

DRAFT**NOTIFICATION****34/10/2012-Mines**

In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa Minor Mineral Concession Rules, 1985, namely:-

1. Short title and commencement.- (1) These rules may be called the Goa Minor Mineral Concession (Amendment) Rules, 2012.

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

2. Amendment of rule 2.- In rule 2 of the Goa Minor Mineral Concession Rules, 1985 (hereinafter referred to as the "principal Rules"),-

(i) after clause (g), the following clauses shall be inserted, namely:-

"(ga) "progressive quarry closure plan" means a progressive plan, for the purpose of providing protective, reclamation and rehabilitation measures in a quarry or part thereof that has been prepared in the manner specified in the standard format and guidelines issued by Indian Bureau of Mines;

(gb) "quarry closure" means steps taken for reclamation, rehabilitation measures taken in respect of a quarry or part thereof commencing from cessation of quarrying or processing operations in a quarry or part thereof;"

(ii) after clause (i), the following clauses shall be inserted, namely:-

"(ia) "quarrying plan" means a quarrying plan prepared by a recognized person under these Rules;

(ib) "recognized person" means a person possessing the qualifications and experience as may be notified by the Government and granted recognition by it to prepare a quarrying plan;"

3. Substitution of rule 7.- For rule 7 of the principal Rules, the following rules shall be substituted, namely:-

"7. Grant of quarrying lease and execution thereof.- (1) On receipt of an application under rule 5, the Competent Officer, after making such inquiries as he deems fit, may grant a quarrying lease to the applicant for the whole or part of the area applied for or refuse to grant it, subject to the conditions that

the minimum area of quarrying lease shall be as decided by the State Government and the minimum period of such quarrying lease shall be at least five years. Even in case the size of quarrying lease is less than five hectares, environmental clearance from the State Environment Impact Assessment Authority shall be obtained before granting or renewal of such quarrying lease. The quarrying lease holder shall also obtain the necessary consents under AIR Act and Water Act, from the Goa State Pollution Control Board

(2) Where a quarrying lease is granted under sub-rule (1), the applicant shall submit a quarrying plan to the Competent Officer within a period of 60 days from the date of receipt of communication regarding such grant from the Competent Officer.

(3) The Competent Officer may, within a period of 45 days from the date of receipt of the quarrying plan, approve the plan as submitted by the applicant under sub-rule (2) or may require modifications to be carried out in the plan and the applicant shall carry out such modifications and resubmit the modified plan for approval.

(4) The Competent Officer shall within a period of 30 days from the date of receipt of the modified quarrying plan, convey, approval or disapproval to the applicant and in case of disapproval, he shall also convey the reasons for disapproving the said modified quarrying plan.

(5) The quarrying plan submitted under sub-rule (2) or (3) shall be prepared by a recognized person.

(6) Where a quarrying plan is approved under sub-rule (3) or (4) a lease in Form D or in a Form as near thereto as the circumstances of each case may require, shall be executed within four months of the order granting approval under sub-rule (3) or (4) as the case may be, and if no such lease is executed within aforesaid period, the order granting the lease and order granting approval under sub-rule (3) or (4), shall be deemed to have been revoked:

Provided that where the Competent Officer is satisfied that the applicant was prevented by sufficient cause from executing the lease, he may permit the execution of the lease after the expiry of the aforesaid period of four months.

4. Insertion of new rules 7A to 7F.- After rule 7 of the principal Rules, the following rules shall be inserted, namely:-

“7A. Quarrying Plan.- (1) No person shall commence quarrying operations in any area except in accordance with a quarrying plan approved under sub-rule (3) or (4) of Rule 7

(2) The Competent Officer may require the applicant to make such modifications in the quarrying plan referred to in sub-rule (1) or impose such conditions as he may consider necessary by an order in writing if such modifications or imposition of conditions are considered necessary-

- (a) in the light of the experience of operation of quarrying lease;
- (b) in view of the change in the technological development.

(3) The quarrying plan shall incorporate,-

- (i) (a) the plan of the precise area showing the nature and extent of the minor minerals body where the quarrying operations are proposed to be taken up;
- (b) Spot or spots where the excavation to be done in the first five year plan period and its extent;
- (c) a detailed cross-section and detailed plan of spots of excavation based on prospecting data gathered by the applicant ;
- (d) a tentative scheme of quarrying for the second five year plan period of the lease;
- (e) level of production, level of mechanization, type of machinery to be used in the quarrying lease, quantity of diesel consumption, number of trees to be uprooted, environmental impact, restoration of flora and other vegetation.
- (ii) details of the geology and lithology of the precise area including minor mineral reserves;
- (iii) the extent of manual quarrying or quarrying by the use of machinery and mechanical devices on the precise area;
- (iv) the plan of the precise area showing natural water courses, limits of reserved and other forest areas and density of trees, if any, assessment of impact of quarrying activity on forest land surface and environment including air and water pollution; details of scheme for restoration of the area by afforestation, land reclamation, use of pollution control devices and of such other measures under Quarry Closure Plan – Progressive and Final Quarry Closure Plan.
- (iii) Annual programme and plan for excavation on the precise area from year to year for five years;
- (vi) Environmental clearance for cluster of minor mineral leases from the core area of quarrying for 5 kilometers radius having area less than 50 hectares shall be required from the Goa State Environment Impact Assessment Authority or such other authority by whatever name called.

(vii) Any other matter which the Government or any person so authorized may require the applicant to provide in the quarrying plan.

7B. Quarrying plan to be submitted by the existing lessee.-Where quarrying operations have been undertaken before the commencement of the Goa Minor Mineral Concession (Amendment) Rules, 2012 without an approved quarrying plan, the holder of such quarrying lease, shall submit a quarrying plan within a period of 60 days from the date of commencement of the Goa Minor Mineral Concession (Amendment) Rules, 2012, to the Competent Officer for approval, and the provisions of sub-rules (3) to (6) of rule 7 shall, mutatis mutandis, apply.

7C. Quarrying operations to be in accordance with quarrying plan.- (1) Every holder of a quarrying lease shall carry out quarrying operations in accordance with the approved quarrying plan with such conditions as may have been specified under sub-rule (2) of rule 7A.

(2) If the quarrying operations are not carried out in accordance with the quarrying plan as referred to under sub- rule (1), the Competent Officer may order suspension of all or any of the quarrying operations and permit continuance of only such operations as may be necessary to restore the conditions in the quarrying lease as envisaged under the said quarrying plan.

7D. Hydro-Geological Report.- In case of quarrying operations of minor minerals below ground water table, a detail hydro-geological report shall be prepared and based on such report and the recommendations of State ground water authority, the Competent Officer shall impose restrictions as regards the depth up to which the quarrying operations can be carried out in any area, in a case to case basis.

7E. Riverbed sand mining.- (1) The Government may, by Notification in the Official Gazette, specify the river stretches for riverbed sand mining and the mining leases for riverbed sand mining shall be granted in respect of such stretches. The depth of mining in such cases may be restricted to 3m/water level, whichever is less.

(2) For carrying out quarrying operations in proximity to any bridge and/or embankment, safety zones shall be specified by the Competent Officer, on a case to case basis, taking into consideration the structural parameters, locational aspects, flow rate, etc. Further, no quarrying operations shall be carried out in safety zones and eco-fragile zones.

7F. Regional Environmental Management Plan.- A Regional Environmental Management Plan shall be prepared by Goa State Pollution Control Board through recognize person or such authority may deem fit for evolving a cluster approach to smaller quarrying leases and shall be valid for five years. The plan can be so prepared could be revised, altered or renewed by Goa State Pollution Control Board or such other authorities as Government may deem fit.

7G. Grant of Recognition: The State Government may grant recognition to any person possessing the qualification and experience in the field of geology, mining and environment.

4. **Insertion of new Chapter.-** After Chapter XIV of the principal Rules, the following Chapter shall be inserted, namely:-

“CHAPTER XV

82. Reclamation and Rehabilitation Fund.- (1) The Government may create a separate corpus in the name 'Reclamation and Rehabilitation Fund' for the purpose of reclamation and rehabilitation of mined out areas which shall be payable by the quarrying lease holder at time of execution of lease deed. A separate account shall be opened in any nationalized bank for collection of Reclamation and Rehabilitation Fund. The money deposited therein shall be judicially invested in fixed deposit account.

(2) These shall be collected from the lessees such amount as may be specified by the Government by notification in the Official Gazette, for the purpose of reclamation and rehabilitation of the mined out areas. The amount so collected and any grants as may be made by the Government shall be credited to said fund.

83. Quarry Closure Plan. – Every quarry shall have Quarry Closure Plan which shall be of two types -

- (i) Progressive Quarry Closure Plan; and
- (ii) Final Quarry Closure Plan.

84. Submission of Progressive Quarry Closure Plan.- (1) The owner, agent, manager or quarrying engineer shall, in case of fresh grant or renewal of quarrying lease, submit a Progressive Quarry Closure Plan as a component of quarrying plan to the Competent Officer.

(2) The owner, agent, manager or quarrying engineer shall, in case of existing quarrying lease submit a progressive quarry closure plan to the Competent Officer for approval within a period of 60 days from the date of

commencement of the Goa Minor Mineral Concession (Amendment) Rules, 2012.

(3) The owner, agent, manager or quarrying engineer shall review the progressive quarry closure plan every five years from the date of its approval in case of existing quarry or from the date of opening of the quarry in case of fresh grant or from the date of renewal of quarrying lease, as the case may be, and shall submit it to the Competent Officer for his approval.

(4) The Competent Officer shall convey his approval or refusal of the progressive quarry closure plan within ninety days of the date of its receipt.

(5) If approval or refusal of the progressive quarry closure plan is not conveyed to the owner, agent, manager or quarrying engineer of the quarrying lease within the period as specified in sub-rule (4), the progressive quarry closure plan shall be deemed to have been provisionally approved, and such approval shall be subject to final decision whenever communicated.

85. Submission of Final Quarry Closure Plan.- (1) The owner, agent, manager or quarrying engineer shall submit a final quarry closure plan to the Competent Officer for approval one year prior to the proposed closure of the quarry.

(2) The Competent Officer shall convey his approval or refusal of the final quarry closure plan within ninety days of the date of its receipt to the owner, agent, manager or quarrying engineer.

(3) If approval or refusal of the final quarry closure plan is not conveyed to the owner, agent, manager or quarrying engineer of the quarrying lease within the period as specified in sub-rule (2), the final quarry closure plan shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

86. The modification of quarry closure plan.- (1) The lessee desirous of seeking modifications in the approved quarry closure plan, shall submit the same to Competent Officer for approval setting forth the intended modifications and explaining the reasons for such modifications.

(2) The Competent Officer may approve the modifications as submitted under sub-rule (1) or approve with such alterations as he may consider expedient.

87. Responsibility of the holder of quarrying lease.- (1) The owner, agent, manager or quarrying engineer shall ensure that the protective measures contained in the quarry closure plan referred to in these rules including reclamation and rehabilitation work have been carried out in accordance with the approved quarry closure plan or with such modifications as approved by the Competent Officer.

(2) The owner, agent, manager or quarrying engineer shall submit to the Competent Officer a yearly report before 1st July of every year setting forth the extent of protective and rehabilitative works carried out as envisaged in the approved quarry closure plan, and if there is any deviation, reasons thereof.

88. Financial assurance.- (1) Financial assurance, has to be furnished by every lessee. The amount of financial assurance shall be rupees 15,000 (Fifteen thousand only) per hectare of the quarrying lease area put to use for quarrying and allied activities. However, the minimum amount of financial assurance to be furnished in any of the forms referred to in sub-rule (2) shall be rupees 50,000/- (Fifty thousand only)

Provided that a lessee shall be required to enhance the amount of financial assurance with the increase in the area of quarrying and allied activities:

Provided further that where a lessee undertakes reclamation and rehabilitation measures as a part of the progressive closure of quarry, the amount so spent shall be reckoned as a sum of the financial assurance already spent by the lessee and the total amount of financial assurance, to be furnished by the lessee, shall be reduced to that extent.

(2) *The financial assurance or any amendment to it, shall be submitted in one of the following forms to the Competent Officer, namely:-*

- (a) Letter of Credit from any Scheduled Bank;
- (b) Performance or surety bond;
- (c) Any other form of security or any other guarantees acceptable to the Competent Officer;

(3) The lessee shall submit the financial assurance to the Competent Officer before executing the quarrying lease under these rules. In case of an existing quarrying lease, the lessee shall submit the financial assurance along with the progressive quarry closure plan.

(4) Release of financial assurance shall be effective upon the notice given by the lessee for the satisfactory compliance of the provisions contained in the quarry closure plan and certified by the Competent Officer.

(5) If the Competent Officer has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the approved quarry closure plan in respect of which financial assurance was given has not been or will not be carried out in accordance with the quarry closure plan, either fully or partially, the Competent Officer shall give the lessee a written notice of his intention to issue the orders for forfeiting the sum assured at least thirty days prior to the date of the order to be issued.

(6) Within said thirty days as referred to in sub-rule (5), if no satisfactory reply has been received in writing from the lessee, the Competent Officer shall pass an order for forfeiting the surety amount and a copy of such order shall be endorsed to the Government.

(7) Upon the issuance of order by the Competent Officer the Government may realize any letter of credit or bond or any other surety, guarantee provided or obtained as financial assurance for the purpose of performance of protective, reclamation, rehabilitation measures and shall carry out those measures, or appoint an agent to do so.

89. Abandonment or surrender of quarries.- (1) The owner, agent, quarrying engineer or manager of every minor mineral quarry shall not abandon or surrender a minor mineral quarry or a part of such quarry during the subsistence of the lease except with prior permission in writing of the Government or any person authorized in this behalf by that Government.

(2) Notice for abandonment or surrender of a minor mineral quarry or a part thereof shall be given alongwith the plans and sections on a scale of not less than 1 cm=10 meters showing accurately the work done in such quarry up-to the date of submission of the notice.

(3) The Government or any person authorized in this behalf by the Government may, by an order in writing, prohibit abandonment or refuse surrender or allow the abandonment or surrender of a minor mineral quarry or a part thereof with such conditions as it or he may specify in the order.

(4) Where an abandonment of a minor mineral quarry or part thereof takes place as a result of the occurrence of a natural calamity beyond the control of the owner, agent, quarrying engineer or manager of such quarry, or the lease is terminated in compliance of any order or directions issued by any statutory authority established under any law for the time being in force or any tribunal or a court, an intimation shall be sent to the Government within a period of twenty-four hours of such abandonment or termination and the notice of abandonment as provided in sub-rule (2) shall be submitted to the Government within a period of fifteen days of such abandonment or termination.

90. Notice of temporary discontinuance of work in quarries.- The owner, agent, quarrying engineer or manager of every minor mineral quarry shall send to the Government or any person authorized in this behalf by that Government, a notice when the work in such quarry is discontinued for a period exceeding sixty days so as to reach them within seventy-five days from the date of such temporary discontinuance.

91. Intimation of reopening of a quarry.- The owner, agent, quarrying engineer or manager of every minor mineral quarry shall send to the Government or any person authorized in this behalf by that Government an intimation of reopening of such quarry after temporary discontinuance so as to reach them within fifteen days from the date of such reopening."

Place: Panaji, Goa.
Date: 22/08/2012.

By Order and in the name of
the Governor of Goa

(Prasanna A. Acharya)
Director of Mines and Geology &
Ex-Officio Joint Secretary (Mines)