

Uttar Pradesh Shashan
Bhootatva Evam Khanikaram Anubhag

In pursuance of provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of following English translation of Notification no. 3204/86-2014-278/2011, dated:- 22 October, 2014

Notification

No. 3204/86-2014-278/2011

Lucknow: Dated- 22 October, 2014

In exercise of the powers under sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation Act, 1957 (Act no. 67 of 1957), read with section 21 of General Clauses Act 1897 (Act no.10 of 1897) the Governor is pleased to make the following rules, with a view to amending the Uttar Pradesh Minor Minerals (Concession) Rules, 1963:

**THE UTTAR PRADESH MINOR MINERALS (CONCESSION)
(THIRTY-SEVENTH AMENDMENT) RULES, 2014**

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| <i>Short title and commencement</i> | 1. (1) These Rules may be called the Uttar Pradesh Minor Minerals (Concession) (Thirty Seventh Amendment) Rules, 2014
(2) They shall come into force with effect from the date of their publication in the Gazette. |
| <i>Amendment of Rule 3</i> | 2. In the Uttar Pradesh Minor Minerals (Concession) Rules, 1963, hereinafter referred to as the said rules, for rule 3 set out in column-I below, the rule as set out in column - II shall be substituted, namely: - |

**COLUMN-I
(Existing rule)**

3. Mining operations to be under a mining lease or mining permit –

(1) No person shall undertake any mining operations in any area within the State of any minor mineral to which these rules are applicable except under and in accordance with the terms and conditions of a mining lease or mining permit granted under these rules :

Provided that nothing shall affect any operations undertaken in accordance with the terms and conditions of a mining lease or permit duly granted before the commencement of these rules.

Explanation:- For the purposes of this rule manual digging or manual extraction of ordinary clay for making bricks shall not be treated as mining operations :

Provided that pit created by such digging or extraction should not be deeper than two meters.

(2) No mining lease or mining permit shall be granted otherwise than in accordance with the provisions of these rules.

COLUMN-II

(Rule as hereby substituted)

3. Mining operations to be under a mining lease or mining permit –

(1) No person shall undertake any mining operations in any area within the State of any minor mineral to which these rules are applicable except under and in accordance with the terms and conditions of a mining lease or mining permit granted under these rules :

Provided that nothing shall affect any operations undertaken in accordance with the terms and conditions of a mining lease or permit duly granted before the commencement of these rules.

Explanation:- For the purposes of this rule manual digging or manual extraction of ordinary clay, ordinary earth for making bricks and pottery, shall not be treated as mining operations :

Provided that pit created by such digging or extraction should not be deeper than two meters.

(2) No mining lease or mining permit shall be granted otherwise than in accordance with the provisions of these rules.

Amendment of h. Je 9

3. In the said rules, for rule 9 set out in column-I below, the rule as set out in column - II shall be substituted, namely: -

COLUMN-I
(Existing rule)

9 Preferential right of certain persons,-

(1) Where two or more persons have applied for a mining lease in respect of the same land the applicant whose application was received earlier shall have a preferential right for the application was received later.

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

(2)The matters referred to in sub-rule(1) are-

(a) Any special knowledge or experience in mining operations possessed by the applicant.

(b) The financial resources of the applicant.

(c) The nature and quality of technical staff employed or to be employed by the applicant.

(d) The conduct of the applicant in carrying out mining operations on the basis of any previous lease or permit and in complying with conditions of such lease or permit of the provisions of any law in connection therewith; and

(e) In respect of mining lease for sand or morrum or bajari or boulder or any of these in mixed' state, exclusively found in the riverbed, if other things are equal, preference shall be given to a person or group of persons, whether incorporated or not, who belong to Socially and Educationally Backward Classes (such as Mallah, Kewat, Bind, Nishad, Manjhi, Batham, Dhiwar, Themer, Chai, Sorahia, Turha, Raikwar, Kaiwat, Khulwat, Tiya, Gaudia, Gohia and Kashyap) and other such classes of citizens, as notified by the State Government from time to time who have obtained a certificate in from MM-14 from the concerned District Officer, or such other Officer authorised in this behalf by the State Government, certifying that such person/ persons is/ are traditionally engaged in excavation of sand/ morrum for their livelihood and who are resident of the

COLUMN-II

(Rule as hereby substituted)

9 Preferential right of certain persons,-

(1) Where the availability of area/ areas are declared by the District Officer for grant of mining lease under the provisions of rule 72, all the applications received during the period specified in such declaration shall be deemed to be received on the same day and shall be considered simultaneously after taking into consideration the matters specified in sub-rule (2) and shall grant the mining lease to such one of the applicants as he/she may deem fit.

(2)The matters referred to in sub-rule(1) are-

(a) Any special knowledge or experience in mining operations possessed by the applicant.

(b) The financial resources of the applicant

(c) The nature and quality of technical staff employed or to be employed by the applicant.

(d) The conduct of the applicant in carrying out mining operations on the basis of any previous lease or permit and in complying with conditions of such lease or permit of the provisions of any law in connection therewith; and

District for which the application has been given.

(f) Such other matters, as may be considered necessary by the State Government.

(e) Such other matters, as may be considered necessary by the State Government.

(3) Notwithstanding anything contained in sub-rule (1) and (2), the State Government may, for any special reasons to be recorded grant a mining lease to an applicant whose application was received later in preference to an applicant whose application was received earlier.

(4) Notwithstanding anything contained in sub-rule (1), (2) and (3) leases for one third of the mining areas of Naxal affected villages, as declared by the State Government by general order, may be granted to the Self Assistance groups containing the members of the local residents where such leases are situated and such one third areas shall be marked for the purpose by the District Officer of the district, after seeking such approval from the Government.

(3) Notwithstanding anything contained in sub-rule (1) and (2) leases for one third of the mining areas of Naxal affected villages, as declared by the State Government by general order, may be granted to the Self Assistance groups containing the members of the local residents where such leases are situated and such one third areas shall be marked for the purpose by the District Officer of the district, after seeking such approval from the Government.

Provided that those Self Assistance groups will be entitled for getting preference under sub-rule (4) in which one third members belong to Schedule Caste/ Schedule Tribe/ members of the casts traditionally engaged in sand mining such as Mallah, Kewat, etc. and are resident of the same village, where the lease areas are situated.

Provided that those Self Assistance groups will be entitled for getting preference under sub-rule (3) in which one third members belong to Schedule Caste/ Schedule Tribe/ members of the casts traditionally engaged in sand mining such as Mallah, Kewat, etc. and are resident of the same village, where the lease areas are situated.

*Insertion of
New Rule-9-A*

**Procedure
for Grant
of Mining
Leases in
respect of
Sand or
Morrum or
Bajri or
Boulder, or
any of
these in
Mixed
State,
exclusively
found in
the River-
bed:**

4- In the said Rules after rule-9 the following rule shall be inserted namely:-

9-A. Notwithstanding anything contained in rule 9, the mining leases for sand or morrum or bajri or boulder or any of these in mixed state, exclusively found in the river-bed, shall be granted in the manner given hereafter.

(a) The area and its availability for grant of mining lease shall be declared, in accordance with the provisions of rule 72 mentioning therein the location of the area, annual lease amount, as provided in rule 14, and period of 7 working days, during which the application will be received by the officer nominated for this purpose by the District Officer alongwith the time and place of opening the applications.

(b) During the specified period for receiving the applications, as mentioned in the declaration, the desirous and eligible persons may submit their applications in a sealed envelope, mentioning the name of the area and name of the applicant on the cover of first sealed envelope. In the sealed envelopes, two other sealed envelopes shall be kept by the applicant, in which the name of area and name of the applicant shall be written, on the cover of envelopes, and both the envelopes be captioned as 'A' and 'B'.

(c) In the first sealed envelope captioned 'A', the applicant shall put the following documents, namely :-

(i) application in form MM-1;

- (ii) a fee of Rs.5,000/= and deposit of Rs.10,000/= for meeting the preliminary expenses, other than those specified in rule 17;
- (iii) Character Certificate given by the District Officer of the district, where the applicant permanently resides;
- (iv) Solvency Certificate of such amount, which is not below the half of the annual lease amount of the applied area;
- (v) 'No Objection Certificate' from such other officers, as mentioned in rule 6 ;
- (vi) Self-Declaration by the applicant to the effect that:
 - A- the applicant has neither been involved in any illegal mining activity during past, nor he was punished for the offence of illegal mining by any competent Court of Law;
 - B- no proceeding has been initiated against the applicant by a government department;
 - C- No criminal history of the applicant;
 - D- The applicant has not been black-listed;

(d) In the second sealed envelope, captioned 'B', the applicant will submit two documents, namely:-

- (i) Declaration about the area applied for grant of mining lease to the effect that he is offering non-refundable and non-adjustable amount of Rs.....(over and above Royalty/ Dead Rent)
- (ii) A Bank Draft payable in favour of the District Officer of the district to the tune of one fourth of the amount, as offered by the applicant and mentioned in sub-clause (i). Balance amount of the offer mentioned in sub-clause(1) has to be paid before the execution of the lease deed.

(e) For processing the applications and offers, received during the specified period a Committee consisting of the following members shall be constituted, namely:-

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|-------|---|------------------|
| (i) | the District Officer, or any other officer, nominated by the District Officer - | Chairman |
| (ii) | the Divisional Forest Officer, or any other officer, nominated by him | Member |
| (iii) | the Officer nominated by the Director, Geology and Mining, Uttar Pradesh, Lucknow | Member |
| (iv) | Regional Officer of the Geology and Mining Department | Member |
| (v) | Mines Officer/ Mines Inspector of the District | Member-Secretary |

(f) On the date and time fixed for the purpose, the Committee will firstly prepare a broad sheet in which the name of the area, extent of the area, specified period for receiving applications, received applications, and particulars of the applications will be mentioned. It will also be determined by the Committee that those applicants, who are not qualified, and not found eligible - a special remark will be mentioned against their names in the Broad-sheet, and then their offer will not be considered.

(g) The committee shall thereafter open the second sealed envelope captioned as 'B' of only those applicants who have been found qualified for obtaining the mining lease, their offer will also be mentioned against their names. The Committee will also mention the Bank Draft details—name of

the bank, number and amount of the bank drafts, annexed by the applicants. Those applicants, who have not annexed the bank drafts of the requisite amount, they will be ousted from the field of consideration.

(h) After preparation of the broad-sheet, as described above, the Committee will submit its record note with recommendations to the District Officer for grant of the mining lease in favour of such applicants, who are eligible and have also offered highest and satisfactory amount for obtaining the mining lease;

(i) The District Officer, in the light of the record note, submitted by the Committee, will forward a proposal to the State Government for obtaining prior consent; and will issue a formal grant order in favour of such applicant after obtaining the prior consent of the State Government.

(j) Those applicants, in whose favour the mining lease is not recommended by the District officer their bank drafts will be returned to them immediately;

(k) The other provisions of these rules shall *mutatis mutandis* apply to the leases granted under this rule.

**Amendment
of rule 10**

5. In the said rules, for rule 10 set out in column-I below, the rule as set out in column - II shall be substituted, namely: -

COLUMN-I (Existing rule)	COLUMN-II (Rule as hereby substituted)
<p>10. Maximum area for which a mining lease may be granted :</p> <p>(1) Minimum area for grant of a mining lease shall be five hectares.</p> <p>(2) No mining lease shall be granted in respect of any area which is not compact and contiguous or otherwise not suitable to scientific development.</p> <p style="padding-left: 40px;">Provided that in respect of small deposits not suitable to scientific mining in isolated patches a mining lease may be granted for a cluster of such deposits without any division.</p> <p>(3) No person shall acquire in respect of any minor mineral, except sand or morrum or bajari or boulder or any of these in mixed state exclusively found in riverbed exceeding three mining leases, covering a total area of more than 25 Hectares.</p> <p style="padding-left: 40px;">Provided that mining leases in respect of sand or morrum or bajari or boulder or any of these in mixed state, exclusively found in the riverbed exceeding five in number or four</p>	<p>10. Extent of area for which a mining lease may be granted :</p> <p>(1) Minimum area for grant of a mining lease for sand or morrum or bajri or boulder or any of these in mixed state exclusively found in river bed shall ordinarily be five hectares and mineral found in the form of rock and not displaced from the place of its origin and other minor minerals shall be one hectare.</p> <p style="padding-left: 40px;">Provided that in case of non availability of such extent of area this sub rule shall not apply.</p> <p>(2) No mining lease shall be granted in respect of any area which is not compact and contiguous or otherwise not suitable to scientific development.</p> <p style="padding-left: 40px;">Provided that in respect of small deposits not suitable to scientific mining in isolated patches a mining lease may be granted for a cluster of such deposits without any division.</p> <p>(3) No person shall acquire in respect of any minor mineral, except sand or morrum or bajari or boulder or any of these in mixed state exclusively found in riverbed exceeding three mining leases, covering a total area of more than 25 Hectares.</p> <p style="padding-left: 40px;">Provided that mining leases in respect of sand or morrum or bajari or boulder or any of these in mixed state, exclusively found in the riverbed exceeding five in number or four</p>

hundred Hectares in area shall not be granted in favour of any person in the State of Uttar Pradesh.

Provided further that if the State Government is of opinion that in the interest of mineral development, it is necessary so to do, it may for reasons to be recorded in writing permit any person to acquire one or more mining leases covering an area in excess of the limits mentioned above.

Explanation: For the purposes of these rules, a person acquiring by or in the name of another person a mining lease which is intended for himself shall be deemed to be acquiring it himself.

hundred Hectares in area shall not be granted in favour of any person in the State of Uttar Pradesh.

Provided further that if the State Government is of opinion that in the interest of mineral development, it is necessary so to do, it may for reasons to be recorded in writing permit any person to acquire one or more mining leases covering an area in excess of the limits mentioned above.

Explanation: For the purposes of these rules, a person acquiring by or in the name of another person a mining lease which is intended for himself shall be deemed to be acquiring it himself.

Amendment of rule 21

6. In the said rules, in rule 21 for sub-rule (1-a) set out in column-I below, the sub-rule as set out in column-II shall be substituted, namely :-

COLUMN-I
(Existing rule)

COLUMN-II
(Rule as hereby substituted)

(1-a) Notwithstanding anything to the contrary contained in rule 3 royalty should be payable by concerned brick kiln owner at the rate of the time being specified in First Schedule to these rules.

(1-a) Notwithstanding anything to the contrary contained in rule 3 royalty should be payable by concerned brick kiln owner or user of ordinary clay on ordinary earth at the rate specified in First Schedule to these rules.

Insertion of new rule 52-A

7. In the said rules after rules 52 the following rule shall be inserted namely:-

Procedure for Grant of Mining Permit on Agricultural Land:

52-A (1) Notwithstanding anything contained in rule 72, the bhumidhar of agricultural land may apply for grant of mining permit for removal of sand and morrum accumulated due to flood on his agricultural land in Form MM-8, in triplicate, to the District Officer, accompanied by a fee of Rs.2,000/= (Rupees two thousand) only, and two copies of a Cadastral Survey Map on which the area, applied for, is clearly marked.

(2) The District Officer shall cause an enquiry, if deemed necessary, through concerned Tahsildar and Mines Officer/ Mines Inspector on the following points:-

- (a) Whether the sand and morrum have been accumulated on the applied land due to floods;
- (b) Whether the name of the applicant/ applicants is/are recorded as bhumidhars on the applied area;
- (c) Whether due to accumulation of sand and morrum, the applicant/ applicants is/are suffering loss on account of non-utilization of such applied land;
- (d) Whether such land was utilized for agricultural purposes during the past years;
- (e) Whether the quantity of the minor mineral, applied by the applicant, is available on the applied area;
- (f) Whether the applied area for mining permit is suitable for mining.

- (3) In the light of aforementioned point-wise report submitted by the Tahsildar/ Mines Officer or Mines Inspector, as the case may be, the District Officer may grant the mining permit for a period not more than three months in a Fasli year in favour of the bhumidhar, after realizing the amount of royalty in advance.
- (4) Except above mentioned provisions, the other provisions of these rules will apply *mutatis mutandis* to the mining permit granted under this rule.

(Dr. Guljeet Singh)
PRINCIPAL SECRETARY

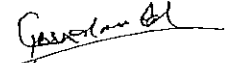
N.B. :-

- 1- The Uttar Pradesh Minor Minerals (Concession) Rules 1963, issued vide notification no. 1557-M/XVII B.M. 96-58, dated August 26, 1963 were published in the Uttar Pradesh Gazette dated September 14, 1963.
- 2- First Amendment was issued vide notification No. 331- M/XVII F.M. 331-66 dated November, 16 1968.
- 3- Second Amendment was issued vide notification No.1181- M/XVIII F.M. 21-1967, dated September, 23, 1969.
- 4- Third Amendment was issued vide notification No. 3388- 1-M/XVIII F-15 MM-68, dated August, 1970.
- 5- Fourth Amendment was issued vide notification No. 2746- M/XVIII-12(3)(14)-72, dated December, 28, 1972 Published in the U.P. Extra-ordinary Gazette, dated December 31, 1972
- 6- Fifth Amendment was issued vide notification No. 4669- XVIII-12-57-75dated September, 14, 1976. Published in the U.P. Extra-ordinary Gazette, dated September, 15, 1976
- 7- Sixth Amendment was issued vide notification No. 1518-XVIII-12-200-77dated April, 25, 1978. Published in the U.P. Extra-ordinary Gazette, dated May 01, 1978
- 8- Seventh Amendment was issued vide notification No. 3157- XVII-12-57-75-C-A-67-1957, Rule 1957 A.M.(7)78 dated July, 27, 1978. Published in the U.P. Extra-ordinary Gazette; dated August, 01, 1978
- 9- Eight Amendment was issued vide notification No. 3136-XVIII-12-C-A-67, 1957 Rule 1963 A.M.-6-77-195-77, dated January 09 1979. Published in the U.P. Extra-ordinary Gazette, dated January 30, 1979
- 10- Ninth Amendment was issued vide notification No. 8010-XVIII-12-332-79UPA-67-1957 Rule 1963 A.M.-9-1982 dated January 15, 1982. Published in the U.P. Extra-ordinary Gazette, dated February, 1982
- 11- Tenth Amendment was issued vide notification No. 486/XVIII-12-85-76 UPA 67-1957 Rule 1963 A.M.-10-198, dated March 17, 1982. Published in the U.P. -Extra-ordinary Gazette, dated March, 24, 1982
- 12- Eleventh Amendment was issued vide notification No. 5379 /XVIII-12-200-77--UPA-67-1957 Rule 1963 A.M.-(11)-84-dated October 12, 1984. Published in the -U.P. Extra-ordinary Gazette dated October 19, 1984.
- 13- Twelfth Amendment was issued vide notification No. 81-XVIII-12-213-79-UPA-1-957 Rule 1963 A.M.-(12)-1985, dated January, 09, 1985. Published in the U.P. Extra-ordinary Gazette, dated January, 11, 1985
- 14- Thirteenth Amendment was issued vide notification No. 4678- XVIII-12-123-79-UPA-67-1957 Rule 1963 A.M.-(13)-1985. dated May 29, 1985. Published in the U.P. Extra-ordinary Gazette, dated May 31, 1985
- 15- Fourteenth Amendment was issued vide notification No. 6689-XVIII-12-206-85dated August, 12, 1985. Published in the U.P. Extra-ordinary Gazette, dated August, 20, 1985
- 16- Fifteenth Amendment was issued vide notification No. 4996- XVIII-42-829-200-77 dated August, 28, 1989, Published in the U.P. Extra-ordinary Gazette, dated August, 28, 1989
- 17- Sixteenth Amendment was issued vide notification No.2931XVIII-12-90-03(16)-90 dated June, 30, 1990. Published in the U.P. Extra-ordinary Gazette, dated July, 07, 1990

- 18- Seventeenth Amendment was issued vide notification No. 5233 /XVIII-12-90-10-90 dated September, 1990. Published in the U.P. Extra-ordinary Gazette, dated October 20, 1990
- 19- Eighteenth Amendment was issued vide notification No1862/XVIII-12-93-200-dated July, 19, 1993. Published in the U.P. Extra-ordinary Gazette, dated August, 14, 1993
- 20- Nineteenth Amendment was issued vide notification No. 2855 /XVIII-12-93-200-70 dated November, 25, 1993. Published in the U.P. Extra-ordinary Gazette, dated January,01, 1994
- 21- Twentieth Amendment was issued vide notification No. 3871/XVIII-12-94-10-90 dated August 27, 1994. Published in the U.P. Extra-ordinary Gazette, dated August, 27, 1994
- 22- Twenty First Amendment was issued vide notification No. 5471/XVIII-12-94-10-90-TC dated February 02, 1995. Published in the U.P. Extra-ordinary Gazette, dated February, 11, 1995
- 23- Twenty Second was Issued vide notification No. 4520XVIII-11-94-200-77 dated January 09, 1997. Published in the U.P. Extra-ordinary Gazette, dated January, 09, 1997
- 24- Twenty Third Amendment was issued vide notification No. 859/77-5-2001-8(204)/95TC dated 01 March, 2001. Published in the U.P. Extra-ordinary Gazette, dated 31 March, 2001
- 25- Twenty fourth Amendment was issued vide notification No. 1615/77-5-2001-200-77 dated 28 March,2001. Published in the U.P. Extra-ordinary Gazette, dated 28 March, 2001
- 26- Twenty fifth Amendment was Issued vide notification No. 1773/77-5-2002-729SID(R)2 2001 dated 12 April,2002. Published in the U.P. Extra-ordinary Gazette, dated 12 April,2002
- 27- Twenty sixth Amendment was issued vide notification No. 1666/77-5-2002-729 SID (R)/2001 dated 22 June 2004. Published in the U.P. Extra-ordinary Gazette, dated 22 June, 2004\
- 28- Twenty seventh Amendments was issued vide notification No. 5666/77-5-2002-8(204)/95 dated 16 October 2004. Published in the U.P. Extra-ordinary Gazette, dated 16 October, 2004
- 29- Twenty eighth Amendments was issued vide notification No. 6714/77-5-2004-200-77 dated 15 December 2004. Published in the U.P. Extra-ordinary Gazette, dated 15 December, 2004
- 30- Twenty ninth Amendments was Issued vide notification No. 476/77-5-2007-236-2005 dated 15 February 2007. Published in the U.P. Extra-ordinary Gazette, dated 15 February, 2007
- 31- Thirtieth Amendments was Issued vide notification No.530/86-2009-200/77T.C. II, dated 02 June, 2009. Published in the U.P. Extra-ordinary Gazette, dated 02 June, 2009.
32. Thirty first Amendments was issued vide notification no. 336/86-10-141/07, Dated January 29, 2010 Published in the U.P. Extra ordinary Gazette dated 29 January, 2010.
33. Thirty second Amendments was Issued vide notification no. 1704/86-2010-83-2010, Dated 12 May, 2010 Published in the U.P. Extra ordinary Gazette dated 12 May, 2010.
34. Thirty third Amendments was issued vide Notification no. 7338/86-2011-183/2011, dated 01 December 2011.
- 35-Thirty fourth Amendments was issued vide Notification no2974/XXXIV/86 -2012-200/77 T.C., dated 2 November, 2012 published in the Extra-ordinary Gazette dated 2 November, 2012
- 36-Thirty fifth Amendments was issued vide Notification no. 2216/XXXIV/86 -2012-235/2010 dated 23 December, 2012 published in the Extra-ordinary Gazette dated 23 December, 2012.

37- Thirty Sixth Amendments was issued vide Notification no. 1361/LXXXVI-2013-113/2013 dated 26 February, 2014 published in the Extra-ordinary Gazette dated 26 February, 2014.

by order



(Gendan Lal)
Deputy Secretary