

Government of West Bengal
Commerce & Industries Department
Mines Branch

Abahindranath Tagore Sarani (4, Camac Street), Kolkata - 700 016

No.: 981-CI/O/Royalty/01/10/Mines

Date : 01.12.2010

ORDER

WHEREAS, it has come to the notice of the Government that various Departments issued orders/instructions to their subordinate offices from time to time in the matter of payment of royalty or otherwise for extraction of minor minerals and use thereof for execution of various schemes of the Central Govt./State Government in different parts of the State ;

AND, WHEREAS, it appears that the orders/instructions as aforementioned have been found to be contrary to the provisions of the West Bengal Minor Mineral Rules, 2002, (hereinafter mentioned as the "said Rules") as amended from time to time;

AND, WHEREAS, the said Rules have been framed by the State Government in exercise of the power conferred by sub-section-1 of Section 15 of the Mines & Mineral (Development and Regulation) Act, 1957 (Act 67 of 1957);

AND, WHEREAS, Rule 4 of the said Rules stipulates that no person can undertake mining operation in any area except under and in accordance with the terms and conditions of mining lease or quarry permit granted under the Rules save and except the provisions contained therein;

AND, WHEREAS, Rule 20 of the said Rules requires that the holder of a mining lease or any other mineral concession shall pay royalty in respect of mineral or minerals extracted or removed or consumed by him or his agent, manager, employee or contractor as prescribed in Schedule-I ibid;

AND, WHEREAS, Rule 33 of the said Rules provides for penalty for any act of commission/omission for violation of any of the provisions of the said Rules;

AND, WHEREAS, no Department of the State Government is authorized to issue any order/instructions in connection with administering the said Rules dealing with regulation of Mines except the Department of Commerce & Industries as per item 3 of PART-II of Chapter-VIII of the Rules of Business of the Government of West Bengal as amended from time to time;

Now, therefore, the Governor is hereby pleased to rescind the orders/instructions issued by various departments of this Government from time to time with regard to payment of royalty or otherwise pertaining to extraction of minerals and use thereof as mentioned hereinabove to the extent as they are inconsistent with the provisions of West Bengal Minor Mineral Rules, 2002.

Contd....2

D/LMS-II
all Conv. P. circular to
slu 08/12/10
D/LMS-II

21/7/22
6/12
D/LMS-II
P/circular
8/12

The Governor is further pleased to direct that all the State Government Departments and offices/bodies/organizations/agencies subordinate to them / under their administrative control shall strictly abide by the provisions of the West Bengal Minor Mineral Rules, 2002 as amended from time to time and that no other Department of the Government except the Department of Commerce & Industries shall take unto itself the powers and authority to interpret the said Rules unless otherwise directed on any specific matter having relevance to the said Rules.

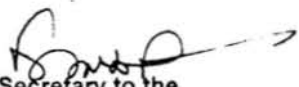
Sd/-
Samar Ghosh
Chief Secretary to the
Government of West Bengal

No.: 981(169)-CI/O/Royalty/01/10/Mines

Date : 01.12.2010

Copy forwarded for information and necessary action to the :

1. All Heads of the Departments of the State Government. (53)
2. All Heads of Directorates of the State Government. (72)
3. Principal Secretary, Land & Land Reforms Department, Government of West Bengal and Land Reforms Commissioner, West Bengal.
4. Commissioner General, Land & Land Reforms, West Bengal
5. All Divisional Commissioners. (3)
6. Director of Land Records & Survey, West Bengal
7. All District Magistrates (18)
8. All District Land & Land Reforms Officers (18) (Subsignature)
9. Director of Mines & Minerals, West Bengal
10. Chief Mining Officer, Asansol, West Bengal.


Joint Secretary to the
Government of West Bengal