box for ropeway transmission, Belt conveyor structures, End tipplers etc.	20 days.
			226 days

TRADE: ELECTRICAL /AUTO ELECTRICAL

Sl.No.	Code	Subject	Days.
1.	Ele./aa	<i>Basic Hand Tools:</i> Use of hand tools, chipping Filing, Drilling, Threading, Riveting, positioning, fitting of bolts, nuts & screws.	20 days.
2.	Ele./b.	<i>Making of joints:</i> Making of joints using single & multi strand cables, soldering, House wiring.	20 days.
3.	Ele./c	<i>Use of electrical Appliances:</i> Use of switches, plugs, sockets, cut-out fuses, regulators, test lamps, primary & Secondary batteries, armatures, voltmeter, meggar, condenser, wire gauge.	30 days.
4.	Ele./d.	<i>Running, care and maintenance:</i> Generators, A.C.motors & starters, switch gear, circuit breakers, transformer switches fuse boxes electrical appliances.	20 days.
5.	Ele./e	<i>Installation of illumination units:</i> Installation of lighting circuits for illumination, connection of motors, generators, field regulators, switch boards.	20 days.
6.	Ele./f.	<i>Winding of Transformers:</i> Winding and rewinding of transformers.	20 days.
7.	Ele./ff	<i>Overhead line erection:</i> Overhead line erection and different electrical connections to electrical apparatus.	20 days.
8.	Ele./g.	Laying underground cables & flexible cables, cable jointing, vulacansing of trailing cable/	20 days.
9.	Ele./h.	Installation & maintenance of underground	26 days.

		lighting & signaling equipment.	
10.	Ele./hh	<i>Repair of Electrical Apparatus:</i> Repair of switchgear, Gate-end-box, Drill panel, simple exploder. Mining telephones, electrical units of Coal Cutting Machine, Coal drill, Coal loader, pump set, ventilating fan and winding equipment and mining machinery.	30 days.

**SCHEDULE = 'H- VI'**

**TRADE: HEAVY EARTH MOVING MACHINERY :**

CODE	SUBJECT	DAYS.
HEMM 1	<i>Fitting ,Drilling, Tapping and Reaming:</i> Use of hand tools, Calipers, precision measuring instruments chipping, drilling blind holes, tapping use of cutting lubrications, stocks & dikes, Hand & Machine reaming, Removal & broken studs.	20 days.
HEMM 2	<i>Turning, Sheet Metal Work and Welding:</i> Binding, rolling, soft soldering, nipples and cables, pipe bending simple welding of metal.	20 days.
HEMM 3	<i>Power unit of Tractor, cooling system Fuel system steering and breaking system;</i> Handling a tractor equipment, engine removal, engine dismantling, fit valve guides, checking & fitting of bearings, pistons & rings, engine timing, cooling system overhauling the water pump, fuel system, overhaul of friction clutch gear box, gear shift mechanism, steering mechanism overhaul adjust & test breaking system.	20 days.
HEMM 4	<i>Tractor Hydraulics, under carriage:</i> Fault finding remove and refit wheels, tires & tubes Minor repair tires, tube, and track adjustments.	20 days.
HEMM 5	<i>Suspension, Electrical and Starter system:</i> Remove and refit recoil spring, overhaul suspension system, minor repairs to starter motors, generators and regulators start and stop procedure, battery maintenance.	30 days.

**SCHEDULE - H - VI'**

CODE	Subject	Days.
HEMM 6	<i>Lubrication system, Tractor Implements, Trouble:</i> Shooting Lubrication system and reconditioning of oil fitters and pumps, lubrications of implements and their application adjustment and maintenance, power take off system driving & Tractor.	26 days.

HEMM 7	<i>Earth Moving Machinery and Cooling system:</i> Operation of Earth Moving machinery, fitting brake lining, removal and refit valve guides, valve seat inserts, and ball races, oxy acetylene cutting and Arc welding, fit, adjust and checks of Fans, Fan belts, thermostat.	20 days.
HEMM 8	<i>Fuel system petrol and Engine:</i> Simple fuel tank repairs, overhaul of carburetors, mechanical /Electrical fuel pump, check and renew filters. Air cleaner maintenance, overhaul of Transfer pump, fuel injection equipment, calibration and phasing, installation of fuel lines and pump.	20 days.
HEMM 9	<i>Electrical and ignition systems of Diesel and petrol Engine:</i> Running repairs, checking lighting and warning circuits, checking glow plugs, overhaul of superchargers, turbo charger, fitting ignition coil, distribute Maintenance Test, Clean and adjust of sparking plugs, Magneto testing and timing.	20 days.
HEMM 10.	<i>Transmission and Drive system:</i> Fitting and Maintenance of Universal joints, power shift mechanism in transmission Maintenance, adjustment, inspection and repair of final driver.	20 days.
		226 days.

### DIARY SHEET

(To be filled in duplicate)

1. Name of the Apprentice:
2. Trade:
3. Place of Posting:
4. Date of Joining:

Date: Jobs undertaken:

Remarks of Supervisory/Training Guide:

- 1.
- 2.
- 3.

Signature of the Apprentice.

Signature of Manager/  
Training Guide,

# THE MINES CRECHE RULES, 1966

<sup>1</sup>G.S.R. 516, dated the 1<sup>st</sup> April, 1966.- In exercise of the powers conferred by clauses (d) and (w) of section 58 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following rules, the same having been previously published and referred to every Mining Board concerned as required by subsections (1) and (4) respectively of section 59 of the said Act, namely:-

**1.Short title and application.**-(1) These rules may be called the Mines Crèche Rules, 1966.

(2) They shall apply to all <sup>2\*</sup> \* \* mines to which the Mines Act, 1952, applies

**2.Definitions.**- In these rules, unless the context otherwise requires,-

- (a) “Competent authority” means, in respect of coal mines, the Coal Mines Welfare Commissioner and, in respect of the Chief Inspector of Mines, and includes any person authorised in writing in this behalf by the said Welfare Commissioner in the case of coal miens of by the Chief Inspector in the case of <sup>3</sup>[other mines] to perform all or any of the functions of a competent authority under these rules;
- (b) “crèche” means a room of rooms with ancillary accommodation reserved for the use of children under six years of age, of women employed in a mine;
- (c) “Medical Officer-in-charge” means a qualified medical practitioner employed, whether on a whole time or part-time basis, by the owner of a mine to perform the duties assigned to such officer b these rules.

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1. Published in the Gazette of India, 1966, Part II, Section 3(i), Page 591

2. Omitted by GSR 1371, dated 2.9.1967

3. Substituted, ibid



[The owner or agent] of every mine (hereafter in this rule referred to as the said person) wherein any women are employed or were employed on any day of the preceding twelve months, shall within such period as may be specified by the competent authority, construct there at a creche in accordance with the standards prescribed under rule 4:

Provided that where the competent authority is of opinion that the situation, nature and extent of the workings or other places where women are employed are such as to render compliance with the provision of these rules not reasonably practicable, the competent authority may by order in writing exempt the said person from the provisions of these rules for such period as may be specified in the order subject to the condition that the competent authority may require the provision and maintenance of a suitable room or rooms with as attendant and necessary equipment at or near any working place or part of the mine :

Provided further that if the competent authority is satisfied that by reason of shortage of building material or of labour, the said person is unable to provide within the stipulated period a crèche in accordance with the specifications in these rules, that authority may approve of the erection of a temporary structure to be replaced by a permanent structure within such time as he may prescribe.

(2) If the competent authority is of opinion that the conditions in any mine or part thereof are such as to render compliance with the said rule unnecessary, he may be order in writing and subject to such conditions as he may specify therein exempt the mine from the provision of a crèche.

(3).If in any case the competent authority is satisfied that no inconvenience will be caused to the employees concerned, if a single crèche is provided to serve neighboring mines, he may authorise by order in writing <sup>1</sup>[the owner or agents] of such mines to provide jointly a single crèche and on such conditions as he may specify in the order.

mines that the productive capacity of a mine will be exhausted within three years from the date of the certificate, the competent authority may on condition that the said person shall provide a temporary structure to serve the purpose of a crèche and on such other conditions as the competent authority deems fit, grant by order in writing exemption from the construction of a crèche in accordance with these rules.

(5). Subject to such relaxations as may be considered necessary by the competent authority the provision of rules 5 to 13 shall also apply to every room or rooms provided under the first proviso to sub rule (1) and to every temporary structure provided under the second proviso of sub-rule (1) and under sub-rule (4).

**4. Standards for crèches:-** (1) There shall be four types of crèches according to the number of women employed, namely Type 'A', Type 'B', Type 'C' and Type 'D'.

(2) The plinth areas of different types of crèches and the type of crèche, which shall be provided, shall be as specified in Schedule I.

(3) Every crèche shall conform to the following standards:-

(i). It shall be contained in one building, built of brick and mortar, adequately lighted and properly ventilated and affording effective protection from all kinds of weather: Provided that, with the previous permission in writing of the competent authority, it may be built of any other material which the said authority may approve.

(ii) It shall be constructed on a suitable site selected by the mine management with the previous approval of the competent authority.

(iii) The flooring shall be of cement or stone and the ceiling shall not be less than 4 metres high from the floor.

the wood-work shall be painted or varnished once in every three years.

(v) It shall be maintained in a clean and sanitary condition to the satisfaction of the inspection staff:

Provided that the competent authority may permit variations in the standards specified in clauses (iii) and (iv) having regard to local conditions.

**5. Provision of latrines:** - (1) There shall be provided one latrine in each 'A', 'B' and 'C' Types of creches and two latrines in each 'D' type of crèche:

Provided that a separate latrine or commode shall also be provided in all types of crèches, wherever considered necessary by the competent authority for the use of children affected by any infectious disease.

- (2) The latrines shall be kept in a sanitary condition to the satisfaction of the inspecting staff.
- (3) The competent authority may permit variations in the standards specified in sub-rule (1) having regard to local conditions.

**6. Provision of bath rooms:** - In every crèche there shall be provided a closed bath room with separate space for washing and drying soiled clothes or bed linen. The bathroom shall be equipped either with a sink of masonry tubs and the quantity of water to be provided shall be on a scale of at least 15 liters per child attending the crèche.

- (2) The competent authority may permit variations in the standards specified in sub-rule (1) having regard to local conditions.

cradles, cots, beds, linen, bedding, feeding bottles, cooking utensils, toys, furniture and other equipment for the use of children shall be maintained at each crèche on the scale specified in Schedule II.

(2) A supply of cool and wholesome drinking water shall be provided for each crèche on a scale of at least two liters per child attending the crèche.

(3) Milk and diet for children attending crèches and clean clothes for the crèche staff shall be supplied on the scale specified in Schedule III.

(4) The competent authority may permit variations in the standards envisaged in sub- rules (1), (2) and (3) if considered necessary.

**8. Time when crèches shall be kept open:-** The crèche shall remain open at all times, both by day and by night when women employees are working at the mine and it shall be properly lighted at night.

**9. Use of the crèche:** - The use of the crèche shall be restricted to children, their attendants, the supervisory staff and; such ;other persons as may be related to or concerned with children in the crèche.

**10. Medical Arrangements:-** (1) A medical examination of the children attending the crèche shall be made every month by a qualified medical practitioner and a record of such examinations shall be maintained in Form A.

(2) A medical examination of the nursing mothers attending the crèche shall be made once in every two months by a qualified medical practitioner preferably a women. When the examination is conducted by a male doctor, it shall be made in the presence of the crèche nurse. Records of such examination shall be maintained in Form B.

the mine, [or some other person (other than the manager), whom the owner or agent may appoint for securing compliance with the provisions in respect of crèche (hereinafter in these rules called the Officer-in-charge Crèche)], shall be responsible for the general supervision of the crèche.

**11. Provision of staff:-** (1) <sup>2</sup>[The owner or agent] of a mine shall employ, at every crèche, staff on the scale prescribed in Schedule IV:

Provided that only such women as have successfully undergone training as; a crèche nurse at an institution approved by the Central Government shall be eligible for appointment as a crèche-in-charge:

Provided further that in the case of a woman in employment on the 1<sup>st</sup> June, 1963 as crèche-in-charge in a mine, this provision may be relaxed with the approval of the competent authority subject to such conditions as may be specified.

(2). Where by reason of temporary absence, illness, or any other similar cause, the full-time crèche-in-charge is unable to perform her duties, [the owner, agent or officer-in-charge, crèche of the mine shall authorise in writing anyone whom he considers competent to action her place:

Provided that no such authorisation shall have effect for a period of more than thirty days except with the previous consent of the competent authority.

(3) The crèche-in-charge shall ensure that the crèche is kept in a clean and sanitary condition, that all children attending it are properly looked after, washed and fed in accordance with the provisions of these rules and that they and the nursing mothers are taught clean and healthy habits.

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1. Inserted by GSR 551, dated 29.5.1985

2. Substituted by GSR 551 dated 25.5.1985

children attending a crèche, shall be maintained in Form C.

(2) A register of complaints shall be maintained for inspection by the Medical Officer-in-charge and by the management of the mine.

**13. Inspection of crèche:-** A crèche may be inspected at any time by the competent authority or by an officer authorised by the said authority for the purpose.

**14. Repeal:-** The Mines Crèche Rules, 1959 are hereby repealed except as respects things done or omitted to be done before such repeal.

**FORM A**

[See Rule 10(1)]

*Form for recording the results of the medical examination of children attending crèches*

Date, month and year of examination.....

SN	Name of child	Age (Date of birth, if available)	Mother's name and occupation	Weight of child on the date of last examination	Weight on the date of exam.	Disease or abnormality found, if any	Treatment suggested if any.	Remarks
1	2	3	4	5	6	7	8	9

(Signature of the qualified medical practioner)

*Form for recording the results of the medical examination of the nursing mothers*

Date, month and year of examination.....

Sl no.	Name of Woman and occupation	Age	Weight on the date of last examination	Weight on date of examination	Disease or abnormality found if any.	Treatment suggested if any	Remarks
1	2	3	4	5	6	7	8

(Signature of the qualified medical practioner)

**FORM C**

[See Rule 12(1)]

Form for recording the particulars of the children attending the crèche

Name of Mine..... Month and year

SN	Date of admission	Name of child with mother's full name & occupation	Sex	Age	Date of the month (Attendance to be marked each day)	Remarks
1	2	3	4	5	6	7

[See Rule 4(1)]  
Standards for crèche

Number of women currently employed or where employed on any day of the preceding twelve months whichever is greater		Type of creche	
Coal Mines	[Mines other than coal Mines]	Notation	Minimum plinth area (in square metres)
10 or less	30 or less	A type	27.5
11-50	31-100	B type	90.0
51-100	101-200	C type	140.0
More than 100	More than 200	D type	325.0

**SCHEDULE II**

[See Rule 7(1)]

Equipment and medicines for first aid in crèche

Description of equipment first aid articles etc.	A type crèche	B type crèche	C type crèche	D type crèche
1	2	3	4	5
1. Dormitory				
1. Cots	2	6	9	15
2. Cradles with railing	2	4	6	10
2. Sick Room				
1. Cots	-	1	1	2
2. Chamber pot	1	1	1	1
3. Montessori Room				
1. Benches	-	-	-	2
2. Desks (long)	-	-	-	2
3. Chair	-	-	-	1
4. Almirah	-	-	-	1
5. Table	-	-	-	1 and usual Montessori apparatus
4. Stores				
1. Dustbin	1	1	1	1
2. Weighing machine (for infants)	-	1	1	1
3. Nail brushes	1	1	1	2
5. Bath				
1. Bath tubs	-	1	1	2
2. Buckets	1	2	2	3
3. Enamel jugs	-	1	1	2
4. Aluminum mugs	-	1	1	2
5. Towel rack	1	1	2	3



7. Soap dishes	3	10	15	20
6. Crèche attendant				
1. Writing table	1	1	1	1
2. Chairs	1	1	2	2
3. Stool	1	1	1	1
4. Pens, ink, etc.	As specified by the competent or inspecting authority.			
5. Waste paper basket	1	1	1	1
6. Cup board	1	1	1	1
7. Clock	-	1	1	1
7. Dining				
1. Enamel cups or mugs	6	15	30	50
2. Enamel plates	6	15	30	50
3. Feeding bottles	3	4	6	10
4. Spoons	5	10	15	20
8. Kitchen				
1. Kettles	1	2	3	4
2. Frying pans	1	1	1	2
3. Milk containers	1	1	2	2
4. Buckets	2	2	2	2
5. Tumblers	2	2	2	2
6. Spoons (Big)	2	2	3	4
7. Knife	1	1	1	1
8. Meat safe	-	1	1	1
9. Sauce pans	1	1	2	3
9. Linen				
1. Bed sheets	4	15	25	40
2. Pillows	4	10	15	25
3. Pillow cases	4	15	25	40
4. Towels	3	8	12	15
5. Shirts	10	20	40	50
6. Knickers	10	20	40	50
7. Mosquito nets	-	8	12	15
8. Blankets	4	10	15	25
9. mackintosh	4	10	15	25
10. Bed size durries	1	2	3	4
10. First aid equipment and medicines				
	A type		B,C and D types	
1. Ounce measure	1		1	
2. Throat spatula	-		1	
3. Eye dropper	1		1	
4. Thermometer	1		1	
5. Kidney dish	1		1	
6. Rectangular tray	-		1	

8. Tincture Benzene	0.5 Hectogram	1 Hectogram
9. Tincture Benzene	0.5 "	1 "
10. Boric Acid	1.0 "	2.0 "
11. Bandage cloth	1 metre	2 metres
12. Cotton wool absorbent	0.5 kilogram	0.5 kilogram
13. Gauge plain	1 metre	2 metre
14. Dettol	0.5 Hectogram	1 Hectogram
15. Adhesive plaster	1 spool	1 spool
11. Miscellaneous (for every type of crèche)		
1. Brooms or Scrubbing brushes	2	
2. Dusters	2	
3. Toys	Adequate number of toys as specified by the competent or inspecting authority.	
4. Electric lights	As required by the competent or inspecting authority.	
5. Torch and Lantern	One each.	

**SCHEDULE III**  
**[See Rule 7 (3)]**

Diet, Clothing and other amenities

Age group of children	Time, measure and nature of food		
1. Diet			
	9 am	12 noon	3.30 pm
1. 6 weeks to 6 month	0.25 litre milk	0.25 litre milk	0.25 litre milk
2. 6 months to 1 year	-do-	0.25 litre milk with suji	0.50 litre milk
3. 1 year to 2 ½ years	0.25 litre milk with suji or porridge or puffed rice (Muri)	Rice, vegetables.	0.25 litre milk with one chapatti & gur or khir with gur (pudding)
4. 2 ½ Years to 6 years	0.25 litre milk, puffed ice with gur	60 grammes minimum rice with vegetables or meat curry	0.25 litre milk with chapati

Note : 1. Children who are underweight and unhealthy or who are found to be suffering from Marasmus and Rickets should be given one quarter boiled egg in addition to the diet prescribed above.

provided each day for supplying sufficient vitamins.

3. If the competent or inspecting authority is satisfied that milk is not available for any reason, then the said authority may allow Nespray or Glaxo powdered milk prepared according to the directions. In the alternative the said authority may also allow the use of germinated grain in place of milk for children of the age group 2 ½ years to 6 years. The quantity of germinated grain as a substitute for milk should be 0.1 kilogram for 0.25 litre of milk.

2. Uniforms for Crèche Staff	
1. Crèche-in-charge	<ol style="list-style-type: none"> <li>1. Four cotton white sarees with red borders</li> <li>2. Four white blouses of long cloth</li> <li>3. Four white petticoats of long cloth</li> </ol>
2. Ayah	<ol style="list-style-type: none"> <li>1. Four cotton white sarees with black border</li> <li>2. Four white blouses of long cloth</li> <li>3. Four white petticoats of long cloth</li> <li>4. Six white aprons of long cloth</li> </ol>
3. Cook	<ol style="list-style-type: none"> <li>1. Six white aprons of long cloth</li> <li>2. Six white caps of long cloth</li> </ol>

**SCHEDULE IV**  
**[See Rule 11 (1)]**  
**Staff in crèches**

Designation	A type Crèche	B type Crèche	C type Crèche	D type Crèche
1. Crèche-in-charge	1	1	1	1
2. Ayah	1 Ayah-cum-Cook	1 Ayah-cum-Cook	1	2
3. Woman-cook	-	-	1	1
4. Sweepers	1 (part-time)	1	1	1

NOTE : Staff is to be engaged whole-time unless otherwise indicated.

**MATERNITY BENEFIT ACT, 1961**  
**(No. 53 of 1961)<sup>1</sup>**

**[12<sup>th</sup>. December, 1961]**

*An Act to regulate the employment of women in certain establishment for certain period before and after child-birth and to provide for maternity benefit and certain other benefits.*

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows: -

**1. Short title, extend and commencement.** -- (1) This Act may be called the Maternity Benefit Act, 1961.

(2) It extends to the whole of India <sup>2</sup>[\* \* \*]

(3) It shall come into force on such date as may be notified in this behalf in the Official Gazette, --

<sup>3</sup>[(a) in relation to mines and to any other establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, by the Central Government, and]

(b) in relation to other establishments in s State, by the State Government.

NOTES. – This Act came into force in relation to mines in the territories to which it extends on the 1<sup>st</sup>. November 1963 – *Vide* S.O. No. 2920, dated 5<sup>th</sup>. October, 1963, published in the *Gazette of India*, Part II, Sec. 3 (ii), dated 12<sup>th</sup>. October, 1963. This Act came into force in the whole of Uttar Pradesh with effect from 22<sup>nd</sup>. February 1974, *vide* notification No. 512 (V)-2/36-5-13 (V) 72, dated 22<sup>nd</sup>. February 1974.

**2. Application of Act.** -- (1) It applies in the first instance, to every establishment being a factory, mine or plantation <sup>4</sup>[including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances]:

Provided that the State Government may, with the approval of the Central Government, after giving not less than two months' notice of its intention of so doing, by notification

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<sup>1</sup> Received the assent of the President on the 12<sup>th</sup>. December, 1961 and published in the Gazette of India, Extraordinary, dated 13<sup>th</sup>. December 1961. For Statement of Objects and Reasons *see Gazette of India*, Extraordinary, Part II, dated 6<sup>th</sup>. December 1960.

<sup>2</sup> Words “except the State of Jammu and Kashmir” omitted by Act 51 of 1970, Sec. 2 and Sch.

<sup>3</sup> Subs. by Act 52 of 1973, Sec. 2, w.e.f. 1-3-1975 – *Vide* notification No. S.O. 113A (E), dated 27-2-1975.

<sup>4</sup> Subs. by Act 52 of 1973, S.3.

In the official on In the official *Gazette*, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

(2) <sup>5</sup>[Save as otherwise provided in <sup>6</sup>[sections 5A and 5B] nothing contained in this Act] shall apply to any factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948 (84 of 1948), apply for the time being.

**3. Definitions.** -- In this Act, unless the context otherwise requires, --

- (a) "appropriate Government" means in relation to an establishment being a mine <sup>7</sup>[or an establishment where persons are employed for the exhibition of equestrian, acrobatic and other performances], the Central Government and in relation to any other establishment, the State Government;
- (b) "child" includes a still-born child;
- (c) "delivery" means the birth of a child;
- (d) "employer" means –
  - (i) in relation to an establishment which is under the control of the Government, a person or authority appointed by the Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;
  - (ii) in relation to an establishment which is under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;
  - (iii) in any other case, the person who are the authority which has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person;

[<sup>8</sup>(e) "establishment" means –

- (i) a factory;
- (ii) a mine;
- (iii) a plantation;
- (iv) an establishment wherein persons are employed for the exhibition of equestrian, acrobatics and other performances; or

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<sup>5</sup> Subs. by Act 21 of 1972, S.2.

<sup>6</sup> Subs. by Act 53 of 1976, sec. 2, for "section 5A". Act 53 of 1976 came into force w.e.f. 1-5-1976 – Vide notification No. S.O. 337 (E), dated 30-4-1976.

<sup>7</sup> Added by Act 52 of 1973, S. 4.

<sup>8</sup> Subs. by Act 52 of 1973, S. 4.

- (v) an establishment to which the provisions of this Act have been declared under sub-section (4) of section 2 to be applicable;]
- (f) “factory” means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);
- (g) “Inspector” means an Inspector appointed under section 14;
- (h) “maternity benefit” means the payment referred to in sub-section (1) of section 5;
- (i) “mine” means a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952)
- (j) “miscarriage” means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage the causing of which is punishable under the Indian Penal Code (45 of 1860);
- (k) “plantation” means a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951);
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “State Government” in relation to a Union territory, means the Administrator thereof;
- (n) “wages” means all remuneration paid or payable in cash to a woman, if the terms of the contract of employment, express or implied, were fulfilled and includes –
- (1) such cash allowances (including dearness allowance and house rent allowance) as a woman is for the time being entitled to;
  - (2) incentive bonus; and
  - (3) the money value of the concessional supply of foodgrains and other articles,
- but does not include –
- (i) any bonus other than incentive bonus;
  - (ii) overtime earnings and any deduction or payment made on account of fines;
  - (iii) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the woman under any law for the time being in force; and
  - (iv) any gratuity payable on the termination of service;
- (o) “woman” means a woman employed, whether directly or through any agency, for wages in any establishment.

NOTES. – Sec 3 (f). – A factory does not include a mine subject to the operation of the Mines Act, 1952, or a railway running-shed.

Sec. 3 (j) – The definition of miscarriage is similar to the definition as given in Sec. 2 (14-B) of the Employees’ State Insurance Act, 1948.

**4. Employment of, or work by, women prohibited during certain period.** -- (1) No employer shall knowingly employ a woman in any establishment during the six weeks immediately following the day of her delivery or her miscarriage.

(2) No woman shall work in any establishment during the six weeks immediately following the day of her delivery or her miscarriage.

(3) Without prejudice to the provisions of section 6, no pregnant woman shall, on a request being made by her in this behalf, be required by her employer to do during the period specified in sub-section (4) any work which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.

(4) The period referred to in sub-section (3) shall be –

- (a) at the period of one month immediately preceding the period of six weeks, before the date of her expected delivery;
- (b) any period during the said period of six weeks for which the pregnant woman does not avail of leave of absence under section 6.

**5. Right to payment of maternity benefit.** -- (1) Subject to the provisions of this Act, every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence immediately preceding and including the day of her delivery and for the six weeks immediately following that day.

**Explanation.** – For the purpose of this sub-section, the average daily wage means the average of the woman's wages payable to her for the days on which she has worked during the period of three calendar months immediately preceding the date from which she absents herself on account of maternity, or one rupee a day, whichever is higher.

(2) No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit for a period of not less than one hundred and sixty days in the twelve months immediately preceding the date of her expected delivery:

Provided that the qualifying period of one hundred and sixty days aforesaid shall not apply to a woman who has immigrated into the State of Assam and was pregnant at the time of the immigration.

**Explanation:** - For the purpose of calculating under this sub-section the days on which a woman has actually worked in the establishment, the days for which she has been laid-off during the period of twelve months immediately preceding the date of her expected delivery shall be taken into account.

(3) The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks, that is to say, six weeks up to and including the day of her delivery and six weeks immediately following that day:

Provided that where a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death:

Provided further that where a woman, having been delivered of a child dies during her delivery or during the period of six weeks immediately following the date of her delivery, leaving behind in either case the child, the employer shall be liable for the maternity benefit for the entire period of six weeks immediately following the day of her delivery but if the child also dies during the said period, then for the days up to and including the day of the death of the child.

NOTES. – The term “week” means a cycle of seven days including Sundays;  
*B. Shah V. Presiding Officer*, A.I.R. 1978 S. C. 12.

<sup>9</sup>***[5-A. Continuance of payment of maternity benefit in certain cases.*** -- Every woman entitled to the payment of maternity benefit under this Act shall, notwithstanding the application of the Employees’ State Insurance Act, 1948 (34 of 1948), to the factory or other establishment in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under Sec. 50 of that Act.]

<sup>10</sup>***[5-B. Payment of maternity benefit in certain cases.*** -- Every woman –

- (a) who is employed in a factory or other establishment to which the provisions of the Employees’ State Insurance Act, 1948 (34 of 1948), apply;
- (b) whose wages (excluding remuneration for overtime work) for a month exceed the amount specified in sub-clause (b) of clause (a) of section 2 of that Act; and
- (c) who fulfils the conditions specified in sub-section (2) of section 5, shall be entitled to the payment of maternity benefit under this Act].

***6. Notice of claim for maternity benefit and payment thereof.*** -- (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act may give notice in writing in such form as may be prescribed, to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Act may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.

(2) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than six weeks from the date of her expected delivery.

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<sup>9</sup> Ins. By Act 21 of 1972, S. 3.

<sup>10</sup> Ins. By Act 53 of 1976, S. 3.



(3) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after the delivery.

(4) On receipt of the notice, the employer shall permit such woman to absent herself from the establishment until the expiry of six weeks after the day of her delivery.

(5) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on the production of such proof as may be prescribed that the woman is pregnant, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of such proof as may be prescribed that the woman has been delivered of a child.

(6) The failure to give notice under this section shall not disentitle a woman to maternity benefit or any other amount under this Act if she is otherwise entitled to such benefit or amount and in any such case an Inspector may either of his own motion or on an application made to him by the woman, order the payment of such benefit or amount within such period as may be specified in the order.

NOTES. – See also Sec. 50 of the Employees' State Insurance Act, 1948, for conditions under which a woman becomes qualified to claim maternity benefit under this Act.

**7. Payment or maternity benefit in case of death of a woman.** -- If a woman entitled to maternity benefit or any other amount under this Act, dies before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of section 5, the employer shall pay such benefit or amount to the person nominated by the woman in the notice given under section 6 and in case there is no such nominee, to her legal representative.

**8. Payment of medical bonus.** -- Every woman entitled to maternity benefit under this Act shall also be entitled to receive from her employer a medical bonus of twenty-five rupees, if no pre-natal confinement and post-natal care is provided for by the employer free of charge.

**9. Leave for miscarriage.** -- In case of miscarriage, a woman shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of maternity benefit for a period of six weeks immediately following the day of her miscarriage.

**10. Leave for illness arising out of pregnancy, delivery, premature birth of child, or miscarriage.** -- A woman suffering illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall, on production of such proof as may be prescribed, be entitled in addition to the period of absence allowed to her under section 6, or, as the case may be, under section 9, to leave with wages at the rate of maternity benefit for a maximum period of one month.

**11. Nursing breaks.** -- Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course

of her daily work two breaks of the prescribed duration for nursing the child until the child attains the age of fifteen months.

**12. Dismissal during absence or pregnancy.** -- (1) Where a woman absents herself from work in accordance with the provisions of this Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.

(2) (a) The discharge or dismissal of a woman at any time during her pregnancy, if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus referred to in section 8, shall not have the effect of depriving her of the maternity benefit or medical bonus:

Provided that where the dismissal is for any prescribed gross misconduct the employer may, by order in writing communicated to the woman, deprive her of the maternity benefit or medical bonus or both.

(b) Any woman deprived of maternity benefit or medical bonus or both may, within sixty days from the date on which the order of such deprivation is communicated to her, appeal to such authority as may be prescribed, and the decision of that authority on such appeal, whether the woman should or should not be deprived of maternity benefits or medical bonus or both, shall be final.

(c) Nothing contained in this sub-section shall affect the provisions contained in sub-section (1).

**13. No deduction of wages in certain cases.** -- No deduction from the normal and usual daily wages of a woman entitled to maternity benefit under the provisions of this Act shall be made by reason only of –

- (a) the nature of work assigned to her by virtue of the provisions contained in sub-section (3) of section 4 : or
- (b) breaks for nursing the child allowed to her under the provisions of section 11.

**14. Appointment of Inspectors.** – The appropriate Government may, by notification in the Official *Gazette*, appoint such officers as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits of the jurisdiction within which they shall exercise their function under this Act.

**15. Powers and duties of Inspectors.** -- An Inspector may, subject to such restrictions or conditions as may be prescribed, exercise all or any of the following powers, namely: -

- (a) enter at all reasonable times with such assistants, if any, being persons in the service of the Government or any local or other public authority as he thinks fit, any premises or place where women are employed or work is given to them in an

- establishment, for the purposes of examining any registers, records and notices required to be kept or exhibited by or under this Act and require their production for inspection;
- (b) examine any person whom he finds in any premises or place and who, he has reasonable cause to believe, is employed in the establishment:

- Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself:
- (c) require the employer to give information regarding the names and addresses of women employed, payments made to them, and applications or notices received from them under this Act; and
- (d) take copies of any registers and records or notices or any portions thereof.

**16. Inspectors to be public servants.** -- Every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**17. Power of Inspector to direct payments to be made.** -- (1) Any woman claiming that maternity benefit or any other amount to which she is entitled under this Act and any person claiming that payment due under section 7 has been improperly withheld, may make a complaint to the inspector.

(2) The Inspector may, of his own motion or on receipt of a complaint referred to in sub-section (1), make an enquiry or cause an inquiry to be made and if satisfied that payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders.

(3) Any person aggrieved by the decision of the Inspector under sub-section (2) may, within thirty days from the date on which such decision is communicated to such person, appeal to the prescribed authority.

(4) The decision of the prescribed authority where an appeal has been preferred to it under sub-section (3) or of the Inspector where no such appeal has been preferred, shall be final.

(5) Any amount payable under these sections shall be recoverable as an arrear of land revenue.

**18. Forfeiture of maternity benefit.** -- If a woman works in any establishment after she has been permitted by her employer to absent herself under the provisions of section 6 for any period during such authorized absence, she shall forfeit her claim to the maternity benefit for such period.

**19. Abstracts of Act and rules thereunder to be exhibited.** -- An abstract of the provisions of this Act and the rules made thereunder in the language or languages of the

locality shall be exhibited in a conspicuous place by the employer in every part of the establishment in which women are employed.

**20. Registers, etc.** – Every employer shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

**21. Penalty for contravention of Act by employers.** -- If any employer contravenes the provisions of this Act or the rules made thereunder he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and where the contravention is of any provision regarding maternity benefit or regarding payment of any other amount and such maternity benefit or amount has not already been recovered, the court shall in addition recover such maternity benefit or amount as if it were a fine, and pay the same to the person entitled thereto.

**22. Penalty for obstructing Inspector.** -- Whoever fails to produce on demand by the Inspector any register or document in his custody kept in pursuance of this Act or the rules made thereunder or conceals or prevents any person from appearing before or being examined by an Inspector, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

**23. Cognizance of offences.** -- (1) No prosecution for an offence punishable under this Act or any rule made thereunder shall be instituted after the expiry of one year from the date on which the offence is alleged to have been committed and no such prosecution shall be instituted except by, or with the previous sanction of, the Inspector;

Provided that in computing the period of one year aforesaid, the time, if any, taken for the purpose of obtaining such previous sanction shall be excluded.

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any such offence.

NOTES. – Sections 21 to 23 deal with penalties under the Act and procedure to try offences committed under this Act.

**24. Protection of action taken in good faith.** -- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

**25. Power of Central Government to give directions.** -- The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution the provisions of this Act and the State Government shall comply with such directions.

**26. Power to exempt establishments.** -- If the appropriate Government is satisfied that having regard to an establishment or a class of establishments providing for the grant of benefit which are not less favourable than those provided in this Act, it is necessary so to

do, it may, by notification in the *Official Gazette*, exempt subject to such conditions and restrictions, if any, as may be specified in the notifications, the establishment or class of establishments from the operation of all or any of the provisions of this Act or of any rule made thereunder.

**27. Effect of laws and agreements inconsistent with this Act.** -- (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Act:

Provided that where under any such award, agreement, contract of service or otherwise, a woman is entitled to benefits in respect of any matter which are more favourable to her than those to which she would be entitled under this Act, the woman shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefit in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude a woman from entering into an agreement with her employer for granting her rights or privileges in respect of any matter, which are more favourable to her than those to which she would be entitled under this Act.

**28. Power to make rules.** -- (1) The appropriate Government may, subject to the condition of previous publication and by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –

- (a) the preparation and maintenance of registers, records and muster rolls;
- (b) the exercise of powers (including the inspection of establishments) and the performance of duties by Inspectors for the purposes of this Act;
- (c) the method of payment of maternity benefit and other benefits under this Act in so far as provision has not been made therefore in this Act;
- (d) the form of notices under section 6;
- (e) the nature of proof required under the provisions of this Act;
- (f) the duration of nursing breaks referred to in section 11;
- (g) acts which may constitute gross misconduct for purposes of section 12;
- (h) the authority to which an appeal under clause (b) of sub-section (2) of section 12 shall lie, the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;
- (i) the authority to which an appeal shall lie against the decision of the Inspector under section 17; the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;

- (j) the form and manner in which complaints be made to Inspectors under sub-section (1) of section 17 and the procedure to be followed by them when making inquiries or causing inquiries to be made under sub-section (2) of that section;
- (k) any other matter which is to be, or may be, prescribed.

(3) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session <sup>11</sup>[or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session, aforesaid,] 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.

**29. Amendment of Act 69 of 1951.** -- In section 32 of Plantation Labour Act, 1951, --

- (a) in sub-section (1), the letter and brackets “(a)” before the words “in the case of sickness,” the word “and” after the words “sickness allowance”, and clause (b) shall be omitted.
- (b) In sub-section (2), the words “or maternity” shall be omitted.

**30. Repeal.** -- On the application of this Act. –

(i) to mines, the Mines Maternity Benefit Act, 1941 (19 of 1941); and Maternity Benefit Act, 1929 (Bom. Act VII of 1929), as in force in that territory, shall stand repealed.

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<sup>11</sup> Subs. by Act 52 of 1973, S. 5.

## PART - A

### FOREST (CONSERVATION) ACT, 1980 WITH AMENDMENTS MADE IN 1988

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

#### 1. Short title, extent and commencement-

- (1) This Act may be called the Forest (Conservation) Act, 1980
- (2) It extends to the whole of India except the State of Jammu & Kashmir.
- (3) It shall be deemed to have come into force on the 25th day of October, 1980.

Short title, extent  
and  
commencement

#### 2. 2.

#### Restriction on the dereservation of forests or use of forest land for non-forest purpose –

Restriction on  
the reservation  
of the forest or  
use of forest land  
for non-forest  
purpose

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

- (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- (ii) that any forest land or any portion thereof may be used for any non-forest purpose;
- (iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;
- (iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation.

*Explanation* - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

- (a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- (b) any purpose other than reforestation,

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

3. **Constitution of Advisory Committee -**

Constitution of  
Advisory  
Committee

The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to-

- (i) the grant of approval under Section 2 ; and
- (ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

3A. **Penalty for contravention of the provisions of the Act –**

Penalty for  
contravention of  
the provisions of  
the Act

Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

3B. **Offences by authorities and Government Departments –**

Offences by  
authorities and  
Government  
Departments

- (1) Where any offence under this Act has been committed -
  - (a) by any department of Government, the head of the department; or
  - (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

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-section shall render the head of the department or any person referred to in clause (b), 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) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of authority, any person other than the persons referred to in clause(b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.



4      **Power to make rules –**

Power to make  
rules

- (1)      The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions 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 Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, 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.

5.      5.      **Repeal and saving –**

Repeal and  
saving

- (1)      (1)      The Forest (Conservation) Ordinance, 1980 is hereby repealed.
- (2)      (2)      Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

## PART - B

### FOREST CONSERVATION RULES, 2003 (published in Gazette of India: Extraordinary on the 10<sup>th</sup> January, 2003)

G.S.R. 23(E) - In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), and in supersession of the Forest (Conservation) Rules, 1981, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

**1. Short title, extent and commencement.-**

- (1) (1) These rules may be called the Forest (Conservation) Rules, 2003.
- (2) (2) They shall extend to the whole of India except the State of Jammu and Kashmir.
- (3) (3) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.-** In these rules, unless the context otherwise requires:-

- (a) (a) "Act" means the Forest (Conservation) Act, 1980 (69 of 1980);
- (b) (b) "Committee" means the Advisory Committee constituted under section 3 of the Act;
- (c) (c) "Chairperson" means the Chairperson of the Committee;
- (d) (d) "Member" means a member of the Committee;
- (e) (e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorised by the State Government to deal with the forest conservation matters under the Act;
- (f) (f) "Regional Office" means a Regional Office of the Central Government in the Ministry of Environment and Forests established as part of the Ministry to deal with the forest conservation matters under the Act;
- (g) (g) "Section" means a section of the Act;
- (h) (h) "User Agency" means any person, organisation or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

**3. 3. Composition of the Committee.-**

- (1) The Committee shall be composed of the following members:-
  - (i) (i) Director General of Forests, Ministry of Environment and Forests - Chairperson.
  - (ii) (ii) Additional Director General of Forests, Ministry of Environment and Forests- Member.
  - (iii) (iii) Additional Commissioner (Soil Conservation), Ministry of Agriculture- Member.
  - (iv) (iv) Three eminent experts in forestry and allied disciplines (non-officials)- Members.
  - (v) (v) Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests - Member Secretary

- (2) Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests.

- 4. Terms of appointment of non-official members shall be as follows.-**
- (i) (i) a non-official member shall hold his office for a period of two years;
  - (ii) (ii) a non-official member shall cease to hold office if he becomes of unsound mind, becomes insolvent or is convicted by court of law on a criminal offence involving moral turpitude;
  - (iii) (iii) a non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reasons;
  - (iv) (iv) any vacancy in the membership caused by any reason mentioned in clauses (ii) and (iii) shall be filled by the Government for the unexpired portion of two years term.
  - (v) (v) travelling and daily allowance shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Group 'A' under the rules and orders made by the Central Government and for the time being in force.

Provided that the payment of travelling allowance and daily allowance to a member who is a Member of the Parliament or a Member of a State Legislature shall be regulated in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature.

- 5. Conduct of business of the Committee.-**
- (i) (i) The Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once in a month.
  - (ii) (ii) The meeting of the Committee shall be held at New Delhi.
  - (iii) (iii) In a case where the Chairperson is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (3) of rule 6, he may direct that the meetings of the Committee to be held at a place other than New Delhi from where such inspection of site or sites is necessary.
  - (iv) (iv) The Chairperson shall preside over every meeting of the Committee at which he is present.
  - (v) (v) Every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson may direct that papers may be circulated and sent to the members for their opinion within the stipulated time.
  - (vi) (vi) The quorum of the meeting of the Committee shall be three.

**6. Submission of the proposals seeking approval of the Central Government under section 2 of the Act.-**

- (1) Every user agency, who wants to use any forest land for non-forest purposes shall make his proposal in the appropriate Form appended to these rules, i.e. Form 'A' for proposals seeking first time approval under the Act and Form 'B' for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier, to the concerned nodal officer authorized in this behalf by the State Government, alongwith requisite information and documents, complete in all respects, well in advance of taking up any non-forest activity on the forest land.

- (2) Every State Government or other authority, after having received the proposal under sub-rule (1) and after being satisfied that the proposal requires prior approval under section 2 of the Act, shall send the proposal to the Central Government in the appropriate forms, within ninety days of the receipt of the proposal from the user agency for proposals seeking first time approval under the Act and within sixty days for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier:

Provided that all proposals involving clearing naturally grown trees in forest land or portion thereof for the purpose of using it for reafforestation shall be sent in the form of Working Plan or Management Plan.

- (3) The proposal referred to in sub-rule (2) above, involving forest land of more than forty hectare shall be sent by the State Government to the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110 003, with a copy of the proposal (with complete enclosures) to the concerned Regional Office.
- (4) The proposal referred to in sub-rule (2) above, involving forest land up to forty hectare shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.
- (5) The proposal referred to in sub-rule (2) above, involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reafforestation shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

## **7. Committee to advise on proposals received by the Central Government.-**

- (1) The Central Government shall refer every proposal, complete in all respects, received by it under sub-rule (3) of rule 6 including site inspection report, wherever required, to the Committee for its advice thereon.
- (2) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub-rule (1), namely:-
- (a) Whether the forests land proposed to be used for non-forest purpose forms part of a nature reserve, national park wildlife sanctuary, biosphere reserve or forms part of the habitat or any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment;
  - (b) Whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project ;
  - (c) Whether the State Government or the other authority has certified that it has considered all other alternatives and that no other alternatives in the

circumstances are feasible and that the required area is the minimum needed for the purpose; and

- (d) (d) Whether the State Government or the other authority undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof.

- (3) While tendering the advice, the Committee may also suggest any conditions or restrictions on the use of any forest land for any non-forest purpose, which in its opinion, would minimise adverse environmental impact.

**8. Action of the Central Government on the advice of the Committee.–**

The Central Government shall, after considering the advice of the Committee tendered under rule 7 and after such further enquiry as it may consider necessary, grant approval to the proposal with or without conditions or reject the same within sixty days of its receipt.

**9. Proceedings against persons guilty of offences under the Act.-**

- (1) The Central Government may, by notification, authorize any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said offence is said to have been committed, to file complaints against the person (s) prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

Provided that no complaint shall be filed in the court, without giving the person (s) or officer (s) or authority (s) against whom the allegations of offence exist, an opportunity to explain his or their conduct and to show cause, by issuing a notice in writing of not less than sixty days, as to why a complaint should not be filed in the court against him or them for alleged offences.

- (2) The officer authorised by the Central Government in sub-rule (1) may require any State Government or its officer or any person or any other authority to furnish to it within a specified period any reports, documents, statistics and any other information related to contravention of the Act or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.

**APPENDIX  
(See Rule 6)**

**FORM – ‘A’**

**Form for seeking prior approval under section 2 of the proposals  
by the State Governments and other authorities**

**PART-I  
(to be filled up by user agency)**

1. Project details:
  - (i) Short narrative of the proposal and project/scheme for which the forest land is required.
  - (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
  - (iii) Cost of the project:
  - (iv) Justification for locating the project in forest area.
  - (v) Cost-benefit analysis (to be enclosed).
  - (vi) Employment likely to be generated.
2. Purpose-wise break-up of the total land required:
3. Details of displacement of people due to the project, if any:
  - (i) (i) Number of families.
  - (ii) (ii) Number of Scheduled Castes/Scheduled Tribe families
  - (iii) (iii) Rehabilitation plan. (to be enclosed)
4. Whether clearance under Environment (Protection) Act, 1986 required? (Yes/No).
5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed).
6. 6. Details of Certificates/documents enclosed as required under the instructions.

Signature  
(Name in Block letters)  
Designation  
Address (of User Agency)

Date:- \_\_\_\_\_

Place:- \_\_\_\_\_

State serial No. of proposal \_\_\_\_\_  
(To be filled up by the Nodal Officer with date of

receipt)

**PART-II**  
**(To be filled by the concerned Deputy Conservator of Forests)**

State serial No. of proposal \_\_\_\_\_

7. Location of the project/Scheme:
  - (i) (i) State/Union Territory
  - (ii) (ii) District.
  - (iii) (iii) Forest Division
  - (iv) (iv) Area of forest land proposed for diversion (in ha.)
  - (v) (v) Legal status of forest
  - (vi) (vi) Density of vegetation.
  - (vii) (vii) Species-wise (scientific names) and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation/hydel projects enumeration at FRL, FRL- 2 meter & FRL-4 meter also to be enclosed.)
  - (viii) (viii) Brief note on vulnerability of the forest area to erosion.
  - (ix) (ix) Approximate distance of proposed site for diversion from boundary of forest.
  - (x) (x) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
  - (xi) (xi) Whether any rare/endangered/unique species of flora and fauna found in the area- if so details thereof.
  - (xii) (xii) Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.
8. Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.
9. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
10. Details of compensatory afforestation scheme:
  - (i) (i) Details of non forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.
  - (ii) (ii) Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.
  - (iii) (iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.
  - (iv) (iv) Total financial outlay for compensatory afforestation scheme.
  - (v) (v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (To be signed by the concerned Deputy Conservator of Forests).
11. 11. Site inspection report of the DCF (to be enclosed) especially highlighting facts asked in col. 7 (xi, xii), 8 and 9 above.
12. Division/District profile:
  - (i) (i) Geographical area of the district.
  - (ii) (ii) Forest area of the district.



- (iii) (iii) Total forest area diverted since 1980 with number of cases.
- (iv) (iv) Total compensatory afforestation stipulated in the district/division since 1980 on (a) forest land including penal compensatory afforestation, (b) non-forest land.
- (v) (v) Progress of compensatory afforestation as on (date) \_\_\_\_\_ on
  - (a) forest land
  - (b) non-forest land.

13. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature  
Name  
Official Seal

Date:- \_\_\_\_\_

Place:- \_\_\_\_\_

### PART-III

**(To be filled by the concerned Conservator of Forests)**

- 14. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.
- 15. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
- 16. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature  
Name

Official Seal

Date:- \_\_\_\_\_

Place:- \_\_\_\_\_

### PART-IV

**(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest department)**

- 17. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature  
Name & Designation  
(Official Seal)

Date:- \_\_\_\_\_

Place:- \_\_\_\_\_

## **PART- V**

**(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)**

18. Recommendation of the State Government:  
(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

Signature  
Name & Designation  
(Official Seal)

Date:- \_\_\_\_\_

Place:- \_\_\_\_\_

### **INSTRUCTIONS (for Part-I):-**

1. 1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 1 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. 2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 1 (ii).
3. 3. Complete details of alternative alignments examined especially in case of project like roads, transmission lines, railway lines, canals, etc. to be shown on map with details of area of forest land involved in each alternative to be given - Col. 1 (iii).
4. 4. For proposals relating to mining, certificate from competent authority like District Mining Officer about non-availability of the same mineral in surrounding/nearby non-forest areas.
5. 5. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
6. 6. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

### **GENERAL INSTRUCTIONS:-**

1. 1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. 2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. 3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
4. 4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

**FORM – ‘B’**  
**(See Rule 6)**

**Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities in respect of renewal of leases, which have been earlier granted clearance under Forest (Conservation) Act, 1980**

**PART-I**

**(to be filled up by user agency)**

1. 1. Letter No. & date vide which clearance under Forest (Conservation) Act, 1980 accorded by the Central Government (copy to be enclosed):
2. 2. Project details:
  - (i) Short narrative of the proposal and project/scheme for which the forest land is required.
  - (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
  - (iii) Cost of the project:
3. Purpose-wise break-up of the total land required (already broken & to be broken):
4. Details of Certificates/documents enclosed as required under the instructions.

Signature  
(Name in Block letters)  
Designation  
Address (of User Agency)

Date:- \_\_\_\_\_

Place:- \_\_\_\_\_

State serial No. of proposal \_\_\_\_\_  
(To be filled up by the Nodal Officer with date of

receipt)

**PART-II**

**(To be filled by the concerned Deputy Conservator of Forests)**

State serial No. of proposal \_\_\_\_\_

5. Location of the project/Scheme:
  - (i) (i) State/Union Territory
  - (ii) (ii) District.
  - (iii) (iii) Forest Division
  - (iv) (iv) Area of forest land proposed for diversion (in ha.)
  - (v) (v) Legal status of forest
  - (vi) (vi) Density of vegetation.
  - (vii) (vii) Species-wise (scientific names) and diameter class-wise enumeration of trees in unbroken area.
  - (viii) (viii) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
6. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.

7. Site inspection report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.
8. Division/District profile:
- (i) (i) Geographical area of the district.
  - (ii) (ii) Forest area of the district.
  - (iii) (iii) Total forest area diverted since 1980 with number of cases.
  - (iv) (iv) Total compensatory afforestation stipulated in the district/division since 1980 on (a) forest land including penal compensatory afforestation, (b) non-forest land.
  - (v) (v) Progress of compensatory afforestation as on (date) \_\_\_\_\_ on  
(a) forest land  
(b) non-forest land.
9. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature  
Name  
Official Seal

Date:- \_\_\_\_\_  
Place:- \_\_\_\_\_

### **PART-III**

**(To be filled by the concerned Conservator of Forests)**

10. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.
11. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
12. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature  
Name  
Official Seal

Date:- \_\_\_\_\_  
Place:- \_\_\_\_\_

### **PART-IV**

**(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest department)**

13. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature  
Name & Designation  
(Official Seal)

Date:- \_\_\_\_\_  
Place:- \_\_\_\_\_

## **PART- V**

**(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)**

14. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

Signature  
Name & Designation  
(Official Seal)

Date:-\_\_\_\_\_

Place:-\_\_\_\_\_

### **INSTRUCTIONS (for Part-I):-**

1. 1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 2 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. 2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 2 (ii).
3. 3. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
4. 4. Item-wise requirement (Col. 3) should be separately shown for broken up and fresh areas.
5. 5. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

### **GENERAL INSTRUCTIONS:-**

1. 1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. 2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. 3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
4. 4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

(File No. 5-5/98-FC)

DR. V.K. BAHUGUNA, Inspector General of Forests (Forest Conservation)

Note:- The principal rules were published vide G.S.R. No. 719 dated the 1<sup>st</sup> August, 1981 in part II, Section 3, sub-section (i) of the Gazette of India and subsequently amended vide

- (1) (1) G.S.R. 14, dated the 28<sup>th</sup> December, 1987
- (2) (2) G.S.R. 640(E), dated the 26<sup>th</sup> June, 1989
- (3) (3) G.S.R. 563 (E), dated the 21<sup>st</sup> May, 1992.

## PART - C

### CHAPTER 1:- Application of Forest (Conservation) Act, 1980

#### 1.1. Definition

- (i) The term 'Forest land' mentioned in Section 2 of the Act refers to reserved forest, protected forest or any area recorded as forest in the government records. Lands which are notified under Section 4 of the Indian Forest Act would also come within the purview of the Act. (Supreme Court's Judgement in NTPC's case). It would also include "forest" as understood in the dictionary sense (Supreme Court orders dated 12.12.1996 in WP No. 202/1995- Annexure-I). All proposals for diversions of such areas to any non-forest purpose, irrespective of its ownership, would require the prior approval of the Central Government.

**Clarification:-** The term "forest" shall not be applicable to the plantations raised on private lands, except notified private forests. However, felling of trees in these private plantations shall be governed by various State Acts and Rules. Felling of trees in notified private forests will be as per the working plan / management plan duly approved by Government of India.

- (ii) The term "tree" for the purpose of this Act will have the same meaning as defined in Section 2 of the Indian Forest Act, 1927 or any other Forest Act which may be in force in the forest area under question.

#### 1.2 Clarifications

- (i) The cases in which specific orders for de-reservation or diversion of forest areas in connection with any project were issued by the State Government prior to 25.10.1980, need not be referred to the Central Government. However, in cases where only administrative approval for the project was issued without specific orders regarding dereservation and/or diversion of forest lands, a prior approval of the Central Government would be necessary.
- (ii) Harvesting of fodder grasses, legumes etc. which grow naturally in forest areas, without removal of the tree growth, will not require prior approval of the Central Government. However, lease of such areas to any organisation or individual would necessarily require approval under the Act.
- (iii) The forest policy, as well as provisions of the Forest (Conservation) Act, 1980, do not interfere in any manner or restrict the Nistar, recorded rights, concessions and privileges of the local people for bonafide domestic use as granted by the State Governments under Indian Forest Act, 1927 or State Forest Acts/Regulations. However, it has to be ensured that while allowing such rights, concessions and privileges to be exercised, the right holders do not resort to felling of trees or break up the forest floor so as to procure stones, minerals, or take up constructions, etc. The forest produce so obtained shall not be utilised for any commercial purposes. The collection of such forest produce should be manual and should be transported through local modes or transport like bullock carts, camel carts, etc. and no mechanised vehicles shall be allowed to be used in transporting such forest produce and only in exceptional cases with the approval of concerned Divisional Forest Officers, tractors mounted with trolley may be used. (No. 11-12/98-FC(Pt.II) dated 3.5.1999 -96/c and dated 22.11.2000)

Clarification:- The Supreme Court has passed an order on 14.02.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary.....” Annexure-II A may be referred to. In view of this, rights and concessions cannot be enjoyed in the Protected Areas (PAs).

### **1.3 Investigation and Survey**

- (i) Investigations and surveys carried out in connection with development projects such as transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling, mining etc. will not attract the provisions of the Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.
- (ii) If, however, investigations and surveys involve clearing of forest area or felling of trees, prior permission of the Central Government is mandatory.
- (iii) Notwithstanding the above, survey, investigation and exploration shall not be carried out in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department without obtaining the prior approval of the Central Government, whether or not felling of trees is involved.

**Clarification:-** The Supreme Court has passed several orders regarding taking up of non-forestry activities in the National Parks/Sanctuaries. Annexure-II A may be referred to. In view of this, the State Governments should not submit any proposal for diversion of forest land in National Parks and Sanctuaries without seeking prior permission of the Indian Board for Wildlife (Now National Board of Wildlife) and Supreme Court. (No. 11-9/98-FC dated 04.12.1998 and 04.05.2001).

- (iv) The work of actual construction would however, fully attract the provisions of the Act and prior clearance of the Central Government must be obtained even if such work does not require felling of trees.
- (v) Prospecting of any mineral, done under prospecting license granted under MMRD Act, which requires collection/ removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act 1980 would be required. (No. 11-56/2000-FC dated 12.06.2001). However, test drilling upto 10 bore holes of maximum 4’’ diameter per 100 sq. km. for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more number of drilling of bore holes, prior permission of the Central Government under the Act would be required.
- (vi) It is clarified that the permission to survey, exploration or prospection would not ipso facto imply any commitment on the part of the Central Government for diversion of forest land.

### **1.4 Explanation Regarding Non-Forest Purpose**

- (i) Cultivation of tea, coffee, spices, rubber and palm is a non-forestry activity, attracting the provisions of the Act.
- (ii) Cultivation of fruit-bearing trees or oil-bearing plants or medicinal plants would also require prior approval of the Central Government except when:

- (a) The species to be planted are indigenous to the area in question; and
- (b) Such planting activity is part of an overall afforestation programme for the forest area in question.

### **1.5 Tusser Cultivation**

- (i) Tusser cultivation in forest areas by the tribals as a means of their livelihood without undertaking monocultural Asan or Arjun plantations shall be treated as a forestry activity. Therefore, no prior approval of the Central Government under the Act is necessary.
- (ii) Tusser cultivation in forest areas for which specific plantation of Asan or Arjun trees are undertaken for providing host trees to the silk cocoons shall be treated as forestry activity not requiring prior approval of the Central Government provided such plantation activity does not involve any felling of existing trees; provided further that while undertaking such plantations, at least three species are planted, of which no single species shall cover more than 50% of the planted area.
- (iii) Plantation of mulberry for silkworm rearing is a non-forestry activity attracting the provisions of the Act.

### **1.6 Mining**

- (i) Mining including underground mining is a non-forestry activity. Therefore, prior approval of the Central Government is essential before a mining lease is granted in respect of any forest area. The Act would apply not only to the surface area which is used in the mining but also to the entire underground mining area beneath the forest. A renewal of an existing mining lease in a forest area also requires the prior approval of the Central Government. Continuation or resumption of mining operation on the expiry of a mining lease without prior approval would amount to contravention of the Act.
- (ii) The advice of the Ministry of Law, Government of India in regard to the Supreme Court Order in Civil Appeal No.2349 of 1984 dated 7.5.1985 is at Annexure-III.
- (iii) Boulders, bajri, stone, etc., in the riverbeds located within forest areas would constitute a part of the forest land and their removal would require prior approval of the Central Government.

### **1.7 Clarification on Sub-clause 2(iii) of the Act**

- (i) The Sub-clause shall not be attracted when any forest land or any portion thereof is assigned to any authority, corporation, agency or any other organisation wholly owned, managed or controlled by the concerned State/Union Territory Government and/or the Central Government. Such Government owned, managed or controlled authority/corporation/ agency, which has been assigned such forest land shall not reassign it or any part thereof to any other organisation or individual.
- (ii) Any scheme or project which involves assignment of any forest land by way of lease or similar arrangement, for any purpose whatsoever, including afforestation, to any private person or to any authority/agency/organisation not wholly owned, managed or controlled by the Government (such as private or joint sector ventures) shall attract the provisions of this sub-clause.



## **1.8 Clarification on Sub-clause 2(iv) of the Act**

- (i) Sub-clause 2(iv) of the Act prohibits clearing of naturally grown trees in forest land for the purpose of using it for reforestation. The provisions of this sub-clause will be attracted if the forest area in question bears naturally grown trees and are required to be clear-felled, irrespective of their size, for harnessing existing crop and/or raising plantation through artificial regeneration techniques, which may include coppicing, pollarding or any other mode of vegetative propagation.
- (ii) All proposals involving clearing of naturally grown trees in any forest area, including for the purpose of reforestation, shall be sent by the concerned State/UT Government in the form of Management Plans/Working Plans to the Regional Chief Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.
- (iii) All proposals in respect of sanction of Working Plans/Management Plans shall be finally disposed of by the Regional Office, under Section 2 of the Act. While examining the proposal, the Regional Office would ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time. The Regional Office will however, invariably seek prior clearance of the Ministry whenever the proposal involves clear-felling of forest area having density above 0.4 irrespective of the area involved. Also, prior clearance would be required when the proposal is for clear felling of an area of size more than 20 ha. in the plains and 10 ha. in the hilly region, irrespective of density.
- (iv) In National parks and Sanctuaries where fellings are carried for improvement of wildlife and its habitat only, forests would be managed according to a scientifically prepared management plan approved by the Chief Wildlife Warden, provided that the removed forest produce shall be used for meeting bona fide needs of the people living in and around the National Park/Sanctuary and shall not be used for any commercial purposes. But in cases where large scale felling/removal of timber and non-timber products is required in a national park/sanctuary, which need disposal through sales, approval of the Central Government would be necessary. However, this shall be subject to the orders of the Supreme Court, which may be referred to at Annexure-II A. (No. 5-5/86-FC(Pt) dated 10.08.1999).

## **1.9 Clarification of Section 3 B of the Act**

- (i) Each case of the violation of the Act shall be reported by the concerned State/Union Territory Government to the Central Government.
- (ii) The report of violation shall be described in a self-contained note and supported by requisite documents, including particularly the names and designations of the officials/persons who are prima-facie responsible for the contravention of the Act.
- (iii) In case it is not possible to fix the responsibility for commission/omission of any action leading to the violation of the Act, a full explanation with relevant supporting documents shall be appended to the report.
- (iv) Any person and/or authority nominated by the Central Government may be required to discharge any of the duties, including prosecution under the Act in any Court as may be deemed appropriate for this purpose. In such an eventuality, the Government

of the concerned State/Union Territory shall make available all such records or documents as may be called upon by the investigation officer.

**Clarification:** The provisions of this Section are applicable to the cases where the State Government or any authority passes any order for permitting activities covered by Section 2 of the Forest (Conservation) Act, 1980 without prior approval of the Central Government. Cases of illicit felling/encroachment/illegal mining, etc. have to be dealt under the provisions of the Indian Forest Act, 1927, State Forest Acts, Environment (Protection) Act, 1986, etc. (No. 5-5/86-FC dated 07.12.1999)

#### **1.10 Diversion of Forest Land for Regularisation of Encroachments**

- (i) Detailed guidelines issued in this regard vide this Ministry's No.13.1/90-F.P.(1) dated 18.9.90 shall be strictly followed. These are included in Annexure IV.
- (ii) The State Governments/UT Administrations may send the proposals as follows:-
  - (a) A consolidated proposal for the whole State in the prescribed application form.
  - (b) Detailed information as per the enclosed Table/format – Annexure-IV-A. Division wise proposals, maps, names of encroachers, etc. should be kept ready at Division level, which may be made available whensoever required for inspection and need not be appended with the consolidated proposal.
  - (c) Detailed compensatory afforestation scheme with areas proposed for raising compensatory afforestation Division-wise, phased planning, fund requirement, commitment of the State Government to provide funds for the purpose, etc. Maps of proposed areas for compensatory afforestation should be kept ready at Division level, which may be made available whensoever required for inspection.
  - (d) A time plan for eviction of ineligible encroachers.  
(No. 8-67/2000-FC dated 04.12.2000)

#### **1.11 Review of Disputed Claims over Forest Land, arising out of Forest Settlement**

Detailed guidelines issued in this regard vide this Ministry's No.13.1/90-F.P.(2) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-B.

#### **1.12 Disputes Regarding Pattas/Leases/Grants involving Forest Land – Settlement thereof**

Detailed guidelines issued in this regard vide this Ministry's No.13.1/90-F.P.(3) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-C.

#### **1.13 Conversion of Forest Villages into Revenue Villages**

Detailed guidelines issued in this regard vide this Ministry's No.13.1/90-F.P.(5) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-D.

## **CHAPTER 2:- Submission of Proposals**

### **2.1 General**

- (i) Rule 6 of the Forest (Conservation) Rules, 2003 prescribes the procedure for submission of proposals for seeking prior approval of the Central Government under Section 2 of the Act. The form appended to the Rules, specifies the particulars to be furnished with the proposal. Only proposal in the prescribed format, and complete in all respects, will be considered. The user agency, if they so desire, for monitoring purpose only, may submit the proposal along with a copy of the receipt from Nodal Officer of having received complete application to the Assistant Inspector General of Forests (FC)/Director in-charge of the Monitoring cell.
- (ii) All proposals relating to diversion of forest land up to 40 hectares and proposals for clearing of naturally grown trees for reforestation shall be sent directly to the concerned Regional Office of the MoEF by the State/UT Government or other authority. All other proposals shall be sent by the State/UT Government or other authority to the Secretary to the Government of India, MoEF mentioning "Attention - FC Division" on covering letter as well as on envelope. Moreover, a copy of all these proposals irrespective of area should also be sent to concerned Regional Office of the MoEF. (No. 5-5/86-FC(Pt) dated 30.10.1998).

For small development and public utility projects involving diversion of forest land upto 5 hectare, the State Government may authorize the Nodal Officer or any other Officer to submit the proposals directly to the Regional Offices.
- (iii) Adverse recommendations of subordinate officers in prescribed form or in the documents attached with the form should invariably be commented upon by the Principal Chief Conservator of Forests/Chief Conservator of Forests. Similarly, adverse recommendation by the PCCF/CCF should be commented upon by the State Government to emphasis that a conscious decision has been taken in the matter.
- (iv) Wherever re-diversion of forest land becomes essential, State Government should seek the prior permission of the Central Government giving details of the earlier approval and the proposed activity details in letter form rather than initiating a fresh proposal. (No. 11-29/2000 - FC dated 24.3.2000)
- (v) In cases of irrigation projects or projects involving linear diversion of forest land, when during execution, some realignment is needed due to technical reasons and where the re-alignment is of a minor nature, i.e. deviation from the original alignment is at a few points and the number of trees to be cut does not exceed the number given in the original proposal, the State government need not submit a fresh proposal. Rather, they may send this information through a covering letter giving maps of the original alignment and fresh alignment with details of the additional forest land required and the variation in the number of trees which will be affected due to the realignment. (No. 11-16/98-FC dated 29.10.1998)
- (vi) The State Governments are advised not to consider/process cases, which are pending in various Courts or are sub-judice, to avoid all sorts of administrative and legal complications. (No. 10-236/-FCE dated 06.10.1998)
- (vii) In order to ensure that the forest lands are diverted only for site specific projects, that too where it is inescapable, so that the ecological balance of the country is well protected, the respective State/UT Administration, should give due consideration to the following and should submit proposal accordingly after detailed scrutiny.

1. Diversion of forest land within Reserve Forest:- As per the Status of Forest Report, 1997 published by Forest Survey of India, out of 76.25 million ha. of total forest area, roughly 54.4% is Reserve Forest area. These forests are considered as good forests with plenty of bio diversity and it is necessary to keep these forests intact. As such, any proposal for diversion in Reserve Forest should be very carefully examined and detailed justification after exhausting all alternatives for locating the project in this forest area should be given while forwarding the proposal.

2. Regarding Mining proposals:- It has been observed by the Central Government that a large number of proposals relating to mining are submitted which are located deep inside the forest areas. Locating such proposals inside entire forest area vulnerable due to ancillary activities like construction of approach road, movement of vehicles and coming up of colonies for the workers. It has also been observed that whatever area has already been opened up for mining of different minerals, have not been worked and reclaimed systematically and scientifically. There is a tendency to open up new pits without exhausting the existing ones to its full depth/potential. Therefore, Ministry has decided that whenever a proposal for fresh mining is submitted a brief profile of the lessee/company should be submitted giving details of their existing mining leases in the State with their capacity of production, the present level of average annual production, location of these pits and the status of reclamation of forest land that are exhausted of minerals. Alongwith this, the State Government should also submit details of all other mining leases for that particular mineral with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening new mining leases for that particular mineral. Mining plan should be approved by the competent authority for concerned minerals e.g. for coal it should be approved by Controller of Coal and for major minerals by IBM and so on.

Even in the case of renewals, it has been observed that the State Governments are not giving complete picture of mining activity in the particular block or compartment of the forest block. Whenever such proposal is sent, complete details of existing or proposed leases in that particular forest area with their present status should be indicated on Survey of India topo-sheet on 1:50,000 scale.

3. Diversion for non-site specific projects:- A large number of proposals for diversion of forest land for non-site specific projects like industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons, etc. are received by the Central Government. Attention is drawn to items 1(iv) and 8 of the Form 'A' in which the proposal is to be submitted by the State Government. In these columns, justification for locating the project in the forest area giving details of the alternatives examined and reasons for their rejection has to be furnished. Normally, there should not be any justification for locating non site-specific projects on forest land. Therefore, the State Government should scrutinize the alternatives in more details and must give complete justification establishing its in-escapability for locating the project in forest area.

4. It has been observed that in respect of many proposals, the Central Government receives representation from NGOs/local public bodies against the diversion of forest land on loss of forest land, environment and ecological grounds. It is felt that it is essential to have the opinion of the local people, whenever a project is coming up in that area. Therefore, whenever any proposal for diversion of forest land is submitted, it should be accompanied by a resolution of the 'Aam Sabha' of Gram Panchayat/Local Body of the area endorsing the proposal that the project is in the interest of people living in and around the proposed forest land except in cases wherever consent of the local people in one form or another has been obtained by the State or the project proponents and the same is indicated in the proposal explicitly.

However, it would be required where the project activity on forest land is affecting quality of life of the people residing in nearby areas of the site of diversion; like mining projects, displacement of people in submergence area, etc. It is further clarified that such resolution would not be required in following cases:

- a. a. Project requires public hearing in order to get environment clearance. However, a copy of public hearing may be furnished along with the proposal in such cases.
- b. For projects like construction of roads, canals, laying of pipelines/optical fibers and transmission lines etc., where linear diversion of forest land in several villages are involved.
- c. Proposals involving diversion of private forest lands.
- d. In case of small public utility projects like drinking water, schools, hospitals which are for the welfare of local people.

(No. 11-30/96-FC(Pt) dated 26.02.1999 and dated 17.08.2000, No.5-5/86-FC dated 09.03.2000)

## **2.2 Particulars to be Furnished along with the Proposal**

- (i) Map of the forest area required showing boundary of the adjoining forests, etc., is to be furnished along with the prescribed form. This should normally be on 1:50,000 scale original Survey of India toposheet. However, if maps on 1:50,000 scale are not available, map on 1"=1 mile or 1"= 4 miles or any other suitable scale would be acceptable. If the area is very small, an index map may be submitted showing forest boundaries and a location map on a larger scale with a land use of the area required.
- (ii) Species-wise and diameter class-wise abstract of trees to be felled should be furnished in the prescribed form. Total enumeration is necessary only up to 10 hectares. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plans or by standard sampling methods.
- (iii) The projects for roads and railway line construction will be processed in their entirety. Therefore, proposals in piecemeal should not be submitted. A note on the present and future requirement of forest land is required to be submitted along with the proposal.
- (iv) The user agency shall submit the proposal for renewal of mining lease to the Forest Department one year prior to date of expiry of existing lease, failing which the proposal may be liable for rejection. The State Government shall send the complete proposal to the MOEF at least 6 months prior to the expiry of the existing lease. In case of any delay, a detailed report elaborating the cause of delay shall be sent alongwith the proposal. (substituted vide No. 5-5/86-FC dated 25.11.1994)
- (v) Special guidelines in regard to laying of transmission lines in forest area are at Annexure V.
- (vi) All proposals seeking prior approval of the Central Government should invariably contain the following information:
  - (a) (a) Extent of forest cover in the concerned district/State.
  - (b) (b) Extent of forest land diverted so far under Forest (Conservation) Act 1980 in the concerned district/State.
  - (c) (c) Extent of forest land diverted for same/similar purpose/project so far in the concerned district/State.
  - (d) (d) Progress of compensatory afforestation in the concerned district/State under earlier forest clearances.

However, the States/UTs may submit the above information on a consolidated, calendar year basis every year as per the proforma at Annexure-VII so as to avoid duplication/re-iteration in each proposal. (No. 11-30/96-FC (Pt) dated 28.06.2001)

(vii) Mining proposals in forest areas in respect of coal and other major minerals should be accompanied with the following documents:-

1. In respect of Underground mining in stratified deposits in forest areas

The mining plan in stratified deposits in forest areas should include the predicted subsidence, slope and strain values and their impact on forests and surface and their mitigation. The maximum tensile strain of 20 mm per meter and thereby the surface cracks of width of about 200 - 300 mm is to be permitted in forest areas. Accordingly, the mine plans should be made to restrict the subsidence movement within these limits with the provision of mitigation measures. All mining plans in respect of coal and other major minerals should be accompanied with numerical modelling in 3-Dimension for subsidence prediction through an expert mining engineer/organisation to assess long term damage on surface vegetation due to underground mining preferably from Banaras Hindu University; ISM, Dhanbad; any of the IITs located at Delhi, Kanpur, Mumbai, Kharagpur, Madras, Roorkee & Guwahati; or M/s CMRI alongwith the mitigation measures suggested by them should be submitted along with the proposal. The surface layout of mining area should be designed so as to use minimum possible land, and wherever feasible, the surface facilities should be planned over non-forest areas.

2. Open cast mining in forest areas.

In respect of open cast mining in forest areas, a comprehensive study of solid waste management and land reclamation with post mining land use plan and decommissioning should be made and the plan should envisage the minimum possible overburden dumping outside the mine. In place where the non-forest land is available, the external dumping of the overburden should be planned on non-forest land. Special attention should be given to top-soil and sub-soil handling and management.

3. Use of Fly ash in reclamation of open cast mines

Wherever feasible, depending upon the characteristic of fly ash and its availability nearby, use of fly ash in reclamation of open pits should be looked into and planned. Fly ash for this purpose should be characterized from the point of view of leaching potential with special reference to heavy metals.

While forwarding the proposals, the State Government may also bear in mind the para 7.13 of The National Mineral Policy, 1993 (For non-fuel & non-atomic mineral) wherein it states that “ --- Mining operation shall not ordinarily be taken up in identified ecologically fragile and biologically rich areas.....”. (No. 2-2/2000-FC dated 27.03.2000)

4. Mining Plan

Ministry is receiving a large number of proposals for grant of/renewal of mining leases. In order to take a holistic view, it is essential that a copy of the mining plan duly approved by the IBM, Nagpur should be enclosed with the proposal alongwith map of forest area on printed original copy of Survey of India topo sheet 1:50,000 scale showing boundaries of forest area and other mining leases of forest block within that sheet. (No. 5-5/86-FC (Pt) dated 26.02.1999)

### **2.3 Proposals Requiring Clearance from Environmental Angle**

- (i) The projects covered under notifications issued from time to time under Environment (Protection) Act, 1986, shall require clearance separately from environmental angle, as per procedure laid down by the Environment Wing of the MOEF. Environmental clearance where required should be applied for separately and simultaneously.
- (ii) Notwithstanding the above, if in the opinion of the Ministry or the Advisory Committee, any proposal should be examined from the environmental angle, it may be required that the project proponent refer the case to the Environment Wing of the MOEF.
- (iii) For projects requiring clearance from forest as well as environment angles, separate communications of sanction will be issued, and the project would be deemed to be cleared only after clearance from both angles.  
(paras (i) & (iii) substituted No. 5-5/86-FC dated 25.11.1994)

### **2.4 Simplified Procedure for Certain Categories of Proposals**

- (i) In respect of proposals for laying of transmission lines, pipelines for drinking water supply, laying of telephone/optical fibre lines and exploratory drilling for prospecting of oil which do not involve any felling or cutting of tree, only the following particulars may be furnished in the prescribed form:
  - (a) (a) Map of the area required along with geographical location of the project.
  - (b) (b) Purpose for which forest land is required to be used.
  - (c) (c) Extent of forest area to be diverted.
  - (d) (d) Legal status of forest land.
  - (e) (e) Whether forest land forms part of national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna.
  - (f) (f) Whether no alternative alignment is possible to avoid or minimise use of forest land and, whether, the required forest area is the minimum needed for the purpose. A certificate in this regard is to be furnished by the concerned Divisional Forest Officer after personal inspection of the spot.
  - (g) (g) Compensatory afforestation scheme.
  - (h) (h) A certificate stating specifically that no cutting or felling of trees is involved.
- (ii) Other cases involving forest area up to 2 ha. which are devoid of tree cover, may also be dealt with as per above simplified procedure except for proposals for mining and regularisation of encroachments.  
(paras (d) & (e) interchanged vide No. 11-9/98-FC dated 23.07.01998)

### **2.5 Diversion of Forest Land for Widening or Expansion or Realignment of Road/Rail/Canal**

- (i) (i) Such lands which had been acquired by Government Departments like Railway, Irrigation, PWD, etc. for specific purposes like laying of roads, railway lines and canals and the vacant area was planted up with trees and these lands are not yet notified as protected forests will not attract the provisions of Forest (Conservation) Act, 1980 for the purposes of widening or expansion or re-alignment. However, the

concerned agency will seek permission under local laws, if any, from appropriate authority.

- (ii) (ii) Such lands which were acquired by the above departments and the vacant areas were subsequently planted and notified as protected forests for management purposes will need approval from the Central Government under Forest (Conservation) Act, 1980. The user agency will submit the proposal in the prescribed format through the State Forest Department to the concerned Regional Office of the Ministry. The Regional Offices shall be competent to finally dispose of all such proposals irrespective of the area, preferably within 30 days from the date of receipt of the proposal. While issuing the approval, in place of normal provision for compensatory afforestation, the Regional Offices will stipulate a condition that for every tree cut at least two trees should be planted.
- (iii) (iii) However, if the decision is not ordered by the concerned Regional Office within 30 days of the receipt of fully completed application, the Central Government/State may proceed with the widening/modernisation under intimation to the local State Forest Department and Central Government.  
(Substituted vide No. 4-1/97-FC dated 18.02.1998)

**Clarification:-** This guideline is applicable to only such projects, where plantations have been raised on the lands acquired by the user agency and subsequently notified as Protected Forest. This guideline will not be applicable if the forest land involved is reserved/protected forests belonging to the Forest Department.  
(No. Nil dated 16.07.1999)

## **2.6 Cost-benefit Analysis**

- (i) While considering proposals for dereservation or diversion of forest land for non-forest use, it is essential that ecological and environmental losses and socio-economic distress caused to the people who are displaced are weighed against economic and social gains.
- (ii) Annexure VI (a) details the types of projects for which cost-benefit analysis will be required. Annexure VI (b) lists the parameters according to which the cost aspect will be determined, while Annexure VI (c) gives the parameters for assessing the benefits accruing.
- (iii) A cost-benefit analysis as above should accompany the proposals sent to the Central Government for clearance under the Act.

## **2.7 Plan for Rehabilitation of Oustees**

- (i) If the project involves displacement of people, a detailed Rehabilitation Plan shall be submitted along with the proposal for diversion of forest land. The Scheduled Tribe and Scheduled Caste population should be separately considered, and a plan for their rehabilitation should be in consonance with their socio-economic, cultural and emotional lifestyle.
- (ii) The Government of India do not allow diversion of forest land for rehabilitation of people. However, such diversion may be considered as a special case, if diversion of forest land is essentially required for the rehabilitation of persons belonging to Scheduled Tribes, Scheduled Castes and other people who may have to be shifted from the core zone of a national park or reserve.



## **2.8 Transfer of Lease**

Where transfer of lease on forest land, from one user agency to another for the same purpose for which the forest land was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and; the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government/ State Government in future.

## **2.9 Participation of private sector through involvement of NGOs & Forest Department in afforestation/rehabilitation of degraded forests.**

Detailed guidelines issued in this regard vide this Ministry's No. 8-21/96-FC dated 07.06.1999 shall be strictly followed. These are included in Annexure VIII.  
(No. 8-21/96-FC dated 07.06.1999)

## **2.10 Cluster mining**

Detailed guidelines issued in this regard vide this Ministry's No. 11-8/2001-FC dated 15.11.2001 shall be strictly followed. These are included in Annexure IX.  
(No. 11-8/2001-FC dated 15.11.2001)

## CHAPTER 3:- Compensatory Afforestation

### 3.1 Compensatory Afforestation

- (i) Compensatory afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. It is essential that with all such proposals, a comprehensive scheme for compensatory afforestation is formulated and submitted to the Central Government.
- (ii) The comprehensive scheme shall include the details of non-forest/degraded forest area identified for compensatory afforestation, maps of areas to be taken up for compensatory afforestation, year-wise phased forestry operations, details of species to be planted and a suitability certificate from afforestation/management point of view alongwith the cost structure of various operations.
- (iii) Sometimes the compensatory afforestation schemes are being submitted at such a cost structure, which is at variance with the cost norms for the same area. The compensatory afforestation schemes no doubt has to be site specific and thus per hectare rate will vary according to species, type of forest and site. In this regard, it has been decided that henceforth the compensatory afforestation schemes which are being submitted alongwith the proposals for forestry clearance, must have technical and administrative approvals from the competent authority and should be in conformity with cost norms based on species, type of forest and site.  
(No. 8-80/99-FC dated 07.11.2001)

### 3.2 Land for Compensatory Afforestation

- (i) (i) Compensatory afforestation shall be done over equivalent area of non-forest land.  
**Clarification:-** As a matter of pragmatism, the revenue lands /zudpi jungle/ chhote/bade jhar ka jungle/jungle-jhari land/civil-soyam lands and all other such category of lands, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as RF under the Indian Forest Act, 1927.
- (ii) (ii) As far as possible, the non-forest land for compensatory afforestation should be identified contiguous to or in the proximity of Reserved Forest or Protected Forest to enable the Forest Department to effectively manage the newly planted area.
- (iii) (iii) In the event that non-forest land of compensatory afforestation is not available in the same district, non-forest land for compensatory afforestation may be identified anywhere else in the State/UT as near as possible to the site of diversion, so as to minimise adverse impact on the micro-ecology of the area.
- (iv) (iv) Where non-forest lands are not available or non-forest land is available in less extent to the forest area being diverted, compensatory afforestation may be carried out over degraded forest twice in extent to the area being diverted or to the difference between forest land being diverted and available non-forest land, as the case may be.
- (v) (v) The non-availability of suitable non-forest land for compensatory afforestation in the entire State/UT would be accepted by the Central Government only on the Certificate from the Chief Secretary to the State/UT Government to that effect.

- (vi) (vi) As an exception to 3.2 (i) above, compensatory afforestation may be raised over degraded forest land twice in extent of the forest area being diverted/dereserved in respect of following types of proposals :
- (a) (a) For extraction of minor minerals from the river beds. (However, if forest area to be diverted is above 500 hectares, compensatory afforestation over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted subject to a minimum of 1000 hectares compensatory afforestation).
  - (b) (b) For construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area - in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.
  - (c) (c) For laying of transmission lines upto 220 KV.
  - (d) (d) For mulberry plantation undertaken for silk-worm rearing without any felling of existing trees.
  - (e) (e) For diversion of linear or 'strip' plantation declared as protected forest along the road/rail/canal sides for widening or expansion of road/rail/canal.
  - (f) (f) For laying of telephone/optical fibre lines.  
(inserted vide No. 11-9/98-FC dated 23.07.1998)
- (vii) The field firing ranges, which are used temporarily by the defence establishments for arms practice, comprises of safety zone encompassing the field firing range and danger area/impact zone. Keeping in view that the impact area is only a small portion of the entire firing range and as an exception to 3.2 (i) above, compensatory afforestation may be raised over equivalent degraded forest land of the forest area being diverted for impact zone of the field firing range.  
(No. 11-9/96-FC dated 07.01.1997), No. 11-55/2000-FC dated 06.09.2000 and No. 8-58/98-FC dated 06.11.2001)
- (viii) No compensatory afforestation shall be insisted upon in respect of the following :-
- (a) (a) For clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation.
  - (b) (b) Proposals involving diversion of forest land up to one hectare. (However, in such cases, plantation of ten times the number of trees likely to be felled will have to be carried out by way of compensatory afforestation or any number of trees specified in the order).
  - (c) (c) For underground mining in forest land below 3 metres. (However, in respect of forest area required for surface right, compensatory afforestation shall be required as per relevant provisions).
  - (d) (d) Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or overburden, construction of roads, ropeways, buildings, etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that no compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier.  
(substituted vide No. 5-5/86-FC dated 25.11.1994)

- (ix) Special provisions for Central Government/Central Government Undertaking Projects.
- (a) (a) Compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted. Certificate of Chief Secretary regarding non-availability of non-forest land for compensatory afforestation will not be insisted.
  - (b) (b) The user agency will deposit the amount for compensatory afforestation with the concerned State Govt. on receiving the demand and the actual transfer/use of forest land will be effected only after the receipt of the demanded amount.
  - (c) (c) The State Governments will identify 'blank forest' or degraded forest lands for compensatory afforestation. The State Governments of Madhya Pradesh and Rajasthan will identify such degraded forest land in their States for compensatory afforestation of central projects in their respective States as indicated by the Chief Secretaries of these two States in the meeting of Committee of Secretaries held on 15.11.96.
  - (d) (d) The pool of degraded forest land in Madhya Pradesh and Rajasthan will also be available for the Central Government projects of other States if the concerned State Government fail to identify the requisite land, as mentioned at (a) above, for compensatory afforestation in its own territory within one month of the submission of the proposal to the State Government.
  - (e) (e) While identifying the pool of degraded forest land, blank forest lands in reserved forests in compact/sizeable blocks should be identified as first priority as "plantation bank". An appropriate treatment plan with choice of species should be prepared by the beneficiary States. Only when such areas are not available, the choice of compensatory afforestation will fall on protected, unprotected forests and unclassified forests in declining order of priority.
  - (f) (f) The Nodal Officer (Forest Conservation), State Forest Department will identify the pool of such degraded forest lands in consultation with the concerned Chief Conservator of Forests (C), Regional Offices of the MOEF.  
(No. 11-30/96-FC dated 10.04.1997 – 40/c, dated 11.09.1997)

**Clarification:-** The provisions of the above guideline would be applicable to only Central Sector projects and not on State Sector projects which are being undertaken by Central PSUs on turnkey basis. In such cases, compensatory afforestation on equivalent non-forest land/a certificate of Chief Secretary regarding non-availability of equivalent non-forest land anywhere in the State shall be insisted upon.

(No. 11-30/96-FC (pt.I) dated 16.04.2003)

### **3.3 Elements of Schemes for Compensatory Afforestation**

- (i) The scheme for compensatory afforestation should contain the following details:-
  - (a) (a) Details of equivalent non-forest or degraded forest land identified for raising compensatory afforestation.
  - (b) (b) Delineation of proposed area on suitable map.
  - (c) (c) Agency responsible for afforestation.
  - (d) (d) Details of work schedule proposed for compensatory afforestation.
  - (e) (e) Cost structure of plantation, provision of funds and the mechanism to ensure that the funds will be utilized for raising afforestation.

- (f) (f) Details of proposed monitoring mechanism.

### **3.4 Lands Identified for Compensatory Afforestation to be Transferred to the Forest Department**

- (i) Equivalent non-forest land identified for the purpose are to be transferred to the ownership of the State Forest Department, and declared as protected forests so that the plantation raised can be maintained permanently. The transfer must take prior to the commencement of the project.
- (ii) (ii) The compensatory afforestation should clearly be an additional plantation activity and not a diversion of part of the annual plantation programme.
- (iii) (iii) In each case where the afforestation target is over 500 hectares in plains, and 200 hectares in hills, a Monitoring Committee shall be established with a nominee of the Central Government to oversee that the stipulations, including those pertaining to compensatory plantation are carried out.

### **3.5 Special Fund**

- (i) The State/UT Government should create a special fund to which the individual user agency will make its deposits for compensatory afforestation. The Forest Department, or any other technically competent agency which is assigned the job of compensatory afforestation should fully utilise this amount for implementation of the afforestation scheme approved by the Government of India, and keep separate and meticulous account thereof.
- (ii) In order that a uniform procedure is followed by all departments, the Controller General of Accounts, Department of Expenditure, Ministry of Finance vide letter No. T-14018/14/90-Codes/485 dated 23.06.1992 has informed that the aforesaid deposit may be booked under the head “J-Reserve Fund (b) Reserve Funds not bearing interest – 8235 – General and Other Reserve Funds – 200 – Other Funds – Special Fund for Compensatory Afforestation.  
(No. T-14018/14/90-Codes/485 dated 23.06.1992)

**Clarification:-** The Supreme Court has passed orders on 30-10-2002 in I.A. No.566 in Writ Petition (Civil) No. 202 of 1995, regarding creation of a body for management of compensatory afforestation fund. Annexure-II B may be referred to. In compliance with the orders, creation of a body namely, “Compensatory Afforestation Management & Planning Agency (CAMPA)” is under consideration. As soon as this body comes into existence, all the funds received by the State/UT Governments towards compensatory Afforestation, additional compensatory Afforestation, penal compensatory Afforestation, Net Present Value of forest land, Catchment Area Treatment Plan Funds, Wildlife Management Plan etc. for the conditions stipulated by the Central Government, shall be transferred to the CAMPA. Further, Compensatory Afforestation Funds which have not yet been realized as well as the unspent funds already realized by the States shall be transferred to the said body within six months of its constitution by the respective States and the user-agencies.

Further, Supreme Court in its order dated: 1.8.2003 in I.A. No.826 & 859 in I.A. No. 566 in Writ Petition (Civil) No.202 of 1995 re-iterated that no approval shall be granted without imposing the condition indicated in this Court’s order

dated:30.10.2002 relating to the payment of net present value of the forest land. Annexure-II C may be referred to.

- (iii) Guidelines for collection of Net Present value (NPV) of forest land in compliance to the orders of the Supreme Court have been issued vide letter no. 5-1/98-FC(pt II) dated 18/09/2003 and 22/09/2003 (Appendix).

## CHAPTER 4:- Some Clarifications

### 4.1 Delegation of Powers

- (i) All proposals involving diversion/dereservation of forest land up to 40 hectares, and proposals for clearing of naturally grown trees in forest area or portion thereof shall be sent by the concerned State/UT Government to the concerned Regional Office of MOEF.
- (ii) Chief Conservator of Forests of the concerned Regional Office shall be competent to finally dispose of all proposals (including decision regarding violation of Act) involving diversion/dereservation of forest land up to 5 hectares, except in respect of proposals for regularisation of encroachments and mining (including renewal of mining leases). Similarly, proposals involving clearing of naturally grown trees in forest area or portion thereof for reforestation shall also be finally disposed of by the Chief Conservator of Forests of the concerned Regional Office, subject to guidelines/instructions issued in this regard (refer to para 1.8) and any other instructions issued from time to time.
- (iii) In the absence of Chief Conservator of Forests, these powers shall be exercised by the concerned Conservator of Forests of the Regional Office in case the post of Chief Conservator of Forests is vacant due to transfer, long leave, etc.  
(In respect of Regional Office at Chandigarh, these powers shall be exercised by Conservator of Forests of the Regional Office of Chandigarh).
- (iv) (iv) A list of all cases finally disposed of and a list of cases rejected along with reasons thereof for rejection would be required to be sent every month to the MOEF by the Regional Office.
- (v) (v) (a) In respect of proposals involving diversion of forest area above 5 hectares and up to 40 hectares and all proposals for regularisation of encroachments and mining up to 40 ha., the proposals shall be examined by the Regional Chief Conservator of Forests/Conservator of Forests in consultation with an Advisory Group consisting of representatives of the State Government from Revenue Department, Forest Department, Planning and/or Finance Department and concerned Department whose proposal is being examined. The views of the Advisory Group shall be recorded by the Regional Chief Conservator of Forests and along with the same, the proposal shall be sent to Secretary, MOEF for consideration and final decision. It is to be clarified that views of this Advisory Group in no way shall be binding while deciding the proposal. The meeting of the Advisory Group may be held at the State Capital. The proposal will not be deferred for want of quorum.  
(b) (b) The meeting of the State Advisory Group will normally be held once in a month at concerned State Capital. The Regional Chief Conservator of Forests shall act as Chairman of the Advisory Group and Nodal Officer may be nominated to work as Member Secretary of the State Advisory Group.  
(No. 5-5/86-FC (Pt) dated 01.03.1993)  
(c) (c) State Governments may take immediate steps to nominate representatives of the State Government not below the rank of Joint Secretary for the Advisory Group. Nodal Officer may be nominated to work as Member-Secretary of the State Advisory Group.  
(d) (d) The details of the officers alongwith addresses, telephone number, etc. may be directly communicated to the concerned Regional Chief Conservator of Forests under intimation to this Ministry to facilitate early processing of the proposals by the Advisory Group.

- (e) (e) The meeting of the Advisory Group will normally be held once a month at concerned State capital. (No. 5-5/86-FC (Pt) dated 17.12.1992)

#### **4.2 Two Stage Clearance of Proposals**

- (i) Forestry clearance will be given in two stages. In Ist stage, the proposal shall be agreed to in principle in which usually the conditions relating to transfer, mutation and declaration as RF/PF under the Indian Forest Act, 1927 of equivalent non-forest land for compensatory afforestation and funds for raising compensatory afforestation thereof are stipulated and after receipt of compliance report from the State Government in respect of the stipulated conditions, formal approval under the Act shall be issued.
- (ii) However in cases where compliance of conditions stipulated in the in-principle approval is awaited for more than 5 (five) years from the State Governments, the in-principle approvals would summarily be revoked. After revocation of the in-principle approval, if the State Government/user agency is still interested in the project, they would be required to submit a fresh proposal which shall be considered de-novo. (No. 11-30/96-FC (Pt) dated 14.09.2001)
- (iii) Sometimes the proposals for renewal of mining leases are accorded in-principle approval/temporary working permission subject to compliance of certain conditions. It has come to the notice of the Ministry that many a times the user agency approaches the Courts against the very conditions on which the proposals are accorded in-principle approval. Ideally the user agency should sort out any grievance in respect of any stipulated condition with the Central Government/State Government. Therefore, it has been decided that in cases where the user agency decides to approach the Courts for redress, the in-principle approval and temporary working permission shall stand revoked/in abeyance unless the Court cases are withdrawn and conditions complied with or till the cases are decided by the Courts. (No. 8-82/93-FC dated 02.04.2003)
- (iv) Approved proposals shall not normally be reopened for review of the conditions, which have been stipulated earlier.

#### **4.3 Anticipatory Action by the State / UT Governments**

- (i) Cases have come to the notice of the Central Government in which permission for diversion of forest land was accorded by the concerned State Government in anticipation of approval of the Central Government under the Act and/or where work has been carried out in forest area without proper authority. Such anticipatory action is neither proper nor permissible under the Act which clearly provides for prior approval of the Central Government in all cases. Proposals seeking ex-post-facto approval of the Central Government under the Act are normally not entertained. The Central Government will not accord approval under the Act unless exceptional circumstances justify condonation. However, penal compensatory afforestation would be insisted upon by the MOEF on all such cases of condonation.
- (ii) The penal compensatory afforestation will be imposed over the area worked/used in violation. However, where the entire area has been deforested due to anticipatory action of the State Government, the penal compensatory afforestation will be imposed over the total lease area. (No. 5-5/86-FC (Pt) dated 03.02.1999)





#### **4.4 Projects Involving Forest as well as Non-forest Lands**

Some projects involve use of forest land as well as non-forest land. State Governments/project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest land involved is not approved. It has, therefore, been decided that if a project involves forest as well as non-forest land, work should not be started on non-forest land till the approval of the Central Government for release of forest land under the Act has been given.

#### **4.5 Diversion for Construction of Houses**

- (i) On a proposal for construction of houses the late Prime Minister had observed: "Destruction of our forest has already caused great damage to our environment. Therefore, I am not at all in favour of use of forest land for construction of houses..... The State Government should find other land for such purposes."

The Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses.

- (ii) Diversion of forest land for construction of other buildings also will not be normally considered. However, such diversion may be allowed for construction of schools, hospitals/dispensaries, community halls, cooperatives, panchayats, tiny rural industrial sheds of the Government etc., which are to be put up for the benefit of the people of that area, but such diversion should be strictly limited to the actually needed area and further it should not exceed one hectare in each case.

#### **4.6 Extraction of Minor Minerals from the River Beds**

- (i) Extraction of minor minerals like boulders, bajri, stone, shell, etc. from the river beds shall not be permitted if the river bed is in a national park or a wildlife sanctuary unless such extraction is for the benefit of the forest or wildlife.
- (ii) There shall be no labour camp in the forest area for the labour involved in the extraction work.
- (iii) Extraction of minor minerals shall be from the middle of the river bed after leaving one fourth of the river bed on each bank untouched.

#### **4.7 Safety Zone for Mining Operations**

- (i) Forest area required for safety zone for mining operations should not be part of the forest area proposed for diversion. However, it should be indicated separately in the proposal. Such area will have to be fenced at the cost of the project authority. Further, project authority will have to deposit funds with the Forest Department for the protection and regeneration of such safety zone area and also will have to bear the cost of afforestation over one and a half times of the safety zone area in degraded forest elsewhere.
- (ii) Safety zone area calculation in the proposal should be done taking 7.5. metres strip of the forest land all along the outer boundary of the mining lease area. If it is a cluster proposal, then the outer boundaries of the cluster should be taken as the safety zone.

- (iii) In order to safeguard public roads, forest roads, natural streams and nallahs located in mining lease areas, it is necessary that no mining activities should be carried out up to certain reasonable extent. This area can also be included in the safety zone calculation and provision for its fencing and regeneration should be made in the proposal.  
(No. 11-17/98-FC dated 25.05.1999)

#### **4.8 Catchment Area Treatment Plan**

- (i) (i) Proposals for diversion of forest land for major and medium irrigation projects shall invariably be accompanied by detailed catchment area treatment plan. However, in respect of minor irrigation project, catchment area treatment plan will not be insisted.
- (ii) (ii) Proposals for diversion of forest land for Hydro-electric projects shall invariably be accompanied by detailed catchment area treatment plan. However, in respect of small hydel projects (maximum up to 10 MW capacity), which are either canal head or run-of the river projects without involving impounding of water/submergence of forest land, catchment area treatment plan will not be insisted.  
(No. 11-14/94-FC dated 01.11.2001)

#### **4.9 Special Arrangement in case of Large Projects**

In case of large projects, depots for fuel wood should be set up by project authorities who will also arrange alternate fuel like coal, kerosene, biogas, LPG, electricity etc. The supply should be free of cost to the labourers and free or at subsidised rates to the other staff as may be determined by the project authorities.

#### **4.10 Site Inspection**

- (i) The proposed forest area shall be inspected by a responsible Forest Officer of the State Government. If the area is very important from the forestry angle, the territorial Conservator should himself inspect the area and give complete information relating to the forest and aspects of wildlife. The scientific names of important timber species should be given while describing composition of the forest crop. If the area is relatively less important, the DFO could inspect the area. The Inspecting Officers should clearly record in the proforma if any violation is observed like tree felling, land breaking etc., in that area by the user agency. In any case the recommendations of the Chief Conservator of Forests should be categorical and specific and should be sent with photographs of inspected sites, highlighting the aspects observed, especially when the area is large or is sensitive and fragile. However, every proposal up to 40 hectare must be accompanied by a site inspection report from the DFO and proposals involving above 40 hectare should have a site inspection report of the CF. They should, apart from providing the information in the proforma, also attach a clear cut certificate as regards the violation of the Forest (Conservation) Act, 1980. In case, violation has taken place, a detailed report should be submitted by the DFO and countersigned by the CF along with the proposal.
- (ii) In respect of proposals involving diversion of forest land above 100 hectare., site inspections shall be carried out by the Regional Offices of the Ministry. However, the State /UT Governments are required to continue to send a copy of proposals involving diversion of forest land above 40 hectare to the concerned Regional Office as per

existing practice. The site inspection report should be on the prescribed proforma, which is at Annexure-X and it should be specific on alternatives examined by the project authority, minimum requirement of forest land and self explanatory particularly with regard to overall impact of the project and also contain site specific mitigating measures, in case of recommending a project. The report should also contain photographs of the site indicating main points mentioned in the report.

- (iii) However, site inspection of proposals involving diversion of forest land upto 100 hectares will be need based i.e. done by the Regional Officers as and when desired by the Forest Advisory Committee or Ministry. The Regional Office will, however, scrutinise the proposal (involving forest land between 40 to 100 hectares) and can send their observation or any feedback particularly violation of the Forest (Conservation) Act, 1980 for further processing of the proposal.
- (iv) In respect of proposals involving renewal of leases, the Regional Offices of the Ministry should submit a copy of the report of the latest monitoring done( one year before the expiry of lease period) along with the abstract of monitoring report of the project during the lease period specially highlighting the conditions which have not been fulfilled, with complete details of the reasons for not fulfilling. The conditions which have been complied with should also be highlighted with the quality of performance of the project authorities with short note on the desirability of renewal of lease and other recommendations.  
(No. 11-13/96-FC dated 04.06.1996, No. 2-2/2000-FC dated 16.10.2000 and No. 2-2/2000-FC dated 16.10.2000)

#### **4.11 Complete Details**

While forwarding the proposal to the Central Government, complete details in all aspects of the case should be given. Incomplete and deficient proposal will not be considered and will be returned to the State Government in Original.

#### **4.12 Specific Time Limits**

- (i) To ensure speedy disposal of proposals, specific time limits have to be laid down for disposal of references at various levels. Efforts should be made to dispose of each reference at the State Governments level within a maximum period of 90/60 days as per the Forest (Conservation) Rules, 2003. Specific instructions may be issued in this regard to officers at all levels.
- (ii) Cases which are complete in all respects shall be disposed of within 60 days by the Central Government.

#### **4.13 Quarterly Progress Report (QPR)**

A Monitoring Cell has been created in the Ministry of Environment & Forests, which shall be looked after by Director (FC) and an Asstt. Inspector General of Forests. In all cases, the States will submit quarterly progress reports to the Director (FC) regarding the implementation of the stipulations laid down by the Government of India while approving the project especially in respect of compensatory afforestation and future clearances of projects of the States and Union Territories concerned will depend upon the fulfillment of the stipulations and the achievements in compensatory afforestation. Monitoring Cell will also monitor the time taken by the authorities in

processing the case at different levels of the State Government as well as Central Government.

Along with quarterly progress report, a statement in tabular form as given below should also be submitted which will give status of the total number of proposals in the State :

- (a) (a) Name of State
- (b) (b) Total no. of proposals submitted since 1980.
- (c) (c) No. of proposals finally approved
- (d) (d) No. of proposals given Stage I approval
- (e) (e) No. of proposals rejected
- (f) (f) No. of proposals withdrawn by State Govt.
- (g) (g) No. of proposals closed for want of information
- (h) (h) No. of proposals pending with Central Govt.
- (i) (i) No. of proposals pending with State Govt. for want of information.
- (j) (j) Remarks.

(No. 4-2/99-FC dated 02.11.1999)

#### **4.14 Rejection/Reopening of Cases**

(i) In cases where the State Government is requested to furnish clarifications or additional information relating to a proposal, all particulars should be made available to the Central Government within 60 days. If such particulars are not received within a maximum of 90 days, the proposal may be rejected by the Central Government for non-furnishing of essential information. Such cases could be reopened provided the following conditions are satisfied:

- (a) all the required information has been made available.
- (b) delay in providing the information is satisfactorily explained, and
- (c) there is no change in the proposal in terms of scope, purpose and other important aspects.

(ii) In some cases, the State Government comes up with a request for reconsideration of the proposal after it has been considered and rejected by the Ministry. Such request should be made within three months from the date of the issue of the rejection letter. The request should give a detailed justification for reconsideration as well as comments on the grounds on which the proposal was rejected by the Ministry.

(No. 11-9/98-FC dated 04.11.1999)

#### **4.15 Nodal Officer**

(i) Separate cells for dealing with diversion of forest land cases should be opened at the State Government and PCCF levels. A whole-time senior officer not below the rank of Conservator of Forests should head the cell, who should be designated as the Nodal Officer.

(ii) The Nodal Officer should receive cases from the user agencies and entertain all correspondence from them. He should scrutinise and process the case and after obtaining views/certificate of the Chief Conservator of Forests, should put up the case to State Government. Besides office staff, the Nodal Officer should also be

given sufficient field staff to facilitate timely processing. The State Government while forwarding cases to the Central Government may endorse copies to the Chief Conservator of Forests and the Nodal Officer. The Central Government may also, while corresponding with the State Government, send copies to the Nodal Officer. The Nodal Officer should also obtain all additional information required by the Central Government about the proposals from the concerned authorities directly and endorse a copy directly to the Central Government.

- (iii) While approving a proposal the Government of India stipulates certain conditions to reduce the environmental damage on account of forest loss. The conditions must be enforced. Their non-compliance should be reported by the Nodal Officer to Regional Office who should inspect the site from time to time.
- (iv) In case of opencast mining, it should be the responsibility of the Nodal Officer and his staff to ensure that all necessary inputs like creation of nursery, storage of top soil for reuse and methodology for its reforestation, choice of species, etc. are so planned and implemented that the mined area is fully afforested by the time mining operations are completed.
- (v) The Nodal Officer should monitor the implementation of the conditions of compensatory afforestation and the survival ratio of the seedlings planted.
- (vi) The Nodal Officer may also report compliance of State-I conditions after getting it vetted by the State Government wherever it is called for mainly dealing with land and fund matters.
- (vii) The Nodal Officer may also inform violations/non-compliance of stipulations/conditions prescribed by the Central Govt. so that remedial actions could be taken up early since it is likely to be further delayed after these violations/non-compliance are to be received only from the State Govt. level. In case of gross violations, for which delay/time lag is crucial, such reports from territorial CCF/CF shall also be entertained by Government of India.  
(No. 5-5/86-FC (Pt) dated 26.02.1999)
- (viii) The Nodal Officer shall submit a monthly report on all the complete applications received by the State Government and their status of processing in the State. The report shall be sent to the Regional Office concerned and the Assistant Inspector General of Forests (FC)/Director incharge of the monitoring cell.

#### **4.16 Lease period for mining lease**

- (i) The approval under the Forest (Conservation) Act, 1980 for diversion of forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus with the period of mining lease proposed to be granted/renewed under MMRD Act, 1957 or Rules framed thereunder, but not exceeding 30 years. While recommending cases for approval under the FC Act, the user agency/State Government shall indicate the period for which the mining lease is proposed to be granted/renewed under MMRD Act or Rules framed thereunder. However, in the event of non compliance of stipulations to the satisfaction of the MOEF, the clearance accorded may be summarily withdrawn.  
(No. 5-5/86-FC dated 25.11.1994)
- (ii) The conditions stipulated while giving approval under the Forest (Conservation) Act, 1980 for diversion/renewal of forest land for mining purposes shall be renewed/monitored every five years. If it is found that the lessee has violated or is not complying with the stipulated conditions, then the approval given under the Forest

(Conservation) Act, 1980 shall be revoked. Concerned Chief Conservators of Forests(C), Regional Offices of the Ministry will issue a certificate regarding fulfillment of these conditions after carrying out the monitoring.

These guidelines shall be applicable retrospectively for all the mining leases which have more than five years of lease period left.

(No. 5-5/86-FC (Pt) dated 12.12.1997)

- (iii) The Regional Office will monitor the main parameters/conditions of formal approval as frequently as possible at least once in a year. At least once in five years a comprehensive monitoring as to the effect of mining on air and water pollution will also be carried out. Regional Offices should send such reports/certificates in respect of the monitoring mechanism indicated above to this Ministry, so that a view can be taken on continuation of mining lease beyond five years.

(No. 8-79/91-FC dated 15.04.1998)

#### **4.17 Renewal of Mining Lease - Temporary Working Permission**

If an application for renewal of mining lease, complete in all respects, has been submitted by the user agency to the State Government one year before the expiry of the existing lease period, but the State Government has not been able to process and forward the proposal for approval of the Central Government, till the date of the expiry of existing lease period; in such cases, the Central Government on an application from the user agency, may grant the user agency, temporary working permission in the already broken up area till a final decision is taken on the proposal.

(Inserted vide No. 5-5/86-FC dated 25.11.1994, modified vide No. 5-5/86-FC dated 16.10.2002 and again vide No. 5-5/86-FC dated 23.12.2002)

- 4.18 In respect of proposals related to renewal of mining leases, the Central Government would grant one year working permission for already broken up areas so as to enable the State Government to comply with the conditions. This period can be extended by one more year subject to submission of reasonable progress report from the State Government as regards to the steps taken to comply with the stipulated conditions.

(Inserted vide No. 5-5/86-FC(pt) dated 30.10.1998 and modified vide No. 5-5/86-FC(Pt) dated 03.09.2001)

## **CHAPTER 5:-        Conditions stipulated in Forestry Clearances**

Whenever clearances are accorded for diversion/de-reservation of forest land under the provisions of the Forest (Conservation) Act, 1980, certain conditions to minimise impact on forest land are imposed by the Ministry. These conditions comprise of general conditions, which are stipulated in almost all the proposals; standard conditions, which are stipulated on types/category of projects and specific conditions, which are stipulated keeping in view the impact of the project on forest. However, the list of conditions given below is illustrative and the Central Government or the State Government may impose any other additional condition in the interest of conservation, protection or development of forests, wildlife and environment.

### **5.1    5.1    General Conditions**

- (i)    (i)    Legal status of forest land to remain unchanged.
- (ii)   (ii)   Compensatory afforestation as per guidelines.
- (iii)  (iii)   Transfer and mutation of non-forest land in favour of Forest Deptt., if applicable.
- (iv)   (iv)   Notification of such land as RF/PF under the Indian Forest Act, 1927.
- (v)    (v)    User agency to provide free fuelwood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage & pressure on adjacent forest areas.
- (vi)   (vi)   The forest land shall not be used for any purpose other than that specified in the proposal.
- (vii)  (vii)   Demarcation of lease area to be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward & back bearings and distance from pillar to pillar.
- (viii) (viii)  Rehabilitation of Project affected families, if any.
- (ix)   (ix)   Environmental clearance if required.

### **5.2    Standard conditions**

- (i)    Mining Proposals:
  - (a)    (a)    Phased reclamation of mined area.
  - (b)    (b)    Safety zone area, its afforestation and fencing.
  - (c)    (c)    Afforestation on 1 ½ times degraded forest land in lieu of the area used for safety zone.
  - (d)    (d)    In case of under ground mines, areas on surface to be fenced and afforested.
- (ii)   Hydel and irrigation proposals:
  - (a)    (a)    Catchment Area Treatment Plan for medium and major projects.
  - (b)    (b)    Minimum requirement of forest land for canals.
  - (c)    (c)    Afforestation along the reservoir & canals.
  - (d)    (d)    No tree felling between FRL (Full Reservoir Level) and FRL-4 meters.
  - (e)    (e)    Free water for forestry related projects.
- (iii)  Road proposals:
  - (a)    (a)    Minimum trees to be felled.
  - (b)    (b)    Strip plantation on sides and central verge.



- (iv) Transmission line proposals:
  - (a) Minimum trees to be felled.
  - (b) Plantation of dwarf species (preferably medicinal plants) in right of way under the transmission lines.

### **5.3 Specific conditions**

These conditions are specific to the nature of the project and are stipulated on case to case basis by the Central Government/State Government.

## **ANNEXURES**

### **ANNEXURE-I**

#### **SUPREME COURT ORDERS**

1. “..... The term “forest land” occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests, and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof.....”  
(Supreme Court orders dated 12.12.1996 in WP No. 202/1995)

## **ANNEXURE-II A**

### **SUPREME COURT ORDERS IN RESPECT OF PROTECTED AREAS**

1. “..... In the meantime, we restrain respondents Nos. 2 to 32 from ordering the removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses, etc. from any National Park or Game Sanctuary .....”  
(Supreme Court orders dated 14.02.2000 and 21.02.2000 in I.A. No. 548 in WP No. 202/1995)
2. “..... Pending further orders, no dereservation of forests/sanctuaries/national parks shall be effected.”  
(Supreme Court orders dated 13.11.2000 in I.A. No. 2 in WP No. 337/1995)
3. “..... In the meantime, no permission under Section 29 of the Wildlife (Protection) Act, 1972 should be granted without getting approval of the Standing Committee of Indian Board for Wildlife .....”  
(Supreme Court orders dated 09.05.2002 in I.A. No. 18 in WP No. 337/1995)

## ANNEXURE-II B

### **SUPREME COURT ORDERS DATED:30-10-2002 IN RESPECT OF COMPENSATORY AFFORESTATION FUND IN I.A.NO.566 IN WP(C) NO.202/1995.**

1. “The Union of India shall .....frame comprehensive rules with regard to the constitution of a body and management of the compensatory afforestation funds in concurrence with the Central Empowered Committee..... .
2. Compensatory Afforestation Funds which have not yet been realized as well as the unspent funds already realized by the States shall be transferred to the said body within six months of its constitution by the respective States and the user-agencies.
3. In addition to above, while according transfer under Forest Conservation Act, 1980 for change in user-agency from all non-forest purposes, the user agency shall also pay into the said fund the net value of the forest land diverted for non-forest purposes. The present value is to be recovered at the rate of Rs.5.80 lakhs per hectare to Rs.9.20 lakhs per hectare of forest land depending upon the quantity and density of the land in question converted for non-forest use. This will be subject to upward revision by the Ministry of Environment & Forests in consultation with Central Empowered Committee as and when necessary.
4. A ‘Compensatory Afforestation Fund’ shall be created in which all the monies received from the user-agencies towards compensatory Afforestation, additional compensatory Afforestation, penal compensatory Afforestation, net present value of forest land, Catchment Area Treatment Plan Funds, etc. shall be deposited. The rules, procedure and composition of the body for management of the Compensatory Afforestation Fund shall be finalized by the Ministry of Environment & Forests with the concurrence of Central Empowered Committee..... .
5. The funds received from the user-agencies in cases where forest land diverted falls within Protected Areas i.e area notified under Section 18, 26A or 35 of the Wild Life (Protection) Act, 1972, for undertaking activities related to protection of bio-diversity, wildlife, etc., shall also be deposited in this Fund. Such monies shall be used exclusively for undertaking protection and conservation activities in protected areas of the respective States/ Union Territories.
6. The amount received on account of compensatory Afforestation but not spent or any balance amount lying with the States/ Union Territories or any amount that is yet to be recovered from the user-agency shall also be deposited in this Fund.
7. Besides artificial regeneration (plantations), the fund shall also be utilized for undertaking assisted natural regeneration, protection of forests and other related activities. For this purpose, site specific plans should be prepared and implemented in a time bound manner.

8. The user agencies especially the large public sector undertaking such as Power Grid Corporation, N.T.P.C, etc which frequently require forest land for their projects should also be involved in undertaking compensatory Afforestation by establishing Special Purpose Vehicle. Whereas the private sector user agencies may be involved in monitoring and most importantly, in protection of compensatory Afforestation. Necessary procedure for this purpose would be laid down by the Ministry of Environment and Forests with the concurrence of the Central Empowered Committee.
9. Plantations must use local indigenous species since exotics have long term negative impacts on the environment.
10. An independent system of concurrent monitoring and evaluation shall be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilization of funds.

#### ANNEXURE II C

**Supreme Court's Order dated: 1.8.2003 in I.A. No.826 & 859 in I.A. No. 566 in Writ Petition (Civil) No.202 of 1995 in the matter of compensatory afforestation fund regarding collection of Net Present Value (NPV)**

“.....In the meantime, no approval shall be granted without imposing the condition indicated in this Court's order dated:30.10.2002 relating to the payment of net present value of the forest land.”

#### ANNEXURE-III

## **LAW DEPARTMENT'S ADVICE IN REGARD TO MINING LEASES**

- i. In respect of the mining operations being carried out on forest lands leased before the commencement of the Forest (Conservation) Act, 1980 during the continuance of the lease period, the approval of the Central Government under Section 2 of the said Act is not required.
- ii. A renewal of a lease is really the grant of a fresh lease. [See Delhi Development Authority Vs. Durga Chand Kausish, AIR 1973 SC 2609]. The prior approval of the Central Government in terms of section 2 of the Forest (Conservation) Act, 1980 would be required when a mining lease granted before the commencement of the said Act is renewed after its coming into force.
- iii. As held by the Supreme Court in State of Bihar Vs. Banshi Ram Modi (supra), prior approval of the Central Government in terms of Section 2 of the Forest (Conservation) Act, 1980 would not be required for mining and winning any new mineral from a forest land leased for mining before the commencement of the said Act during the leased period originally granted, if the said land is already broken up or cleared before the commencement of the Act. Otherwise, the prior approval of the Central Government under Section 2 of the said Act would be required.

## REGULARISATION OF ENCROACHMENTS ON FOREST LAND

Encroachment of forest land for cultivation and other purposes continues to be the most pernicious practice endangering forest resources throughout the country. Statistical information compiled by Ministry of Agriculture during early 1980s revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of States had regularised such encroachments periodically and approximately 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it for agriculture. The decisions of the State Government to regularise encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this evil practice.

2 The National Forest Policy, 1988 has also observed the increasing trend in encroachments on forest land and stated that these should not be regularised. Implementation of this pronouncement has been examined by this Ministry keeping in view the constraints of various State Governments some of whom have expressed that they stand committed to regularise encroachments of a period prior to 1980. The issue figured prominently in the Conference of the Forest Ministers held in May, 1989 and was later examined by an inter-Ministerial Committee, set up by this Ministry in consultation with the representatives of some of the States. Keeping in view the recommendations of the Forest Ministers' Conference and the committee referred to above, and with due approval of the competent authority, the following measures are suggested for review of the old encroachments and effective implementation of the pronouncement made in this regard in the National Forest Policy, 1988.

2.1 All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below:

1. PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980, TO REGULARIZE 'ELIGIBLE' CATEGORY OF ENCROACHMENTS.

1.1 Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act, on 25.10.80.

1.2 All such cases should be individually reviewed. For this purpose the State Government may appoint a joint team of the Revenue, Forest and Tribal Welfare Department for this work and complete it as a time-bound programme.

1.3 In case where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.

1.4 All encroached lands proposed for regularisation should be properly surveyed.

- 1.5 Encroachments proposed to be regularised must have taken place before 25.10.1980. This must be ascertained from the First Offence Report issued under the relevant Forest Act at that point of time.
  - 1.6 Encroachments must subsist on the field and the encroached land must be under continuous possession of the encroachers.
  - 1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.
  - 1.8 As far as possible scattered encroachments proposed to be regularised should be consolidated/relocated near the outer boundaries of the forests.
  - 1.9 The outer boundaries of the areas to be denotified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.
  - 1.10 All the cases purposed to be regularised under this category should be covered in one proposal and it should give district-wise details.
  - 1.11 All cases of proposed regularisation of encroachments should be accompanied by a proposal for compensatory afforestation as per existing guidelines.
  - 1.12 No agricultural practices should be allowed on certain specified slopes.
2. 'INELIGIBLE' CATEGORY OF PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENTS HAD TAKEN A DECISION PRIOR TO THE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980.
    - 2.1 Such cases should be treated at par with post 1980 encroachments and should not be regularised.
3. ENCROACHMENTS THAT TOOK PLACE AFTER 24.10.1980.
    - 3.1 In no case encroachments which have taken place after 24.10.1980 should be regularised. Immediate action should be taken to evict the encroachers. The State/UT Government may, however, provide alternate economic base to such persons by associating them collectively in afforestation activities in the manner suggested in this Ministry's letter No. 6-21/89-FP dated 1.6.90, but such benefits should not extend to fresh encroachers.

## **CLARIFICATION**

A reference is invited to the guidelines issued by this Ministry for regularisation of certain cases of forest encroachments reproduced above. The relevant paragraph 1.1 of the guidelines, which clarifies the cases of encroachments, which subject to specified conditions, would be eligible for regularisation, is reproduced below:

"Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decisions either wholly or partially before enactment of the Forest (Conservation) Act on 25.10.1980.

2. Doubts have been raised as to whether all encroachments that had taken place up to 25.10.1980 could be regularised in accordance with an eligibility formula by which some earlier encroachments were regularised.
3. A perusal of the paragraph reproduced above will make it clear that there are 2 pre-conditions for any encroachments to be considered for regularisation. These are:-



- (a) The State Government should have taken the decision on regularisation of encroachments before 25.10.1980; and
  - (b) That the decision should be with reference to some eligibility criteria (normally expected to be related to social and economics status of encroachers, location and extent of encroachment, cut off date of encroachment, etc.)
4. It would be seen that the encroachments which are proposed to be considered for regularisation, subject to the prescribed conditions, are those which fulfilled the eligibility criteria evolved by the State Government as per decision taken before 25.10.1980 for regularisation of encroachments. The objective is limited to permitting implementation of decisions taken before 25.10.1980 which could not be implemented because the enactment of Forest (Conservation) Act, 1980 intervened. It is therefore quite clear that while all encroachments that can be considered as eligible for regularisation would have taken place before 25.10.1980, all encroachments that had taken place before 25.10.1980 would not be eligible for regularisation - they may be ineligible because either they do not meet the eligibility criteria or are not covered by any decision taken before 25.10.1980. Thus, if the decision on regularisation of encroachments in a State covered only encroachments up to a date earlier than 25.10.1980, the guidelines on regularisation of encroachments do not envisage that the State Government would now survey encroachments between that date and 25.10.1980 and propose regularisation. The latter encroachments though occurring before 25.10.1980 are not covered by any regularisation decision taken prior to that date and hence can not be considered for regularisation at this juncture.
5. Accordingly, the State Governments may take up for implementation only such decision of pre 25.10.1980 period which could not be implemented because of Forest (Conservation) Act, 1980 intervening and propose regularisation of encroachments as per those decisions and in accordance with the eligibility criteria laid down in those decisions. No encroachments not covered by any pre 25.10.1980 decisions - even though they might have occurred prior to that - should now be considered for regularisation in terms of our guidelines.



### **Review of disputed claims over forest land, arising out of forest settlement**

It has been brought to the notice of this Ministry that local inhabitants, living in and around forest areas, have preferred claims on certain notified forest lands contending that they were in occupation of such areas prior to the initiation of forest settlements and/or their rights were not enquired and/or commuted before notifying these lands as forests under respective laws. The claimants are requesting that title of such lands should be conferred on them. It is being generally felt that even bonafide claims are persistently overlooked causing wide-spread discontentment among the aggrieved persons. Such instances ultimately erode the credibility of the Forest Administration and sanctity of the forest laws, especially in the tracts inhabited by tribals.

2. Seized of its complexities, the issue regarding disputed claims over forest land was got critically examined by this Ministry through an inter-Ministerial Committee. The Committee, after prolonged deliberations and due consultations with representatives of some of the States, stressed the need to resolve such disputes with utmost urgency and suggested the feasible course of action to redress genuine grievances without jeopardising protection of forests and forest land. Keeping in view the recommendations of the said Committee and with due approval of the competent authority, the following course of action is suggested for amicably resolving disputed claims on forest land:

2.1 The State Government/UT Administration should review the cases of disputed claims over forest land and identify the following three categories of claims:

- (a) (a) Claims in respect of forest areas notified as deemed reserved Forests without observing the due process of settlement as provided in Forest Acts provided that these pertain to:
  - (i) (i) tribals areas; or affect a wide cross section of rural poor in non-tribal areas; and
  - (ii) (ii) the claimants are in possession of the 'disputed land'.
- (b) (b) Claims in tribal areas wherever there is prime facie evidence that the process of forest settlement has been vitiated by incomplete or incorrect records/maps or lack of information to the affected persons, as prescribed by law, provided that:
  - (i) (i) Such forest settlement pertains to a period after 1947; and
  - (ii) (ii) The claimants are in possession of the 'disputed land'.
- (c) (c) Claims in tribal areas wherever the process of settlement is over but notification under section 20 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) is yet to be issued, particularly where considerable delay has occurred in the issue of final notification under section 20, provided that the claimants are still in possession of 'disputed land'.

2.2 After identifying the above three categories of the claims, the State Government/UT Administration should get these enquired through a Committee which should consist of atleast the concerned Divisional Forest Officer, Sub-divisional Officer (Revenue Department) and a representative of the Tribal Welfare Department. The Committee should determine genuineness of the claims after examining all available evidence to establish that:

- (i) (i) In case of category 2.1(a) the claimant was in possession of the disputed land when the notification declaring 'deemed reserved forests' was issued; and
- (ii) (ii) In case of categories 2.1(b) and 2.1(c) the claimant was in possession of the disputed land when the notification showing Governments intention to declare reserved forest was issued under section 4 of the Indian Forest Act, 1927 (or

corresponding section of the relevant Act) and his rights were not commuted or extinguished in accordance with due process of law.

2.3 In no case either the Government or the above Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

2.4 Once the bonafides of the claims are established through proper enquiry, the State/UT Government may consider restoration of titles to the claimants. While deciding to restore titles to the claimants the following aspects should be duly considered:

- (i) (i) As far as possible, restoration of claims should not be result in honey combing of forest land. In such cases possibility of exchange of land near periphery or elsewhere (e.g. non-forest Govt. land) should be exhausted.
- (ii) (ii) The land to be restored to the claimants should be properly demarcated on the ground with permanent boundary marks.

2.5 After the State Government/UT Administration has decided in principle to restore titles to the claimants proposals may be formulated suitably and submitted for seeking prior approval of this Ministry under the provision of the Forest (Conservation) Act, 1980, alongwith proposals for compensatory afforestation.

**Disputes regarding pattas/leases/ grants involving forest land-- settlement thereof**

An inter-Ministerial Committee, which was set up by this Ministry to look into various aspects of tribal-forest-interface has pointed out that a number of cases of pattas/leases/grants involving forest land in one way or the other, have become contentious issues between different departments of the State/U.T. Govt. Such pattas/leases/grants are said to have been issued under the proper authority and orders of the respective State/U.T. Govts. and the land in question continues in the possession of the allottees or under their authorised use but its status is under dispute between different departments. Some of such cases are listed below for illustration.

- 1.1 1.1 Protected forests in Madhya Pradesh, termed as “Orange Areas” which according to the State Govts. decision were to be transferred to Revenue Deptt. after demarcation for issuing pattas to the beneficiaries. It is observed that pattas were issued to the individuals but transfer of the land from Forest to Revenue Deptt. which should have preceded allotment of pattas, was not effected.
- 1.2 1.2 ‘Dali’ lands in Maharashtra which are said to have been leased to the entire village community in the past by the State Government. The assignees continue to make use of these lands for various purposes as per original terms and conditions and some times, in accordance with the decision of the village community wherever such leases are for collective use of the community as a whole. But the formal status of these 'Dali' lands is not clear.
- 1.3 1.3 Cases in which land was assigned by the Revenue Department supposedly from revenue lands. But eventually these were found to be notified forest land even though the assignees were not dispossessed of their holdings.
- 1.4 1.4 Leases granted by the State Governments for cultivation, agro-forestry or tree plantation; the leases continue to possess the land though these have not been renewed since enactment of the Forest (Conservation) Act, 1980.

2. An ambiguity about the status of the land involved in the type of cases cited above, particularly when the forest land continues under the possession of the assignees, is likely to adversely affect forest protection in these and the neighbouring areas, apart from forcing the lawful assignees to live in a state of uncertainty. Keeping these and similar other aspects in view and after careful consideration of the recommendations of the inter Ministerial Committee, it has been decided that inter departmental issues related to pattas/leases/grants involving forest land should be settled at the earliest. The following steps are suggested in this regard.

2.1 All the cases of pattas, leases, grants involving forest land whether by intent, omission, oversight or accident, should be reviewed by the State/UT Government. Such review should enable the State/UT Government to identify those cases in which the pattas/leases/grants were awarded under proper authority. The assignees continue to be in possession of the land and the term of the pattas/leases/grant is yet to expire.

2.2 In all those cases, where pattas/leases/grants were given by the State Government Departments to Scheduled Tribes or rural poor either individually or collectively, such pattas/leases/grants should be honoured and inter-departmental disputes should not affect the rights of the leases provided they are in physical possession of the land, and term of the patta/lease/grant has not yet expired. These cases should be examined by district level

committees consisting of D.F.O., S.D.O. Revenue Department, a representative of Tribal Welfare Department. The disputes should be resolved at the district level wherever it is possible, or after obtaining suitable orders of the State/UT Government or the Government of India (if the provisions of the Forest (Conservation) Act, 1980 are attracted), as the case may be.

2.3 Lease of a period prior to 25.10.1980 which were granted to the Scheduled Tribes or to other rural poor for agro-forestry, tree plantation or alike but could not be renewed, despite the State/UT Government's intention to do so, on account of enactment of the Forest (Conservation) Act, 1980 should be examined expeditiously. Wherever the State/UT Government's desire to continue the leases proposals should be submitted to this Ministry, in the prescribed manner, for seeking prior approval under the Forest (Conservation) Act, 1980. Pending final decision the lessees should not be dispossessed of the land.

2a. In cases where Forest (Conservation) Act is attracted proposals for denotification of forest land should be accompanied by proposals for compensatory afforestation.

### **Conversion of forest villages into revenue villages and settlement of other old habitations**

Forest villages, were set up in remote and inaccessible forest areas with a view to provide uninterrupted man-power for forestry operations. Of late, they have lost much of their significance owing to improved accessibility of such areas, expansion of human habitations and similar other reasons. Accordingly, some of the States converted forest villages into revenue villages well before 1980. Nevertheless there still exist between 2500 to 3000 forest villages in the country. Besides, some cases of other types of habitations e.g. unauthorised houses/homesteads, dwellings of tribals who have been living in them in virtually pre-agrarian life styles, are suspected to exist in forest lands even though these may not have been recognised either as revenue villages or forest villages.

2. In March, 1984, the then Ministry of Agriculture suggested to the State/UT Govts. that they may confer heritable and inalienable rights on forest villagers if they were in occupation of land for more than 20 years. But this suggestion does not seem to have been fully implemented. Development of forest villages has also been addressed to in the National Forest Policy, 1988 which states that these should be developed on par with revenue villages. This issue was again examined by an inter-Ministerial Committee, set up this Ministry to look into various aspects of tribal-forest-interface, in consultation with representatives of some of the States.

3. Although the forest villagers have lived in harmony with their surrounding forests and the concept of forest villages prove an effective arrangement for sustained supply of man-power, yet it would not be appropriate to deny them legitimate rights over such lands which were allotted to them decades ago for settlement and have been continuously under their occupation since then. Keeping this aspect and the recommendations of the inter-Ministerial Committee in view, the following measures are suggested to resolve the outstanding issues of forest villages and other types of habitations existing in forest lands.

#### **3.1 Forest Villages**

Forest villages may be converted into revenue villages after denotifying requisite land as forest. Proposals seeking prior approval of Government of India for this purpose under the Forest (Conservation) Act, 1980 may be submitted expeditiously. While converting these villages into Revenue Villages, the following principles may be adhered to:

- (i) (i) the villagers are conferred heritable but inalienable rights;
- (ii) (ii) administration of these and other Revenue Villages enclaved in forest areas should preferably be entrusted to the State Forest Departments.

#### **3.2 Other habitations**

- (a) (a) Habitations other than Forest Villages may be grouped into the following categories:
  - (i) (i) Cases where dwelling belong to persons who have encroached on forest land for cultivation.
  - (ii) (ii) Dwellings of other persons who have been living therein since past without encroaching on forest land for cultivation but their habitations are neither recognised as Revenue Villages nor Forest Villages.

- (b) (b) Each case may be examined on its merits. Suggestions for resolving the cases are given below:-
- (i) (i) In case of category (a)(i) above wherever encroachments for agricultural cultivation are regularised, the house sites and homesteads, too, may be regularised either in-situ or as near to the agricultural field as possible subject to certain safe-guards in the interest of forest protection and “eligibility” criteria as may be evolved by the State Government.
  - (ii) (ii) In case of category (a)(ii) above, certain specific habitations, more than 25 years old, involving sizeable group of families, may be examined, case by case, on merits for their amicable settlement.
  - (iii) (iii) Scheduled Tribes and rural poor not covered under (i) and (ii) above should be resettled in non-forest Government land.
  - (iv) (iv) All other unauthorised habitations must be evicted.
  - (v) (v) Wherever provisions of Forest (Conservation) Act, 1980 are attracted, comprehensive proposals may please be submitted for seeking prior approval of this Ministry It may kindly be noted that such proposals will be considered only when the State/UT Govt. ensure that all the measures are taken simultaneously and effectively and are accompanied with proposals for compensatory afforestation.



## ANNEXURE-V

### GUIDELINES FOR LAYING TRANSMISSION LINES THROUGH FOREST AREAS

1. Where routing of transmission lines through the forest areas can not be avoided, these should be aligned in such a way that it involves the least amount of tree cutting.
2. As far as possible, the route alignment through forest areas should not have any line deviation.
3. (i) The maximum width of right of way for the transmission lines on forest land shall be as follows:

Transmission Voltage (KV)	Width of Right of Way (Mts)
11	7
33	15
66	18
110	22
132	27
220	35
400	52
800	85

(ii) Below each conductor, width clearance of 3 mts. would be permitted for taking the tension stringing equipment. The trees on such strips would have to be felled but after stringing work is completed, the natural regeneration will be allowed to come up. Felling/pollarding/pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line.

(iii) In the remaining width the right of way up to a maximum of 85 metres (for 800 KV lines) trees will be felled or lopped to the extent required, for preventing electrical hazards by maintaining the following:

Voltage (KV)	Minimum clearance between conductors and trees (Mts)
11	2.6
33	2.8
66	3.4
110	3.7
132	4.0
220	4.6
400	5.5

The sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above.

(iv) In the case of transmission lines to be constructed in hilly areas, where adequate clearance is already available, trees will not be cut.

4. Where the forest growth consists of coconut groves or similar tall trees, widths of right of way greater than those indicated at Sl. No.3 may be permitted in consultation with the CEA.

**ANNEXURE-VI (a)**

**CATEGORY OF PROPOSALS FOR WHICH  
COST-BENEFIT ANALYSIS IS APPLICABLE**

<b>Sl.No</b>	<b>Nature of Proposal</b>	<b>Applicable/not applicable</b>	<b>Remarks</b>
1.	All categories of proposals involving forest land up to 20 hectares in plains and up to 5 hectares in hills.	Not applicable	These proposals are to be considered on case by case basis and value judgement.
2.	Proposal for defence installation purposes and oil prospecting (prospecting only)	Not applicable	In view of National Priority accorded to these sectors, the proposals would be critically assessed to help ascertain that the utmost minimum forest land above is diverted for non-forest use.
3.	Habitation, establishment of industrial units, tourist lodges/complex and other building construction	Not applicable	These activities being detrimental to protection and conservation of forest, as a matter of policy, such proposals would be rarely entertained.
4.	All other proposals involving forest land more than 20 hectares in plains and more than 5 ha. in hills including roads, transmission lines, minor, medium and major irrigation projects, hydel projects mining activity, railway lines, location specific installations like micro-wave stations, auto repeater centres, T.V. towers etc.	Applicable	These are cases where a cost-benefit analysis is necessary to determine when diverting the forest land to non-forest use is in the overall public interests.

## ANNEXURE-VI (b)

## PARAMETERS FOR EVALUATION OF LOSS OF FORESTS

Sl.N	Parameters	Roads, Tr. Lines & Railway lines	Minor irrigation projects, quarrying of stones/ metals	Medium & major irrigation, hydro electric, large mining & other misc. projects.
1.	Loss of value of timber, fuelwood and minor forest produce on an annual basis, including loss of man-hours per annum of people who derived livelihood and wages from the harvest of these commodities.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
2.	Loss of animal husbandry productivity, including loss of fodder	-do-	-do-	-do-
3.	Cost of human resettlement	-do-	-do-	-do-
4.	Loss of public facilities and administrative infrastructure (Roads, building, schools, dispensaries, electric lines, railways etc.) on forest land, or which would require forest land if these facilities were diverted due to the project.	-do-	-do-	-do-
5.	Environmental losses: (soil erosion, effect on hydrological cycle, wildlife habitat, microclimate upsetting of ecological balance).	Though technical judgement would be primarily applied in determining the losses, as a thumb rule the environmental value of one hectare of fully stocked forest (density 1.0) would be taken as Rs. 126.74 lakhs* to accrue over a period of 50 years. The value will reduce with density, for example, if density is 0.4, the value will work out at Rs. 50.696 lakhs. So if a project which requires disforestation of 1 hectare of forest of density 0.4 gives monetary returns worth over Rs. 50.696 lakhs over a period of 50 years, may be considered to give a positive cost benefit ratio. The figure of assumed environmental value will change if there is an increase in bank rate; the change will be proportional to percentage increase in the bank rate.		
6.	Suffering to oustees.	The social cost of rehabilitation of an oustee (in addition to the cost likely to be incurred in providing residence, occupation and social services to him) be worked out as 1.5 times of what he should have earned in two years had he been not shifted.		

**ANNEXURE-VI (c)**

**Parameters for Evaluation of Benefit, notwithstanding Loss of Forests**

Sl.No	Parameters	Nature of Proposal		
		Roads, Tr. Lines & Railway lines	Minor projects	Irrigation/ hydel projects & Others.
1.	Increase in productivity attributable to the specific project	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
2.	Benefits to economy	Value judgement	-do-	-do-
3.	No. of population benefited.	-do-	Value judgement	Value judgement
4.	Employment potential	-do-	-do-	-do-
5.	Cost of acquisition of facility on non-forest land wherever feasible	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
6.	Loss of (a) agriculture & (b) animal husbandry production due to diversion of forest land	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
7.	Cost of rehabilitating the displaced persons as different from compensatory amounts given for displacement	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
8.	Cost of supply of free fuel-wood to workers residing in or near forest area during the period of construction.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.



**GUIDELINES FOR PARTICIPATION OF PRIVATE SECTOR  
THROUGH INVOLVEMENT OF NGOs & FOREST DEPARTMENT  
IN AFFORESTATION/REHABILITATION OF DEGRADED FOREST**

**PREAMBLE**

Our National Forest Policy of 1988 envisages that one third of the geographical area of the country should be under forest/tree cover. The total recorded forest area in the country is about 23% of the geographical area. According to the State of Forest Report, 1997, the actual forest cover in the country is only about 19.27%. It has been further estimated by Forest Survey of India that out of this 19.27% only 11.17% is dense forest i.e. having density of more than 40%. About 7.95 (2.61310 sq. km) of the geographic area is open forest i.e. having density less than 10%. This degraded forest needs urgent attention and sufficient monetary input so that it is rehabilitated and fully covered. These forest areas were endowed with rich biological diversity and should be our immediate concern to rejuvenate at the earliest.

The Ministry is greatly concerned over the slow rate of afforestation owing to financial and other constraints. The afforestation has gone down from about 89,000 sq. km in the VII Five-Year Plan to about 70,000 sq. km in the VIII Plan. Even if it is presumed that there will be no further degradation of forest areas it will take more than 25 years to restock the degraded forest areas. Even if we take a conservative norm of Rs.20,000 per hectare cost it will require a budgetary allocation of more than Rs.600 billions to rehabilitate them.

It is, therefore clear that ministry is not in a position even to restore the existing degraded forests from the available resources :- leaving aside the goal of increasing the forest cover to 33% of the geographical area by afforestation.

It therefore requires some innovative policy decision wherein without compromising the basic provisions of our forest policy we can attain the goal. One of the proposals received from the Govt. of Maharashtra under the Forest (Conservation) Act, 1980 appears to be aimed in that direction. It has been proposed by the Govt. that about 100 ha of degraded forest land near Thane will be afforested/rehabilitated by BAIF an NGO through funding from NOCIL in consultation/guidance of the local Forest Department. It will be done through an agreement signed between BAIF-NOCIL and the State Government. BAIF-NOCIL will have no rights over the land or the usufruct at anytime thereafter whatsoever.

It has been observed that a large number of like minded industrial houses are willing to join hands in this green movement through NGOs and under the supervision and guidance of the forest department voluntarily without any rights whatsoever on the forest land or the usufruct. The executing NGO will work over the land for a time till the plantations/tree cover gets established.

**GUIDELINES**

The Ministry, therefore after due consideration has taken a decision to encourage this joint participation of Industrial houses, NGOs and Forest department in order to rehabilitate/reforest the vast degraded forest in the country. This will not only result in

greening of the nation but will also result in employment generation. However, in order to have a clarity on the method and procedures. Ministry is issuing following guidelines.

1. There must be tri-partite agreement between the industrial house, an acceptable NGO of repute and the local Forest Department.
2. The agreement must have the commitment of the industrial house to bear the cost of the scheme: of the NGO to faithfully implement the scheme under the supervision and direction of the Forest Department.
3. The industrial house and the NGO will not claim any right whatsoever over the forest land or the produce anytime thereafter.
4. The rights of local people if any, over the forest land will not be affected by this agreement.
5. The agreement will be for a period of say 5 to 7 years during which the area is likely to be tackled including maintenance.
6. The scheme should be prepared in such a way so that naturally occurring species should be given priority in the rehabilitation and even plantations should be of local native species.
7. Only such forest lands that are less than 0.4 density and that cannot be regenerated with natural regeneration should be taken up under this scheme.
8. Any other condition that State Forest Departments considers essential to fulfill objectives and preamble of these guidelines.

**Guidelines for preparation of Cluster Mining Proposals**

1. 1. Cluster proposal may be prepared for such leases, which have contiguous boundaries.
2. 2. All the existing mines proposals/fresh proposals in pipeline be included in that including non-forest lands, if within.
3. 3. States will take individual proposals from different lessees in the proforma with relevant documents.
4. 4. However, with covering letter, a comparative statement of all mines with area and other details be given and all leases with boundaries be shown on one map.
5. 5. Even existing approved leases be included in the proposal so that they can be brought to the same time frame.
6. 6. The condition of compensatory afforestation will apply on the basis of each individual lease rather than on pro-rata basis.
7. 7. The safety zone shall be at the outer boundary of the cluster and condition of safety zone will apply on pro-rata basis.

This is to further clarify that where existing forest roads outside the lease areas/cluster are being used by lessees for transporting mined minerals, it is not desirable to insist inclusion of such forest areas in the lease proposal unless a new road is proposed for such lease or cluster. The State Governments should rather permit its use on the terms and conditions to be decided by the State Government.



**Proforma for Site Inspections Reports by Regional Offices**

1. Legal status of the forest land proposed for diversion.
2. Itemwise break-up details of the forest land proposed for diversion.
3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof.
4. Total cost of the project at present rates.
5. **5. Wildlife:-**  
Whether forest area proposed for diversion is important from wildlife point of view or not.
6. **6. Vegetation:-**  
Total number of trees to be felled.  
Effect of removal of trees on the general ecosystem in the area.  
**Important species:-**  
Number of trees to be felled of girth below 60 cm.  
Number of trees to be felled of girth above 60 cm.
7. Background note on the proposal.
8. **8. Compensatory afforestation:-**  
Whether land for compensatory afforestation is suitable from plantation and management point of view or not.  
Whether land for compensatory afforestation is free from encroachments/other encumbrances.  
Whether land for compensatory afforestation is important from Religious/Archaeological point of view.  
Land Identified for raising compensatory afforestation is in how many patches, whether patches are compact or not.  
Map with details.  
Total financial outlay.
9. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials.
10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not.  
Details be furnished specifically if rehabilitation plan would affect any other forest area by translocating oustees in around the said forest.
11. **11. Reclamation plan:** Details and financial allocation.
12. Details on catchment and command area under the project. Catchment area treatment plan to prevent siltation of reservoir
13. Cost benefit ratio.
14. Recommendations of the Principal Chief Conservator of Forests/State Government.
15. Recommendations of Regional Chief Conservator of Forests alongwith detailed reasons.
16. Regional Chief Conservator of Forests shall give detailed comments on whether there are any alternatives routes/alignment for locating the project on the non-forest land.
17. Utility of the project.  
Numbers of Scheduled caste/Scheduled Tribes to be benefited by the project.
18. Whether land being diverted has any socio-cultural/religious value.  
Whether any scared grove or very old growth trees/forests exist in the areas proposed for diversion.  
Whether the land under diversion forms part of any unique eco-system.
19. Situation w.r.t. any P.A.
20. Any other information relating to the project.

**A COMPREHENSIVE  
HANDBOOK  
OF**

Forest (Conservation) Act, 1980

Forest (Conservation) Rules, 2003

**Guidelines & Clarifications**  
(Revised as on 20<sup>th</sup> October,2003)

**Ministry of Environment & Forests  
New Delhi**

**THE ENVIRONMENT  
(PROTECTION) ACT, 1986**

**(Act No.29 of 1986)**

# **THE ENVIRONMENT (PROTECTION) ACT, 1986**

**No. 29 OF 1986**

*[23<sup>rd</sup> May, 1986.]*

An Act to provide for the protection and improvement of environment and for matters connected there with:

WHEREAS the decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:-

## **CHAPTER I PRELIMINARY**

### **1. SHORT TITLE, EXTENT AND COMMENCEMENT.-**

(1) This Act may be called the Environment (Protection) Act, 1986.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different areas<sup>1</sup>.

### **2. DEFINITIONS.-**

In this Act, unless the context otherwise requires,--

(a) "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property;

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<sup>1</sup> It came into force in the whole of India on 19th November, 1986 vide Notification No. G.S.R. 1198(E) dated 12-11-86 published in the Gazette of India No. 525 dated 12-11-86.

(b) "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;

(c) "environmental pollution" means the presence in the environment of any environmental pollutant;

(d) "handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;

(e) "hazardous substance" means any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plant, micro-organism, property or the environment;

(f) "occupier", in relation to any factory or premises, means a person who has, control over the affairs of the factory or the premises and includes in relation to any substance, the person in possession of the substance;

(g) "prescribed" means prescribed by rules made under this Act.

## **CHAPTER II**

### **GENERAL POWERS OF THE CENTRAL GOVERNMENT**

#### **3. POWER OF CENTRAL GOVERNMENT TO TAKE MEASURES TO PROTECT AND IMPROVE ENVIRONMENT.-**

(1) Subject to the provisions of this Act, the Central Government, shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing controlling and abating environmental pollution.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:--

(i) co-ordination of actions by the State Governments, officers and other authorities--

(a) under this Act, or the rules made thereunder, or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purpose of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

#### **4. APPOINTMENT OF OFFICERS AND THEIR POWERS AND FUNCTIONS.-**

(1) Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may appoint officers with such designation as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

(2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that Government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3 or of any other authority or officer.

## 5. POWER TO GIVE DIRECTIONS.-

Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may<sup>1</sup>, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions<sup>2</sup>

**Explanation--**For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct--

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) stoppage or regulation of the supply of electricity or water or any other service.

## 6. RULES TO REGULATE ENVIRONMENTAL POLLUTION.-

(1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

- (a) the standards of quality of air, water or soil for various areas and purposes;<sup>3</sup>
- (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;

<sup>1</sup> The Central Government has delegated the powers vested in it under section 5 of the Act to the State Governments of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Mizoram, Orissa, Rajasthan, Sikkim and Tamil Nadu subject to the condition that the Central Government may revoke such delegation of Powers in respect of all or any one or more of the State Governments or may itself invoke the provisions of section 5 of the Act, if in the opinion of the Central Government such a course of action is necessary in public interest, (Notification No, S.O. 152 (E) dated 10-2-88 published in Gazette No. 54 of the same date). These Powers have been delegated to the following State Governments also on the same terms: Meghalaya, Punjab and Uttar Pradesh vide Notification No. S.O.389 (E) dated 14-4-88 published in the Gazette No. 205 dated 14-4-88; Maharashtra vide Notification No. S.O. 488(E) dated 17-5-88 published in the Gazette No. 255 dated 17-5-88; Goa and Jammu & Kashmir vide Notification No. S.O. 881 (E) dated 22-9-88; published in the Gazette No. 749 dated 22.9.88 West Bengal Manipur vide Notification N. S.O. 408 (E) dated 6-6-89; published in the Gazette No. 319 dated 6-6-89; Tripura vide Notification No. S.O. 479 (E) dated 25-7-91 published in the Gazette No. 414 dated 25-7-91.

<sup>2</sup> For issuing directions see r.4 of Environment (Protection) Rules, 1986.

<sup>3</sup> See r. 3 of Environment (Protection) Rules, 1986 and Schedules thereto.

- i. Schedule I lists the standards for emission or discharge of environmental pollutants from the industries, processes or operations and their maximum allowable limits of concentration;
- ii. Schedule II lists general standards for discharge of effluents and their maximum limits of concentration allowable (Schedule II omitted by G.S.R.801(E), dated 31.12.1993.)
- iii. Schedule III lists ambient air quality standards in respect of noise and its maximum allowable limits; and
- iv. Schedule IV lists standards for emission of smoke, vapour etc. from motor vehicles and maximum allowable limits of their emission.
- v. Schedule V – furnishing of information to authorities and agencies. Schedule II re-numbered as Schedule V vide G.S.R.422(E), dated 19.5.1993.
- vi. Schedule VI – inserted vide GSR422(E), dated 19.5.1993 for General Standards for discharge of Environmental Pollutants,
- vii. Schedule VII – inserted vide GSR176 (E), dated 2.4.1996 for National Ambient Air Quality Standards,



(c) the procedures and safeguards for the handling of hazardous substances;<sup>1</sup>

(d) the prohibition and restrictions on the handling of hazardous substances in different areas;<sup>2</sup>

(e) the prohibition and restriction on the location of industries and the carrying on process and operations in different areas;<sup>3</sup>

(f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.<sup>4</sup>

### **CHAPTER III**

## **PREVENTION, CONTROL, AND ABATEMENT OF ENVIRONMENTAL POLLUTION**

### **7. PERSONS CARRYING ON INDUSTRY OPERATION, ETC., NOT TO ALLOW EMISSION OR DISCHARGE OF ENVIRONMENTAL POLLUTANTS IN EXCESS OF THE STANDARDS.-**

No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutants in excess of such standards as may be prescribed<sup>5</sup>.

### **8. PERSONS HANDLING HAZARDOUS SUBSTANCES TO COMPLY WITH PROCEDURAL SAFEGUARDS.-**

No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed<sup>1</sup>.

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<sup>1</sup> See r. 13 of Environment (Protection) Rules, 1986, and  
 i. Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008;  
 ii. Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989; and  
 iii. Manufacture, Use, Import, Export and Storage of Hazardous Micro organisms, Genetically/Engineered Organisms or Cells Rules, 1989

<sup>2</sup> Rule 13 SUPRA

<sup>3</sup> See r. 5 of Environment (Protection) Rules, 1986.

<sup>4</sup> See r. 12 of Environment (Protection) Rules and Schedule V (Schedule II renumbered as Schedule V), and relevant provisions of Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, Manufacture, Storage and Import of Hazardous Chemicals Rules and Manufacture, Use, Import Export and Storage of hazardous Micro-organisms, Genetically Engineered Organisms or Cells Rules, 1989.

<sup>5</sup> See r. 3 of Environment (Protection) Rules, 1986 and Schedule I.

**9. FURNISHING OF INFORMATION TO AUTHORITIES AND AGENCIES IN CERTAIN CASES.-**

(1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the environmental pollution caused as a result of such discharge and shall also forthwith--

- (a) intimate the fact of such occurrence or apprehension of such occurrence; and
- (b) be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed<sup>1</sup>

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

(3) The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.

**10. POWERS OF ENTRY AND INSPECTION.-**

(1) Subject to the provisions of this section, any person empowered by the Central Government in this behalf<sup>2</sup> shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place—

- (a) for the purpose of performing any of the functions of the Central Government entrusted to him;
- (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

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<sup>1</sup> For authorities or agencies see r. 12 of Environment (Protection) Rules, 1986 and Schedule V (Schedule II re-numbered as Schedule V).

<sup>2</sup> The Central Govt. has empowered 64 persons listed in the Table of Notification No.S.O. 83 (E) published in the Gazette of India No. 66 dated 16-2-87.

(c) for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution.

(2) Every person carrying on any industry, operation or process of handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person willfully delays or obstructs any persons empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or an area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizures under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or as the case may be, under the corresponding provision of the said law.

## **11. POWER TO TAKE SAMPLE AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH.-**

(1) The Central Government or any officer empowered by it in this behalf<sup>1</sup>, shall have power to take, for the purpose of analysis, samples of air, water, soil or other substance from any factory, premises or other place in such manner as may be prescribed.<sup>2</sup>

(2) The result of any analysis of a sample taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.

(3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall--

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<sup>1</sup> In exercise of powers conferred under sub-section (i) of section 11 the Central Government has empowered 64 officers listed in the Table vide S.O. 84. (E) published in the Gazette No. 66 dated 16-2-87

<sup>2</sup> For procedure for taking samples see r. 6 of Environment (Protection) Rules, 1986, also

(a) serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(b) in the presence of the occupier or his agent or person, collect a sample for analysis;

(c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;

(d) send without delay, the container or the containers to the laboratory established or recognised by the Central Government under section 12.

(4) When a sample is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub-section (3), then,--

(a) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and

(b) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the samples, and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised under section 12 and such person shall inform the Government Analyst appointed or recognised under section 13 in writing, about the wilfull absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

## **12. ENVIRONMENTAL LABORATORIES.-**

(1) The Central Government<sup>1</sup> may, by notification in the Official Gazette,--

(a) establish one or more environmental laboratories;

(b) recognise one or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act<sup>2</sup>.

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<sup>1</sup> The Central Government has delegated its powers under clause (b) of sub-section (i) of section 12 and section 13 of the Act to the Central Pollution Control Board vide Notification No. S.O. 145 (E) dated 21-2-91 published in the Gazette No. 128 dated 27-2-91

<sup>2</sup> The list of laboratories/institutes recognised as environmental laboratories: and the persons recognised as Govt. Analysts.

(2) The Central Government may, by notification in the Official Gazette, make rules specifying--

(a) the functions of the environmental laboratory;<sup>1</sup>

(b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;<sup>2</sup>

(c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

### **13. GOVERNMENT ANALYSTS.-**

The Central Government may by notification in the Official Gazette, appoint or recognise such persons as it thinks fit and having the prescribed qualifications<sup>3</sup> to be Government Analysts for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognised under sub-section (1) of section 12.

### **14. REPORTS OF GOVERNMENT ANALYSTS.-**

Any document purporting to be a report signed by a Government analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

### **15. PENALTY FOR CONTRAVENTION OF THE PROVISIONS OF THE ACT AND THE RULES, ORDERS AND DIRECTIONS.-**

(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

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<sup>1</sup> See r. 9 of Environment (Protection) Rules, 1986.

<sup>2</sup> See r. 8 of Environment (Protection) Rules, 1986.

<sup>3</sup> For qualifications of Govt. Analyst see r. 10 of Environment (Protection) Rules, 1986.

**16. OFFENCES BY COMPANIES.-**

(1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as 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-section shall render any such person liable to any punishment provided in this Act, 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) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation**--For the purposes of this section,--

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "director", in relation to a firm, means a partner in the firm.

**17. OFFENCES BY GOVERNMENT DEPARTMENTS.-**

(1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department 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 section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercise all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## **CHAPTER IV**

### **MISCELLANEOUS**

#### **18. PROTECTION OF ACTION TAKEN IN GOOD FAITH.-**

No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

#### **19. COGNIZANCE OF OFFENCES.-**

No court shall take cognizance of any offence under this Act except on a complaint made by--

(a) the Central Government or any authority or officer authorised in this behalf by that Government<sup>1</sup>, or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

#### **20. INFORMATION, REPORTS OR RETURNS.-**

The Central Government may, in relation to its function under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it or any prescribed authority or officer any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.

#### **21. MEMBERS, OFFICERS AND EMPLOYEES OF THE AUTHORITY CONSTITUTED UNDER SECTION 3 TO BE PUBLIC SERVANTS.-**

All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

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<sup>1</sup> In exercise of powers conferred under clause (a) of section 19, the Central Government has authorised the officers and authorities listed in the Table of Notification No.S.O. 394 (E) published in the Gazette No. 185 dated 16-4-87, S.O. 237(E) published in the Gazette No. 171 dated 29-3-89 and S.O. 656(E) dated 21-8-89 published in the Gazette No. 519 dated 21-8-89, S.O.624(E), dated 3.9.1996 and G.S.R.587(E), dated 1.9.2006.

## 22. BAR OF JURISDICTION.-

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under this Act.

## 23. POWERS TO DELEGATE.-

Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notifications, such of its powers and functions under this Act [except the powers to constitute an authority under sub-section (3) of section 3 and to make rules under section 25] as it may deem necessary or expedient, to any officer, State Government or other authority.

## 24. EFFECT OF OTHER LAWS.-

(1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

## 25. POWER TO MAKE RULES.-

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely--

(a) the standards in excess of which environmental pollutants shall not be discharged or emitted under section 7<sup>1</sup>;

(b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be handled or caused to be handled under section 8;<sup>2</sup>

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<sup>1</sup> See Rule 3 of Environment (Protection) Rules, 1986 and Schedule-I.

<sup>2</sup> See r. 13 of Environment (Protection) Rules, 1986, and

- i. Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008
- ii. Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989; and
- iii. Manufacture, Use, Import, Export and Storage of Hazardous Micro organisms, Genetically- engineered organisms or Cells Rules, 1989.



(c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom all assistance shall be bound to be rendered under sub-section (1) of section 9;<sup>1</sup>

(d) the manner in which samples of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11;<sup>2</sup>

(e) the form in which notice of intention to have a sample analysed shall be served under clause (a) of sub section (3) of section 11;<sup>3</sup>

(f) the functions of the environmental laboratories,<sup>4</sup> the procedure for the submission to such laboratories of samples of air, water, soil and other substances for analysis or test;<sup>5</sup> the form of laboratory report; the fees payable for such report and other matters to enable such laboratories to carry out their functions under sub-section (2) of section 12;

(g) the qualifications of Government Analyst appointed or recognised for the purpose of analysis of samples of air, water, soil or other substances under section 13;<sup>6</sup>

(h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19;<sup>7</sup>

(i) the authority of officer to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20;

(j) any other matter which is required to be, or may be, prescribed.

## **26. RULES MADE UNDER THIS ACT TO BE LAID BEFORE PARLIAMENT.-**

Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, 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.

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<sup>1</sup> For authorities or agencies see r. 12 of Environment (Protection) Rules, 1986 and Schedule II.

<sup>2</sup> See r.6 of Environment (Protection) Rules, 1986.

<sup>3</sup> See r. 7 of Environment (Protection) Rules, 1986.

<sup>4</sup> See r. 9 of Environment (Protection) Rules, 1986.

<sup>5</sup> For the procedure for submission of samples to laboratories and the form of laboratory report see r. 8 of Environment (Protection) Rules, 1986.

<sup>6</sup> See r. 10 of Environment (Protection) Rules, 1986.

<sup>7</sup> See r. 11 of Environment (protection) Rules, 1986.

MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957

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THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957

ACT NO. 67 OF 1957

[28th December, 1957.]

An Act to provide for the <sup>1</sup>[development and regulation of mines and minerals] under the control of the Union.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Mines and Minerals <sup>2</sup>[(Development and Regulation)] Act, 1957.

(2) It extends to the whole of India.

(3) It shall come into force on such date<sup>3</sup> as the Central Government may, by notification in the Official Gazette, appoint.

**2. Declaration as to expediency of Union Control.**—It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of mines and the development of minerals to the extent hereinafter provided.

**3. Definitions.**—In this Act, unless the context otherwise requires,—

<sup>4</sup>[(a) “leased area” means the area specified in the mining lease within which mining operations can be undertaken and includes the non-mineralised area required and approved for the activities falling under the definition of mine as referred to in clause (i);

(aa) “minerals” includes all minerals except mineral oils;]

(b) “mineral oils” includes natural gas and petroleum;

(c) “mining lease” means a lease granted for the purpose of undertaking mining operations, and includes a sub-lease granted for such purpose;

(d) “mining operations” means any operations undertaken for the purpose of winning any mineral;

(e) “minor minerals” means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral;

<sup>5</sup>[(ea) “notified minerals” means any mineral specified in the Fourth Schedule;]

(f) “prescribed” means prescribed by rules made under this Act;

(g) “prospecting licence” means a licence granted for the purpose of undertaking prospecting operations;

<sup>4</sup>[(ga) “prospecting licence-cum-mining lease” means a two stage concession granted for the purpose of undertaking prospecting operations followed by mining operations;]

(h) “prospecting operations” means any operations undertaken for the purpose of exploring, locating or proving mineral deposit ; <sup>6</sup>\*\*\*

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1. Subs. by Act 38 of 1999, s. 2, for “regulation of mines and the development of minerals” (w.e.f. 18-12-1999).

2. Subs. by s. 3, *ibid.*, for “(Regulation and Development)” (w.e.f. 18-12-1999).

3. 1st June, 1958, *vide* notification No. G.S.R. 432, dated 29th May, 1958, *see* Gazette of India, Extraordinary, Part II, sec. 3(i).

4. Subs. by Act 25 of 2016, s. 2, for clause (a) (w.e.f. 6-5-2016).

5. Ins. by Act 10 of 2015, s. 2 (w.e.f. 12-1-2015).

6. The word “and” omitted by Act 38 of 1999, s. 4 (w.e.f. 18-12-1999).

<sup>1</sup>[(*ha*) “reconnaissance operations” means any operations undertaken for preliminary prospecting of a mineral through regional, aerial, geophysical or geochemical surveys and geological mapping, but does not include pitting, trenching, drilling (except drilling of boreholes on a grid specified from time to time by the Central Government) or sub-surface excavation;

(*hb*) “reconnaissance permit” means a permit granted for the purpose of undertaking reconnaissance operations; <sup>2</sup>\*\*\*]

<sup>3</sup>[(*hc*) “Special Court” means a Court of Session designated as Special Court under sub-section (1) of section 30B; and]

(*i*) the expressions, “mine” and “owner”, have the meaning assigned to them in the Mines Act, 1952 (35 of 1952).

## CHAPTER II

### GENERAL RESTRICTIONS ON UNDERTAKING PROSPECTING AND MINING OPERATIONS

**4. Prospecting or mining operations to be under licence or lease.**—(1) <sup>4</sup>[No person shall undertake any reconnaissance, prospecting or mining operations in any area, except under and in accordance with the terms and conditions of a reconnaissance permit or of a prospecting licence or, as the case may be, of a mining lease, granted under this Act and the rules made thereunder]:

Provided that nothing in this sub-section shall affect any prospecting or mining operations undertaken in any area in accordance with terms and conditions of a prospecting licence or mining lease granted before the commencement of this Act which is in force at such commencement:

<sup>5</sup>[Provided further that nothing in this sub-section shall apply to any prospecting operations undertaken by the Geological Survey of India, the Indian Bureau of Mines, <sup>6</sup>[the Atomic Minerals Directorate for Exploration and Research] of the Department of Atomic Energy of the Central Government, the Directorates of Mining and Geology of any State Government (by whatever name called), and the Mineral Exploration Corporation Limited., a Government company within the meaning of <sup>7</sup>[clause (45) of section 2 of the Companies Act, 2013 (18 of 2013), and any such entity that may be notified for this purpose by the Central Government]:]

<sup>8</sup>[Provided also that nothing in this sub-section shall apply to any mining lease (whether called mining lease mining concession or by any other name) in force immediately before the commencement of this Act in the Union territory of Goa, Daman and Diu.]

<sup>9</sup>[(1A) No person shall transport or store or cause to be transported or stored any mineral otherwise than in accordance with the provisions of this Act and the rules made thereunder.]

(2) <sup>10</sup>[No reconnaissance permit, prospecting licence or mining lease] shall be granted otherwise than in accordance with the provisions of this Act and the rules made thereunder.

<sup>5</sup>[(3) Any State Government may, after prior consultation with the Central Government and in accordance with the rule made under section 18, <sup>11</sup>[undertake reconnaissance, prospecting or mining operations with respect to any mineral specified in the First Schedule in any area within that State which is not already held under any reconnaissance permit, prospecting licence or mining lease].]

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1. Ins. by Act 38 of 1999, s. 4 (w.e.f. 18-12-1999).

2. The word “and” omitted by Act 10 of 2015, s. 2 (w.e.f. 12-1-2015).

3. Ins. by s. 2, *ibid.* (w.e.f. 12-1-2015).

4. Subs. by Act 38 of 1999, s. 5, for certain words (w.e.f. 18-12-1999).

5. Ins. by Act 37 of 1986, s. 2 (w.e.f. 10-2-1987).

6. Subs. by Act 38 of 1999, s. 5, for “the Atomic Minerals Division” (w.e.f. 18-12-1999).

7. Subs. by Act 10 of 2015, s. 3, for “section 617 of the Companies Act, 1956 (1 of 1956)” (w.e.f. 12-1-2015).

8. Ins. by Act 16 of 1987, s. 14 (w.e.f. 1-10-1987).

9. Ins. by Act 38 of 1999, s. 5 (w.e.f. 18-12-1999).

10. Subs. by s. 5, *ibid.*, for “No prospecting licence or mining lease” (w.e.f. 18-12-1999).

11. Subs. by s. 5, *ibid.*, for certain words (w.e.f. 18-12-1999).

<sup>1</sup>**[4A. Termination of prospecting licences or mining leases.—**(1) Where the Central Government, after consultation with 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 or for conservation of mineral resources or for maintaining safety in the mines or for such other purposes, as the Central Government may deem fit, it may request the State Government to make a premature termination of a prospecting licence or mining lease in respect of any mineral other than a minor mineral in any area or part thereof, and, on receipt of such request, the State Government shall make an order making a premature termination of such prospecting licence or mining lease with respect to the area or any part thereof.

(2) Where the State Government <sup>2</sup>\*\*\* 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 or for such other purposes, as the State Government may deem fit, it may, by an order, in respect of any minor mineral, make premature termination of prospecting licence or mining lease with respect to the area or any part thereof covered by such licence or lease.

<sup>3</sup>[\* \* \* \* \*]

(3) No order making a premature termination of a prospecting licence or mining lease shall be, made except after giving the holder of the licence or lease a reasonable opportunity of being heard.

(4) Where the holder of a mining lease fails to undertake mining operations for a period of <sup>4</sup>[two years] after the date of execution of the lease or having commenced mining operations, has discontinued the same for a period of <sup>4</sup>[two years], the lease shall lapse on the expiry of the period of <sup>4</sup>[two years] from the date of execution of the lease or, as the case may be, discontinuance of the mining operations:

<sup>5</sup>[Provided that the State Government may, on an application made by the holder of such lease before it lapses and on being satisfied that it will not be possible for the holder of the lease to undertake mining operations or to continue such operations for reasons beyond his control, make an order, within a period of three months from the date of receiving of such application, subject to such conditions as may be prescribed, to the effect that such lease shall not lapse:

Provided further that such lease shall lapse on failure to undertake mining operations or inability to continue the same before the end of a period of six months from the date of the order of the State Government:

Provided also that the State Government may, on an application made by the holder of a lease submitted within a period of six months from the date of its lapse and on being satisfied that such non-commencement or discontinuance was due to reasons beyond the control of the holder of the lease, revive the lease within a period of three months from the date of receiving the application from such prospective or retrospective date as it thinks fit but not earlier than the date of lapse of the lease:

Provided also that no lease shall be revived under the third proviso for more than twice during the entire period of the lease.]]

<sup>6</sup>**[5. Restrictions on the grant of prospecting licences or mining leases.—**<sup>7</sup>[(1) A State Government shall not grant a <sup>8</sup>[reconnaissance permit, prospecting licence or mining lease] to any person unless such person—

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1. Subs. by Act 37 of 1986, s. 3, for section 4A (w.e.f. 10-2-1987).

2. The words “, after consultation with the Central Government,” omitted by Act 25 of 1994, s. 2 (w.e.f. 25-1-1994).

3. The proviso omitted by Act 38 of 1999, s. 6 (w.e.f. 18-12-1999).

4. Subs. by Act 25 of 1994, s. 2, for “one year” (w.e.f. 25-1-1994).

5. Subs. by Act 10 of 2015, s. 4, for the provisos (w.e.f. 12-1-2015).

6. Subs. by Act 37 of 1986, s. 4, for section 5 (w.e.f. 10-2-1987).

7. Subs. by Act 25 of 1994, s. 3, for sub-section (1) (w.e.f. 25-1-1994).

8. Subs. by Act 38 of 1999, s. 7, for “prospecting licence or mining lease” (w.e.f. 18-12-1999).

(a) is an Indian national, or company as defined in <sup>1</sup>[clause (20) of section 2 of the Companies Act, 2013 (18 of 2013)]; and

(b) satisfies such conditions as may be prescribed:

<sup>2</sup>[Provided that in respect of any mineral specified in Part A and Part B of the First Schedule, no reconnaissance permit, prospecting licence or mining lease shall be granted except with the previous approval of the Central Government.]

*Explanation.*—For the purposes of this sub-section, a person shall be deemed to be an Indian national,—

(a) in the case of a firm or other association of individuals, only if all the members of the firm or members of the association are citizens of India; and

(b) in the case of an individual, only if he is a citizen of India.]

(2) No mining lease shall be granted by the State Government unless it is satisfied that—

<sup>3</sup>[(a) there is evidence to show the existence of mineral contents in the area for which the application for a mining lease has been made in accordance with such parameters as may be prescribed for this purpose by the Central Government;]

(b) there is a mining plan duly approved by the Central Government, or by the State Government, in respect of such category of mines as may be specified by the Central Government, for the development of mineral deposits in the area concerned:]

<sup>4</sup>[Provided that a mining lease may be granted upon the filing of a mining plan in accordance with a system established by the State Government for preparation, certification, and monitoring of such plan, with the approval of the Central Government.]

**6. Maximum area for which a prospecting licence or mining lease may be granted.**—<sup>5</sup>[(1) No person shall acquire <sup>6</sup>\*\*\* in respect of any mineral or prescribed group of associated minerals <sup>7</sup>[in a State]—

(a) one or more prospecting licences covering a total area of more than twenty-five square kilometres; or

<sup>7</sup>[(aa) one or more reconnaissance permit covering a total area of ten thousand square kilometres:

Provided that the area granted under a single reconnaissance permit shall not exceed five thousand square kilometers; or]

(b) one or more mining leases covering a total area of more than ten square kilometres:

<sup>8</sup>[Provided that if the Central Government is of the opinion that in the interest of the development of any mineral or industry, it is necessary so to do, it may, for reasons to be recorded in writing, increase the aforesaid area limits in respect of prospecting licence or mining lease, in so far as it pertains to any particular mineral, or to any specified category of deposits of such mineral, or to any particular mineral located in any particular area.]]

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1. Subs. by Act 10 of 2015, s. 5, for “sub-section (1) of section 3 of the Companies Act, 1956 (1 of 1956)” (w.e.f. 12-1-2015).

2. Subs. by s. 5, *ibid.*, for the proviso (w.e.f. 12-1-2015).

3. Subs. by s. 5, *ibid.*, for clause (a) (w.e.f. 12-1-2015).

4. Ins. by s. 5, *ibid.* (w.e.f. 12-1-2015).

5. Subs. by Act 56 of 1972, s. 3, for sub-section (1) (w.e.f. 12-9-1972).

6. The words “in any one State” omitted by Act 37 of 1986, s. 5 (w.e.f. 10-2-1987).

7. Ins. by Act 38 of 1999, s. 8 (w.e.f. 18-12-1999).

8. Subs. by Act 10 of 2015, s. 6, for the proviso (w.e.f. 12-1-2015).



<sup>1</sup>[(c) any reconnaissance permit, mining lease or prospecting licence in respect of any area which is not compact or contiguous:

Provided that if the State Government is of opinion that in the interests 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 reconnaissance permit, prospecting licence or mining lease in relation to any area which is not compact or contiguous.]

(2) For the purposes of this section, a person acquiring by, or in the name of, another person a <sup>2</sup>[reconnaissance permit, prospecting licence or mining lease] which is intended for himself shall be deemed to be acquiring it himself.

<sup>3</sup>[(3) For the purposes of determining the total area referred to in sub-section (1), the area held under a <sup>2</sup>[reconnaissance permit, prospecting licence or mining lease] by a person as a member of a co-operative society, company or other corporation or a Hindu undivided family or a partner of a firm, shall be deducted from the area referred to in sub-section (1) so that the sum total of the area held by such person, under a <sup>2</sup>[reconnaissance permit, prospecting licence or mining lease], whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-section (1).]

<sup>4</sup>**[7. Periods for which prospecting licences may be granted or renewed.]—(1)** The period for which <sup>5</sup>[a reconnaissance permit or prospecting licence] may be granted shall not exceed three years.

(2) A prospecting licence shall, if the State Government is satisfied that a longer period is required to enable the licensee to complete prospecting operations be renewed for such period or periods as that Government may specify:

Provided that the total period for which a prospecting licence is granted does not exceed five years:

Provided further that no prospecting licence granted in respect of <sup>6</sup>[a mineral included in Part A and Part B to] the First Schedule shall be renewed except with the previous approval of the Central Government.]

<sup>7</sup>**[8. Periods for which mining leases may be granted or renewed.]—(1)** The provisions of this section shall apply to minerals specified in Part A of the First Schedule.

(2) The maximum period for which a mining lease may be granted shall not exceed thirty years:

Provided that the minimum period for which any such mining lease may be granted shall not be less than twenty years.

(3) A mining lease may be renewed for a period not exceeding twenty years with the previous approval of the Central Government.]

<sup>8</sup>**[8A. Period of grant of a mining lease for minerals other than coal, lignite and atomic minerals.]—(1)** The provisions of this section shall apply to minerals other than those specified in Part A and Part B of the First Schedule.

(2) On and from the date of the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), all mining leases shall be granted for the period of fifty years.

(3) All mining leases granted before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015) shall be deemed to have been granted for a period of fifty years.

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1. Subs. by Act 38 of 1999, s. 8, for clause (c) (w.e.f. 18-12-1999).

2. Subs. by s. 8, *ibid.*, for “prospecting licence or mining lease” (w.e.f. 18-12-1999).

3. Ins. by Act 56 of 1972, s. 3 (w.e.f. 12-9-1972).

4. Subs. by Act 25 of 1994, s. 4, for section 7 (w.e.f. 25-1-1994).

5. Subs. by Act 38 of 1999, s. 9, for “a prospecting licence” (w.e.f. 18-12-1999).

6. Subs. by s. 9, *ibid.*, for “a mineral included in” (w.e.f. 18-12-1999).

7. Subs. by Act 10 of 2015, s. 7, for section 8 (w.e.f. 12-1-2015).

8. Ins. by s. 8, *ibid.* (w.e.f. 12-1-2015).

(4) On the expiry of the lease period, the lease shall be put up for auction as per the procedure specified in this Act.

(5) Notwithstanding anything contained in sub-sections (2), (3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), where mineral is used for captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31st March, 2030 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.

(6) Notwithstanding anything contained in sub-sections (2), (3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), where mineral is used for other than captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31st March, 2020 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.

(7) Any holder of a lease granted, where mineral is used for captive purpose, shall have the right of first refusal at the time of auction held for such lease after the expiry of the lease period.

(8) Notwithstanding anything contained in this section, the period of mining leases, including existing mining leases, of Government companies or corporations shall be such as may be prescribed by the Central Government.

(9) The provisions of this section, notwithstanding anything contained therein, shall not apply to a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), for which renewal has been rejected, or which has been determined, or lapsed.]

**9. Royalties in respect of mining leases.**—(1) The holder of a mining lease granted before the commencement of this Act shall, notwithstanding anything contained in the instrument of lease or in any law in force at such commencement, pay royalty in respect of any <sup>1</sup>[mineral removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee] from the leased area after such commencement, at the rate for the time being specified in the Second Schedule in respect of that mineral.

(2) The holder of a mining lease granted on or after the commencement of this Act shall pay royalty in respect of any <sup>1</sup>[mineral removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee] from the leased area at the rate for the time being specified in the Second Schedule in respect of that mineral.

<sup>2</sup>[(2A) The holder of a mining lease, whether granted before or after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972 (56 of 1972) shall not be liable to pay any royalty in respect of any coal consumed by a workman engaged in a colliery provided that such consumption by the workman does not exceed one-third of a tonne per month.]

(3) The Central Government may, by notification in the Official Gazette, amend the Second Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral with effect from such date as may be specified in the notification:

<sup>3</sup>[Provided that the Central Government shall not enhance the rate of royalty in respect of any mineral more than once during any period of <sup>4</sup>[three years].]

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1. Subs. by Act 56 of 1972, s. 4, for “mineral removed by him” (w.e.f. 12-9-1972).

2. Ins. by s. 4, *ibid.* (w.e.f. 12-9-1972).

3. Subs. by s. 4, *ibid.*, for the proviso (w.e.f. 12-9-1972).

4. Subs. by Act 37 of 1986, s. 8, for “four years” (w.e.f. 10-2-1987).

<sup>1</sup>**9A. Dead rent to be paid by the lessee.**—(1) The holder of a mining lease, whether granted before or after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972, shall notwithstanding anything contained in the instrument of lease or in any other law for the time being in force, pay to the State Government, every year, dead rent at such rate, as may be specified, for the time being, in the Third Schedule, for all the areas included in the instrument of lease:

Provided that where the holder of such mining lease becomes liable, under section 9, to pay royalty for any mineral removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee from the leased area, he shall be liable to pay either such royalty, or the dead rent in respect of that area, whichever is greater.

(2) The Central Government may, by notification in the Official Gazette, amend the Third Schedule so as to enhance or reduce the rate at which the dead rent shall be payable in respect of any area covered by a mining lease and such enhancement or reduction shall take effect from such date as may be specified in the notification:

Provided that the Central Government shall not enhance the rate of the dead rent in respect of any such area more than once during any period of <sup>2</sup>[three years].]

<sup>3</sup>**9B. District Mineral Foundation.**—(1) In any district affected by mining related operations, the State Government shall, by notification, establish a trust, as a non-profit body, to be called the District Mineral Foundation.

(2) The object of the District Mineral Foundation shall be to work for the interest and benefit of persons, and areas affected by mining related operations in such manner as may be prescribed by the State Government.

(3) The composition and functions of the District Mineral Foundation shall be such as may be prescribed by the State Government.

(4) The State Government while making rules under sub-sections (2) and (3) shall be guided by the provisions contained in article 244 read with Fifth and Sixth Schedules to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007).

(5) The holder of a mining lease or a prospecting licence-cum-mining lease granted on or after the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount which is equivalent to such percentage of the royalty paid in terms of the Second Schedule, not exceeding one-third of such royalty, as may be prescribed by the Central Government.

(6) The holder of a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount not exceeding the royalty paid in terms of the Second Schedule in such manner and subject to the categorisation of the mining leases and the amounts payable by the various categories of lease holders, as may be prescribed by the Central Government.

**9C. National Mineral Exploration Trust.**—(1) The Central Government shall, by notification, establish a Trust, as a non-profit body, to be called the National Mineral Exploration Trust.

(2) The object of the Trust shall be to use the funds accrued to the Trust for the purposes of regional and detailed exploration in such manner as may be prescribed by the Central Government.

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1. Ins. by Act 56 of 1972, s. 5 (w.e.f. 12-9-1972).

2. Subs. by Act 37 of 1986, s. 9, for “four years” (w.e.f. 10-2-1987).

3. Ins. by Act 10 of 2015, s. 9 (w.e.f. 12-1-2015).

(3) The composition and functions of the Trust shall be such as may be prescribed by the Central Government.

(4) The holder of a mining lease or a prospecting licence-cum-mining lease shall pay to the Trust, a sum equivalent to two per cent. of the royalty paid in terms of the Second Schedule, in such manner as may be prescribed by the Central Government.]

### CHAPTER III

#### PROCEDURE FOR OBTAINING, PROSPECTING LICENCES OR MINING LEASES, IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT

**10. Application for prospecting licences or mining leases.**—(1) An application for <sup>1</sup>[a reconnaissance permit, prospecting licence or mining lease] in respect of any land in which the minerals vest in the Government shall be made to the State Government concerned in the prescribed form and shall be accompanied by the prescribed fee.

(2) Where an application is received under sub-section (1), there shall be sent to the applicant an acknowledgment of its receipt within the prescribed time and in the prescribed form.

(3) On receipt of an application under this section, the State Government may, having regard to the provisions of this Act and any rules made thereunder, grant or refuse to grant the <sup>2</sup>[permit, licence or lease].

<sup>3</sup>**[10A. Rights of existing concession holders and applicants.**—(1) All applications received prior to the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall become ineligible.

(2) Without prejudice to sub-section (1), the following shall remain eligible on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015:—

(a) applications received under section 11A of this Act;

(b) where before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 a reconnaissance permit or prospecting licence 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 licence followed by a mining lease, or a mining lease, as the case may be, in respect of that mineral in that land, if the State Government is satisfied that the permit holder or the licensee, as the case may be,—

(i) has undertaken reconnaissance operations or prospecting operations, as the case may be, to establish the existence of mineral contents in such land in accordance with such parameters as may be prescribed by the Central Government;

(ii) has not committed any breach of the terms and conditions of the reconnaissance permit or the prospecting licence;

(iii) has not become ineligible under the provisions of this Act; and

(iv) has not failed to apply for grant of prospecting licence or mining lease, as the case may be, within a period of three months after the expiry of reconnaissance permit or prospecting licence, as the case may be, or within such further period not exceeding six months as may be extended by the State Government;

(c) where the Central Government has communicated previous approval as required under sub-section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, the mining lease

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1. Subs. by Act 38 of 1999, s. 11, for “a prospecting licence or a mining lease” (w.e.f. 18-12-1999).

2. Subs. by s. 11, *ibid.*, for “licence or lease” (w.e.f. 18-12-1999).

3. Ins. by Act 10 of 2015, s. 10 (w.e.f. 12-1-2015).

shall be granted subject to fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act:

Provided that in respect of any mineral specified in the First Schedule, no prospecting licence or mining lease shall be granted under clause (b) of this subsection except with the previous approval of the Central Government.

**10B. Grant of mining lease in respect of notified minerals through auction.**—(1) The provisions of this section shall not be applicable to cases covered by section 10A or section 17A or to minerals specified in Part A or Part B of the First Schedule or to land in respect of which the minerals do not vest in the Government.

(2) Where there is inadequate evidence to show the existence of mineral contents of any notified mineral in respect of any area, a State Government may, after obtaining the previous approval of the Central Government, grant a prospecting licence-cum-mining lease for the said notified mineral in such area in accordance with the procedure laid down in section 11.

(3) In areas where the existence of mineral contents of any notified mineral is established in the manner prescribed by the Central Government, the State Government shall notify such areas for grant of mining leases for such notified mineral, the terms and conditions subject to which such mining leases shall be granted, and any other relevant conditions, in such manner as may be prescribed by the Central Government.

(4) For the purpose of granting a mining lease in respect of any notified mineral in such notified area, the State Government shall select, through auction by a method of competitive bidding, including e-auction, an applicant who fulfils the eligibility conditions as specified in this Act.

(5) The Central Government shall prescribe the terms and conditions, and procedure, subject to which the auction shall be conducted, including 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.

(6) Without prejudice to the generality of sub-section (5), the Central Government shall, if it is of the opinion that it is necessary and expedient to do so, prescribe terms and conditions, procedure and bidding parameters in respect of categories of minerals, size and area of mineral deposits and a State or States, subject to which the auction shall be conducted:

Provided that the terms and conditions may include the reservation of any particular mine or mines for a particular end-use and subject to such condition which allow only such eligible end users to participate in the auction.

(7) The State Government shall grant a mining lease to an applicant selected in accordance with the procedure laid down in this section in respect of such notified mineral in any notified area.

**10C. Grant of non-exclusive reconnaissance permits.**—(1) Non-exclusive reconnaissance permits may be granted in respect of any notified mineral or non-notified mineral or a group of specified minerals, other than minerals specified in Part A or Part B of the First Schedule, subject to such terms and conditions as may be prescribed by the Central Government.

(2) The holder of such non-exclusive reconnaissance permit shall not be entitled to make any claim for the grant of any prospecting licence-cum-mining lease or a mining lease.]

**<sup>1</sup>[11. Grant of prospecting licence-cum-mining lease through auction in respect of minerals other than notified minerals.**—(1) The provisions of this section shall not be applicable to cases covered by section 10A or section 17A or to minerals specified in Part A or Part B of the First Schedule or to land in respect of which minerals do not vest in the Government.

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1. Subs. by Act 10 of 2015, s. 11, for section 11 (w.e.f. 12-1-2015).

(2) In areas where there is evidence to show the existence of mineral contents as required by clause (a) of sub-section (2) of section 5, the State Government shall grant a mining lease for minerals other than notified minerals following the procedure laid down in section 10B.

(3) In areas where there is inadequate evidence to show the existence of mineral contents as required under clause (a) of sub-section (2) of section 5, the State Government shall grant a prospecting licence-cum-mining lease for minerals other than notified minerals in accordance with the procedure laid down in this section.

(4) The State Government shall notify the areas in which prospecting licence-cum-mining leases shall be granted for any minerals other than notified minerals, the terms and conditions subject to which such prospecting licence-cum-mining leases shall be granted, and any other relevant conditions, in such manner as may be prescribed by the Central Government.

(5) For the purpose of granting prospecting licence-cum-mining leases, the State Government shall select, through auction by method of competitive bidding, including e-auction, an applicant who fulfils the eligibility conditions as specified in this Act.

(6) The Central Government shall prescribe the terms and conditions, and procedure, subject to which the auction shall be conducted, including 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.

(7) Without prejudice to the generality of sub-section (6), the Central Government shall, if it is of the opinion that it is necessary and expedient to do so, prescribe terms and conditions, procedure and bidding parameters in respect of categories of minerals, size and area of mineral deposits and a State or States, subject to which the auction shall be conducted.

(8) The State Government shall grant a prospecting licence-cum-mining lease to an applicant selected in accordance with the procedure laid down in this section.

(9) The holder of a prospecting licence-cum-mining lease shall be required to complete, within the period laid down in section 7, the prospecting operations satisfactorily as specified in the notice inviting applications.

(10) A holder of a prospecting licence-cum-mining lease, who completes the prospecting operation as laid down in sub-section (9) and establishes the existence of mineral contents in the area in conformity with such parameters as may be prescribed for this purpose by the Central Government, shall be required to apply for a mining lease for such area and shall have the right to get the mining lease and thereafter undertake mining operations in accordance with the provisions of this Act.]

<sup>1</sup>[**11A. Procedure in respect of coal or lignite.**—The Central Government may, for the purpose of granting reconnaissance permit, prospecting licence or mining lease in respect of an area containing coal or lignite, select, through auction by competitive bidding on such terms and conditions as may be prescribed, a company engaged in,—

(i) production of iron and steel;

(ii) generation of power;

(iii) washing of coal obtained from a mine; or

(iv) such other end use as the Central Government may, by notification in the Official Gazette, specify,

and the State Government shall grant such reconnaissance permit, prospecting licence or mining lease in respect of coal or lignite to such company as selected through auction by competitive bidding under this section:

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1. Ins. by Act 34 of 2010, s. 2 (w.e.f. 13-2-2012).

Provided that the auction by competitive bidding shall not be applicable to an area containing coal or lignite,—

(a) where such area is considered for allocation to a Government company or corporation for mining or such other specified end use;

(b) where such area is considered for allocation to a company or corporation that has been awarded a power project on the basis of competitive bids for tariff (including Ultra Mega Power Projects).

*Explanation.*—For the purposes of this section, “company” means a company as defined in section 3 of the Companies Act, 1956 (1 of 1956) and includes a foreign company within the meaning of section 591 of that Act.]

<sup>1</sup>**[11B. Power of Central Government to make rules for regulating atomic minerals specified under Part B of First Schedule.**—The Central Government may, by notification in the Official Gazette, make rules for regulating the grant of mining leases or other mineral concessions in respect of minerals specified in Part B of the First Schedule and for purposes connected therewith, and the State Government shall grant a reconnaissance permit, prospecting licence or mining lease in respect of any such mineral in accordance with such rules.

**11C. Power of Central Government to amend First Schedule and Fourth Schedule.**—The Central Government may, by notification in the Official Gazette, amend the First Schedule and the Fourth Schedule so as to add or delete any mineral as may be specified in the notification.]

**12. Registers of prospecting licences and mining leases.**—(1) The State Government shall cause to be maintained in the prescribed form—

(a) a register of applications for prospecting licences;

(b) a register of prospecting licensees;

<sup>2</sup>[(c) a register of applications for mining leases;

(d) a register of mining lessees;

(e) a register of applications for reconnaissance permits; and

(f) a register of reconnaissance permits,]

in each of which shall be entered such particulars as may be prescribed.

(2) Every such register shall be open to inspection by any person on payment of such fee as the State Government may fix.

<sup>3</sup>**[12A. Transfer of mineral concessions.**—(1) The provisions of this section shall not apply to minerals specified in Part A or Part B of the First Schedule.

(2) A holder of a mining lease or a prospecting licence-cum-mining lease granted in accordance with the procedure laid down in section 10B or section 11 may, with the previous approval of the State Government, transfer his mining lease or prospecting licence-cum-mining lease, as the case may be, in such manner as may be prescribed by the Central Government, to any person eligible to hold such mining lease or prospecting licence-cum-mining lease in accordance with the provisions of this Act and the rules made thereunder.

(3) If the State Government does not convey its previous approval for transfer of such mining lease or prospecting licence-cum-mining lease, as the case may be, within a period of ninety days from the date of receiving such notice, it shall be construed that the State Government has no objection to such transfer:

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1. Ins. by Act 10 of 2015, s. 12 (w.e.f. 12-1-2015).

2. Subs. by Act 38 of 1999, s. 13, for clauses (c) and (d) (w.e.f. 18-12-1999).

3. Ins. by Act 10 of 2015, s. 13 (w.e.f. 12-1-2015).

Provided that the holder of the original mining lease or prospecting licence-cum-mining lease shall intimate to the State Government the consideration payable by the successor-in-interest for the transfer, including the consideration in respect of the prospecting operations already undertaken and the reports and data generated during the operations.

(4) No such transfer of a mining lease or prospecting licence-cum-mining lease, referred to in sub-section (2), shall take place if the State Government, within the notice period and for reasons to be communicated in writing, disapproves the transfer on the ground that the transferee is not eligible as per the provisions of this Act:

Provided that no such transfer of a mining lease or of a prospecting licence-cum-mining lease, shall be made in contravention of any condition subject to which the mining lease or the prospecting licence-cum-mining lease was granted.

(5) All transfers effected under this section shall be subject to the condition that the transferee has accepted all the conditions and liabilities under any law for the time being in force which the transferor was subject to in respect of such a mining lease or prospecting licence-cum-mining lease, as the case may be.

(6) The transfer of mineral concessions shall be allowed only for concessions which are granted through auction.]

<sup>1</sup>[Provided that where a mining lease has been granted otherwise than through auction and where mineral from such mining lease is being used for captive purpose, such mining lease may be permitted to be transferred subject to compliance of such terms and conditions and payment of such amount or transfer charges as may be prescribed.

*Explanation.*—For the purposes of this proviso, the expression “used for captive purpose” shall mean the use of the entire quantity of mineral extracted from the mining lease in a manufacturing unit owned by the lessee.]

#### CHAPTER IV

##### RULES FOR REGULATING THE (GRANT OF PROSPECTING LICENCES AND MINING LEASES

**13. Power of Central Government to make rules in respect of minerals.**—(1) The Central Government may, by notification in the Official Gazette, make rules for regulating the grant of <sup>2</sup>[reconnaissance permits, prospecting licences and mining leases] in respect of minerals and for purposes connected therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the person by whom, and the manner in which, applications for <sup>3</sup>[reconnaissance permits, prospecting licences or mining leases] in respect of land in which the minerals vest in the Government may be made and the fees to be paid therefor;

(b) the time within which, and the form in which, acknowledgement of the receipt of any such application may be sent;

(c) the matters which may be considered where applications in respect of the same land are received on the same day;

<sup>4</sup>[(d) the terms and conditions of auction by competitive bidding for selection of the company under section 11A;]

(e) the authority by which <sup>2</sup>[reconnaissance permits, prospecting licences or mining leases] in respect of land in which the minerals vest in the Government may be granted;

(f) the procedure for obtaining <sup>5</sup>[a reconnaissance permit, a prospecting licence or a mining lease] in respect of any land in which the minerals vest in a person other than the Government and the terms on which, and the conditions subject to which, such <sup>6</sup>[a permit, licence or lease] may be granted or renewed;

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1. Ins. by Act 25 of 2016, s. 3 (w.e.f. 6-5-2016).

2. Subs. by Act 38 of 1999, s. 14, for “prospecting licences and mining leases” (w.e.f. 18-12-1999).

3. Subs. by s. 14, *ibid.*, for “prospecting licences or mining leases” (w.e.f. 18-12-1999).

4. Ins. by Act 34 of 2010, s. 3 (w.e.f. 13-2-2012)).

5. Subs. by Act 38 of 1999, s. 14, for “a prospecting licence or a mining lease” (w.e.f. 18-12-1999).

6. Subs. by s. 14, *ibid.*, for “a licence or lease” (w.e.f. 18-12-1999).



(g) the terms on which, and the conditions subject to which, may other <sup>1</sup>[reconnaissance permit, prospecting licence or mining lease] may be granted or renewed;

(h) the facilities to be afforded by holders of mining leases to persons deputed by the Government for the purpose of undertaking research or training in matters relating to mining operations;

<sup>2</sup>[(i) the fixing and collection of fees for <sup>3</sup>[reconnaissance permits, prospecting licences or mining leases] surface rent, security deposit, fines, other fees or charges and the time within which and the manner in which the dead rent or royalty shall be payable;]

(j) the manner in which rights of third parties may be protected (whether by payment of compensation or otherwise) in cases where any such party may be prejudicially affected by reason of any <sup>4</sup>[reconnaissance, prospecting or mining operations];

<sup>5</sup>[(jj) parameters of existence of mineral contents under clause (a) of sub-section (2) of section 5;]

(k) the grouping of associated minerals for the purposes of section 6;

(l) the manner in which, and the conditions subject to which, <sup>6</sup>[a reconnaissance, permit, a prospecting licence or a mining lease] may be transferred;

(m) the construction, maintenance and use of roads, power transmission lines, tramways, railways, aerial ropeways, pipelines and the making of passages for water for mining purposes on any land comprised in a mining lease;

(n) the form of registers to be maintained under this Act;

<sup>7</sup>\* \* \* \* \*

(p) the reports and statements to be submitted by holders of <sup>8</sup>[reconnaissance permits or prospecting licences] or owners of mines and the authority to which such reports and statements shall be submitted;

(q) the period within which applications for revision of any order passed by a State Government or other authority in exercise of any power conferred by or under this Act, may be made <sup>9</sup>[the fees to be paid therefore and the documents which shall accompany such applications] and the manner in which such applications shall be disposed of; and

<sup>9</sup>[(qq) the manner in which rehabilitation of flora and other vegetation, such as trees, shrubs and the like destroyed by reason of any prospecting or mining operations shall be made in the same area or in any other area selected by the Central Government (whether by way of reimbursement of the cost of rehabilitation or otherwise) by the person holding the prospecting licence or mining lease;]  
<sup>10</sup>\*\*\*

<sup>11</sup>[(qqa) the amount of payment to be made to the District Mineral Foundation under sub-sections (5) and (6) of section 9B;

(qqb) the manner of usage of funds accrued to the National Mineral Exploration Trust under sub-section (2) of section 9C;

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1. Subs. by Act 38 of 1999, s. 14, for “prospecting licence or mining lease” (w.e.f. 18-12-1999).

2. Subs. by Act 37 of 1986, s. 11, for clause (i) (w.e.f. 10-2-1987).

3. Subs. by Act 38 of 1999, s. 14, for “prospecting licences or mining leases” (w.e.f. 18-12-1999).

4. Subs. by s. 14, *ibid.*, for “prospecting or mining operations” (w.e.f. 18-12-1999).

5. Ins. by Act 10 of 2015, s. 14 (w.e.f. 12-1-2015).

6. Subs. by Act 38 of 1999, s.14, for “a prospecting licence or a mining lease” (w.e.f. 18-12-1999).

7. Omitted by Act 37 of 1986, s. 11 (w.e.f. 10-2-1987).

8. Subs. by Act 38 of 1999, s. 14, for “prospecting licences” (w.e.f. 18-12-1999).

9. Ins. by Act 37 of 1986, s. 11 (w.e.f. 10-2-1987).

10. The word “and” omitted by Act 10 of 2015, s. 14 (w.e.f. 12-1-2015).

11. Ins. by s. 14, *ibid.* (w.e.f. 12-1-2015).

(*qqc*) the composition and functions of the National Mineral Exploration Trust under sub-section (3) of section 9C;

(*qqd*) the manner of payment of amount to the National Mineral Exploration Trust under sub-section (4) of section 9C;

(*qqe*) the terms and conditions subject to which mining leases shall be granted under sub-section (3) of section 10B;

(*qqf*) the terms and conditions, and procedure, subject to which the auction shall be conducted including the bidding parameters for the selection under sub-section (5) of section 10B;

(*qqg*) the time limits for various stages in processing applications for grant of mining lease or prospecting licence-cum-mining lease under sections 10B, 11, 11A, 11B, and section 17A, and their renewals;

(*qqh*) the terms and conditions for grant of non-exclusive reconnaissance permits under sub-section (1) of section 10C;

(*qqi*) the terms and conditions for grant of prospecting licence-cum-mining leases under sub-section (4) of section 11;

(*qqj*) the terms and conditions, and procedure, including the bidding parameters for the selection under sub-section (6) of section 11;

<sup>1</sup>[(*qqja*) the terms and conditions and amount or transfer charges under the proviso to sub-section (6) of section 12A;]

(*qqk*) the amount to be payable by a Government company or corporation, or a joint venture for grant of mining lease under sub-section (2C) of section 17A; and]

(*r*) any other matter which is to be, or may be, prescribed under this Act.

<sup>2</sup>[**13A. Power of Central Government to make rules for the grant of prospecting licences or mining leases in respect of territorial waters or continental shelf of India.**—(1) The Central Government may, by notification in the Official Gazette, make rules for the grant of prospecting licences or mining leases in respect of any minerals underlying the ocean within the territorial waters or the continental shelf of India.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the conditions, limitations and restrictions subject to which such prospecting licences or mining leases may be granted;

(b) regulation of exploration and exploitation of minerals within the territorial waters or the continental shelf of India;

(c) ensuring that such exploration or exploitation does not interfere with navigation and

(d) any other matter which is required to be, or may be, prescribed.]

**14.** <sup>3</sup>[**Sections 5 to 13**] not to apply to minor minerals.—The provisions of <sup>3</sup>[sections 5 to 13] (inclusive) shall not apply to <sup>4</sup>[quarry leases, mining leases or other mineral concessions] in respect of minor minerals.

**15. Power of State Governments to make rules in respect of minor minerals.**—(1) The State Government may, by notification in the Official Gazette, make rules for, regulating the grant of <sup>5</sup>[quarry leases, mining leases or other mineral concessions] in respect of minor minerals and for purposes connected therewith.

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1. Ins. by Act 25 of 2016, s. 4 (w.e.f. 6-5-2016).

2. Ins. by Act 56 of 1972, s. 6 (w.e.f. 12-9-1972).

3. Subs. by Act 37 of 1986, s. 12, for “sections 4 to 13” (w.e.f. 10-2-1987).

4. Subs. by Act 56 of 1972, s. 7, for “prospecting licences and mining leases” (w.e.f. 12-9-1972).

5. Subs. by s. 8, *ibid.*, for “prospecting licence and mining leases” (w.e.f. 12-9-1972).

<sup>1</sup>[(1A) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the person by whom and the manner in which, applications for quarry leases, mining leases or other mineral concessions may be made and the fees to be paid therefor;

(b) the time within which, and the form in which, acknowledgement of the receipt of any such applications may be sent;

(c) the matters which may be considered where applications in respect of the same land are received within the same day;

(d) the terms on which, and the conditions subject to which and the authority by which quarry leases, mining leases or other mineral concessions may be granted or renewed;

(e) the procedure for obtaining quarry leases, mining leases or other mineral concessions;

(f) the facilities to be afforded by holders of quarry leases, mining leases or other mineral concessions to persons deputed by the Government for the purpose of undertaking research or training in matters relating to mining operations;

(g) the fixing and collection of rent, royalty, fees, dead rent, fines or other charges and the time within which and the manner in which these shall be payable;

(h) the manner in which rights of third parties may be protected (whether by way of payment of compensation or otherwise) in cases where any such party is prejudicially affected by reason of any prospecting or mining operations;

(i) the manner in which rehabilitation of flora and other vegetation such as trees, shrubs and the like destroyed by reason of any quarrying or mining operations shall be made in the same area or in any other area selected by the State Government (whether by way of reimbursement of the cost of rehabilitation or otherwise) by the person holding the quarrying or mining lease;

(j) the manner in which and the conditions subject to which, a quarry lease, mining lease or other mineral concession may be transferred;

(k) the construction, maintenance and use of roads power transmission lines, tramways, railways, serial rope ways, pipelines and the making of passage for water for mining purposes on any land comprised in a quarry or mining lease or other mineral concession;

(l) the form of registers to be maintained under this Act;

(m) the reports and statements to be submitted by holders of quarry or mining leases or other mineral concessions and the authority to which such reports and statements shall be submitted;

(n) the period within which and the manner in which and the authority to which applications for revision of any order passed by any authority under these rules may be made, the fees to be paid therefore, and the powers of the revisional authority; and

(o) any other matter which is to be, or may be, prescribed.]

(2) Until rules are made under sub-section (1), any rules made by a state Government regulating the grant of <sup>2</sup>[quarry leases, mining leases or other mineral concessions] in respect of minor minerals which are in force immediately before the commencement of these Act shall continue in force.

<sup>3</sup>[(3) The holder of a mining lease or any other mineral concession granted under any rule made under sub-section (1) shall pay <sup>4</sup>[royalty or dead rent, whichever is more] in respect of minor minerals removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee at the rate prescribed for the time being in the rules framed by the State Government in respect of minor minerals:

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1. Ins. by Act 37 of 1986, s. 13 (w.e.f. 10-2-1987).

2. Subs. by Act 56 of 1972, s. 8, for "prospecting licence and mining leases" (w.e.f. 12-9-1972).

3. Ins. by s. 8, *ibid.* (w.e.f. 12-9-1972).

4. Subs. by Act 37 of 1986, s. 13, for "royalty" (w.e.f. 10-2-1987).

Provided that the State Government shall not enhance the rate of <sup>1</sup>[royalty or dead rent] in respect of any minor mineral for more than once during any period of <sup>2</sup>[three] years.]

<sup>3</sup>[(4) Without prejudice to sub-sections (1), (2) and sub-section (3), the State Government may, by notification, make rules for regulating the provisions of this Act for the following, namely:—

(a) the manner in which the District Mineral Foundation shall work for the interest and benefit of persons and areas affected by mining under sub-section (2) of section 9B;

(b) the composition and functions of the District Mineral Foundation under sub-section (3) of section 9B; and

(c) the amount of payment to be made to the District Mineral Foundation by concession holders of minor minerals under section 15A.]

<sup>4</sup>[15A. Power of State Government to collect funds for District Mineral Foundation in case of minor minerals.—The State Government may prescribe the payment by all holders of concessions related to minor minerals of amounts to the District Mineral Foundation of the district in which the mining operations are carried on.]

**16. Power to modify mining leases granted before 25th October, 1949.**—<sup>5</sup>[(1) (a) All mining leases granted before the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972 (56 of 1972) <sup>6</sup>[if in force at the date of commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1994 (25 of 1994), shall be brought in conformity with the provisions of this Act and the rules made thereunder within two years from the date of the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1994], or such further time as the Central Government may, by general or special order, specify in this behalf.

(b) Where the rights under any mining lease, granted by the proprietor of an estate or tenure before the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972 (56 of 1972), have vested, on or after the 25th day of October, 1949, in the State Government in pursuance of the provisions of any Act of any Provincial or State Legislature which provides for the acquisition of estates or tenures or provides for agrarian reform, such mining lease shall be brought into conformity with the provisions of this Act and the rules made thereunder within <sup>7</sup>[two years from the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1994 (25 of 1994)], or within such further time as the Central Government may, by general or special order, specify in this behalf.]

<sup>8</sup>[(1A) Where any action is taken under clause (a) or clause (b) of sub-section (1) to bring the period of any lease in conformity with the provisions of this Act and the rules made thereunder, then notwithstanding anything contained in section 8, the period of such lease shall continue to operate for a period of two years from the date of bringing such lease in conformity with the provisions of this Act.]

(2) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of sub-section (1) and in particular such rules shall provide—

(a) for giving previous notice of the modification or alteration proposed to be made in any existing mining lease to the lessee and where the lessor is not the Central Government, also to the lessor and for affording him an opportunity of showing cause against the proposal;

(b) for the payment of compensation to the lessee in respect of the reduction of any area covered by the existing mining lease; and

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1. Subs. by Act 37 of 1986, s. 13, for “royalty” (w.e.f. 10-2-1987).

2. Subs. by s. 13, *ibid.*, for “four” (w.e.f. 10-2-1987).

3. Ins. by Act 10 of 2015, s. 15 (w.e.f. 12-1-2015).

4. Ins. by s. 16, *ibid.* (w.e.f. 12-1-2015).

5. Subs. by Act 56 of 1972, s. 9, for sub-section (1) (w.e.f. 12-9-1972).

6. Subs. by Act 25 of 1994, s. 6, for certain words (w.e.f. 25-1-1994).

7. Subs. by s. 6, *ibid.*, for “six months from the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972” (w.e.f. 25-1-1994).

8. Ins. by s. 6, *ibid.* (w.e.f. 25-1-1994).

(c) for the principles on which, the manner in which, and the authority by which, the said compensation shall be determined.

## CHAPTER V

### SPECIAL POWERS OF CENTRAL GOVERNMENT TO UNDERTAKE PROSPECTING OR MINING OPERATIONS IN CERTAIN CASES

**17. Special powers of Central Government to undertake prospecting or mining operations in certain lands.**—(1) The provisions of this section shall apply <sup>1\*\*\*</sup> in respect of land in which the minerals vest in the Government of a State <sup>2</sup>[or any other person].

(2) Notwithstanding anything contained in this Act, the Central Government, after consultation with the State Government, may undertake <sup>3</sup>[reconnaissance, prospecting or mining operations] in any area not already held under any <sup>4</sup>[reconnaissance permit, prospecting licence or mining lease] and where it proposes to do so, it shall, by notification in the Official Gazette—

(a) specify the boundaries of such area;

(b) state whether <sup>3</sup>[reconnaissance, prospecting or mining operations] will be carried out in the area; and

(c) specify the mineral or minerals in respect of which such operations will be carried out.

(3) Where, in exercise of the powers conferred by sub-section (2), the Central Government undertakes <sup>3</sup>[reconnaissance, prospecting or mining operations] in any area, the Central Government shall be liable to pay <sup>5</sup>[reconnaissance permit fee or prospecting fee] royalty, surface rent or dead rent, as the case may be, at the same rate at which it would have been payable under this Act, if such <sup>3</sup>[reconnaissance, prospecting or mining operations] had been undertaken by a private person under a <sup>4</sup>[reconnaissance permit, prospecting licence or mining lease].

(4) The Central Government, with a view to enabling it to exercise the powers conferred on it by sub-section (2) may, after consultation with the State Government, by notification in the Official Gazette, declare that no <sup>4</sup>[reconnaissance permit, prospecting licence or mining lease] shall be granted in respect of any land specified in the notification.

**<sup>6</sup>[17A. Reservation of areas for purposes of conservation.**—(1) The Central Government, with a view to conserving any mineral and after consultation with the State Government, may reserve any area not already held under any prospecting licence or mining lease and, where it proposes to do so, it shall, by notification in the Official Gazette, specify the boundaries of such area and the mineral or minerals in respect of which such area will be reserved.

<sup>7</sup>[(1A) The Central Government may in consultation with the State Government, reserve any area not already held under any prospecting licence or mining lease, for undertaking prospecting or mining 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 the mineral or minerals in respect of which such area will be reserved.]

(2) The State Government may, with the approval of the Central Government, reserve any area not already held under any prospecting licence or mining lease, for undertaking prospecting or mining operations through a Government company or corporation owned or controlled by it <sup>8\*\*\*</sup> and where it proposes to do so, it shall, by notification in the Official Gazette, specify the boundaries of such area and the mineral or minerals in respect of which such areas will be reserved.

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1. The word “only” omitted by Act 56 of 1972, s. 10 (w.e.f. 12-9-1972).

2. Ins. by s. 10, *ibid.* (w.e.f. 12-9-1972).

3. Subs. by Act 38 of 1999, s. 15, for “prospecting or mining operations” (w.e.f. 18-12-1999).

4. Subs. by s. 15, *ibid.*, for “prospecting licence or mining lease” (w.e.f. 18-12-1999).

5. Subs. by s. 15, *ibid.*, for “prospecting fee” (w.e.f. 18-12-1999).

6. Ins. by Act 37 of 1986, s. 14 (w.e.f. 10-2-1987).

7. Ins. by Act 25 of 1994, s. 7 (w.e.f. 25-1-1994).

8. The words “or by the Central Government” omitted by s. 7, *ibid.* (w.e.f. 25-1-1994).

<sup>1</sup>[(2A) Where in exercise of the powers conferred by sub-section (1A) or sub-section (2), the Central Government or the State Government, as the case may be, reserves any area for undertaking prospecting or mining operations, the State Government shall grant prospecting licence or mining lease, as the case may be, in respect of such area to such Government company or corporation:

Provided that in respect of any mineral specified in Part A and Part B of the First Schedule, the State Government shall grant the prospecting licence or mining lease, as the case may be, only after obtaining the previous approval of the Central Government.

(2B) Where the Government company or corporation is desirous of carrying out the prospecting operations or mining operations in a joint venture with other persons, the joint venture partner shall be selected through a competitive process, and such Government company or corporation shall hold more than seventy-four per cent. of the paid up share capital in such joint venture.

(2C) A mining lease granted to a Government company or corporation, or a joint venture, referred to in sub-sections (2A) and (2B), shall be granted on payment of such amount as may be prescribed by the Central Government.]

(3) <sup>2</sup>[Where in exercise of the powers conferred by sub-section (1A) or sub-section (2) the Central Government or the State Government, as the case may be,] undertakes prospecting or mining operations in any area in which the minerals vest in a private person, it shall be liable to pay prospecting fee, royalty, surface rent or dead rent, as the case may be, from time to time at the same rate at which it would have been payable under this Act if such prospecting or mining operations had been undertaken by a private person under prospecting licence or mining lease.]

## CHAPTER VI

### DEVELOPMENT OF MINERALS

**18. Mineral development.**—(1) It shall be the duty of the Central Government to take all such steps as may be necessary <sup>3</sup>[for the conservation and systematic development of minerals in India and for the protection of environment by preventing or controlling any pollution which may be caused by prospecting or mining operations] and <sup>4</sup>[for such purposes] the Central Government may, by notification in the Official Gazette, make such rules as it thinks fit.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the opening of new mines and the regulation of mining operations in any area;
- (b) the regulation of the excavation or collection of minerals from any mine;
- (c) the measures to be taken by owners of mines for the purpose of beneficiation of ores, including the provision of suitable contrivances for such purpose;
- (d) the development of mineral resources in any area;
- (e) the notification of all new borings and shaft sinkings and the preservation of bore-hole records, and specimens of cores of all new bore-holes;
- (f) the regulation of the arrangements for the storage of minerals and the stocks thereof that may be kept by any person;
- (g) the submission of samples of minerals from any mine by the owner thereof and the manner in which and the authority to which such samples shall be submitted; and the taking of samples of any minerals from any mine by the State Government or any other authority specified by it in that behalf;

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1. Ins. by Act 10 of 2015, s. 17 (w.e.f. 12-1-2015).

2. Subs. by Act 25 of 1994, s. 7, for “Where in exercise of the powers conferred by sub-section (2) the State Government” (w.e.f. 25-1-1994).

3. Subs. by Act 37 of 1986, s. 15, for “for the conservation and development of minerals in India” (w.e.f. 10-2-1987).

4. Subs. by s. 15, *ibid.*, for “for that purpose” (w.e.f. 10-2-1987).

(h) the submission by owners of mines of such special or periodical returns and reports as may be specified, and the form in which and the authority to which such returns and reports shall be submitted;

<sup>1</sup>[(i) the regulation of prospecting operations;

(j) the employment of qualified geologists or mining engineers to supervise prospecting or mining operations;

(k) the disposal or discharge of waste slime or tailings arising from any mining or metallurgical operations carried out in a mine;

(l) the manner in which and the authority by which directions may be issued to the owners of any mine to do or refrain from doing certain things in the interest of conservation or systematic development of minerals or for the protection of environment by preventing or controlling pollution which may be caused by prospecting or mining operations;

(m) the maintenance and submission of such plans, registers or records as may be specified by the Government;

(n) the submission of records or reports by persons carrying on prospecting or mining operations regarding any research in mining or geology carried out by them;

(o) the facilities to be afforded by persons carrying out prospecting or mining operations to persons authorised by the Central Government for the purpose of undertaking research or training in matters relating to mining or geology;

(p) the procedure for and the manner of imposition of fines for the contravention of any of the rules framed under this section and the authority who may impose such fines; and

(q) the authority to which, the period within which, the form and the manner in which applications for revision of any order passed by any authority under this Act and the rules made thereunder may be made, the fee to be paid and the documents which should accompany such applications.]

(3) All rules made under this section shall be binding on the Government.

<sup>2</sup>**[18A. Power to authorise Geological Survey of India, etc., to make investigation.—**(1) Where the Central Government is of opinion that for the conservation and development of minerals in India, it is necessary to collect as precise information as possible with regard to any mineral available in or under any land in relation to which any prospecting licence or mining lease has been granted, whether by the State Government or by any other person, the Central Government may authorise the Geological Survey of India, or such other authority or agency as it may specify in this behalf, to carry out such detailed investigations for the purpose of obtaining such information as may be necessary:

Provided that in the cases of prospecting licences or mining leases granted by a State Government, no such authorisation shall be made except after consultation with the State Government.

(2) On the issue of any authorisation under sub-section (1), it shall be lawful for the Geological Survey of India or the specified authority or agency, and its servants and workmen—

(a) to enter upon such land,

(b) to dig or bore into the sub-soil,

(c) to do all other acts necessary to determine the extent of any mineral available in or under such land,

(d) to set out boundaries of the land in which any mineral is expected to be found,

(e) to mark such boundaries and line by placing marks,

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1. Ins. by Act 37 of 1986, s. 15 (w.e.f. 10-2-1987).

2. Ins. by Act 56 of 1972, s. 11 (w.e.f. 12-9-1972).

(f) where otherwise the survey cannot be completed on the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no such authority or agency shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of its intention to do so.

(3) Whenever any action of the nature specified in sub-section (2) is to be taken, the Central Government shall, before or at the time when such action is taken, pay or tender payment for all necessary damage which is likely to be caused, and in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it should be paid or tendered, the Central Government shall refer the dispute to the principal civil court of original jurisdiction having jurisdiction over the land in question.

(4) The fact that there exists any such dispute as is referred to in sub-section (3) shall not be a bar to the taking of any action under sub-section (2).

(5) After the completion of the investigation, the Geological Survey of India or the specified authority or agency by which the investigation was made shall submit to the Central Government a detailed report indicating therein the extent and nature of any mineral which lies deposited in or under the land.

(6) The costs of the investigation made under this section shall be borne by the Central Government:

Provided that where the State Government or other person in whom the minerals are vested or the holder of any prospecting licence or mining lease applies to the Central Government to furnish to it or him a copy of the report submitted under sub-section (5), that State Government or other person or the holder of a prospecting licence or mining lease, as the case may be, shall bear such reasonable part of the costs of investigation as the Central Government may specify in this behalf and shall, on payment of such part of the costs of investigation, be entitled to receive from the Central Government a true copy of the report submitted to it under sub-section (5).]

## CHAPTER VII

### MISCELLANEOUS

**19. Prospecting licences and mining leases to be void if in contravention of Act.**—Any <sup>1</sup>[reconnaissance permit, prospecting licence or mining lease] granted, renewed or acquired in contravention of the provisions of this Act or any rules or orders made thereunder shall be void and of no effect.

*Explanation.*—Where a person has acquired more than one <sup>1</sup>[reconnaissance permit, prospecting licence or mining lease] <sup>2</sup>\*\*\* and the aggregate area covered by such <sup>3</sup>[permits, licences or leases], as the case may be, exceeds the maximum area permissible under section 6, only that <sup>1</sup>[reconnaissance permit, prospecting licence or mining lease] the acquisition of which has resulted in such maximum area being exceeded shall be deemed to be void.

**20. Act and rules to apply to all renewals of prospecting licences and mining leases.**—The provisions of this Act and the rules made thereunder shall apply in relation to the renewal after the commencement of this Act of any prospecting licence or mining lease granted before such commencement as they apply in relation to the renewal of a prospecting licence or mining lease granted after such commencement.

**<sup>4</sup>[20A. Power of Central Government to issue directions.**—(1) Notwithstanding anything contained in this Act, the Central Government may issue such directions to the State Governments, as may be required for the conservation of mineral resources, or on any policy matter in the national interest, and for the scientific and sustainable development and exploitation of mineral resources.

1. Subs. by Act 38 of 1999, s. 16, for “prospecting licence or mining lease” (w.e.f. 18-12-1999).

2. The words “in any State” omitted by Act 25 of 1994, s. 8 (w.e.f. 25-1-1994).

3. Subs. by Act 38 of 1999, s. 16, for “licences or leases” (w.e.f. 18-12-1999).

4. Ins. by Act 10 of 2015, s. 18 (w.e.f. 12-1-2015).



(2) In particular, and without prejudice to the generality of the foregoing powers, the Central Government may also issue directions in respect of the following matters, namely:—

- (i) improvement in procedure for grant of mineral concessions and to ensure co-ordination among agencies entrusted with according statutory clearances;
- (ii) maintenance of internet-based databases including development and operation of a mining tenement system;
- (iii) implementation and evaluation of sustainable development frameworks;
- (iv) reduction in waste generation and related waste management practices and promotion of recycling of materials;
- (v) minimising and mitigating adverse environmental impacts particularly in respect of ground water, air, ambient noise and land;
- (vi) ensuring minimal ecological disturbance, in terms of bio-diversity, flora, fauna and habitat;
- (vii) promoting restoration and reclamation activities so as to make optimal use of mined out land for the benefit of the local communities; and
- (viii) such other matters as may be necessary for the purposes of implementation of this Act.]

**21. Penalties.**—<sup>1</sup>[(1) Whoever contravenes the provisions of sub-section (1) or sub-section (1A) of section 4 shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five lakh rupees per hectare of the area.

(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 two years or with fine which may extend to five lakh rupees, or with both, and in the case of a continuing contravention, with additional fine which may extend to fifty thousand rupees for every day during which such contravention continues after conviction for the first such contravention.]

(3) Where any person trespasses into any land in contravention of the provisions of sub-section (1) of section 4, such trespasser may be served with an order of eviction by the State Government or any authority authorised in this behalf by that Government and the State Government or such authorised authority may, if necessary, obtain the help of the police to evict the trespasser from the land.

<sup>2</sup>[(4) Whenever any person raises, transports or causes to be raised or transported, without any lawful authority, any mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing, such mineral tool, equipment, vehicle or any other thing shall be liable to be seized by an officer or authority specially empowered in this behalf.

(4A) Any mineral, tool, equipment, vehicle or any other thing seized under sub-section (4), shall be liable to be confiscated by an order of the court competent to take cognizance of the offence under sub-section (1) and shall be disposed of in accordance with the directions of such court.]

(5) Whenever any person raises, without any lawful authority, any mineral from any land, the State Government may recover from such person the mineral so raised, or, where such mineral has already been disposed of, the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority.

<sup>3</sup>[(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence under sub-section (1) shall be cognizable.]

**22. Cognizance of offences.**—No court shall take cognizance of any 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 Central Government or the State Government.

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1. Subs. by Act 10 of 2015, s. 19, for sub-sections (1) and (2) (w.e.f. 12-1-2015).

2. Subs. by Act 38 of 1999, s. 17, for sub-section (4) (w.e.f. 18-12-1999).

3. Ins. by Act 37 of 1986, s. 16 (w.e.f. 10-2-1987).

**23. Offences by companies.**—(1) If the person committing an offence under this Act or any rules made thereunder is a company, every person who at the time the offence was committed was in charge of, 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-section 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) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals;
- (b) “director” in relation to a firm means a partner in the firm.

<sup>1</sup>[**23A. Compounding of offences.**—(1) Any offence punishable under this Act or any rule made thereunder may, either before or after the institution of the prosecution, be compounded by the person authorised under section 22 to make a complaint to the court with respect to that offence, on payment to that person, for credit to the Government, of such sum as that person may specify:

Provided that in the case of an offence punishable with fine only, no such sum shall exceed the maximum amount of fine which may be imposed for that offence.

(2) Where an offence is compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender, if in custody, shall be released forthwith.]

<sup>2</sup>[**23B. Power to search.**—If any gazetted officer of the Central or a State Government authorised by the Central Government <sup>3</sup>[or a State Government, as the case may be,] in this behalf by general or special order has reason to believe that any mineral has been raised in contravention of the provisions of this Act or rules made thereunder or any document or thing in relation to such mineral is secreted in any place <sup>3</sup>[or vehicle], he may search for such mineral, document or thing and the provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), shall apply to every such search.]

<sup>4</sup>[**23C. Power of State Government to make rules for preventing illegal mining, transportation and storage of minerals.**—(1) The State Government may, by notification in the Official Gazette, make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) establishment of check-posts for checking of minerals under transit;
- (b) establishment of weigh-bridges to measure the quantity of mineral being transported;
- (c) regulation of mineral being transported from the area granted under a prospecting licence or a mining lease or a quarrying licence or a permit, in whatever name the permission to excavate minerals, has been given;
- (d) inspection, checking and search of minerals at the place of excavation or storage or during transit;
- (e) maintenance of registers and forms for the purposes of these rules;

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1. Ins. by Act 56 of 1972, s. 13 (w.e.f. 12-9-1972).

2. Ins. by Act 25 of 1994, s. 9 (w.e.f. 25-1-1994).

3. Ins. by Act 38 of 1999, s. 18 (w.e.f. 18-12-1999).

4. Ins. by s. 19, *ibid.* (w.e.f. 18-12-1999).

(f) the period within which and the authority to which applications for revision of any order passed by any authority be preferred under any rule made under this section and the fees to be paid therefor and powers of such authority for disposing of such applications; and

(g) any other matter which is required to be, or may be, prescribed for the purpose of prevention of illegal mining, transportation and storage of minerals.

(3) Notwithstanding anything contained in section 30, the Central Government shall have no power to revise any order passed by a State Government or any of its authorised officers or any authority under the rules made under sub-sections (1) and (2).]

**24. Power of entry and inspection.**—(1) For the purpose of ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any other purpose connected with this Act or the rules made thereunder, any person authorised by the <sup>1</sup>[Central Government or a State Government] in this behalf, by general <sup>2</sup>\*\*\* order, may—

(a) enter and inspect any mine;

(b) survey and take measurements in any such mine;

(c) weigh, measure or take measurements of the stocks of minerals lying at any mine;

(d) examine any document, book, register, or record in the possession or power of any person having the control of, or connected with, any mine and place marks of identification thereon, and take extracts from or make copies of such document, book, register or record;

(e) order the production of any such document, book, register, record, as is referred to in clause (d); and

(f) examine any person having the control of, or connected with, any mine.

(2) Every person authorised by the <sup>1</sup>[Central Government or a State Government] under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and every person to whom an order or summons is issued by virtue of the powers conferred by clause (e) or clause (f) of that sub-section shall be legally bound to comply with such order or summons, as the case may be.

<sup>3</sup>[**24A. Rights and liabilities of a holder of prospecting licence or mining lease.**—(1) On the issue of a <sup>4</sup>[reconnaissance permit, prospecting licence or mining lease] under this Act and the rules made thereunder, it shall be lawful for the <sup>5</sup>[holder of such permit, licence or lease], his agents or his servants or workmen to enter the lands over which <sup>6</sup>[such permit, lease or licence had been granted] at all times during its currency and carry out all such <sup>7</sup>[reconnaissance, prospecting or mining operations] as may be prescribed:

Provided that no person shall enter into any building or upon an enclosed court or garden attached to a dwelling-house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

(2) The holder of a <sup>4</sup>[reconnaissance permit, prospecting licence or mining lease] referred to in sub-section (1) shall be liable to pay compensation in such manner as may be prescribed to the occupier of the surface of the land granted under <sup>8</sup>[such permit, licence or lease] for any loss or damage which is likely to arise or has arisen from or in consequence of the <sup>9</sup>[reconnaissance, mining or prospecting operations].

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1. Subs. by Act 38 of 1999, s. 20, for "Central Government" (w.e.f. 18-12-1999).

2. The words "or special" omitted by s. 20, *ibid.* (w.e.f. 18-12-1999).

3. Ins. by Act 37 of 1986, s. 17 (w.e.f. 10-2-1987).

4. Subs. by Act 38 of 1999, s. 21, for "prospecting licence or mining lease" (w.e.f. 18-12-1999).

5. Subs. by s. 21, *ibid.*, for "holder of such licence or lease" (w.e.f. 18-12-1999).

6. Subs. by s. 21, *ibid.*, for "such lease or licence had been granted" (w.e.f. 18-12-1999).

7. Subs. by s. 21, *ibid.*, for "prospecting or mining operations" (w.e.f. 18-12-1999).

8. Subs. by s. 21, *ibid.*, for "such licence or lease" (w.e.f. 18-12-1999).

9. Subs. by s. 21, *ibid.*, for "mining or prospecting operations" (w.e.f. 18-12-1999).

(3) The amount of compensation payable under sub-section (2) shall be determined by the State Government in the manner prescribed.]

**25. Recovery of certain sums as arrears of land revenue.**—<sup>1</sup>[(1)] Any rent, royalty, tax, fee or other sum due to the Government under this Act or the rules made thereunder or under the terms and conditions of any <sup>2</sup>[reconnaissance permit, prospecting licence or mining lease] may, on a certificate of such officer as may be specified by the State Government in this behalf by general or special order, be recovered in the same manner as an arrear of land revenue.

<sup>3</sup>[(2) Any rent, royalty, tax, fee or other sum due to the Government either under this Act or any rule made thereunder or under the terms and conditions of any <sup>2</sup>[reconnaissance permit, prospecting licence or mining lease] may, on a certificate of such officer as may be specified by the State Government in this behalf by general or special order, be recovered in the same manner as if it were an arrear of land revenue and every such sum which becomes due to the Government after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972 (56 of 1972), together with the interest due thereon shall be a first charge on the assets of the holder of the <sup>2</sup>[reconnaissance permit, prospecting licence or mining lease], as the case may be.]

**26. Delegation of powers.**—(1) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may, in relation to such matters and subject to such conditions, if any, as may be specified in the notification be exercisable also by—

(a) such officer or authority subordinate to the Central Government; or

(b) such State Government or such officer or authority subordinate to a State Government, as may be specified in the notification.

(2) The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

(3) Any rules made by the Central Government under this Act may confer powers and impose duties or authorise the conferring of powers and imposition of duties upon any State Government or any officer or authority subordinate thereto.

**27. Protection of action taken in good faith.**—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

**28. Rules and notifications to be laid before Parliament and certain rules to be approved by Parliament.**—<sup>4</sup>[(1) Every rule and every notification made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification 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 or notification.]

(2) Without prejudice to the generality of the rule making power vested in the Central Government, no rules made with reference to clause (c) of sub-section (2) of section 16 shall come into force until they have been approved, whether with or without modifications, by each House of Parliament.

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1. Section 25 re-numbered as sub-section (1) thereof by Act 56 of 1972, s. 14 (w.e.f. 12-9-1972).

2. Subs. by Act 38 of 1999, s. 22, for “prospecting licence or mining lease” (w.e.f. 18-12-1999).

3. Ins. by Act 56 of 1972, s. 14 (w.e.f. 12-9-1972).

4. Subs. by s. 15, *ibid.*, for sub-section (1) (w.e.f. 12-9-1972).

<sup>1</sup>[(3) Every rule and every notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists one House, before that House.]

**29. Existing rules to continue.**—All rules made or purporting to have been made under the Mines and Minerals (Regulation and Development) Act, 1948 (53 of 1948), shall, in so far as they relate to matters for which provision is made in this Act and are not inconsistent therewith, be deemed to have been made under this Act as if this Act had been in force on the date on which such rules were made and shall continue in force unless and until they are superseded by any rules made under this Act.

<sup>2</sup>**[30. Power of revision by Central Government.**—The Central Government may, of its own motion or on an application made within the prescribed time by an aggrieved party,—

(a) revise any order made by a State Government or other authority in exercise of the powers conferred on it by or under this Act with respect to any mineral other than a minor mineral; or

(b) where no such order has been made by the State Government or other authority in exercise of the powers conferred on it by or under this Act with respect to any mineral other than a minor mineral within the time prescribed therefore, pass such order as it may think fit and appropriate in the circumstances:

Provided that in cases covered by clause (b) the Central Government shall, before passing any order under this clause, give an opportunity of being heard or to represent in the matter.]

<sup>3</sup>**[30A. Special provisions relating to mining leases for coal granted before 25th October, 1949.**—Notwithstanding anything contained in this Act, the provisions of sub-section (1) of section 9 and sub-section (1) of section 16 shall not apply to or in relation to mining leases granted before the 25th day of October, 1949, in respect of coal, but the Central Government, if it is satisfied that it is expedient so to do, may, by notification in the Official Gazette, direct that all or any of the said provisions (including any rules made under sections 13 and 18) shall apply to or in relation to such leases subject to such exceptions and modifications, if any, as may be specified in that or in any subsequent notification.]

<sup>4</sup>**[30B. Constitution of Special Courts.**—(1) The State Government may, for the purposes of providing speedy trial of offences for contravention of the provisions of sub-section (1) or sub-section (1A) of section 4, constitute, by notification, as many Special Courts as may be necessary for such area or areas, as may be specified in the notification.

(2) A Special Court shall consist of a Judge who shall be appointed by the State Government with the concurrence of the High Court.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is or has been a District and Sessions Judge.

(4) Any person aggrieved by the order of the Special Court may prefer an appeal to the High Court within a period of sixty days from the date of such order.

**30C. Special Courts to have powers of Court of Session.**—Save as otherwise provided in this Act, the Code of Criminal Procedure, 1973 (2 of 1974), shall apply to the proceedings before the Special Court and for the purpose of the provisions of this Act, the Special Court shall be deemed to be a Court of Session and shall have all powers of a Court of Session and the person conducting a prosecution before the Special Court shall be deemed to be a public prosecutor.]

**31. Relaxation of rules in special cases.**—The Central Government may, if it is of opinion that in the interests of mineral development it is necessary so to do, by order in writing and for reasons to be recorded, authorise in any case the grant, renewal or transfer of any <sup>5</sup>[reconnaissance permit, prospecting

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1. Ins. by Act 25 of 1994, s. 10 (w.e.f. 25-1-1994).

2. Subs. by Act 10 of 2015, s. 20, for section 30 (w.e.f. 12-1-2015).

3. Ins. by Act 15 of 1958, s. 2 (w.e.f. 15-5-1958).

4. Ins. by Act 10 of 2015, s. 21 (w.e.f. 12-1-2015).

5. Subs. by Act 38 of 1999, s. 23, for “prospecting licence or mining lease” (w.e.f. 18-12-1999).

licence or mining lease], or the working of any mine for the purpose of searching for or winning any mineral, on terms and conditions different from those laid down in the rules made under section 13.

**32.** [*Amendments to Act 53 of 1948*].—*Rep. by the Repealing and Amending Act, 1960 (58 of 1960), s. 2 and the First Schedule (w.e.f. 26-12-1960).*

**33. Validation of certain acts and indemnity.**—All acts of executive authority done, proceedings taken and sentences passed under the Mines and Minerals (Regulation and Development) Act, 1948 (53 of 1948), with respect to the regulation of mines and the development of minerals during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act by the Government or by any officer of the Government or by any other authority, in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the said Act, shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any person whatsoever, on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

<sup>1</sup>[THE FIRST SCHEDULE

[See sections 4(3), 5(I), 7(2) and <sup>2</sup>[8(I), 8A(I), 10A, 10B(I), 10C(I), 11(I), 11B, 11C, 12A(I), and 17A(2A)]]

SPECIFIED MINERALS

*PART A*

*Hydro carbons/energy minerals*

1. Coal and lignite.

*PART B*

*Atomic minerals*

1. Beryl and other beryllium-bearing minerals.
2. Lithium-bearing minerals.
3. Minerals of the “rare earths” group containing Uranium and Thorium.
4. Niobium-bearing minerals.
5. Phosphorites and other phosphatic ores containing Uranium.
6. Pitchblende and other Uranium ores.
- <sup>3</sup>[7. Titanium bearing minerals and ores (ilmenite, rutile and leucoxene).]
8. Tantalum-bearing minerals.
9. Uraniferous allanite, monazite and other thorium minerals.
10. Uranium bearing tailings left over from ores after extraction of copper and gold, ilmenite and other titanium ores.
- <sup>4</sup>[11. Zirconium-bearing minerals and ores including Zircon.]

*PART C*

*Metallic and non-metallic minerals*

1. Asbestos.
2. Bauxite.
3. Chrome ore.
4. Copper ore.
5. Gold.
6. Iron ore.
7. Lead.
- <sup>5</sup>\*\*\*
9. Manganese ore.
10. Precious stones.
11. Zinc.]

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1. Subs. by Act 25 of 1994, s. 12, for the First Schedule (w.e.f. 25-1-1994).

2. Subs. by Act 10 of 2015, s. 22, for “8(2)” (w.e.f. 12-1-2015).

3. Subs. by Act 38 of 1999, s. 24, for item 7 (w.e.f. 18-12-1999).

4. Subs. by s. 24, *ibid.*, for item 11 (w.e.f. 18-12-1999).

5. Omitted by s. 24, *ibid.* (w.e.f. 18-12-1999).

<sup>1</sup>[SECOND SCHEDULE

(See section 9)

RATES OF ROYALTY IN RESPECT OF MINERALS AT ITEMS 1 TO 9, 11 TO 40 AND 42 TO 55

1. Apatite and Rock Phosphate:	
(i) Apatite	Five per cent. of average sale price on <i>ad valorem</i> basis.
(ii) Rock Phosphate	Twelve and half per cent. of average sale price on <i>ad valorem</i> basis.
(a) Above 25% P <sub>2</sub> O <sub>5</sub>	
(b) Upto 25% P <sub>2</sub> O <sub>5</sub>	Six per cent. of average sale price on <i>ad valorem</i> basis.
2. Asbestos:	
(i) Chrysotile	Eight Hundred and Eighty rupees per tonne.
(ii) Amphibole	Fifteen per cent. of average sale price on <i>ad valorem</i> basis.
3. Barytes:	Six and half per cent. of average sale price on <i>ad valorem</i> basis.
4. Bauxite and Laterite:	<b>(a) Metallurgical Grade:</b> Zero point six zero per cent. of London Metal Exchange Aluminium metal price chargeable on the contained aluminium metal in ore produced for those dispatched for use in alumina and aluminium metal extraction. <b>(b) Non Metallurgical Grade:</b> Twenty five per cent. of average sale price on <i>ad valorem</i> basis for those dispatched for use other than alumina and aluminium metal extraction.
5. Brown Ilmenite (Leucoxene), Ilmenite, Rutile and Zircon:	Two per cent. of average sale price on <i>ad valorem</i> basis.
6. Cadmium:	Fifteen per cent. of average sale price on <i>ad valorem</i> basis.
7. Calcite:	Fifteen per cent. of average sale price on <i>ad valorem</i> basis.
8. China clay or Kaolin: (including ball clay and white shale, white clay)	
(i) Crude	Eight per cent. of average sale price on <i>ad valorem</i> basis.
(ii) Processed (including washed)	Twelve per cent. of average sale price on <i>ad valorem</i> basis.
9. Clay others:	Twenty rupees per tonne.
10. Coal (including Lignite):	*
11. Chromite:	Fifteen per cent. of average sale price on <i>ad valorem</i> basis.
12. Columbite-tantalite:	Ten per cent. of average sale price on <i>ad valorem</i> basis.

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1. Subs. by notification No. G.S.R. 630(E), for the Second Schedule (w.e.f. 1-9-2014).



13. Copper:	Four point six two per cent. of London Metal Exchange Copper metal price chargeable on the contained copper metal in ore produced.
14. Diamond:	Eleven point five per cent. of average sale price on <i>ad valorem</i> basis.
15. Dolomite:	Seventy-five rupees per tonne.
16. Dunite:	Thirty rupees per tonne.
17. Felspar:	Fifteen per cent. of average sale price on <i>ad valorem</i> basis.
18. Fire Clay: (including plastic, pipe, lithomargic and natural pozzolanic clay)	Twelve per cent. of average sale price on <i>ad valorem</i> basis.
19. Fluorspar: (also called fluorite)	Eight per cent. of average sale price on <i>ad valorem</i> basis.
20. Garnet:	
(i) Abrasive	Four per cent. of average sale price on <i>ad valorem</i> basis.
(ii) Gem	Ten per cent. of average sale price on <i>ad valorem</i> basis.
21. Gold:	
(i) Primary	Four per cent. of London Bullion Market Association Price (commonly referred to as London Price) chargeable on the gold metal in ore produced.
(ii) By-product gold	Three point three per cent. of London Bullion Market Association Price (commonly referred to as London Price) chargeable on the by-product gold metal actually produced.
22. Graphite:	
(i) With 80 per cent. or more fixed carbon	Two hundred and twenty-five rupees per tonne.
(ii) With 40 per cent. or more fixed carbon but less than 80 per cent. fixed carbon	One hundred and fifty rupees per tonne.
(iii) With 20 per cent. or more fixed carbon but less than 40 per cent. fixed carbon	Sixty-five rupees per tonne.
(iv) With less than 20 per cent. fixed carbon	Twenty-five rupees per tonne.
23. Gypsum:	Twenty per cent. of average sale price on <i>ad valorem</i> basis.
24. Iron Ore: (CLO, Lumps, fines and concentrates all grades)	Fifteen per cent. of average sale price on <i>ad valorem</i> basis.

25. Lead:	(a) Eight point five per cent. of London Metal Exchange Lead metal price chargeable on the contained lead metal in ore produced. (b) Fourteen point five per cent. of London Metal Exchange Lead metal price chargeable on the contained lead metal in the concentrate produced.
26. Limestone:	
(i) L. D. Grade (less than 1.5 per cent. silica content)	Ninety rupees per tonne.
(ii) Others	Eighty rupees per tonne.
27. Lime kankar:	Eighty rupees per tonne.
28. Limeshell:	Eighty rupees per tonne.
29. Magnesite:	Three per cent. of average sale price on <i>ad valorem</i> basis.
30. Manganese Ore:	
(i) Ore of all grade	Five per cent. of average sale price on <i>ad valorem</i> basis.
(ii) Concentrates	One point seven per cent. of average sale price on <i>ad valorem</i> basis.
31. Marl:	Sixty rupees per tonne.
32. Crude Mica, waste mica and scrap mica:	Four per cent. of average sale price on <i>ad valorem</i> basis.
33. Monazite:	One hundred and twenty-five rupees per tonne.
34. Nickel:	Zero point one two per cent. of London Metal Exchange Nickel metal price chargeable on the contained nickel metal in ore produced.
35. Ochre:	Twenty-four rupees per tonne.
36. Pyrites:	Two per cent. of average sale price on <i>ad valorem</i> basis.
37. Pyrophyllite:	Twenty per cent. of average sale price on <i>ad valorem</i> basis.
38. Quartz:	Fifteen per cent. of average sale price on <i>ad valorem</i> basis.
39. Ruby:	Ten per cent. of average sale price on <i>ad valorem</i> basis.
40. Sand (others):	Twenty rupees per tonne.
41. Sand for stowing:	**
42. Shale:	Sixty rupees per tonne.
43. Silica sand and moulding sand and Quartzite:	Ten per cent. of average sale price on <i>ad valorem</i> basis.
44. Sillimanite:	Two point five per cent. of average sale price on <i>ad valorem</i> basis.

45. Silver:	
(i) By-product	Seven per cent. of London Metal Exchange Price chargeable on by-product silver metal actually produced.
(ii) Primary Silver	Five per cent. of London Metal Exchange Silver Metal Price chargeable on the contained silver metal in ore produced.
46. Slate:	Forty-five rupees per tonne.
47. Talc, Steatite and Soapstone:	Eighteen per cent. of average sale price on <i>ad valorem</i> basis.
48. Tin:	Seven point five per cent. of London Metal Exchange Tin metal price chargeable on the contained tin metal in ore produced.
49. Tungsten:	Twenty rupees per unit per cent. of contained WO <sub>3</sub> per tonne of ore and on pro rata basis.
50. Uranium:	Two per cent. of annual compensation amount received by M/s. Uranium Corporation of India Ltd., to be apportioned among the States on the basis of data provided by Department of Atomic Energy.
51. Vanadium:	Twenty per cent. of average sale price on <i>ad valorem</i> basis.
52. Vermiculite:	Five per cent. of average sale price on <i>ad valorem</i> basis.
53. Wollastonite:	Fifteen per cent. of average sale price on <i>ad valorem</i> basis.
54. Zinc:	(a) Nine point five per cent. of London Metal Exchange Zinc metal price on <i>ad valorem</i> basis chargeable on contained zinc metal in ore produced.  (b) Ten per cent. of London Metal Exchange Zinc metal price on <i>ad valorem</i> basis chargeable on contained zinc metal in concentrate produced.
55. All other minerals not herein before specified (Agate, Corundum, Diaspore, Felsite, Fuschite-Quartzite, Jasper, Kyanite, Perlite, Pyroxenite, Rock Salt, Selenite, etc.)	Twelve per cent. of average sale price on <i>ad valorem</i> basis.

**Notes:—**

- \* Rates of royalty in respect of item No. 10 relating to Coal (including Lignite) as revised *vide* notification number G.S.R. 349(E), dated the 10th May, 2012 read with corrigendum G.S.R. 525(E), dated the 14th June, 2012 of the Government of India in the Ministry of Coal shall remain in force until revised through a separate notification by the Ministry of Coal.
- \*\* Rates of royalty in respect of item No. 41 relating to Sand for stowing revised *vide* notification number G.S.R. 214(E), dated the 11th April, 1997, will remain in force until revised through a separate notification by the Ministry of Coal.]

<sup>1</sup>[THIRD SCHEDULE

(See section 9A)

Rates of Dead Rent

1. Rates of dead rent applicable to the leases granted for low value minerals are as under:

**RATES OF DEAD RENT IN RUPEES PER HECTARE PER ANNUM**

From 2nd Year of Lease	3rd and 4th Year of Lease	5th Year onwards
400	1000	2000

2. Two times the rate specified at paragraph 1 above in case of lease granted for medium value minerals.

3. Three times the rate specified at paragraph 1 above in case of lease granted for high value minerals.

4. Four times the rate specified at paragraph 1 above in case of lease granted for precious metals and stones.

Note:

1. For the purpose of this notification:—

(a) **“precious metals and stones”** means gold, silver, diamond, ruby, sapphire and emerald;

(b) **“high value minerals”** means semi-precious stones (agate, gem garnet), corundum, copper, lead, zinc, and asbestos (chrysotile variety);

(c) **“medium value minerals”** means chromite, manganese ore, kyanite, sillimanite, vermiculite, magnesite, wollastonite, perlite, diaspore, apatite, rock phosphate, fluorite (fluorspar), barytes, and iron ore;

(d) **“low value minerals”** means the minerals other than precious metals and stones, high value minerals and medium value minerals.]

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1. Subs. by notification No. G.S.R.631(E), for “Third Schedule” (w.e.f. 1-9-2014).

<sup>1</sup>[THE FOURTH SCHEDULE  
[See clause (ea) of section 3]

Notified Minerals

1. Bauxite.
2. Iron ore.
3. Limestone.
4. Manganese ore.]

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1. Ins. by Act 10 of 2015, s. 23 (w.e.f. 12-1-2015).

**Government of India  
Ministry of Mines**

**MINERAL CONCESSION RULES, 1960**

(As amended up to 26<sup>th</sup> July, 2012)

**Issued by**

**CONTROLLER GENERAL,  
INDIAN BUREAU OF MINES,  
NAGPUR**

**October, 2012**

Price: (Inland) Rs. 195.00; (Foreign) £ 2.53 or \$ 4.24

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## **MINERAL CONCESSION RULES, 1960**

**G.S.R. 1398, dated the 11<sup>th</sup> November, 1960** - 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, namely :-

### **CHAPTER I Preliminary**

**1. Short title** :- These rules may be called the Mineral Concession Rules, 1960.

**2. Definitions** :- In these rules, unless the context otherwise requires, -

(i) “Act” means the Mines and Minerals <sup>1</sup>[(Development and Regulation )] Act,1957 ( 67 of 1957);

(ii) “Form” means a form set out in Schedule I to these rules;

<sup>2</sup>[(iia) “illegal mining” means any reconnaissance or prospecting or mining operation undertaken by any person or a company in any area without holding a reconnaissance permit or a prospecting licence or as the case may be, a mining lease as required under sub-section(1) of section 4 of the Act.

Explanation – For the purpose of this clause, -

(a) Violation of any rules, other than the rules made under section 23C of the Act, within the mining lease area by a holder of a mining lease shall not include illegal mining.

(b) Any area granted under a reconnaissance permit or a prospecting licence or a mining lease, as the case may be shall be considered as an area held with lawful authority by the holder of such permit of licence or a lease, while determining the extension of illegal mining.]

(iii) “railway” and “railway administration” have the meanings respectively assigned to them in the Indian Railways Act, 1890 (9 of 1890);

(iv) “Schedule” means a Schedule appended to these rules;

(v) “section” means a section of the Act.

**3. Saving of Act 33 of 1962** :- Nothing in these rules shall affect the provisions of the Atomic Energy Act, 1962 ( 33 of 1962) <sup>3</sup>[and the rules made thereunder in respect of licensing relating to atomic minerals listed in Part B of the First Schedule to the Act.]

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<sup>1</sup> Substituted by G.S.R.56 (E) , dated 17.1.2000. <sup>2</sup> Inserted by G.S.R.593(E), dated 26.7.2012

<sup>3</sup> Inserted by G.S.R.56 (E) , dated 17.1.2000

## <sup>1</sup>[ CHAPTER II Grant of Reconnaissance Permits

**4. Application for reconnaissance permit** :- (1) An application for reconnaissance permit shall be made to the State Government in Form 'A' through such officer or authority as the State Government may specify in this behalf.

(2) (a) Every such application shall be accompanied by a non-refundable fee calculated at the rate of five rupees per square kilometre.

(b) A valid clearance certificate, in the form prescribed by the State Government for payment of mining dues, such as royalty or dead rent or surface rent payable under the Act or rules made thereunder, from that Government or any officer or authority authorised by that Government in this behalf :

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

Provided that an affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above shall be furnished within ninety days of the date of application and the application shall become invalid if the party fails to file the certificate within the said ninety days :

Provided also 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 or income tax, non- payment thereof shall not be treated as a disqualification for the purpose of granting the reconnaissance permit :

Provided further that in case the applicant is a partnership firm or a private limited company, such certificate shall be furnished by all persons of the partnership firm or, as the case may be, all members of the private limited company.

(c) An affidavit stating that the applicant has -

- (i) filed up-to-date income- tax returns;
- (ii) paid the income- tax assessed on him; and
- (iii) paid the income tax on the basis of his assessment as provided in the Income Tax Act, 1961(43 of 1961).

(d) An affidavit showing the particulars of areas, mineral-wise in the State, which the applicant or any person jointly with him -

- (i) already holds under a reconnaissance permit;
- (ii) has applied for but not granted; and
- (iii) being applied for simultaneously.

**4A. Acknowledgement of application :-** (1) Where an application for the grant of reconnaissance permit is delivered personally, its receipt shall be acknowledged forthwith.

(2) Where such application is received by registered post, its receipt shall be acknowledged on the same day.

(3) In any other case, the receipt of such application shall be acknowledged within three days of the receipt.

(4) The receipt of every such application shall be acknowledged in Form 'D-1'.

**5. Refusal of application for a reconnaissance permit :-** (1) The State Government may after giving an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to grant a reconnaissance permit over the whole or part of the area applied for.

(2) Where it appears that the application is not complete in all material particulars or is not accompanied by the required documents, the State Government shall, by notice, require the applicant to supply the omission or, as the case may be, furnish the documents without delay and in any case not later than thirty days from the date of receipt of the said notice by the applicant.

**6. Status of grant on death of the applicant for reconnaissance permit:**

(1) Where an applicant for the grant of reconnaissance permit dies before the order granting him a reconnaissance permit is passed, the application for the grant of reconnaissance permit shall be deemed to have been made by his legal representatives.

(2) In the case of an applicant in respect of whom an order granting a reconnaissance permit is passed but who dies before the deed referred in sub-rule (1) of rule 7A is executed, the order shall be deemed to have been passed in the name of the legal representative of the deceased.

**7. Conditions of a reconnaissance permit :-** (1) Every reconnaissance permit granted under these rules, shall, in addition to any other conditions that may be specified therein be subject to the following conditions namely,

(i) The holder of reconnaissance permit shall progressively relinquish the area granted under the permit as follows : -

- (a) After completion of two years, the area shall be reduced to one thousand square kilometers or fifty percent of the area granted, whichever is less; and
- (b) The area would be further relinquished so that the permit holder is left with an area not more than twenty five square kilometres at the end of third year.

(ii) The holder of the reconnaissance permit shall strictly adhere to the minimum expenditure commitment and specific physical targets specified in the order of grant of the permit failing which reconnaissance permit may be cancelled.

(iii) The holder of reconnaissance permit shall make available all data collected by him during the reconnaissance operations to the Geological Survey of India, Indian Bureau of Mines and the State Government which may be made available to any prospecting investor after a minimum period of two years of the completion of the period of reconnaissance permit.

(iv) The holder of reconnaissance permit shall not enter any forest land or any private land without obtaining permission of the Forest Department or the owner of the private land, as the case may be.

(v) The holder of reconnaissance permit shall maintain accurate faithful account of all the expenses incurred by him on the reconnaissance operations.

(vi) The holder of reconnaissance permit shall submit to the State Government a six monthly report of the work done by him and the valuable data collected by him during the period. The report shall be submitted within 3 months of the close of the period to which it relates.

(vii) The permit holder shall also submit to the State Government within three months of the expiry of the permit, or abandonment of the operations or termination of the permit whichever is earlier, a full report of the work done by him and all information relevant to mineral resources acquired by him in the course of reconnaissance permit in the area covered by the permit.

(viii) While submitting reports under sub clause (vi) or (vii), the permit holder may specify that the whole or any part of the report

or data submitted by him shall be kept confidential; and the State Government shall thereupon, keep the specified portions as confidential for a period of two years from the expiry of the permit, or abandonment of operations or termination of the permit, whichever is earlier.

(ix) The permit holder shall allow every officer authorised by the Central Government or the State Government in this behalf to examine at any time accounts maintained and furnish the Central Government or the State Government or any other officer authorised by it in that behalf such information and returns.

(x) The permit holder shall allow any officer authorised by the Central Government or the State Government in this behalf to inspect any reconnaissance operations carried on by him.

(xi) The permit holder shall pay such permit fee as may be fixed by the State Government, being not less than five rupees per square kilometre and not more than twenty rupees per square kilometre of land held by the permit holder for each year or part thereof.

(2) The reconnaissance permit may contain such other conditions as may be imposed by the Central Government which inter-alia may include the condition that the representative of the Directorate General, Civil Aviation or Ministry of Defence shall be present during the aerial surveys.

(3) The State Government may, with the approval of the Central Government, impose such further conditions in the permit as it may think necessary in the interest of mineral development and for compliance of various legal provisions.

(4) In case of breach of any condition imposed on any holder of reconnaissance permit by or under this rule, the State Government may by order in writing, cancel the permit, and/or forfeit in whole or in part, the amount deposited by the permit holder as security :

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

**7A. Reconnaissance Permit to be executed within three months :-**

(1) Where on any application for a reconnaissance permit an order has been made for the grant of such permit, a deed granting such permit shall be executed within ninety days of the date of the communication of the order or such further period as the State government may allow in this behalf, and if no such deed is executed within such period due to any fault on the part of the applicant,

the State Government may revoke the order granting the reconnaissance permit and in that event the fee paid shall be forfeited to the State Government.

(2) The deed referred to in sub rule 1 shall be in Form F-1, or in a Form as near thereto as circumstances of each case may require.

(3) The date of the commencement of the period for which a reconnaissance permit is granted shall be the date on which the deed is executed after all necessary clearances have been obtained.

**7B. Security deposit :-** (i) An applicant for a reconnaissance permit shall, before deed referred to in sub-rule (1) of rule 7A is executed, deposit as security for the observance of the terms and conditions of the permit a sum of twenty rupees in respect of every square kilometre or part thereof for which the permit is granted.

(ii) Any deposit made under sub-clause (i) above if not forfeited under the rules shall be refunded to the applicant as soon as the report referred to in sub-rule (1) (vii) of rule 7 is submitted.

**7C. Prospecting Licences and Mining Leases of other minerals :-** The applications received for grant of prospecting licences or mining leases within the area granted under reconnaissance permit for minerals other than those for which the permit has been granted, shall not be refused on the grounds that the area is not available for grant. The State Government shall dispose of such applications as per provisions of these rules :

Provided that if a prospecting licence or a mining lease for other mineral has been granted to some other applicant within the area granted for a reconnaissance permit and where the reconnaissance permit holder discovers availability of minerals covered under his permit within the area so granted subsequently for prospecting or mining of minerals other than those covered under the reconnaissance permit, he shall have the right to get such areas vacated from the licensee or the lessee, as the case may be and such licensee or lessee shall not hinder the reconnaissance operations being undertaken by the reconnaissance permit holder.

**7D. Registers :** - (1) A register of applications for reconnaissance permits shall be maintained by the State Government in Form G -1.

(2) A register of reconnaissance permit shall be maintained by State Government in Form H -1.]



**CHAPTER III**  
**Grant of prospecting licences in respect of land in which  
the minerals vest in the Government**

<sup>1</sup>**8. Applicability of Chapter II, Chapter III and Chapter IV :-** The provisions of Chapter II, Chapter III and Chapter IV shall apply to the grant of reconnaissance permits as well as grant and renewal of prospecting licences and mining leases only in respect of the land in which the minerals vest in the Government of a State.]

**9. Application for prospecting licence and its renewal :-** (1) An application for a prospecting licence and its renewal in respect of land in which the minerals vest in Government shall be made to the State Government in Form B and Form E respectively through such officer or authority as the State Government may specify in this behalf.

(2) Every such application shall be accompanied by-

- (a) a <sup>2</sup>[non-refundable] fee calculated in accordance with the provisions of Schedule II; and
- (b) (Omitted)
- (c) (Omitted)
- (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 by that Government in this behalf;

Provided <sup>3</sup>[omitted] that in case the applicant is a partnership firm or a private limited company such certificate shall be furnished by all partners of the partnership firm or, as the case may be, all members of the private limited company :

<sup>4</sup>[Provided further that where any injunction has been issued by court of law or any other competent authority staying the recovery of any such mining dues or income tax, non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said prospecting licence:

Provided that where a person has furnished an affidavit to the satisfaction of the State Government stating that he does not hold and has not held a prospecting licence, it shall not be

1. Substituted by G.S.R. 56 (E), dated 17.1.2000.

2. Inserted by G.S.R. 56 (E), dated 17.1.2000.

3. Omitted by G.S.R. 56 (E), dated 17.1.2000.

4. Inserted by G.S.R. 56 (E), dated 17.1.2000.

necessary for him to produce the said valid clearance certificate :

Provided further that a sworn affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above shall become invalid if the party fails to file the certificate within the said ninety days.]

(e) an affidavit stating that the applicant has -

- (i) filed up-to-date income tax return;
- (ii) paid the income tax assessed on him ; and
- (iii) paid the income tax on the basis of self-assessment as provided in the Income Tax Act,1961;

(f) an affidavit showing particulars of areas mineral-wise in<sup>1</sup>[the] state, which the applicant or any person jointly with him -

- (i) already holds under a prospecting licence;
- (ii) has applied for but not granted; and
- (iii) being applied for simultaneously.

(g) a statement in writing that the applicant, where the land is not owned by him, has obtained surface rights over the area or has obtained the consent of the owner for starting prospecting operations :

Provided that no such statement shall be necessary were the land is owned by the Government.

Provided <sup>2</sup>[omitted] that the consent of the owner for starting prospecting operations in the area or part thereof may be furnished after execution of the prospecting licence but before entry into the said area.

<sup>3</sup>[Provided further that no further consent would be required in the case of renewal where consent has already been obtained during grant of the licence.]

<sup>4</sup>[omitted]

<sup>5</sup>[omitted]

<sup>6</sup>[omitted]

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1 Substituted by G.S.R. 56 (E), dated 17.1.2000.

2 Omitted by G.S.R. 56 (E), dated 17.1.2000.

3 Inserted by G.S.R. 56 (E), dated 17.1.2000.

4 Omitted by G.S.R. 56 (E), dated 17.1.2000

5.Ibid.

6.Ibid.

(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.

**10. Acknowledgement of application :-** (1) where an application for the grant of renewal of a prospecting licence is delivered personally, its receipt shall be acknowledged forthwith.

(2) Where such application is received by registered post, its receipt shall be acknowledged on the same day.

(3) In any other case, the receipt of such application shall be acknowledged within three days of the receipt .

(4) The receipt of every such application shall be acknowledged in Form D.

**10A.** (Omitted)

**11. Disposal of application for the grant and renewal of prospecting licence :-** (1) (Omitted)

(2) (a) An application for the renewal of a prospecting licence shall be made at least ninety days before the expiry of the prospecting licence and shall be accompanied by –

(i) a statement relating to the prospecting operations already undertaken by the applicant;

(ii) the amount of expenditure incurred;

(iii) the numbers of hours and days for which the work was undertaken; and

(iv) the period which is required to complete the prospecting work.

(b) An application for the renewal for a prospecting licence shall be disposed of by the State Government before the expiry of the period of prospecting licence and if the application is not disposed of within that period, the licence shall be deemed to have been renewed for a period not exceeding the period prescribed for renewal of prospecting licence

under sub-section (2) of section 7 of the Act, or the period for which an application is made, whichever is less.

(3) The State Government may, for reasons to be recorded in writing and communicated to the applicant, at the time of renewal, reduce the area applied for.

<sup>1</sup>[(4) The State Government may condone delay in submission of an application for renewal of a prospecting licence made after the time limit prescribed in sub-rule (2) provided the application for the renewal has been made before the expiry of the licence.]

**12. Refusal of application for a prospecting licence :** - (1) The State Government may, after giving an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a prospecting licence over the whole or part of the area applied for.

(1A) An application for the grant or renewal of a prospecting licence made under rule 9 shall not be refused by the State Government only on the ground that Form B or Form E, as the case may be, is not complete in all material particulars, or is not accompanied by the documents referred to in clauses (d), (e), (f) and (g) of sub-rule (2) of the said rule.

(1B) Where it appears that the application is not complete in all material particulars or is not accompanied by the required documents, the State Government shall, by notice, require the applicant to supply the omission or, as the case may be, furnish the documents without delay and in any case not later than thirty days from the date of receipt of the said notice by the applicant.

(2) An application for the grant of a prospecting licence shall not be refused on the ground only that, in the opinion of the State Government, a mining lease should be granted for the area for which the application for a prospecting licence has been made:

Provided that where applications for the grant of prospecting licence and applications for the grant of mining lease in respect of the same area are received on the same date or on different dates within a period of thirty days, the applications for the grant of mining lease shall, if the area was previously held and worked under a mining lease, be disposed of before the applications for the grant of prospecting licence are considered.

<sup>2</sup>[Provided further that the applications received for grant of prospecting licence shall be liable to be considered only if they have not been already disposed of.]

**13.** <sup>3</sup>[Omitted.]

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1. Inserted by G.S.R. 56(E), dated 17.1.2000. 2. Ibid. 3. Omitted by G.S.R. 56(E), dated 17.1.2000.

**13A. Status of grant on death of the applicant for prospecting licence :**

(1) Where an applicant for the grant of a prospecting licence dies before the order granting him a prospecting licence is passed, the application for the grant of a prospecting licence shall be deemed to have been made by his legal representative.

(2) In the case of an applicant in respect of whom an order granting a prospecting licence is passed but who dies before the deed referred to in sub-rule (1) of rule 15 is executed, the order shall be deemed to have been passed in the name of the legal representative of the deceased.

**14. Conditions of a prospecting licence :-** (1) Every prospecting licence granted under these rules, shall, in addition to any other conditions that may be specified therein, be subject to the following conditions, namely :-

- (i) the licensee shall pay such prospecting fee as may be fixed by the State Government, <sup>1</sup>[being not less than rupee one and not more than rupees ten] per hectare of land covered by the licence for each year or part of a year of the period for which the licence is granted or renewed;
- (ii) the licensee may win and carry for purposes other than commercial purposes -
  - (a) any quantity of such minerals within the limits specified under column 3 of Schedule III without any payment;
  - (b) any quantity of such minerals not exceeding the limits specified under column 4 of Schedule III, on payment of royalty for the time being specified in the Second Schedule to the Act in respect to those minerals :

Provided that if any quantity in excess of the quantities specified in sub-clause (b) is won and carried away, the State Government may recover the cost of the excess quantity of minerals won and carried away.

- (iii) with the written approval of the State Government, the licensee may carry away quantities of minerals in excess of the limits specified in Schedule III, on payment of royalty for the time being specified in the Second Schedule to the Act, for chemical, metallurgical, ore-dressing and other test purposes.

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<sup>1</sup> Substituted by G.S.R. 21 (E), dated 11.1.2002.

- (iv) save in the case of land in respect of which the licensee is granted a mining lease, he shall, within six months next after the determination of the licence or the date of abandonment of the prospecting operations, whichever is earlier, securely plug all bores and fill up or fence all excavations in the land covered by the licence;
- (v) the licensee shall report to the State Government the discovery of any mineral not specified in the licence within a period of sixty days from the date of such discovery. Consequent upon such reporting, such newly discovered mineral shall be deemed to have been included in the prospecting licence;
- (vi) (Omitted.)
- (vii) the licensee shall not except with the previous sanction of the State Government transfer his licence;

<sup>1</sup>[<sup>2</sup>Provided that no prospecting licence shall be transferred to any person who has not filed an affidavit stating that he has filed an up-to-date income-tax returns and paid the income-tax assessed on him and paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961 (43 of 1961) and except on payment to the State Government of a fee of five hundred rupees :

Provided further that the State Government shall not grant its sanction for the transfer of prospecting licence unless the transferee has accepted all the conditions and liabilities which the transferor has in respect of such prospecting licence :

Provided also that the State Government may, by order in writing after providing the licensee the opportunity of being heard, cancel such prospecting licence at any time if the licensee has, in the opinion of the State Government, committed a breach of this clause or rule 15A.]]

- (viii) the licensee shall not pay a wage less than the minimum wage prescribed by the Central or the State Government from time to time under the Minimum Wages Act, 1948;
- (ix) the licensee shall observe the provisions of the Mines Act, 1952<sup>3</sup>[(35 of 1952) and the provisions of the Atomic Energy Act, 1962 (33 of 1962 ) insofar as the latter relate to atomic minerals included in Part 'B' of the First Schedule to the Act.]

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1. Inserted by G.S.R. 56 (E), dated 17.1.2000.

2. Substituted by G.S.R. 31 (E), dated 22.1.2001.

3. Inserted by G.S.R. 56 (E), dated 17.1.2000.

- (x) the licensee shall -
- (a) take immediate measures for the planting in the same area or any other area selected by the Central or the State Government not less than twice the number of trees destroyed by reasons of any prospecting operations;
  - (b) look after them during subsistence of the licence after which these shall be handed over to the State Forest Department or any other authority as may be nominated by the Central or State Government;
  - (c) restore, to the extent possible, other flora destroyed by prospecting operations.
- (xi) the licensee shall pay to the occupier of surface of the land such compensation as may become payable under these rules;
- (xii) the licensee shall comply with the Mineral Conservation and Development Rules framed under section 18.
- <sup>1</sup>[Omitted]

(2) A prospecting licence may contain such other conditions relating to the following as the State Government may think fit to impose, namely :-

- (i) compensation for damage to land in respect of which the licence has been granted;
- (ii) indemnity to Government against the claim of a third party for any damage, injury or disturbance caused to him by the licensee;
- (iii) restrictions regarding felling of trees on unoccupied and unreserved Government land;
- (iv) restrictions on prospecting operations in any area prohibited by any competent authority;
- (v) operations in a reserved or protected forest;
- (vi) conditions regarding entry on occupied land;
- (vii) facilities to be given by the licensee for working other minerals in the licenced area or adjacent areas;
- (viii) filing of civil suits or petitions relating to disputes arising out of the area under prospecting licence.

<sup>1</sup>[(3) The State Government may, either with the previous approval of the Central Government or at the instance of the Central Government, impose such further conditions as may be necessary in the interest of mineral development, including development of atomic minerals.]

(4) In the case of breach of any condition imposed on any holder of prospecting licence by or under this rule, the State Government may, by order in writing, cancel the licence and/or forfeit, in whole or part, the amount deposited by the licensee under rule 20 :

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

**15. Licence to be executed within three months :** - (1) Where on any application for a prospecting licence an order has been made for the grant of such licence, a deed granting such licence shall be executed within ninety days of the date of the communication of the order or such further period as the State Government may allow in this behalf, and if no such deed is executed within the said period due to any default on the part of the applicant, the State Government may revoke the order granting the licence and in that event the fee paid shall be forfeited to the State Government.

(2) The deed referred to in sub-rule (1) shall be in Form F, or in a form as near thereto as circumstances of each case may require.

(3) The date of the commencement of the period for which a prospecting licence is granted shall be the date on which the deed is executed under sub-rule (1).

<sup>2</sup>[**15A.** Where on an application for grant of sanction to transfer the prospecting licence under clause (vii) of sub-rule (1) of rule 14, the State Government has granted sanction for transfer of such licence, a transfer deed in Form P, or a form as near thereto as possible shall be executed within three months of the date of the consent, or within such further period as the State Government may allow in this behalf.]

**16. Report of information obtained by the licensee :-** (1) The licensee shall submit to the State Government a six monthly report of the work done by him stating the number of persons engaged and disclosing in full the geological, geophysical or other valuable data collected by him during the period. The report shall be submitted within three months of the close of the period to which it relates.

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1. Substituted by G.S.R. 56 (E), dated 17.1.2000.

2. Inserted by G.S.R.31(E), dated 22.1.2001.



(2) The licensee shall also submit to the State Government within three months of the expiry of the licence, or abandonment of operations or termination of the licence, whichever is earlier, a full report of work done by him and all information relevant to mineral resources acquired by him in the course of prospecting operations in the area covered by the licence.

(3) While submitting reports under sub-rules (1) or (2), the licensee may specify that the whole or any part of the report or data submitted by him shall be kept confidential; and the State Government shall thereupon, keep the specified portions as confidential for a period of two years from the expiry of the licence, or abandonment of operations or termination of the licence, whichever is earlier.

**17. ( Omitted )**

**18. Maintenance of accounts :-** Every licensee shall maintain <sup>1</sup>[an accurate] and faithful account of all expenses incurred by him on prospecting operations and also the quantity and other particulars of all minerals obtained during such operations and their despatch.

**19. Inspection :-** (1) The licensee shall allow every officer authorised by the Central Government or the State Government in this behalf to examine at any time accounts maintained under rule 18 and furnish the Central Government or the State Government such information and returns as it or any officer authorised by it in that behalf may require.

(2) The licensee shall allow any officer authorised by the Central Government or the State Government in this behalf to inspect any prospecting operations carried on by him.

**20. Security deposit :-** (1) An applicant for a prospecting licence shall, before the deed referred to in sub-rule (1) of rule 15 is executed, deposit as security for the due observance of the terms and conditions of the licence <sup>2</sup>[a sum of two thousand and five hundred rupees] in respect of the every square kilometre or part thereof for which the licence is granted.

(2) Any deposit made under sub-rule (1), if not forfeited under these rules, shall be refunded to the applicant as soon as the report referred to in rule 16 is submitted.

**21. Registers :-** (1) A register of applications for prospecting licences shall be maintained by the State Government in Form G.

(2) A register of prospecting licences shall be maintained by the State Government in Form H.

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1. Substituted by G.S.R. 56 (E), dated 17.1.2000.

2. Substituted by G.S.R. 21 (E), dated 11.1.2002.

**CHAPTER IV**  
**Grant of mining leases in respect of land in which**  
**the minerals vest in the Government**

**22. Applications for grant of mining leases :-** (1) An application for the grant of a mining lease in respect of land in which the minerals vest in the Government shall be made to the State Government in Form I through such officer or authority as the State Government may specify in this behalf.

(2) Omitted.

(3) (i) Every application for the grant or renewal of a mining lease shall be accompanied by -

(a) <sup>1</sup>[a <sup>2</sup>[non refundable] fee of two thousand and five hundred rupees];

(b) Omitted.

(c) Omitted.

(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 in case the applicant is a partnership firm or a private limited company, such certificate shall be furnished by all partners of the partnership firm or, as the case may be, all members of the private limited company :

<sup>3</sup>[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 or income tax non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said mining lease :

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

Provided that a properly sworn affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above shall be furnished within ninety days of the date of application and the

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1. Substituted by G.S.R. 21 (E), dated 11.1.2002.

2. Inserted by G.S.R. 56 (E), dated 17.1.2000.

3. Ibid.

application shall become invalid if the party fails to file the certificate within the said ninety days :

Provided further 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 rules made thereunder.]

(e) Omitted.

(f) an affidavit stating that the applicant has -

- (i) filed up-to-date income-tax returns;
- (ii) paid the income-tax assessed on him; and
- (iii) paid the income-tax on the basis of self-assessment as provided in the Income Tax Act, 1961;

(g) an affidavit showing particulars of area mineral-wise in <sup>1</sup>[the] State, which the applicant or any person jointly with him -

- (i) already holds under a mining lease;
- (ii) has already applied for but not granted;
- (iii) being applied for simultaneously;

(h) a statement in writing that the applicant has, where the land is not owned by him, obtained surface rights over the area or has obtained the consent of the owner for starting mining operations :

Provided that no such statement shall be necessary where the land is owned by the Government :

Provided further that the consent of the owner for starting mining operations in the area or part thereof may be furnished after execution of the lease deed but before entry into the said area:

Provided also that no further consent would be required in the case of renewal where consent has already been obtained during grant of the lease.

<sup>2</sup> [Omitted]

<sup>3</sup> [Omitted]

<sup>4</sup> [Omitted]

<sup>5</sup> [Omitted]

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1. Substituted by G.S.R. 56 (E), dated 17.1.2000.

2. Omitted by G.S.R. 56 (E), dated 17.1.2000.

3. Ibid.

4. Ibid.

5. Ibid.

- (i a) The State Government may, for reasons to be recorded in writing, relax the provision of sub-clause (d) of clause (i).
- (ii) Every application for the grant of a mining lease shall in addition to those specified in clause (i) be accompanied by a deposit of one thousand rupees for meeting the preliminary expenses in connection with the grant of the mining lease :

Provided that the applicant shall deposit such further deposit as may be asked for by the State Government, within one month from the date of demand of such deposit.

(4) On receipt of the application for the grant of a mining lease the State Government shall take decision to grant precise area for the said purpose and communicate such decision to the applicant . On receipt of communication from the State Government of the precise area to be granted, the applicant shall submit a mining plan within a period of six months or such other period as may be allowed by the State Government, to the Central Government for its approval. The applicant shall submit the mining plan, duly approved by the Central Government or by an officer duly authorised by the Central Government, to the State Government to grant mining lease over that area.

<sup>1</sup>[(4A) <sup>2</sup> [Notwithstanding anything contained in sub-rule (4), the State Government shall be competent to approve mining plan of open cast mines (mines other than the underground mines) in respect of the following non-metallic or industrial minerals in their respective territorial jurisdiction, namely:-

- ( i ) Agate
- (ii) Ball Clay
- (iii) Barytes
- (iv) Calcareous Sand
- (v) Calcite
- (vi) Chalk
- (vii) Clay (Others)
- (viii) Corundum
- (ix) Diaspore
- (x) Dolomite
- (xi) Dunite/pyroxenite
- (xii) Felsite
- (xiii) Felspar
- (xiv) Fireclay
- (xv) Fusch. Quartzite
- (xvi) Gypsum
- (xvii) Jasper

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1. Inserted by G.S.R. 56 (E), dated 17.1.2000.

2. Substituted by G.S.R. 743 (E), dated 25.9.2000.

- (xviii) Kaolin
- (xix) Laterite
- (xx) Limekankar
- (xxi) Ochre
- (xxii) Pyrophyllite
- (xxiii) Quartz
- (xxiv) Quartzite
- (xxv) Sand (Others)
- (xxvi) Shale
- (xxvii) Silica Sand
- (xxviii) Slate
- (xxix) Steatite/Talc/Soapstone ]

<sup>1</sup>[Provided that the State Government shall exercise the power of approval of mining plan through an officer or officers who shall possess the following qualification,<sup>2</sup>[experience and post or pay scale], namely :-

- (i) a degree in Mining Engineering or post-graduate degree in Geology from 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 (3 of 1956) or any equivalent qualification granted by any University or Institution outside India;
- (ii) professional experience of twelve years in case of a Mining Engineer in the field of mining engineering and professional experience of eighteen years in case of a Geologist in the field of geological survey after obtaining the qualification as specified in clause (i) in each case; and
- <sup>3</sup>[(iii) in the post of Director or Additional Director or Joint Director of the concerned State Government or in the pay scale, the maximum of which shall not be less than Rs.15,850/- (Rupees fifteen thousand eight hundred and fifty) per month:]

Provided further that the list of the officers fulfilling the qualification,<sup>4</sup>[experience and post or pay-scale] specified in the first proviso shall be sent to the Controller General, Indian Bureau of Mines by the State Governments from time to time for the purposes of that proviso];

Provided <sup>5</sup>[also] where any State Government does not have such officer as having the requisite qualifications and experience, the power of approval of

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1. Substituted by G.S.R.31(E), dated 22.1.2001. 2. Substituted by G.S.R.733(E), dated 29.10.2002.  
3. Ibid. 4. Ibid. 5. Substituted by G.S.R. 31 (E), dated 22.1.2001.

mining plan, as aforesaid, in respect of that State shall be exercised by the Central Government :

Provided also that in the event of the State Government having officer or officers with requisite qualifications and experience from any date in future the State government shall report the matter to the Controller General, Indian Bureau of Mines and the State Government shall exercise the power of approval of mining plan, as aforesaid, thereafter without any reference to the Central Government.]

<sup>1</sup>[(4B) The Central Government or the State Government shall dispose of the application for approval of the mining plan within a period of ninety days from the date of receiving of such application:

Provided that the aforesaid period of ninety days shall be applicable only if the mining plan is complete in all respects, and in case of any modifications subsequently suggested by the Central Government or the State Government, as the case may be, after the initial submission of the mining plan for approval, the said period shall be applicable from the date on which such modifications are carried out and submitted afresh to the Central Government or the State Government, as the case may be.]

(5) The Mining Plan shall incorporate :-

- <sup>2</sup>(i) the plan of the lease hold area showing the nature and extent of the mineral body, spot or spots where the mining operations are proposed to be based on the prospecting data gathered by the applicant or any other person];
- (ii) details of the geology and lithology of the area including mineral reserves of the area;
- (iii) the extent of manual mining or mining by the use of machinery and mechanical devices;
- (iv) the plan of the area showing natural water courses, limits of reserves and other forest areas and density of trees, if any, assessment of impact of mining activity on forest, land surface and environment including air and water pollution; details of scheme of restoration of the area by afforestation, land reclamation, use of pollution control devices and such other measures as may be directed by the Central Government or the State Government from time to time;

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1. Inserted by G.S.R.21 (E), dated 11.1.2002. 2. Substituted by G.S.R.56 (E), dated 17.1.2000.

<sup>1</sup>[(v) a tentative scheme of mining and annual programme and plan for excavation from year to year for five years; <sup>2</sup>[omitted]

<sup>3</sup> [(va) a progressive mine closure plan as defined in clause (oo) of rule 3 of the Mineral Conservation and Development Rules, 1988; and]

(vi) any other matter which the Central Government may require the applicant to provide in the mining plan.

<sup>4</sup>[(6) The mining plan once approved shall be valid for the entire duration of the lease:

Provided that any modification or modifications of the mining plan shall be approved by the competent authority and such approval of the modified mining plan shall remain valid for the balance duration of the mining lease.]

**22A. Mining operations to be in accordance with Mining Plans :-**

(1) Mining operations shall be undertaken in accordance with the duly approved mining plan.

(2) Modification of the approved mining plan during the operation of a mining lease also requires prior approval.

**22B. Mining plan to be prepared by recognised persons :-** (1) No mining plan shall be approved unless it is prepared by a qualified person recognised in this behalf by the Central Government, or duly authorised officer.

(2) No person shall be recognised by the Central Government for purposes of sub-rule (1) unless he holds-

(i) a degree in mining engineering or 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 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

(ii) Professional experience of five years of working in a supervisory capacity in the field of mining after obtaining the degree.

(3) A person recognised to prepare a mining plan may also carry out modifications of an existing mining plan.

1. Substituted by G.S.R.56 (E), dated 17.1. 2000

2. Omitted by G.S.R. 329 (E). dated 10.4 2003

3. Inserted by G.S.R. 329 (E), dated 10.4.2003.

4. Inserted by G.S.R. 56 (E), dated 17.1.2000.

<sup>1</sup>[**22BB. Procedure for approval of mining plans :** - (1) Notwithstanding the provisions of rule 63 the mining plan shall be submitted for approval through authority notified by the Controller General of the Indian Bureau of Mines or by the State Government, as the case may be, in this behalf, except for minerals specified in Part A and B of the First Schedule to the Act.

<sup>2</sup>[(1a) Every mining plan submitted for approval under sub-rule(1) shall be accompanied with a non-refundable fee of one thousand rupees for every square kilometre, or part thereof of mining area covered under the mining lease.]

(2) Notwithstanding the provisions of the rule 54, any person aggrieved by any order made or direction issued in respect of mining plan by an officer of the Central Government competent to approve mining plans other than the Chief Controller of Mines, Indian Bureau of Mines, for minerals other than those listed in Part A and B of the First Schedule to the Act, may within thirty days of the communication of such order or direction, apply to the authority to whom the said officer is immediately subordinate, for the revision of the order or direction:

Provided that any such application may be entertained after the said period of thirty days if the applicant satisfies the authority that he had sufficient cause for not making the application within time;

(3) On receipt of any application for revision under sub-rule (1), the authority after giving a reasonable opportunity of being heard to the aggrieved person, may confirm, modify or set aside the order made or direction issued by any officer subordinate to him.

(4) Any person aggrieved by an order made or direction issued by the Chief Controller of Mines, Indian Bureau of Mines, concerning approval of mining plan may within thirty days of the communication of such order or direction, apply to the Controller General, Indian Bureau of Mines for a revision of such order or direction and his decision thereon shall be final :

Provided that any such application may be entertained after the said period of thirty days, if the applicant satisfies the Controller General, Indian Bureau of Mines that he had sufficient cause for not making the application in time.

(5) On receipt of any such application under sub-rule (4), the Controller General, Indian Bureau of Mines may confirm, modify or set aside the order or direction issued by the Chief Controller of Mines, Indian Bureau of Mines.

(6) (a) Notwithstanding anything contained in the above sub-rules, any person aggrieved by any order or direction issued in respect of a mining plan by

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1 Substituted by G.S.R. 56 (E), dated 17.1.2000. 2. Inserted by G.S.R. 21 (E), dated 11.1.2002.



an authorised officer of the State Government, may within thirty days of the communication of such order or direction, apply to the Controller General, Indian Bureau of Mines for revision of the order or direction and his decision thereon shall be final.

(b) The procedure enumerated in the preceding sub-rules shall, mutatis mutandis, be followed in the disposal of such an application.

(7) The powers under sub-rules (1) and (2) in regard to approval of mining plans shall be exercised by Director, Atomic Minerals Directorate for Exploration and Research, Hyderabad, and in regard to revision under sub-rules (3) to (5) shall be exercised by Secretary, Department of Atomic Energy, Mumbai, insofar as they relate to atomic minerals specified in Part B of the First Schedule to the Act.

(8) The powers under sub- rules (1) to (5) in regard to approval of mining plan and revision shall be exercised by authorities designated in this behalf by notification by the Department of Coal insofar as they relate to coal and lignite specified in Part A of the First Schedule to the Act.]

**22C. Grant of recognition by Central Government** : - (1) Any person possessing the qualifications and experience referred to in sub-rule (2) of rule 22B may apply for being recognised as a recognised person to the competent authority appointed for the purpose by the Central Government.

(2) The competent authority, after making such enquiry as it deems fit, may grant or refuse to grant recognition and where recognition is refused, the competent authority shall record reasons in writing and communicate the same to the applicant.

<sup>1</sup>[(3) A recognition shall be granted for an initial period of ten years and may be renewed for a period(s) not exceeding ten years at a time :

Provided that the competent authority may refuse to renew recognition for reasons to be recorded in writing after giving an opportunity of hearing to the person concerned.]

<sup>2</sup>[(4)An appeal shall lie to the Controller General, Indian Bureau of Mines, against the order of the competent authority refusing to grant or renew an application for recognition and his order thereon shall be final.

**Explanation** : For the purpose of this rule, Chief Controller of Mines, Controller of Mines and the Regional Controller of Mines shall be deemed to be competent authority.]

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1. Substituted by G.S.R. 56 (E), dated 17.1.2000.

2. Ibid.

<sup>1</sup>[**22 D. Minimum size of the mining lease.**- Minimum area for grant of mining lease shall not be less than -

- a) One hectare, in respect of small deposits (not fragmented portions of larger ones), shallow in nature, isolated and not exceeding more than 200 metres in strike length. These deposits are small by virtue of either origin or mode of emplacement or dislocation due to geological disturbances.  
Small deposits shall also include float deposits (transported) formed due to mechanical weathering and deposition, alluvial or eluvial placers (buried or otherwise), which generally have peculiar configurations excepting beach sands or placers;
- (b) Two hectares, in respect of beach sands or placers. Beach sands or placers are mono or multi mineral concentrations, including the dunes occurring on and off the coastal shore line. These deposits are the products of ebb and flow of tides, waves and inshore currents, and at places semi-consolidated to consolidated in nature;
- (c) Four hectares, in respect of all mineral deposits other than those specified under clauses (a) and (b).]

<sup>2</sup> [ “Provided that in the case of renewal of mining lease, the restrictions of minimum area for grant of mining lease shall not be applicable”. ]

**23. Acknowledgement of application** :- (1) Where an application for the grant or renewal of a mining lease is delivered personally, its receipt shall be acknowledged forthwith.

(2) Where such application is received by registered post, its receipt shall be acknowledged on the same day.

(3) In any other case, the receipt of such application shall be acknowledged within three days of the receipt.

(4) The receipt of every such application shall be acknowledged in Form D.

**23A.** Omitted.

**24. Disposal of application for mining lease** :- (1) Omitted.

(2) Omitted.

(3) Omitted.

(4) Where an application for a mining lease for a mineral or minerals not specified in the existing mining lease or mining leases is made for the whole or

1. Inserted by G.S.R. 329 (E), dated 10.4.2003.

2. Inserted by G.S.R. 49 (E), dated 28.1.2005.

part of the area held under mining lease by a person other than the lessee, the State Government shall notify this fact by registered post/ Acknowledgement Due to the person who already holds mining leases for another mineral in the land applied for.

(5) (a) If on receipt of the information referred to in sub-rule (4), from the State Government, the lessee applies either for prospecting licence or mining lease for newly discovered mineral or minerals within six months from the date of communication of the information by the State Government, the lessee shall be preferred in respect of such grant.

(b) If the lessee fails to apply for prospecting licence or mining lease within six months, then this fact will be intimated to the applicant by the State Government and the State Government will consider the original application in accordance with the rules.

(6) Omitted.

**24A. Renewal of mining lease :-** (1) An application for the renewal of a mining lease shall be made to the State Government in Form J, at least twelve months before the date on which the lease is due to expire, through such officer or authority as the State Government may specify in this behalf.

<sup>1</sup>[(2) The renewal or renewals of a mining lease granted in respect of a mineral specified in Part 'A' and Part 'B' of the First Schedule to the Act may be granted by the State Government with the previous approval of the Central Government.]

<sup>2</sup>[(3) The renewal or renewals of a mining lease granted in respect of a mineral not specified in Part 'A' and Part 'B' of the First Schedule to the Act may be granted by the State Government.]

<sup>3</sup>[Provided that before granting approval for second or subsequent renewal of a mining lease, the State Government shall seek a report from the Controller General, Indian Bureau of Mines, as to whether it would be in the interest of mineral development to grant the renewal of the mining lease.

Provided further that in case a report is not received from Controller General, Indian Bureau of Mines in a period of three months of receipt of the communication from the State Government, it would be deemed that the Indian Bureau of Mines has no adverse comments to offer regarding the grant of the renewal of mining lease.]

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1. Substituted by G.S.R. 56 (E), dated 17.1.2000.

2. Ibid.

3. Inserted by G.S.R. 21(E), dated 11.1.2002.

(4) Omitted.

(5) Omitted.

(6) If an application for renewal of a mining lease made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period till the State Government passes order thereon.

<sup>1</sup>[(7) Omitted.]

(8) Notwithstanding anything contained in sub-rule (1) and sub-rule (6) an application for the first renewal of a mining lease, so declared under the provisions of section 4 of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, shall be made to the State Government in Form J before the expiry of the period of mining lease in terms of sub-section (1) of section 5 of the said Act, through such office or authority as the State Government may specify in this behalf :

Provided that the State Government may, for reasons to be recorded in writing and subject to such conditions as it may think fit, allow extension of time for making of such application up to a total period not exceeding one year.

(9) If an application for first renewal made within the time referred to in sub-rule (8) or within the time allowed by the State Government under the proviso to sub-rule (8), the period of that lease shall be deemed to have been extended by a further period till the State Government passes orders thereon.

<sup>2</sup>[(10) The State Government may condone delay in an application for renewal of mining lease made after the time limit prescribed in sub-rule (1) provided the application has been made before the expiry of the lease.]

**24B. Renewal of a mining lease in favour of a person using the mineral in his own industry :-** Every person who is holding a mining lease for a mineral which is used in his own industry shall be entitled for the renewal of his mining lease for a period not exceeding twenty years unless he applies for a lesser period.

**Explanation :-** "Own industry" means an industry of which the lessee is the owner or in which he holds not less than fifty percent of controlling interest.

<sup>3</sup>[ **25.** Omitted.]

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1 Omitted by G.S.R. 56 (E), dated 17.1.2000. 2. Substituted by G.S.R. 56 (E), dated 17.1.2000.

3. Omitted by G.S.R. 56 (E), dated 17.1.2000

**25A. Status of the grant on the death of applicant for mining lease :-**

(1) Where an applicant for a grant or renewal of mining lease dies before the order granting him a mining lease or its renewal is passed, the application for the grant or renewal of a mining lease shall be deemed to have been made by his legal representative.

(2) In the case of an applicant in respect of whom an order granting or renewing a mining lease is passed, but who dies before the deed referred to in sub-rule (1) of rule 31 is executed, the order shall be deemed to have been passed in the name of the legal representative of the deceased.

**26. Refusal of application for grant and renewal of mining lease:-**

(1) The State Government may, after giving an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a mining lease over the whole or part of the area applied for.

(2) An application for the grant or renewal of a mining lease made under rule 22 or rule 24A, as the case may be, shall not be refused by the State Government only on the ground that Form I or Form J, as the case may be, is not complete in all material particulars, or is not accompanied by the documents referred to in sub-clauses (d), (e), (f), (g) and (h) of clause (i) of sub-rule 3 of rule 22.

(3) Where it appears that the application is not complete in all material particulars or is not accompanied by the required documents, the State Government shall, by notice, require the applicant to supply the omission or, as the case may be, furnish the documents, without delay and in any case not later than <sup>1</sup>[thirty days] from the date of receipt of the said notice by the applicant.

<sup>2</sup>[(4) Notwithstanding anything contained in sub-rule(1) where an applicant for renewal of mining lease under rule 24A is convicted of illegal mining, and there are no interim orders of any court of law suspending the operation of the order of such conviction in appeals pending against such conviction in any court of law the State Government may after giving such applicant an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to renew such mining lease”]

**27. Conditions :-** (1) Every mining lease shall be subject to the following conditions :-

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1. Substituted by G.S.R.733(E), dated 29.10.2002  
2. Inserted by G.S.R.593(E), dated 26.7.2012.

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

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

(c) the lessee shall pay, for every year, except the first year of the lease, such yearly dead rent at the rates specified in the Third Schedule of the Act and if the lease permits the working of more than one mineral in the same area the State Government shall not charge separate dead rent in respect of each mineral :

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

(d) the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent and water rate at such rate, not exceeding the land revenue, water and cesses assessable on the land, as may be specified by the state Government in the lease;

(e) Omitted.

(f) The lessee shall commence mining operations within two years from the date of execution of the lease and shall thereafter conduct such operations in a proper, skillful and workman-like manner.

**Explanation :-** For the purpose of this clause, mining operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the working of the mine;

(g) the lessee shall at his own expenses erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease;

(h) the lessee shall not carry on, or allow to be carried on, any mining operations at any point within a distance of fifty meters from any railway line, except under and in accordance with the written permission of the railway administration concerned or under or beneath any ropeway or ropeway trestle or station, except under and in accordance with the written permission of the authority owning the ropeway or from any reservoir, canal or other public works, or buildings, except under and in accordance with the previous permission of the State Government;

(i) the lessee shall keep <sup>1</sup>[ accurate and faithful ] accounts showing the quantity and other particulars of all minerals obtained and despatched from the mine, the number and nationality of persons employed therein, and complete plans of the mine, and shall allow any officer authorised by the Central Government or the State Government in this behalf to examine at any time any accounts, plans and records maintained by him and shall furnish the Central or the State Government with such information and returns as it or any officer authorised by it in this behalf may require;

(j) the lessee shall keep accurate records of all trenches, pits and drillings made by him in the course of mining operations carried on by him under the lease, and shall allow any officer authorised by the Central or the State Government to inspect the same. Such records shall contain the following particulars, namely :-

(a) the subsoil and strata through which such trenches, pits or drillings pass;

(b) any mineral encountered;

(c) such other particulars as the Central or the State Government may from time to time require;

(k) the lessee shall strengthen and support, to the satisfaction of the railway administration concerned or the State Government, as the case may be any part of the mine which in its opinion requires such strengthening or support for the safety of any railway, reservoir, canal, road or any other public works or buildings;

(l) the lessee shall allow any officer authorised by the Central or the State Government to enter upon any building, excavation or land comprised in the lease for the purpose of inspecting the same;

(m) the State Government shall at all times have the right of pre-emption of the minerals won from the land in respect of which the lease has been granted:

Provided that the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minerals.

(n) the lessee shall store properly the unutilized or non-saleable sub-grade ores or minerals for future beneficiation ;

(o) in respect of any mineral which in relation to its use for certain purposes is classified as a major mineral and in relation to its use for other purposes as a minor mineral, the lessee who holds a lease for extraction of such minerals under these rules whether or not it is specified as a major mineral in the lease deed, shall not use or sell the mineral or deal with it in whatsoever manner or knowingly allow anyone to use or sell the mineral or deal with it in whatsoever manner as a minor mineral :

Provided that if on an application made to it in this behalf by the lessee, the State Government is satisfied that having regard to the inferior quality of such mineral, it cannot be used for any of the purposes by reason of which use it can be called a major mineral or that there is no market for such mineral as a major mineral, the State Government may by order permit the lessee to dispose of the mineral in such quantity and in such manner as may be specified therein as a minor mineral.

(p) the lessee shall, in the matter of employment, give preference to the tribals and to the persons who become displaced because of the taking up of mining operations;

(q) the lessee shall not pay a wage not less than the minimum wage prescribed by the Central or State Government from time to time under the Minimum Wages Act, 1948;

(r) the lessee shall observe the provisions of Mines Act, 1952 <sup>1</sup>[(35 of 1952) and of the Atomic Energy Act, 1962, (33 of 1962) insofar as they relate to Atomic Minerals included in Part 'B' of the First Schedule to the Act;]

(s) the lessee shall –

- (i) take immediate measures for planting in the same area or any other area selected by the Central or State Government not less than twice the number of trees destroyed by reasons of any mining operations;
- (ii) look after them during the subsistence of the lease after which these trees shall be handed over to the State Forest Department or any other authority nominated by the Central or State Government;
- (iii) restore, to the extent possible other flora destroyed by the mining operations;

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1. Inserted by G.S.R. 56 (E), dated 17.1.2000.



(t) the lessee shall pay to the occupier of the surface of the land such compensation as may become payable under these rules;

(u) the lessee shall comply with the Mineral Conservation and Development Rules framed under section 18;

(2) A mining lease may contain such other conditions as the State Government may deem necessary in regard to the following, namely :-

- (a) the time-limit, mode and place of payment of rents and royalties;
- (b) the compensation for damage to the land covered by the lease;
- (c) the felling of trees;
- (d) the restriction of surface operations in any area prohibited by any authority;
- (e) the notice by lessee for surface occupation;
- (f) the provision of proper weighing machines;
- (g) the facilities to be given by the lessee for working other minerals in the leased area or adjacent area;
- (h) the entering and working in a reserved or protected forest;
- (i) the securing of pits and shafts;
- (j) the reporting of accidents;
- (k) the indemnity to Government against claims of third parties;
- (l) the delivery of possession of lands and mines on the surrender, expiration or determination of the lease;
- <sup>1</sup>[(la) the time limit for removal of mineral, ore, plant, machinery and other properties from the lease hold area after expiration, or sooner determination or surrender or abandonment of the mining lease;]
- (m) the forfeiture of property left after determination of lease;
- (n) the power to take possession of plant, machinery, premises and mines in the event of war or emergency;
- (o) filing of civil suits or petitions relating to disputes arising out of the area under lease.

<sup>2</sup>[(3) The State Government may, either with the previous approval of the Central Government or at the instance of the Central Government, impose such further conditions as may be necessary in the interests of mineral development, including development of atomic minerals.]

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1. Inserted by G.S.R. 56 (E), dated 17.1.2000.      2.Substituted by G.S.R. 56 (E), dated 17.1.2000.

(4) If the lessee does not allow entry or inspection under clause (i), (j) or (l) of sub-rule (1), the State Government shall give notice in writing to the lessee requiring him to show cause within such time as may be specified in the notice why the lease should not be determined and his security deposits forfeited; and if the lessee fails to show cause within the aforesaid time to the satisfaction of the State Government, the State Government may determine the lease and forfeit the whole or part of the security deposit.

<sup>1</sup>[(4A) If the lessee holding a mining lease or a licensee holding a prospecting licence, is convicted of illegal mining and there are no interim orders of any court of law suspending the operation of the order of such conviction in appeals pending against such conviction in any court of law, the State Government may, without prejudice to any other proceedings that may be taken under the Act or the rules framed thereunder, after giving such lessee or licensee an opportunity of being heard and for reasons to be recorded in writing and communicated to the lessee or licensee, determine such mining lease or, as the case may be, cancel such prospecting licence and forfeit whole or part of the security deposit.”]

(5) If the lessee makes any default in the payment of royalty as required under section 9 or payment of dead rent as required under section 9A or commits a breach of any of the conditions specified in sub-rules (1), (2) and (3), except the condition referred to in clause (f) of sub-rule (1), the State Government shall give notice to the lessee requiring him to pay the royalty or dead rent or remedy the breach, as the case may be, within sixty days from the date of the receipt of the notice and if the royalty or dead rent is not paid or the breach is not remedied within the said period, the State Government may, without prejudice to any other proceedings that may be taken against him, determine the lease and forfeit the whole or part of the security deposit.

**28. Lapsing of leases :-** (1) Subject to the conditions of this rule where mining operations are not commenced within a period of two years from the date of execution of the lease, or is discontinued for a continuous period of two years after commencement of such operations, the State Government shall, by an order, declare the mining lease as lapsed and communicate the declaration to the lessee.

(2) Where a lessee is unable to commence the mining operation within a period of two years from the date of execution of the mining lease, or discontinues mining operations for a period exceeding two years for reasons beyond his control, he may submit an application to the State Government, explaining the reasons for the same, at least three months before the expiry of such period ;

(3) Every application under sub-rule (2) shall be accompanied by a fee of Rs.200/-;

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1. Inserted by G.S.R.593(E), dated 26.7.2012.

(4) The State Government may on receipt of an application made under sub-rule (2) and on being satisfied about the adequacy and genuineness of the reasons for the non-commencement of mining operations or discontinuance thereof, pass an order before the date on which the lease would have otherwise lapsed, extending or refusing to extend the period of the lease :

Provided that where the State Government on receipt of an application under sub-rule (2) does not pass an order before the expiry of the date on which the lease would have otherwise lapsed, the lease shall be deemed to have been extended until the order is passed by the State Government or until a period of two years, whichever is earlier.

**Explanation 1:** Where the non-commencement of the mining operations within a period of two years from the date of execution of mining lease is on account of –

- (a) delay in acquisition of surface rights; or
- (b) delay in getting the possession of the leased area; or
- (c) delay in supply or installation of machinery; or
- (d) delay in getting financial assistance from the banks, or any financial institutions; or
- (e) ensuring supply of the mineral in an industry of which the lessee is the owner or in which he holds not less than 50% of the controlling interest;

and the lessee is able to furnish documentary evidence supported by a duly sworn affidavit, the State Government may consider if there are sufficient reasons for non-commencement of operations for a continuous period of more than two years.

**Explanation 2:** Where the discontinuance of mining operations for a continuous period of two years after the commencement of such operations is on account of –

- (a) orders passed by any statutory or judicial authority; or
- (b) operations becoming highly uneconomical; or
- (c) strike or lock out;

and the lessee is able to furnish documentary evidence supported by a duly

sworn affidavit, the State Government may consider if there are sufficient reasons for discontinuance of operations for a continuous period of more than two years.

<sup>1</sup>[**Explanation 3:** In case of mining lessee who has undertaken reconnaissance operations or in case of mining lessee whose capital investment in mine development is planned to be in excess of Rs. 200 crores and where the mine development is likely to take more than two years, the State Government shall consider it to be sufficient reason for non-commencement of mining operations for a continuous period of more than two years.]

**28A.(1)** Where a lessee is unable to commence the mining operations within a period of two years from the date of execution of the mining lease, or discontinues mining operations for a period of exceeding two years for reasons beyond his control, he may submit an application to the State Government explaining the reasons for the same at least within six months from the date of its lapse :

Provided that the lease has not been revived under this provision for more than twice during the entire period of the lease.

(2) Every application under sub-rule (1) shall be accompanied by a fee of Rs 500/-.

(3) The State Government on receipt of an application made under sub-rule (1) and on being satisfied about the adequacy and genuineness of the reasons for non-commencement of mining operations or discontinuance thereof taking into consideration the matters specified in the Explanation to rule 28, pass an order reviving the lease.

**29. Restriction on determination of lease :-** (1) The lessee shall not determine the lease except after notice in writing of not less than twelve calendar months to the State Government or to such officer, or authority as the State Government may specify in this behalf :

Provided that where a lessee holding a mining lease for a group of minerals applies for the surrender of any mineral from the lease on the ground that deposits of that mineral have since exhausted or depleted to such an extent that it is no longer economical to work the mineral, the State Government may permit the lessee to surrender that mineral, subject to the following conditions , namely :-

- (a) the lessee applies for such surrender of mineral at least six months before the intended date of surrender; and

- (b) the lessee gives an undertaking that he will not cause any hindrance in the working of the mineral so surrendered by any other person who is subsequently granted a mining lease in respect of that mineral :

Provided further that where a lessee applies for the surrender of the whole or a part of lease-hold area on the ground that such area is barren or the deposits of minerals have since exhausted or depleted to such an extent that it is no longer economical to work such area, the State Government shall permit the lessee, from the date of receipt of the application, to surrender that area if the following conditions are satisfied, namely :-

- (a) the lease-hold area to be surrendered has been properly surveyed and is contiguous,

- (b) the lessee has paid all the dues payable to the Government under the lease up to the date of application, and

- <sup>1</sup>[(c) the lessee has obtained a certificate under rule 29A.]

Provided also that surrender of the lease area by the lessee shall be permitted only thrice during the period of the lease on fulfilling the conditions –

- (i) that at least a period of five years has elapsed since the last surrender; and

- (ii) that the provisions of the mining plan including the environment management plan thereof have been complied with .

(2) Every application for the surrender of a part of lease-hold area in accordance with the provisions of sub-rule (1), shall be accompanied by a deposit of two hundred rupees for meeting the expenditure for the purpose of survey and demarcation of the area to be surrendered :

Provided that the lessee shall deposit such further amount, not exceeding two hundred rupees, as may be demanded by the State Government for meeting any additional expenditure for the said purpose within one month from the date of demand of such deposit :

Provided further that where the whole or any part of the amount deposited has not been expended, it shall be refunded to the lessee within two months from date of the completion of the work of survey and demarcation of the area to be surrendered .

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1. Inserted by G.S.R. 329 (E), dated 10.4.2003.

<sup>1</sup>[(3) Upon the issuance of the order by the Regional Controller of Mines or the officer authorized by the State Government in this behalf, as the case may be, under sub-rule (6) of rule 23F of Mineral Conservation and Development Rules, 1988, for forfeiting the sum assured, on non-performance of the measures contained in the approved mine closure plan referred to in sub-rule (1) of rule 23A of Mineral Conservation and Development Rules, 1988 by the lessee, it shall be the responsibility of State Government to realize any letter of credit or bond or any other surety, guarantee provided or obtained as financial assurance for the purpose of performance of protective, reclamation and rehabilitation measures as contained in the approved mine closure plan and shall carry out such measures either by itself, or appoint an agent to do so.]

<sup>2</sup>[**29A. Provision for closure.** - (1) The lessee shall not determine the lease or part thereof unless a final mine closure plan duly approved by the Regional Controller or the officer authorized by the State Government in this behalf, as the case may be, is implemented as per the approval.

(2) For the purposes of sub-rule (1), the lessee shall be required to obtain a certificate from the Regional Controller of Mines or officer authorized by the State Government in this behalf, as the case may be, to the effect that protective, reclamation and rehabilitation work in accordance with the approved mine closure plan or with such modifications as approved by the competent authority have been carried out by the lessee.]

**30. Rights of lessee :-** Subject to the conditions mentioned in rule 27, the lessee with respect to the land leased to him shall have the right for the purpose of mining operations on that land –

- (a) to work the mines;
- (b) to sink pits and shafts and construct buildings and roads;
- (c) to erect plant and machinery;
- (d) to quarry and obtain building and road materials and make bricks;
- (e) to use water and take timber;
- (f) to use land for stacking purpose;
- (g) to do any other thing specified in the lease.

**31. Lease to be executed within six months:-** (1) Where, on an application for the grant of a mining lease, an order has been made for the grant of such lease, a lease deed in Form K or in a form as near thereto as circumstances of each case may require, shall be executed within six months of the order or within such further period as the State Government may allow in this behalf, and if no such lease deed is executed within the said period due to any default on the part of the applicant, the State Government may revoke the order granting the lease and in that event the application fee shall be forfeited to the State Government.

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1. Inserted by G.S.R. 329 (E), dated 10.4.2003.

2. Ibid

<sup>1</sup>[(2) The date of the commencement of the period for which a mining lease is granted shall be the date on which a duly executed deed under sub-rule (1) is registered.]

**32. Security deposit :-** An applicant for a mining lease, shall before the deed referred to in rule 31 is executed, deposit as security for the due observance of the terms and conditions of the lease <sup>2</sup>[ten thousand rupees ] .

**33. Survey of the area leased :-**When a mining lease is granted by the State Government, arrangements shall be made by the State Government at the expense of the lessee for the survey and demarcation of the area granted under the lease .

**34. Manner of exercise of preferential rights for mining lease :-**

A mining lease to any person who has a preferential right thereto under sub-section (1) of section 11, may at his option, be granted to him either for the whole of the area for which he holds the prospecting licence or such part or parts thereof as he may select but the State Government may for any special reasons to be recorded in writing reduce the area or exclude a portion therefrom.

<sup>3</sup>**35. Preferential rights of certain persons:-** Where two or more persons have applied for a reconnaissance permit or a prospecting licence or a mining lease in respect of the same land, the State Government shall, for the purpose of sub-section(2) of Section 11, consider, besides the matters mentioned in clauses (a) to (d) of sub-section (3) of section 11, the end use of the mineral by the applicant.]

**36. Boundaries below the surface :-** The boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

**37. Transfer of lease :-** (1) The lessee shall not, without the previous consent in writing of the State Government and in the case of mining lease in respect of any mineral specified in <sup>4</sup>[Part 'A' and Part 'B' of] the First Schedule to the Act, without the previous approval of the Central Government :-

- (a) assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right, title or interest therein, or
- (b) enter into or make any <sup>5</sup>[bonafide] arrangement, contract, or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by, any person or body of persons other than the lessee:

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1.Substituted by G.S.R.56 (E), dated 17.1.2000. 2.Ibid. 3.Substituted by G.S.R.56 (E), dated 17.1.2000. 4.Inserted by G.S.R.56 (E), dated 17.1.2000. 5.Ibid.

(Omitted.)

Provided further that where the mortgagee is an institution or a Bank or a Corporation specified in Schedule V, it shall not be necessary for the lessee to obtain any such consent of the State Government.

(1A) The State Government shall not give its consent to transfer of mining lease unless the transferee has accepted all the conditions and liabilities which the transferor was having in respect of such mining lease.

(2) Without prejudice to the provisions of sub-rule (1) the lessee may, <sup>1</sup>[ ] transfer his lease or any right, title or interest therein to a person who has filed 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 in the Income Tax Act, 1961( 43 of 1961), on payment of a fee of five hundred rupees to the State Government :

Provided that the lessee shall make available to the transferee the original or certified copies of all plans of abandoned workings in the area and in a belt 65 metres wide surrounding it;

Provided further that where the mortgagee is an institution or a Bank or a Corporation specified in Schedule V, it shall not be necessary for any such institution or Bank or Corporation to meet with the requirement relating to income tax;

Provided further that the lessee shall not charge or accept from the transferee any premium in addition to the sum spent by him, in obtaining the lease, and for conducting all or any of the operations referred to in rule 30 in or over the land leased to him.

<sup>2</sup>[ Omitted.]

(3) The State Government may, by order in writing determine any lease at any time if the lessee has, in the opinion of the State Government, committed a breach of any of the provisions of sub-rule (1) or sub-rule (1A) 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.

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1. Omitted by G.S.R.743 (E), dated 25.9.2000. 2. Omitted by G.S.R.56 (E), dated 17.1.2000



**37A. Transfer of lease to be executed within three months :-** Where on an application for transfer of mining lease under rule 37, the State Government have given consent for transfer of such lease, a transfer lease deed in Form O, or a form as near thereto as possible, shall be executed within three months of the date of the consent, or within such further period as the State Government may allow in this behalf.

<sup>1</sup>**[38. Amalgamation of leases :-** The State Government 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 a lessee :

Provided that the period of amalgamated leases shall be co-terminus with the lease whose period will expire first;

Provided further that prior approval of the Central Government shall be required for such amalgamation in respect of leases for minerals specified in Part 'A' and Part 'B' of the First Schedule to the Act.]

<sup>2</sup>**[39. Pending applications for transfer and amalgamation :-** An application for the transfer of a mining lease or the amalgamation of mining leases pending at the commencement of these rules shall be disposed of in accordance with these rules.]

**40. Registers :-** (1) A register of applications for mining leases shall be maintained by the State Government in Form L.

(2) A register of mining leases shall be maintained by the State Government in Form-M.

## CHAPTER V

### Procedure for obtaining a Prospecting Licence or Mining Lease in respect of Land in which the Minerals vest in a person other than the Government

**41. Applicability of this chapter :-** The provisions of this chapter shall apply only to the grant of prospecting licences and mining leases in respect of land in which the minerals vest exclusively in a person other than the Government .

**42. Restrictions on the grant of prospecting licence and mining lease:-**

(1) No prospecting licence or mining lease shall be granted to any person unless he has filed an affidavit stating that he has—

- (i) filed up-to-date income tax returns;
- (ii) paid the income tax assessed on him, and
- (iii) paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961 (43 of 1961).

(2) Except with the previous approval of the Central Government, no prospecting licence or mining lease shall be granted in respect of any mineral specified in the First Schedule to the Act.

**43. Renewal of prospecting licence :-** Omitted.

**44. Conditions of prospecting licence :-** Every prospecting licence shall be subject to the following conditions :-

(i) the licensee shall pay the grantor such prospecting fee as may be agreed upon, <sup>1</sup>[being not less than one rupee and not more than ten rupees] per hectare of the land covered by the licence for each year or a part of the year of the period for which a licence is granted or renewed;

(ii) in the case of minerals other than gold, silver, precious stones or mica, the licensee shall not win or carry away the minerals for commercial purposes :

Provided that the licensee may win or carry away for purposes other than commercial purposes -

- (a) any quantity of such minerals within the limits specified in Schedule III without any payment;
- (b) any quantity of such minerals exceeding such limits but not exceeding twice such limits, which is won during

prospecting operations, on payment of royalty for the time being specified in the Second Schedule to the Act in respect of those minerals;

- (c) any quantity of limestone not exceeding 500 tonnes for testing its use in any industry specified by the Central Government in this behalf, on payment of royalty for the time being specified in the Second Schedule to the Act in respect of limestone ;

(iii) in the case of gold, silver, precious stones or mica the licensee may carry away any quantity won during the course of prospecting operations on payment of royalty for the time being specified in the Second Schedule to the Act in respect of such mineral;

(iv) such other conditions as may be agreed upon between the parties not being inconsistent with the provisions of the Act or these rules.

**45. Conditions of mining lease :** - Every mining lease shall be subject to the following conditions :-

(i) the provisions of clauses (b) to (l) and (p) to (u) of sub-rule (1) of rule 27 shall apply to such leases with the modification that in clauses (c) and (d) for the words "State Government " the word "lessor" shall be substituted ;

(ia) mining operations shall be undertaken in accordance with the duly approved mining plan ;

(ii) <sup>1</sup>[ Omitted.];

(iii) the lease may contain such other conditions, not being inconsistent with the provisions of the Act and these rules, as may be agreed upon between the parties;

(iv) if the lessee makes any default in payment of royalty as required by section 9 or commits a breach of any of the conditions of the lease, the lessor shall give notice to the lessee requiring him to pay the royalty or remedy the breach, as the case may be, within sixty days from the date of the receipt of the notice and if the royalty is not paid or the breach is not remedied within such period, the lessor without prejudice to any proceeding that may be taken against the lessee determine the lease;

(v) the lessee may determine the lease at any time by giving not less than one year's notice in writing to lessor.

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1. Omitted by G.S.R. 21 (E), dated 11.1.2002.

**46. Transfer or assignment :-** (1) No prospecting licence or mining lease or any right, title or interest in such licence or lease shall be transferred to a person unless he has filed an affidavit stating that he has filed an up-to-date income tax return, paid the income tax assessed on him and paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961( 43 of 1961).

(2) No prospecting licence or mining lease or any right, title or interest in such licence or lease in respect of any mineral specified in the First Schedule to the Act shall be transferred except with the previous approval of the Central Government.

**47. Submission of copy of licence or lease :** - Every person obtaining a prospecting licence or a mining lease shall, within three months of the grant of such licence or lease, submit to the State Government concerned a certified copy of the licence or lease in duplicate.

**48. Communication of transfer or assignment :-** Every transferee or assignee of a prospecting licence or a mining lease or of any right, title or interest therein, shall, within one month of such transfer or assignment, inform the State Government of the transfer or assignment and of the terms and conditions of such transfer or assignment.

**49. Prohibition of premium :-** No person granting or transferring a prospecting licence or any right, title or interest in any such licence or lease shall charge or pay any premium in addition to, or in lieu of the prospecting fee, surface rent, dead rent or royalty payable under the Act or such proportionate part of such fee, rent or royalty as is payable in respect of such right, title, or interest.

**50. Prohibition of working of mines :** - If the State Government has reason to believe that the grant or transfer of a prospecting licence or a mining lease or of any right, title or interest in such licence or lease is in contravention of any of the provisions of this chapter, the State Government may, after giving the parties an opportunity to represent their views and with the approval of the Central Government, direct the parties concerned not to undertake any prospecting or mining operations in the area to which the licence or lease relates.

**51. Returns and Statements :** - The holder of a prospecting licence or a mining lease shall furnish to the State Government such returns and statements and within such period as may be specified by it.

**52. Penalty :** - (1) If the holder of a prospecting licence or a mining lease or his transferee or assignee fails, without sufficient cause, to furnish the documents or information, or returns referred to in rule 46, rule 47, rule 48, or rule 51, or acts in any manner in contravention of rule 49 or rule 50, he shall be

punishable with imprisonment for a term which may extend to one year or fine which may extend to five thousand rupees or with both.

(2) If any person grants or transfers or obtains a prospecting licence or mining lease or any right, title or interest therein, in contravention of any of the provisions of this chapter, he shall be punishable with imprisonment which may extend to one year or fine which may extend to five thousand rupees or both.

## CHAPTER VI

### **Grant of Prospecting Licences and Mining Leases in respect of Land in which the Minerals vest partly in the Government and partly in private persons.**

**53. Chapters III and IV to apply to prospecting licences and mining leases in respect of minerals which vest partly in Government and partly in private persons :** - The provisions of chapters III and IV shall apply in relation to the grant of prospecting licences and mining leases in respect of minerals which vest partly in the Government and partly in a private person as they apply in relation to the grant of prospecting licences and mining leases in respect of minerals which vest exclusively in the Government :

Provided that the dead rent and royalty payable in respect of mineral which partly vest in the Government and partly in a private person shall be shared by the Government and by that person in proportion to the shares they have in the minerals.

## CHAPTER VII

### Revision

**54. Application for revision :** - (1) Any person aggrieved by any order made by the State Government or other authority in exercise of the powers conferred on it by the Act or these rules may, within three months of the date of communication of the order to him, apply to the Central Government in triplicate in Form N for revision of the order. The application should be accompanied by a Bank Draft for <sup>1</sup>[five thousand rupees] on a nationalised bank in the name of 'Pay and Accounts Officer, Department of Mines' payable at New Delhi or through a treasury challan for <sup>1</sup>[five thousand rupees] under the Head of Account - 0853 - Non-ferrous Mining and Metallurgical Industries -102 Mineral Concession Fees, Rents and Royalties :

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

<sup>2</sup>[(1A) Omitted.]

(2) In every application under sub-rule (1) against the order of a State Government refusing to grant a prospecting licence or a mining lease, any person to whom a prospecting licence or mining lease was granted in respect of the same area or for a part thereof, shall be impleaded as party.

(3) Along with the application under sub-rule (1), the applicant shall submit as many copies thereof as there are parties impleaded under sub-rule (2).

(4) On receipt of the application and the copies thereof, the Central Government shall send a copy of the application to each of the parties impleaded under sub-rule (2) specifying a date on or before which he may make his representations, if any, against the revision application.

**55. Orders on revision application :** - (1) On receipt of an application for revision under rule 54, copies thereof shall be sent to the State Government or other authority and to all the impleaded parties calling upon them to make such comments as they may like to make within three months from the date of issue of the communication, and the State Government or other authority and the impleaded parties, while furnishing comments to the Central Government shall simultaneously endorse a copy of the comments to the other parties.

(2) Comments received from any party under sub-rule (1) shall be sent to the other parties for making such further comments as they may like to make within one month from the date of issue of the communication and the parties

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1. Substituted by G.S.R. 21 (E), dated 11.1.2002.    2.Omitted by G.S.R. 56 (E), dated 17.1.2000.

making further comments shall send them to all the other parties.

(3) The revision application, the communications containing comments and counter-comments referred to in sub-rule (1) and (2) shall constitute the records of the case.

(4) After considering the records referred to in sub-rule (3), the Central Government may confirm, modify or set aside the order or pass such other order in relation thereto as the Central Government may deem just and proper.

(5) Pending the final disposal of an application for revision, the Central Government may, for sufficient cause, stay the execution of the order against which any revision application has been made.



## CHAPTER VIII

### Miscellaneous

**56. Power to rectify apparent mistakes:** - Any clerical or arithmetical mistake in any order passed by the Government or any other authority or officer under these rules and any error arising therein from accidental slip or omission, may, within two years from the date of the order, be corrected by the Government, 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 for stating his case.

**57. Copies of licences and leases and annual returns to be supplied to Government :** - (1) A copy of every <sup>1</sup>[reconnaissance permit, prospecting licence and mining lease] granted or renewed under these rules shall be supplied by each State Government within two months of such grant or renewal to the Controller General, Indian Bureau of Mines and the <sup>2</sup>[Director General, Mines Safety].

(2) A consolidated annual return of all <sup>3</sup>[reconnaissance permits, prospecting licences and mining leases] granted or renewed under these rules shall also be supplied by each State Government to the Controller General, Indian Bureau of Mines in such form as may be specified by him, not later than the 30th day of June following the year to which the return relates. A copy of such return shall also be supplied by the State Government to the <sup>4</sup>[Director General, Mines Safety ] at the same time.

(3) Every State Government shall send copies of all returns received by it under sub-rule (1) of rule 19 and clause (i) of sub-rule (1) of rule 27 to the Controller General, Indian Bureau of Mines.

**58.Reservation of areas for exploitation in the public sector, etc.:-**  
(Omitted.)

**59. Availability of area for regrant to be notified :-** <sup>5</sup>[(1) No area –

- (a) which was previously held or which is being held under a reconnaissance permit or a prospecting licence or a mining lease ; or
- (b) which has been reserved by the Government or any local authority for any purpose other than mining ; or
- (c) in respect of which the order granting a permit or licence or lease has been revoked under sub-rule (1) of rule 7A or sub-

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1.Substituted by G.S.R. 56 (E), dated 17.1.2000

2.Ibid.

3.Ibid.

4.Ibid.

5.Ibid.

rule (1) of rule 15 or sub-rule (1) of rule 31, as the case may be;  
or

(d) in respect of which a notification has been issued under the sub-section (2) or sub-section (4) of section 17; or

(e) which has been reserved by the State Government or under section 17A of the Act;

shall be available for grant unless –

(i) an entry to the effect that the area is available for grant is made in the register referred to in sub-rule (2) of rule 7D or sub-rule (2) of rule 21 or sub-rule (2) of rule 40 as the case may be; and

(ii) the availability of the area for grant is notified in the Official Gazette and specifying a date (being a date not earlier than thirty days from the date of the publication of such notification in the Official Gazette) from which such area shall be available for grant:

Provided that nothing in this rule shall apply to the renewal of a lease in favour of the original lessee or his legal heirs notwithstanding the fact that the lease has already expired :

Provided further that where an area reserved under rule 58 or under section 17A of the Act is proposed to be granted to a Government Company, no notification under clause (ii) shall be required to be issued :

Provided also that where an area held under a reconnaissance permit, or a prospecting licence, as the case may be, is granted in terms of sub-section (1) of section 11, no notification under clause (ii) shall be required to be issued.]

(2) The Central Government may, for reasons to be recorded in writing relax the provisions of sub-rule (1) in any special case.

**60. Premature applications** :- Applications for the grant of a <sup>1</sup>[reconnaissance permit, prospecting licence or mining lease] in respect of areas whose availability for grant is required to be notified under rule 59 shall, if –

(a) no notification has been issued, under that rule; or

<sup>2</sup>[(b) where any such notification has been issued, the period specified in the notification has not expired, shall be deemed to be premature and shall not be entertained.]

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1.Substituted by G.S.R. 56 (E), dated 17.1.2000

2.Ibid

<sup>1</sup>**61. Lessor to supply certain information to the lessee** :- Where any area has previously been held under a reconnaissance permit or prospecting licence or mining lease, the person who was granted such permit or licence or lease shall make available to the new permit holder or licensee or lessee the original or certified copies of all plans of abandoned workings in that area and in a belt preferably 60 metres surrounding it.]

**62. Change of name, nationality, etc. to be intimated** :- (1) An applicant for, or the holder of a <sup>2</sup>[reconnaissance permit, a prospecting licence or a mining lease] shall intimate to the State Government within sixty days any change that may take place in his name, nationality or other particulars mentioned in the relevant Forms.

<sup>3</sup>[(2) If the holder of a reconnaissance permit or a prospecting licence or a mining lease fails, without sufficient cause, to furnish the information referred to in sub-rule (1), the State Government may determine the reconnaissance permit or prospecting licence or mining lease, as the case may be] :

Provided that no such order shall be made without giving the <sup>4</sup>[permit holder or the licensee or the lessee], as the case may be, a reasonable opportunity of stating his case.

**63. Previous approval of the Central Government to be obtained through State Government** :- Where in any case previous approval of the Central Government is required under the Act or these rules, the application for such approval shall be made to the Central Government through the State Government .

<sup>5</sup>**63A.** The State Government shall dispose of the application for grant of reconnaissance permit, prospecting licence or mining lease in the following period:

- a) Reconnaissance Permit - within six months from the date of receipt of the application for reconnaissance permit under rule 4A.
- b) Prospecting Licence - within nine months from the date of receipt of the application for prospecting licence under rule 10.
- c) Mining Lease - within twelve months from the date of receipt of the application for mining lease under rule 22:

Provided that the aforesaid periods shall be applicable only if the application for reconnaissance permit, prospecting licence or mining lease, as the case may be, is complete in all respects;

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1. Substituted by G.S.R. 56 (E), dated 17.1.2000

2. Ibid.

3. Ibid.

4. Ibid.

5. Inserted by G.S.R. 21 (E), dated 11.1.2002

Provided further that the disposal by the State Government in case of minerals listed in the First Schedule to the Act shall mean either recommendation to the Central Government for grant of the mineral concession, or refusal to grant the mineral concession by the State Government under rule 5 for reconnaissance permit, rule 12 for prospecting licence and rule 26 for mining lease, and in all other cases, disposal shall mean either intimation regarding grant of precise area, or refusal to grant the mineral concession under rule 5 for reconnaissance permit, rule 12 for prospecting licence and rule 26 for mining lease;

Provided also that in case the State Government is not able to dispose of the application for grant of reconnaissance permit, prospecting licence or mining lease within the period as specified above, the reasons for the delay shall be given in writing.]

**64. How the fees and deposit to be made :-** Any amount payable under the Act or these rules except that payable in respect of revision petition under sub-rule (1) of rule 54, shall be paid in such manner as the State Government may specify in this behalf.

**64A.** The State Government may, without prejudice to the provisions contained in the Act or any other rule in these rules, charge simple interest at the rate of twenty four percent per annum on any rent, royalty or fee (other than the fee payable under sub-rule (1) of rule 54) or other sum due to that Government under the Act or these rules or under the terms and conditions of any prospecting licence or mining lease from the sixtieth day of the expiry of the date fixed by that Government for payment of such royalty, rent, fee or other sum and until payment of such royalty, rent, fee or other sum is made.

**<sup>1</sup>[64B. Charging of Royalty in case of minerals subjected to processing:**

(1) In case processing of run-of-mine mineral is carried out within the leased area, then , royalty shall be chargeable on the processed mineral removed from the leased area.

(2) In case run-of-mine mineral is removed from the leased area to a processing plant which is located outside the leased area, then, royalty shall be chargeable on the unprocessed run-of-mine mineral and not on the processed product.

**64C. Royalty on tailings or rejects :-** On removal of tailings or rejects from the leased area for dumping and not for sale or consumption, outside leased area such tailings or rejects shall not be liable for payment of royalty:

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1. Inserted by G.S.R. 743 (E), dated 25.9.2000.

Provided that in case so dumped tailings or rejects are used for sale or consumption on any later date after the date of such dumping, then, such tailings or rejects shall be liable for payment of royalty.]

**<sup>1</sup>[64 D. Manner of payment of royalty on minerals on ad valorem basis:**

(1) Every mine owner, his agent, manager, employee, contractor or sub-lessee shall compute the amount of royalty on minerals where such royalty is charged on ad valorem basis as follows:

(i) for all non-atomic and non fuel minerals sold in the domestic market or consumed in captive plants or exported by the mine owners (other than bauxite and laterite despatched for use in alumina and metallurgical industries, copper, lead, zinc, tin, nickel, gold, silver and minerals specified under Atomic Energy Act), the State-wise sale prices for different minerals as published by Indian Bureau of Mines shall be the sale price for computation of royalty in respect of any mineral produced any time during a month in any mine in that State, and the royalty shall be computed as per the formula given below:

Royalty = Sale price of mineral (grade wise and State-wise)  
published by IBM X Rate of royalty (in percentage) X Total  
quantity of mineral grade produced/ dispatched:

Provided that if for a particular mineral, the information for a State for a particular month is not published by the Indian Bureau of Mines, the latest information available for that mineral in the State shall be referred, failing which the latest information for All India for the mineral shall be referred.

(ii) for the grades of minerals produced for captive consumption (other than bauxite and laterite despatched for use in alumina and metallurgical industries, copper, lead, zinc, tin, nickel, gold and silver) and those not despatched for sale in domestic market or export, the sale price published by the Indian Bureau of Mines shall be used as the benchmark price for computation of royalty.

(iii) for primary gold, silver, copper, nickel, tin, lead and zinc, the total contained metal in the ore or concentrate produced during the period for which the royalty is computed and reported in the statutory monthly returns under Mineral Conservation and Development Rules, 1988 or recorded in the books of the mine owners shall be considered for the purposes of computing the royalty in the first place and then the royalty shall be computed as the percentage of the average metal prices published by the Indian Bureau of Mines for primary gold, silver, copper, nickel, tin, lead and zinc during the period of computation of royalty as follows:

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1. Substituted by G.S.R 883(E) dated 10.12.2009

*Royalty = sale price X rate of royalty in percentage*

where sale price = Average price of metal as published by Indian Bureau of Mines during the month X Total contained metal in ore or concentrate produced X Rupee or Dollar exchange rate selling as on the last date of the month of computation of royalty:

Provided that in case of by-product gold and silver the royalty shall be based on the total quantity of metal produced and such royalty shall be calculated as follows:

*Royalty = Sale price X rate of royalty in percentage*

Explanation - For the purpose of this sub-clause sale price means, average price of metal as published by Indian Bureau of Mines during the month X Total by-product metal actually produced X Rupee or Dollar Exchange rate selling as on the last date of the month of computation of royalty.

(iv) For bauxite or laterite ore despatched for use in alumina and aluminium metal extraction or despatched to alumina or aluminium metal extraction industry within India, the total contained alumina in the bauxite or laterite ore on dry basis produced during the period for which the royalty is computed and reported in the statutory monthly returns under Mineral Conservation and Development Rules, 1988 or recorded in the books of the mine owners shall be considered for the purpose of computing the royalty in the first place and then the royalty shall be computed as the percentage of the average monthly price for the contained aluminium metal in the said alumina content of the ore published by the Indian Bureau of Mines, on the following basis namely:-

Royalty =

$$\frac{52.9}{100} \times \text{Percentage of } Al_2O_3 \text{ in the bauxite on dry basis (as reported in the Statutory Monthly return under MCDR)} \times \text{Average monthly price of aluminium as published by the IBM} \times \text{Rupee/ dollar exchange rate (selling) as on the last date of the period of the computation of royalty} \times \text{Rate of royalty (in percentage)}$$

Provided that for computing the royalty for bauxite or laterite despatched for end use other than alumina and aluminium metal extraction and for exports provisions of this clause shall not apply.

(2) In case of metallic ores based on metal contained in ore and metal prices based on benchmark prices, the royalty shall be charged on dry basis, and the mine owner shall establish suitable facilities for collection of sample and its analysis on dry basis at the mine site." ]

**65. Facilities for training of students :-** (1) Every owner, agent or manager of a mine shall permit students of mining and geological institutions approved by the Central Government to acquire practical training of the mines and plants operated by them and provide all necessary facilities required for the training of such students.

(2) Applications for training from students of institutions teaching mining or geology should be forwarded to the owner, agent or manager of a mine through the Principal or Head of the Institution. Cases of refusal to provide facilities for practical training by any owner, agent or manager of a mine should be referred to the Controller General, Indian Bureau of Mines.

**66. Geophysical data to be supplied to the Geological Survey of India and the Department of Atomic Energy :-** (1) A <sup>1</sup>[permit holder or licensee or lessee] shall furnish -

- (a) all geophysical data relating to prospecting/ mining fields or engineering and ground water surveys, such as anomaly maps, sections, plans, structures, contour maps, logging collected by him during the course of <sup>2</sup>[reconnaissance or prospecting or mining] operations to the Director General, Geological Survey of India, Calcutta and the Director of Geology and Mining of the State in which the <sup>2</sup>[reconnaissance or prospecting or mining] operations are carried on.
- (b) all information pertaining to investigations of atomic minerals collected by him during the course of <sup>3</sup>[reconnaissance or prospecting or mining] operations to the <sup>4</sup>[Director, Atomic Minerals Directorate for Exploration and Research, Hyderabad], and to the Director of Geology and Mining of the State, in which the <sup>3</sup>[reconnaissance or prospecting or mining] operations are carried on.

(2) Data or information referred to in sub-rule (1) shall be furnished every year reckoned from the date of commencement of the period of the <sup>5</sup>[reconnaissance permit or prospecting licence or mining] lease.

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1. Substituted by G.S.R. 56 (E), dated 17. 1.2000. 2. Ibid.. 3. Ibid. 4. Ibid. 5. Ibid

**66 A.** <sup>1</sup>[**Special provisions relating to atomic minerals:** (1) Notwithstanding anything contained in the rules, the prospecting or mining operations in respect of the atomic minerals listed in Part-B of the First Schedule of the Act shall be subject to following conditions:-

(i) if the holder of prospecting licence or mining lease discovers any atomic mineral in the area granted under licence or lease, not specified in the licence or lease, discovery of such mineral shall also be reported to the Director, Atomic Minerals Directorate for Exploration and Research, Hyderabad within 60 days from the date of discovery of such mineral;

(ii) the licensee or lessee shall not win or dispose of such atomic mineral unless such atomic mineral is included in licence or lease or a separate licence or lease for the purpose has been obtained;

(iii) the quantities of atomic minerals recovered incidental to such prospecting / mining operations shall be collected and stacked separately and a report to that effect shall be sent to the Secretary, Department of Atomic Energy, Mumbai and the Director, Atomic Minerals Directorate for Exploration and Research, Hyderabad every three months for such further action by the licensee or lessee as may be directed by the Atomic Minerals Directorate for Exploration and Research or the Department of Atomic Energy.

(2) The licensee or lessee referred to in sub-rule(1) shall, within the period referred to therein, apply to the Secretary, Department of Atomic Energy, Mumbai through the State Government, for grant of a licence to handle the said atomic minerals under the provisions of the Atomic Energy Act,1962 (33 of 1962) and the Department of Atomic Energy shall intimate the state Government regarding issue of licence:

Provided that if in the opinion of the Department of Atomic Energy the atomic mineral/minerals recovered incidentally to such prospecting/mining operations is not of economically exploitable grade or the quantity found is insignificant, it may advise the State Government to exempt the licensee/lessee from obtaining a separate licence or lease for/or inclusion of the atomic minerals under these Rules.]

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1. Substituted by G.S.R.280(E), dated 5.5.2005



**67. Lease period** :- Where more than one mineral is found in an area and lease is granted for exploiting two or more minerals, the periods of lease for all minerals shall be co-terminus with that for which the first lease was originally granted.

**68. Repeal** :- On the commencement of these rules, the Mineral Concession Rules, 1949, shall cease to be in force, except as regards things, done or omitted to be done before such commencement.

## CHAPTER IX

**69. Associated minerals :-** The following shall be the group of associated minerals for the purposes of section 6 of the Act namely:-

- (i) Apatite, Beryl, Cassiterite, Columbite, Emerald, Felspar, Lepidolite, Mica, Pitchblende, Quartz, Samarskite. Scheelite, Topaz, Tantalite, Tourmaline.
- (ii) Iron, Manganese, Titanium, Vanadium and Nickel minerals.
- (iii) Lead, Zinc, Copper, Cadmium, Arsenic, Antimony, Bismuth, Cobalt, Nickel, Molybdenum and Uranium minerals, and Gold and Silver, Arsenopyrite, Chalcopyrite, Pyrite, Pyrrhotite and Pentlandite.
- (iv) Chromium, Osmiridium, Platinum and Nickel minerals
- (v) Kyanite, Sillimanite, Corundum, Dumortierite and Topaz.
- (vi) Gold, Silver, Tellurium, Selenium and Pyrite.
- (vii) Barytes, Fluorite, Chalcocite, Selenium and minerals of Zinc, Lead and Silver.
- (viii) Tin and Tungsten minerals.
- (ix) Limestone, Dolomite and Magnesite.
- (x) Ilmenite, Monazite, Zircon, Rutile, <sup>1</sup>[Leucoxene], Garnet and Sillimanite.
- (xi) Sulphides of copper and iron.
- (xii) Coal, Fireclay and Shale.
- (xiii) Magnetite and Apatite.
- (xiv) Magnesite and Chromite.
- (xv) Talc (Soapstone and Steatite) and Dolomite.
- (xvi) Celestite, Phosphatic Nodules, Clay and Gypsum.

**70. Sand not be treated as minor mineral when used for certain purposes** : - Sand shall not be treated as a minor mineral when used for any of the following purposes, namely:-

- (i) purposes of refractory and manufacture of ceramic;
- (ii) metallurgical purposes;
- (iii) optical purposes;
- (iv) purposes of stowing in coal mines;
- (v) for manufacture of silvicate cement;
- (vi) for manufacture of sodium silicate;
- (vii) for manufacture of pottery and glass.

**71.** <sup>1</sup>[Omitted. ]

## CHAPTER X

**72. Payment of compensation to owner of surface rights etc: -**<sup>1</sup>[(1) The holder of a reconnaissance permit or prospecting licence or mining lease shall be liable to pay to the occupier of the surface of the land over which he holds the reconnaissance permit or prospecting licence or mining lease, as the case may be, such annual compensation as may be determined by an officer appointed by the State Government by notification in this behalf in the manner provided in sub-rules (2) to (4).]

(2) In the case of agricultural land, the amount of annual compensation shall be worked out on the basis of the average annual net income from the cultivation of similar land for the previous three years.

(3) In the case of non-agricultural land, the amount of annual compensation shall be worked out on the basis of average annual letting value of similar land for the previous three years.

(4) The annual compensation referred to in sub-rule (1) shall be payable on or before such date as may be specified by the State Government in this behalf.

**73. Assessment of compensation for damage :-**<sup>2</sup>[(1) After the termination of a reconnaissance permit or a prospecting licence or a mining lease, the State Government shall assess the damage, if any, done to the land by the reconnaissance or prospecting or mining operations and shall determine the amount of compensation payable by the permit holder or licensee or the lessee as the case may be, to the occupier of the surface land.]

(2) Every such assessment shall be made within a period of one year from the date of termination of the<sup>3</sup>[reconnaissance permit or prospecting licence or mining lease] and shall be carried out by an officer appointed by the State Government by notification in this behalf.

**74. Issue of notification where prospecting operations are to be undertaken by the Geological Survey of India etc.:-** (1) Where a prospecting operation is to be undertaken by the Geological Survey of India, the Indian Bureau of Mines, the Atomic Minerals Division of the Department of Atomic Energy of the Central Government, the Directorate of Mining and Geology of any State Government (by whatever name called), or the Mineral Exploration Corporation Limited, the State Government shall issue a notification in the Official Gazette giving details of the area, and the period for which prospecting operations are to be undertaken.

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1.Substituted by G.S.R. 56 (E), dated 17.1.2000.

2.Ibid.

3.Ibid.

(2) The State Government shall not grant any prospecting licence or mining lease to any other person for an area or a part thereof in relation to which a notification has been issued under sub-rule (1).

(3) The State Government may revoke a notification issued under sub-rule (1), if the prospecting operations have been completed before the expiry of the period stated in the notification.

**75. Prospecting or mining operation by State Governments:-** (1) Where a State Government proposes to undertake prospecting or mining operations of any mineral, it shall issue a notification in the Official Gazette giving details of the area and the period for which such operations are proposed to be undertaken:

<sup>1</sup>[Provided that if the State Government fails to undertake prospecting or mining operation within the period mentioned in the notification, the notification so issued shall lapse at the expiry of the said period unless the period is extended by a fresh notification.]

<sup>2</sup>[(2) Omitted.]

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1. Inserted by G.S.R. 56 (E), dated 17.1.2000.

2. Omitted by G.S.R. 9 (E), dated 4.1.1999.

**SCHEDULE I**  
[See rule 2(ii)]  
<sup>1</sup>**[INDEX**

1. Application for Reconnaissance Permit	Form A
2. Application for Prospecting Licence	Form B
3. Receipt of applications for Prospecting Licence/ Mining Lease or renewals	Form D
4. Receipt of application for Reconnaissance Permit	Form D-1
5. Application for renewal of Prospecting Licence	Form E
6. Prospecting Licence Deed	Form F
7. Reconnaissance Permit Deed	Form F-1
8. Register of applications for Prospecting Licences	Form G
9. Register of applications for Reconnaissance Permits	Form G-1
10. Register of Prospecting Licences	Form H
11. Register of Reconnaissance Permits	Form H-1
12. Application for Mining Lease	Form I
13. Application for renewal of Mining Lease	Form J
14. Mining Lease Deed	Form K
15. Register of applications for Mining Lease	Form L
16. Register of Mining Leases	Form M
17. Application for revision	Form N
18. Model form for transfer of Mining Lease	Form O]
<sup>2</sup> [19. Model Form for transfer of Prospecting Licence	Form P]

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1. Substituted by G.S.R. No. 56 (E), dated 17.1.2000.

2. Inserted by G.S.R. No. 31 (E), dated 22.1.2001.

<sup>1</sup>[ **FORM A**

"To be submitted in quadruplicate"

Received  
 at.....  
 (place) on.....  
 (Date)  
 Initial of Receiving Officer

GOVERNMENT OF.....

(APPLICATION FOR RECONNAISSANCE PERMIT)  
 ( See rule 4 )

Dated day of 20....

To  
 Through

Sir,

I/We request that a reconnaissance permit under the Mineral Concession Rules, 1960 be granted to me/us.

2. A sum of Rs ..... being the fee in respect of this application at the rate of Rs. 5/- per square kilometre or part thereof payable in accordance with the Mineral Concession Rules, 1960 has been deposited.

3. The required particulars are given below:-

- (i) Name of the applicant with complete address.
- (ii) Is the applicant a private individual/private company/public company/firm or association?
- (iii) In case applicant is:
  - (a) an individual, his nationality;
  - (b) a company, an attested copy of the certificate of registration of the company shall be enclosed;
  - (c) firm or association, the nationality of all the Partners of the firm or members of the association;
- (iv) Profession or nature of business of applicant;
- (v) No. and date of the valid clearance certificate of payment of mining dues (copy attached);
- (vi) If on the date of application the applicant does not hold a reconnaissance permit, it should be stated whether an affidavit to this effect has been furnished to the satisfaction of the State government;

- (vii) Mineral or minerals which the applicant intends to prospect;
- (viii) Period for which the reconnaissance permit is required;
- (ix) Extent of the area the applicant wants to prospect;
- (x) Details of the area in respect of which reconnaissance permit is required :

District	Talug	Area
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- (xi) Particulars of the areas mineral-wise within the jurisdiction of the State Government for which the applicant or any person joint in interest with him;
  - (a) already holds under reconnaissance permit;
  - (b) has already applied for but not granted;
  - (c) being applied for simultaneously.
- (xii) Nature of joint interest, if any;
- (xiii) If the applicant intends to supervise the works, his previous experience of reconnaissance, prospecting and mining operations should be explained; if he intends to appoint a manager, the name of such manager, his qualifications, nature and extent of his previous experience should be specified and his consent letter should be attached;
- (xiv) Financial resources of the applicant;
- (xv) Particulars of receipted treasury challan attached for the amount referred to at 2 above;
- (xvi) The works proposed to be undertaken alongwith their physical annual targets;
- (xvii) The scheme of relinquishment of the area;
- (xviii) Anticipated minimum annual expenditure (activity of workwise);
- (xix) Any other particulars or sketch map which the applicant wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans as may be required by you.

Yours faithfully,

(Signature and designation of the applicant)

Place

Date

\*The topographical map of 1" = 1 mile scale <sup>1</sup>[ or 1 : 50,000] is obtainable from the office of the Survey of India, Hathibarkhala, Dehra Dun.



Detailed plan and topographical map are to be attached in quadruplicate with the original application.

- Note :
1. If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.
  2. The application should relate to one compact area only.]

**FORM B**

"To be submitted in Triplicate"

Received  
 at.....  
 (place) on.....  
 (Date)  
 Initial of Receiving Officer

GOVERNMENT OF.....  
 MODEL FORM  
 Application for Prospecting Licence  
 [See rule 9(1)]

Dated day of 20...

To  
 Through

Sir,

I/We request that a prospecting licence under the Mineral Concession Rules, 1960 be granted to me/us.

2.A sum of Rs..... being the fee in respect of this application at the rate of Rs.50 for the first square kilometre or part thereof and Rs.10 for subsequent square kilometre or part thereof payable in accordance with Schedule II to the Mineral Concession Rules, 1960 has been deposited.

3.The required particulars are given below:-

- (i) Name of the applicant with complete address.
- (ii) Is the applicant a private individual/private company/public company/firm or association?
- (iii) In case applicant is:
  - (a) an individual, his nationality,
  - (b) a company, an attested copy of the certificate of registration of the company shall be enclosed,
  - (c) Omitted,
  - (d) firm or association, the nationality of all the partners of the firm or members of the association.
- (iv) Profession or nature of business of applicant.
- (v) Omitted

- (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.
- (vii) Mineral or minerals which the applicant intends to prospect.
- (viii) Period for which the prospecting licence is required.
- (ix) Extent of the area the applicant wants to prospect.
- (x) Details of the area in respect of which prospecting licence is required.

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District	Taluq	Village	Khasra No.	Plot No.	Area
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- (X A)(a) Does the applicant have surface rights over the area for which he requires a prospecting licence?
- (b) If not, has he obtained the consent of the owner, and the occupier of the land for undertaking prospecting operations. If so, the consent of the owner and the occupier obtained in writing be filed.
- (xi) Brief description of the area with Particular reference to the following:
- (a) the situation of the area in respect to natural features such as streams etc.
  - (b) in the case of village, areas, the name of the village and if only a part of the village is applied for, the khasra number, the area in hectares of each field or part thereof applied for.

**N.B. -** The areas shall cover whole or recognised part survey numbers.

- (c) In the case of forest areas, the name of the working circle, the range and the felling series.
  - (d) For areas where no forest maps or cadastral maps are available, a sketch plan should be submitted on scale showing the area applied for together with boundary, if any, of any other existing mining lease or prospecting licence area if the area applied for has any common point or line with the boundaries of existing prospecting licence or mining lease areas.
- (xii) The areas applied for should be marked on plans as detailed below:
- (a) In case a cadastral map of the area is available, the area on this map should be marked showing the name of the village, Khasra number and area in hectares of each field and part thereof.

**N.B. -** The area applied for shall cover whole survey numbers.

- (b) In the case of forest maps, the area should be marked on the map showing the range and felling series.
- (c) In case neither cadastral nor forest maps are available, the area should be marked on sketch plan drawn to scale showing on this plan all important

- surface and natural features, the dimensions of the lines forming the boundary of the area and the bearing and distance of all corner points from any important, prominent and fixed point or points.
- (xiii) An affidavit, that the up-to-date income tax returns, as prescribed under the Income Tax Act, 1961, have been filed, and tax due, including the tax on account of self-assessment has been paid.
  - (xiv) Particulars of the areas mineral-wise within the jurisdiction of the State Government for which the applicant or any person joint in interest with him:
    - (a) already holds under prospecting licence;
    - (b) has already applied for but not granted;
    - (c) being applied for simultaneously.
  - (xv) Nature of joint in interest, if any.
  - (xvi) If the applicant intends to supervise the works, his previous experience of prospecting and mining should be explained; If he intends to appoint a manager, the name of such manager, his qualifications, nature and extent of his previous experience should be specified and his consent letter should be attached.
  - (xvii) Financial resources of the applicant.
  - (xviii) Particulars of receipted treasury challan attached for the amount referred to at 2 above.
  - (xix) Any other particulars or sketch map which the Applicant wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans as may be required by you.

Yours faithfully,

(Signature and designation of the applicant)

Place

Date

\*The topographical map of 1" = 1 mile scale <sup>1</sup>[ or 1 : 50,000] is obtainable from the office of the Survey of India, Hathibarkhala, Dehra Dun.

Detailed plan and topographical map are to be, attached in triplicate with the original application in case mineral applied for is a scheduled mineral.

Note 1- If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.

2. The application should relate to one compact area only.

3. Such large-size map, as may be available.- should be attached for proper demarcation of the areas, specially when the area Applied for is 40 hectares or less.

**FORM D**

Receipt of Applications for Prospecting Licence/Mining Lease or Renewals  
(See rules 10(4) and 23(4)]

Government of

Dated

S.No.

Received the application with the following enclosures for a prospecting licence/ mining lease/renewal of prospecting licence/renewal of mining lease of Shri/Sarvashree ..... on ..... 20... for about ..... hectare of land located in village/Govt. Forest Taluq ..... District for prospecting/mining ..... mineral/minerals.

Enclosures:

Place

Date

Signature and designation  
of Receiving Officer

<sup>1</sup>[FORM D- 1

(Receipt of Application for Reconnaissance Permit)

(See rule 4 – A)

Government of

S.No.

Dated

Received the application with the following enclosures for a reconnaissance permit of Shri/Sarvashree ..... on .....20 .. for ..... square kilometres of land located in village/Government Forest Taluq ..... District for reconnaissance of .....mineral/minerals.

Enclosures:

Place

Date

Signature and designation  
of the Receiving Officer]

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1. Inserted by G.S.R. 56 (E) dated 17.1.2000.

**FORM E**

## MODEL FORM

"To be submitted in duplicate"

GOVERNMENT OF

Received.....  
 at ..... (Place)  
 on.....(date)  
 Initial of Receiving Officer

Application for Renewal of  
 Prospecting Licence  
 [See rule 9(1)]

Dated Day of 20...

To  
 Through

Sir,

I/We request for renewal of my/our prospecting licence under the Mineral Concession Rules, 1960.

A sum of Rs..... being the fee in respect of this application at the rate of Rs.50 for the first square kilometre or part thereof and Rs.10 for subsequent square kilometre or part thereof payable in accordance with Schedule II to the Mineral Concession Rules, 1960 has been deposited.

2.The required particulars are given below:-

- (i) Name of the applicant with complete address.
- (ii) Is the applicant a private individual/private company/public company/firm or association?
- (iii) In case applicant is:
  - (a) an individual, his nationality,
  - (b) a company, an attested copy of the certificate of registration of the company shall be enclosed,
  - (c) Omitted.
  - (d) firm or association, the nationality of all the partners of the firm or members of the association.
- (iv) Profession or nature of business of applicant.
- (v) & (vi) Omitted
- (via) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed).
- (vii) An affidavit, that up-to-date income tax returns, as prescribed under the Income Tax Act, 1961, have been filed and the tax due, including the tax on account of self-assessment has been paid.
- (viii) (a) Particulars of the prospecting licence of which renewal is desired.  
 (b) Details of previous renewal/renewals granted, if any.

- (ix) Reasons in detail for asking for renewal of prospecting licence along with a report on the prospecting already done.
- (x) Period for which renewal of prospecting licence is desired.
- (xi) Whether renewal is desired for the whole or part of the area held under prospecting licence.
- (xii) In case the renewal applied for is only for part of the area held under prospecting licence.
  - (a) the area applied for renewal.
  - (b) description of the area applied for renewal (description should be adequate for the purposes of demarcating the plot).
  - (c) particulars of the map of area held under prospecting licence with area applied for renewal clearly marked on it attached.
- (xiiA) (a) Does the applicant continue to have the surface rights over the areas of the land for which he requires renewal of the prospecting licence?
  - (b) If not, has he obtained the consent of the owner and the occupier for undertaking prospecting operations? If so, the consent of the owner and occupier of the land obtained in writing, be filed.
- (xiiB) Particulars of the area mineral-wise in each State only supported by an affidavit for which the applicant or any person jointly in interest with him -
  - (a) already holds under prospecting licence;
  - (b) has already applied for but not granted; or
  - (c) being applied for simultaneously.
- (xiii) Any other particulars which the applicant may wish to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans, as may be required by you.

Yours faithfully,

Place  
Date

Signature and designation of  
the applicant

N.B.- If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.



**FORM F**  
**Model Form of Prospecting Licence**  
 [See rule 15(2)]

**When the licensee is an individual**

THIS INDENTURE made this..... day of..... 20 Between the Governor of ..... /the President of India (hereinafter Referred to as the 'State Government' which expression shall where the context so admits be deemed to include his successors and assigns) of the one part and..... (name of person with Address and occupation) (hereinafter referred to as "the licensee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

**When the licensee are more than one individual.**

..... (Name of person with address and occupation) and..... (Name of person with addresses and occupation) (hereinafter referred to as "the licensees" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators,representatives and permitted assigns).

**When the licensee is a registered firm**

..... (Name and address of partner) son of ..... of..... son of..... of..... son of.. . of.....all carrying on business in partnership under the firm name and style of (name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at.....in the town of.....(hereinafter referred To as "the licensees" which expression shall where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

**When the licensee is a registered company**

..... (Name of company) a company registered under..... (Act under which incorporated) and having its registered office at.....(Address) (hereinafter is a referred to as "the licensee" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the other part.

WHEREAS the licensee/licensees has/have applied to the State Government in accordance with the Mineral Concession Rules, 1960 (hereinafter referred to as the said Rules) for a licence to prospect for..... in the land specified in Schedule `A' hereunder written and delineated in the plan herewith annexed (hereinafter referred to as the said lands) and has/have deposited with the State Government Rs..... as the prescribed security in respect of such licence and has/have paid to the State Government the sum of Rs..... as the prescribed prospecting fee for..... months/ years in advance in respect of such licence and WHEREAS there is no objection to the grant of such licence <sup>1/</sup>and WHEREAS the Central Government has approved the grant of this licence NOW THESE PRESENTS WITNESS as follows:

### PART-I

In consideration of the fee, royalties, covenants, and agreements hereinafter reserved and contained and on the part of the licensee/licensees to be paid observed and performed the State Government hereby grants and demises into the licensee/licensees the sole rights and licence.

*To enter upon the lands and to search for, win or carry away and dispose of minerals won.*

- (1) To enter upon the said lands and to search for by quarrying, boring and digging or otherwise all or any.....(Name of minerals) lying or being within under or throughout the said lands;
- (2) in the case of minerals other than gold, silver, precious stones or mica, this licence shall not confer upon the licensee a right to win or carry away the minerals for commercial purposes:

Provided that the licensees may win and carry away for purposes Other than commercial purposes-

- (a) any quantity of such minerals within the limits specified in Schedule III of the Mineral Concession Rules, 1960, without any payment;
- (b) any quantity of such minerals exceeding such limits but not exceeding twice such limits, which is won during prospecting operations on payment of royalty for the time being specified in the Second Schedule to the Act in respect of those minerals;
- (c) any quantity of limestone not exceeding 500 (tonnes) for testing its use in any industry specified by the Central Government in this behalf, on payments of royalty for the time being specified in the Second Schedule to the Act in respect of limestone;
- (d) With the written approval of the State Government, the licensee may carry away quantities of minerals in excess of twice the limit specified in the Schedule III on payment of royalty for the time being specified in the Second schedule to the Act, for chemical, metallurgical, ore-dressing and other test purposes;

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1/ In case of "specified" minerals only.

*To clear undergrowth and brushwood, etc.*

- (3) Subject to the provisions of clauses 5 and 6 of Part II of these presents for the purpose aforesaid to clear undergrowth and brushwood and trees with the sanction of the Deputy Commissioner/Collector previously obtained in writing, to make and use any drains or water courses on the said lands for purposes as may be necessary for effectually carrying on the prospecting operations and for the workmen employed thereon and with the like sanction to use any water provided always that such use shall not diminish or interfere with the supply of water to which any cultivated land, building or watering place, for livestock has heretofore been accustomed and streams, springs or well shall be fouled or polluted by any such use or the operations hereby licensed.

*To bring upon and erect machinery etc. on the said lands*

- (4) To erect and bring upon the said lands all such temporary huts, sheds and structures steam sand other engine machinery and conveniences, chattels and effects as shall be proper and necessary for effectually carrying on the prospecting operations hereby licensed or for the workmen employment thereon.

RESERVED nevertheless to the State Government full power and liberty at all times to enter into and upon and to grant or demise to any person or persons whomsoever liberty to enter into and upon the said lands for all or any purposes other than those for which sole rights and licence are hereby expressly conferred upon the licensee/licensees and particularly (and without hereby in any way qualifying such general power and liberty) to make on, over or through the said lands such roads, tramways and ropeways as shall be considered necessary or expedient for any purposes and to obtain from and out of the said lands such stone, earth or other materials as may be necessary or requisits for making, repairing or maintaining such roads, tramways, railways and ropeways to pass and repass at all times over and along such roads, tramways, railways and ropeways for all purposes and as occasion shall require.

To hold the said right and licence unto the licensee/licensees from the date of these presents for the term of (hereinafter referred to as the said term).

Paying therefor annually in advance a sum of Rs..... being the prospecting fee for each year or portion of a year and immediately on the expiration of sooner determination of the said term clear of all fees, rates, taxes, charges, deductions and royalty at the rates specified in Schedules 'B' and 'C' hereunder written on the minerals won and carried away by the licensee/licensees during the said terms.

**PART-II**  
**Covenants by Licensee/Licensees**

The licensee/licensees hereby covenants/covenant with the State Government as follows:-

*Payment and rates of royalty*

(1) To pay royalty to the State Government at such rates and at such time as are specified in Schedule `C' hereunder written provided that the licensee/licensees shall be entitled to carry away free of royalty not more than..... for experimental purposes.

*Payment of prospecting fee*

(2) To pay annually in *advance* a prospecting fee in respect of ensuing year or part of the year at such rates and time as are specified in Schedule `B' hereunder written.

*To Carry on work in workman-like manner*

(3) To work and carry on the operations hereby licensed in a fair orderly skilful and workman-like manner and with as little damage as may be to the surface of the lands and to trees, crops, buildings structures and other property thereon.

*Maintenance of correct accounts*

(4) Licensee/licensees shall maintain a correct and faithful account of all the expenses incurred by him/them on prospecting operations and also the quantity and other particulars of all minerals obtained during such operations and their despatch.

*No mining operations within 50 metres of public work, etc.*

(5) The licensee/licensees shall not work or carry on or allow to be worked or carried on any prospecting operations at or to any points within a distance of 50 metres from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, canal or other public works such as public roads and buildings or inhabited site except with the previous written permission of the Deputy commissioner/Collector or any other Officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions either general or special which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway line, reservoir or canal horizontally from the outer toe of edge bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof. In the case of village roads no workings shall be carried on within a distance of 10 metres of the outer edge of the cutting except with the previous written permission of the Deputy Commissioner/Collector or any other officer duly authorised by the State Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission.

**Explanation :** For the purposes of this clause the expression 'Railways Administration' shall have the same meaning as it is defined to have in the Indian Railways Act, 1890, by clause (6) of section 3 of that Act. 'Public Road' shall mean a road which has been constructed by artificially surfaced as distinct from a tract resulting from repeated use. Village road will include any track shown in the Revenue records as a village road.

*Not to cut or injure trees in reserved forest, etc. without previous permission.*

(6) Not to cut or injure any timber or tree on any unoccupied or unreserved land without the written permission of the Deputy Commissioner/Collector nor without such permission disturb the surface of any road or enter upon any public pleasure ground, burning or burial ground or any place held sacred by any class of persons or interfere with any right of way, well or tank.

(7)<sup>1</sup> Not to enter upon any land in the occupation of any person without the consent of the occupier nor to cut or in any way injure any trees, standing crops, buildings, butts, structures or other property of any kind, occupier of any land or any other person without the written consent of such owner, occupier or person.

*Not to commence work in reserved forest without previous permission.*

(8) Not to enter upon or commence prospecting in any protected or reserved forest situated upon the lands without obtaining the written sanction of the District Forest Officer nor otherwise than in accordance with such conditions as may be prescribed in such sanction.

*Indemnify Government against all claims.*

(9) To make reasonable satisfaction and pay such 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 licence and to indemnify and keep indemnified fully and completely the State Government against all claims which may be by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

(9A) To pay a wage not less than the minimum wage prescribed by the Central or State Government from time to time.

(9B) To comply with the provisions of the Mines Act, 1952.

(9C) To take measures, at his own expense, for the protection of environment like planting of trees, reclamation of mined land, use of pollution-control devices, and such other measures as may be prescribed by the Central or State Government from time to time.

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1. This clause should be suitably modified if it be not in accordance with the provision of local land.

(9D) To pay compensation to the occupier of the surface of the land on the date and in the manner laid down in these rules.

*Forfeiture of security deposits, etc.*

(10) Whenever the security deposit of Rs..... or any part thereof or any further sum hereafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the State/Central Government. Pursuant to the power hereinafter declared in that behalf the licensee/licensees shall forthwith 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 up to the sum of Rs.....

*Licensee not to be Controlled by trust, syndicate, etc.*

(11) The licensee/licensees shall not be controlled or permit himself/themselves to be controlled by any trust, syndicate, corporation, firm or person except with the written consent of the State Government which will be given only after obtaining the prior approval of the Central Government in cases where prospecting licence executed is in respect of minerals included in the First Schedule to the Act.

*Report of accident*

(12) The licensee/licensees without delay send to the Deputy Commissioner/Collector a report 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 licence.

*Section 18 of the Act 67 of 1957*

(13) The licensee/licensees shall be bound by such rules as may be issued by the Central Government under section 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957) and shall not carry on prospecting or other operations under the said licence in any way other than as prescribed under these rules.

*To provide for weighing or measurement of material won*

(14) At such times and occasions as may be required the licensee/licensees shall well and truly measure or weigh or cause to be measured or weighed upon some part of the said lands all minerals from time to time won from the said lands by the licensee/licensees and all such minerals as may require to be measured or weighed for the purpose of ascertaining the royalty payable under these presents shall be so measured or weighed. The licensee/licensees agrees/agree not to take away from the said lands any minerals so won until the same shall have been measured or weighed as the case may be. The licensee/licensees further agrees/agree to give..... days previous notice in writing to the Deputy Commissioner/Collector of every such measuring or weighing in order that he or some person on his behalf may be present thereat.

*Plugging of bore holes, fencing, etc., and restoring the surface of land after determination of abandonment.*

(15) Save in the case of land over which the licensee/licensees shall have been granted a mining lease, on or before the expiration or sooner determination of the licence, he shall within six months next after the expiration or sooner determination of the licence or date of abandonment of the undertaking, whichever shall first occur, securely plug any bore or hole and fill up or fence any holes or excavations that may have been made in the lands to such an extent as may be required by the Deputy Commissioner/Collector concerned and shall to a like extent restore the surface of the land and all buildings there on which may have been damaged or destroyed in the course of prospecting provided that licensee/licensees shall not be required to restore the surface of the land, or any building in respect of which full and proper compensation has already been paid.

*Removal of machinery, etc. after expiration, determination of abandonment.*

(16) Upon the expiration or sooner determination of this licence or the abandonment of the operations hereby licensed, whichever shall first occur, the licensee/licensees shall remove expeditiously at his/their own cost all buildings, structures, plant, engines machinery, implements, utensils and other property and effects theretofore, erected or brought by the licensee/licensees and then standing or being upon the said lands and also all minerals theretofore won by the licensee/licensees under the authority of these presents and then being upon the said lands PROVIDED that this covenant shall not apply to any part of the said lands which may be comprised in any mining lease granted to the licensee/licensees during the subsistence of this licence.

*Report of work done before the refund of security deposits*

(17) At any time before the said security deposit is returned to him/them or transferred to any other account or (within one month after the expiration or sooner determination of the licence or abandonment of the operations whichever is earlier, the licensee/licensees shall submit to the State Government confidentially a full report of the work done by him/them and disclose all information acquired by him them in the course of the operations carried on under this licence regarding the geology and mineral resources of the area covered by the licence.

*Report of information obtained by Licensee;*

(17A)(1) The licensee shall submit to State Government :

- (a) a quarterly report of the work done by him stating the number of persons engaged and disclosing in full the geological, geophysical, or other valuable data collected by him during the period. The report shall be submitted within three months of the close of the period to which it relates;
- (b) within three months of the expiry of the licence, or abandonment of operations or termination of the licence, whichever is earlier, a full report

of the work done by him and all information relevant to mineral resources acquired by him in the course of prospecting operations in the area covered by the licence.

- (2) While submitting reports under clause (1), the licensee may specify that the whole or any part of the report or data submitted by him shall be kept confidential and the State Government shall thereupon keep the specified portions as confidential for a period of two years from the expiry of the licence, or abandonment of operations or termination of the licence, whichever is earlier.

*Employment of foreign nationals*

(18) the licensee/licensees shall not employ, in connection with the prospecting operation any person who is not an Indian National except with the previous approval of the Central Government.

*Furnishing of Geophysical data*

(19) The licensee/licensees shall furnish :

- (a) all geophysical data relating to prospecting or engineering and ground water surveys, such as anomaly maps, sections, plans, structures, contour maps, logging, collected by him/them during the course of prospecting operations to the Director General, Geological Survey of India, Calcutta;
- (b) all information pertaining to investigations of radio active minerals collected by him/them during the course of prospecting operations to the Secretary to the Department of Atomic Energy, New Delhi.

Data or information referred to above shall be furnished every year reckoned from the date of commencement of the period of the prospecting licence.

**PART-III**  
**Powers of the government**

It is hereby agreed as follows;-

*Cancellation of the licence and forfeiture of the deposit in case breach of conditions*

(1) In the case of any breach of the condition of the licence/licences or his transferees or assignees, the State Government shall give a reasonable opportunity to the licensee/licensees of stating him/their case and where it is satisfied that the breach is such as cannot be remedied, on giving thirty days notice to the licensee/licensees or his transferees or assignees, determine the licence and or forfeit the whole or any part of the said deposit of Rs..... deposited under the covenants in that behalf as the State Government may deem fit. In case the State Government



considers the breach to be of a remediable nature, it shall give notice to the licensee/licensees or his transferees or assignees as the case may be requiring him/them to remedy the breach within thirty days from the date of receipt of the notice informing him of the penalty proposed to be inflicted if such remedy is not made within such period.

*Application of security to payment of compensation*

(2) The State Government may from time to time appropriate and apply the said deposit of Rs..... or any part thereof or any further sum deposited under any covenants in that behalf hereinbefore contained in or towards payment or satisfaction of any claims to compensation which the Government has or may have against the licensee/licensees and/or which may be made by any person or persons against the licensee/licensees and or the State Government in respect of any damage or injury done by the licensee/licensees in exercise of any of the powers conferred by this licence and in or towards payment of any damages, costs or expenses which may become payable as the result of or in connection with any suits or proceedings which may be instituted against the State Government in respect of any such damage or injury and also in or towards payment of the expense of the carrying out or performance of any works or matters which the licensee/licensees shall fail to carry out or perform after the expiry or sooner determination of this licence or the abandonment of the operations hereby licensed in accordance with the covenants in that behalf hereinbefore contained or in payment or satisfaction of any such claims, damages, costs and expenses.

*When the properties of licensee are not removed from the lands in time*

(3) If any buildings, structures, plants, engines, machinery implements utensils or other property or effects or any minerals which ought to be removed by the licensee/licensees from the said lands, in accordance with the covenant in that behalf hereinbefore contained be not so removed within one calendar month after notice in writing requiring their removal shall have been given to the licensee/licensees by the State Government, the same shall be deemed to become the property of the State Government and may be sold or disposed of for the benefit of the State Government in such manner as the State Government shall deem fit, without any liability to pay any compensation to account to licensee/licensees in respect thereof.

*Licensee/licensees to pay for work done on his behalf*

(4) If any of the works or matters which in accordance with the covenants in that behalf hereinbefore contained are to be carried out or performed by the licensee/licensees, be not so carried out or performed within the time specified In that behalf, the State Government may cause the same to be carried out or performed and the licensee/licensees shall pay the State Government on demand all expenses which shall be incurred in such carrying out or performance of the same.

*Right of pre-emption*

(5) (a) The State Government shall from time to time and at all times during the said term have the right (to be exercised by notice in writing to the

licensee/licensees) of pre-emption of the said minerals (and/all products thereof) lying in or upon the said lands or elsewhere under the control of the licensee/licensees and the licensee/licensees shall with all possible expedition deliver all minerals or products or minerals purchased by the State Government under the power conferred by this provision in the quantities at the time in the manner and at the place specified in the notice exercising the said right.

- (b) Should the right of pre-emption conferred by this present provision be exercised and a vessel chartered to carry the minerals or products thereof procured on behalf of the State Government or the Central Government be detained on demurrage at the port of loading, the licensee/licensees shall pay the amount due for demurrage according to the terms of the charter party of such vessel unless the State Government shall be satisfied that the delay issue to cause beyond the control of the licensee/licensees.
- (c) The price to be paid for all minerals or products of minerals taken in pre-emption by the State Government in exercise of the right hereby conferred shall be the fair market prevailing at the time of pre-emption, PROVIDED THAT in order to assist in arriving at the said fair market price the licensee/licensees shall if so required furnish to the State Government for the confidential information of the Government, particulars of the quantities, descriptions and prices of the said mineral or products thereof sold to other customers and of charters entered into for freight for carriage of the two and shall produce such to officer or officers as may be directed by the State Government original or authenticated copies of contracts and charter parties entered into for the sale of freightage of such minerals or products.
- (d) In the event of the existence of a 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 licensee/licensees) forthwith take possession and control of the works, plant, machinery and premises of the licensee/licensees on or in connection with the said lands or the operations under this licence and during such possession or control, the licensee/licensees shall conform to 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 fair compensation, which shall be determined in default of agreement by the State Government shall be paid to the licensee/licensees for all loss or damage sustained by him/them by reason or in consequence of the exercises of the powers conferred by this clause and PROVIDED ALSO that the exercise of such power 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.

**PART-IV**  
**Rights of licensee/licensees**

It is hereby further agreed as follows:-

*Transfer of licence and fee payable*

(1) During the subsistence of this licence or of any renewal thereof the licensee/licensees may, with the previous sanction of the State Government, transfer his/their licence or any right, title or interest therein to a person who has filed an affidavit stating that he has filed up-to-date income tax returns, paid income tax assessed on him and paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961 (43 of 1961), on payment of a fee of five hundred rupees. Provided that the State Government shall, not give its sanction unless -

- (i) the licensee has furnished an affidavit along with his application for transfer of the prospecting licence specifying therein the amount that he has already taken or propose to take as consideration from the transferee;
- (ii) the transfer of the prospecting licence is to be made to a person or body directly undertaking prospecting operations.

*Renewal of Prospecting Licence*

(2) If the licensee/licensees be desirous of taking a renewed licence of the premises hereby demised or of any parts of that for a further term from the expiration of the term hereby granted and is otherwise eligible, he/they shall apply to the State Government for renewal at least prior to the date of expiration of the term of licence under these covenants 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 licensee/licensees to be observed and performed up to the expiration of the term hereby granted. The State Government on receipt of the application for renewal shall consider it in accordance with relevant sections of the Act and relevant rules of the Mineral Concession Rules, 1960 and shall pass such orders as it may deem fit. If renewal is granted the State Government will at the expense of the licensee/licensees and upon his/their executing and delivering to the State Government, if required, the counterpart thereof, execute and deliver to the licensee/licensees the renewed licence of the said premises or part thereof for a further term of..... years at such rates of royalty and on such terms and subject to such rates and royalties and on such terms and subject to such covenants and agreements including this present covenant be renewed and shall in accordance with the Mineral Concession Rules, 1960 applicable.....

(names of minerals) on the day next following the expiration of the term hereby granted.

*Preferential right of the licensee/licensees for obtaining mining Lease*

(3) On or before the determination of the licence or any renewal thereof, the licensee/licensees shall have a preferential right for obtaining a mining lease in respect of whole or part of that land over any other person, provided that the State Government is satisfied that the licensee/licensees has/have not committed any breach of the terms and conditions of the prospecting licence, [has undertaken prospecting operations to establish mineral resources in such land] and is otherwise a fit person for being granted the mining lease.

(3-A) If an application for renewal of the prospecting licence made in accordance with the rules is not disposed of by the State Government before the expiry of the licence, the licence shall be deemed to have been renewed for a period [not exceeding the period prescribed for the renewal of prospecting licence under sub-section (2) of section 7 of the Act or the period for which the application is made, whichever is less.

*Extension of period of prospecting licence*

(4) If the licensee/licensees before the determination of this licence or of any renewal thereof applies/apply for the grant of a mining lease over the whole or any part of the said lands, the period of this licence shall be further extended over that part of the said lands, until his application for mining lease is disposed of or deemed to have been refused under sub-rule (1) or sub-rule (3), as the case may be, of rule 24 of the Mineral Concession Rules, 1960, or any other law in force. No fee shall be payable in respect of any period so extended.

*Refund of deposit*

(5) On such date within six calendar months after the determination of this licence or of any renewal thereof, as the State Government shall elect after compliance by the licensee/licensees of rule 16 of Mineral Concession Rules, 1960, the amount then remaining in deposit with the State Government and not required to be applied to any of the purposes in Part III of these presents mentioned, shall be refunded to the licensee/licensees or if the licensee/licensees shall have obtained a mining lease over the said lands or any portion thereof, be retained at the credit of the licensee/licensees on account of the fees, rents and royalties to become payable under such lease. The amount shall in no case carry any interest whatsoever.

**PART-V**  
**General Provisions**

It is lastly agreed as follows:-

*Acquisition of land and compensation thereof*

(1) If after the receipt of an offer of compensation for any damage which is likely to arise from the proposed operation of the licensee/licensees, the occupier of the surface of any part of the said lands shall refuse his consent to the exercise of the rights and powers reserved to

the State Government and granted by this licence, the licensee/licensees shall report the matter to the State Government and shall deposit with it the amount offered as compensation and if the State Government is satisfied that the amount of compensation is reasonable or if it is not so satisfied and the licensee/licensees shall have deposited with it such further amount as the State Government may consider reasonable, the State Government shall order the occupier to allow the licensee/licensees to enter upon the said land and carry out such operations as may be necessary for the purpose of the licence. In assessing the amount of such compensation the State Government shall be guided by the principles of the Land Acquisition Act.

*Delay in fulfilment of the term of licence due to force majeure*

(2) Failure on the part of the licensee/licensees to fulfil any of the terms and conditions of this licence shall not give the State Government any claim against him/them or be deemed a breach of the licence in so far as such failure is considered by the State Government to arise from force majeure. If the fulfilment of the licensee/licensees of any of the terms and conditions of this licence be delayed from force majeure, the period of such delay shall be added to the period fixed by this licence.

The expression force majeure means act of God, war, insurrection, riot, civil commotion, strike, tide tidal wave, storm, flood, lightning, explosion, fire, earthquake and any other happening which the licensee/licensees could not reasonably prevent or control.

*Service of notices*

(3) Every notice required to be given to the licensee/licensees shall be given in writing to such person as the licensee/licensees may appoint for the purpose of receiving such notices or if no such appointment is made then the notice shall be sent to the licensee/licensees by registered post addressed to him/them at the address shown in his/their application for the licence or at such other address in India as he/they designate from time to time and every such service shall be deemed to be proper and valid service upon the licensee/licensees and shall not be questioned or challenged by him.

*Discovery of new minerals*

(4) The licensee shall report to the State Government the discovery of any mineral not specified in the licence within a period of sixty days from the date of such discovery and shall not undertake any prospecting operations in respect of such mineral unless such mineral is included in the licence.

*Immunity of State Government from liability to pay compensation*

(5) If in any event the orders of the State Government are revised, reviewed or cancelled by the Central Government in pursuance of proceedings under Chapter VII of the Mineral Concession Rules, 1960, the licensee/licensees shall not be entitled to compensation for any loss sustained by the licensee/licensees in exercise of the powers and privileges conferred upon him/them by these presents.

(6) The licence deed is executed at the Capital of the State of ..... (Name of the State) and subject to the provision of article 226 of the Constitution of India it is hereby agreed upon by the licensee and the State Government that in the event of any dispute in relation to the area under prospecting licence, condition of the licence deed and in respect of all matters touching the relationship of the licensee and the State Government, suits of petitions shall be filed in civil courts at .....(name of the city) and it is hereby expressly agreed that neither party shall file a suit or appeal or bring any actions at any place other than the courts named above.

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

**SCHEDULE A**  
**The land covered by the licence**

(Here insert the description of lands with area, boundaries, names of District, Sub-Division, Thana, etc. and cadastral survey numbers, if any. In case a map is attached, refer the map in the description to be inserted.)

**SCHEDULE B**  
**Prospecting Fee**

(Here specify the amount of the prospecting fee and the manner and time of payment)

**SCHEDULE C**  
**Royalty**

1. Rates of royalty on minerals shall be in accordance with the Second Schedule of the Act.
2. (a) Here insert the mode of arriving at sale prices at pits mouth of mineral/ minerals.  
  
(b) The manner and time of payment of royalty

<sup>1</sup>[FORM F -1

(RECONNAISSANCE PERMIT DEED)

( See rule 7A )

**When the permit holder is individual**

THIS INDENTURE made this..... day of..... 20 between the Governor of ..... /the President of India ( hereinafter referred to as the `State Government' which expression shall where the context so admits be deemed to include his successors and assigns) of the one part and..... and ..... (name of person with address and occupation) (hereinafter referred to as "the permit holder" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

**When the permit holders are more than one individual**

..... (Name of person with address and occupation) and.....(Name of person with addresses and occupation) (hereinafter referred to as "the permit holders" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns).

**When the permit holder is A registered firm**

..... (Name and address of partner) son of ..... of..... son of.....of..... son of..... of..... all carrying on business in partnership under the firm name and style of (name of the firm) ..... registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at.....in the town of ..... (hereinafter referred to as `the permit holder' which expression shall where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

**When the permit holder 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 permit

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<sup>1</sup> Inserted by G.S.R. No. 56 (E), dated 17.1.2000.

holder" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the other part.

WHEREAS the permit holder/holders has/have applied to the State Government in accordance with the Mineral Concession Rules, 1960 (hereinafter referred to as the said Rules) for a reconnaissance permit to prospect for..... in the land specified in Schedule 'A' hereunder written and delineated in the plan herewith annexed (hereinafter referred to as the said lands) and has/have deposited with the State Government Rs..... as the prescribed security according to rule 7B in respect of such permit and has/have paid to the State Government the sum of Rs..... as the prescribed permit fee for..... months/ years in advance in respect of such permit and WHEREAS there is no objection to the grant of such permit and WHEREAS the Central Government has approved the grant of this permit. NOW THESE PRESENTS WITNESS as follows:

### **PART-I**

In consideration of the fee, covenants and agreements hereinafter reserved and contained and on the part of the permit holder(s) to be paid, observed and performed, the State Government hereby grants the reconnaissance permit and demises into the permit holder(s) the rights.

*(1) To enter upon or fly over the lands and undertake reconnaissance operations :*

To enter upon or fly over the said lands and to undertake reconnaissance operations to search for all, or any..... (Name of minerals) lying, or being within, under or throughout the said land :

Provided that :

the permit holder shall not enter any forest land or any private land without obtaining permission of the forest department or the owner of the private land, as the case may be;

the permit holder shall not fly over the said land unless all necessary clearances from the Defence and Home Ministries, Govt. of India and the Director General, Civil Aviation, Government of India have been obtained for undertaking aerial surveys.

*(2) To use water and clear undergrowth and brush wood etc.:*

Subject to the provisions of clause (1) to make and use any drains or water, grounds on the said land for purposes as may be necessary for effectively carrying on the reconnaissance operations and to the workers employed therein and to use water provided always that such use shall not diminish or interfere with the supply of water to



which any cultivated land, village, building or watering place for livestock has heretofore been accustomed and that no streams, springs or well shall be fouled or polluted nor any trees cut or injured by any such use or the reconnaissance operations hereby permitted.

(3) *To bring upon machinery etc. :*

To bring upon the said lands such machinery, equipment and conveniences as may be proper and necessary for effectively carrying on the reconnaissance operations hereby permitted or for the workmen employed thereon.

Reserved nevertheless to the State Government full power and liberty at all times to enter into and upon the said lands for all or any purposes other than those for which sole rights and permit hereby expressly conferred upon .

To hold the said right and permit unto the permit holder(s) from the date of these presents for the term of ..... (hereinafter referred as the said term).

Paying therefor annually in advance a sum of Rs..... being the permit fee for each year or portion of a year as specified in Schedule B and immediately on the expiration or sooner determination of the said term clear of all fees, rates, taxes, charges and deductions by the permit holder(s) during the said terms.

## **PART-II**

### **Covenants by Permit holder(s)**

The Permit holder(s) hereby covenants/covenant with the State Government as follows:-

*Payment of permit fee:*

- (1) To pay annually in advance a permit fee in respect of ensuing year or part of the year at such rates and time as are specified in Schedule `B' hereunder written.

*To carry on work in workman-like manner:*

- (2) To work and carry on the operations hereby permitted in a fair, orderly, skilful and workman-like manner and with as little damage as may be to the surface of the lands and to trees, crops, buildings structures and other property thereon.

*Maintenance of correct accounts :*

- (3) Permit holder(s) shall maintain an accurate and faithful account of all the expenses incurred by him/them on reconnaissance and also the quantity and other particulars of all samples obtained during such operations and their despatch.

*Not to cut or injure trees or disturb public places without previous permission :*

- (4) Not to cut or injure any timber or tree on any unoccupied or unreserved land without the written permission of the Deputy Commissioner/Collector nor without such permission disturb the surface of any road or enter upon any public pleasure ground, burning or burial ground or any place held sacred by any class of persons or interfere with any right of way, well or tank.
- (5) Not to enter upon any land in the occupation of any person without the consent of the occupier nor to cut or in any way injure any trees, standing crops, buildings, huts, structures or other property of any kind of the occupier of any land or any other person without the written consent of such owner, occupier or person.

*Not to commence work in forest lands without previous permission :*

- (6) Not to enter upon or commence reconnaissance or prospecting in any forest land without obtaining the written sanction of the Forest Officer so authorised in this behalf by the State Government.

*Indemnify Government against all claims :*

- (7) To make reasonable satisfaction and pay such compensation as 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 permit and to 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.

*Abide by other Acts and Rules :*

- (8A) To pay a wage not less than the minimum wage prescribed by the Central or State Government from time to time.
- (8B) To comply with the provisions of the Mines Act, 1952.
- (8C) To take measures, at his own expenses, for the protection of environment as may be prescribed by the Central or State Government from time to time.
- (8D) To pay compensation to the occupier of the surface of the land on the date and in the manner laid down in these rules.

*Forfeiture of security deposits, etc. :*

- (9) Whenever the security deposit of Rs..... or any part thereof of any further sum hereafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the State/Central Government, pursuant to the power hereinafter declared in that behalf the permit holder(s) shall forthwith 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 up to the sum of Rs.....

*Permit holder not to be controlled by trust, syndicate, etc. :*

- (10) The permit holder(s) shall not be controlled or permit himself/themselves to be controlled by any trust, syndicate, corporation, firm or person except with the written consent of the State Government which will be given only after obtaining the prior approval of the Central Government in case where reconnaissance permit executed is in respect of minerals included in the First Schedule to the Act.

*Report of accident :*

- (11) The permit holder(s) shall without delay send to the Deputy Commissioner/Collector a report 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 permit.

*Section 18 of the Act :*

- (12) The permit holder(s) shall be bound by such rules as may be issued by the Central Government under section 18 of the Act and shall not carry on reconnaissance, prospecting or other operations under the said permit in any way other than as prescribed under these rules.

*Plugging of bore holes, fencing, etc. and restoring the surface of land after determination or abandonment :*

- (13) Save in the case of land over which the permit holder(s) shall have been granted a prospecting licence or mining lease, on or before the expiration or sooner determination of the permit, he shall within six months next after the expiration or sooner determination of the permit or the date of abandonment of the undertaking, whichever shall first occur, securely plug any bore or hole and fill up or fence any holes or excavations that may have been made in the lands to such an extent as may be required by the Deputy Commissioner/Collector concerned and shall to a like extent, restore the surface of the land and all buildings thereon, which may have been damaged or destroyed in the course of

reconnaissance or prospecting, provided that permit holder(s) shall not be required to restore the surface of land or any building in respect of which full and proper compensation has already been paid.

*Removal of machinery, etc. after expiration, determination or abandonment :*

- (14) Upon the expiration or sooner determination of this permit or the abandonment of the operations hereby permitted, whichever shall first occur, the permit holder(s) shall remove expeditiously at his/their own cost all plants, engines, machinery implements, utensils and other property and effects theretofore, erected or brought by the permit holder(s) and then standing or being upon the said lands provided that this covenant shall not apply to any part of the said lands which may be comprised in any prospecting licence or mining lease granted to the permit holder(s) during the subsistence of this permit.

*Report of work done before the refund of security deposits :*

- (15) At any time before the said security deposit is returned to him/them or transferred to any other account or within one month after the expiration or sooner determination of the permit or abandonment of the operations whichever is earlier, the permit holder(s) shall submit to the State Government confidentially a full report of the work done by him/them and disclose all information acquired by him/ them in the course of the operations carried on under this permit regarding the geology and mineral resources of the area covered by the permit.

*Report of information obtained by Permit holder :*

- (16)(1) The permit holder(s) shall submit to State Government :

(a) a six monthly report of the work done by him/them stating the number of persons engaged and disclosing in full the geological, geophysical, or other valuable data collected by him during the period.

The report shall be submitted within three months of the close of the period to which it relates

(b) within three months of the expiry of the permit, or abandonment of operations or termination of the permit, whichever is earlier, a full report of the work done by him and all information relevant to mineral resources acquired by him/them in the course of reconnaissance in the area covered by the permit :

- (2) While submitting reports under clause (1), the permit holder(s) may specify that the whole or any part of the report or data submitted by him shall be kept confidential and the State Government shall thereupon keep the specified portions as confidential; for a period of two years from the expiry of the permit or abandonment of operations of termination of the permit, whichever is earlier.

*Employment of foreign nationals :*

(17) the permit holder(s) shall not employ, in connection with the reconnaissance operation any person who is not an Indian National except with the previous approval of the Central Government.

*Furnishing of Geophysical data :*

(18) The permit holder(s) shall furnish:

- (a) all geophysical data relating to prospecting or engineering and ground water surveys, such as anomaly maps, sections, plans, structures, contour maps, logging, collected by him/them during the course of reconnaissance to the Director General, Geological Survey of India, Calcutta;
- (b) all information pertaining to investigations of radio active minerals collected by him/them during the courses of operations to the Secretary to the Department of Atomic Energy, New Delhi.

Data or information referred to above shall be furnished every year reckoned from the date of commencement of the period of the reconnaissance permit.

### **PART III - Powers of the Government**

It is hereby agreed as follows:-

*Cancellation of the permit and forfeiture of the deposit in case of breach of conditions:*

- (1) In the case of any breach of any condition of the permit by the permit holders (s) or his transferees or assignees, the State Government shall give a reasonable opportunity to the permit holder(s) of stating his/their case and where it is satisfied that the breach is such as cannot be remedied, on giving thirty days notice to the permit holder(s) or his transferees or assignees, determine the permit and or forfeit the whole or any part of the said deposit Rs..... deposited under the covenants in that behalf as the State Government may deem fit. In case the State Government considers the breach to be of a remediable nature, it shall give notice to the permit holder(s) or his transferees or assignees as the case may be requiring him/them to remedy the breach within thirty days from the date of receipt of the notice informing him of the penalty proposed to be inflicted if such remedy is not made within such period.

*Application of security to payment of compensation :*

- (2) The State Government may from time to time appropriate and apply the said deposit of Rs..... or any part thereof or any further sum deposited under any covenants in that behalf hereinbefore contained in or towards payment or satisfaction of any claims to compensation which the Government has or may have against the permit holder(s) and/or which may be made by any person or persons against the permit holder(s) and or the State Government in respect of any damage or injury done by the permit holder(s) in exercise of any of the powers conferred by this permit and in or towards payment of any damages, cost or expenses which may become payable as the result of or in connection with any suits or proceedings which may be instituted against the State Government in respect of any such damage or injury and also in or towards payment of the expenses of the carrying out or performance of any works or matters, which the permit holder(s) shall fail to carry out or perform after the expiry or sooner determination of this permit or the abandonment of the operations hereby permitted in accordance with the covenants in that behalf hereinbefore contained or in payment or satisfaction of such claims, damages, costs and expenses.

*When the properties are not removed from the lands in time :*

- (3) If any plants, engines, machinery implements, utensils or other property or effects which ought to be, removed by the permit holder(s) from the said lands, in accordance with the covenant in that behalf hereinbefore contained, be not so removed within one calendar month after notice in writing requiring their removal shall have been given to the permit holder(s) by the State Government, the same shall be deemed to have become the property of the State Government and may be sold or disposed of for the benefit of the State Government in such manner as the State Government shall deem fit, without any liability to pay any compensation or to account to the permit holder(s) in respect thereof.

*Permit holder(s) to pay for work done on his/their behalf :*

- (4) If any of the works or matters, which in accordance with the covenants in that behalf hereinbefore contained, are to be carried out or performed by the permit holder(s), be not so carried out, or performed within time specified in that behalf, the State Government may cause the same to be carried out or performed and the permit holder(s) shall pay the State Government on demand all expenses which shall be incurred in such carrying out or performance of the same.

*Right of pre-emption :*

- (5) In the event of the existence of a state of war or emergency (of which 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 permit holder(s)] to forthwith take possession and control of the works, plants, machinery and premises of the permit holder(s) on or in connection with the

said lands or the operations under this permit and during such possession or control, the permit holder(s) shall conform to 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 fair compensation, which shall be determined in default of agreement by the State Government shall be paid to the permit holder(s) for all loss or damages sustained by him/them by reason or any consequence of the exercises 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.

## **PART - IV**

### **Rights of permit holder(s)**

It is hereby further agreed as follows:-

*Transfer of permit and fee payable :*

<sup>1</sup>(1) [Omitted]

*Preferential right of the permit holder(s) for obtaining prospecting licence or mining lease :*

(2) On or before the determination of the permit, the permit holder(s) shall have a preferential right for obtaining a prospecting licence or mining lease in respect of whole or part of that land over any other person provided that the State Government is satisfied that the permit holder(s) has/have not committed any breach of the terms and conditions of the reconnaissance permit, has undertaken reconnaissance operations to establish mineral resources and is otherwise a fit person for being granted the prospecting licence or mining lease.

*Refund of deposit :*

(3) On such date within six calendar months after the determination of the permit, as the State Government shall elect after compliance by the permit holder of the provisions of Mineral Concession Rules, 1960, the amount then remaining in deposit with the State Government and not required to be applied to any of the purposes in Part III of these presents mentioned, shall be refunded to the permit holder(s) or if the permit holder(s) shall have obtained a prospecting licence or mining lease over the said lands or any portion thereof, be retained at the credit of the permit holder(s) on account of the fees, rents and royalties to become payable under such licence or lease. The amount shall in no case carry any interest whatsoever.

## PART-V

### General Provisions

It is lastly agreed as follows:

*Acquisition of land and compensation :*

- (1) If after the receipt of an offer of compensation for any damage which is likely to arise from the proposed operation of the permit holder(s), the occupier of the surface of any part of the said lands shall refuse his consent to the exercise of the rights and powers reserved to the State Government and granted by this permit, the permit holder(s) shall report the matter to the State Government and shall deposit with it the amount offered as compensation and if the State Government is satisfied that the amount of compensation is reasonable or if it is not so satisfied and the permit holder(s) shall have deposited with it such further amount as the State Government may consider reasonable, the State Government shall order the occupier to allow the permit holder(s) to enter upon the said land and carry out such operations as may be necessary for the purpose of the permit. In assessing the amount of such compensation the State Government shall be guided by the principles of the Land Acquisition Act.

*Delay in fulfilment of the term of permit due to force majeure :*

- (2) Failure on the part of the permit holder(s) to fulfil any of the terms and conditions of this permit shall not give the State Government any claim against him/her or be deemed a breach of the permit insofar as such failure is considered by the State Government to arise from force majeure.

If the fulfilment of the permit holder(s) of any of the terms and conditions of this permit be delayed from force majeure, the period of such delay shall be added to the period fixed by this permit.

The expression force majeure means act of God, war, insurrection, riot, civil commotion, strike, tide, tidal wave, storm, flood, lightning, explosion, fire, earthquake and any other happening which the permit holder(s) could not reasonably prevent or control.

*Service of notices :*

- (3) Every notice required to be given to the permit holder(s) shall be given in writing to such person as the permit holder(s) may appoint for the purpose of receiving such notices or if no such appointment is made then the notice shall be sent to the permit holder(s) by registered post addressed to him/them at the address shown in his/their application for the permit at such other address in India as he/they designate from time to time, and every such service shall be deemed to be proper and valid service upon the permit holder(s) and shall not be questioned or challenged by him.



*Discovery of new minerals :*

- (4) The permit holder(s) shall report to the State Government the discovery of any mineral not specified in the permit within a period of sixty days from the date of such discovery.

*Immunity of State Government from liability to pay compensation :*

- (5) If in any event the orders of the State Government are revised, reviewed or cancelled by the Central Government in pursuance of proceedings under Chapter VII of the Mineral Concession Rules, 1960, the permit holder(s) shall not be entitled to compensation for any loss sustained by the permit holder(s) in exercise of the powers and privileges conferred upon him/them by these presents.
- (6) The permit deed is executed at the ..... of the State of ..... (Name of the State) and subject to the provision of article 226 of the Constitution of India it is hereby agreed upon by the permit holder(s) and the State Government that in the event of any dispute in relation to the area under reconnaissance permit and condition of the permit deed and in respect of all matters touching the relationship of the permit holder(s) and the State Government, suits of petitions shall be filed in civil courts at ..... (name of the city) and it is hereby expressly agreed that neither party shall file a suit or appeal or bring any actions at any place other than the courts named above.

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

## **SCHEDULE A**

### **The land covered by the permit**

(Here insert the description of lands with area, boundaries, names of District, Sub-Division, Thana, etc. and cadastral survey numbers, if any. In case a map is attached, refer the map in the description to be inserted.)

## **SCHEDULE B**

### **[Under rule 7(1)(xi)]**

(Here specify the amount of the permit fee and manner and time of payment.) ]

**FORM G**

**REGISTER OF APPLICATIONS FOR PROSPECTING LICENCES**

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

1. Serial No.
2. Date of application of P.L.
3. Date on which application was received by the Receiving Officer.
4. Name of the applicant with full address.
5. Situation and boundaries of the land applied for.
6. Estimated area of the land.
7. Particulars of the minerals which the applicant desired to prospect.
8. Application fee paid.
9. Remarks.
10. Final disposal of the application together with number and date of the order.
11. Signature of the Officer.

**<sup>1</sup>[ FORM G - 1**

**REGISTER OF APPLICATIONS FOR RECONNAISSANCE PERMITS**

( See rule 7 D (1) )

1. Serial No.
2. Date of application of Reconnaissance Permit.
3. Date on which application was received by the Receiving Officer.
4. Name of the applicant with full address.
5. Situation and boundaries of the land applied for.
6. Estimated area of the land.
7. Particulars of the minerals which the applicant desires to prospect.
8. Application fee paid.
9. Remarks.
10. Final disposal of the application together with number and date of the order.
11. Signature of the Officer. ]

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1. Inserted by G.S.R.No 56 (E), dated 17.1.2000.

**FORM H****REGISTER OF PROSPECTING LICENCES****[See rule 21(2)]**

- 1 Serial-number.
2. Name of the licensee.
3. Residence with complete address of the licensee.
4. Date of application.
5. Date on which application was received by the Receiving Officer.
6. Omitted.
7. Situation and boundaries of the land.
- 7A. The details of the area and the minerals in each State. State for which the applicant holds prospecting licence on the basis of information supplied by the licensee.
8. Total area for which licence granted.
9. (a) Number and date of grant of the licence.  
(b) Date of execution of P.L agreement.
10. The mineral or minerals for which prospecting licence has been granted.
11. Period for which granted.
12. Date and period of renewal.
13. Application fee paid.
14. Prospecting fee and royalty, if payable.
15. Amount of security deposit.
16. Particulars of disposal or refund of security deposit.
17. Date of application for mining lease (if any).
18. Date of assignment or transfer of licence, if any, and the name and address, of the assignee/transferee.
19. Date of expiry or relinquishment or cancellation of licence or grant of mining lease
20. Date from which the area is available for regrant.
21. Remarks.
22. Signature of the Officer.

<sup>1</sup>[**FORM H - 1**

## (REGISTER OF RECONNAISSANCE PERMITS)

[See rule 7 D (2)]

1. Serial number.
2. Name of the permit holder.
3. Residence with complete address of the permit holder.
4. Date of application.
5. Date on which application was received by the Receiving Officer.
6. Situation and boundaries of the land.
7. The details of the area and the minerals in the State for which the applicant holds reconnaissance permit on the basis of information supplied by the permit holder.
8. Total area for which permit granted.
9. (a) Number and date of grant of the permit.  
(b) Date of execution of the reconnaissance permit agreement.
10. The mineral or minerals for which reconnaissance permit has been granted.
11. Period for which granted.
12. Application fee paid.
13. Permit fee paid.
14. Amount of security deposit.
15. Particulars of disposal or refund of security deposit.
16. Date of application for prospecting licence or mining lease (if any).
17. Date(s) of expiry or relinquishment or cancellation of permit or grant of prospecting licence or mining lease.
18. Date(s) of assignment or transfer of reconnaissance permit, if any, and name and address of the assignee or transferee.
19. Date(s) from which the area is available for regrant.
20. Remarks.
21. Signature of the Officer.]

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1. Inserted by G.S.R.No.56 (E), dated 17.1.2000.

**FORM I**

(TO BE SUBMITTED IN TRIPLICATE)

Received.....  
 at.....(Place)  
 on.....(date)  
 Initial of Receiving Officer

Government of.....

Application for Mining Lease  
 (See rule 22(1) of the  
 Mineral Concession Rules,1960)  
 Dated the .....  
 day of ..... 20 .....

To

-----  
 -----

Through:

Sir,

I/We request that a mining lease under the Mineral Concession Rules, 1960 may be granted to me/us.

2. A sum of Rs. 500/- and Rs. 1,000/- being the fees in respect of this application and preliminary expenses respectively payable under sub-rule (3) of rule 22 of the said rule have been deposited (vide receipt Challan No.....dated.....of the State Bank of India/Treasury.....)

3. The required particulars are given below:

- (i) Name of the applicant with complete address.  
Status of the applicant
- (ii) Is the applicant a private individual/co-operative/firm/association/private company/ public company/public sector undertaking/joint sector undertaking or any other.
- (iii) In case the applicant is, -
  - (a) An individual, his nationality, qualifications and experience relating to mining.
  - (b) a company, an attested copy of the certificate of registration of the company shall be enclosed.
  - (c) Omitted.

- (d) Firm or Association, the nationality of all the partners of the firm or members of the association, and
- (e) a co-operative the nationality of non-Indian members, if any alongwith place of registration and a copy of the certificate of registration.
- (iv) Profession or nature of business of applicant.
- (v) Particulars of documents appended:

Document	Reference
(a) Mining dues clearance certificate OR	
(b) Affidavit in lieu of Mining Dues Clearance Certificate; subject to the production of mining lease dues, clearance certificate within the period of ninety days of making application. OR	
(c) Affidavit when not holding any mining lease.	
(d) Affidavit that up-to-date Income Tax Returns as prescribed under the Income Tax Act, 1961 and that the tax due including the tax on account of self-assessment has been paid.	
(vi) Mineral or minerals which the applicant intends to mine.	
(vii) Period for which mining lease is required.	
(viii) Extent of the area for which mining lease is required.	
(ix) Details of the area in respect of which mining lease is required.	
District	Taluqa
Village	Khasra No.
Plot No.	Area
Ownership-Occupancy	

- (x) Brief description of the area with particular reference to the following:
  - (a) Does the applicant have surface rights over the area for which he is making an application for grant of a mining lease.
  - (b) If not, has he obtained the consent of the owner, and the occupier of the land for undertaking mining operation. If so, the consent of the owner and occupier of the land be obtained in writing and be filed.
- (xi)
  - (a) The situation of the area in respect of natural features such as streams or lakes.
  - (b) In the case of village areas, the name of the village, the Khasra number, the area in hectares of each field or part thereof applied for.
  - (c) In case the area applied for is under forest, then the following particulars be given:

- (1) Forest division, Block and Range.
  - (2) Legal status of the forest (namely reserved, protected, unclassified etc.).
  - (3) Whether it forms part of a National Park or Wild-life Sanctuary.
  - (4) Type and extent of vegetation in the area.
  - (5) For areas where no forest maps or cadastral maps are available, a sketch plan should be submitted on scale showing the area applied for together with boundary, if any, of any other existing mining lease or prospecting licence area, if the area applied for has any common point or line with the boundaries of existing prospecting licence or mining lease areas.
- (xii) The area applied for should be marked on plan as detailed below:
- (a) In case a cadastral Map\* of the area is available, the area on this map should be marked showing the name of the village, Khasra number and area in hectares of each field and part thereof.
  - (b) In the case of forest maps the area should be marked on the map showing the range and felling series.
  - (c) In case neither cadastral nor forest maps are available, the area should be marked on a sketch plan drawn to scales showing on this plan all important surface and natural features, the dimensions of the lines forming the boundary of the area and the bearing and distance of all corner points from any important, prominent and fixed point or points. (No.1(3)/68-MII Dt. 30.3.68)
- (xiii) Particulars of the area mineral-wise in each State duly supported by an affidavit for which the applicant or any person joint in interest with him.
- (a) already holds under mining lease;
  - (b) has already applied for but not granted;
  - (c) being applied for simultaneously.
- (xiv) Nature of joint in interest, if any.
- (xv) (a) Does the applicant hold a prospecting licence over the area mentioned at (xi) above? If so, give its number and date of grant and the date when it is due to expire.
- (c) Has the applicant carried out the prospecting operations over the area held under prospecting licence and sent his report to the State Government, as required by rule 16 of the Mineral Concession Rules, 1960? If not, state reasons for not doing so.
- (xvi) Broad parameters of the mineral/ore body/bodies.
- (a) Strike length, average width and dip.
  - (b) Wall rocks on hanging and foot wall sides.
  - (c) Whether area is considerably disturbed geologically or is comparatively free of geological disturbance? (copy of geological map of the area is to be attached.)
  - (d) Reserves assessed with their grade(s)(chemical analysis reports of representative samples are to be attached).



- (e) Whether the area is virgin? If not, the extent to which it has already been worked, In case there are old workings, their locations are to be shown on the geological map of the area.
- (xvii) Broad parameters of the mine.
- (a) Proposed date of commencement of the mining operations.
  - (b) Proposed rate of mineral production during the first 5 years (year-wise).
  - (c) Proposed rate of production when mine is fully developed.
  - (d) Anticipated life of the mine.
  - (e) Proposed method of mining (Underground or opencast)
    - (i) If underground, the method of approach to the deposit mineral/ore whether through inclines or shafts,
    - (ii) If opencast, the over-burden to ore ratio and overall pit stope.
  - (f) Nature of the land chosen for dumping over burden/waste and tailings (that is type of land whether agricultural, grazing land, barren, saline land etc.) and whether proposed site has been shown on the mine working plan. Give also the extent of area in hectares set apart for dumping of waste and tailings.
- (xviii) A report giving the details of prospecting carried out in the area together with assessment of the ore reserves, geological plans, results of chemical analysis of the representative samples, and boreholes and logs.
- (xix) Manner in which the mineral raised is to be utilised.
- (a) (i) If for captive use, the location of plant and industry.
    - (ii) For sale for indigenous consumption.
  - (b) If for exports to foreign countries indicate,
    - (i) Names of the countries to which it is likely to be exported where the mine is being set up on 100% export oriented or tied-up basis.
    - (ii) Whether mineral will be exported in raw form or after processing. Also indicate the stage of processing, whether intermediate stage or final stage of the end-product.
  - (c) If it is to be used within the country, indicate -
    - (i) The industry/industries in which it would be used.
    - (ii) Whether it will be supplied in raw form or after processing (crushing/ grinding/ beneficiation/calcing).
    - (iii) Whether it would need upgradation and if so, whether it is proposed to set up beneficiation plant. Also indicate the capacity of such plant and the time by which it would be set up.
  - (d) In case of coal, or other high bulk minerals/ores details of existing railway transport facility available and additional transport facility, if any, required.

- (xx) Name, qualification and experience of the Technical Personnel available for supervising the mines.
- (xxi) (i) Financial resources of the applicant.  
(ii) Anticipated yearly financial investment during the course of mine construction and aggregate investment upto the stage of commencement of commercial production.
- (xxii) (a) Nature of waste water, (e.g. whether acidic). If so, expected pH value.  
(b) The application form should be accompanied by a statement of the salient features of the scheme of mining. This should be generally on the lines of the "Project at a Glance" given in a mining feasibility report including features relating to the protection of environment.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details including accurate plans and security deposit, as may be required by you.

Yours faithfully,

Place:.....

Date:.....

Signature of the applicant

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\* The topographical map of 1"=1 mile scale is obtainable from the office of the Survey of India, Hathibarkhala, Dehra Dun. Detailed plan and topographical map are to be attached in triplicate with the original application in case mineral applied for is a scheduled mineral.

Note 1 - If the application is signed by an authorised agent of the applicant, then the Power of Attorney should be attached.

Note 2 - The application should relate to one compact area only, except when the application for mining lease is for an area already held under prospecting licence by the applicant.

Note 3- Such large size map, as may be available should be attached for proper demarcation of the area, specially when the area applied for is 40 hectares or less (No.MII-152(58)/61 dt/30.4.1963).

“To be submitted in duplicate”

## FORM J

Received  
at.....(Place)  
on.....(Date)  
Initial of Receiving  
Officer

GOVERNMENT OF  
MODEL FORM  
APPLICATION FOR RENEWAL OF MINING LEASE

(See rule 24A)  
Dated day of 20.....

To  
Through

Sir,

I/We request for renewal of my/our mining lease under the Mineral Concession Rules, 1960. A sum of Rs. 500 being the application fee payable under sub-rule (3)(i)(a) of rule 22 of the said rules has been deposited.

2. The required particulars are given below:-
  - (i) Name of the applicant with complete address.
  - (ii) Is the applicant a private individual/private company/public company/firm or association?
  - (iii) In case applicant is:
    - (a) an individual, his nationality,
    - (b) a company, an attested copy of the certificate of registration shall be enclosed.
    - (c) Omitted.
    - (d) a firm or association, the nationality of all the partners of the firm or members of the association.
  - (iv) Profession or nature of business of applicant.
  - (v) (Omitted)
  - (vi) (Omitted)
  - (via) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed).
  - (vii) an affidavit, that up-to-date Income Tax returns, as prescribed under the Income Tax Act, 1961, have been filed, and the tax due, including the tax on account of self-assessment has been paid.
  - (viii) (a) Particulars of the mining lease of which renewal is desired.  
(b) Details of previous renewal granted, if any.
  - (ix) Period for which renewal of mining lease is required.
  - (x) Whether renewal is applied for the whole or part of the leasehold.

- (xA) (a) Does the applicant continue to have surface rights over the area of the land for which he requires renewal of the mining lease.
- (b) If not, has he obtained the consent of the owner and occupier for undertaking mining operations. If so, the consent of the owner and occupier of the land obtained in writing be filed.
- (xB) Particulars of the areas mineral-wise in each State duly supported by affidavit for which the applicant or any person joint in interest with him.
- (a) already holds under mining lease;
- (b) has already applied for but not granted; or
- (c) being applied for simultaneously.
- (xC) a mining plan which shall include-
- (a) the plan of the area showing the nature and extent of the mineral body, spot or spots where the excavation is to be done in the first year and its extent, a detailed cross-section and detailed plan of spot(s) of excavation based on prospecting data gathered by the applicant, a tentative scheme of mining for the first five years of the lease;
- (b) the details of geology and lithology of the area, the extent of manual mining and through machines;
- (c) annual programme and plan for excavation for five years; and
- (d) the plan of the area showing natural water courses; limit of reserved and other forest areas and density of trees, assessment of impact of mining activity of Forest, Land surface and Environment including air and water pollution, and details of the scheme for afforestation, land reclamation, use of pollution control devices.
- (xD) Is the mineral going to be used in his own industry? if so, give full details; (for "own industry" see Explanation under Rule 24B).
- (xi) In case the renewal applied for is only for part of the lease hold:
- (a) the area applied for renewal,
- (b) description of the area applied for renewal (description should be adequate for the purpose of demarcating the plot),
- (c) particulars of map of the leasehold with area applied for renewal clearly marked on it (attached),
- (d) particulars of existing or created dumps of ore, if any.
- (xii) Means by which the mineral is to be raised, i.e., by hand, labour or mechanical or electric power.
- (xiii) Manner in which the mineral raised is to be utilised:
- (a) for manufacture in India,
- (b) for exports to foreign countries,
- (c) in the former case the industries in connection with which it is required, should be specified. In the latter case, the countries to which the mineral will be exported and whether the mineral is to be exported after processing or in raw form should be stated.
- (xiv) Details of output during the last three years and phased programme for production during the next three years along with a layout plan for development, if any.

- (xv) In case of coal, details of existing railway transport facility available and additional transport facility, if any, required.
- (xvi) Any other particulars which the applicant wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans as required by you before the grant of renewal of the lease.

Yours faithfully,

Signature and designation of the applicant.

Place:

Date:

**N.B.-** If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.

**FORM K**  
**MODEL FORM OF MINING LEASE**  
(See rule 31)

THIS INDENTURE made this..... day of.....20.....between the Governor of..... /the President of India (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 one part and.....

**When the lessee is an individual**

(Name of person with address and occupation) (hereinafter referred to as "the lessee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

**When the lessees are more than one individual**

.....(Name of person with address and occupation) and.....  
(Name of person with address and occupation) (hereinafter referred to as "the lessee" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns).

**When the lessee is a registered firm.**

..... (Name and address of partner), son of.....of .....  
son of.....of..... all carrying on business in partnership. under the firm name and style of..... (name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at..... in the town of (hereinafter referred to as "the licensee" 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 lessee is a registered company**

..... (Name of company) a company registered under.....(Act under which incorporated) and having its registered office at..... (Address) (hereinafter referred to as "the lessee" which expression shall where the context so admits be deemed to include its successors and permitted assigns), of the other part.

WHEREAS THE lessee/lessees has/have applied to the State Government in accordance with the Mineral Concession Rules, 1960 (hereinafter referred to as the said Rules) for a mining lease for..... in respect of the lands described in Part I of the Schedule here under written and has/have deposited with the State Government the sum of Rs.....as security and the sum of Rs..... for meeting the preliminary expenses for a mining lease (and WHEREAS the Central Government has approved the grant of lease)<sup>1</sup>.

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 lessee/lessees to be paid observed and performed, the State Government (with the approval of the Central Government)<sup>1</sup> hereby grants and demises unto lessee/lessees.

All those the mines beds/veins seams of..... (here state the mineral or minerals) (hereinafter and in the Schedule referred to as the said minerals) situated lying and being in or under the lands which are referred to in Part I of the said Schedule, together with the liberties, powers and privileges to be exercised or enjoyed in connection herewith which are mentioned in Part II of the said Schedule subject to the 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 of this demise unto the State Government the liberties, powers and privileges mentioned in Part IV of the said Schedule TO HOLD the premises hereby granted and demised unto the lessee/lessees from the .....day..... 20..... for the term of ..... years thence next ensuing YIELDING AND PAYING therefore unto the State Government the several rents and royalties mentioned in Part V of the said Schedule at the respective times therein specified subject to the provisions contained in Part VI of the said Schedule and the lessee/lessees hereby covenants/ covenant with the State Government as in Part VII of the said Schedule is expressed and the State Government hereby covenants with the lessee/lessees as in Part VIII of the said Schedule as 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.

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1. In case of minerals included in the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957.

## PART I

### THE AREA OF THIS LEASE

#### Location and area of the lease:-

All that tract of lands situated at ..... (Description of area or areas).....in (Pargana) in.....the Registration District of.....Sub-District.....and Thana ..... bearing Cadestral survey Nos.....containing an area of.....or thereabouts 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  
 hereinafter referred to as "the said lands".

## PART II

### **Liberties, powers and privileges to be exercised and enjoyed by the lessee/ lessees subject to the restrictions and conditions in Part III.**

*To enter upon land and search for, win, work, etc.*

1. Liberty and power at all times during the term hereby demised to enter upon the said lands and to search for mine, bore, dig, drill for, win, work, dress, process, convert, carry away and dispose of the said mineral/minerals.

*To sink, drive and make pits, shafts and inclines etc.: -*

2. 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 and pits shafts inclines drifts levels waterways airways and other works (and to use maintain deepen or extent any existing works of the like nature in the said lands).

*To bring and use machinery equipment etc.: -*

3. Liberty and power for or in connection with any of the purposes mentioned in this part to erect, construct, 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 the said lands.



*To make roads and ways etc. and use existing roads and ways: -*

4. Liberty and power for or in connection with any of the purposes mentioned in this part to make any tramways, railways, roads, aircraft landing grounds and other ways in or over the said lands and to use maintain and go, and repass with or without horses, cattle, wagons, aircrafts, locomotives, or other vehicles over the same (or any existing tramways roads and other ways in or over the said lands) on such conditions as may be agreed to.

*To get building and road materials, etc.:-*

5. Liberty and power for or in connection with any of the purposes mentioned in this part to quarry and get stone gravel and other building and road materials and clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks or tiles but to sell any such material bricks or tiles.

*To use water from streams etc:-*

6. Liberty and power for or in connection with any of the purpose mentioned in this part but subject to the right of any existing or future lessees and with the written permission of Deputy Commissioner/Collector to appropriate and use 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 so to deprive any cultivated lands, villages, buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any stream or springs. Provided that the lessee/lessees shall not interfere with the navigation in any navigable stream nor shall divert such stream without the previous written permission of the State Government.

*To use land for stacking, heaping, depositing purposes:-*

7. Liberty and power to enter upon and use a sufficient part of -the surface of the said lands for the purpose of stacking, heaping, storing or depositing therein any produce of the mines or works carried on and any tools, equipment, earth and materials and substances dug or raised under the liberties and powers mentioned in this part.

*Beneficiation and conveying away of production:-*

8. (a) Liberty and power to enter upon and use a sufficient part of the said lands to beneficiate any ore produced from the said lands and to carry away such beneficiated ore.

*To make coke (to be used in case of coal only):-*

(b) Liberty and power upon the said lands to convert into coke any coal or coal dust produced from the said lands and to carry away such coke.

*To clear brushwood and to fell and utilise trees, etc.:-*

9. Liberty and power for or in connection with any of the purposes mentioned in this part and subject to the existing rights of others and save as provided in clause 3 of Part III of this Schedule to clear undergrowth and brushwood and to fell and utilise any trees or timber standing or found on the said lands provided that the State Government may ask the lessee/lessees to pay for any trees or timber felled and utilised, by him/them at the rates specified by the Deputy Commissioner/Collector or the State Government.

### **PART III**

#### **Restrictions and Conditions as to the exercise of the Liberties, Powers and Privileges in Part-II.**

*No building etc. upon certain places:-*

1. No building or thing shall be erected, set up or 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 a manner as to injure or prejudicially effect any buildings works property or rights of other persons and no land will be used for surface operations which is already occupied by persons other than the State Government for works or purposes not included in this lease. The lessee/lessees shall not also interfere with any right of way, well or tank.

*Permission for surface operations in a land not already in use:-*

2. Before using for surface operations any land which has not already been used for such operations, the lessee/lessees shall give to Deputy Commissioner/Collector of the District two calendar months previous notice in writing specifying the name or other description 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 Deputy Commissioner/Collector within two months after the receipt by him of such notice unless the objections so stated shall on reference to the State Government be annulled or waived.

*To cut trees in unreserved lands: -*

3. The lessee/lessees shall not without the express sanction of the Deputy Commissioner/Collector cut down or injure any timber or trees on the said lands but may without such sanction clear away any brushwood or undergrowth which interferes with any operations authorised by these presents. The Deputy Commissioner/Collector or the State Government may require the lessee/lessees to pay for any trees or timber felled and utilised by him/them at the rates specified by the Deputy Commissioner/Collector of the District.

*To enter upon reserved forests:-*

4. Notwithstanding anything in this Schedule contained the lessee/lessees shall not enter upon any reserved forest included in the said lands without previous sanction in writing of the District Forest Officer nor fell, cut and use any timber or trees without obtaining the sanction in writing of that Officer nor otherwise than in accordance with such conditions as the State Government may prescribe.

*No mining operations within 50 metres of public works etc.:-*

5. The lessee/lessees shall not work or carry on or allow to be worked or carried on any mining operations at or to any point within a distance of 50 metres from any railway line except with the previous written permission of the Railway Administration concerned or under or beneath any rope way or any ropeway trestle or station, except under and in accordance with the written permission of the authority owning the ropeway or from any reservoir, canal or other public works such as public roads and buildings or inhabited site except with the previous written permission of the Deputy Commissioner/Collector or any other officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions either general or special which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway, reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof. In the case of village roads no working shall be carried on within a distance of 10 metres of the outer edge of the cutting except with the previous permission of the Deputy Commissioner/Collector or any other officer duly authorised by the State Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission.

**Explanation:-** For the purposes of this clause the expression 'Railway Administration' shall have the same meaning as it is defined to have in the Indian Railways Act. 1890, by clause (6) of section 3 of that Act. 'Public Road' shall mean a road which has been constructed by artificially surfaced as distinct from a track resulting from repeated use. Village road will include any track shown in the Revenue record as village road.

*Facilities for adjoining Government licences and leases:-*

6. The lessee/lessees shall allow existing and future holders of Government licences or leases over any land which is comprised in or adjoins or is reached by the land held by the lessee/lessees reasonable facilities of access thereto:

PROVIDED THAT no substantial hindrance or interference shall be caused by such holders of licences or leases to the operations of the lessee/lessees under these presents and fair compensation (as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government) shall be made to the lessee/lessees for loss or damage sustained by the lessee/lessees by reason of the exercise of this liberty.

## **PART IV**

### **Liberties, Powers and Privileges reserved to the State Government**

#### *To work other minerals:-*

1. Liberty and power for the State Government, or to any lessee 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 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, roadways and other works 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 or with the liberties, powers and privileges of the lessee/lessees under these presents and that fair compensation (as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government) shall be made to the lessee/lessees for all loss or damage sustained by the lessee/lessees by reason or in consequence of the exercise of such liberty and power.

#### *To make railways and roads: -*

2. Liberty and power for the State Government or any lessee or person authorised by it in that behalf to enter into and upon the said lands and to make upon over or through the same any railways, tramways, roadways or pipelines for any purpose other than those mentioned in Part II of these presents and to get from the said lands, stones, gravel, earth and other materials for making, maintaining and repairing such railways, tramways and roads or any existing railways and roads and to and repass at all times with or without horses, cattle or other animals, carts, wagons, carriages, locomotives or other vehicles over or along any such railways, tramways, road lines and other ways for all purposes and as occasion may require, provided that in the exercise of such liberty and power by such other lessee or person no substantial hindrance or interference shall be caused to or with the liberties, powers and privileges of the lessee/lessees under these presents and that fair compensation as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government shall be made to the lessee/lessees for all loss or damage substantial hindrance or interference shall be caused to or with the exercise by such lessee or person of such liberty and power.

## **PART V**

### **Rents and royalties reserved by this lease**

*To pay dead rent or royalty whichever is higher: -*

1. The lessee shall pay, for every year except the first year of the lease, dead rent as specified in clause 2 of this Part:

Provided that, where the holder of such mining lease becomes liable under section 9 of the Act, to pay royalty for any mineral removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee 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.

*Rate and mode of payment of dead rent.-*

2. Subject to the provisions of clause 1 of this Part, during the subsistence of the lease, the lessee/lessees shall pay to the State Government annual dead rent for the lands demised and described in Part I of this Schedule at the rate for the time being specified in the Third Schedule to the Act, in such manner as may be specified in this behalf by the State Government.

*Rate and mode of payment of royalty:-*

3. Subject to the provision of clause 1 of this part, the lessee/lessees shall during the subsistence of this lease pay to the State Government at such times and in such manner as the State Government may prescribe royalty in respect of any mineral/minerals removed by him/them from the leased area at the rate for the time being specified in the Second Schedule to the Mines and Minerals (Development and Regulation) Act, 1957.

*Payment of surface rent, and water rate:-*

4. The lessee/lessees shall pay rent and water rate to the State Government in respect of all parts of the surface of the said lands which shall from time to time be occupied or used by the lessee/lessees under the authority of these presents at the rate of Rs..... and Rs..... respectively per annum per hectare of the area so occupied or used and so in proportion for any area less than a hectare during the period from the commencement of such occupation or used until the area shall cease to be so occupied or used and shall as far as possible restore the surface land so used to its original condition. Surface rent and water rate shall be paid as hereinbefore detailed in clause 2 : PROVIDED THAT NO such rent/water rate shall be payable in respect of the occupation and use of the area comprised in any roads or ways to which the public have full right of access.

## **PART VI**

### **Provisions relating to the rents and royalties**

*Rent and royalties to be free from deduction etc.:-*

1. The rent, water rate and royalties mentioned in Part V of this Schedule shall be paid free from any deductions to the State Government at ..... and such manner as the State Government may prescribe.

PROVIDED ALWAYS and it is hereby agreed that Rs ..... the balance standing to the credit of the lessee/lessees on account of the deposit made by him/them as a licensee/licensees over an area which included the said lands shall be retained and accepted by the State Government in satisfaction of the rents and royalties mentioned in Part V until they reach that amount.

*Mode of computation of royalty:-*

2. For the purposes of computing the said royalties the lessee/lessees shall keep a correct account of them mineral/minerals produced and despatched. The accounts as well as the weight of the mineral/minerals in stock or in the process of export may be checked by an officer authorised by the Central or State Government. Here specify the mode of arriving at sale price/prices at pits mouth of mineral/minerals.

*Course of action if rents and royalties are not paid in time :-*

3. Should any rent, royalty or other sums due to the State Government under the terms and conditions of these presents be not paid by the lessee/lessees within the prescribed time the same, together with simple interest due thereon at the rate of twenty-four per cent per annum may be recovered on a certificate of such officer as may be specified by the State Government by general or special order, in the same manner as an arrear of land revenue.

## **PART VII**

### **The Covenants of the Lessee/Lessees**

*Lessee to pay rents and royalties, taxes, etc.:-*

1. The lessee/lessees shall pay the rent, water rate and royalties reserved by this lease at such times and in the manner provided in PARTS V and VI of these presents and shall also pay and discharge all taxes, 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 Central and State Governments 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.

*To maintain and keep boundary marks in good order:-*

2. The lessee/lessees shall at his/their own expense 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. Such marks and pillars shall be sufficiently clear of the shrubs and other obstructions as to allow easy identification.

*To commence operations within two years and work in a workman-like manner:-*

3. The lessee/lessees shall commence operation within two years from the date of execution of the lease and shall thereafter at all times during the continuance of his lease search for, win, work and develop, the said minerals without voluntary intermission in a skilful and workman-like manner and as prescribed under clause 12 hereinafter without doing or permitting to be done any unnecessary or avoidable damage to the surface of the said lands or the crops buildings structures or other property thereon. For the purposes of this clause operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the mine.

*To indemnify Government against all claims:-*

4. The lessee/lessees shall make and pay such reasonable satisfaction and compensation as may be assessed by lawful authority in accordance with the law force on the subject for all damage, injury or disturbance which may be done by him/them in exercise of the powers granted by this lease 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.

*To secure and keep in good condition pits, shafts, etc.:-*

5. The lessee/lessees shall during the subsistence of this lease well and sufficiently secure and keep open with timber or other durable means all pits, shafts and workings that may be made or used in the said lands and make and maintain sufficient fences to the satisfaction of the State Government round every such pit, shaft or working whether the same is abandoned or not and shall during the same period keep all workings in the said lands except such as may be abandoned accessible free from water and foul air as far as possible.

*To strengthen and support the mine to necessary extent: -*

6. The lessee/lessees shall strengthen and support to the satisfaction of the Railway Administration concerned or the State Government, as the case may be any part of the mine

which in its opinion requires such strengthening or support for the safety of any railway, reservoir, canal, road and any other public works or structures.

*To allow inspection of workings: -*

7. The lessee/lessees shall allow any officer authorised by the Central Government or the State Government in that behalf to enter upon the premises including any building, excavation or land comprised in the lease for the purpose of inspecting, examining, surveying, prospecting and making plans thereof sampling and collecting any data and the lessee/lessees shall with proper person employed by the lessee/lessees and acquainted with the mines and work effectually assist such officer, agents, servants and workmen in conducting every such inspection and shall afford them all facilities, information connected with the working of the mines which they may reasonably require and also shall and will conform to and observe all orders and regulations which the Central and State Governments as the result of such inspection or otherwise may, from time to time, see fit to impose.

*To report accident:-*

8. The lessee/lessees shall without delay send to the Deputy Commissioner/ Collector a report 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.

*To report discovery of other minerals:-*

9. The lessee/lessees shall report to the State Government the discovery in the leased area of any mineral not specified in the lease within sixty days of such discovery along with full particulars of the nature and position of each such find. If any mineral not specified in the lease is discovered in the leased area, the lessee/lessees shall not win and dispose of such mineral unless such mineral is included in the lease or a separate lease is obtained therefor.

*To keep records and accounts regarding production and employees etc.:-*

10. The lessee/lessees shall at all time 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 ores beneficiated or converted (for example coal converted into coke).
- (3) Quantities of the various qualities of the said mineral/minerals sold and exported separately.
- (4) Quantities of the various qualities of the said mineral/minerals otherwise disposed of and the manner and purpose of such disposal.
- (5) The prices and all other particulars of all sales of said mineral/minerals.



- (6) The number of persons employed in the mines or works or upon the said lands specifying nationality, qualifications and pay of the technical personnel.
- (7) Such other facts particulars and circumstances as the Central or the State Governments may from time to time require and shall also furnish free of charge to such officers and at such times as the Central and State Governments may appoint true and correct abstract of all or any such books of accounts and such information and returns to all or any of the matters aforesaid as the State Government may prescribe and shall at all reasonable times allow such officers as the Central Government or State Government shall in that behalf appoint to enter into and have free access to the said officers for the purpose of examining and inspecting the said books of accounts, plans and records and to make copies thereof and make extracts therefrom.

*To maintain plans, etc:-*

11. The lessee/lessees shall at all times during the said term maintain at the mine office correct intelligible up-to-date and complete plans and sections of the mines in the said lands. They shall show all the operations, and workings and all the trenches, pits and drillings made by him/them in the course of operations carried on by him/them under the lease, faults and other disturbances encountered and geological data and all such plans and sections shall be amended and filled up by and from actual surveys to be made for that purpose at the end of twelve months or any period specified from time to time and the lessee/lessees shall furnish free of charge to the Central and State Governments true and correct copies of such plans and sections whenever required. Accurate records of all trenches, pits and drillings shall show: -

- (a) The subsoil and strata through which they pass.
- (b) Any mineral encountered.
- (c) Any other matter of interest and all data required by the Central and State Governments, from time to time.

The lessee/lessees shall allow any officer of the Central or the State Government, authorised in this behalf by the Central Government, to inspect the same at all reasonable times. He/they shall also supply when asked for by the State Government/the Coal Controller the Director General, Geological Survey of India, the Controller General, Indian Bureau of Mines a composite plan of the area showing thickness dip, inclination, etc. of all the seams as also the quantity of reserves quality-wise.

11A. The lessee shall pay a wage not less than the minimum wage prescribed by the Central or State Government from time to time.

11B. The lessee shall comply with provisions of the Mines Act, 1952 and the rules made thereunder.

11C. The lessee shall take measures for the protection of environment like planting of trees, reclamation of land, use of pollution control devices; and such other measures as may be prescribed by the Central or State Government, from time to time, at his own expense.

11D. The lessee shall pay compensation to the occupier of the land on the date and in the manner laid down in these rules.

11E. The lessee shall, in the matter of employment, give preference to the tribals and to the persons who become displaced-because of the taking up of mining operations.

*Act 67 of 1957:-*

12.The lessee/lessees shall be bound by such rules as may be issued from time to time by the Government of India under section 18 of the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957) and shall not carry on mining or other operations under the said lease in any way other than as prescribed under these rules.

*To provide weighing machine:-*

13.Unless specifically exempted by the State Government the lessee/lessees shall provide and at all times keep at or near the pit head or each of the pit heads at which the said minerals shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or cause to be weighed thereon all the said minerals, from time to time, brought to bank, sold, exported and converted and also the converted products and shall at the close of each day cause the total weights, ascertained by such means of the said minerals, ores products raised, sold, exported and converted during the previous twenty- four hours to be entered in the aforesaid books of accounts. The lessee/lessees shall permit the State Government at all times during the said term to employ any person or persons to be present at the weighing of the said minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the lessee/lessees. The lessee/lessees shall give..... days previous notice in writing to the Deputy Commissioner/Collector of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

*To allow test of weighing machine:-*

14. The lessee/lessees shall allow any person or persons appointed in that behalf by the State Government at any time or times during the said term to examine and test every weighing machine to be provided and kept as aforesaid and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order and if upon any such examination or testing any such weighing machine or weights shall be found incorrect or out of repair or order the State Government may require that the same be adjusted, repaired and put in order by and at the expense of the lessee/lessees and if such requisition be not complied with within fourteen days after the same shall have been made, the State Government may cause such weighing machine or weights to be adjusted, repaired, and put in order and the expense of so doing shall be paid by the lessee/lessees to the State Government on demand and if upon any such examination or testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the State Government such error shall be regarded as having existed for three calendar months, previous to the discovery thereof or from the last occasion of so examining and testing the same weighing machine and weights in case such occasion be

within such period of three months and the said rent and royalty shall be paid and accounted for accordingly.

*To pay compensation for injury of third parties:-*

15. The lessee/lessees shall make and pay reasonable satisfaction and compensation for all damage, injury or disturbance or person or property which may be done by or on the part of lessee/lessees in exercise of the liberties and power granted by these presents and shall at all times save harmless and keep indemnified the State Government from and against all suits, claims and demands which may be brought or made by any person or persons in respect of any such damage, injury or disturbance.

*Not to obstruct working of other minerals:-*

16. The lessee/lessees will exercise the liberties and powers hereby granted in such a manner as to offer no unnecessary or reasonably avoidable obstruction or interruption to the development and working within the said lands of any minerals not included in this lease and shall at all times afford to the Central and State Government and to the holders of prospecting licences or mining leases 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 carrying away the same provided that the lessee/lessees shall receive reasonable compensation for any damage or injury which he/they may sustain by reason or in consequence of the use of such passage by such lessees or holders of prospecting licences.

*Transfer of lease:-*

17.(1) The lessee/lessees shall not, without the previous consent in writing of the State Government, Omitted

- (a) assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right, title or interest therein, or
- (b) enter into or make any arrangement, contract or understanding whereby the lessee/lessees will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by, any person or body of persons other than the lessee/lessees:

Provided that the State Government shall not give its written consent unless-

- (a) the lessee has furnished an affidavit along with his application for transfer of the mining lease specifying therein the amount that he has already taken or proposes to take as consideration from the transferee;
- (b) the transfer of the mining lease is to be made to a person or body directly undertaking mining operations.

(2) Without prejudice to the above provisions the lessee/lessees may, subject to the conditions specified in the proviso to Rule 35 of said Rules, transfer this lease or any right, title or interest therein, to a person who has filed an affidavit stating that he has filed up-to-date income tax returns, paid income tax assessed on him and paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961 (43 of 1961), on payment of five hundred rupees to the State Government:

Provided that the lessee/lessees shall make available to the transferee the original or certified copies of all plans of abandoned workings in the area and in a belt 65 metres wide surrounding it.

Provided further that where the mortgagee is an Institution or a Bank or a Corporation specified in Schedule V, it shall not be necessary for any such Institution or Bank or Corporation to meet with the requirement relating to income tax and the said valid clearance certificate.

(3) The State Government, may by order in writing, determine the lease at any time if the lessee/lessees has/have in the opinion of the State Government, committed a breach of any of the above provisions or has/have transferred the lease or any right, title or interest therein otherwise than in accordance with clause (2) :

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

*Not to be financed or controlled by a Trust, Corporation, Firm or person:-*

18. The lease shall not be controlled and the lessee/lessees shall not allow themselves to be controlled by any Trust, Syndicate, Corporation, Firm or person except with the written consent of the Central Government. The lessee/lessees shall not enter into or make any arrangement compact or understanding whereby the lessee/lessees will or may be directly or indirectly financed by or under which the lessee's/lessees' operations or undertakings will or may be carried on directly or indirectly by or for the benefit of or subject to the control of any Trust, Syndicate, Corporation, Firm or person unless with the written sanction given prior to such arrangement compact or understanding being entered into or made of the Central Government and any or every such arrangement compact or understanding as aforesaid (entered into or made with such sanction as aforesaid) shall only be entered into or made and shall always be subject to an express condition binding upon the other party or parties thereto that on the occasion of a state of emergency of which the President of India in his discretion shall be the sole judge it shall be terminable if so required in writing by the State Government and shall in the event of any such requisition being made be forthwith thereafter determined by the lessee/lessees accordingly.

*Lessee shall deposit any additional amount necessary:-*

19. Whenever the security deposit of Rs.2,000 / 1,000 or any part thereof or any further sum hereafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the Central or State Government pursuant to the power in hereinafter declared in that behalf the lessee/lessees 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 up to the sum of Rs. 1,000 / 500.

*Delivery of workings in good order to State Governments after determination of lease:*

20. The lessee/lessees shall at the expiration or sooner determination of the said term or any renewal thereof deliver up to the State Government all mines, pits, shafts, inclines, drifts, levels, water ways, airways and other works now existing or hereafter to be sunk or made on or under the said lands except such as have been abandoned with the sanction of the State Government and in any ordinary and fair course of working all engines, machinery, plant, buildings, structures, other works and conveniences which at the commencement of the said term were upon or under the said lands and all such machinery set up by the lessee/lessees below ground which cannot be removed without causing injury to the mines or works under the said lands (except such of the same as may with the sanction of the State Government have become disused) and all buildings and structures of bricks or stone erected by the lessee/lessees above ground level in good repair order and condition and fit in all respects for further working of the said mines and the said minerals.

*Right of pre-emption:-*

21 .(a) The State 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/lessees) of pre-emption of the said minerals (and all products thereof) lying in or upon the said lands hereby demised or elsewhere under the control of the lessee/lessees and the lessee/lessees shall with all possible expedition deliver all minerals or products or minerals purchased by the State Government under the power conferred by this provision in the quantities at the times in manner and at the place specified in the notice exercising the said right.

(b) Should the right of pre-emption conferred by this present provision be exercised and a vessel chartered to carry the minerals or products thereof procured on behalf of the State Government or the Central Government be detained on demurrage at the port of loading the lessee/lessees shall pay the amount due for demurrage according to the terms of the charter party of such vessel unless the State Government shall be satisfied that the delay, is due to causes beyond the control of the lessee/lessees.

(c) The price to be paid for all minerals or products of minerals taken in pre-emption by the State Government in exercise of the right hereby conferred shall be the fair market price prevailing at the time of pre-emption PROVIDED THAT in order to assist in arriving at the said fair market price the lessee/lessees shall if so required furnish to the State Government for the confidential information of the Government, particularly of the quantities, descriptions and

prices of the said minerals or products thereof sold to other customers and of charters entered into for freight, for carriage of the same and shall produce to such officer or officers as may be directed by the State Government original or authenticated copies of contracts and charter parties entered into for the sale or freightage of such minerals or products.

(d) In the event of the existence of a state of war or emergency (of which existence and 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 all times during the said term have the right (to be exercised by a notice in writing to the lessee/lessees forthwith take possession and control of the works plant machinery and premises of the lessee/lessees on or in connection with the said lands or operations under this lease and during such possession or control the lessee/lessees shall conform to and obey all directions given by or on behalf of the Central Government or State Government regarding the use or employment of such works, plants, premises and minerals: PROVIDED THAT fair compensation which shall be determined in default of agreement by the State Government shall be paid to the lessee/lessees for 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.

*Employment of foreign national:-*

22. The lessee/lessees shall not employ, in connection with the mining operations any person who is not an Indian national except with the previous approval of the Central Government.

*Recovery of expenses incurred by the State Government:-*

23. If any of the works or matters which in accordance with the covenants in that behalf hereinbefore contained are to be carried or performed by the lessee/lessees be not so carried out or performed within the time specified in that behalf, the State Government may cause the same to be carried out or performed and the lessee/lessees shall pay the State Government on demand all expenses which shall be incurred in such carrying out or performance of the same and the decision of the State Government as to such expenses shall be final.

*Furnishing of geophysical data:-*

24. The lessee/lessees shall furnish:

- (a) all geophysical data relating to mining fields, or engineering and ground Water surveys, such as anomaly maps, sections, plans, structures, contour maps, logging, collected by him/them during the course of mining operations to the Director-General, Geological Survey of India, Calcutta.

- (b) all information pertaining to investigations of radioactive minerals collected by him/them during course of mining operations to the Secretary, Department of Atomic Energy, New Delhi.

Data or information referred to above shall be furnished every year reckoned from the date of commencement of the period of the mining lease.

## **PART VIII**

### **The Covenants of the State Government**

*Lessee/lessees may hold and enjoy rights quietly :-*

1. The lessee/lessees paying the rents, water rate and royalties hereby reserved and observing and performing all the covenants and agreements herein contained and on the part of the lessee/lessees 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.

*Acquisition of land of third parties and compensation thereof :-*

2. If in accordance with the provision of clause 4 of Part VII of this Schedule the lessee/lessees shall offer to pay to an occupier of the surface of any part of the said lands compensation for any damage or injury which may arise from the proposed operations of the lessee/lessees and the said occupier shall refuse his consent to the exercise of the right and powers reserved to the State Government and demised to the lessee/lessees by these presents and the lessee/lessees shall report the matter to the State Government and shall deposit with it the amount offered as compensation and if the Central/State Government is satisfied that the amount of compensation offered is fair and reasonable or if it is not so satisfied and the lessee/lessees shall have deposited with it such further amount as the State and Central Government shall consider fair and reasonable the State Government shall order the occupier to allow the lessee/lessees to enter the land and to carry out such operations as may be necessary for the purpose of this lease. In assessing the amount of such compensation the State Government shall be guided by the principles of the Land Acquisition Act.

*To renew:-*

3. The mining lease is renewable in terms of the provisions of the Act and the rules made thereunder.

Provided that the State Government may for reasons to be recorded in writing reduce the area applied for.

If the lease is in respect of minerals specified in the First Schedule to the Act, renewal will be subject to the prior approval of the Central Government.

If the lessee/lessees be desirous of taking a renewed lease of the premises hereby demised or of any parts of them for a further term from the expiration of the term hereby granted and is otherwise eligible, they shall prior to expiration of the last mentioned term give to the State Government twelve calendar months previous notice in writing and shall pay the rent, rates and royalties hereby reserved and shall observe and perform the several covenants and agreements herein contained and on the part of the lessee/lessees to be observed and performed up to the expiration of the term hereby granted. The State Government on receipt of application for renewal, shall consider it in accordance with the provisions of the Act and the rules made thereunder and shall pass orders as it deems fit. If renewal is granted, the State Government will at the expense of the lessee/lessees and upon his executing and delivering to the State Government if required a counterpart thereof execute and deliver to the lessee/lessees a renewed lease of the said premises or part thereof for the further term of ..... years at such rents, rates and royalties and on such terms and subject to such rents, rates and royalties and on such terms and subject to such covenants and agreements, including this present covenant to renew as shall be in accordance with the Mineral Concession Rules, 1960, applicable to.....(name of minerals) on the day next following the expiration of the term hereby granted.

*Liberty to determine the lease:-*

4. The lessee/lessees may at any time determine this lease by giving not less than 12 calendar months notice in writing to the State Government or to such officer, or authority as the State Government may specify in this behalf and upon the expiration of such notice provided that the lessee/lessees shall upon such expiration render and pay all rents, water rates, royalties, compensation for damages and other moneys which may then be due and payable under these presents to the lessor or any other person or persons and shall deliver these presents to the State Government then this lease and the said term and the liberties, powers and privileges hereby granted shall absolutely cease and determine but without prejudice to any right or remedy of the lessor in respect of any breach of any of the covenants or agreements contained in these presents.

4A. The State Government may on an application made by the lessee permit him to surrender one or more minerals from his lease which is for a group of minerals on the ground that deposits of that mineral have since exhausted or depleted to such an extent that it is no longer possible to work the mineral economically, subject to the condition that the lessee-

- (a) Makes an application for such surrender of mineral at least six months before the intended date of surrender; and
- (b) Gives an undertaking that he will not cause any hindrance in the working of the mineral surrendered by any other person who is subsequently granted a mining lease for that mineral.

*Refund of security deposits:-*

5. On such date as the State Government may elect within 12 calendar months after the determination of 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 purposes mentioned in this lease shall be refunded to the lessee/lessees. No interest shall run on the security deposit.

## **PART IX**

### **General Provisions**

#### *Obstructions to inspection :-*

1. In case the lessee/lessees or his/their transferee/assignee does/do not allow entry or inspection by the officers authorised by the Central or State Government under clauses (i), (j) or (1) of sub-rule (1) of rule 27 of said Rules, the State Government shall give notice in writing to the lessee/lessees requiring him/them to show cause within such time as may be specified in the notice why the lease should not be determined and his/their security deposit forfeited; and if the lessee/lessees fails/fail to show cause within the aforesaid time to the satisfaction of the State Government, the State Government may determine the lease and forfeit the whole or part of the security deposit.

#### *Penalty in case of default in payment of royalty and breach of covenants:-*

2. If the lessee/lessees or his / their transferee or assignee makes/make any default in payment of rent or water rate or royalty as required by section 9 of the Act or commits a breach of any of the conditions and covenants other than those referred to in covenant 1 above, the State Government shall give notice to the lessee/lessees requiring him/them to pay the rent, water rate, royalty or remedy the breach, as the case may be, within sixty days from the date of receipt of the notice and if the rent, water rate and royalty are not paid or the breach is not remedied within such period, the State Government without prejudice to any proceedings that may be taken against him/them, determine the lease and forfeit the whole or part of the security deposit.

#### *Penalty for repeated breaches of covenants:-*

3. In cases of repeated breaches of covenants and agreements by the lessee/ lessees for which notice has been given by the State Government in accordance with clauses (1) and (2) aforementioned on earlier occasion, the State Government without giving any further notice, may impose such penalty not exceeding twice the amount of annual dead rent specified in clause 2, Part V.

#### *Failure to fulfil the terms of leases due to "Force Majeure":-*

4. Failure on the part of the lessee/lessees to fulfil any of the terms and conditions of this lease shall not give the Central or State Government any claim against the lessee/lessees or be deemed a breach of this lease, in so far as such failure is considered by the said Government to arise from force majeure, and if through force majeure the fulfilment by the lessee/lessees of any of the terms and conditions of this lease be delayed, the period of such delay shall be added

to the period fixed by this lease. In this clause the expression "Force Majeure" means act of God, war, insurrection, riot, civil commotion, strike, earth quake, tide, storm, tidal wave, flood, lightning, explosion, fire, earthquake and any other happening which the lessee/lessees could not reasonably prevent or control.

*Lessee/lessees to remove his/their properties on the expiry of lease:-*

5. The lessee/lessees having first paid discharged rents, rates and royalties payable by virtue of these presents may at the expiration or sooner determination of the said term or within six calendar months thereafter (unless the lease shall be determined under clauses 1 and 2 of this Part and in that case at any time not less than three calendar months nor more than six calendar months after such determination) take down and remove for his/their own benefit all or any <sup>1</sup>[ore mineral excavated during the currency of lease] engines, machinery, plant, buildings structures, tramways, railways and other works, erections and conveniences which may have been erected, set up or placed by the lessee/lessees in or upon the said lands and which the lessee/lessees is/are not bound to deliver to the State Government under clause 20 of Part VII of this Schedule and which the State Government shall not desire to purchase.

*Forfeiture of property left more than six months after determination of lease: -*

6. If at the end of six calendar months after the expiration or sooner determination of the said term under the provision contained in clause 4 of Part VIII of this Schedule become effective there shall remain in or upon the said land any <sup>2</sup>[ore or mineral] engines, machinery, plant, buildings structures, tramways, railways and other work, erections and conveniences or other property which are not required by the lessee/lessees in connection with operations in any other lands hold by him/them under prospecting licence or mining lease the same shall if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal has been given to lessee/lessees 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 Government shall deem fit without liability to pay any compensation or to account to the lessee/lessees in respect thereof.

*Notices : -*

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

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1. Inserted by G.S.R.No.56 (E), dated 17.1.2000.

2. Ibid.

*Immunity of State Government from liability to pay compensation:-*

8. If in any event the orders of the State Government are revised, reviewed or cancelled by the Central Government in pursuance of proceedings under Chapter VII of the Mineral Concession Rules, 1960, the lessee/lessees shall not be entitled to compensation for any loss sustained by the lessee/lessees in exercise of the powers and privileges conferred upon him/them by these presents.

8A. The lease is executed at ..... the capital town of the State of ..... (name of the State) and subject to the provision of Article 226 of the Constitution of India, it is hereby agreed upon by the lessee and the lessor that in the event of any dispute in relation to the area and lease, condition of lease, the dues realisable under the lease and in respect of all matters touching the relationship of the lessee and the lessor, the suits (or appeals) shall be filed in the civil courts at ..... (name of the city) and it is hereby expressly agreed that neither party shall be competent to file a suit or bring any action or file any petition at any place other than the courts named above.

9. For the purpose of stamp duty the anticipated royalty from the demised land is Rs..... per year.

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

Signed by

for and on behalf of the Governor/President of India in the presence of

**FORM L**

**REGISTER OF APPLICATIONS FOR MINING LEASES**

(See rule 40(1)]

1. Serial No.
2. Date of application for mining lease.
3. Date on which application was received by the Receiving Officer.
4. Name of the applicant with full address.
5. Situation and boundaries of the land applied for.
6. Estimated area of the land.
7. Particulars of minerals which the applicant desires to mine.
8. Particulars of the prospecting licence if the area applied for is covered by it.
9. Application fee paid and preliminary expenses deposited.
10. Final disposal of the application together with number and date of the order.
11. Remarks.
12. Signature of the officer.

**FORM M****REGISTER OF MINING LEASES****[See rule 40(2)]**

1. Serial No.
2. Name of the lessee.
3. Residence with complete address of lessee.
4. Date of application.
5. Date on which application was received by Receiving Officer.
6. (a) Number and date of grant of lease.  
(b) Date of execution of mining lease.
7. (Omitted)
8. Situation and boundaries of the land.
9. Total area for which lease has been granted.
10. Mineral or minerals for which lease originally granted.
11. Mineral or minerals added to the mining lease with date.
12. Period for which granted.
13. Date and period of renewal.
14. Date of change together with details of change that take place in name, nationality or other particulars of the holder of mining lease.
15. Date of assignment or transfer of the lease, if any, and the name and address of the assignee/transferee.
16. Date of expiry or relinquishment or cancellation.
17. Date from which the area is available for regrant.
18. Remarks.
19. Signature of the officer.

**FORM-N****"To be submitted in triplicate"****MODEL FORM OF APPLICATION FOR REVISION****(See rule 54)**

1. Name and address of individual/s firm or company applying.
2. Profession of individual/s or firm or company.
3. (a) Number and date of order and authority passing the order against which revision application is filed;  
(b) Date of communication of the order to the applicant.
4. (a) Omitted.  
(b) If the application is in respect of an order made on an application for mineral concession, specify -
  - (i) whether for grant or renewal;
  - (ii) whether for prospecting licence or for mining lease;
  - (iii) date of such application;
  - (iv) if for renewal, the number and date of letter of the State Government conveying the grant and the date upto which licence/lease was granted;
  - (v) in the case of second or subsequent renewal, the number and date of letter of earlier grant (s) and date (s) upto which grant (s) have been made.
5. Mineral or minerals for which the revision application is filed.
6. Details of the area in respect of which the revision application is filed.

District	Taluk	village	Khasra No.
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Total area claimed.

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(A map or plan of the area (s) to be attached.)

7. Whether application fee of Rs. 500/- has been deposited in the manner prescribed in sub-rule (1) of rule 54 of the Mineral Concession Rules, 1960. If so, treasury receipt or bank draft in original should be attached.

8. Whether the revision application has been filed within three months of the date of communication of the order passed by the State Government.
9. If not the reasons for not presenting it within the prescribed limit as provided for in proviso to sub-rule (1) of rule 54 of Mineral Concession Rules, 1960.
10. Name and complete address of the party/parties impleaded sub- rule (2) of rule 54
11. <sup>1</sup>Number of copies of petition attached sub-rule (3) of rule 54.
12. Grounds of revision.
13. If the revision application has been filed by the holder of Power of Attorney, the Power of Attorney to be attached.

Yours faithfully,

Place  
Date

Signature and designation of the applicant

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1. Revision petition is to be submitted in triplicate if no party is impleaded. Besides these, for each party impleaded one additional copy is to be enclosed.

**FORM- O****Model form for transfer of mining lease****(See rule 37 A)**

**When the transferor is an individual**.....The indenture made this.....day of..... 20...between..... (Name of the person with address and occupation) (hereafter 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 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 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.

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 his heirs, executors, administrators, representatives and permitted assigns.).

**When the transferees 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 "transferee" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and 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).

**When 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 virtues of an indenture of lease dated the ..... and registered as No. ....on ..... (date) in the office of the Sub-registrar of ..... (place) (hereinafter referred to as lessee) the original whereof is attached hereto and marked 'A' entered into between the State Government (therein called the lessor) and the transferor (therein called the lessee), the transferor is entitled to search for, win and work mines and minerals 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 rents and royalties and observance and performance of the lessee's covenant and conditions in the said deed of lease reserved and contained including a covenant not to assign the lease or any interest thereunder without the previous sanction of the State Government.

And whereas the transferor is now desirous of transferring and assigning the lease to the transferee and the State Government has, at the request of the transferor, granted (with the prior approval of the Central Government) permission to the transferor vide order No.....dated ..... to such a transfer and assignment of the lease upon the condition of the transferees entering into an agreement is and containing the terms and conditions hereinafter setforth.

Now this Deed Witnesseth follows:

- 1.-Omitted.
2. 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 in the same manner in all respects as if the lease had been granted to the transferee as the

lessee thereunder and he had originally executed it as such.

3. 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 that the mineral rights over the area for which the mining lease is being transferred vest in the State Government.
- (ii) The transferor hereby declares that he has not assigned, sublet, mortgaged or in any other manner transferred the mining lease now being transferred and that no other person or persons has any right, title or interest where under in the present mining lease 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 Transferor's operation or understandings 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 mining licence.
- (v) The transferee further declares that he is financially capable of and will directly undertake mining operations.
- (vi) The transferee further declares that he has filed an affidavit stating that he has filed 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 in the Income Tax Act, 1961, (43 of 1961).
- (vii) The transferor has supplied to the transferee the original or certified Copies of all plans of abandoned workings in the area and in a belt 65 Metres wide surrounding it.
- (viii) The transferee hereby further declares that as a consequence of this Transfer, the total area while held by him under mineral concessions are not in contravention of Section 6 of the Mines and Minerals (Development and Regulation) Act, 1957 or rule 35 of the Mineral Concession Rules, 1960.
- (ix) The transferor has paid all the rent, royalties, and other dues towards Government till the date, in respect of this lease.

In witness whereof the parties hereto have signed on the date and year first above written.

**SCHEDULE**

**Location and area of the lease**

All that tract of lands situated at .....  
(Description of area or areas) ..... in (Pargana) in  
.....the Registration Distt..... Sub  
District.....and Thana.....bearing Cadestral Survey  
Nos..... containing an area of .....or thereabout  
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 Govt. in the presence of

- 1.
- 2.

Signature of transferor in the presence of witnesses

- 1.
- 2.

Signature of transferee in the presence of

- 1.
- 2.

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<sup>1</sup>[ FORM-P**Model form for transfer of prospecting licence**

(See rule 15A)

**When the transferor is an individual**.....This indenture made this.....day of..... 20...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 persons with address and occupation) and .....(Name of persons 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 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 shall 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 the 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.

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 his heirs, executors, administrators, representatives and permitted assigns).

**When the transferees 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 "transferee" which expression shall where the context so admits be deemed to include their respective heirs, executors,

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1. Inserted by G.S.R. No. 31 (E), dated 22.1.2001.

administrators, representatives and 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).

**When 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 licence dated the ..... and registered as No. ....on ..... (date) in the office of the Sub-registrar of .....(place) (hereinafter referred to as licensor) the original whereof is attached hereto and marked `A' entered into between the State Government (therein called the licensor) and the transferor (therein called the licensee), the transferor is entitled to search for, the minerals in respect of.....(Name of mineral(s) in the lands described in the Schedule thereto and also in Schedule annexed hereto for the term and subject to the payment of prospecting and other fees and royalties and observance and performance of the licensee's covenant and conditions in the said deed of licence reserved and contained including a covenant not to assign the licence or any interest thereunder without the previous sanction of the State Government.

And whereas the transferor is now desirous of transferring and assigning the licence to the transferee and the State Government has, at the request of the transferor, granted permission to the transferor vide order No.....dated ..... to such a transfer and assignment of the licence upon the condition of the transferee entering into an agreement in and containing the terms and conditions hereinafter setforth.

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 licence, 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 licence in the same manner in all respects as if the licence had been granted to the transferee as the 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 that the mineral rights over the area for which the prospecting licence is being transferred vest in the State Government;

(ii) the transferor hereby declares that he has not assigned, sublet, mortgaged or in any other manner transferred the prospecting licence now being transferred and that no other person or persons has any right, title or interest where under in the present prospecting licence being transferred;

(iii) the transferor further declares that he has not entered into or made any agreement, contract or understanding whereby he had been or is being directly or indirectly financed to a substantial extent by or under which the transferor's operation or understandings were or are being substantially controlled by any person or body or persons other than the transferor;

(iv) the transferee hereby declares that he has accepted all the conditions and liabilities which the transferor was having in respect of such prospecting licence;

(v) the transferee further declares that he is financially capable of and will directly undertake prospecting operations;

(vi) the transferee further declares that he has filed an affidavit stating that he has filed 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 in the Income Tax Act, 1961, (43 of 1961);

(vii) the transferor has supplied to the transferee the original/or certified copies of all plans of exploration and abandoned pits in the area and in a belt of 65 meters wide surrounding it;

(viii) the transferee hereby further declares that as a consequence of this transfer, the total areas held by him under mineral concessions are not in contravention of section 6 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957);

(ix) the transferor has paid all the prospecting and other fees, royalties, and other dues towards Government till the date, in respect of this licence.

In witness whereof the parties hereto have signed on the date and year first above written.

**SCHEDULE**

**Location and area of the licence:**

All that tract of lands situated at ..... (Description of areas) ..... in (Pargana) in ..... the District..... Sub-District.....and Thana.....bearing Cadestral Survey Nos..... containing an area of .....or thereabout 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. ]

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**[SCHEDULE II****[See rule 9(2)(a)]****Application fee for prospecting licences**

(1) For first square kilometre or part thereof two hundred and fifty rupees.

(2) For each additional square kilometre fifty rupees. ]

**SCHEDULE III****[See rule 14(1) (ii) (a) & (b)]**

Maximum quantities of ores and minerals removable

Class	Mineral/ore	Quantities that can be carried away without any payment	Maximum quantity that can be carried away by payment of royalty
1	2	3	4
Class-I	Asbestos, graphite, mica, native sulphur, auriferous rock with visible uranium mineral and uranium bearing minerals, minerals of rare earths group, beryl, tantalite, columbite-concentrates of ores of antimony, arsenic, bismuth, chromium, copper, lead, nickel, tin, titanium, tungsten, zinc.	250 kg	10 tonnes
Class-II	Auriferous rock and gravel containing no visible gold, metalliferous ores meant for extracting cadmium, cobalt, mercury, molybdenum, silver, helium, vanadium, barytes, bitumen, borax, corundum, emery, grossularite, felspar, fluorspar and calcite.	5 tonnes	200 tonnes
Class-III	Uraniferous rock without visible uranium minerals, metalliferous ores meant for extracting antimony, arsenic, bismuth, chromium, copper, lead, nickel, tin, titanium, tungsten, zinc and compound ores containing metals of cadmium, cobalt, mercury, molybdenum, silver, helium and vanadium, gypsum, limestone, iron pyrites, shales, red & yellow ochre, bauxite, metalliferous ores meant for extracting aluminium, iron and manganese.	10 tonnes	200 tonnes
Class-IV	Limestone, sillimanite, kyanite, magnesite, serpentine, steatite, vermiculite, fireclay, kaolin and other refractory materials, coal and lignite.	50 tonnes	200 tonnes
Class-V	All other minerals not specified above.	10 tonnes	200 tonnes

1 Substituted by G.S.R. 21 (E), dated 11.1.2002.



**SCHEDULE IV**

Omitted by G.S.R. 1010, dated 15.9.1973

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**SCHEDULE V****Institutions/Banks/Corporations  
(See rule 37)**

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 Companies (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.
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 Ltd., Kolkata.
12. State Industrial Corporation of Maharashtra.
13. General Insurance Corporation of India and its four subsidiaries, viz. (1) Oriental Insurance Co., New Delhi, (2) New India Assurance Co., Mumbai, (3) National Insurance Co., Kolkata and (4) United Insurance Co., Chennai.
14. The Export and Import Bank of India.
15. The National Bank of Agriculture and Rural Development.



सत्यमेव जयते



आज़ादी का  
अमृत महोत्सव

भारत सरकार  
Government of India  
श्रम एवं रोजगार मंत्रालय  
Ministry of Labour & Employment  
खान सुरक्षा महानिदेशालय  
Directorate General of Mines Safety



No. DGMS/Circular(Tech)/02

Dhanbad, Dated 29<sup>th</sup> April, 2022

To

**The Owners, Agents and Managers  
of all Coal and Metalliferous Mines**

**Sub: Recommendations of the Rajmahal Court of Inquiry constituted to inquire into the causes and circumstances leading to the accident at Rajmahal Opencast Mine of M/s Eastern Coalfields Limited on 29.12.2016: Reg.**

The court of Inquiry was constituted under the Section 24 of the Mines Act, 1952, to inquire into the causes and circumstances attending to the accident that occurred at Rajmahal Opencast Mine of M/s Eastern Coalfields Limited on 29.12.2016, due to the failure of batter resulting into instant sliding of dump, about 600m X 100m in size and 4.31 lakh cu.m. in volume (as per HPC Report), burying 23 workers employed thereat.

The court of Inquiry made the following recommendations to avoid similar accidents in future:

**(i) Preparation and approval of the Project Report:** While preparing a Project Report of a large opencast mine, planners should clearly specify in detail all operations like manner of extraction, place of dumping, layout of dump, layout of roadways for transportations etc, required to be carried out in the mine. The estimated cost of the project should also include funds for safety and acquisition of land. The project should be approved with the condition that operations in the mine is commenced only after complete acquisition of land required for operations. The report should be considered for approval after its vetting by Internal Safety Organisation.

**(ii) Planning & Execution:** There should be a clear segregation of authorities involved in planning and those responsible for execution of the Plan. It is recommended that a Planning and Monitoring Committee may be set up comprising all relevant stake holders who would be responsible for preparation and execution of the Project Report after taking into consideration all parameters including safety parameters involved in operation of a mine. This Committee may

also be entrusted with the responsibility of regular monitoring of the project at its execution stage to ensure that there are no deviations from the original approved Plan. This is necessary as an executive, generally concerned with production, is likely to take decisions deviating from the approved Plan in order to achieve production targets. Such decisions may prove costly in terms of safety parameters of the mine. If any deviation is required due to changed circumstances, it should be done in consultation and approval of this Planning and Monitoring Committee.

**(iii) Status of the Manager:** As per requirements of Section 17 of the Mines Act, 1952, a Manager is responsible for the overall management, control, supervision and direction of the mine. However, in practice, it is seen that the Manager is a very junior officer and therefore has virtually very little control over the management of the mine. Most of the operational decisions are taken at higher levels with very little input from the Manager. This creates lot of confusion and is against the spirit of Section 17 of the Mines Act, 1952. Hence, it is recommended that a sufficiently senior officer is appointed as Manager of the mine to fulfill the statutory requirements of the Act.

**(iv) Role of the Contractor:** Full and exclusive responsibility for safety in the mine should rest with the Manager and mine officials under him as required by the Mines Act, 1952 and the Rules and Regulations made thereunder. Role of a Contractor should be limited only to carrying out certain operations in the mine under total control and direction of the Manager.

**(v) External Safety Audit:** In addition to Internal Safety Audit, a mine should also be audited by an external agency to detect any unsafe condition/practice prevalent in the mine.

**(vi) Monitoring of slope stability in opencast mines:** Strata monitoring including dump monitoring for deeper opencast mines and dumps of more than 60m height should be made mandatory to provide real time information about the loads and strains on benches and dumps.

**(vii) Digital Occupational Safety and Health (OSH) Observatory:** There have been many disasters due to opencast bench and dump failures in coal mines in India in recent past. In most of the cases the causes of failures were one and the same, i.e. none adherence to the bench parameters and presence of geological disturbances including hydrological effects.

It is recommended that a Digital OSH Observatory should be set up at national level where in digital records of all the accidents, disasters, health issues, status of mines and their risk levels in digital forms is maintained for reference and is in public domain.

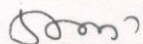
**(viii) Mine Digitalization and Emergency Action Plan:** After any mine disaster, it is generally difficult to locate the entrapped miners leading to delay in rescue and recovery operations. In order to avoid such a situation and to ensure emergent rescue operations of affected persons, a provision under the Coal Mines Regulations, 2017 has already been made as given below: Regulation 37 (5)(c) "The Owner shall ensure that a system is established so that the names of all persons who are employed belowground can be accurately known at any time,



as well as their probable location". It is recommended that the above mentioned provision 37 (5) (c) of the Coal Mines Regulations, 2017 be amended so that it is applicable to opencast mines also.

**(ix) Delegation of financial powers to the 'Nominated Owner:** As per Section 18 (1) of the Mines Act, 1952, the 'Owner' and 'Agent' of every mine are responsible for making financial and other provisions and for taking such steps as may be necessary for compliance with the provisions of the Act and the regulations, rules, byelaws and orders made thereunder. The company, under Section 76 of the Act, nominates one of its Directors to assume the responsibility of the 'Owner' of the mine for the purposes of the Act. Therefore, it is recommended that such 'Nominated Owner' be delegated full financial powers for matters related to safety so that he is able to fulfill his obligations required by the Act.

You are, therefore requested to take suitable steps to implement the above mentioned recommendations of the Rajmahal court of inquiry in the mines under your control.



25.04.2022

(Prabhat Kumar)

Chief Inspector of Mines.



जन जागीदारी से जन कल्याण



भारत सरकार/Government of India

श्रम एवं रोजगार मंत्रालय/Ministry of Labour & Employment

खान सुरक्षा महानिदेशालय/Directorate General of Mines Safety



DGMS (Tech)(OH) Circular No. 01 of 2021 Dhanbad, dated 06/08/2021.

To,

1. The Owners, Agents and Managers of all mines.
2. The Owners and Training Officer In-charge of First-Aid Training Institutes/ Centres

**Subject: Standards for conduct of First-Aid Training and issue of First-Aid Certificate.**

This is to bring to your notice that as required under sub-regulation (2) of Regulation 14 of the Coal Mines Regulations 2017, standard specified for the Institute /Training centres imparting First-Aid training and issuing First-Aid certificates has been published in Gazette of India, vide Notification No. G.S.R. 529(E) dated 4<sup>th</sup> August, 2021.

The Institute /Training centres imparting First-Aid training and issuing First-Aid certificates shall strictly comply with the standard specified in the Notification.

The Institute /Training centres may be inspected by the Chief Inspector of Mines or Inspector of Mines at any time to check the compliance with the standard, as specified in the said Notification.

06.08.2021

(Prabhat Kumar)

Chief Inspector of Mines &

Director General of Mines Safety



सत्यमेव जयते



जनगणना से जन कल्याण

भारतसरकार / Government of India

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खानसुरक्षामहानिदेशालय / Directorate General of Mines Safety



No.DGMS(Legis.)(Exam) Circular No. **01** of 2021

Dhanbad, dated: 27th August 2021

To,

All concerned

**Subject:** Bye-Laws for Grant of Competency Certificate's under CMR, 2017 & MMR, 1961.

The bye-laws as to the conduct of the examination and as to the granting of certificates of competency, as required under sub-regulation (1) & (4) of Regulation 13 of Metalliferous mines Regulations, 1961, have been made by the Board of Mining Examination constituted under Regulation 11 of the Metalliferous Mines Regulations, 1961 and notified in Gazette of India vide Notification nos.: G.S.R.560(E), 561(E), 562(E), 563(E), 564(E), 565(E) & 566(E) dated 12th August, 2021 and Corrigendum notification vide No. G.S.R. 577(E) dated 17th August, 2021.

Similarly the bye-laws as to the conduct of the examination and as to the granting of certificates of competency, as required under sub-regulation (1) & (4) of Regulation 12 of the of the Coal Mines Regulation, 2017, have been made by the Board of Mining Examination constituted under Regulation 10 of Coal Mines Regulation, 2017 and notified in Gazette of India vide Notification Nos.: G.S.R. 910(E), 911(E), 912(E), 913(E), 914(E) & 915(E) dated 24th September, 2018 and amended by the Board and notified in Gazette of India vide Notification Nos.: 555(E), 556(E), 557(E), 558(E) & 559(E) dated 12th August, 2021.

Some of the salient points of the above notifications are as below:

1. The examination for grant of Manager's Certificate of Competency under the Coal Mines Regulation, 2017 & the Metalliferous Mines regulation, 1961 shall consist of Computer Based Test(CBT) only and there shall be no oral examination for these certificates.
2. The examinations for grant of Overman's, Foreman's, Surveyor's, Sirdar's, Mining Mate's, Blaster's and Gas Testing competency certificates shall consist of Computer Based Test (CBT) only and there shall be no oral examination for these Certificates. However, in case of Mining Mate's, Blaster's and Gas Testing competency Certificate Examinations, a literate person who does not possess senior secondary or Intermediate qualification and who is not familiar with use of computers, the option of examination by oral test has been provided.
3. For persons holding Degree or Diploma in Mining Engineering, the Gas Testing certificate of competency shall be granted on exemption basis and no test is required.

(Prabhat Kumar)  
Chief Inspector of Mines &  
Director General of Mines Safety

खान सुरक्षामहानिदेशालय - वर्ष 1902 से खनिकों के स्वास्थ्य एवं सुरक्षा के लिए प्रतिबद्ध

Directorate General of Mines Safety - Protecting Miner's Safety & Health Since 1902

Directorate General of Mines Safety (HQ), Hirapur, Dhanbad, Jharkhand- 826001

Head Office Ph. No. : 0326-2221000, e-mail : dg@dgms.gov.in



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खानसुरक्षामहानिदेशालय / Directorate General of Mines Safety



No.

**DGMS Technical Circular No. 03 of 2019**

To

**The Owner/Agent/Manager of Coal and Metalliferous Mines.**

**Subject: Guidelines for implementation of Safety Management Plan in mines.**

- 1.0 The 9<sup>th</sup> Conference on Safety in Mines in the year 2000 laid the foundation for self-regulation in mines by promoting risk assessment to formulating and implementing Safety Management Plans (SMP). Since then, there has been a consistent thrust from this Directorate for this purpose by way of issuing several advisory DGMS circulars. However, post the recently notified Coal Mines Regulations, 2017 and the Oil Mines Regulation, 2017, the subject matter of SMP has been accorded a statutory berth with the onus to formulate and implement the same having been vested with the Owner, Agent and Manager. A similar provision has been proposed in the Metalliferous Mines Regulations, 1961 which is under amendment.
- 2.0 SMP is in two distinct parts namely, the formulation and the implementation. Consequent upon the notification of DGMS (Tech) S&T Circular No.5 of 2016, the formulation part of SMP in most large mines in both public and private sectors did witness a positive transformation under the active guidance from this Directorate, from a conceptual state to a document form with principal hazards getting identified along with their mitigating control plans in place.
- 3.0 However, the experience till date has revealed that all the formulated SMPs have thus far remained only on paper without any auditable documentation on mitigation of the identified principal hazards. Therefore, a technical workshop was organized by this Directorate on the 26<sup>th</sup> and 27<sup>th</sup> of November, 2019 at Ranchi to review the progress made and to strategizing implementation of SMP on an auditable mode. The deliberations of the workshop broadly revealed the following status report and shortcomings plaguing the mining companies in this regard.
  - a) By and large, mines have adopted risk assessments as their preferred vehicle for incorporating consultation in developing and reviewing safety management systems.
  - b) In a few cases only, the ownership of the SMP document at the level of Nominated Owner of the mine(s) was explicitly visible. In many cases, the involvement of the senior and corporate management was left to be assumed.
  - c) In some mines, risk assessment was merely as a statutory compliance action without much sensitivity being attached to seriously mitigating the principal hazards.
  - d) Initial teething troubles on team composition, number of meetings held, involvement of experts, etc., appear to have been reasonably settled. However, qualitatively, the constituted mine level teams appear unfavorably tilted against the contractual component wherever deployed.

- e) Invariably in all cases, the devised control plans and procedures were vague, without assigning specific responsibility by name and designation and very often with unrealistic time lines for mitigation.
- f) Risk ranking of hazards were often downgraded, without carrying out an objective assessment of existing controls.
- g) The terms 'audit' and 'review' in relation to SMP were loosely and arbitrarily being used without detailing the methodology thereof on an auditable scale. Infact, in some mines, review was stated to be on a fixed time interval irrespective and unmindful of the fact that mitigation time as mentioned in the control plans was much more than the review interval as was envisaged.
- h) In most cases, the facilitation extended by the corporate management of the mining companies towards enhancement of the techniques of perceiving danger, drawing appropriate control measures, sequential proceduring of measures to be adopted, apportioning responsibilities and realistic timelines for executing procedures, etc., was far from satisfactory.
- i) There was practically no visible sign of any training accorded to the mine level personnel to imbibe the vital ethics of scientifically managing an organization to bringing about the required cultural transformation for SMP to cement its due place in the corporate management policy.
- j) **Unfortunately, all the efforts till date appeared to have been made to merely formulating SMP and NOT implementing the same on an auditable scale. Not a single mine appeared to have completed even one full cycle of SMP from formulation to implementation on an auditable scale.**
- k) Despite the above, the quality of preparing SMP appeared to be upward looking meaning thereby that by repeated cycles of SMP with deployment of latest techniques could further sharpen the skills of the teams engaged on hazard identification.
- l) **Therefore, the entire exercise of preparation and implementation of SMP in mines still is left with huge scopes of improvement.**

4.0 In view of the above findings and to accelerating the introduction of the doctrine of self-regulation in mines through SMP, it would be prudent to continue the process in the right earnest, encompassing the following measures.

#### 4.1 **Formulation of SMP:**

- a) Corporate management of mines shall initiate immediate necessary steps to enhancing and fine tuning the techniques of perceiving danger, drawing appropriate control measures with framing of sequential proceduring of measures to be adopted, apportioning responsibilities and realistic time lines for executing procedures, etc.
- b) Corporate management of mines shall hold structured training programmes on regular basis to sensitize the stakeholders (workmen/supervisors/managers) about their role in formulation and management of SMP.
- c) For now, the categorization and/or ranking of risks for hazard identification may be done by using any of the two methods as explained in DGMS (Tech) (S&T) Circular No. 05, dated 2<sup>nd</sup> April 2016 and DGMS (Tech) Circular (MAMID)/01 dated 10<sup>th</sup> March 2014. However, this is an area into which, the corporate managements could invest adequate resources to engaging appropriate agencies on a continuous scale for bettering various techniques of hazard identification on a scientifically justified basis.



- 4.2 **Implementation of SMP on an auditable mode:** For breaking the current static status of non-implementation of SMP on an auditable scale in mines, the following pre-requisites are to be carefully evaluated.
- 4.2.1 That, the formulated SMP is on an acceptable scale with various principal hazards having been identified by proper stake holding group(s) from the mine and with the assistance of experts in the field wherever necessary.
- 4.2.2 That, for each identified principal hazard, there are one or more mechanisms involved in the control plan, which are well detailed in respect of the control(s) and procedure(s).
- 4.2.3 That, for each procedure or a set of procedures, the name(s) and designation(s) of persons made responsible for execution of the procedure(s) on a unique or shared basis as the case may be, shall be clearly indicated (herein referred to as the 'person responsible').
- 4.2.4 That, for every procedure detailed as above, the envisaged time of completion shall **NOT** be shown in **DAYS BUT** only as a **CLEAR DATE**.
- 4.2.5 That, for the formulated SMP document, a unique number shall be allocated and mentioned at the top of each page for all future reference purposes. The formulated SMP document shall be suitably numbered on each page and also properly indexed item-wise. Care shall be taken to having an appropriate protocol for document numbering and indexing purposes.
- 4.2.6 That, the formulated SMP document so prepared shall be approved/accepted/vetted in writing at the level of the Nominated Owner of the mine.
- 4.2.7 That, the approved/accepted/vetted SMP document by the Nominated Owner in writing shall be suitably bound and a copy of the same shall be made out to every stake holder including 'persons responsible' in the control plans.
- 4.3 **Initial steps of implementation:** For the purpose of implementation, the time-line shall be deemed to commence from the date of approval/acceptance of the SMP document in writing by the Nominated Owner.
- 4.4 **Major steps of implementation of the approved/accepted/agreed SMP:**
- 4.4.1 For every **procedure in the control plan**, a **chronological order of mitigative actions** taken shall be created in a document form hereinafter referred to as the '**Workplan**'.
- 4.4.2 The created workplan is essentially a textual document containing one or more pages of various directions, instructions, etc., in writing as may be made at various levels of management hierarchy during the course of proceeding towards the logical conclusion of the completion of the procedure(s).
- 4.4.3 Every workplan shall be captioned on top of the cover page with a unique reference number. Below the captioned number, the particular procedure of the approved/ accepted/agreed SMP document for which this workplan is being made along with the page number and the indexed item number as shown thereat, shall be clearly mentioned as the subject of the workplan.
- 4.4.4 Below the subject, details of the 'person responsible' and the target date as contained in the approved/accepted/ agreed SMP document shall be mentioned.
- 4.4.5 After this, the 'person responsible' shall initiate in writing, the chronological steps as may be required of him to accomplishing the procedure, by referring the workplan to appropriate levels in the management hierarchy for decisions, sanctions, approvals, etc. From this point onwards, the workplan may take a journey through various levels of the management hierarchy in accordance with the notings contained thereat. At no point in time can anyone

participating in the journey of the workplan take any plea of missing the caption as mentioned above with a clear time line. **Therefore, all such involved levels in the journey are morally and officially bonded to the outcome of the procedure in respect of the time involved at individual levels and the delivery made.**

- 4.4.6 The final outcome of the workplan shall be the statement of completion of the procedure by the 'person responsible', **presented in writing to the authority which can accept the outcome as such or order appropriate modifications, etc., in writing.**
- 4.4.7 After completion of the procedure as acknowledged by the accepting authority in writing in the workplan, a mention to this effect shall be made in the control plan of the approved/accepted/agreed SMP clearly indicating the date of completion and the reference number of the workplan.
- 4.4.8 The workplan so made shall be **preserved for audit/examination**, at a later date.
- 4.4.9 Likewise, **similar sets of workplans** shall be **prepared in respect of all other procedures in the control plan of approved/accepted/agreed SMP for each identified principal hazard and appropriate entries to this effect as mentioned at para 4.4.7** are made in the approved/accepted/agreed SMP document.
- 4.4.10 **After all workplans as above** are completed for all the identified principal hazards and appropriate entries made in the approved/accepted/agreed SMP document, the **first cycle of the journey of SMP may be considered as ready for audit.**
- 4.4.11 Complete internal audit of the SMP shall then be **taken-up initially by the ISO of the company** by constituting a team appropriately for the purpose. **The scope of the audit shall include both formulation and implementation of SMP, along with examination of all supporting documents, workplans, etc.** After satisfactory internal audit, any external audit may also be conducted as may be deemed fit by the management.
- 4.4.12 **If not accepted by the audit team**, various queries as may be raised by the audit team shall have to be addressed accordingly within a justified time frame as may be fixed by the audit team, to enabling re-audit.
- 4.4.13 On satisfactory completion of audit, **the SMP may be classified as having completed one complete cycle.** The audit team shall accordingly certify in writing, affixing signatures with date of the audit team members.
- 4.4.14 The management shall then commence review of the SMP in the second cycle in which, the earlier identified hazards are generally not expected to get repeated.
- 4.4.15 All such audited and certified SMP shall be **carefully preserved for future references, scrutiny, etc.**
- 5.0 **Outcome of each cycle of SMP:** After each cycle, the following vital information will be available for critical review and further process refinement in the subsequent cycles.
- 5.1 Mismatch, if any, on the assessment of time for completion of various procedures at the time of formulation of control plans, with the actual time taken.
- 5.2 Areas of any generic procedures as may have been decided while formulating SMP, to be appropriately improved with finer detailing.
- 5.3 Apportioning of responsibilities to appropriate person(s) for easier and effective completion of the allocated procedure(s) in the control plan of the SMP.

5.4 Adequate scope of better understanding of the intricacies of various mining processes, thereby, enhancing managerial/supervisory/functioning skills amongst various stake holders.


6.0 **Conclusions:**

6.1 With repeated cycles of SMP accomplished in serious earnest, various mining systems/processes/work procedures will automatically get refined to better both process safety and efficiency while also proactively empowering all stake holders.

6.2 **However, the true essence of SMP will be realized only by appropriately digitizing the entire SMP implementation methodology as mentioned above, leading to radical transformation and irreversible betterment of the safety status and various mining systems/processes/work procedures in place in mines.**

7.0 Therefore, all Owners, Agents and Managers of coal and metalliferous mines are requested to

- a) use the aforementioned guidelines to ensure that SMP is carried out meaningfully at the mines for overall enhancement of safety in mines,
- b) take steps to removing various shortcomings as mentioned above and to qualitatively improving the required skills for SMP formulation,
- c) introduce appropriate digital/IT mechanisms for SMP implementation,
- d) submit a return as per the enclosed format, on the 1<sup>st</sup> day after each quarter of calendar year in respect of the progress made into mitigating the identified principal hazards, to the respective Regional Inspector of Mines, and
- e) monitor the progress made in implementation of SMP in mines on a measureable scale in appropriate internal forums including the meetings of the Board of Directors of the company.

  
23/12/15

(R. Subramanian)  
Director General of Mines Safety(Off.)

Encl: As above.

**STATUS REPORT ON PROGRESS MADE INTO MITIGATION OF ALL THE IDENTIFIED  
PRINCIPAL HAZARDS.**

\*\*\*\*\*

- 1.0 Name of the Mine:
- 2.0 Name of the Owner:
- 3.0 Name of the Agent:
- 4.0 Name of the Manager:
- 5.0 Status report for the quarter ending on : (date)

No.	List of Principal Hazard identified.	Mitigation date as per formulated SMP.	Details of auditable work plans made for mitigation.	Actual date of completion as per workplan.	Remarks, if any.
1.					
2.					
3.					
4.					

(Signature with date of the Manager)

(Signature with date of the Agent)

(Signature with date of the Owner)

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No. DGMS (Tech) Circular (OH)/01

Dhanbad , dated 28.04. 2022

To,  
The Owner, Agent and Manager of all Mines


Subject: **Accident/ incidences due to exposure to high atmospheric temperature.**

Sir,

Due to rising of the atmospheric temperature, mine workers can be subjected to high levels of heat and humidity that may cause heat related morbidity and mortality. This year we are experiencing unprecedented heat waves across India including mining belt.

DGMS has already issued the consequences due to high atmospheric temperature and precautionary measures vide DGMS Circular No. DGMS (Tech) Circular (MAMID)/01, dated 06.05.2015. The same is annexed for your perusal and compliance.

Yours faithfully,

  
28.04.2022

(Prabhat Kumar)  
Director General of Mines Safety

Encl:- As above



भारत सरकार  
Government of India  
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Directorate General of Mines Safety



No. DGMS (Tech) Circular (MAMID)/ 01

Dhanbad, dated : 06/05/2015

To

The Owner, Agent and Manager of all Mines

Subject : Accidents/incidences due to exposure to high atmospheric temperature.

Sir,

During peak summer every year, many incidences of mine-workers getting exposed to high atmospheric temperature get reported. Some such cases had turned into fatalities. Opencast mines during summer are most vulnerable in this regard. In some cases, persons got affected due to heat in underground mines also, where ventilation was inadequate. Inquiries revealed that in most of the cases "Heat Stroke" was the major contributory cause. Heat stroke generally occurs when the body stops adjusting to the hot temperature by sweating, and can't keep up with the heat. It is characterized by hot, dry, red skin that is warm or hot to touch and immediate medical attention is needed in such cases. The other heat related disorders could be,

Heat Exhaustion

Heat exhaustion is caused by loss of large amounts of fluid from the body. A worker with heat exhaustion continues to sweat, but their body can't keep up with the heat. The worker may have a headache, fatigue, or flu like symptoms. In most cases the worker needs to rest, cool down, and drink plenty of fluid.

Heat Cramps

Workers may suffer from cramps and painful muscle spasms. This happens when workers drink water to replace the fluids they lose from sweating, but don't replace the body's loss of salt. Drinking fluids with electrolyte replacement ingredients are recommended in such cases.

Heat Syncope

Heat syncope is a fainting episode or dizziness that usually occurs with prolonged standing or sudden rising from a sitting or lying position. Factors that may contribute to heat syncope include dehydration and lack of acclimatization.

Heat Rash

Heat rash is a skin irritation caused by excessive sweating during hot, humid weather.

Neurological Effects

Excessive heat may also lower mental alertness and ability to work. Workers in extreme environments may make more mistakes and may have more injuries.

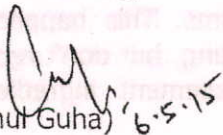
Contributing Causes

Heat can increase the risk of suffering from other illnesses and health problems.

The following precautions will go a long way in overcoming such incidences/accidents,

1. Slowing down the pace of work should be allowed, especially if the worker feels even slight heat strain,
2. Rest areas should be located as near to the workplace as practicable,
3. Ensure that adequate quantity of cool water and electrolyte supplements are easily available,
4. In really hot conditions, workers should drink at least a glass of water every 15-20 minutes,
5. Different schedules may be negotiated to let workers do the hardest work during the coolest parts of the day,
6. Rest timings may be re-scheduled to avoid work during high/extremely hot temperatures. Where this is not possible, a two-person crew should be assigned to perform work during extremely hot temperatures,
7. Ensure that worker do not enter/work in an atmosphere having no ventilation or inadequate ventilation in underground mines,
8. Workers must be made aware of the dangers from excessive heat and humidity and remedial measures.

Yours faithfully,

  
(Rahul Guha) 6.5.15  
Director General of Mines Safety



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जनगणना से जन कल्याण

DGMS(Tech) (OH) Circular No. 13 of 2020

Dhanbad, dated the 16<sup>th</sup> October 2020

To

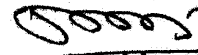
The Owners, Agents and Manager of all Metalliferous Mines,

Subject: Issue of medical certificate of fitness under the provision of Regulation 31 of the Metalliferous Mines Regulations 1961.

After nationwide lockdown due to unprecedented COVID-19 pandemic, the 5<sup>th</sup> phase of unlock period has started. In the unlocking phase most of the activities, barring few, have resumed.

Thus, the guideline issued under the provision of Regulation 31 of Metalliferous Mines Regulations 1961 vide DGMS (Tech) (OH) Circular No. 09 of 2020 dated 22.06.2020 for conducting medical examinations and granting medical certificates of fitness to persons above 60 years of age during the period of COVID-19 pandemic has become redundant.

In view of above, DGMS (Tech) (OH) Circular No. 09 of 2020 dated 22.06.2020 is hereby withdrawn.

  
16.10.2020

(Prabhat Kumar)

Chief Inspector of Mines,  
DGMS, Dhanbad



