

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—INDUSTRIES AND COMMERCE
DEPARTMENT

Notification

Srinagar, the 3rd July, 2017.

SRO-267.—In exercise of the powers conferred by section 15 read with section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Government of Jammu and Kashmir hereby make the following amendments in the Jammu and Kashmir Minor

Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 ; namely :—

1. Clause (xLvii) of rule 2 shall be substituted by the following ;
namely :—

(xLvii) “District Mineral Officer” means an officer of the Department from the Disciplines of Mining/Geology and Drilling possessing a Degree or Diploma in Mining or M. Sc. in Geology or Mechanical/Agricultural and Automobile Engineering”.

2. Sub-rule (1) of rule 3 shall be substituted by the following ;
namely :—

(1) “No person shall undertake any mining operation or activity in respect of any minor mineral in any part of the State except under and in accordance with the provisions of Minor Mineral Concession Rules in any form”.

3. In clause (iv) of sub-rule (1) of rule 4, for the figure “25”, the figures “10” shall be substituted.
4. In sub-rule (1) of rule 6, for the words “by the Government”, the words “under the provisions of these rules” shall be substituted.
5. Sub-rule (9) of rule 6 shall be omitted and sub-rule (10) shall be renumbered as sub-rule (9).
6. In rule 7, for the words “by the Government” the words “under the provisions of these rule” shall be substituted.
7. In sub-rule (1) of rule 12, the words “and after consulting the Forest, Fisheries and Irrigation and Flood Control Department” shall be omitted.

8. In rule 13, the following shall be added as 2nd proviso ;
namely :—

“Provided that no such clearance shall be required in case of Short-Terms/Disposal Permit issued to the State Government/Central Government agencies.”

9. In sub-rule (2) of rule 14, the word “by the Government” shall be substituted by the words “by the Director”.
10. In rule 27, for the words “by the Government” the words “by the Competent Authority” shall be substituted.
11. In 2nd proviso to rule 27, for the figures “50”, the figures “10” shall be substituted.
12. In rule 27, the following shall be added as 3rd proviso ;
namely :—

“Provided also that where the minerals are not deposited in the State Land, permission shall be granted to the owner of the (Private Land) or his authorized representative for mining/extraction only after fulfilling the criteria provided under the provisions of these rules.”

13. In sub-rule (3) of rule 37, for the words “by the Government” the words “by the Competent Authority” shall be substituted.
14. Sub-rule (16) of rule 38, shall be substituted by the following ;
namely :—

“16. In case of any breach on the part of the lessee of any covenant or condition contained in the lease, the competent authority may terminate the lease and shall take possession of the said premises and forfeit the security deposit or in the alternative may impose payment of a penalty not exceeding twice the amount of annual dead rent of the lease. Such action shall be taken unless the lessee has failed to remedy the breach after serving of 50 days notice”.

15. Rule 42 shall be substituted by the following ; namely :—

“The authority to grant mining lease, renew/terminate/transfer shall be—

Director for an area up to 10 hectares”.

16. After rule 42, the following shall be added as rule 42 (a) ; namely :—

42 (a) Boundaries below the surface of earth :

“The boundaries of the areas covered by a Mining lease/Quarry license shall run vertically downwards below the surface towards the centre of the earth”.

17. In rule 44, the following shall be added as 3rd proviso ; namely :—

“Provided also that where the mineral does not vest with the Government (State land), the license for mining/extraction shall be granted to the owner (Private Land) or his authorized representative after fulfilling required conditions and procedure as provided under these rules”.

18. In clause (v) of sub-rule (1) of rule 56, the words “and guarantee amount” shall be omitted.

19. Sub-rule (4) of rule 60 shall be omitted.

20. Rule 107, shall be substituted by the following, namely :—

“107 *Explanation* (1) Notwithstanding anything contained in these rules, no rent royalty or fee shall be charged for minor minerals extracted during—

- (i) Excavation of Canals and foundation of any other works of the State Irrigation Department and Public Works Department :

Provided that the Engineering Departments shall have to obtain requisite minor mineral concession

under these rules before its transportation and consumption for the works/sites shall be pay royalty” failing which the department, Transporter and the Contractor shall be liable for action under the provisions of these rules.

- (ii) Extraction of minor mineral by an agriculturist from his/her private land *bona fide* purpose of agriculture ; and
 - (iii) Search for and obtaining the samples of minerals on the surface by chipping of outcrops without involving any disturbance of the soil by way of pit, trench or otherwise.
- (2) Other than short-terms/disposal permit, auction provisions shall not apply on area notified for the execution of such Development Project of State/National importance as may be notified by Government provided that requisite minor mineral concession has been obtained by Executive Engineer/General Manager of the Project Executing Agency. However, for the extraction and consumption of minor minerals, requisite concession shall be obtained and royalty shall be paid under these rules by the project authorities”.

By order of the Government of Jammu and Kashmir.

(Sd.) SHAILENDRA KUMAR, IAS,
Commissioner/Secretary to Government,
Industries and Commerce Department.