

## 32A. INSTRUCTIONS ON MINES AND MINERALS

**Government of West Bengal  
Office of the Board of Revenue, West Bengal  
M. & M. Branch**

No. 8349(18)-M & M

Calcutta, the 23<sup>rd</sup> Aug., 1984

**To**

- 1) **Additional District Magistrate (LR), .....**
- 2) **Additional Deputy Commissioner ( LR), .....**

**Sub: Fixation of rent under Sec. 30 of the West Bengal Estates Acquisition Act, 1953.**

In inviting a reference to Land & Land Reforms Department's memo. No. 797(18)-L.Ref. dt. 10.4.81 on the subject noted above the undersigned is directed to say that in view of the amended provision of Section 30 of the West Bengal Estates Acquisition Act [West Bengal Estates Acquisition (Amendment) Act, 1977] Surface Rent at the rate of Rs. 45/- per acre per annum is realisable with effect from the nationalised collieries. Government notifications allowing retention of the quantum of land by such collieries have already been issued in respect of 88 collieries. Separate instructions are being issued for realisation of Surface Rent in respect of these 88 collieries.

The Mining Advisory Committee have also submitted reports in respect of 97 collieries about which Government notifications allowing retention of lands will be issued shortly.

Surface Rent is realisable from the lessees in respect of the land which is under use and occupation of the lessees. It has, therefore, been decided by the Board of Revenue that pending determination of the area of land these collieries will ultimately be allowed to retain, Surface Rent may be realised on the basis of the area under present possession of such collieries. The undersigned is, therefore, directed to say that Surface Rent realisable under Section 30 of the West Bengal Estates Acquisition Act at the prescribed rate of Rs. 45 per acre per annum shall be raised on the basis of the statements made by the collieries with regard to such possession. This may, however, be subject to adjustment when Government notifications specifying areas to be retained by such collieries are issued on the recommendation of the Mining Advisory Committee.

Sd/- Illegible  
Deputy Secretary,  
Board of Revenue, West Bengal, &  
(ex-officio) Deputy Secretary to the Govt.  
of West Bengal. Land and Land Reforms Department.

Memo. No 8349/1(21)-M & M

Copy forward to :-

- 1) Commerce & Industries Department.
- 2) Land and Land Reforms Department.
- 3) Commissioner ..... Division .....
- 4) Director of Land Records & Surveys, West Bengal.
- 5) District Magistrate/Deputy Commissioner .....

Calcutta, the 23<sup>rd</sup> Aug., 1984.

Sd/- Illegible  
Deputy Secretary,  
Board of Revenue, West Bengal

**GOVERNMENT OF WEST BENGAL  
OFFICE OF THE BOARD OF REVENUE, WEST BENGAL  
SECTION A-VI, 'M & M' BRANCH**

No. 10093(17) M & M  
12/85

Dated Calcutta, the 9<sup>th</sup> September, 1985.

**To**  
**Additional District Magistrate (LR)**  
**Hooghly, P.O. Chinsurah,**  
**Dist. Hooghly.**

**Sub: Assessment of Cess – measurement of 100 cft.  
of sand and clay in terms of tonne.**

Quarry permits are issued for quarry of minerals, sand, brickearth etc. on the basis of unit "cft". According to Cess (Amendment) Act, 1984 cesses are to be assessed on each tonne of coal, minerals or sand of such annual despatches. It has been brought to the notice of the Board of Revenue that District Officers are finding it difficult to assess cesses for want of conversion table from "cft" into "tonne".

The matter was referred to the Commerce & Industries Deptt. who have opined as follows :

"The Wt. of 100 cft. of clay and sand varies considerably depending on their physical characteristics. A table is given below showing how the weight varies.

Wt. of 100 cft. of clay of various nature

- |      |              |   |                  |
|------|--------------|---|------------------|
| i)   | Dry lump     | - | 3 metric tonnes. |
| ii)  | Dry compact  | - | 4.1 mt.          |
| iii) | Dump compact | - | 5 mt.            |
| iv)  | Wet compact  | - | 6 mt.            |

Wt. of 100 cft. of sand of various nature.

- |     |          |   |                    |
|-----|----------|---|--------------------|
| i)  | Dry sand | - | 4.6 metric tonnes. |
| ii) | Wet sand | - | 5.4 mt.            |

Clay generally occurs in nature as Dump Compact variety, so the conversion factor may be taken as 20 cft. per tonne for clay.

The weight of sand will however vary from 22 cft. per tonne for dry variety and 18.5 cft. per tonne for wet variety.

The despatches of minerals, sand, clay in quantity of "cft" may be converted into "tonne" as mentioned above having regard to their physical characteristics.

Sd/- Illegible  
Deputy Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL  
COMMERCE AND INDUSTRIES DEPARTMENT  
MINES BRANCH.**

No.4059-CI/Mines.

Dated Cal., the 18<sup>th</sup> May, 1990.

**NOTIFICATION**

Section 2 of the Indian Forest Act, 1927 defines 'Minerals' and 'Mineral Oils' occurring in the forest belts as 'Forest Produces' and Forest Department officials are authorised under the West Bengal Forest Produces Transit Rules, 1959 to issue Transit passes for movement of any of their produces to areas outside the forest.

But Section 4(1) of the Mines and Minerals (Regulation and Development) Act, 1957 clearly states that no person shall undertake any prospecting or mining operations in any area except and in accordance with the terms and conditions of a prospecting licence or as the case may be, mining lease, granted under the aforesaid Act of 1957 and the rules made thereunder. Mining Operation as defined in Sec. 3(d) of the said Act of 1957 means 'any operation undertaken for the purpose of winning any minerals'. Therefore, the act of removal of minerals from even the forest areas, be it from the surface or the sub-surface, falls within the definition of mining operation and cannot thus be conducted except with or under a duly obtained license or lease under the said Act of 1957 and the Rules made thereunder. Sub-Section 2 of Section 4 of the said Act of 1957, further stipulates that no prospecting licence or mining lease shall be granted otherwise than in accordance with the provisions of the Act and Rules made thereunder. Transit passes issued by the Forest Department Officials cannot thus substitute the licence or lease to be obtained under the Mines and Minerals (Regulation & Development) Act, 1957 for the purpose of mining operation.

Surface collection of minerals which obviously includes drawal of minerals from plain / inclined surface, is also a mining operation and cannot be conducted without a valid licence or lease under the said Act of 1957.

2. The apparent contradiction in the provisions of the Indian Forest Act, 1927 and the Mines and Minerals (Regulation and Development) Act, 1957 and the difficulty in the matter of dual exercise of power on the same subject under two separate Central Acts have been under active consideration of the State Govt. for some time past.

3. On the basis of expert legal opinion in the matter and after giving due consideration to the views of Commerce and Industries Department and Forest Department, the Governor has been pleased to decide as follows :-

- (a) The Forests Department Officials henceforth should not issue transit passes in respect of minerals from the forest areas unless there is a 'Quarry Permit' or a 'Mining Lease' issued by a competent authority for undertaking mining;
- (b) All persons intending to raise minerals from forest areas may apply for 'Quarry Permit' through the concerned Divisional Forest Officer to the Concerned District Authority as defined in the West Bengal Minor Minerals Rules, 1973 and on Divisional Forest Officer's recommendation for granting 'Quarry Permit' the District Authority may issue the permit on advance payment of royalty and subject to subsequent realisation of other statutory charges at his end;
- (c) Forest Department Officials may then issue transit passes in respect of minerals occurring in their areas against such 'Quarry Permit' to the extent of quantities mentioned in the permits. Particulars of the corresponding 'Quarry Permits' against which Transit passes will be issued, may be noted on the body of the connected Transit passes. Such procedure may be applicable only in respect of mining in forest areas.

4. Necessary instruction shall immediately be issued by the Forest Department to the Forest Department Officials to strictly observe the procedure delineated above.

By Order of the Governor,  
T. DUTT  
Chief secretary to the Govt. of West Bengal.

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**Government of West Bengal**  
**Commerce and Industries Department**  
**Mines Branch**

No. 460(25)-CI/Mines

Dated : 7.6.1990

From: The Secretary to the Government of West Bengal

**To**

**The District Land and Land Reforms Officer, \_\_\_\_\_**  
**The Additional District Magistrate, Asansol, and**  
**The Additional District Magistrate,**  
**Midnapore at Tamluk.**

**Sub: Submission of clearance certificate of payment of mining dues - withholding of delivery of possession of lease area.**

The undersigned is directed to say that, for sometime past, the State Govt. has been considering the question of withholding delivery of possession of an area already leased out in a district to a lessee on account of non-submission of valid and upto-date clearance certificate of payment of mining dues in that district or in another district with a view to safeguarding the financial interest of the State Govt.

2. In terms of rule 5(2) of the West Bengal Minor Minerals Rules, 1973, an applicant desiring to have mining lease in this State is to apply through the C.M.O. / Mining Officer- in-Charge concerned accompanied by a challan showing deposit of Rs.200/- as application fee. In terms of rule 5(4) of the said Rules, some other papers, including clearance certificate of payment of mining dues viz. royalty or dead rent and surface rent, water rate, etc. issued by the District authority, shall also have to be submitted by such applicants.

3. As per existing practice followed in this Department, upto-date and valid Royalty Clearance Certificate (Affidavit in cases where the applicants have / had no quarry permit / mining lease in this State) is demanded from the applicants at the time of consideration of their applications for grant of mining lease or at the time of execution of the lease Deeds or even before handing over possession of the leasehold land.

4. It has however, come to the notice of this Department that sometimes applicants are granted mining leases in more than one district in this State. It has also come to the notice of this Department that while an applicant / lessee clears all his mining dues in respect of a particular district, he becomes a defaulter in paying all such dues in another district. Instances are there where clearance of mining dues are considered mouzawise by the district authorities including the S.D.L.&L.R.O.s and they may not be aware of an applicant's / lessee's default in payment of mining dues of his mining lease in some mouzas of different sub-division or a different district.

5. In such a situation, inter-district co-ordination of cases where the same person extracts minerals in more than one sub-division of a district or in more than one district, can only be done at the State level in this Department, wherever possible.

6. While insisting upon submission of valid and upto date Royalty Clearance Certificate even after the execution and registration of mining lease deed, this Department is aware of the fact that a lessee is likely to suffer financial loss if he is not allowed to commence mining operation because of non-delivery of possession of the leased out area in one mouza for his default in paying Government dues in respect of his minerals in another mouza of another sub-division. In spite of the difficulties likely to be faced by a lessee if delivery of possession of leased out area is held up for default in payment of royalty in another sub-division / district of this State, the person being the same, it is only in the financial interest of the State Government that such a person is not delivered possession till he clears the mining dues.

7. It has therefore, been decided by the Govt. as a matter of general principle, that no mining lease should be granted to an applicant who is a defaulter in paying mining dues anywhere in the State of West Bengal.

8. It has also been decided that it will be permissible as a general principle, to withhold delivery of possession of an area leased out in one district to a lessee who is found to be a defaulter in respect of payment of mining dues in regard to the extraction of minerals done by him on the strength of order to that effect passed by the Hon'ble High Court in some other sub-division / district(s) or if there is allegation against the lessee / applicant that he is involved in unauthorised extraction of minerals in the same or in some other district and unauthorised extraction of minerals has been proved through due process of law against him.

9. Accordingly, it has been decided by the State Govt. that henceforth possession of an area to a lessee shall not be handed over to him without having prior permission of this Department.

Sd/- Illegible  
SECRETARY

Memo No. 4196(37)-M & M  
40/90

Dated, the 15<sup>th</sup> / 20<sup>th</sup> June, 1991.

Copy forwarded to all :-  
1-3) .....

4) District Land & Land Reforms Officer, South 24-Parganas for information and necessary action.

Sd/- Illegible  
Deputy Secretary  
Board of Revenue, West Bengal.

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**GOVERNMENT OF WEST BENGAL**  
**Commerce & Industries Department**

No.87-CI/Gr.'D'

Dated, Calcutta the 24<sup>th</sup> January, 1991

**NOTIFICATION**

In exercise of the powers conferred by sub-section (2) of Section 26 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Governor is pleased hereby to direct that the powers exercisable by the State Government under sub-section (3) of section 21 of the said Act, shall be exercised by the following officers of the State Government within the jurisdiction as defined against each.

- (1) Director of Mines and Minerals, West Bengal in the whole of the State of West Bengal;
- (2) All District Land & Land Reforms Officers within their respective jurisdiction;
- (3) Chief Mining Officer and Deputy Chief Mining Officer within their respective jurisdiction;
- (4) Mining Officers of all Zones within their respective jurisdiction;
- (5) Inspecting officers of the Directorate of Mines and Minerals, West Bengal within their respective jurisdiction;
- (6) All Sub-divisional Land and Land Reforms Officers within their respective jurisdiction;
- (7) All Block Land & Land Reforms Officers within their respective jurisdiction.

By order of the Governor  
B. K. SARKAR  
Secy. to the Govt. of W.B.

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**GOVERNMENT OF WEST BENGAL  
COMMERCE & INDUSTRIES DEPARTMENT  
GROUP - D**

No.88-CI/Gr.'D'/4M-30/88

Calcutta the 24<sup>th</sup> January, 1991

**NOTIFICATION**

In exercise of the power conferred by sub-section (2) of Section 26 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), read with order no.446(E), dated the 28<sup>th</sup> April, 1987 of the Ministry of Steel and Mines, Deptt. of Mines of the Govt. of India issued under clause (b) of section (1) of Section 26 of the said Act and in cancellation of this Deptt's notification no.4930-CI/Mines, dated 8<sup>th</sup> August, 1988, the Governor is pleased hereby to direct that the powers exercisable by the State Government under sub-section (4) of section 21 of the said Act, shall also be exercised by the following officers of the State Government within the jurisdiction, as defined against each :-

- (1) All District Magistrate within their respective jurisdiction;
- (2) All Additional District Magistrates within their respective jurisdiction.
- (3) All District Land & Land Reforms Officers within their respective jurisdiction.
- (4) All Sub-Divisional Officers within their respective jurisdiction;
- (5) All Sub-Divisional Land and Land Reforms Officers within their respective jurisdiction;
- (6) All Block Land and Land Reforms Officers within their respective jurisdiction.
- (7) All Executive Magistrates who remain in charge of offices of the Sub-divisional Officers, during absence of Sub-divisional officers, within their respective sub-divisional jurisdiction;
- (8) Director of Mines and Minerals, West Bengal within whole of the State of West Bengal.
- (9) Chief Mining Officer and Deputy Chief Mining Officer, within their respective jurisdiction.

- (10) Mining Officers of all Zone within their respective jurisdictions;
- (11) Inspecting Officers of the Directorate of Mines and Minerals, West Bengal within their respective jurisdiction;
- (12) Inspectors and Sub-Inspectors of Police within their respective jurisdiction.

By Order of the Governor  
B. K. SARKAR  
Secy. to the Govt. of W.B.

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**GOVERNMENT OF WEST BENGAL**  
**Commerce and Industries Department**

**Group - D**

No.695-CI/4M-30/88

Dated, Calcutta, the 10<sup>th</sup> August, 1992.

**NOTIFICATION**

In exercise of the power conferred by the Sub-section (2) of section 26 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Governor is pleased hereby to direct that the powers exercisable by the State Government under Sub-section (5) of section 21 of the said act, shall be exercised by the following officers of the State Government within the jurisdiction as defined against each:

- (1) All District Magistrates within their respective Jurisdiction;
- (2) All Additional District Magistrates within their respective Jurisdiction;
- (3) All District Land and Land Reforms Officers within their respective Jurisdiction;
- (4) All Sub-divisional Officers within their respective Jurisdiction;
- (5) All Sub-divisional Land and Land Reforms Officers within their respective Jurisdiction;
- (6) All Block Land and Land Reforms Officers within their respective Jurisdiction;
- (7) Director of Mines & Minerals, West Bengal in the whole of the State of West Bengal;
- (8) Chief Mining Officer within his respective Jurisdiction;
- (9) Mining Officers of all zones within their respective jurisdiction.

By order of the Governor  
Sd/- Illegible  
Spl. Secy. to the Govt. of W.B.

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**GOVERNMENT OF WEST BENGAL**  
**Commerce & Industries Department**

No.89-CI/Gr. D/4M-30/88

Calcutta the 24<sup>th</sup> January, 1991

**NOTIFICATION**

In exercise of the powers conferred by sub-section (2) of Section 26 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Governor is pleased hereby to direct that the powers exercisable by State Government under Section

22 of the said Act, shall be exercised by the following officers of the State Government within the jurisdiction as defined against each :-

- (1) Director of Mines and Minerals, West Bengal in the whole of the State of West Bengal;
- (2) All Additional District Magistrates within their respective jurisdiction;
- (3) All District Land and Land Reforms Officers within their respective jurisdiction;
- (4) All Sub-Divisional Officers within their respective jurisdiction;
- (5) All Sub-Divisional Land and Land Reforms Officers within their respective jurisdiction;
- (6) All Block Land and Land Reforms Officers within their respective jurisdiction;
- (7) All Executive Magistrates who remain in charge of offices of Sub-divisional Officers during absence of Sub-divisional Officers within their respective sub-divisional jurisdiction;
- (8) Director of Mines and Minerals, West Bengal in the whole of the State of West Bengal;
- (9) Chief Mining Officer and Deputy Chief Mining Officer within their respective jurisdiction;
- (10) Mining Officers of all Zones within their respective jurisdiction;

By order of the Governor  
B. K. SARKAR  
Secy. to the Govt. of West Bengal.

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**GOVERNMENT OF WEST BENGAL**  
**COMMERCE & INDUSTRIES DEPARTMENT**  
**MINES BRANCH**

No.90-CI/Gr. 'D'/4M-30/88

Dated, Calcutta the 24<sup>th</sup> January, 1991

**NOTIFICATION**

In exercise of the power conferred by sub-section (2) of Section 26 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Governor is pleased hereby to direct that the powers exercisable by State Government under Section 25 of the said Act, shall be exercised by the following officers of the State Government within the jurisdiction as defined against each:-

- (1) All District Land and Land Reforms Officers within their respective jurisdiction;
- (2) All Sub-Divisional Officers within their respective jurisdiction;
- (3) All Sub-Divisional Land and Land Reforms Officers within their respective jurisdiction;
- (4) All Block Land and Land Reforms Officers within their respective jurisdiction.

By Order of the Governor  
B. K. SARKAR  
Secy to the Govt of W.B.



**GOVERNMENT OF WEST BENGAL  
COMMERCE AND INDUSTRIES DEPARTMENT,  
GROUP 'D'**

No. 521-CI/D/21-3/92

Dated the 14<sup>th</sup> May, 1993.

**NOTIFICATION**

In exercise of the power conferred by sub-rule (2) of Rule 4 of the West Bengal Minor Minerals Rules, 1973, as subsequently amended (hereinafter referred to as the said rules), the Governor is pleased hereby to reserve all the granite bearing areas in West Bengal, for the purpose of mining of granite exclusively by the West Bengal Mineral Development and Trading Corporation Ltd., a Government of West Bengal undertaking, with effect from the date of publication of this notification in the Calcutta Gazette.

By Order of the Governor  
Sd/-  
Joint Secretary.

No. 521/1(1)-CI/D

Dated 14<sup>th</sup> May, 1993.

Copy forwarded to the Superintendent, West Bengal Govt. Press, Alipore, Calcutta - 27, with the request to publish the Notification in the next issue of the Calcutta Gazette on top most priority basis.

Sd/-  
Joint Secretary.

No. 521/2(1)-CI/D

Dated 14<sup>th</sup> May, 1993.

Copy forwarded to the Managing Director, West Bengal Mineral Development & Trading Corpn. Ltd., 13, Nelie Sengupta Sarani, (Lindsay Street), 2<sup>nd</sup> floor, P.B. No.9026, Calcutta -87, for information and necessary action.

He is requested to submit necessary application for lease for further action in the matter.

Sd/-  
Joint Secretary.

No.521/3(2)-CI/D

Dated 14<sup>th</sup> May, 1993.

Copy forwarded to :

1. The Controller General, Indian Bureau of Mines, Govt. of India, Nagpur, Maharashtra.
2. The Director General of Mines Safety, Govt. of India, Dhanbad, Bihar.

Sd/-  
Joint Secretary,

No. 521/4 (4)/CI/D

Dated 14<sup>th</sup> May, 1993.

Copy forwarded for information and necessary action to :-

1. The Secretary, Board of Revenue,
2. The District Magistrate, 24-Parganas (S), P.O. Alipore, District : 24-Parganas (S).
3. The District Land & Land Reforms Officer.
4. The Mining Officer.

Sd/-  
Joint Secretary,

**GOVERNMENT OF WEST BENGAL  
COMMERCE & INDUSTRIES DEPARTMENT  
MINES BRANCH**

No.242(150)-CI/Mines /3R-2/98

Dated Calcutta , the 24<sup>th</sup> Feb. 1999

**NOTIFICATION**

In exercise of the power conferred by Sub-section (1) of Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Governor is pleased hereby to make with effect from the 1<sup>st</sup> March, 1999 the following amendment in the West Bengal Minor Minerals Rules, 1973 published with this Department Notification No.155-Mines dated the 30<sup>th</sup> January, 1974, as subsequently amended (hereinafter referred to as the said rules):

**Amendment**

For Schedule - I to the said rules, substitute the following schedule :-

**SCHEDULE -I  
(See rule 18)  
RATES OF ROYALTY**

1.	Sand	Rupees thirty seven and paise fifty per 100 cubic feet.
2.	Stone materials	Rupees fifty per 100 cubic feet.
3.	Gravels	Rupees thirty seven and paise fifty per 100 cubic feet.
4.	Morum	Rupees twenty per 100 cubic feet.
5.	Laterite	Rupees thirty per 100 cubic feet.
6.	Other Minerals :-	
	a) Limestone used as building materials (Minor Minerals)	Rupees thirty two per tonne
	b) Miscellaneous	Rupees twenty per 100 cubic feet.
7.	Granite	
	a) Black -	Rupees five hundred per cubic metre.,
	b) Coloured -	Rupees four hundred per cubic metre.,
	c) Grey -	Rupees three hundred per cubic metre

For Schedule-II to the said rules, substitute the following schedule.

**SCHEDULE - II  
(See Rule 18)  
DEAD RENT**

All minerals - Rupees sixty four per acre.

By order of the Governor  
Sd/- Illegible  
Deputy Secretary to the Govt. of  
West Bengal.

Copy forwarded for information and necessary action to the :

- 1) Director of Land Records and Surveys and Joint Land Reforms Commissioner,  
West Bengal, 35, Gopal Nagar Road, Alipore, Calcutta – 27.

Sd/- Illegible  
Deputy Secretary to the  
Govt. of West Bengal,  
Land and Land Reforms Department

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**Government of West Bengal**  
**Commerce and Industries Department**  
**Group – D**

No.633-CI/D/2M-19/99

Dated Calcutta, the 11<sup>th</sup> June, 1999.

**NOTIFICATION**

WHEREAS extraction of sand and other minor minerals in any area adjacent to river banks, embankments, bridges, public road, reservoirs, dams or barrages poses a threat to the safety and security of life and property in General in such area;

AND WHEREAS it is necessary to impose restrictions on mining in such area for the safety and security of life and property;

NOW, THEREFORE, in exercise of the the power conferred by clause (c) of sub-rule(1) of Rule 4 of the West Bengal Minor Minerals Rules, 1973, the Governor is pleased hereby to prohibit, in the public interest, mining operation in any of the areas specified in the Schedule below with immediate effect;

**SCHEDULE**

1. Any area within twenty metres from the bank of a river.
2. Any area within ten metres from the outer boundary of any adjacent plot or plots.
3. Any area within two hundred metres on each side of any river bridge or culvert over any waterway or embankment or structural work of the Irrigation and Waterways Department, Government of West Bengal.
4. Any area within two hundred metres of any hydraulic structure, Canal, Road, other public works or buildings except with the prior permission in writing, of the State Government in the Irrigation and Waterways Department or Public Works (Roads) Department.
5. Any area within five hundred metres of any reservoir, dam or barrage, subject to the condition that the State Govt. in the concerned department may, by notification, extend the limit of five hundred metres.
6. Any area within five kilometres form a barrage axis or dam axis, such distance being reckoned across an imaginary line parallel to the barrage axis dam axis and or to the end face of the structure.
7. Any area of a river bed save and except the area within the Central one-third portion of such river bed, in the districts of Darjeeling, Jalpaiguri, Cooch-Bihar,

Uttar Dinajpur, Dakshin Dinajpur and Malda and where the width of such river bed is thirty metres or less, except with the prior written permission of the Irrigation and Waterways Department, Government of West Bengal.

By Order of the Governor.  
Sd/- Illegible  
Deputy Secretary to the Govt. of W.B.

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**GOVERNMENT OF WEST BENGAL**  
**Office of the Director of Land Records and Surveys**  
**and Joint Land Reforms Commissioner, West Bengal,**  
**35, Gopalnagar Road, Alipur, Calcutta – 700 027.**

Memo No.138/3512-29/C/99

Dated, Alipur, the 22<sup>nd</sup> June, 2000.

**To**  
**The District Land and Land Reforms Officer,**

**Subject : Collection of Cesses on Minor Minerals.**

There has been some confusion regarding the exact apportionment of cesses on minor minerals. Moreover, the audit team also uses tonnage as a measure which has to some extent caused confusion among the DL&LROs due to which short realisation has been detected resulting in audit paras for the recovery. For the sake of uniformity a standard conversion chart based on actual field experience in the districts of Midnapore and Bankura has been given below. This is in further continuation to the BOR, circular 10093(17)-MM/12/85 dated 09.09.1985 a copy of which is enclosed and which is often used by the audit.

The prescribed rates as per the Act are as follows :

Name of the cess	Section of the Act	Rate per MT	Present Rate per MT w.e.f. 15/04/2000 as per G.O.No.2296-S&S dt. 24.04.2000 of L & L.R. Deptt.
P.W.Cess	Cess Act, 1880 Amended on 12.11.1984	Re 0.50	Re. 0.50
Road Cess	Cess Act, 1880 Amended on 12.11.1984	Re 0.50	Re. 0.50
Primary Education Cess	W.B.Primary Education Act, 1973 w.e.f. 31.5.1987	Re. 1.00	No change
Rural Employment Cess	Under WB Rural Employment & Production Act, 1976 w.e.f. 1.6.1987	Re. 0.50	No change

**Conversion Chart and the Cesses to be levied**

Sl. No.	Item	Volume	Tonnage	PW in Rs.	Road in Rs.	Cess P. Educati on in Rs.	R.E. in Rs.	Total in Rs.	Royalty in Rs.
1.	Sand (dry)	100 cft	5 MT	2.50	2.50	5.00	2.50	12.50	37.50
2.	Sand (wet)	100 cft	5.5 MT	2.70	2.70	5.40	2.70	13.50	37.50
3.	Morrum	100 cft	5.5 MT	2.75	2.75	5.50	2.75	13.75	20.00
4.	Laterite Boulder	100 cft	5.5 MT	2.80	2.80	5.60	2.80	14.00	30.00
4A.	Granite	100 cft	5.1 MT	2.55	2.55	5.10	2.55	12.75	37.50
5.	Stone	100 cft	8.5 MT	4.25	4.25	8.50	4.25	21.25	50.00
6.	China clay*	N.A.	1 MT	0.50	0.50	1.00	0.50	2.50	8.00
7.	Fire Clay*	N.A.	1 MT	0.50	0.50	1.00	0.50	2.50	8.00
8.	Quartzite*	N.A.	1MT	0.50	0.50	1.00	0.50	2.50	5.00
9.	Limestone*	N.A.	1 MT	0.50	0.50	1.00	0.50	2.50	32.00
10.	Coal*	N.A.	1 MT	0.50	0.50			1.00	As per grade assessed by Chief Mining Officer.
11	Clay#@ (Brick earth)	100 cft	6 MT	3.00	3.00	6.00	3.00	15.00	20.00
12	Gravels	100 cft	5.1 Mt.	2.55	2.55	5.10	2.55	12.75	37.50

\* are major minerals and would probably not have to be dealt with by DL&LROs normally.

# after an audit objection brick earth is being reckoned as wet compact earth.

@ In case of unauthorised extraction the price of earth to be realised for the year 2000 is Rs.57/- (Rupees Fifty seven only). No cess should be realised despite audit objections because firstly, penalty is inclusive of cess and secondly, realisation of cess would result in the de-facto regularisation of an unauthorised brickfield which would complicate matters legally.

All concerned are requested to strictly follow the above guidelines without any deviation. The cesses arrived after pro-rata calculation should be deposited under distinct heads and should not be mixed up with other cesses.

Encl: (1) G.O. No. 10093(12)M&M dated 09.09.1985 of Board of Revenue  
12/85

(2) 242(150)-CI/Mines/3R-2/98 dated 24/02/99 of C&I

(3) 9109-M&M dated 13.09.1984 of Board of Revenue.

Yours faithfully,

S. Suresh Kumar

Director of Land Records and Surveys

& Jt. Land Reforms Commissioner, West Bengal.

Memo No.138/3530-49/C/99

Dated the 22<sup>nd</sup> June, 2000

Copy forwarded for information and necessary action to:

1. The Principal Secretary, Land & Land Reforms Department,
2. The Jt. Secretary, Land & Land Reforms Department
3. Sri
4. H.A. 'C' Group
5. Guard File 'C' Group.

S. Suresh Kumar

Director of Land Records and Surveys

& Jt. Land Reforms Commissioner, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Director of Land Records and Surveys and**  
**Joint Land Reforms Commissioner, West Bengal,**  
**35, Gopalnagar Road, Alipur, Calcutta – 700 027.**

Memo No.138/4706-23/C/99

dated , Alipur, the 16<sup>th</sup> / 21<sup>st</sup> August, 2000.

**To**  
**The District Land and Land Reforms Officer,**

**CORRIGENDUM**

In continuations of this Directorate's Order No.138/3512-29/C/99 dated 22.6.2000, this is to state that there was a typing mistake in Royalty in Rs. in case of dry sand which is corrected accordingly. And at Serial 12 rates in respect of gravels have been included.

This is for favour of information and necessary action.

Encl. 1.

A. K. BHATTACHARYA  
For Director of Land Records and Surveys &  
Jt. Land Reforms Commissioner, West  
Bengal.

Memo No.138/4724-37/C/99

Dated, the 16<sup>th</sup>/21<sup>st</sup> August, 2000

Copy forwarded for information and taking necessary action :-

1. The Principal Secretary, Land and Land Reforms Department.
2. The Joint Secretary, Land and Land Reforms Department.
3. Sri \_\_\_\_\_
4. Head Assistant 'C' Group
5. Guard File.

A. K. BHATTACHARYA  
For Director of Land Records and Surveys  
& Jt. Land Reforms Commissioner, West Bengal.

**Conversion Char and the Cesses to be levied**

Sl. No.	Item	Volume	Tonnage	PW in Rs.	Road in Rs.	Cess P. Educat ion in Rs.	R.E. in Rs.	Total in Rs.	Royalty in Rs.
1.	Sand (dry)	100 cft	5 MT	2.50	2.50	5.00	2.50	12.50	37.30
2.	Sand (wet)	100 cft	5.5 MT	2.70	2.70	5.40	2.70	13.50	37.50
3.	Marrum	100 cft	5.5 MT	2.75	2.75	5.50	2.75	13.75	20.00
4.	Laterite Boulder	100 cft	5.5 MT	2.80	2.80	5.60	2.80	14.00	30.00
4A	Granite	100 cft	5.1 MT	2.55	2.55	5.10	2.55	12.75	37.50
5.	Stone	100 cft	8.5 MT	4.25	4.25	8.50	4.25	21.25	50.00
6.	China Clay*	N.A.	1 MT	0.50	0.50	1.00	0.50	2.50	8.00
7.	Fire clay*	N.A.	1 MT	0.50	0.50	1.00	0.50	2.50	8.00
8.	Quartzite *	N.A.	1 MT	0.50	0.50	1.00	0.50	2.50	5.00
9.	Limes-tone*	N.A.	1MT	0.50	0.50	1.00	0.50	2.50	32.00
10	Coal*	N.A.	1 MT	0.50	0.50	-	-	1.00	As per grade assessed by Chief Mining Officer
11	Clay#@ (Brick earth)	100 cft	6 MT	3.00	3.00	6.00	3.00	15.00	20.00

\* are major minerals and would probably not have to be dealt with by DL&LROs normally.

# after an audit objection brick earth is being reckoned as wet compact earth.

@ In case of unauthorised extraction the price of each to be realised for the year 2000 is Rs.57/- (Rupees Fifty seven only). No cess should be realised despite audit objections because firstly, penalty is inclusive of cess and secondly, realisation of cess would result in the de-facto regularisation of an unauthorised brickfield which would complicate matters legally.

All concerned are requested to strictly follow the above guidelines without any deviation. The cesses arrived after pro-rata calculation should be deposited under distinct heads and should not be mixed up with other cesses.

Encl : (1) G.O. No.  $\frac{10093(12)M\&M}{12/85}$  Dated 09.09.1985 of Board of Revenue.  
(2) 242(150)-CI/Mines/3R-2/98 dated 24/02/99 of C & I.  
(3) 9109-M&M dated 13.09.1984 of Board of Revenue.

Yours faithfully,  
S. Suresh Kumar  
Director of Land Records and Surveys &  
Jt. Land Reforms Commissioner, West Bengal.

●

**GOVERNMENT OF WEST BENGAL**  
**Office of the Director of Land Records and Surveys**  
&  
**Joint Land Reforms Commissioner, West Bengal,**  
**35, Gopal Nagar Road, Alipur, Calcutta – 700 027.**

Memo No.7/4963-80/C/2000

Dated Alipore, the 21<sup>st</sup> August, 2000

From: Director of Land Records and Surveys  
& Jt. Land Reforms Commissioner,  
West Bengal.

**To**  
**District Land & Land Reforms Officer,**

**Sub : Enhancement of revenue from Minor Minerals and Land Revenue.**

The enhancement of revenue from minor minerals is only possible if certain steps are taken :

- (A) Collection of royalty and cesses should be strictly made as per the Circular of the Dte. given by Memo. No.138/3512-19/C/99 dated, Alipur, the 22<sup>nd</sup> June, 2000 and subsequent Corrigendum No.138/4706-23/C/99 dated the 16<sup>th</sup> August, 2000.
- (B) With respect to the **brickfield** the following steps should be taken:
- 1) A discussion with the brick field owners should be held before Pujas itself and the quantum of earth against which royalty and cess shall be payable together should be fixed in advance for Fixed Chimney, Mini-Draught and High Draught Chimneys. All other types of chimneys such as single or double chimney shall not be allowed to function at all due to environment directives as these forms are inefficient in fuel management as well in quality of products.
  - 2) The rates for fixed Chimney and Mini Draught Chimneys both being the same type effective would be between the range of 1.10 lakhs cft to 1.50

lakhs cft per annum considering the State as a whole. Those riverine areas which have access to silt shall have to go to the higher side of the range and those depending on carried earth to augment their authorised extraction shall have to be fixed at the lower side of the range. Similarly the rates for High Draught Chimney should range from 1.80 lakh cft to 2.25 lakh cft.

- 3) The rates should be revised marginally every year after a discussion with the brickfield owners.
- 4) The royalty and cess so fixed for each category of brickfield should be collected in advance together at one go before **31<sup>st</sup> January of every year**. Do not entertain part payments.
- 5) There would be no necessity of second assessment and those brickfields failing to use their manufacturing season also will not get any rebate either. However a final measurement sheet shall have to be taken by an R.O. atleast to complete the formalities. It is repeated that frequent measurements of any form is not necessary.
- 6) Payments can be received by crediting the amount through a challan which shall be checked and passed or through a D.C.R. at the Block office itself.
- 7) Case records should be initiated and sent to the DL&LRO through the SDL&LRO within the manufacturing season itself for issue of QP before 31<sup>st</sup> March of the year.
- 8) The standard rates for royalty to be realised are @ Rs.20.00 per 100 cft but those members of the Bengal Brickfield Owners Association who have obtained orders from the Calcutta High Court as per the most recent order issued in connection with CAN No.3260 of 1999 arising out of C.O. No.4760 (W) of 1990.

The Division Bench had also directed that the Collection at reduced rate of Rs.15/- (fifteen) only for royalty should be realised with a written undertaking for the rest. This benefit is not applicable to those who have started brickfield unauthorisedly after 27.07.1985.

- 9) Cess should be realised together with the royalty compulsorily and there should be no deviations as it would be viewed very seriously. Penalty shall be charged against all un-authorised brick field started after 27.07.1985 without any deviation.
- 10) Pending arrears should be assessed and the payment schedule should be worked out with the defaulting brickfield owner much before the start of business. If he/she is unwilling to see any reason to come to an agreement, he/she should not be allowed to start the business itself.

C) With respect to the **other minor minerals** the following steps should be taken:

- 1) Only in virgin areas where no extraction has taken place applications for long term lease can be encouraged. In all other places preference should be given to short-term leases for extraction over long-term leases. All applications pending for long term lease with the BLLRO should be disposed immediately and the report should be sent to the DLLRO. There are reports that petitions are deliberately kept pending to ensure that the applicants go to court and on contempt obtain interim extraction orders. This should be prevented. Cases where the Mining Officer has not recommended should not be recommended further by the BLLRO or the DLLRO. Extraction reports from long-term lessees should be obtained and if any lessee is found to have extracted below the minimum guaranteed amount then a proposal for the cancellation of the lease should be sent to the C & I Dept.



- 2) The processing of the prayers for minor mineral extraction shall be totally delegated to the BLLROs. The red-tape involved in processing the case and sending it to the DLLRO through the SDLLRO is defeating the very purpose of quick disposal to enable extraction. Moreover if the BLLRO is totally entrusted with the responsibility then he/she becomes fully accountable for the growth of revenue and the stoppage of illegal extraction. BLLRO should however prepare the case records post-facto and then send them to the DLLRO for approval. There could be some initial problems, but they can be sorted out.
- 3) All lessees should compulsorily have challan books / carriage order books in which each leaf shall be in duplicate. Extraction shall be done by the short term or long term lessee only after the BLLRO or his authorised officer has signed, fixed the expiry date and has affixed the stamp of the office. Vehicles carrying any minor mineral except brick-earth shall be impounded if the vehicle is found without a carriage order / challan. In case of short-term lessees the challan / C.O. shall be issued immediately after the receipt of the money for the quantum of minor mineral to be extracted in advance.
- 4) False challans / C.Os or tampering of challans / C.Os is a common problem. This can be reduced to a great extent if the following steps are taken :
  - (a) Every short term / long term lessee shall have his/her own distinct challan / C.O. book.
  - (b) The Book No. alongwith the Challan / C.O. number shall be machine numbered on every leaf including the duplicate.
  - (c) The original and the duplicate shall be of different colours. The exhausted duplicate books shall be deposited with the B.L.L.R.O. after use and fresh challans COs should not be issued if the old duplicate books are not submitted.
  - (d) The seal of the BLLRO office should be kept in the safe custody of the officer(s) everyday and under no circumstances it should fall into any person's hands.
  - (e) The signature of the officer signing the original and duplicate should be such that it cannot be reproduced easily.
  - (f) The short lessee / long term lessee or his employee at the site shall ensure that date and time are written on the challan (original and duplicate) without fail. Any deviations should be punished with a heavy fine. They should also maintain a register as to extraction at the site.
  - (g) BLLRO shall also maintain a register minor mineral-wise as to the details of the lessee, the area, location, the quantity to be extracted, the serial Nos. of the book and challans / COs, the expiry date, amount realised for royalty & cess, DCR No. and date etc.
- 5) Prevention of illegal extraction is of extreme importance to improve revenue collection as well as to ensure the lessees working legally continue to pay the dues to the Government. An important necessity is the conduct of surprise and random raids by mobile squads. Static check posts have little utility and can be easily outflanked by the determined truck-drivers. Though we had tried to obtain an extra-vehicle we were unable to convince the Finance Dept. However the existing vehicles could also be mobilized. A programme for 10-15 days in a month should be chalked out in advance and a raid team should be constituted previously which should be allotted duty for a day and they should operate at all

possible hours in a day . Any vehicle carrying minor minerals, without a challan or C.O. should be seized and fine should be realised. Fine can be 10 times the royalty and cess against the assessed quantity of minor minerals being carried. For hard-core repeated defaulters higher fines can be imposed and in default the vehicle can be kept impounded in the Police Station.

The above suggestions are illustrative and if implemented will lead to an immediate jump as well as an annual increase in revenues.

Yours faithfully,  
S. Suresh Kumar  
Director of Land Records and Surveys  
& Jt. Land Reforms Commissioner,  
West Bengal.

Memo No.7/4981-82/C/2000

Dated, Alipur, the 21<sup>st</sup> August, 2000

Copy forwarded for information to :

- 1) Principal Secretary, Land & Land Reforms Department, and LRC, West Bengal.
- 2) Joint Secretary, Land & Land Reforms Department, West Bengal.

S. Suresh Kumar  
Director of Land Records and Surveys &  
Jt. Land Reforms Commissioner,  
West Bengal.

————— ● —————  
**GOVERNMENT OF WEST BENGAL**  
**COMMERCE AND INDUSTRIES DEPARTMENT**  
**CELL - M1**

No.35-CI/O/DMM/MISC/ /02/MI

Date : 25.01.02

From : Joint Secretary to the Govt. of West Bengal.

**To**  
**The District Land and Land Reforms Officer,**  
**Burdwan.**

**Sub : Cess on Minerals.**

Sir,

With reference to the subject mentioned above, I am directed to state the following :-

1. While Cess Act of other States have been quashed by the Hon'ble Supreme Court, the Bengal Cess Act, 1880 has not quashed by the Apex Court.
2. The Provisions of Bengal Cess Act, 1880 are still in force subject to an undertaking that if the same is not upheld, the State of West Bengal shall refund all the amounts collected together with interest at the rate 15% per annum.
3. In view of the order of the Apex Court, Cess at the prescribed rules will be continued to be imposed on extraction of all minerals in the State.

This is for your information and necessary action.

Yours faithfully,  
Sd/- Illegible.  
Joint Secretary.

No. 35/1(18)-CI/O/DMM-MISC/01/02/MI

Date: 25.01.02

Copy forwarded to:  
ALL D.L.&L.R.O.

Sd/- Illegible  
Assistant Secretary.

**Government of West Bengal**  
**Land and Land Reforms Department**  
**Section – AII : Branch – C&S**

No.3830-C&S

Dated, Kol., the 22<sup>nd</sup> April, 2002

**NOTIFICATION**

In exercise of the power conferred by Section 39 read with Section 6 of the Cess Act, 1880 (Bengal Act IX of 1880), the Governor is hereby pleased to determine the rates at which Public Works Cess in respect of lands, coal-mines and mines (other than Coalmines) and quarries as specified respectively in column (i) and (ii) of the Schedule below shall be assessed and levied in each district in the State of West Bengal for the cess year commencing from the 1<sup>st</sup> day of Baisakh 1409 B.S.

**SCHEDULE**

**COLUMN – i**

**COLUMN – ii**

Lands	25 paise on each rupee of annual value of land ascertained as in the Act prescribed.
Coal-mines	50 paise on each tonne of annual despatches ascertained as in the Act prescribed.
Mines (other than Coal-mines) quarries	50 paise on each tonne of annual despatches ascertained as in the Act prescribed.

By Order of the Governor  
S. Chakraborty  
Deputy Secretary to the Govt. of  
W.B., Land and Land Reforms Deptt.

No.3830/1(45)-C&S

Date : 22/29.04.2002.

Copy forwarded for information and necessary action to the :

1. Finance Department of this Government.
2. Panchayet and Community Development Deptt. of this Govt.
3. Public Works Department of this Government.
4. Commerce and Industries Department.
5. Commissioner, \_\_\_\_\_ Division \_\_\_\_\_
6. Collector, \_\_\_\_\_
7. District Land and Land Reforms Officer.
8. Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal, 35, Gopal Nagar Road, Alipore, Kolkata – 27.
9. Guard file of Section A-II.

S. Chakraborty  
Deputy Secretary to the  
Govt. of West Bengal,  
Land and Land Reforms Department.

**The Kolkata Gazette**  
*Extraordinary*  
*Published by Authority*

**KARTIKA 16]**

**FRIDAY, NOVEMBER 8, 2002**

**[SAKA 1924**

Part I – Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**  
**COMMERCE AND INDUSTRIES DEPARTMENT**

**Mines Cell**

**NOTIFICATION**

No.422-CI/O/MINES RULE/022/02/M1. - dt. 8<sup>th</sup> November. – In exercise of the power conferred by sub-section (1) of section 15 of the Mines and Minerals (development and Regulation) Act, 1957 (Act 67 of 1957), the Governor is pleased hereby to make the following rules regulating the grant of quarry leases, mining leases, and other mineral concessions in respect of Minor minerals and for purposes connected therewith, namely;

**CHAPTER - I**

**1. Short title, extent and commencement –**

- (1) these rules may be called the West Bengal Minor Minerals Rules, 2002.
- (2) They shall extend to the whole of West Bengal.
- (3) They shall come into force from the date of its publication in the Official Gazette.

**2. Limitation of application of rules –**

- (1) Nothing in these rules shall affect the provisions of any Central Act, or regulations or rules made thereunder, for the purpose of regulation and development of mines and minerals and of the safety of the persons working in the mines, or anything done or any action taken under the provisions of the West Bengal Minor Minerals Rules, 1959, and the West Bengal Minor Minerals Rules, 1973.
- (2) Matters not covered by these rules shall be guided by the Central Act or the regulations and rules made thereunder and amended from time to time for the purpose of development and regulation of mines and minerals.

**3. Definitions –**

- (1) In these rules unless the context otherwise requires,
  - (a) “Act” means Mines & Minerals (Development & Regulation) Act, 1957 as amended upto date.
  - (b) ‘Block Land and Land Reforms Officer’ means a Block Land and Land Reforms Officer appointed as such by the State Government for any particular area;

- (c) 'Chief Mining Officer' means the Chief Mining Officer appointed as such by the State Government, having jurisdiction all over the State of West Bengal.
- (d) 'Collection of Minor Minerals' means obtaining ordinary minor minerals either by virtue of mining lease or by virtue of quarry permit issued as per provisions of these rules;
- (e) "District Authority" means the Additional District Magistrate in charge of Land Acquisition or Land Reforms matters in a district and the District Land and Land Reforms Officer and includes the District Magistrate where no such Additional District Magistrate and District Land & Land Reforms Officer exists;
- (f) 'Form' means a form set out in the Schedules to these rules;
- (g) 'Lease' means a mining lease for a period not below one year;
- (h) 'Mineral' means minor minerals as defined in clause (e) of Section 3 of the Mines and Minerals (Development and Regulation) Act, 1957.
- (i) 'Mining Authority' means a District Authority, a Sub-Divisional Land and Land Reforms Officer, a Block Land and Land Reforms Officer as may be authorised by the District Authority under the provision of clause I of Schedule IV appended to these rules and includes the Chief Mining Officer and the Mining Officers;
- (j) 'Mining Officer' means a Mining Officer appointed as such by the State Government for any particular area;
- (k) 'Person' shall include any company or association or a body of individuals, whether incorporated or not, or a department of the State Government or the Central Government;
- (l) 'Quarry permit' means a permit granted under Chapter IV of these rules to extract and remove any minor mineral in specified quantity from a specified area for a specified period;
- (m) 'Schedule' means a schedule appended to these rules;
- (n) 'State Government' means the Government of the State of West Bengal;
- (o) 'Sub-divisional Land and Land Reforms Officer' means a Sub-divisional Land & Land Reforms Officer appointed as such by the State Government for any particular area;
- (2) Words and expressions used in these rules and not defined, but defined in the Mines & Minerals (Development & Regulation) Act, 1957 shall have the same meaning as are respectively assigned to them in the said Act.

## **CHAPTER – II**

### **4. Prohibition of Mining Operation without permit or Mining Lease –**

- (1) (a) No person shall undertake any mining operation in any area except under and in accordance with the terms and conditions of a mining lease or quarry permit granted under these rules;

Provided that if any public sector undertaking, either by itself or through any agent duly authorised by such undertaking in this behalf, searches for or collects materials or minor minerals or undertakes any mining operation with a view to ascertaining commercial prospects of

winning any minor minerals, no mining lease or quarry permit under these rules shall be necessary. However, prior intimation indicating plan of such work to the concerned Mining Officer and Chief Mining Officer before commencing such work will be necessary;

- (b) No person shall undertake any mining operation in any land classified in revenue records as agricultural land, orchard or forest,

Provided that collection of sand shall be restricted to land pertaining to bed or foreshore of a river;

- (c) No person shall undertake mining operation in any area prohibited by the State Government in the public interest by notification in the Official Gazette;

Provided that nothing in this sub-rule shall affect any mining operation undertaken in any area in accordance with the terms and conditions of a mining lease or mineral concession already granted;

- (d) No person shall transport or store or cause to be transported or stored any mineral otherwise than in accordance with the provisions of these rules.

- (2) (a) When any minor mineral comes out in course of digging of wells or excavation of tanks, the person undertaking such digging or excavation shall inform the District Authority as well as the Executive Officer of the Panchayat Samiti or the Executive Officer of the Municipality concerned, as the case may be about such occurrence;

- (b) No person shall sell or otherwise dispose of such minor mineral without prior consent of the District Authority and without pre-payment of prices of such minor mineral at the rate prevailing in the market. The market rate shall be determined on the basis of the Schedule of Rates published by the Public Works Department for the concerned area from time to time.

- (3) No extraction of mineral shall be allowed within 200 metres of both sides of any river bridge or culvert over any water way or from any embankment and structural works of the Irrigation and Waterways Department.

- (4) No mining operation shall be allowed within a distance of 200 metres from any hydraulic structure, reservoir, bridge, canal, road and other public works or buildings.

- (5) No mining operation shall be done within a distance of 5 kilometres of a barrage axis or dam or a river. The distance is to be reckoned across an imaginary line parallel to the barrage or dam axis as the case may be.

- (6) In the districts of Darjeeling and Jalpaiguri, the extraction of boulder and sand shall only be made from the central one third of the river-bed; Provided that where the width of the river bed is 30 metres or less, the extraction of the said minerals shall not be made except with the permission in writing from the Irrigation and Waterways Department.

#### **5. Application for Mining Lease –**

- (1) A mining lease shall be granted by the State Government or by an Officer authorised by the State Government in this behalf.
- (2) An application for mining lease shall be made in 6 (six) copies in Form A accompanied by a challan showing non-refundable deposit of Rs.500/- (Rupees

five hundred) only as an application fee to the State Government or to the Officer authorised in this behalf through the Chief Mining Officer or the Mining Officer incharge of the concerned area.

- (3) The application fee is to be deposited in Treasury Receipt Form No.7 Marked 'S' under the Head of Account "0853-00-102-001-16" in the Reserve Bank of India at Kolkata or any branch of the State Bank of India in West Bengal doing the Treasury business or any Treasury or Sub-treasury of the District, where the area applied for lease is situated.
- (4) Every application for mining lease other than an application from the West Bengal Mineral Development and Trading Corporation Limited, Industrial Finance Corporation, State Trading Corporation, any undertaking of Central Government or any Department of the State Government shall be accompanied by :
  - (a) a clearance certificate of mining dues in Form B1 issued by the **District Land and Land Reforms Officer** : Provided that in case of a fresh applicant, who does not have any mining lease or quarry permit anywhere in any mineral, submission of such clearance certificate of mining dues is not necessary but an affidavit duly sworn in prescribed format (Form B2) shall have to be submitted by the applicant in this regard alongwith his application. The District Land and Land Reforms Officer shall issue clearance certificate of mining dues to the applicant within thirty days of the receipt of application for the purpose stating the demand and payment and the balance due, if any, in respect of the said applicant indicating the concerned leasehold area;

Provided further that where for the recovery of any such mining dues, any injunction has been issued by a competent Court or by any other competent authority staying the recovery of any such mining dues, non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said mining lease ;

Provided also that the grant of such clearance certificate 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.

- (b) Income tax clearance certificate;
- (c) A Sales Tax clearance certificate if the applicant is a dealer under the West Bengal Sales Tax Act, 1994. If however an applicant is not a dealer under the (West Bengal XLIX of 1994), Bengal Finance (Sales Tax) Act, 1994 an affidavit in Form B2 duly sworn in the prescribed format shall have to be submitted by him along with the application;
- (d) An affidavit in Form B2 duly sworn in showing particulars of the areas mineral wise in the State, which the applicant or any person jointly with him –
  - (i) already holds under a mining lease or quarry permit,
  - (ii) has applied for but not granted and
  - (iii) has applied for simultaneously;
- (e) a statement in writing that the applicant, where the land is not owned by him, has obtained surface right over the area and has obtained a no objection in writing from the owner for starting mining operations;

Provided that no such statement shall be necessary where the land is owned by the Government;

- (f) a land availability report on the applied area duly vetted by the District Land and Land Reforms Officer for which the applicant shall submit an application to the concerned District Land and Land Reforms Officer alongwith a non-refundable fee of Rs.200 (Rupees two hundred) deposited in the manner prescribed in sub-rule (3) of this rule. The District Land and Land Reforms Officer shall dispose of such application within one month from the date of receipt of application.
- (g) The land availability report in Form B3 will include a map of the mining area applied for duly vetted by the District Land and Land Reforms Officer under his signature and seal and also showing access road to the applied area.

Provided that in case of extraction of sand and boulders from river beds no land availability report from District Land and Land Reforms Officer is required to be submitted along with the application for mining lease.

- (5) In case of stone and granite, on receipt of communication from State Government of the precise area to be granted, the applicant shall submit before execution of the lease deed the following documents :-
  - (a) a duly approved mining plan prepared by a recognised qualified person;
  - (b) a clearance certificate / no objection certificate from the appropriate authority for use of explosives.

#### **6. Acknowledgement of application –**

- (1) Where an application complete in all respects for the grant or renewal of a mining lease is delivered personally, its receipt shall be acknowledged forthwith.
- (2) Where such an 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 from the date of receipt.
- (4) The receipt of every such application shall be acknowledged in Form C1.

#### **7. Disposal of Application for Mining Lease –**

- (1) An application for mining lease shall be disposed of within one year from the date of its receipt:

Provided that the period of disposal, as specified above, may be extended by a further period of one year if the State Government or the officer so authorised by it, for reasons to be recorded in writing or on the receipt of an application from the party applying for the lease, considers such extension to be fit and deserving.

#### **8. Refusal of application for grant of a mining lease –**

- (1) The State Government or the Officer so authorised by it may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant a mining lease over the whole or part of the area applied for.



- (2) An application for the grant or renewal of mining lease shall not be refused by the State Government or the officer so authorised by it only on the ground that the application is not complete in all respects or is not accompanied by the required documents. The receiving authority shall by notice in Form C2, require the applicant to rectify the omission or furnish the document, as the case may be, within the date as may be specified which is usually not more than thirty days of the said notice. In case of failure by the applicant to make good the short comings within the specified period the application shall be rejected by the receiving authority.

**9. Priority -**

- (1) If more than one application for a mining lease regarding the same area is received, preference shall ordinarily be given to the application received first unless the State Government or the officer so authorised by it, for special reasons to be recorded in writing, decides to grant mining lease to an applicant whose application was received later in preference to an applicant whose application was received earlier:

Provided that if an application for mining lease is received from the West Bengal Mineral Development and Trading Corporation Limited or any undertaking or Department of the State Government in respect of any area, preference shall be given to such an application.

Provided further that priority will be given to the applicant who put up export units based on minerals applied for.

Provided further that priority both for quarry permit and also for Mining Lease shall be given to Cooperative Society or Partnership firm of local educated unemployed youths from families living below poverty line (BPL) and those of non-BPL on 2:1 basis.

Provided further that if no cooperative society or in its absence any Partnership firm is constituted in the manner prescribed above, lease may be granted to any other organization or individual.

- (2) Where more than one application for the same area is received on the same day, the State Government after taking into consideration the matters specified in sub-rule (3), may grant mining lease to anyone of the applicants as it may deem fit or may distribute the applied area to all or some of such applicants.
- (3) The matters referred to in sub-rule (2) are as follows :
- (a) any special knowledge or experience in mining operations possessed by the applicant;
  - (b) the financial sources of the applicant;
  - (c) the nature and quality of the technical staff employed or to be employed by the applicant.
- (4) No applicant shall claim any priority by virtue of the fact that he had previously worked in the area under application.

**10. Area of mining lease -**

- (1) No person shall acquire in the state one or more mining leases covering a total area in excess of three square kilometer.

**Explanation** – For the purpose of this rule, a person acquiring by himself or in the name of another person or with any other person jointly in interest with him, a mining lease, which is intended wholly or partly for himself shall be deemed to be acquiring the whole of it himself;

Provided 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 lease in excess of the aforesaid maximum limit.

Provided further that this restriction shall not apply to the West Bengal Mineral Development and Trading Corporation Limited or an Undertaking or Department of the State Government.

#### **11. Period of Lease –**

- (1) The period for which a mining lease may be granted shall not be more than five years, but if the State Government considers that a longer period of lease is necessary for proper development and mechanization of the mine and working on a larger scale, a longer period of lease, not exceeding thirty years, may be granted;

Provided that this restriction shall not apply in the case of the West Bengal Mineral Development and Trading Corporation Limited and Undertaking or Department which may apply for and take lease for any period not exceeding thirty years.

- (2) The date of commencement of the period for which a mining lease is granted shall be the date on which a duly executed lease deed is registered as per the conditions laid down by these rules.

#### **12. Renewal of mining lease –**

- (1) An application for renewal of a mining lease shall be made to the State Government or to an officer duly authorised by the State Government in this behalf in Form D at least six months before the date on which the lease is due to expire but not before nine months from such date of expiry through the Chief Mining Officer or the Mining Officer in charge of the concerned area or such other officer or officers as may be authorised by the State Government in this behalf.

Provided that no such renewal shall be granted if the performance of the lessee is considered unsatisfactory by the State Government or by the officer so appointed in this behalf by the State Government.

Provided further that an application for renewal of a mining lease shall be accompanied by an up-to-date clearance certificate of mining dues in original in the form duly signed by the District Land and Land Reforms Officer prescribed in clause (a) of Sub-rule (4) of Rule 5 of these Rules.

- (2) No such renewal shall be granted for a period exceeding the period of original lease and the State Government or the officer so authorised in this behalf may refuse after giving reasons to be recorded in writing to renew a mining lease over the whole or part of the area covered by the original lease for which the renewal is applied for.
- (3) Every application for renewal of mining lease shall be accompanied by a non-refundable fee of Rs.500/- deposited in the manner prescribed in Sub-rule (3) of Rule 5.

- (4) Every application for renewal of mining lease, other than an application from the West Bengal Mineral Development and Trading Corporation, State Trading Corporation, Central Government or any other department of the Central Government or the State Government shall also be accompanied by a valid and up-to-date (i) Income Tax Clearance Certificate (ii) a Sales Tax Clearance Certificate, if the applicant is a dealer under the West Bengal Sales Tax Act, 1994.
- (5) An application for renewal of mining lease shall be disposed of within nine months from the date of its receipt.
- (6) If an application for the renewal of a mining lease submitted to the receiving authority within the time as referred to in sub-rule (1) is not disposed of before the date of expiry of the lease, the period of that lease shall be deemed to have been extended for a further period of six months or period ending with the date of receipt of orders of the State Government thereon, whichever is shorter.

**13. Deposit for preliminary expenses –**

- (1) When required by the State Government, an applicant for mining lease shall deposit Rs.500/- (Rupees Five hundred) only as preliminary expenses for grant of the lease in the same manner as prescribed in Sub-rule (3) of Rule 5;

Provided that the applicant shall deposit such further sums on account of preliminary expenses as may be asked by the State Government within one month from the date of demand of such deposit.

**14. Security Deposit –**

- (1) The applicant shall deposit before execution of the mining lease as security for due observance of the terms and conditions of the lease a sum of Rs.2500/- (Rupees two thousand five hundred) only in the manner as may be directed by the State Government which shall be refunded to him after the expiry of the period of the lease, unless the whole or a part of it is withheld or forfeited by the State Government for any default on the part of the lessee including default in the payment of amounts due to the State Government.
- (2) No interest shall accrue on the security deposit.

**15. Lease to be executed within six months –**

- (1) When an order has been made for the grant of a mining lease, the deed of lease shall be executed within six months from the date of the order granting the lease;

Provided that the State Government or the officer so authorised by it, may permit the execution of the deed of lease after the expiry of the aforesaid period of six months if it is satisfied that the applicant is not responsible for the delay in the execution of the deed of lease.

**16. Lapsing of lease –**

- (1) Subject to the other condition in these rules, where mining operation has not been commenced within a period of one year from the date of execution of the lease or is discontinued for a continuous period of one year after the commencement of such operations, the State Government shall, by an order, declare the mining lease as lapsed and communicate the said order to the lessee.
- (2) Where a lessee is unable to commence the mining operation within a period of one year from the date of execution of the mining lease or discontinues mining

operations for a period exceeding one year for reasons beyond his control, he may submit an application to the State Government through the Chief Mining Officer or the Mining Officer in charge of the concerned area explaining the reasons for the same within a period of one month after such expiry of the said one year.

- (3) Every such application under Sub-rule (2) shall be accompanied by a fee of five hundred rupees deposited in the manner provided in Sub-rule (3) of Rule 5.
- (4) The State Government may, on receipt of an application made under Sub-rule (2) and on being satisfied about reasons for the non-commencement of mining operations or discontinuance, pass an order extending or refusing to extend the period of lease, as the case may be, within six months after giving the applicant an opportunity of being heard.

**Explanation** – Where the non-commencement of mining operations within a period of one year from the date of execution of mining lease is on account of ;

- (a) delay in acquisition of surface rights;
- (b) delay in getting the possession of the leased area; or
- (c) delay in supply or installation of machinery;
- (d) orders passed by any statutory or competent authority; or
- (e) operation becoming highly uneconomical; or
- (f) strike or lock-out.

And the lessee is able to furnish documentary evidence supported by an affidavit duly sworn in, the State Government may consider any or all of these as sufficient reasons for the non-commencement of mining operations within the said period of one year.

**17. Survey of the area leased –**

- (1) When a mining lease is granted arrangement may be made at the expenses to be borne by the lessee for survey and demarcation of the area granted under the lease.

**18. Transfer of lease –**

- (1) The lessee shall not, without the previous consent in writing of the State Government;
  - (a) assign, mortgage, or in any other manner transfer the mining lease or any right, title or interest therein, or
  - (b) enter into contract or understanding or any arrangement, whereby the lessee will be or may be directly or indirectly financed to a substantial extent as the case may be under which the lessee's operations will be or may be substantially controlled by any person or body of persons other than the lessee;

Provided that the State Government shall not give its consent in writing to such transfer unless;

- (a) the lessee has furnished an affidavit alongwith 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 name and address of the person to whom the mining lease or any right, title or interest therein is proposed to be transferred are intimated to the State Government;
- (c) the lessee has cleared all his mining dues & a certificate in form B1 is submitted.

Provided further that the transferee shall be required to produce before permission for transfer is granted :-

- (i) a challan showing deposit of a fee of Rs.300/- (Rupees three hundred) in favour of the State Government in the manner as prescribed in Sub-rule (3) of Rule 5 ;
- (ii) Income Tax Clearance Certificate;
- (iii) a Sales Tax Clearance Certificate if the transferee is a dealer under the West Bengal Finance (Sales Tax) Act, 1994;
- (iv) Clearance Certificate of Mining dues, if any, in Form B1.

Provided also that when the transferee is an Industrial Financial Corporation or the State Trading Corporation of India or the West Bengal Mineral Development and Trading Corporation Limited or any other Central or State Government agency or a Nationalised Bank, it shall not be necessary for such Corporation or agency or Bank to produce the certificate mentioned in sub-clauses (ii), (iii) and (iv).

- (2) Where an applicant for grant or renewal of a mining lease dies before the order granting him a mining lease or its renewal is passed, such application shall be deemed to have been made by his legal representative.
- (3) In case of an applicant in respect of whom an order granting or renewing a mining lease is passed but who dies before the deed of lease is executed, the order shall be deemed to have been passed in the name of the legal representative of the deceased.
- (4) The State Government may, by an order in writing, determine any lease at any time, if in the opinion of the State Government, the lessee has committed any breach of the provisions of sub-rule (1) and such decision shall be final.

Provided that no such order shall be made without giving the lessee a reasonable opportunity of stating his case.

#### **19. Amalgamation of leases:**

- (1) The State Government may, in the interest of mineral development and for reasons to be recorded in writing, permit amalgamation of two or more adjoining leases held by a lessee;

Provided that the period of amalgamated lease shall be co-terminus with the lease whose period will expire first.

- (2) 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.

**20. Payment of royalty and rent, etc -**

- (1) (a) The holder of a mining lease or any other mineral concession granted on or after the commencement of these rules, shall pay royalty in respect of mineral or minerals extracted or removed or consumed by him or his agent, manager, employee or contractor at the rate prescribed in Schedule I;

Provided that the State Government shall not enhance the rate of royalty more than once during any period of three years.

- (b) The lessee shall also pay, for every year, an yearly dead rent at the rate prescribed in the Schedule II;

Provided that the lessee shall be liable to pay either the dead rent or the royalty in respect of each mineral whichever is higher but not both;

Provided further that the State Government shall not enhance the rate of dead rent more than once during any period of three years ;

- (c) The lessee shall also pay for the surface area occupied by him for the purpose of the mining operation surface rent at the rates fixed by the District Authority and specified in the lease;
- (d) The lessee shall pay to the State Government water rent at the rate prescribed for the said purpose from time to time.
- (2) Notwithstanding anything contained in the lease instrument or any other law in force at the time of commencement of these rules, the provisions of clause (a) and (b) of Sub-rule (1) shall apply to the holder of a mining lease granted before such commencement.

**21. Conditions -**

- (1) Every mining lease shall include and be subject to the following conditions :
- (a) the lessee shall pay royalty on all minerals removed, consumed or dispatched from the leased area at the rates prescribed in clause (a) of Sub-rule (1) of Rule 20 ;
- (b) the lessee shall also pay for every year the dead rent, as prescribed in clause (b) of Sub-rule (1) of Rule 20;
- (c) the lessee shall also pay surface rent for the surface area used by him, for the purpose of mining operation;
- (d) unless the State Government or any other officer appointed in this behalf by the State Government for good cause permits otherwise the lessee shall commence operations within three months from the date of registration of the lease and shall thereafter carry them on in a proper skilful and workman-like manner. After completion of mining operation in the leasehold area or in any part thereof or at the expiry of the lease period the lessee shall restore the leasehold area as far as possible to its original condition;

**Explanation :** For the purpose of this clause and clause (c), mining operations shall include the setting up of a machinery, laying of a tramway or construction of a road in connection with the mine.

- (e) the Lessee shall extract and despatch the minimum quantity of mineral from the leasehold area annually as prescribed in the lease deed. In case there is any shortfall of the extraction and despatch of the said minimum quantity without any satisfactory reason, penalty to the tune of twice the amount of royalty that should have accrued of such shortfall quantity shall have to be paid by the lessee.

**Explanation :** The reasons will be regarded as satisfactory if they are as mentioned in the explanations to the Sub-rule (4) of Rule 16. In such cases the lessee has to submit documentary evidences supported by an affidavit to the concerned authority.

- (f) the lessee shall complete his accounts in respect of raising, sale, local consumption, rent, royalty due etc. within the 15<sup>th</sup> day of month following and a true copy of each duly signed by the lessee or his authorised agent shall be submitted to (i) the State Government in the Commerce and Industries Department (ii) the Chief Mining Officer, West Bengal (iii) the concerned District Land and Land Reforms Officer and (iv) the concerned Mining Officer-in-Charge within seven days thereafter. Penalty at the rate of Rs.100/- (rupees one hundred) only per day shall have to be paid by the lessee for each day of delay in submitting the said return.
- (g) the Lessee shall at his own expense erect and at all times maintain and keep in good condition boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to his lease;
- (h) the lessee shall not carry on or allow to be carried on any mining operation at any point within a distance of 100 metres from any Railway land, except with the written permission of the Railway authority concerned;
- (i) the lessee shall keep correct accounts in respect of works connected with the mine and also accounts showing quantity and other particulars of all minerals obtained and despatched from the mine, the details of the persons employed in the mine and shall allow any officer authorised by the State Government in this behalf to examine at any time, any accounts, balance and records maintained by him and shall furnish to the State Government with such information and returns, as it may require:
- (j) the lessee shall strengthen and support to the satisfaction of the Railway authority concerned, or the State Government, as the case may be, any part of the mine, which in its opinion require such strengthening or support, for the safety of any Railway, reservoir, canal, road or any other public works or structures;
- (k) the lessee shall allow any officer authorised by the State Government or the District Authority to enter upon any building, excavation or land comprised in the lease for the purpose of inspection of the same;
- (l) the lessee shall without delay report to the State Government any discovery in the area comprised in the lease of any mineral not specified in the lease and shall not win, remove or consume any such mineral without obtaining a separate lease or mineral concession for such mineral;

- (m) the State Government shall at all times have the right of pre-emption of the mineral extracted from the land in respect of which the lease has been granted ;

Provided that a fair marked price prevailing at the time as per Public Works Department Schedule for the concerned area shall be paid to the lessee for all such minerals.

- (n) the lessee shall not appoint any person, for doing any work in the mine, who is not an Indian national, without the previous sanction in writing of the State Government;
- (o) Notwithstanding anything contained in these rules, the State Government or any Officer appointed in this behalf by the State Government may permit any person to collect minor mineral from the leased area for his private use only; Provided that the person who obtains such permission shall not interfere with the working of the lease.
- (p) if the lessee or his transferee or assignee does not allow entry or inspection under clauses (i) and (k) or contravene the provisions of clauses (a), (b), (d), (e), (i) & (n) the State Government or any officer appointed in this behalf by the State Government may cancel the lease and forfeit the whole or part of the security deposit in favour of State Government.
- (q) in case of any breach of the conditions specified in clauses (c) (d) (g) (i) (j) (s) (t) (v) and (y) of this rule by the lessee or his transferee or assignee the State Government or any officer authorised in this behalf by the State Government shall give notice in writing to the lessee asking him to rectify the breach within thirty days from the date of notice and if the breach is not rectified within such period, the State Government or such officer may determine the lease & forfeit the security deposit in favour of State Government.
- (r) in the event, if it is subsequently detected that the entire area or a part of it granted in the mining lease falls within 'Forest', the lessee shall forthwith surrender the lease to the State Government;
- (s) the lessee shall not do any mining work within twenty metres from the bank of a river;
- (t) for actual quarrying or mining operation clear margin of ten metres shall be kept from the outer boundary of the adjacent plot and maintained throughout the operation;
- (u) the State Government or any officer duly authorised in this behalf by the State Government may stop mining in case of possible danger to life and property due to such mining;
- (v) the lessee shall take such precautionary measures as may be necessary or prescribed by the State Government to prevent danger and damage to life and property, both private and public;
- (w) the state Government shall have the authority to cancel or revoke or alter at any time a mining lease on the foreshore or bed of any river in the interest of river management, protection of environment and ecology on the recommendation of the concerned Department of the State Government or otherwise;
- (x) in case of brick earth/brick field, lessee shall set up chimneys of specific heights and standards. He shall be required to mix flyash at 30% with brick



earth for production of brick within a radius of 50 km of a thermal power plant.

- (y) the lessee shall fill up the excavated pits with waste and topsoil and take steps regarding planting of tree in the area so filled up.
  - (z) in case of a breach or unauthorised extraction by the lessee or by transferee or assignee of any condition of the lease, the State Government or any Officer appointed in this behalf by the State Government may require the lessee to pay a penalty not exceeding an amount equivalent to ten times the amount of Royalty rate.
- (2) A mining lease may contain such other conditions, in regard to the following matters as may be considered necessary namely :-
- (a) time limit, mode and place of payment of rent and royalties;
  - (b) compensation for damage to the land covered by the lease;
  - (c) felling of trees;
  - (d) restriction of surface operations in any area prohibited by any authority;
  - (e) notice by lessee for surface occupation;
  - (f) facilities to be given by the lessee for working other minerals in the leased area or adjacent area;
  - (g) entering and working in a reserved or protected forest;
  - (h) securing pits and shafts;
  - (i) reporting of accidents.
  - (j) indemnify the State Government against claims of third parties;
  - (k) delivery of possession of lands and mines or the surrender, expiration or determination of the lease;
  - (l) forfeiture of property left after determination of lease;
  - (m) power to take possession of plant & machinery, premises and mines in the event of war or emergency, and
  - (n) plans and geological records of the mines and leased area.
- (3) The State Government, if it is of the opinion that in the interest of mineral development it is necessary so to do, may in any case, impose such further conditions as it may think fit.

## **22. Rights of lessee –**

- (1) Subject to the conditions mentioned in rule 21, the lessee shall have the right for the purpose of his mining operations, to
  - (i) work mine;
  - (ii) sink pits and shafts and construct buildings and roads;

- (iii) erect plants and machinery;
- (iv) use water;
- (v) use land for stacking purposes; and
- (vi) do any other thing specified in the lease.

**23. Right to determine lease –**

- (1) The lessee may determine the lease at any time by giving not less than six months notice in writing to the State Government or to any officer appointed in this behalf by the State Government and after paying all outstanding dues of the State Government. Every such application for determining a part or the whole of a lease under Sub-rule (1) shall be accompanied by a fee of Rs.1,000/- (Rupees one thousand) only deposited in the manner prescribed in Sub-rule (3) of the Rule 5 for meeting the expenditure for survey and demarcation of the area to be determined or surrendered.
- (2) When the State Government, is of the opinion that it is expedient in the interest of regulation of mines and mineral development so to do, it may, by an order, make premature termination of a mining lease in respect of any mineral and grant fresh lease in respect of such mineral in favour of such Government company or corporation owned or controlled by the Government, as it may think fit.

**24. Standard form of Lease –**

- (1) The lease shall be drawn up as nearly as possible in Form E.

**25. Register of Mining Lease –**

- (1) A register of mining lease in respect of minor minerals shall be maintained specifying as far as may be the following ;
  - (i) serial number;
  - (ii) name of applicant;
  - (iii) residence of the applicant;
  - (iv) date of application;
  - (v) situation and boundaries of the land;
  - (vi) district;
  - (vii) revenue thana;
  - (viii) village mouza;
  - (ix) J.L. No.;
  - (x) plot numbers;
  - (xi) name;
  - (xii) estimated total area;
  - (xiii) name of the mineral or minerals for which the lease has been granted;
  - (xiv) date of the grant of lease;
  - (xv) period from which granted, renewed or extended;
  - (xvi) application fee paid;

- (xvii) amount of security deposit paid;
- (xviii) the royalty including dead rent payable;
- (xix) other rents payable;
- (xx) particular of disposal or refund of security deposits;
- (xxi) date of assignment, relinquishment or cancellation;
- (xxii) date of expiry, relinquishment or cancellation;
- (xxiii) in case of expiry, relinquishment or cancellation, whether all dues have been paid;
- (xxiv) the date from which the area is available for fresh grant.

### **CHAPTER - III**

#### **26. Grant of Mining Lease for exploitation of Granite.**

- (1) The exploitation of granite shall be conducted in the manner prescribed in the Granite Conservation and Development Rules 1999 with the exceptions made in these Rule.
- (2) The grant of mining lease for exploitation of granite shall be made through the process of auction/bid. The details of the procedure for grant of such mining lease are given at Schedule III of these Rules.
- (3) The blocks of granite-bearing areas identified for exploitation shall be widely notified by publication in national dailies, local newspapers and also by publication in notices displayed at the prominent offices of the State / districts.
- (4) No exploitation of granite shall be allowed without a Mining Plan duly prepared by a qualified person recognised by Indian Bureau of Mines or State Government and approved by the Chief Mining Officer, West Bengal.

### **CHAPTER - IV**

#### **27. Grant of Quarry Permits -**

- (1) The district authority or any other officer authorised in this behalf by the State Government may grant, as per procedure laid down in Schedule IV, quarry permits in Form F to any person to extract or remove from any specified land within the limit of his jurisdiction any minor mineral, excepting stone and granite on pre-payment of royalty at the rate specified in Schedule I.
- (2) Such quarry permit may be granted for a specified area not exceeding three acres and for a period not exceeding three months and for a quantity as per norms fixed by the State Government. Quarry permit can not be renewed.

**Note -** In case of brick earth/brick field, quarry permit holder shall set up chimneys of specific heights and standards. He shall be required to mix flyash at 30% with brick earth for production of brick within a radius of 50 km of a thermal power plant.

#### **28. Application for Quarrying -**

- (1) An application for quarry permit shall be submitted to the District Authority or any officer authorised in this behalf by the State Government in Form G, accompanied by a challan showing the deposit of Rs.300/- (Rupees three hundred) only in the manner prescribed in Sub-rule (3) of Rule 5.

- (2) An application for quarry permit shall not be granted unless the mining dues of the applicant, if any, are cleared beforehand.
- (3) In case of raiyati land, the applicant shall have to produce a letter of consent from the owner of the said land stating that he has no objection to the use of the said land by the holder of the permit.,
- (4) The application fee and royalty shall not be refunded save and except as provided in Schedule IV and V.
- (5) In respect of the same area where applications for both mining lease and quarry permit are submitted, the application for mining lease shall get priority.
- (6) The holder of a mining lease shall not be restrained from doing mining operation in the area allotted to the quarry permit holders. The quarry permit holders shall cease mining activities the moment a mining lease holder commences mining activities after obtaining the possession of leasehold land from the competent Authority.
- (7) In respect of an area where an applicant for mining lease also applies for quarry permit, he shall be given preference in the grant of quarry permit over those who apply for quarry permit only.

**29. Condition of permit –**

- (1) Every permit granted under rule 27 shall be subject to the conditions prescribed in Schedule V.

**CHAPTER – V**

**30. Application of these rules to all renewals –**

- (1) Where a mining lease granted before the commencement of these rules is renewed after the commencement of these rules, these rules shall apply automatically to such renewal.

**31. Power to rectify apparent mistakes –**

- (1) Nothing in these rules shall be deemed to limit or otherwise affect the inherent power of the State Government to rectify any clerical, arithmetical, accidental and similar other types of errors in any order passed by it or to direct the rectification of any such error in any instrument to which the State Government is a party; Provided that no such order which affects the lessee or the applicant for lease shall be passed without giving such lessee or applicant, as the case may be, an opportunity of being heard.
- (2) When an order has been passed under sub-rule (1) for rectification of an instrument, the lessee shall execute the deed of rectification within six months from the date of communication of the order to him.
- (3) If no deed of rectification is executed by the lessee within the time-limit prescribed in sub-rule(2), the State Government shall have the liberty to determine the lease after giving the lessee a three months notice.

**32. Change in partnership firm –**

- (1) A partnership firm, a private company, as defined in the Indian Companies Act, 1956 (I of 1956), or an association or body of individuals, whether incorporated or not, shall intimate to the State Government or to an Officer appointed for the said

purpose by the State Government of any change that may take place in the individuals constituting such partnership firm, company, association or body.

- (2) In case of any contravention of the provisions contained in sub-rule (1), a part or whole of the security deposited in connection with any lease or leases held by the said firm, company, association or body may be forfeited by the State Government or by such Officer appointed in this behalf by the State Government.

### **33. Penalty –**

- (1) Any person extracting any minor mineral without a proper lease or permit granted under these rules or in contravention of the provisions of Rule 35 shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees or both.
- (2) When any person trespasses into any land in contravention of the provisions of these rules, such trespasser may be served with an order of eviction by the State Government or any other authority authorised in this behalf by the State Government and the State Government or such authorized authority may, if necessary, obtain the help of the police to evict the trespasser from the said land.
- (3) Whenever any person removes without any lawful authority, any mineral from any land, and for that purpose, brings on the land, any tool, equipment, vehicle or any other thing, such mineral, tool, equipment, vehicle or other thing shall be liable to be seized by an Officer or authority especially empowered in this behalf.
- (4) Any mineral, tool, equipment, vehicle or any other thing seized under sub-rule (3), shall be, liable to be confiscated by an order of the Court competent to take cognizance of the offence and shall be disposed of in accordance with the directions of such Court.
- (5) Whenever any person removes without any lawful authority, any mineral from any land, the State Government or the authority authorised in this behalf by the State Government may recover from such person the mineral so removed or where such mineral has already been disposed of, the price thereof, and may also recover from such person the rent, royalty or tax, as the case may be, for such period during which the land was occupied by such person without any lawful authority.
- (6) If a person grants, transfers or obtains a mining lease or any right, title or interest therein in contravention of any of the provisions of these rules, he shall be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand rupees or both.
- (7) In case of any breach of sub-rule (1) of Rule 20, the lessee shall be liable to pay a penalty of Rs.5000/- (Rupees five thousand) only to the State Government in addition to the accrued mining dues.
- (8) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under sub-section (1) shall be cognizable.

### **34. Prevention of Illegal Mining, Transportation and Storage of Minor Minerals**

- (1) The State Government may frame rules by notification in the Official Gazette to prevent unauthorized mining, transportation and storage of minerals by –
  - (a) establishment of check-posts for checking of minerals in transit;

- (b) establishment of weigh bridges to measure the quantity of minerals being transported;
- (c) regulation of minerals being transported from the area granted under a mining lease or a quarry permit or 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 the said rules.

Provisions of the said Rules shall be applicable to all lessees and quarry permit holders.

**35. Extraction of ordinary clay from own land –**

- (1) No lease will be required to be taken by a person, who extracts ordinary clay from his own land, either for use in any cottage industry owned by him, like pottery, clay modelling or for any other industry specified in the notification issued by the State Government or for his personal use.

Provided that such extraction shall be subject to the following conditions, as the State Government may impose from time to time:

- (a) The mineral so extracted shall not be disposed of by sale or otherwise without the prior permission in writing of the District Magistrate or District Land and Land Reforms Officer of the district, or Sub-divisional Officer or Sub-divisional Land and Land Reforms Officer of the sub-division and except on payment of fees at the rate of Rs. 12/- (Rupees Twelve only) per cubic metre or at such reduced rate as may be fixed by the officer concerned;
- (b) The mineral so extracted shall not be converted into bricks or tiles except where such bricks and tiles are required for his own use;
- (c) No extraction shall be done at or from any place within 100 metres from any railway line, except with the previous written permission of the railway administration concerned or within 200 metres from any reservoir, public road, canal, bridge culvert or other public works or buildings or inhabited site.

**36. Appeal –**

- (1) Any person aggrieved by an order made by the District Authority or any officer duly authorised by the District Authority in exercise of the powers conferred upon him by these rules, may, within thirty days from the date of communication of the order to him, prefer an appeal against the order.
- (2) The memorandum of appeal shall be made to the State Government, if the order appealed against has been passed by the District Authority, and to the District Authority, if the order appealed against has been passed by any officer subordinate to the District Authority.
- (3) Each memorandum of appeal shall be accompanied by a Treasury Challan showing the deposit of a fee of Rs.100/- (Rupees one hundred only) in the same manner prescribed in Sub-rule (3) of Rule 5 in any Government Treasury or sub-treasury of the District concerned or in any branch of the State Bank of India doing treasury business or in the Reserve Bank of India at the credit of the State Government under the specified head.

- (4) An appeal may be entertained even after the period specified in sub-rule (1), if the applicant satisfies the appellate authority that he had sufficient reasons, for not preferring the appeal within the prescribed period.
- (5) The order passed on an appeal shall be final and there shall be no second appeal.

**37. Review –**

- (1) The State Government may, on an application from an aggrieved party, within thirty days from the date of communication of the order, or on its own motion, within six months from the date of passing of an order, review the order on the ground of the discovery of a new fact not known to it when the order was passed or on any other ground considered necessary for mineral development.

**38. Premature application –**

- (1) Any application for mining lease in respect of any area where a mining lease is already subsisting, shall be premature and shall not be considered by the State Government except when the application has been made within three months before the expiry of the subsisting lease.
- (2) A premature application for mining lease shall be rejected outright by Chief Mining Officer/Mining Officer-In-Charge.

**39. Relaxation of Rules –**

- (1) If the State Government is of the opinion that public interest so requires, it may relax any of the provisions of these rules in any particular case and may grant a mining lease or authorize the grant of a mining lease or quarry permit on such terms and conditions other than those prescribed by these rules.

**40. Repeal and Savings –**

- (1) The West Bengal Minor Minerals Rules, 1973, is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken, any application made or any prosecution started under the said rules shall be deemed to have been validly done or taken, made or started, as the case may be, under the corresponding provisions of these rules.

**SCHEDULE - I**

[see rule 20(1)(a) of the West Bengal Minor Minerals Rules, 2002]

**Rates of Royalty on Minor Minerals**

<b><u>Name of Minor Mineral</u></b>	<b><u>Rate</u></b>
Boulder / Pebbles /Stones /Sand Stone.	Rs.22/- cubic metre
Gravel	Rs.22/- per cubic metre
Granite Black	Rs.650/- per cubic metre
Gray	Rs.400/- per cubic metre
Coloured	Rs.525/- per cubic metre
Impure Quartz, Kankar & Morrum	Rs.15/- per cubic metre
Laterite	Rs.15/- per cubic metre
Limeshell & Limestone used for building purpose	Rs.40/- per tone

Ordinary Clay / Fuller's Earth / Brick Earth	Rs.12/- per cubic metre
Marble	Rs.600/- per cubic metre
Ordinary Sand	Rs.22/- per cubic metre
Other Minor Minerals	Rs.15/- per cubic metre

**Note :** 2.832 cubic metre = 100 cubic feet.

### **SCHEDULE - II**

[see rule 20(1)(b) of the West Bengal Minor Minerals Rules, 2002]

#### **Rates of Dead Rent**

First year	Rs. 2,000/- per hectare
Second year	Rs.3,000/- per hectare
Third year and onwards	Rs.5,000/- per hectare per annum.

### **SCHEDULE - III**

[See Rule 26(2) of the West Bengal Minor Minerals Rules, 2002]

#### **PROCEDURE FOR CONDUCTING AND REGULATING AUCTION / BID FOR EXPLOITATION IN GRANITE BLOCKS.**

##### **A. Notification of area for auction / bid lease.**

The State Government may notify in the Official Gazette the area of Granite Blocks which may be leased out by auction/bid. No Block shall be leased out by auction / bid for more than 30 years and for not less than 20 years at a time.

##### **B. Extension or Withdrawal of area from auction / bid.**

The State Government may by notification in the Official Gazette, extend the area of Granite Block or withdraw any area from the Granite Block from the system of grant of lease by auction / bid. Provided that the date of extension or withdrawal of such area shall not be the date during the subsistence of an auction / bid lease already granted in respect of the said Granite Block.

##### **C. Register of Granite Blocks notified for auction / bid lease.**

The Chief Mining Officer, West Bengal will cause to be maintained a register of Granite Blocks notified in Official Gazette of the State Government.

##### **D. Procedure for auction / bid.**

The following procedure will be followed for grant of lease for Granite Blocks through auction / bid :-

- (a) At least 45 days before the date of auction / bid, to be held at the office of the Chief Mining Officer, West Bengal, he will notify in the manner given below, the date and time and place of auction and the terms and conditions of lease :-
  - (i) Copies of notice giving the details of the auction / bid will be published in at least 2 national dailies.
  - (ii) Copies of the notice will be put up at the Office of the Chief Mining Officer, West Bengal and will also be put up in the Notice Boards of the offices of



the concerned Mining Officers-In-charge and in the Notice Boards of all District Magistrates in the State ;

- (iii) Copies of notice shall be sent to the Panchayat Samity / Gram Panchayat or any other local authority in whose jurisdiction the Granite Block is situated;
- (iv) Wide publicity of the auction / bid may also be made in any other manner to be decided by the Chief Mining Officer, West Bengal in consultation with the State Government.
- (b) Booklet containing the details of Granite Block, the procedure for auction / bid and terms and conditions of lease will be available on payment of a cost of Rs.500/- (Rupees Five Hundred) only from the Office of the Chief Mining Officer, West Bengal and the Booklet will be required to be purchased by the intending bidder at least 30 days before the date of auction / bid.
- (c) The Chief Mining Officer, West Bengal will act as the Presiding Officer of the auction / bid.
- (d) The details of the Granite Block and the terms and conditions of the lease will be read out to the intending bidders at the time of auction / bid.
- (e) Any person intending to participate in auction / bid will deposit Rupees Ten Thousand only in treasury challan under appropriate accounts head as Earnest Money.
- (f) On completion of auction / bid, the result will be announced by the Presiding Officer.
- (g) The provisionally selected bidder will be required to deposit within 7 days from the date of auction / bid 25% percent of the amount of bid for one year, as security; and for execution of the lease and for due observance of its terms and conditions an equal amount as first instalment of royalty. The said amount will be deposited through treasury challan under appropriate A/c head.

\* \* \* \*

#### **SCHEDULE - VI**

#### **LIST OF MINOR MINERALS**

The following minerals are declared from time to time by the Central Government as minor minerals in exercise of the powers conferred on them by Clause (c) of Section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957).

1. Boulder
2. Building Stone
3. Chaleedony or impure Quartz.
4. Granite.
5. Gravel.
6. Kankar when used in kilns for manufacturing of lime used as building materials.
7. Limeshell.
8. Limestone used for lime burning.
9. Marble.
10. Morrum.
11. Ordinary clay.
12. Ordinary sand other than sand used for the prescribed purposes. (see Note below)
13. Pebbles used for ball mill purposes only.
14. Quartzite and sand stone, when used for purpose of building or for making road metal and household utensils
15. Road metal / Stone.

16. Shale used for building material.
17. Slate used for building material
18. Stone used for making household utensils.
19. Saltpetre.
20. Bentonite.
21. Ordinary earth
22. Fuller's earth.
23. Laterite used for building material.

**Note:** Sand, when not used for the following purposes, is minor mineral :-

- (a) For use for stowing purpose in coal mines;
- (b) For purposes of refractory and manufacture of ceramics;
- (c) For optical purposes.
- (d) For metallurgical purposes;
- (e) For manufacture of silvicate cement;
- (f) For manufacture of silicium silicate;
- (g) For manufacture of pottery and glass.

By order of the Governor,  
Principal Secretary to the Govt. of West Bengal,  
Commerce & Industries Department.

●

**Amendment to Rule 27(1) of WBMM Rules 2002  
[To be inserted after Rule 27(1)]**

Provided that the District Authority may issue quarry Permit for extraction of stone to the applicant under the following condition.

- (i) the applicant has already applied for long term lease of the area for which quarry permit has been applied for in compliance with the provisions of rule 5 and has submitted the acknowledgement granted under rule 6.
- (ii) the applicant has submitted to the District Authority an application in Form G accompanied by a challan showing deposit of Rs.300/- (Rupees three hundred) only in the manner prescribed in sub rule (3) of rule 5.
- (iii) the applicant has submitted a clearance certificate / no objection certificate from the appropriate Authority for use of explosives.

Provided further that :-

- (a) Quarry Permit may be issued in such cases till disposal of the long term lease or one year, which ever is earlier.
- (b) The quarry permit holder shall cease mining activities the moment a mining lease holder commences mining activities after obtaining the possession of the lease hold land from the Competent Authority.

**The  
Kolkata Gazette  
Extraordinary  
Published by Authority**

**PHALGUNA-18]****MONDAY, MARCH 8, 2004****[SAKA 1925**

PART I – Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

**GOVERNMENT OF WEST BENGAL  
COMMERCE AND INDUSTRIES DEPARTMENT  
Mines Cell**

**NOTIFICATION**

No.67-C1/0/MINES RULE/002/02/M1 dt. 8<sup>th</sup> March, 2004 – In exercise of the power conferred by sub-section (1) of the section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Governor is pleased hereby to make the following amendments in the West Bengal Minor Minerals Rules, 2002 (hereinafter referred to as the said rules) :-

**AMENDMENTS**

In the said rules. –

**(1)** in rule 27, for the heading “Grant of Quarry Permits”, substitute the heading “Grant of Quarry Permits excepting stone and granite”;

**(2)** after rule 27, insert the following rule:

“27A Grant of quarry permit for stone – (1) The district authority or any other officer authorised in this behalf by the State Government may grant, as per procedure laid down in Schedule IV, quarry permits in Form F to any person to extract or remove stone from any specified land within the limits of his jurisdiction, on pre-payment of royalty at the rate specified in Schedule 1

Provided that the applicant has already applied to the prescribed authority in compliance with the provisions of rule 5 for long term lease of the area for which the quarry permit has been applied for and has submitted a copy of the acknowledgement of such application issued under rule 6:

Provided further that the applicant has submitted a clearance certificate or no objection certificate from the appropriate authority for use of explosives.

(2) Notwithstanding anything contained in these rules, quarry permits may, under sub-rule (1), be granted in stages not exceeding a period of three months at a time till the disposal of the application of the long term lease or one year whichever is earlier.

Provided that the quarry permit holder shall cease mining activities as soon as a mining lease holder commences mining activities after obtaining the possession of the lease hold land from the Competent Authority”.

**(3)** In rule 29, in sub-rule (1), after the word and figures “rule 27”, insert the words, figures and letter “or rule 27A”;

(4) in Schedule IV, for the words, figures and brackets “[See Rule 27(1) of the West Bengal Minor Minerals Rules, 2002]”, substitute the words, figures, letters and brackets “[See rule 27(1), rule 27A(1) of the West Bengal Minor Minerals Rules, 2002];;

(5) in Form F, for the words, figures and brackets “(vide rule 27(1) of West Bengal Minor Minerals Rules, 2002)”, substitute the words, figures letter and brackets “(vide rule 27(1), 27A(1) of the West Bengal Minor Minerals Rules, 2002)”.

By order of the Governor,  
Sabyasachi Sen  
Principal Secretary to the Govt. of West Bengal  
And  
Secretary, Commerce and Industries Department.

Registered No. WB/SC-247

No. WB/CPS/K-18(Part-I)/2002

**The Kolkata Gazette**  
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KARTIKA 16 ]

FRIDAY, NOVEMBER 8, 2002

[SAKA 1924

PART I - Orders and Notifications by the Governor of West Bengal, the High Court, government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**  
**COMMERCE & INDUSTRIES DEPARTMENT**  
**WEST BENGAL MINERAL RULES, 2002**  
**PART - I**

No.423/CI/O/MINES - RULE/001/02/M1

Dated 08.11.2002

**NOTIFICATION**

In exercise of the power conferred by Section 23C of the Mines and Minerals (Development and Regulation) Act, 1957, the Governor is pleased hereby to make the following rules :-

**1. Short title extent and commencement :-**

- (1) These rules may be called the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002;
- (2) They shall extend to the whole of West Bengal;
- (3) They shall come into force from the date of its publication in the Official Gazette.

**2. Definitions :-**

In these rules unless the context otherwise requires :-

- (a) “the Act” means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) ;
- (b) “authorized officer” means an officer authorized by the State Government, by notification in the Official Gazette, to perform functions under these rules and for such area as may be specified in the notification;
- (c) “carrier” means any mode of conveyance or facility by which mineral is transported from one place to another and includes mechanised device,

person, animal or cart. Person-in-charge of a carrier shall normally mean the driver of the said carrier if no other person has been designated as such by the owner of the carrier or the mineral under transportation;

- (d) “check post / gate” means any permanent or temporary structure properly manned by personnel to verify the documents relating to mining lease, quarry permit, reconnaissance permit and prospecting licence and also the minerals carried in transports;
- (e) “form” means a form set forth in the Schedule to these rules;
- (f) “illegal mining” means any mining activity done in violation of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957);
- (g) “illegal transportation” means transportation of any mineral without any valid permit/challans issued by the authorised officer;
- (h) “illegal storage” means the storing of any mineral without any valid lease / licence/permit issued by the appropriate authority;
- (i) “prescribed” means prescribed by these rules or rules made under the Act;
- (j) “research work” means any work done for beneficiation and upgradation of the mineral and for examining its suitability for utilization in the industry, for the purpose of scientific study without any commercial motive;
- (k) “scientific test” means any test conducted for chemical or mineralogical analysis of mineral and assessment of its chemical and mineralogical constituents and properties for the purpose of scientific study without any commercial motive;
- (l) “transit pass” means a pass issued by the officer authorized by the State Government for lawful transportation of any mineral, raised in accordance with the provisions of the Act and rules made thereunder, by a carrier;
- (m) “transportation” means carrying of minerals / mineral products from one place to another by motorized or non-motorised vehicle or by headloads;
- (n) “weigh bridge” means mechanized system of weighing minerals carried by transports;
- (o) The expressions “minerals”, “mining lease”, “prospecting licence”, “reconnaissance permit” have the same meaning as assigned to them in the Mines and Minerals (Development and Regulation) act, 1957 (67 of 1957) and “quarry permit or other mineral concessions” in respect of minor minerals have the meaning assigned to them in the West Bengal Minor Mineral Rules framed by the State Government under Section 15 of the Act;
- (p) Unless the context otherwise requires, words and expressions used in these rules but not defined shall have the same meaning as assigned to them under Section 3 of the Act.

### **3. Prohibition :-**

- (1) No person shall transport or carry or cause to transport or carry any mineral by any means from the place of raising to another place without being in possession of a valid transit pass issued by the competent authority under the rules.

### **4. Transport of Minerals :-**

- (1) For transportation of any mineral to any place the holder of mining lease shall make an application in Form A in duplicate to the authorized officer for issue of transit pass;
- (2) All despatches of mineral(s) by the holder of a mining lease or quarry permit by a carrier shall be accompanied by a challan or transit pass in duplicate in Form B. A triplicate copy will be retained at the place of loading / stores. The person-in-charge of the carrier shall produce the challan or transit pass

at the check-post enroute or on demand by any competent authority or such other officer authorized in this behalf.

Provided that in case of transport of mineral by holder of prospecting licence for test purposes or transport of mineral purchased in an auction, in addition to transit pass, a special permit by the concerned authority or authorized auctioneer, as the case may be, shall suffice;

- (3) The holder of mining lease or quarry permit or any other mineral concession shall use challan / transit passbook issued by the Officer authorized by the State Government in this behalf. The challan or the transit pass shall be in triplicate, machine numbered with Book No. and Serial No. of the pass obtainable at a prescribed cost. The driver or person-in-charge of the carrier shall, while transporting the minerals and till he reaches the destination, carry with him challan or transit pass and a consignment note, delivery note, invoice or any other document of like nature;
- (4) All carriers carrying mineral shall stop at the check-posts/gates and proceed after having been cleared by the check-posts / check-gate authorities who shall make necessary endorsement on the original copy of the transit pass / challan held by the person-in-charge of the carrier. The duplicate of the pass / challan will be retained at the check post / gate;
- (5) Every holder of mining lease or quarry permit shall provide all reasonable facilities to the authorized officer in this behalf to inspect, verify and check the stocks and accounts of minerals and any other documents pertaining thereto;
- (6) A challan or transit pass issued by the authorized officer and duly certified by him for inter-state movement shall be allowed by another State.

**5. Establishment of check-posts and barriers and weighment and inspection of minerals in transit :-**

- (1) If the State Government considers it necessary so to do with a view to checking the transport and storage of minerals raised without lawful authority, it may direct the setting up of check-post or erection of barrier or both at any place or places within the state by an order in writing.

Provided that the setting up of a check-post or barrier shall be notified in the Official Gazette.

Provided further that the State Government may by a notification prescribe the modalities for setting up of check-posts or gates and their management;

- (2) Any officer authorized by the State Government in this behalf shall be attached to one or more check-posts and may check any carrier carrying mineral at any place and the person-in-charge of the carrier shall furnish valid challan or transit pass in the prescribed form and other particulars such as bill or receipt or delivery note on demand by that officer;
- (3) At every check-post or barrier set up under sub-rule (1) or at any other place when so required by the officer-in-charge of the check-post or the barrier or any other authorized officer, the person-in-charge of the carrier shall stop the same for examination of the mineral in transit and also inspection of all records and documents relating to minerals in possession of such person-in-charge of the carrier. The person-in-charge of the carrier shall, if so required by officer-in-charge of the check-post or gate or any other authorized officer, furnish his name and address as also that of the owner of the carrier and the name and address of both the consignor and the consignee. After checking the mineral and carrier the officer-in-charge of the check-post or gate or any other authorized officer as aforesaid shall put his signature on the challan or transit pass with date and time;
- (4) If the officer-in-charge of the check-post or any other authorized officer has reasons to believe that the mineral is not covered by the challan or transit

pass, such officer, or any other authorized officer, shall recover from the person-in-charge of the carrier the value of the mineral at the rates specified in the Official Gazette;

- (5) (i) The Officer-in-charge of the check-post or gate or the authorized officer shall have the power to seize the mineral along with the carrier in transit, the despatch of which is not covered by a valid challan or transit pass, if the person-in-charge of the carrier refuses to make the payment provided for in sub-rule (4);
- (ii) The officer-in-charge of the check-post or gate or the authorized officer shall give a receipt of such mineral and carrier seized by him to the person from whose possession or control it is seized;
- (iii) The officer-in-charge of the check-post / gate or any authorised officer may direct the person-in-charge of the carrier to carry the mineral so seized to the nearest police-station.

Provided that if the person-in-charge of the carrier refuses to carry the mineral and the carrier to the nearest police-station the officer-in-charge or any authorized officer empowered may seize the carrier and take the same in his possession;

- (iv) Whenever a carrier together with the mineral is seized under this sub-rule by an authorized officer, such officer shall give an option to the owner or person-in-charge of the carrier to pay an amount equal to the value of the mineral carried in lieu of such seizure. In case of failure of the owner or person-in-charge of the carrier to exercise such option, suitable legal action shall be initiated against him by any officer authorized in this behalf.

#### **6. Storage of minerals :-**

- (1) Holder of a mining lease / quarry permit shall inform the authorized officer about the location where he would like to store their minerals. The details of such location shall be submitted at least fifteen days prior to the commencement of mining operation by the lessee / permit holder;
- (2) The lessee / permit holder shall maintain proper stock register(s) of the storage of minerals in the stores so indicated. The register should indicate inter alia the following :
  - (a) capacity of stores (in M.T.);
  - (b) area of the stores (in sq.mtr.);
  - (c) actual stock of minerals held, categorywise;
  - (d) daily status of entry of minerals in the stores;
  - (e) daily status of exit of minerals from the stores;
  - (f) daily opening and closing balances.
- (3) The lessee / permit holder shall also maintain bin card in respect of each mineral kept in the stores;
- (4) An authorized officer of the State Government may at any time visit the stores and inspect the minerals kept in the stores with reference to the entries maintained in the registers / bin card;
- (5) The lessee / permit holder shall allow the authorized officer to make inspections of minerals kept at the stores. Any obstruction to the inspection shall be treated as an obstruction to the duties of a public servant and shall be subject to penal action;
- (6) After inspecting / checking minerals, the authorized officer shall record the visit / inspection on the relevant page(s) of the stock register ;

- (7) The authorized officer shall have the power to seize any mineral the record of which is not found in the stock register. A seizure list will be prepared by him and a copy thereof shall be given to the lessee / permit holder or stores-in-charge with appropriate acknowledgement;
- (8) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this rule shall be cognizable;
- (9) Any mineral seized under sub-rule (7) above, shall be liable to be confiscated by an order of the court competent to take cognizance of the offence and shall be disposed of in accordance with the directions of the said court.

**7. Exemption :-**

- (1) The Government may, by notification in the Official Gazette exempt any person or class of persons from the purview of these rules, provided mineral is stored / carried for the purpose of scientific test and research work only.

**8. Appeal :-**

- (1) Any person aggrieved by any order made by the authorized officer in this behalf in exercise of the powers conferred on it by these rules may within thirty days of the date of communication of the order to him appeal to the State Government in form C;
- (2) Every application for appeal shall be accompanied by a fee of Rs.100/- to be deposited under appropriate Head of Account;
- (3) The State Government may confirm, modify or set aside the order passed as it may deem just and proper after giving the appellant a chance to present his case.

**FORM - A**

**[See Rule 4(1) of the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002]**

**Application for Issue of Transit Pass / Challan.**

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received on \_\_\_\_\_

Sir,

I/we have been granted mining lease / quarry permit by the appropriate authority for extraction of \_\_\_\_\_ (name of mineral). I/We may be granted transit pass / challan in triplicate in terms of the Rule 4(2) of the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002.

The required particulars are given below :-

- (i) Sanction order No. -
- (ii) Period of validity -
- (iii) District -
- (iv) Police Station -
- (v) Mouza -
- (vi) J.L. No/s. -
- (vii) Plot No/s. -



- (viii) Area (Acre / Hectare) –
- (ix) Target of extraction (M.T. /Cft./Cu.M.)
- (x) Name of mineral –
- (xi) Name of person to whom the mineral is despatched –
- (xii) Number of transit passes / challans required –

I/We do hereby declare that the particulars furnished above are correct and true to my/our knowledge.

Yours faithfully,

Signature of the Mining Lease  
/ Quarry Permit Holder.

Place :

**FORM - B**

**[See Rule 4(2) of the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002]**

**TRANSIT PASS / CHALLAN**

Dated \_\_\_\_\_ day of \_\_\_\_\_ 20

To

.....  
.....  
.....

**Sir/Madam,**

With reference to your application dated \_\_\_\_\_ for issue of transit pass/ challan for carrying of minerals, a book containing 50 pages (in triplicate) of transit pass/challan is issued in respect of mining lease / quarry permit issued in your favour by the appropriate authority under order No. \_\_\_\_\_ dated \_\_\_\_\_ for extraction of \_\_\_\_\_ (name of minerals) from the undermentioned leasehold / permit area :-

- (i) District -
- (ii) Police Station -
- (iii) Mouza -
- (iv) J.L. Nos. -
- (v) Plot Nos. -
- (vi) Area -
- (vii) Target of extraction -

This transit pass / challan is issued for transport of the above-mentioned minerals from the place of extraction to \_\_\_\_\_ (name of the place of destination).

You shall abide by the following conditions :-

1. The driver or person-in-charge of the carrier shall, while transporting the minerals and till he reaches the destination, shall carry with him two copies of this pass/challan. The triplicate copy of the pass / challan shall be retained at the place of loading / stores;

2. The minerals carried under transit pass / challan may be checked at check-post / check-gate and necessary endorsement of such checking will be made on the original copy of the pass / challan – the duplicate copy of which shall be retained at check-post / check-gate. The original copy of transit challan / pass will be retained by the driver / person-in-charge of the carrier;
3. The officer-in-charge of the check-post / gate or any authorized officer shall recover from the person-in-charge of the carrier the value of such mineral which is not covered by a valid challan or transit pass ;
4. The officer-in-charge of the check-post/gate or any authorized officer shall have the power to seize the minerals along with the carrier in transit, the despatch of which is not covered by a valid challan or transit pass, if the person-in-charge of the carrier refuses to pay the price of such mineral as fixed by the officer-in-charge;
5. The officer-in-charge of the check-post/gate or any authorized officer shall give a receipt of such mineral and carrier seized by him;
6. The Officer-in-charge of the check-post / gate or any authorized officer may direct the person-in-charge of the carrier to carry the mineral to the nearest police station, failing which, both minerals and the carrier shall be seized by him;
7. Appropriate legal action will be taken against the lessee / permit holder and/or the owner / person-in-charge of the carrier for failing to co-operate with the officer-in-charge of check-post/barrier or any authorized officer.

Yours faithfully,

Signature and Seal of the Authorized  
Officer to issue Transit Pass /  
Challan.

**FORM - C**

**[See Rule 8(1) of the West Bengal Minerals (Prevention of Illegal Mining,  
Transportation and Storage) Rules, 2002]  
Memorandum of Appeal under Rule 8(1)**

To  
.....  
.....  
.....

Received on \_\_\_\_\_

Sir,

I/We was/were granted mining lease / quarry permit by the appropriate authority for extraction of \_\_\_\_\_ (name of mineral) in an area of \_\_\_\_\_ (acre/hectares) in Mouza/s \_\_\_\_\_ under Police Station \_\_\_\_\_ of \_\_\_\_\_ district, valid for the period upto \_\_\_\_\_ vide, Order No. \_\_\_\_\_ dated \_\_\_\_\_

I, We have been issued with transit passes / challans for carrying the mineral from the point of leasehold/permit area to \_\_\_\_\_ (name of destination point).

Minerals carried by carrier No. \_\_\_\_\_ was subjected to penalty / seizure at the check-post/gate \_\_\_\_\_ (details of location of Check-Post / Gate) on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

I am / We are aggrieved by the order made by the officer-in-charge of the check post / gate or the authorized officer (delete which is not applicable) as such action has been taken not based on justified grounds.

I/We, therefore, prefer this appeal to get justice from you and request your goodself to give a hearing to present our points.

Copies of necessary papers in this regard are enclosed.

Yours faithfully,

**Signature of the Appellant**

By order of the Governor  
J. SIRCAR  
Pr. Secy. to the Govt. of West Bengal  
and  
Secretary, Commerce & Industries Deptt.

●  
**Government of West Bengal  
Land & Land Reforms Department  
Section AII: LR/M&M Branch**

No.1785(36)/(M & M)/ LR/AII/M&M-3/2003

Kolkata, Dated : 25.3.2003.

**To  
The District Magistrate & Collector,  
The District Land & Land Reforms Officer,**

Sub : Head of A/c for deposition of Rent, Royalty , Mineral Concession fees etc.

Ref : Memo No.45/CS dt. 7.03.2003 from the D.M., Jalpaiguri.

The undersigned is directed to say that proper Head of Account for deposition of collection from mines and minerals on various accounts will be in accordance with the Budget Publication No.4 which are as under :

- i. Royalties etc. from Mines and minerals (other than coal) : "0853-Non-Ferrous Mining and Metallurgical Industries – 00-102-Mineral concession Fees, Rent & Royalties"
- ii. Royalty etc. on coal : 0029 – Land Revenue-00-104-Receipts from Management of Ex-Zamindary Estates –02-Collection of Royalties from Mines & Minerals."
- iii. Cess on Coal and on other Mines and Minerals. : Appropriate Minor heads under the Major Head of A/c – "0029 etc."

This is for his information and taking necessary action from his end.

Sd/- Illegible  
Deputy Secretary  
to the Govt. of West Bengal  
Land & Land Reforms Department.

No.1785/1 – M & M

Copy forwarded for information and necessary action to the Director of Land Records & Surveys & Joint Land Reforms Commissioner, West Bengal, 35, Gopalnagar Road, Alipore, Kolkata – 700 027.

Sd/- Illegible  
Deputy Secretary  
to the Govt. of West Bengal  
Land & Land Reforms Department.

Dated : 25.03.2003

●

**GOVERNMENT OF WEST BENGAL**  
**Office of the Director of Land Records and Surveys**  
**And Joint Land Reforms Commissioner, West Bengal**  
**35, Gopalnagar Road, Alipore, Kolkata – 27**

Memo No.129/4880-97/C/2002

Dated, Alipore 21<sup>st</sup> October, 2003

**To**  
**The District Land and Land Reforms Officer,**

**Sub : Collection of Royalty & Cesses from minor minerals.**

**Ref : This Office Memo No.129/7941-7958/C/2002, Dated 20.12.02 & 129/2988-3005/C/2002 Dated 19/25<sup>th</sup> June, 2002.**

In enclosing herewith copies of memo No.448 MD dated 11<sup>th</sup> March, 2002 of the Directorate of Mines & Minerals and 270-CI/O/DMM-MISC/031/02/MI dated 11<sup>th</sup> September 2003 he is requested to realise Royalty and Cesses from minor minerals as per revised conversion chart furnished below :-

**CONVERSION CHART AND ROYALTY, CESSES TO BE LEVIED ON MINOR MINERALS**  
**(Revised)**

Sl. No.	Item	Volume	Tonnage	P.W.Cess (Rs.0.50 per MT)	Road Cess (Rs.0.50 per MT)	P. Education (Rs.1 per MT)	R.E Cess (Rs.0.50 per MT)	Total Cesses in Rs.	Royalty in Rs.	Total amount (Royalty & Cesses)	Rate of Royalty in Rs. per cubic metre
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1.	Sand (Dry)	100 cft	5 MT	3.00	3.00	5.00	3.00	14.00	63.00	77.00	** 22.00
2.	Sand (wet)	100 cft	5.5 MT	3.00	3.00	6.00	3.00	15.00	63.00	78.00	** 22.00
3.	Morrum	100 cft	5.5 MT	3.00	3.00	6.00	3.00	15.00	43.00	58.00	** 15.00
4.	Laterite	100 cft	5.5 MT	3.00	3.00	6.00	3.00	15.00	43.00	58.00	** 15.00
5.	Boulder	100 cft	5.5 MT	3.00	3.00	6.00	3.00	15.00	63.00	78.00	** 22.00
6.	Granite (Black)	100 cft.	5.1 MT	3.00	3.00	6.00	3.00	15.00	1840.00	1855.00	** 650.00
7.	Granite (Grey)	100 cft	5.1 MT	3.00	3.00	6.00	3.00	15.00	1133.00	1148.00	** 400.00
8.	Stone/Sand stone	100 cft	8.5 MT	5.00	5.00	9.00	5.00	24.00	63.00	87.00	** 22.00
9.	Clay (Brick earth)	100 cft	6 Mt	3.00	3.00	6.00	3.00	15.00	34.00	49.00	** 12.00
10.	Ordinary earth	100 cft	6 MT	3.00	3.00	6.00	3.00	15.00	34.00	49.00	** 12.00
11.	Stone/Sand stone (for the Districts of North Bengal)	100 cft	7.8 MT	4.00	4.00	8.00	4.00	20.00	63.00	83.00	** 22.00

\* All Fractions of Rupee rounded off to the next higher Rupee

\*\* Col. 12 represents the revised rates corresponding to Col.2.

D.K. Chaudhuri  
Director of Land Records and Surveys  
And  
Joint Land Reforms Commissioner, W.B.

Encl: (Two).

**GUIDELINES FOR ADMINISTRATION OF MINOR MINERALS FOR THE OFFICERS OF  
THE DEPARTMENT OF LAND & LAND REFORMS.**

- I. **Delegation of Power :** Sub-section (2) of Section 26 of the Mines and Minerals (Development and Regulation) Act, 1957 states “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”.

In accordance with this Sub-section (2) of Section 26 of the Mines and Minerals (Development and Regulation) Act, 1957 all Block Land & Land Reforms Officers are empowered under different sections of the said Act.

- II. **F.I.R. to the Police :** Sub-section (3) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 states “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”.

All Block Land & Land Reforms Officers under above section are empowered vide notification no.87-CI/Gr. 'D' dated 24.1.1991.

- III. **Seizure:** Sub-section (4) of Section 21 of the Mines and Minerals (Development and Regulation) act, 1957 states “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 shall be liable to be seized by an Officer or authority specially empowered in this behalf”.

All Block Land & Land Reforms Officers under above section are empowered vide notification no.88-CI/Gr.'D' / 4M-30/88 dated 24.1.1991 of Commerce & Industries Department.

- IV. **Realisation of Minerals or price thereof or rent, royalty or tax :** Sub-section (5) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 states “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”.

All Block Land & Land Reforms Officers under above mentioned section are empowered vide notification no.695-CI/4M-30/88 dated 10.8.1992 of Commerce & Industries Department.

- V. **Cognizable Offence :** Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957 states “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”.

All Block Land & Land Reforms Officers are empowered under above Section vide notification no.89-CI/Gr-D/4M-30/88 dated 24.1.1991 of Commerce & Industries Department.

- VI. **Recovery of Arrears :** Section 25 of the Mines and Minerals (Development and Regulation) Act, 1957 states “(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 [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.

(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 [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 (Development and Regulation) Amendment Act, 1972 (56 of 1972), together with the interest due there on, shall be a first charge on the assets of the holder of the reconnaissance permit, prospecting licence or mining lease, as the case may be.

All Block Land & Land Reforms Officers are empowered under above Section vide notification No.90-CI/Gr.D/4M-30/88 dated 24.1.1991 of Commerce & Industries Department.

D. K. Chaudhuri  
Director of Land Records & Surveys  
And Joint Land Reforms Commissioner,  
West Bengal.

Memo No.123/3634-51/2/04

Dated, the 11<sup>th</sup> August, 2004.

Copy forwarded to the BLLRO \_\_\_\_\_ along with a model seizure list and demand list for information. He is requested to circulate the guideline upto the Block level officer with the direction to follow the same strictly. A copy of the Memo No.V/4963-80/C/2000 dated 27.08.00 and 698/670-90/CD/95 dated 29.03.2004 are also sent herewith for better administration.

D. K. Chaudhuri  
Director of Land Records & Surveys  
And Joint Land Reforms Commissioner, West Bengal.

**Government of West Bengal**  
**Land & Land Reforms Department**  
**Office of the Block / Sub-Divisional/District Land & Land Reforms Officer.**

**SEIZURE LIST**

In exercise of power, conferred upon me by the provisions of Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, read with Notification No.88-CI/Gr.D/4M-30/88 dated 24.1.1991 of the Govt. of West Bengal, in the Commerce & Industries Department, I do hereby seize the following Vehicle / articles / documents from the custody of \_\_\_\_\_ S/O \_\_\_\_\_  
Village \_\_\_\_\_ P.S. \_\_\_\_\_ Dist. \_\_\_\_\_ For committing the offence mentioned in the aforesaid section.

1. Date of seizure :
2. Place of seizure:
3. Description of articles / vehicles / documents seized :
4. Signature of the person from whom seized :
5. Signature of witnesses with address :
  - i)
  - ii)
  - iii)

Signature of the authorised officer  
Designation.

**Government of West Bengal**  
**Office of the Director of Land Records and Surveys**  
**And Joint Land Reforms Commissioner**  
**35, Gopalnagar Road, Survey Building, Kolkata - 700 027.**

Memo No.151/4850/C/04

Date : 09/06/05

**To**  
**The Land Reforms Commissioner**  
**And The Principal Secretary**  
**Land & Land Reforms Department**  
**Govt. of West Bengal,**  
**Writers' Buildings, Kolkata - 700 001.**

**Sub: Publication of notifications in terms of W.B. Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules 2002.**

His kind attention is invited to the following :-

- 1) The W.B.Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules 2002 came into effect on and from 08.11.02. The said Rule was framed in exercise of power conferred under section 23C of Mines and Mineral (Development and Regulation) Act, 1957.
- 2) Consequent to publication of the said Rule it may be presumed that the check post duties performed by the staffs and officers of this department related to prevention of illegal mining, transportation and storage of minerals, are done in accordance to the said Rule.
- 3) The said Rule envisaged following notifications in Official Gazette.
  - a) Names of the Authorised Officers, capable of performing functions under the said Rule vide clause (b) of Rule 2 ibid.
  - b) Places for setting up of check posts / gates or for erection of barrier or for both, vide first proviso under clause (1) of Rule 5 ibid.
  - c) Value of different kinds of minerals which may be recovered from the illegal transporters, vide clause 4 under Rule 5 ibid.

Presently the raid duty is being conducted in districts sans all such notifications, which are entailing litigations.

The DL&LROs are being requested to furnish their suggestions on the sites for setting up check posts / gates or for erection of barrier or for both within their respective jurisdictions which will be sent in due course to enable the Govt. for publication of notification, as required under first proviso under clause (1) of Rule 5 ibid.

But the other two notifications, as predicted under Rule 2(b) and Rule 5(4) ibid, are required to be published immediately for the sake of safe and secured resource mobilisation.

D.K. Chaudhuri  
Director of Land Records and Surveys  
And Joint Land Reforms Commissioner, West Bengal

**Govt. of West Bengal**  
**Office of the District Land and Land Reforms Officer**  
**Burdwan**

Memo No.709/1057/L.M./05

Dated 14/7/05

**To**  
**The Director of Land Records & Surveys**  
**And**  
**Joint Land Reforms Commissioner, West Bengal,**  
**Alipore Survey Building,**  
**35, Gopal Nagar Road,**  
**Kolkata – 700 027.**

**Sub: West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002.**

Ref: Notification no.423/CI/O Mines rule / 001/02/M1 dt.8.11.2002 of C & I Deptt.

This is to bring to his kind notice that there is no Govt. notification in respect of "Authorised Officer" to exercise the different powers under the different rules of The West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002.

It may be mentioned here that at present 12 nos. of Check Post are running in this District. Frequent raid programmes are also being continued by D.L.&L.R.O., S.D.L.&L.R.O., B.L.&L.R.Os, S.R.O.-IIs and Revenue Officers for the prevention of illegal Mining, Transportation & Storages.

Under these circumstances this office is facing many difficulties to exercise the power of different Sub-Rules of Rules 2, 5 & 6 of West Bengal Minerals (Prevention of illegal Mining, Transportation and Storage) Rules, 2002.

He is therefore requested to kindly arrange for empowerment of all S.R.O.-IIs and all Revenue Officers to act as authorised Officer for the said purpose to enable us to make rapid and wide raid programmes successful.

This may kindly be treated as extremely urgent.

Sd/- Illegible  
Additional District Magistrate And  
District Land & Land Reforms Officer,  
Burdwan.

●  
**Government of West Bengal**  
**Land and Land Reforms Department**  
**Section – A-II, Branch – LR I (M & M)**

No. 6673 (18) – M & M  
LR/AII/M&M – 15/2005

Dated, the 15<sup>th</sup> December, 2005.

**To**  
**The District Land & Land Reforms Officer,**

**Sub: Regulation of collection of boulders and materials from riverbeds passing through the forest areas in the State of W.B. – Ref. from the Forest Deptt.**



The undersigned is directed to send herewith a copy of the Notification No.4147-For/FP/6M-23/04 Dt.4.10.05 of the Forest Deptt. on the above subject and to request him to take necessary action in strict compliance of the said Notification.

This may be treated as most urgent.

Sd/- Illegible  
Joint Secretary  
to the Govt. of West Bengal  
Land and Land Reforms Deptt.

No.6673/1(2) – M & M

Dated, the 15<sup>th</sup> December, 2005.

Copy with a copy of the Notification No.4147 – For/FP/6M-23/04 Dt. 4.10.05 of the Forest Deptt. forwarded for information and necessary action to the :

- 1) C & I Deptt.
- 2) Director of Land Records & Surveys & Jt. Land Reforms Commissioner, West Bengal.

Sd/- Illegible  
Joint Secretary  
to the Govt. of West Bengal  
Land and Land Reforms Deptt.

**Government of West Bengal  
Forest Department  
For Branch**

**NOTIFICATION**

No.4147-For/FP/6M-23/04

Dated: 04.10.2005

The Ministry of Environment & Forests, Government of India has approved a proposal of the State Government for surface collection of boulders and materials from riverbeds passing through forest areas in the State under Section 2 of Forest Conservation Act, 1980 vide their F No.8-43/98FC dt. 02<sup>nd</sup> July, 2003.

Since the order of the Government of India has been issued under the provisions of the Forest (Conservation) Act, 1980 and its applicability is restricted to recorded forest land under the control of the State Forest Department the forest divisions concerned are hereby authorised to regulate collection of boulders and materials from riverbed with strict adherence to the terms and conditions stipulated by the Government of India under the Forest (Conservation) act, 1980.

The Divisional Forest Officers concerned are also authorised to issue transit permits under West bengal Forest Produce Transit Rules, 1959, for collection and removal of such boulders and materials from riverbeds passing through the recorded forest lands. They are also authorised to receive the sale proceeds and other charges as may be applicable against such collection of boulders and materials.

The sale proceeds so collected should be deposited in the deposit account of the Divisional Forest Officers concerned and shall be utilised for river training programme and raising compensatory afforestation.

Besides the above the following stipulations will also be applicable.

1. Legal status of the forest shall remain unchanged.
2. River training programme shall be carried out through technical strengthening of embankment by netting and bolting method along with adequate vegetative

- measures. The balance fund will be utilized for raising and maintaining compensatory afforestation. No construction work shall be allowed in the forest area.
3. Extraction shall be allowed in the riverbed leaving one fourth of the width of the river on either side from the bank.
  4. Work would be undertaken through J.F.M. Committee members only, for which an agreement may be signed between the J.F.M. Committee members and the Concerned Forest Division.
  5. No tree felling in the area shall be carried out.
  6. The collection of boulders shall be done by hands only.
  7. No damage to the flora and fauna of the surrounding area shall be caused.
  8. The forest land shall not be used for any purpose other than that specified in the proposal.
  9. No work shall be allowed in the forest area before sun rise and after sun set.
  10. It shall be ensured that there is no change in the river course.
  11. Blasting /stone breaking shall not be allowed inside the forest area.
  12. The work shall be executed by the Forest Department only.
  13. Sufficient number of temporary Check Posts shall be established at the Entry and Exit points by the concerned Divisional Forest Officer and daily record shall be maintained at the Check Posts.
  14. A Monitoring Committee will be set up under the Nodal Officer, Forest (Conservation) Act, 1980 to monitor the execution of the work. A separate notification in this regard will be issued in due course of time.
  15. An officer from the Ministry of Environment and Forests, Government of India may also inspect the site.
  16. The State Government and/or the CCF (Central), Regional Office, Bhubaneswar will be at liberty to impose any other condition from time to time for the protection and improvement of flora and fauna in the forest area.

This order is issued in supersession of the order No.4059 CI/Mines dated 18.05.1990 and will take immediate effect.

By order of the Governor.

Sd/- Illegible  
Chief Secretary to the Government of West bengal.

No.4147/1 (150)-For

Dated : 04.10.2005

Copy forwarded for information and necessary action to:

1. The Secretary to the Govt. of India, Ministry of Environment & Forests, Paryabaran Bhavan, CGO Complex, Lodhi Road, New Delhi --110 003.
2. The Secretary to the Govt. of India, Ministry of Steel & Mines, New Delhi.
3. The Member, Board of Revenue.
4. The Divisional Commissioner.
5. The Secretary, Land & Land Reforms Department of this State Government.
6. The District Magistrate.
7. Director of Mines and Minerals, West bengal, 45, Ganesh Chandra Avenue, Kolkata – 700 013.
8. Chief Mining Officer, Court Road, Asansol.
9. Mining Officer-In-Charge.
10. The PCCF, WB
11. The PCCF (WI & Bio-Diversity) WB.
12. The M.D., WBFDC Ltd.

13. Indian Bureau of Mines, Nagpur, Maharashtra.
14. P.S. to MIC, Forest Department.
15. P.S. to MOS, Forest Department.
16. Office of the Ld. Advocate General, West Bengal, Calcutta High Court.
17. Office of the Ld. Government Pleader, Calcutta High Court.

Sd/- Illegible.  
Dy. Secy. to the Govt. of West Bengal.

●

**Copy of Memo No. 334-CI/O/MI/CI/O/MISC/02/06/MI Dated 7<sup>th</sup> september, 2006 from the Commerce & Industries Department, Cell-MI, Govt. of West Bengal.**

**MEMORANDUM**

**Sub : Opening of Sub-head for depositing the amount collected as Water-rate in respect of Long Term Mining Lease for major minerals.**

The undersigned is directed to say that the Mining Lease-holders of major minerals are to pay certain amount as water-rate per acre per annum for using water in their mine-works. These amounts are paid through Demand Drafts against Demand Notices issued by the concerned District Land and Land Reforms Officers. But the Drafts can not be sent to the "Treasury Branch" of concerned "State Bank of India" for depositing the amount in the State Exchequer as Commerce and Industries Department has no Head of Account in connection with water-rate as yet.

2. Accordingly it has become necessary to open a new sub-head for depositing of water-rate in respect of Long Term Mining Lease for major minerals.

3. After careful consideration of all the schemes of Commerce and Industries Department, the undersigned is now directed by order of the Governor to say that the Governor has been pleased to accord sanction to the opening of a sub-head for collection of water-rate in respect of Long Term Mining Lease of Major Minerals in Receipts under Revenue Account of Budget Publication No.4 as per following details with effect from 2006-07:-

"003-Water-rate and Cess collection on Long Term Mining Lease for Major Minerals" with detailed head "08-Cess/21-Water-rate" subordinate to "0853-Non-ferrous Mining and Metallurgical Industries - 00-800-Other receipts".

4. This order is issued with the concurrence of the Finance Deptt. vide their U.O. No.Group-N.0239, dt. 23.5.2006 and U.O.No.Group-C.477 dt.1.6.2006.

5. This has an approval of the Accountant General (A&E), West Bengal vide their U.O. No.A.M.-1/08 dated 6.7.2006.

6. All concerned are being informed accordingly.

Sd/- Illegible.  
Joint Secretary to the  
Govt. of West Bengal.

No.6318(40)-M&M/28/2006

Dated, Kolkata, the 26<sup>th</sup> October, 2006.

Copy forwarded for information and necessary action to :-  
Director of Land Records & Surveys, West Bengal.

M. K. Sarkar  
Joint Secretary to the  
Govt. of West Bengal.

**Government of West Bengal  
Commerce & Industries Department  
Mines Branch**

No.185-CI/O/Estt/003/05/A(M1)

Dated: 31.05.2007

**NOTIFICATION**

District Magistrates of the Districts concerned have already been authorised vide this Department's Notification No.444-CI/O/Estt/003/05/A(M1) dated 29.11.2006 to grant or refuse to grant mining lease(s) for minor minerals other than those which require excavation of in-situ hard rocks viz. stone, Granite, Laterite etc. in terms of the provisions contained in the West Bengal Minor Minerals Rules, 2002.

Now, in continuation of the aforementioned Notification, the Governor is further pleased to direct that the power to grant or refuse to grant renewal of mining lease(s) for minor minerals as specified in the foregoing paragraph shall also vest in the District Magistrates concerned. The Governor is further pleased to direct that the procedure laid down in this Department's Order No.445/CI/O/Estt/003/05/A(M1) dated 29.11.2006 (From paragraph 1 to 6) shall apply for disposal of the applications received in this behalf.

The Governor is further pleased to authorize the "District Authority" as defined in clause (e) of sub-rule 1 of Rule 3 of the WBMM Rules, 2002 to carry out the purpose of the provision of Rule 4A as inserted in the WBMM Rules, 2002 vide amendments under Notification No.09-CI/O/MM-MISC-07/03/M2 (Pt.) dated 9<sup>th</sup> January, 2006, of the Commerce & Industries Department and published in the Kolkata Gazette on 19<sup>th</sup> January, 2006.

This Notification comes into force with effect from the date on which it is published in the Official Gazette.

By order of the Governor

Sabyasachi Sen  
Principal Secretary to the  
Government of West Bengal.

No.185/1(9)-CI/O/Estt/003/05/A(M1)

Dated : 31.05.2007

Copy forwarded for information and necessary action to :

1. P.S. to MIC, Commerce & Industries Department.
2. Sabhadhipati \_\_\_\_\_ Zilla Parishad.
3. Personal Secretary to the Principal Secretary, Commerce & Industries Department.
4. Personal Secretary to the Principal Secretary, Land & Land Reforms Department.
5. District Magistrate, \_\_\_\_\_ District.
6. Director of Land Records & Surveys, Govt. of West Bengal.
7. Director of Mines & Minerals, Government of West Bengal.
8. District Land & Land Reforms Officer, \_\_\_\_\_ District.
9. Chief Mining Officer, Government of West Bengal.

Sd/- Illegible  
O.S.D. & Ex-Officio Deputy Secretary  
to the Government of West Bengal.

**Government of West Bengal  
Commerce & Industries Department  
Mines Branch / Cell – M1**

No.300(5)-CI/O/MM-55/07

Date: 28.08.2007

From :  
Smt. Roshni Sen, IAS,  
Joint Secretary to the  
Government of West Bengal.

**To:**

- 1. The District Magistrate & Collector,  
Dist. Birbhum.**
- 2. The District Magistrate & Collector,  
Dist. Purulia.**
- 3. The District Magistrate & Collector,  
Dist. Bankura.**
- 4. The District Magistrate & Collector,  
Dist. Burdwan.**
- 5. The District Magistrate & Collector,  
Dist. Paschim Medinipur.**

Sir,

I would like to state that instances of violation of the provisions of the West Bengal Minor Mineral Rules, 2002, particularly Rule 5, in disposing of application(s) for Mining Lease on time have come to the notice of the Government although specific time-frame has been stipulated in the Rules.

It has also been observed that D.L.&L.R.Os in some districts have been issuing permits for extraction of black stone in violation of Rule 27(1) of the W.B.M.M. Rules, 2002. It may be noted that powers to grant or refuse to grant mining leases in respect of in situ rocks viz. Stone, Granite, Lатарite in terms of this Department Order No.444-CI/O/ESTT/003/05/A (M1) dated 29.11.2006 have not been delegated to District Magistrates.

You will kindly appreciate that the provisions laid down in the West Bengal Minor Mineral Rules, 2002 need to be strictly followed while disposing of the applications. It is equally important that the authorities concerned abide by the provisions of the Rules where power to grant permits rests solely with the State Government to avoid any legal complications. It is also imperative that the black stone quarries operating in the districts having no valid permit issued by this department should apply to the appropriate authorities of the Government for such permit.

It will be appreciated if this department is apprised of the action taken in the above context early.

Yours faithfully,  
Roshni Sen  
Joint Secretary  
to the Government of West Bengal.

No. 300(5)/1(3)-CI/O/MM-55/07

Date : 28.08.2007

Copy forwarded for information and necessary action to :

1. The Principal Secretary to the Govt. of West Bengal, Land & Land Reforms Department, Writers' Buildings, Kolkata – 700 001;
2. The Director of Land Records & Surveys, West Bengal, 35, Gopalnagar Road, Alipore, Kolkata – 700 027.
3. The Divisional Commissioner, Burdwan Division, Chinsura, Hooghly.

Roshni Sen  
Joint Secretary  
to the Government of West Bengal.

**Government of West Bengal  
Commerce & Industries Department  
Mines Branch  
Writers' Buildings, Kolkata - 700001.**

No.430-CI/O/Estt/003/05/A(M1)

Date : 05.12.2007

**ORDER**

It is hereby ordered that the paragraph 4 of this Department order NO.445 C1/O/Estt/003/05/A(M1) dated 29<sup>th</sup> November, 2006 and published in the Kolkata Gazette, Extraordinary dated December 29, 2006 shall be substituted by the following:

**Substitution**

The District Land and Land Reforms Officer of the district concerned shall issue public notice inviting applications for mining lease in respect of minor minerals available in riverbeds as well as brick earth and morrum available in the district and process the applications so received but prior to issue of such public notice he shall consult in keeping with the relevant provisions of the WBMM Rules 2002 (as amended from time to time) such officials of department(s) concerned as may be felt necessary for ensuring protection to rivers and other natural objects/ sites towards sustainable environmental protection

Sabyasachi Sen  
Principal Secretary to the Government  
of West Bengal

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**Government of West Bengal  
Commerce & Industries Department  
Mines Branch  
Writers' Buildings, Kolkata - 700001.**

No.431-CI/O/Estt/003/05/A(M1)

Date : 05.12.2007

**Notification**

The State Government has already authorized the District Magistrate of the Districts concerned to grant or refuse to grant mining lease(s) for minor minerals other than those which require excavation of in-situ hard rocks viz. Stone, Granite, Laterite in terms of the provisions contained in the West Bengal Minor Minerals Rules, 2002, as amended from time to time vide this Department's Notification No.444-CI/O/Estt/003/05/A(M1) dated 29.11.2006.

Now, in continuation of the aforementioned Notification, the Governor is pleased to direct that the power to grant or refuse to grant renewal of mining lease (s) for minor minerals shall also vest in the District Magistrates concerned. The Governor is further pleased to direct that the procedure laid down in this Department's Order No.445/CI/O/Estt/003/05/A(M1) dated 29.11.2006 (From paragraph 1 to 6) shall apply for disposal of the applications for renewal of mining lease(s) for minor minerals as mentioned hereinbefore.

The Governor is further pleased to authorize the "District Authority" as defined in clause(e) of Sub-rule 1 of Rule 3 of the WBMM Rules, 2002 to carry out the purpose of the provision of Rule 4A as inserted in the WBMM Rules, 2002 vide amendments to the Rules under Notification No.09-C1/C/MM-MISC-07103/M2(Pt.) dated 9<sup>th</sup> January, 2006 of this Department and published in the Kolkata Gazette, Extraordinary dated 19<sup>th</sup> January, 2006.

This Notification issues in cancellation of this Department Notification No.185/CI/O/Estt/003/05/A(M1) dated 31.05.2007 and published in the Kolkata Gazette Extraordinary dated July 26, 2007.

All applications and /or proceedings pending before the State Government shall hereafter be processed and decided by the District Magistrate having jurisdiction over the minor mineral in respect of which application for licence or renewal has been pending decision.

By order of the Governor  
Sabyasachi Sen  
Principal Secretary to the Government  
of West Bengal

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