



सत्यमेव जयते

Government of Rajasthan

RAJASTHAN M-SAND POLICY 2020



*RISING
RAJASTHAN*





सत्यमेव जयते

राजस्थान सरकार
खान एवं भू-विज्ञान विभाग

राजस्थान
एम - सेण्ड नीति,
2020

अनुक्रमणिका

01

1. पृष्ठभूमि

04

2. नीति का उद्देश्य

04

3. एम-सेण्ड की परिभाषा

05

4. एम-सेण्ड नीति

09

5. एम-सेण्ड नीति की समीक्षा

11

6. अधिसूचना

पृष्ठभूमि

प्रदेश के वृहद भौगोलिक क्षेत्रफल में अवस्थित बहुसंख्यक नदी—नालों में उपलब्ध खनिज बजरी का उत्खनन किया जाकर विभिन्न निर्माण कार्यों में बजरी की निर्बाध रूप से आपूर्ति आदिकाल से हो रही थी। वर्ष 2012 में माननीय सर्वोच्च न्यायालय द्वारा दीपक कुमार बनाम हरियाणा राज्य व अन्य में पारित आदेश से नदियों में पर्यावरण अनुमति के अभाव में बजरी का खनन बंद हो गया।

राज्य सरकार द्वारा माननीय सर्वोच्च न्यायालय के आदेश की पालना में नदियों में स्ट्रेचवार बजरी के प्लॉट बनाकर नीलामी से आवंटन की कार्यवाही प्रारंभ की गई एवं उच्चतम निविदादाताओं को खनन पट्टा स्वीकृत करने हेतु पर्यावरण अनुमति प्राप्त कर प्रस्तुत करने की शर्त पर मंशा पत्र जारी किये गये। पर्यावरण अनुमति में लगने वाले समय के मद्देनजर माननीय सर्वोच्च न्यायालय से अनुमति प्राप्त कर दिसम्बर, 2013 में मंशा पत्र धारकों को अस्थाई कार्यानुमति के तहत बजरी खनन हेतु अनुमत किया गया।

लम्बे समय तक पर्यावरण अनुमति प्राप्त नहीं होने से माननीय सर्वोच्च न्यायालय द्वारा दिनांक 16.11.2017 से वैज्ञानिक पुनर्भरण अध्ययन व पर्यावरण अनुमति के बिना बजरी के खनन पर रोक लगा दी गई। राज्य के अधिकांश नदी—नालों में पानी का बहाव वर्षाकाल के दौरान ही होता है एवं कई बार प्रदेश में सूखे की स्थिति भी उत्पन्न होती है। इन कारणों से नदी—नालों में बजरी का पुनर्भरण भी काफी न्यून रहता है। माननीय सर्वोच्च न्यायालय की रोक के पश्चात् राज्य में विभिन्न सरकारी/गैर—सरकारी निर्माण कार्यों हेतु बजरी की



20,000 टन

वर्तमान में प्रदेश में प्रतिदिन लगभग 20,000 टन एम-सेण्ड का उत्पादन किया जा रहा है

उपलब्धता संबंधित कठिनाइयां उत्पन्न हुईं। ऐसी स्थिति में नदी-नालों में बजरी के खनन से वहां के पारिस्थितिकीय तंत्र पर संभावित प्रभावों को ध्यान में रखते हुए मेन्यूफेक्चर्ड सेण्ड (एम-सेण्ड) खनिज बजरी का एक दीर्घकालीन विकल्प रहता है।

वर्तमान में प्रदेश में 20 एम-सेण्ड इकाइयां मुख्य रूप से जयपुर, दौसा, जोधपुर व भरतपुर जिलों में स्थापित होकर कार्यरत हैं जिनमें प्रतिदिन लगभग 20,000 टन एम-सेण्ड का उत्पादन किया जा रहा है। उक्त उत्पादन मांग की तुलना में अत्यन्त कम है।

नीति का उद्देश्य

1

बजरी का सस्ता
एवं सुगम विकल्प

2

पर्यावरण संरक्षण
को बढ़ावा

3

पारिस्थितिकीय
तंत्र में सुधार

4

स्थानीय स्तर पर
रोजगार के अवसर

1. प्रदेश के आमजन को विभिन्न निर्माण कार्यों हेतु बजरी का सस्ता एवं सुगम विकल्प उपलब्ध कराया जाना।
2. राज्य के विभिन्न खनन क्षेत्रों में उपलब्ध ओवरबर्डन का उपयोग करते हुए खनिज संसाधनों का दक्षतापूर्वक उपयोग कर खनन क्षेत्रों का पर्यावरण संरक्षित करना।
3. एम—सेण्ड के उपयोग के कारण नदियों से बजरी की आपूर्ति पर निर्भरता में कमी एवं पारिस्थितिकीय तंत्र में सुधार।
4. प्रदेश में खनिज आधारित उद्योगों को बढ़ावा देने के साथ—साथ स्थानीय स्तर पर रोजगार के अवसर उपलब्ध कराना।

एम - सेण्ड की परिभाषा

किसी भी खनिज अथवा ओवरबर्डन की क्रशिंग से निर्मित की गई सेण्ड जो निर्धारित मानक कोड IS Code 383: 2016 के अनुरूप हो।

एम - सेण्ड नीति

1. एम—सेण्ड इकाई स्थापित करने वाली इकाईयों को उद्योग का दर्जा दिया जायेगा।
2. राजस्थान निवेश प्रोत्साहन योजना, 2019 के अनुच्छेद 4 तथा 5.13 के अन्तर्गत एम—सेण्ड की नवीन/विस्तारित इकाईयों को योजनान्तर्गत पात्र होने पर समस्त परिलाभ देय होंगे।
3. खनन क्षेत्रों में उपलब्ध ओवरबर्डन डम्प्स को एम—सेण्ड के उत्पादन हेतु केप्टिव प्रयोजनार्थ दस वर्ष की अवधि के लिए संबंधित खानि अभियंता/सहायक खानि अभियंता द्वारा परमिट जारी किये जायेंगे।
4. खनिज मेसेनरी स्टोन के खनन पट्टा आवंटन में एम—सेण्ड इकाई लगाने के लिये पृथक से प्लॉट आरक्षित किये जाकर केप्टिव प्रयोजनार्थ नीलाम किये जायेंगे।
5. एम—सेण्ड इकाई स्थापित करने के संबंध में आवेदक को विस्तृत योजना प्रस्तुत करनी होगी। इस हेतु कीननेस मनी के रूप में दो लाख रुपये की एफ.डी.आर. परमिट जारी करने से पूर्व जमा करानी होगी।

दस वर्ष का परमिट

ओवरबर्डन डम्प्स को एम-सेण्ड के उत्पादन हेतु केप्टिव प्रयोजनार्थ दस वर्ष के लिए परमिट जारी किये जायेंगे

नई एम—सेण्ड इकाई स्थापित करने हेतु आवेदक को पात्रता की निम्न शर्तें पूर्ण करनी आवश्यक होगी—

- (1) न्यूनतम तीन करोड़ रुपये की नेटवर्थ तथा तीन करोड़ रुपये का टर्नओवर।
- (2) पूर्व में इस क्षेत्र (क्रशिंग) का सफलतापूर्वक (न्यूनतम तीन वर्ष) चलाने का स्वयं का अथवा संयुक्त उपक्रम में भागीदार का अनुभव।

प्लॉट डेलीनियेट

खनन क्षेत्रों में राजकीय भूमि पर उपलब्ध ओवरबर्डन डम्प्स के प्लॉट डेलीनियेट किये जायेंगे

6. खनन क्षेत्रों में राजकीय भूमि पर उपलब्ध ओवरबर्डन डम्प्स के प्लॉट डेलीनियेट किये जायेंगे। नीलामी विज्ञप्ति निदेशालय स्तर पर विभागीय वेबसाइट एवं ई—नीलामी सर्विस प्रदाता कम्पनी की वेबसाइट पर अपलोड की जायेगी, जिसमें प्लॉट की साइज़, रिजर्व प्राइस, लोकेशन, उपलब्ध ओवरबर्डन डम्प्स की अनुमानित मात्रा इत्यादि का विवरण अंकित किया जायेगा। इन ओवरबर्डन डम्प्स प्लॉटों की नीलामी में बोली एकबारीय प्रीमियम राशि की ली जायेगी।
7. ओवरबर्डन डम्प्स के परमिट जारी करने में राज्य सरकार के उपक्रम आर.एस.एम.एम. लि. को पूर्व के आवेदकों, यदि कोई है तो, उस पर प्राथमिकता प्रदान की जायेगी।
8. एम—सेण्ड इकाई स्थापित करने वाली इकाईयों द्वारा प्रस्तुत आवेदन पत्रों का 120 दिवस की अवधि में समयबद्ध तरीके से, जिसमें भूमि का रूपान्तरण (कन्वर्जन) भी सम्मिलित है, निस्तारण किया जायेगा।
9. विभिन्न खनन क्षेत्रों में उपलब्ध ओवरबर्डन डम्प्स का विवरण विभागीय वेब—साइट पर अपलोड किया जायेगा।
10. एम—सेण्ड की गुणवत्ता, निर्धारित मानक कोड IS Code 383: 2016 के अनुरूप होना अनिवार्य होगा। उक्त नीति के तहत दी गई रियायते एवं सुविधा उन्हीं एम—सेण्ड इकाईयों पर लागू होगी जो उक्त मानक स्तर के अनुरूप एम—सेण्ड का उत्पादन करेगी।
एम—सेण्ड की गुणवत्ता मापने हेतु प्रत्येक इकाई पर प्रयोगशाला आवश्यक होगी तथा एम—सेण्ड के निर्गमन के समय परमिट/रवन्ना के साथ गुणवत्ता का प्रमाण पत्र जारी किया जाना आवश्यक होगा। एम—सेण्ड की गुणवत्ता हेतु किसी भी एन.ए.बी.एल./राजकीय लेब से गुणवत्ता रिपोर्ट का त्रैमासिक प्रमाण पत्र प्राप्त करना भी आवश्यक होगा।
11. राज्य के सरकारी, अर्द्ध—सरकारी, स्थानीय निकाय, पंचायती राज संस्थाएं एवं राज्य सरकार से वित्त पोषित अन्य संगठनों द्वारा करवाये जाने वाले विभिन्न निर्माण कार्यों में उपयोगित खनिज बजरी की मात्रा का न्यूनतम 25 प्रतिशत एम—सेण्ड का



उपयोग अनिवार्य होगा जो कि उपलब्धता के आधार 50 प्रतिशत बढ़ाया जा सकेगा। 25 प्रतिशत की बाध्यता उन्हीं निर्माण कार्यों पर लागू होगी, जिनमें निर्माण स्थल से 100 कि.मी. परिधि में आई.एस. 383 मानक स्तर की एम—सेण्ड बनाने वाली इकाई स्थापित हो। संवेदक को निर्माण कार्य में रवन्ना/परमिट के माध्यम से प्रयुक्त एम—सेण्ड की मात्रा को उस कार्य की उपयोगित कुल खनिज मात्रा की गणना में आवश्यक रूप से सम्मिलित करना होगा।

उक्त प्रावधान नीति प्रभावी होने के पश्चात् जारी किये गये कार्यादेशों पर ही लागू होंगे।

12. किसी भी क्षेत्र में एम—सेण्ड का अनुपलब्धता प्रमाण पत्र (एन.ए.सी.) संबंधित खनि अभियंता/सहायक खनि अभियंता द्वारा जारी किया जायेगा। इस हेतु पंचायती राज संस्थाओं एवं स्थानीय निकायों के लिए अनुपलब्धता प्रमाण पत्र तहसीलवार व अन्य निर्माण विभागों के लिए ज़िलेवार जारी किये जा सकेंगे।
13. विभाग द्वारा जारी किये गये परमिट के क्षेत्र में परमिट धारक सक्षम प्राधिकारी से अनुमति प्राप्त कर एम—सेण्ड इकाई स्थापित कर सकेगा।
14. एम—सेण्ड उत्पादन में शहरी सीवेरज ट्रीटमेंट प्लान्ट का पानी प्रचलित दर अनुसार उपलब्धता के आधार पर उपयोग किया जा सकेगा।
15. परमिट धारक को परमिट जारी होने की तिथि से 18 माह की अवधि में एम—सेण्ड का उत्पादन प्रारंभ करना अनिवार्य होगा एवं इस संबंध में अवधि विस्तार देय नहीं होगा।

25%

सरकारी निर्माण में
उपयोगित खनिज
बजरी की मात्रा का
न्यूनतम 25 प्रतिशत
एम-सेण्ड का उपयोग
अनिवार्य होगा

16. परमिट धारक को ओवरबर्डन डम्प्स का उपयोग एम—सेण्ड के अतिरिक्त किया जाना अनुज्ञात नहीं होगा, परन्तु एम—सेण्ड उत्पादन के दौरान यदि क्रशर डस्ट/मिट्टी भी निकलती है तो परमिट धारक उसका नियमानुसार राशि का भुगतान कर निर्गमन कर सकेगा।
17. परमिट धारक को एम—सेण्ड के निर्गमन हेतु विभाग में रॉयल्टी एवं अन्य देय राशि अग्रिम रूप से जमा करानी होगी।
18. परमिट धारक इकाई से उत्पादित एम—सेण्ड का निर्गमन विभाग द्वारा जारी रवन्ना/ट्रांजिट पास से कर सकेगा।
19. एम—सेण्ड के निर्माण में उपयोगित ओवरबर्डन पर देय डी.एम.एफ.टी. की राशि में शत—प्रतिशत छूट प्रदान की जाएगी।
20. पूर्व से स्थापित एम—सेण्ड इकाईयां/क्रशर इकाईयां भी एम—सेण्ड उत्पादन हेतु परमिट/खनन पट्टा प्राप्त करने हेतु पात्र होंगी। पूर्व से स्थापित इकाईयां जो विद्यमान इकाई के विस्तार अथवा नई इकाई स्थापित करने हेतु निवेश करती हैं, वे इकाईयां भी राजस्थान निवेश प्रोत्साहन योजना, 2019 के तहत पात्र होने पर अनुच्छेद 4 व 5.13 के अन्तर्गत देय परिलाभ हेतु पात्र होंगी।
21. परमिट धारक द्वारा निर्धारित अवधि में इकाई स्थापित नहीं करने, निर्धारित गुणवत्ता की एम—सेण्ड उत्पादित नहीं करने अथवा किसी भी नियम/अधिनियम का उल्लंघन करते हुए पाये जाने पर कीननेस मनी जब्त करते हुए खनन पट्टा/परमिट निरस्त कर दिया जावेगा।
22. एम—सेण्ड के अधिक से अधिक उपयोग के संबंध में आमजन को जागरूक करने बाबत विभाग द्वारा कार्यशाला/सेमीनार आयोजित किये जायेंगे तथा इस हेतु व्यापक प्रचार—प्रसार किया जायेगा।

एम-सेण्ड नीति की समीक्षा

उक्त नीति की समीक्षा छःमाही आधार पर की जायेगी।



Government of Rajasthan Mines (Gr.II) Department

No. F.14(10)Mines/Gr.II/2018

Jaipur, dated: 25.01.2021

NOTIFICATION

In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the State Government hereby makes the following rules further to amend the Rajasthan Minor Mineral Concession Rules, 2017, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Minor Mineral Concession (Amendment) Rules, 2021.

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

2. Amendment of rule 2.- In sub-rule (1) of rule 2 of the Rajasthan Minor Mineral Concession Rules, 2017, hereinafter referred to as the said rules, after the existing clause (xxxvii) and before the existing clause (xxxviii), the following new clause (xxxvii-a) shall be inserted, namely:-

“(xxxvii-a) “M-sand” means manufactured sand produced by crushing of mineral/ overburden;”.

3. Amendment of rule 12.- In rule 12 of the said rules, after the existing second proviso, the following new proviso shall be added, namely:-

“Provided also that the Director may reserve upto two plots, per district per year, of mineral masonry stone exclusively for establishment of M-sand unit.”

4. Amendment of rule 18.- In sub-rule (2) of rule 18 of the said rules,-

(i) in clause (i), for the existing expression “; and”, the punctuation mark “;” shall be substituted;

(ii) in clause (ii), for the existing punctuation mark “.”, the expression “; and” shall be substituted; and

(iii) after the clause (ii), so amended, the following new clause (iii) shall be added, namely:-

“(iii) an amount equal to twenty five percent of reserve price for e-auction in case of permit for overburden used in M-sand unit.”

5. Amendment of rule 28.- In sub-rule (2) of rule 28 of the said rules,-

- (i) in sub-clause (e) of clause (iv), for the existing expression “; and”, the punctuation mark “;” shall be substituted; and
- (ii) after the sub-clause (e) of clause (iv), so amended, the following new sub-clause (ee) shall be added, namely:-

“(ee) Where the Director reserves a mine for any particular special end use, the mineral extracted under such mining lease shall,-

- (I) be utilised solely for specified end use; and
- (II) not be sold or transferred or otherwise disposed of, either directly or indirectly;

Provided that the material generated during processing in M-sand unit which is not saleable as M-sand may be dispatched with e-rawanna after paying royalty, District Mineral Foundation Trust Fund and other applicable payments; and”

6. Amendment of rule 52.- In rule 52 of the said rules, after the existing sub-rule (1) and before the existing sub-rule (2), the following new sub-rule (1A) shall be inserted, namely:-

“(1A) For removal of overburden used in M-sand unit,-

- (i) permit for use of overburden dump in M-sand unit shall be granted through e-auction. The reserve price for e-auction shall be equivalent to dead rent of mineral masonry stone as specified in schedule-III:

Provided that permit to the Rajasthan State Mines and Mineral Ltd. may be granted on priority basis without e-auction;

- (ii) the Mining Engineer or Assistant Mining Engineer shall delineate plots in Government land for grant of permit by using differential global positioning system after joint demarcation with Patwari and send proposal to the Directorate for e-auction mentioning approximate quantity of overburden, land details, marking area of overburden dump and area for installation of M-sand unit;
- (iii) a centralized bidding cell established at Directorate level shall publish notice inviting bids as per the provisions of sub-rule (3)

and sub-rule (4) of rule 14 and conduct e-auction as per the provisions of sub-rule (1), (5), (6), (7), clause (i) to (v) and (ix) of sub-rule (8) and sub-rule (9) of rule 14;

(iv) after completion of e-auction, the highest bidder who is the successful bidder shall submit the following documents along with first instalment being forty percent of offered premium amount to the Mining Engineer or Assistant Mining Engineer concerned within fifteen days of completion of e-auction:-

- (a) affidavit regarding no-dues of the department;
- (b) a no-dues certificate from the Mining Engineer or Assistant Mining Engineer concerned where the bidder holds or had held mineral concession or royalty collection contract or excess royalty collection contract:

Provided that affidavit and no-dues certificate in case of firm, company or association of persons have to be submitted by all the partners, directors or persons, as the case may be.

- (c) Memorandum of Association and Articles of Association, certificate of incorporation in case bidder is a company or partnership deed and firm registration certificate in case bidder is a firm, as the case may be;
- (d) power of attorney in format as specified in Form-4 or resolution of board of directors in favour of person submitting bid in case of a firm or company, as the case may be;
- (e) a copy of PAN card or TIN;
- (f) a copy of address proof;
- (g) e-mail address and mobile number;
- (h) net worth certificate amounting rupees three crore in the last financial year in Form-20 duly certified by Chartered Accountant; and
- (i) an undertaking for installing M-sand unit within eighteen months of grant of permit and for submitting keenness money of rupees two lacs.

- (v) If successful bidder fails to comply the provisions of clause (iv), bid security deposited shall be forfeited and shall be de-barred for five years in participating in further auction. In such case, bidding process shall be annulled and fresh e-auction shall be conducted;
- (vi) Bid security of the unsuccessful bidders shall be refunded by the agency appointed for auction, to the bidders concerned after deposition of first instalment of premium amount by the successful bidder;
- (vii) the Director after recording reasons in writing may debar the bidder for participating in e-auction due to any of the following reasons, namely:-
 - (a) where the successful bidder does not deposits instalment or instalments of offered premium amount, security deposit, performance security or keenness money;
 - (b) where the bidder is found to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice during the auction process, or after the grant or execution of the mineral concession and there are sufficient reasons to believe that the bidder or his employee has been guilty of malpractices such as bribery, corruption, fraud, vitiating fair auction process;
 - (c) where the bidder or his partner or his representative is found guilty of misbehaviour with any officer or official of the Government connected with the mineral concession directly or indirectly; and
 - (d) where the bidder or his partner or his representative has been convicted by a court of law for offence involving moral turpitude arising out of the auction of mineral concession;
- (viii) the Director after debarring the bidder may blacklist the bidder for participating in future auctions for a period of five

- years after giving him a fifteen day's notice;
- (ix) upon completion of formalities mentioned in clause (iv) in case of e-auction and/ upon submission of application in case of application submitted by the Rajasthan State Mines and Minerals Ltd., hereinafter in this sub-rule referred to as the applicant, for grant of permit, the Mining Engineer or Assistant Mining Engineer shall issue a letter of intent to the successful bidder or the applicant, as the case may be,-
 - (a) furnish the performance security equivalent to twenty five percent of bid security kept in e-auction in the form as mentioned in sub-rule (1) of rule 20 and submit approved mining scheme within six months from the date of issue of letter of intent;
 - (b) keenness money, where plot is auctioned for establishment of M-sand unit, of rupees two lacs in the form as mentioned in sub-rule (1) of rule 20 within twelve months from the date of issue of letter of intent; and
 - (c) obtain and submit all consents and approvals as may be required under applicable laws and deposit sixty percent of offered premium amount and security equivalent to twenty five percent of bid security kept in e-auction in the form as mentioned in sub-rule (1) of rule 20 within eighteen months from date of issuance of letter of intent;
 - (x) the applicant or successful bidder, as the case may be, who did not comply with the conditions of letter of intent within the stipulated period of time, the competent authority shall reject the bid and forfeit the application fees, premium amount and performance security deposited, after providing an opportunity of being heard by issuing notice of thirty days;
 - (xi) the permit shall be granted by the Mining Engineer or Assistant Mining Engineer concern, if the applicant or successful bidder, as the case may be, complies with the

conditions of letter of intent within the stipulated period of time and applicant or successful bidder, as the case may be, shall be intimated by registered post and e-mail;

- (xii) Permit shall be subject to the following conditions, namely:-
- (a) the permit shall be granted for a period of ten years;
 - (b) the permit holder shall pay royalty of masonry stone as prescribed in schedule II, as amended, from time to time;
 - (c) the permit holder shall also pay surface rent of government land to the Revenue Department for surface area used by him for the purpose of removal of overburden, as per the rates prevalent in the area;
 - (d) the permit holder shall pay all dues in the office of such officer, in such manner, at such place and time as may be specified by the Government;
 - (e) the permit holder shall not erect, set-up or place any building or thing and shall not carry on surface operations 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 Government may determine as public ground or in such a manner as to injure or prejudicially affect any building, works, property or rights of other persons;
 - (f) the permit holder shall not carry on his operations in a manner that would injure or prejudicially effect any buildings, works, property or rights of other persons and no land will be used by the permit holder for surface operations which is already occupied by persons other than the Government for works or purposes not included in the permit;
 - (g) the permit holder shall commence removal of overburden within eighteen months from the date of grant of permit and thereafter carry on such

operations effectively in a proper skilful and workman like manner for systematic, scientific and environment friendly so as to ensure systematic development, conservation of mineral, protection of environment and safety of man and machinery;

- (h) the permit holder shall allow reasonable facilities for access to mineral concession holder of any land:

Provided that the directions of the Mining Engineer or Assistant Mining Engineer concerned shall be final and binding regarding any dispute about the approach road;

- (l) the permit holder shall allow any officer authorized by the Central or State Government to enter upon any building, excavation or land comprised in the permit area for the purpose of inspecting the same and shall abide by the instructions issued by him;
- (j) the permit holder shall pay such compensation as may be assessed by the lawful authority in accordance with the law or rules or order in force on the subject for all damages, injuries or disturbances which may be caused by him and shall indemnify and keep indemnified fully and completely, the Government against such damages, injury or disturbance and all cost and expenses in connection therewith;
- (k) the permit holder shall forth with report to the Mining Engineer or Assistant Mining Engineer concerned any accident which occurs at or in the said premises;
- (l) the permit holder shall not disposed off any mineral not specified in the permit;
- (m) the permit holder shall not, in the case of mines approach road or village roads (including any track shown in the revenue record as village road), allow any working to be carried on within a distance of ten meters of the outer edge of the cutting except with the

previous permission of the Collector or any other officer duly authorized by the State or Central Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or specific, which may be attached to such permission;

- (n) the permit holder shall not pay a wage less than the minimum wages prescribed by the Central or the State Government under the Minimum Wages Act, 1948;
- (o) the permit holder shall not assign, sublet, mortgage or in any other manner transfer the permit or any right, title or interest therein without the previous consent in writing of Mining Engineer or Assistant Mining Engineer. If the permit holder wants to transfer the permit, he shall apply to Mining Engineer or Assistant Mining Engineer along with consent of transferee, affidavit of transferor and transferee regarding no-due, non-refundable application fee of rupees two lacs. The Permit holder shall also submit transfer application in case of change of,-
 - (I) one form of business organization to another form of business organization i.e. proprietorship, partnership, limited liability partnership, private limited company, public limited company or any form of business activities recognized by any law to another form of business organization;
 - (II) change in partner of a partnership firm;
 - (III) the transfer of shares in a company, resulting in the change of control of management or ownership right of the said company;
 - (IV) merger or amalgamation of one company in to another company; and
 - (V) change of a private limited company to limited company, as the case may be, within sixty days from the date of such change:

Provided that if the permit holder fails to intimate the above mentioned change within the specified time, same may be submitted on payment of late fee at the rate of rupees five hundred per day of delay, subject to maximum of rupees two lacs;

- (p) if the permit holder 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 appeal pending against such conviction in any court of law, the Government may, without prejudice to any other proceedings that may be taken under the Act or the rules made thereunder, after giving such permit holder an opportunity of being heard and for reasons to be recorded in writing and communicated to the permit holder, terminate such permit and forfeit whole or part of the security;
- (q) the Mining Engineer or Assistant Mining Engineer concerned may, by an order in writing prohibit any operation in whole or part of the permit area, if in his opinion such operation is likely to cause premature collapse of any part of the workings or otherwise endanger the safety of persons employed therein, or there is danger as regards to outbreak of fire or flooding or such operations may cause damage to any property:

Provided that Mining Engineer or Assistant Mining Engineer concerned shall obtain prior approval or post facto approval within fifteen days, depending upon emergency, from the Superintending Mining Engineer concerned regarding instructions for prohibition of any operation in such area shall only be resumed with the prior written approval of Superintending Mining Engineer concerned;

- (r) the permit holder may erect on the area granted to

him, any building required for bonafide purpose and such building shall be the property of the Government after the expiry of the permit or earlier determination of the permit;

- (s) the permit holder shall,-
 - (I) keep accurate and faithful accounts of all minerals lying in overburden dump, the quantity dispatched and utilized along with the number of persons employed and record of rawanna issued;
 - (II) keep production of all the minerals within the limits of mine scheme or permitted under applicable laws;
 - (III) allow any officer of the department authorised by the Director to examine or audit records at any time and shall furnish such other information as may be required by him;
 - (IV) furnish annual report of mineral used within three month from the date of expiry of the financial year;
 - (V) not remove, dispatch or utilize the mineral from the permit area without valid rawanna generated by the system or issued by the department in Form-18 or any other system notified by the Government along with certificate of quality control laboratory; and
 - (VI) store and maintain proper accounts of unutilized sub-grade minerals stored within the permit area;
- (t) the permit holder shall comply with the provisions of the Act and rules made thereunder including the rules made under section 18;
- (u) the Government or competent authority shall from time to time and at all times during the term of permit have the right (to be exercised by notice, in writing to the permit holder) of pre-emption of the said minerals

(and all products thereof) lying in or upon the said land hereby demised or elsewhere under the control of the permit holder and the permit holder shall deliver all minerals or products to the Government at current market rates in such quantities and in the manner and at the place specified in the notice exercising the said right;

- (v) the permit holder shall have to deliver the possession of area of the permit, where the permit area is declared as a protected area under the Ancient Monuments Preservation Act, 1904 or any other similar law of the state, to the State Government without claiming any compensation;
- (w) The permit holder shall permit to the representative of the Government, to collect sample of all rocks found in the permit area or raised therefrom and all intermediate and finished products sold or intended to be sold by the permit holder;
- (x) the permit holder shall not use overburden for any purpose other than producing M-sand of IS Code 383:2016 in its own M-sand unit:

Provided that the material generated during processing in M-sand unit which is not saleable as M-sand may be dispatched with e-rawanna after paying royalty and other applicable payment;

- (y) the permits which are granted for establishment of M-sand unit, the permit holder shall establish the unit within eighteen months of grant of permit failing which the permit shall be cancelled with forfeiture of keenness and security money;
- (z) the permit holder shall establish a quality control laboratory at or near the M-sand unit for testing quality of M-sand being manufactured and dispatched:

Provided that quality of M-sand manufactured and

dispatched shall be verified by National Accreditation Board for Testing and Calibration Laboratories (NABL) approved laboratory once in every three month and report shall be submitted to concerned Mining Engineer or Assistant Mining Engineer; and

- (aa) (I) On expiry of period of permit or complete removal of overburden whichever is earlier, the Mining Engineer or Assistant Mining Engineer shall take the possession of part permit area leaving the area of established M-Sand unit; and
- (II) In case of any breach on the part of the permit holder of any covenant or condition contained in the permit, the Mining Engineer or Assistant Mining Engineer may determine the permit with the prior approval of the Superintending Mining Engineer concerned and take possession of the said premises and forfeit the security deposit."

By order of the Governor,

Sd-

Jt. Secretary to the Government



निदेशालय, खान एवं
भू-विज्ञान विभाग, उदयपुर