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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**

NOTIFICATION

No.09-CI/O/MM-MISC-07/03/M2(Pt.)— 9TH JANUARY, 2006, — 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 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 4, —

(a) After the first proviso to clause (c) of sub-rule (1), insert the following proviso: —

“Provided further that no renewal of such mining lease or mineral concession shall be granted on expiry of the terms of such mining or minerals lease already granted.”;

(b) After clause (b) of sub-rule (2), insert the following clause: —

“(c) On receipt of information of extraction or removal of minor mineral, the District Authority may cause measurement of the minor mineral already extracted or removed and shall serve a notice of demand for the price under clause (b) of the measured quantity of mineral extracted or removed after giving an opportunity of hearing”.

(2) After rule 4, insert the following rule: —

4A. Grant of lease or quarry permits. — (1) The State Government may from time to time by public notice invite application for grant of mining lease or quarry permit in a particular area.

(2) Every such public notice shall be published through an advertisement and also by affixing at the office of the concerned District Land and Land Reforms Officer, Sub-divisional Land and Land Reforms Officer and Block Land and Land Reforms Officer.

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), if an application is received before coming into force of this notification or before publication of the public notice under sub-rule (1) after coming into force of this notification, the State Government shall, subject to the fulfillment of the conditions under rule 5 by the applicant, consider such applications along with other applications received in pursuant to publication of such public notice.

(4) No public notice is required in case of persons applying for mining lease in respect of the land, in which he is a raiyat.”;

(3) In rule 6, —

(a) for sub-rule (1), substitute the following sub-rule: —

“(1) Where an application complete in all respects for the grant or renewal of a mining lease is received, its receipt shall be acknowledged forthwith.”;

(b) omit sub-rule (2);

(c) omit sub-rule (3);

(4) for rule 7, substitute the following rule: —

“7. Disposal of application for mining lease. — An application for mining lease shall be disposed of within one year from the last date of receiving application mentioned in the public notice under rule 4A.”;

(5) for rule 8, substitute the following rule: —

“8. Refusal of application for grant of a mining lease: — (1) The State Government while disposing of the applications may hear the applicant and give reasons in brief in making the choice among the applicants.”;

(6) in rule 9, —

(a) for sub-rule (1), substitute the following rule: —

“(1) If an application for mining lease is received from the West Bengal Mineral Development and Trading Corporation Limited or an undertaking or Department of the State Government in respect to any area, preference may be given to such an application:

Provided that priority may be given to the applicant who puts up an export unit based on the minerals for which the lease has been applied for:

Provided further that in case of quarry permit or mining lease, priority shall be given to the co-operative societies or partnership firm comprised of the local unemployed Youth including families living below the poverty line and those not living below the poverty line in the ratio of 2:1 basis:

Provided also that if no co-operative society or partnership firm is constituted in the 2:1 ratio, the lease or permit may be granted to any other organization or individual.”;

- (b) for sub-rule (2), substitute the following sub-rule: —
“(2) Where more than one application for the same area is received, the State Government may, after taking into consideration the matters specified in sub-rule (3), grant mining lease to any applicant as it deem fit or may distribute the applied area to all or some of such applicants.”;
- (c) after clause (c) of sub-rule (3) , insert the following clauses: —
“(d) Proximity of residence or office from the area applied for lease;
(e) name and address of the partners in case of a firm and directors in case of a company;
(f) arrangement for transportation and marketing;
(g) declaration that the applicant or any of the partners or directors has not been convicted of a charge of criminal offence and sentenced to imprisonment;
(h) whether the applicant is an undischarged insolvent.”;
- (7) In rule 12, —
(a) in sub-rule (2), after the words “No such renewal shall be granted”, insert the words “more than once”;
(b) in sub-rule (6), for the words,” whichever is shorter”, substitute the words, “whichever is earlier.”;
- (8) to sub-rule (2) of rule 27, add the following proviso: —
“Provided that when an application for a mining lease is pending for disposal for the specified land no quarry permit shall be granted for such land other than for an emergent public purpose or as a temporary measure.”;
- (9) for rule 30, substitute the following rule: —
“30. Application of these rules to all renewals. —
Where a mining lease is granted before the commencement of these rules, renewed after the commencement of these rules, these rules shall apply mutatis mutandis.”

By order of the Governor

(SABYASACHI SEN)

*Principal Secretary to the
Government of West Bengal.*