

**THE PONDICHERRY MINOR MINERALS
(CONCESSION) RULES, 1977**

THE PONDICHERY MINOR MINERALS (CONCESSION) RULES, ¹ [1977]

GOVERNMENT OF PONDICHERRY

Development Department.

(G. O. Ms. No. 57, dated 20th April, 1977)

ORDER

The Pondicherry Minor Minerals (Concession) Rules, 1977 is published in the local Gazette for information of public.

In exercise of the powers conferred by sub-section (1) or section 15 of the Mines and Minerals (Regulations and Development) Act, 1957 (Act No. 67 of 1957) the Lieutenant-Governor Union Territory of Pondicherry, is pleased to make the following rules, namely :—

CHAPTER I

Preliminary

1. **Short title, extent, commencement and application** :— (1) These Rules may be called the Pondicherry Minor Minerals (Concession) Rules, 1977.

(2) They shall extend to the whole of the Union territory of Pondicherry.

(3) They shall come into force with effect from the date of their publication in the Gazette.

(4) They shall apply to such minor minerals ² [***] as may be specified by the State Government from time to time by notification in these Gazette.

2. **Definitions** :— In these rules, unless the context otherwise require :

(1) " Act " means the Mines and Minerals (Regulation and Development) Act, 1957 (Act No. 67 of 1957);

(2) " Deputy Collector " means the Deputy Collector (Revenue), of the region concerned and also includes the Sub-Collector or Assistant Collector or any other Gazetted Officer specially conferred with the powers of the Deputy Collector under these Rules ;

(3) " Form " means a form appended to these rules ;

(4) " Local Authority " means a Municipal Council or Village Panchayat or Commune Panchayat Council, as the case may be constituted under the Pondicherry Municipalities Act, 1973 or the Pondicherry Villages and Commune Panchayats Act, 1973 ;

(5) " Mine " and " Owner " shall have the meanings respectively assigned to them in the Mines Act, 1952 (Act No. 35 of 1952) ;

1. Substituted by vide G. O. Ms. No. 34 dt. 24-8-1999

2. Omission vide E.O.G. No. 32 dt. 21-11-2000

(6) " Mining Operations " means any operation undertaken for the purpose of mining any minor minerals ;

(7) " Mining Permit " means the permit granted under these rules to extract a specified quantity of minor minerals within the period stipulated in the permit ;

(8) " Minor Minerals " means Minerals such as gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes and any other minerals which the Central Government has declared from time to time or may declare, by notification in the official Gazette, to be a minor mineral under clause (e) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act No. 67 of 1957);

(9) " Railway " and " Railway Administration " shall have the meanings respectively assigned to them in the Indian Railways Act, 1890 (Act No. 9 of 1890) ;

(10) " Schedule " means Schedule appended to these rules ;

(11) " State " and " State Government " respectively means the Union territory of Pondicherry and the Lieutenant Governor (Pondicherry) Administration.

3. Mining operations to be under a Mining Lease or Mining Permit :— (1) No person shall undertake any mining operation in any area within the State of any minor mineral to which these rules are applicable except under and in accordance with the terms and conditions of a mining lease or mining permit granted under these Rules :

Provided that nothing shall affect any mining operations undertaken in accordance with the terms and conditions of a mining lease or permit duly granted before the commencement of these Rules.

(2) No mining lease or mining permit shall be granted otherwise than in accordance with the provisions of these rules.

CHAPTER II

Grant of Mining Lease

4. Restriction on the grant of mining lease :— No mining lease shall be granted to any person who is not an Indian national ;

Explanation :— For the purpose of this rule, a person shall be deemed to be an Indian national.

(a) in the case of public company as defined in the Companies Act, 1956, only if a majority of the Directors of the Company are citizens of India and not less than fifty-one percent of the share capital thereof is held by persons who are either citizens of India, or Companies as defined in the Companies Act, 1956 ;

(b) in the case of a private company as defined in the Companies Act, 1956, only if all the members of the company are citizens of India ;

(c) in the case of a firm or other association of individuals, only if all the partners of the firm or members of the association are citizens of India ; and

(d) in the case of an individual, only if he is a citizen of India.

5. Application for grant of mining lease :— (1) Application for grant of mining lease shall be addressed to the State Government and be in the Form MM. 1.

(2) It shall be handed over in quadruplicate personally to the Deputy Collector, such officer shall endorse the receipt of the application on all four copies entering the place, time and state of the receipt. Once copy shall be returned immediately to the person presenting the application.

(3) The application shall be entered in a register of mining applications in Form MM. 2.

6. Application fee and deposit :— (1) Every application shall be accompanied by :

(a) a fee of one hundred rupees ;

(b) a deposit of two hundred rupees for meeting the preliminary expenses in connection with the grant of a mining lease ;

(c) three copies of the cadastral survey map on which the area applied for is clearly marked and in case of area not covered by cadastral survey, three copies of topographical survey map on a scale of at least 4" —1 mile on which the area applied for is accurately marked.

(2) If the application is not complete in any respect or is not accompanied by the fee, deposit and maps mentioned in sub-rule (1) the date of receipt of the application shall for the purpose of rule 9 be deemed to be the date on which the application is actually completed in all respects.

7. Inquiry and report by the Deputy Collector :— The receiving officers concerned shall cause an inquiry to be made into all relevant matter and, unless he is himself authorised to grant the mining lease, shall forward within two months of the date of receipt of the application, two copies of the application with his own recommendations to the State Government or to such other authority who may be authorised by the State Government to grant the lease.

8. Disposal of application for mining lease :— The State Government or the officer authorised by it in this behalf may, having regard to the provisions of these rules and after making such further inquiries as may be deemed necessary, refuse to grant the mining lease or grant it for the whole or a part of the area applied for.

9. Preferential right of certain person :— (i) Where two or more persons have applied for a mining lease in respect of the same land, the applicant whose application was received earlier shall have a preferential right for the grant of lease over an applicant whose application was received later :

Provided that where such applications are received on the same day, the State Government may after taking into consideration the matters specified below, grant the mining lease to such one of the applicants as it may deem fit :

(a) Past experience ;

- (b) Financial resources ;
- (c) Nature and quality of the technical staff employed or to be employed by the applicant ;
- (d) The conduct of the applicant in carrying out mining operation on the basis of any previous lease or permit and in complying with the conditions of such lease or permit or the provisions of any law in connection therewith ; and
- (e) Such other matters as may be considered necessary by the State Government.

(2) Notwithstanding anything contained in sub-rule (1) the State Government may for any special reasons to be recorded, grant a mining lease to an applicant whose application was received later in preference to an applicant whose application was received earlier.

10. **Maximum area for which a mining lease may be granted** :— No person shall acquire in respect of any minor mineral, one or more mining leases, covering a total area of more than eight hectares :

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 reason to be recorded permit any person to acquire one and more mining leases covering an area in excess of the aforesaid maximum of eight hectares.

Explanation : For the purposes of these rules a person acquiring by or in the name of another person a mining lease which is intended for himself shall be deemed to be acquiring it himself.

11. **Length and breath of the area to be leased** :— The length of an area under a mining lease shall ordinarily not exceed four times its breadth.

12. **Period of mining lease** :— (1) Except as provided in sub-rule (2) ; the period for which a mining lease shall be granted shall not exceed ten years.

(2) If the State Government is of the opinion that in the interest of mineral development it is necessary so to do, it may for reason to be recorded, grant a mining lease for any period exceeding 10 years but not exceeding 15 years.

13. **Security deposit** :— An applicant for a mining lease shall before the deed referred to in rule 14 is executed deposit as security for the due observance of the terms and conditions of the lease, a sum calculated at Rs. 25 per hectare of the land to be leased. No interest shall be payable on such security deposit.

14. **Lease deed to be executed within three months** :— (1) Where an order has been made for the grant of a mining lease, a lease deed in Form MM. 3 or in a form as near thereto as the circumstances of each case may require, shall be executed within three months of the communication of the said order or within such further period as the State Government may allow, in this behalf. If no such deed is executed within the aforesaid period due to any default on the part of the applicant, the State Government may revoke the order granting the lease and in that event the application fee shall be forfeited to the State Government.

(2) The date of the commencement of mining lease shall be the date on which the deed is executed under sub-rule (1).

15. **Refund of fee** :— (1) Where an application or grant of a mining lease is refused the fee paid by the applicant under clause (a) of sub-rule (1) of rule 6 shall be refunded to him.

(2) Where the whole or part of the amount deposited under clause (b) of sub-rule (1) of rule 6 has not been expended for the purposes specified in the said clause, it shall be refunded to the applicant :

Provided that in case the amount to be expended for the purposes specified in the said clause (b) is more than the amount deposited under the clause, the applicant shall have to deposit the extra amount as may be determined by the State Government.

(3) Unless the State Government having regard to the facts of a particular case direct otherwise, the application fee shall not be refunded on an application being withdrawn.

16. **Restriction on determination of lease** :— No lease shall determine a mining lease except after a notice, in writing, of not less than twelve calendar months to the State Government.

17. **Survey of the area leased** :— When a mining lease is given arrangements shall be made by the State Government for the survey and demarcation of the area granted under the lease for which the lessee will be charged at Rs. 12.50 per hectare.

18. **Boundaries below the surface** :— The boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

19. **Transfer of lease prohibited** :— (1) The lessee shall not—

(a) assign, sublet, mortgage, or in any other manner transfer the mining lease or any right, title or interest therein or

(b) enter into or make any arrangements, contract or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent, or whereunder his mining operations or undertakings will or may be substantially controlled, by any person or body of persons other than himself.

(2) The State Government may, by an order in writing determine any lease at any time if the lessee has, in the opinion of the State Government committed a breach of any of the provisions of sub-rule (1).

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

20. **Registers** :— The following registers shall be maintained in the Office of the Deputy Collector :—

(a) A register of applications for mining leases in Form MM. 2 ; and

(b) a register of mining leases in Form MM. 4.

CHAPTER III

Payment of royalty and dead rent.

21. **Royalty** :— (1) The holder of a mining lease granted on or after the commencement of these rules shall pay both the royalty for all minor minerals are 12^{1/2}% of the local market value of the minerals, subject to a minimum of ¹ [rupees ten] per cart load and the ordinary assessment at the rates for the time being specified in the Second Schedule to these rules. The Deputy Collector shall fix the local market value of the mineral either for a region as a whole or different rates for each commune. The market value fixed shall be liable for revision.

(2) The State Government may, by notification in the Gazette, amend the Second Schedule so as to include therein or exclude therefrom or enhance or reduce the area assessment in respect of any mineral with effect from such date as may be specified in the notification.

(3) Where the royalty is to be charged on the pit's mouth value of the mineral the State Government may assess such value at the time of the grant of the lease and the rate of royalty will be mentioned in the lease deed. It shall be open to the State Government to re-assess not more than once in a year the pit's mouth value if it consider that an enhancement is necessary.

(4) The royalty realised by the Deputy Collector shall be transferred in full to the local authority after deducting 5% as service charges under necessary arrangements.

22. **Dead rent** :— The holder of a mining lease shall during the term of the lease pay, for every year, other than the first year of the lease such amount as dead rent as may within the limits specified in the Third Schedule to these rules, be specified in the lease by the State Government, and if the lease permits the working of more than one mineral in the same area, the said dead rent will be paid separately for each such mineral :

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

CHAPTER IV

Auction lease

23. **Notification of area for auction lease** :— (1) The State Government may notify in the Gazette specified area which may be leased out by auction.

(2) No area shall be leased out by auction for more than five years at a time ;

(3) On the application of a notification under sub-rule (1) the provisions of Chapters II, III and VI of these rules shall not apply to the area or areas in respect of which the notification was issued. Such area or areas may be leased out according to the procedure described in this chapter.

24. **Withdrawal of area from auction lease** :— The State Government may by notification in the Gazette withdraw any area notified under sub-rule (1) of rule 23, or part thereof, from the system of lease by auction and from the date of withdrawal, specified in the notification which shall not be the date during the subsistence of an auction lease granted under this chapter, the provisions of Chapters II, III and VI of these rules shall become applicable to such area.

1. Substitution vide EOG No. 32 dt. 21-11-2000

25. **Register of areas notified for auction lease** :— The Deputy Collector of the concerned region shall cause to be maintained a register of areas notified under sub-rule (1) of rule 23 in Form MM. 5.

26. **Restriction on grant of auction lease** :— No person who is not an Indian National shall be allowed to bid at the auction for lease.

27. **Procedure for auction** :— The following shall be the procedure for grant of auction leases.

(a) At least thirty days before the auction is to be held, the Deputy Collector shall notify in the manner given below the date, time and place of auction and the terms and conditions of the lease.

(i) Copies of a notice giving the above particulars shall be put up on the notice board at the Office of the Deputy Collector and at some convenient place close to the area.

(ii) A copy of the Notice shall be sent to the Municipal Office or any other local authority in whose jurisdiction the area is situated.

(iii) The notice shall be published by beat of drum in the locality where the area is situated ; and

(iv) In any other manner considered suitable by the Deputy Collector.

(b) The Deputy Collector will be the presiding Officer of the auction.

(c) The details of the area, and the terms and conditions of the lease shall be read out to the intending bidders at the time of auction.

(d) Any persons intending to bid shall deposit ¹[" Rupees ten thousand"] with the Presiding Officer in advance as earnest money.

(e) On completion of the auction, the result shall be announced, the result shall be announced and the provisionally selected bidder shall immediately deposit 25% of the amount of bid for one year as security for execution of the lease and due observance of its terms and conditions, and an equal amount as first instalment of royalty. The bid shall not be treated as accepted unless confirmed by the State Government or such other authority who may be authorised by the State Government to grant the lease.

(f) The earnest money shall be refunded at the end of the auction except that which was deposited by the provisionally selected bidder, in whose case it will be adjusted towards security.

(g) The presiding officer shall submit the papers to the State Government or to the Officer authorised to it to grant the lease.

28. **Grant of lease** :— The lease shall be granted to the highest bidder, provided that the State Government may after taking into consideration the matter specified below, accept any other bid made at the auction ;

1. Substituted vide G. O. Ms. No. 34 dt 24-8-1999

- (a) Past experience ;
- (b) Financial resources ;
- (c) Nature and quality of the technical staff employed or to be employed by the bidder ;
- (d) The conduct of the bidder in carrying out mining operations on the basis of any previous lease or permit and in complying with the condition of such lease or permit or the provisions of any law in connection therewith ; and
- (e) Such other matters as may be considered necessary by the State Government.

29. **Execution of lease deed** :— When a bid is finally accepted a lease deed in Form MM. 6 or in a form as near thereto as the circumstances of each case may require, shall be executed within one month of the receipt by the bidder of the order about the acceptance of the bid or within such further period as the authority competent to grant the lease may allow in this behalf. If no such deed is executed within the aforesaid period due to any default on the part of the bidder, the said authority may revoke the order accepting the bid and in that event the security deposited by the bidder shall be forfeited to the State Government.

30. **Register of Auction Leases** :— A register of mining leases granted by auction shall be maintained in the Office of the Deputy Collector in Form MM. 7.

CHAPTER V

Condition of a mining lease.

31. **Conditions mentioned in this Chapter to apply to all lease** :— (1) Every mining lease shall be subject to the condition mentioned in this Chapter which shall be deemed to be incorporated in every mining lease granted under these rules :

Provided that the provisions of rules 34, 35, 37, 46 and 47 shall not apply to auction leases granted in accordance with the procedure described in Chapter IV of these rules.

32. **Discovery of other minerals** :— (1) The lease shall report to the State Government the discovery in the leased area of any mineral not specified in the lease, within thirty days of such discovery.

(2) If any mineral not specified in the lease is discovered in the leased area, the lessee shall not win and dispose of such mineral unless a separate lease is obtained therefor.

33. **Foreign national not to be employed** :— Except with the prior approval of the State Government the lessee shall not employ in connection with the mining operation any person who is not an Indian national.

34. **Mining operations to commence within six months** :— Except where the State Government, for sufficient reasons permits, otherwise the lessee shall commence mining operations within six months from the date of execution of the lease deed and shall thereafter conduct such operations without deliberate intermission in a proper skilful and workman-like manner.

Explanation :— For the purpose of this rule, mining operation shall include the erection of machinery, laying of tram way or construction of a road in connection with the working of the mine.

35. **Erection and maintenance of boundary marks** :— The lessee shall at his own expense erect and at all times maintain keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease.

36. **Maintenance of correct accounts of minerals** :— (1) The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained and despatched from the mine, giving mode of transport, registration number of vehicle, person in charge of vehicle or animal and nature and quantity of minerals carried, the prices and all other particulars of all sales of minerals, the number and nationality of persons employed therein, and complete plans of the mine, and shall allow any Officer authorised by the Central or the State Government in this behalf to examine at any time any accounts, plans and records, maintained by him shall furnish to the Central or the State Government or any Officer authorised by either in this behalf to such particulars as they may require.

37. **Maintenance of record of trenches, pits etc.** :— The lessee shall keep accurate records of all trenches, pits and drillings made by him in the course of mining operations carried on by him under the lease and shall allow any Officer authorised by the Central or the State Government to inspect the same. Such records shall contain the following particulars namely :

- (a) The sub-soil and strata through which such trenches, pits, or drillings pass ;
- (b) Any minerals encountered ;
- (c) Such other particulars as the Central or the State Government may from time to time, require.

38. **Lessee to strengthen support etc.** :— The lessee shall strengthen and support to the satisfaction of the Railway administration concerned or the State Government as the case may be any part of the mine which in the opinion of such administration or Government requires such strengthening or support for the safety or any railway, reservoir, canal, road or any other Public Works or building.

39. **Right of pre-emption** :— (1) The State Government shall at all times have the right of pre-emption of the minerals or products of minerals won from the land in respect of which the lease has been granted, the price to be paid being the fair market price prevailing at the time of pre-emption.

(2) In order to assist in arriving at the said price the lessee shall, if so required, furnish to the State Government for its confidential information, the description and prices of such minerals or products thereof sold to other customers and of charteries entered into of freight for carriage of the same.

40. **Liberties, power and privileges of the lessee** :— Subject to the restrictions and conditions mentioned in rule 41 a person holding a mining lease under these rules may have the liberty, power and privilege :

(a) to enter upon the lands mentioned in the lease and to search for mine, bore, dig, drill or win, work, dress, process, convert, carry away and dispose of the minerals for which lease is held ;

(b) to make in the said lands any pits, shafts, inclines drafts, levels waterways, or other works ;

(c) to erect and construct on the lands any machinery plant dressing floors, furnaces, brick kilns workshops, store houses and other buildings of the like nature ;

(d) to make any roads and other ways over the said lands and to use and pass over the same ;

(e) to quarry and get stone gravel other buildings and road materials and clay and to use the same and to manufacture such clay into bricks or tiles and to use such bricks or tiles and to use such bricks or tiles but not to sell any such material, bricks or tiles ;

(f) to use a sufficient part of the surface of the said lands for the purpose of storing or depositing any produce of the mines or works carried on and any tools, equipment, earth and materials, and substances dug or raised ; and

(g) subject to the existing rights of other and save as provided in clause (d) of rule 41, to clear undergrowth and brush wood and to fell and utilise any tress or timber standing or found on the said lands, provided that the lessee may be asked by the Deputy Collector to pay for any tress or timber felled and utilised, by him at the rates to be determined, having regard to their market value, by the Deputy Collector.

41. **Restriction and conditions as to exercise of the liberties, powers and privileges of lessee** :— The holder of lease shall exercise the liberties, powers and privileges mentioned in rule 40 subject to the following restriction and conditions :

(a) Nothing shall be erected, or set up and no surface operations shall be carried on—

(i) in or upon any public pleasure ground building or ground, or any place held (sacred) by any class of persons, or any house or village site, public road or other place which may be declared by the Deputy Collector as public place ; and

(ii) in such manner as to injure or prejudicially affect any buildings, works, property or rights of other persons ;

(b) No land shall be used for surface operations which is already occupied by persons other than the State Government for works or purpose not included in the lease ;

(c) No right of way, well or tank shall be interfered with ;

(d) No entry shall be made on any reserved, protected or vested forest without the previous sanction in writing of the Deputy Collector nor shall any tress or timber be felled out or used without obtaining the sanction in writing of that officer nor otherwise than in accordance with such conditions as the State Government may impose in this behalf ;

(e) No mining operations shall be carried on at or to any point within a distance of 50 metres from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, canal or other Public Works such as public roads and buildings or inhabited site, except with the previous written permission of the Deputy Collector or any other Officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions and conditions either general or special, which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway, reservoir, canal or road horizontally from the outer toe of the bank or the outer edge of the cutting, as the case may be and in case of a building horizontally from the plinth thereof ; provided that the distance in the case of a village road shall be 10 metres from the outer edge of the cutting ; and

Explanation :— For the purposes of this sub-rule, the expression " Public Road " shall mean a road which has been constructed after being artificially surfaced as distinct from a track resulting from repeated use and " village road " will include any track shown in the revenue record as village road

(f) The existing and future holders of Government lease as permit in respect of any land which is comprised in or adjoins or is reached by the land held by the lessee shall be allowed reasonable facilities of access thereto. In case any loss or damage is caused by such lease or permit holders by exercise of this liberty a fair compensation (as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government) shall be payable therefor by such lease or permit holders to the lessee.

42. Lessee to indemnify Government against all claims :— The lessee shall guarantee the payment and pay such reasonable compensation as may be assessed by the State Government of all damage, injury or disturbance which may be done by him in exercise of the powers granted by the lease and shall indemnify and keep indemnified fully and completely the State Government from and against all claims, suits and demands which may be made or brought by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

43. Lessee to secure and keep in good condition pits, shafts etc. :— The lessee shall during the subsistence of the lease sufficiently secure and keep open with timber or other durable means all pits, shafts and workings that may be made or used in the land and make and maintain sufficient fences to the satisfaction of the State Government round every such pit, shaft, or working whether the same is abandoned or not and shall during the same period, keep all workings in the land, except such as may be abandoned accessible and free from water and foul air, as far as possible.

44. Lessee to allow inspection of workings :— The lessee shall allow any Officer authorised by the Central Government or the State Government in that behalf to enter upon the premises including any building, excavation or land comprised in the lease for the purpose of inspecting, examining, surveying and making, plans thereof, sampling and collecting any data and the lessee shall with suitable person in his employ and acquainted with the services and work properly assist such officer and his agents, servants and workmen in conducting every such inspection and shall afford and furnish to them all facilities, information, etc., connected with the working of the mines, which they may reasonably require and shall also conform to and observe all orders and regulations which the Central Government or the State Government as a result of such inspection or otherwise may from time to time see fit to make.

45. Lessee to report accident :— The lessee shall without delay send to the Deputy Collector a report of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property, which may occur in the course of any operations under the lease.

46. **Lessee to provide weighing machine** :— Unless specially exempted by the State Government, the lessee shall provide and at all times keep near the pit head or each of the pit heads at which the minerals shall be brought to bank or at any point specified by the State Government, a properly constructed and efficient weighing machine and shall weigh or cause to be weighed thereon all the said mineral from time to time brought to bank, sold, exported and converted and also the converted products and shall, at the close of each day, cause the total weights of the said minerals, ores, products raised, sold, exported and converted during the previous twenty-four hours, to be entered in the accounts maintained under rule 36. The lessee shall at all times during the said term permit any person employed by the State Government to be present at the weighing of the minerals and to keep accounts thereof and to check the accounts kept by the lessee. The lessee shall give fifteen day's previous notice in writing to the Deputy Collector of every such measuring or weighing in order that he or some officer on his behalf may be present.

47. **Lessee to allow test of weighing machine** :— (1) The lessee shall allow any person or persons appointed in that behalf by the State Government to examine and test every weighing machine and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order ; and if upon any such examination or testing any such weighing machine or weight is found incorrect or out of order or repair the State Government may require that the same be adjusted, repaired and put in order by the lessee, and if such requisition is not complied with within fourteen days of its receipt by the lessee, the State Government may cause such weighing machine or weights to be adjusted, repaired and put in order at the cost of the lessee and the cost shall on demand be paid by the lessee to the State Government.

(2) If upon any examination or testing any error is discovered in any weighing machine or weights to the prejudice of the State Government, such error shall be regarded as having existed for three calendar months previous to the discovery or from the date, within such period of three months, on which the weighing machine and weights might have been examined and tested and dead rent and royalty shall be paid and accounted for accordingly.

48. **Lessee shall deposit any additional amount necessary** :— Whenever the security deposit or any part thereof or any further sum deposited with the State Government in replenishment thereof is forfeited or applied by the State Government pursuant to the power given by these rules, the lessee shall deposit with the State Government such further sums as may be necessary to make good, the deficiency caused by such forfeiture or application.

49. **Recovery of expenses incurred by the Government** :— If any of the works or matters which in accordance with these rules are to be carried out or performed by the lessee be not so carried out or performed within the time specified in that behalf, the State Government may cause the same to be carried out or performed and the lessee shall pay to the State Government on demand all expenses incurred by the State Government in connection therewith. The decision of the State Government as to such expenses shall be final.

50. **Refund of security deposits** :— After the determination of a mining lease the amount of the security lying in deposit with the State Government and not required to be applied to any of the purpose mentioned in these rules, shall be refunded to the lessee ordinarily within a period of six months from the date of the determination of the lease.

CHAPTER VI

Mining permit

51. **Restrictions on grant of mining permit** :— No mining permit shall be granted to a person who is not an Indian national or for a period of more than six months.

52. **Application for grant of mining permit** :— An application for the grant of a mining permit shall be submitted in Form MM. 8 in triplicate, to the Deputy Collector or to such other authority who may be authorised by the State Government to grant such permit. It shall be accompanied by :—

(i) a fee of Rs. 25 ; and

(ii) two copies of a cadastral survey map or in case of area not covered by such survey, two copies of topographical survey, map on a scale of at least 4 " =1 mile on which the area applied for is clearly marked.

53. **Disposal of application** :— The officer authorised to grant the permit, may after making such enquiries as may be deemed necessary, refuse to grant the permit or by an order grant it for the whole or a part of the area applied for a subject to such term and conditions as the said officer may consider necessary.

54. **Deposit of royalty** :— (1) Where an order has been made under rule 53, the applicant shall, within fifteen days of the communication of the order, deposit the royalty for the total quantity of the mineral permitted in the said order at the rate for the time specified in the First Schedule to these rules.

(2) If the applicant fails to deposit the royalty within the period mentioned in sub-rule (1) or within such further period as may be allowed by the said authority, the order granting the permit shall stand revoked and the fee mentioned in clause (i) of rule 52 shall be forfeited to the State Government.

55. **Issue of mining permit** :— A mining permit in Form MM. 10 with such additional terms and conditions subject to which the order is made under rule 53 shall be issued to the applicant within fifteen days of the deposit of the royalty in accordance with sub-rule (1) of the rule 54.

56. **Register of mining permits** :— A register of all applications for mining permits, with details of permit, issued, shall be maintained in Form MM. 9 in the Office of the Deputy Collector to grant mining permits.

CHAPTER VII

57. **Quarrying for domestic or agricultural or other purposes** :— (1) In case of unre-served lands at the disposal of the Government including poramboke other than village or town sites and bunds and of drinking water ponds or tanks :

(a) the public may be allowed to quarry free for *bona fide* domestic or agricultural purposes without obtaining permits for quarrying ;

(b) any individual person engaged in the making of pots and any registered societies as defined in the Pondicherry Co-operative Societies Act, 1972 which has as its principal objects the making of pots with the help of or through its members may if permitted to do so by the Deputy Collector be allowed to quarry free for *bona fide* pot making purpose, if such purpose is certified by the Co-operative Sub-Register :

Provided that if the minerals proposed to be removed by any such individual person exceeds 300 cart loads of sand or 500 cart lands of clay per annum royalty fee at the rates specified in Schedule I to these rules shall to levied.

Provided , further that if the minerals quarried are either from Villianur Commune or Neravy Commune of this territory, royalty fee for each of the cart loads of any mineral will be collected at the rates specified in the Schedule I to these rules.

(2) Quarrying for other than *bona fide* domestic or agricultural purposes shall be subject to the previous permission of the Tahsildar/Deputy Collector as the case may be vide rule 5 of being obtained and to the payment of royalty fee at the rates specified in the Schedule I to these rules.

(3) These provisions shall also apply to the removal of the sand from river beds.

58. Authorities empowered to sanction quarrying in Government Lands :— Application for quarrying in Government lands shall be disposed by the Deputy Tahsildar concerned in the cases in which the value of the minerals sought to be removed does not exceed Rs. 25 in cases in which such value exceeds Rs. 25 but does not exceed Rs. 100 by the Tahsildar and by the Deputy Tahsildar in case there is no Tahsildar in a particulars region. In cases in which such value exceeds Rs. 100 by the Deputy Collector.

No application fee shall be levied if the value of the minerals sought to be removed does not exceed Rs. 100.

59. Minor minerals required by the Public Works Department :— Extraction of minor minerals required by the Public Works Department for use for departmental purpose such as construction of roads, bridges, buildings etc., within acquired land on either side of the Public Works Department roads shall be controlled by the said Department. Opening of new quarries by other interested parties within Public Works Departments acquired land and controlled strips will however be permitted by the Revenue Department, after consulting the Public Works Department.

CHAPTER VIII

Contraventions, offences and penalties.

60. Penalty for unauthorised mining :— Whoever contravenes the provisions of rule 3 shall on conviction be punishable with imprisonment of either description for a term which may extend upto six months or with fine which may extend to one thousand rupees or with both.

61. Consequences of non-payment of royalty, rent or other dues :— The State Government may determine the mining or auction lease after serving a notice on the lessee to pay within

thirty days of the receipt of the notice any amount due under the lease including the royalty due to the State Government, if it was not paid within fifteen days next after the date fixed for such payment. This right shall be in addition to and without prejudice to the right of the State Government to realise such dues from the lessee as arrears of land revenue.

62. **Consequences of contravention of certain conditions** :— Any lessee holding a mining or auction lease, who commits a breach of any of the conditions provided in rules 44 and 46 (relating to inspection of working and weighing machines) shall on conviction be punishable with imprisonment of either description for a term which may extend upto six months or with fine which may extend to one thousand rupees or with both.

63. **Consequences of contravention of rules and conditions of lease generally** :— In case of any breach or contravention on the part of a lessee holding a mining or auction lease, of any of these rules or conditions contained or deemed to be contained in the lease except those relating to payment of royalty, rent or other sums due to the State Government, the State Government may after giving the lessee a reasonable opportunity to state his case, determine the lease. This right shall be in addition to and without prejudice to the provisions of rule 59.

64. **Power to rectify apparent mistakes** :— Any clerical or arithmetical mistakes in any order passed under these rules by the State Government or any other competent authority or officer may be corrected by the State Government, authority or officer, as the case may be :

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

65. **Registers to be open to inspection** :— All registers prescribed to be maintained by these rules shall be open to inspection on payment of such fees as may be prescribed by the State Government.

66. **Change of name, nationality etc., to be intimated** :— An applicant for or the holder of a mining lease shall intimate to the State Government within sixty days any change that may take place in his name, nationality or other particulars mentioned in the application of the lease deed, as the case may be.

67. **Mode of payment of fees and deposit** :— Any amount payable under these rules shall be paid in the Government Treasury/State Bank of India by means of a chalan.

¹ [67-A.] **Facilities for training of students** :— (1) Every owner, agent or manager of a mine shall permit students of mining and geological institutions approved by the State Government to acquire practical training of the mines and plants operated by them and provide all necessary facilities required for the training of such students.

(2) Applications for training from students of institutions teaching mining or geology should

be forwarded to the owner, agent or manager, of a mine through the Principal or head of the Institution. Cases of refusal to provide facilities for practical training to any owner, agent or manager of a mine should be referred to the State Government of Pondicherry, Pondicherry.

68. Power of entry and inspections :— (1) For the purpose of ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any purpose connected with these rules, any person, authorised in this behalf by the State Government by general or special order, may ;

(a) enter and inspect any mine ;

(b) survey and take measurement in any such mine ;

(c) weigh, measure or take measurements of the stock of minerals lying at any mines ;

(d) examine any documents, book, register or record in possession or power of any person having the control of, or connected with any mine and place marks of identification thereon, and take extracts from or make copies of such document, book, register or record ;

(e) order the production of any such document, book, register or record as is referred in clause (d) ; and

(f) examine any person having the control of or connected with, any mine ;

(2) Every person authorised by the State Government under sub-rule (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and every person to whom an order or summons is issued by virtue of powers conferred by clause (e) or clause (d) of the said sub-rule shall be legally bound to comply with such order or summons, as the case may be.

69. No restriction, etc., to be imposed by owner of land on mining operations :— No person having a right in any capacity in the land covered by a mining lease or mining permit, shall be entitled to impose any prohibition or any restriction on the mining operation by the holder of lease or mining permit of such land or to demand any sum by way of premium or royalty for the removal of the minor mineral ; provided that such person shall be entitled to get compensation from the said holders for the use of the surface which may be agreed upon between them. In the case of any dispute the amount of compensation shall be determined by the Deputy Collector in the concerned region and his order shall be final.

70. Relegation of rules in special cases :— The State Government may, if it is opinion that in the interest of mineral development, it is necessary to do so, by order in writing and for reasons to be recorded, authorise in any case the grant of any mining lease or the working of any mine for the purpose of mining any mineral on terms and conditions different from those laid down in these rules.

71. Royalty may be collected through a contract :— (1) The Government may arrange to collect the royalty from the holders of mining leases through a contractor and such holders when directed by the State Government to do so, shall pay the royalty to such contractors at the rates specified in their lease during such period as may be directed.

(2) The consequences of non-payment to the contractor of royalty by the holder of a mining lease shall be the same as on default of payment to the State Government, and the State Govern-

ment shall in that case, have all the powers for the recovery of the arrears from the lessee and in respect of determination of the lease as provided in these rules.

(3) The State Government may enter into agreement with any person who is considered suitable, whether by holding an auction or by inviting tenders or in any other manner, to collect the royalty of the holders of mining leases in a specified area during a period not exceeding three years on such terms and conditions as are considered suitable.

72. Restriction on the transport of the mineral :— (1) The holder of a mining lease or mining permit or a person authorised by him in this behalf shall issue a pass in Form MM. 11 to every person carrying a consignment of minor mineral by a vehicle animal or any other mode of transport.

(2) No person shall carry within the Pondicherry territory a minor mineral by a vehicle, animal or any other mode of transport, excepting railway, without carrying a pass in Form MM. 11 issued under sub-rule (1).

(3) Every person carrying any minor mineral shall on demand by any officer of the State Government authorised in this behalf, show the said pass to such officer and allow him to verify the correctness of the particulars of the pass with reference to the quantity of the minor mineral.

(4) The State Government may establish a check post for any area included in any mining lease or permit, and when a check post is established public notice shall be given of this fact by publication in the Gazette and in such other manner as may be considered suitable by the State Government.

(5) No person shall transport a minor mineral to which these rules apply from such area without first presenting the mineral at the check post fixed for that area for the purposes of verification of the weightment (or) measurement of the quantity of the mineral .

¹ 5-A No person shall transport any minor mineral in a vehicle without covering the same with a carpet

(6) Any person found to have contravened any provision of sub-rule (2), (3) (5) or (5-A) above shall on conviction, be punishable with imprisonment of either description for a term which may extend upto six months or with fine which may extend to one thousand rupees or both.

73. Delegation :— The State Government may by notification in the Gazette direct that any power exercisable by it under these rules, 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.

FORM MM.— 1

Application for mining lease.

(To be submitted in Quadruplicate)

(Rule 5)

Dated _____ day of _____ 19

Received

at _____ (time)

on _____ (date)

at _____ (Place)

Complete in all respects.

Incomplete

(*Signature of Receiving Officer*)

Application completed in all respects on

(*Signature of Receiving Officer*)

To

Sir,

I/We request a mining lease under the Pondicherry Minor Minerals (Concession) Rules, 1975 may be granted to me/us.

2. A sum of Rs. _____ and Rs. _____ respectively being the fees in respect of this application and the preliminary expenses payable under sub-rule (1) of the rule 6 of the said Rules have been deposited.

3. The required particulars are given below :

(i) Name of the applicant with complete address :

(ii) Is the applicant a private individual/private company public company/firm or association

(iii) In case the applicant is :

(a) an individual, his nationality :

(b) A private company, the nationality of all members of the company along with place of registration :

(c) a public company, the nationality of directors the percentage of share capital held by an Indian nationals along with place of incorporation :

(d) a firm or association, the nationality of all the partners of the firm or members of the association :

(iv) Profession or nature of business of applicant.

(v) Mineral or minerals which the applicant intends to mine.

(vi) Period for which mining lease is required.

(vii) Details of the area in respect of which mining lease is required

Region	Commune	Village	Survey No.	Area	Whether vacant or held by any one and, if so, its details
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(viii) Brief description of the area with particulars reference to following :—

(a) the situation of the area with reference to natural features, such as streams. etc,

(b) in the case of forest areas the name of working circle, the range and falling series, if any, a description of the area in relation to the known and demarcated areas in the forest, as well as extent in acres (approximately) ;

(c) in case of an area not covered by cadastral survey, a description of the starting point of the area with reference to fixed points on the topo map and the linear distances or boundary line and their bearings as accurately as possible corresponding to the area shown on topo map (4" =1 mile scale).

(ix) Particulars of the areas mineral-wise within the jurisdiction of the State Government which the applicant or any person joint in interest with him :

(a) already held under mining lease ;

(b) has already applied for but not granted ;

(c) is being applied for simultaneously ;

(x) Nature of joint interest, if any :

(xi) Manner in which the mineral raised is to be utilised :

(xii) Financial resources of the applicant.

(xiii) Particulars of receipted treasury chalan, etc., attached for amount referred to at 2 above.

(xiv) Any other particulars or sketch map which the applicant wishes to furnish :

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans and security deposit, etc., as may be required by you.

Place :

Yours faithfully,

Date :

Signature of the applicant(s)

If the application is signed by an authorised agent of the applicant power of attorney should be attached.

FORM MM. 2

Register of application for mining leases

(Rule 5)

1. Serial No.
2. Date of application for mining leases :
3. Date on which application was received by the Receiving Officer :
4. If the application was not complete in all respects when first received, the date on which it was so completed.
5. Name of the applicant with full address :
6. Particulars of the land applied for :
 - (a) Region :
 - (b) Commune :
 - (c) Village :
 - (d) Survey No.
 - (e) Area.
7. Total area of the land :
8. Particulars of minerals which the applicant desires to mine :
9. Application fee paid and preliminary expenses deposited with chalan number and date :
10. Signature of officer-in-charge :
11. Number and date of the final order disposing of the application :
12. Brief summary of order passed :
13. Signature of officer-in-charge :
14. Remarks.

FORM MM. 3

Model form of mining lease

(Rule 14*)

THE INDENTURE MADE THIS day
of19..... between
the President of India (hereinafter referred to as " State Government " which expression shall where
the context so admit be deemed to include the successors and assigns) of the one part, and

When the lessee/is an individual

..... (Name of person with address and occupation) (herein-
after referred to as " the lessee " which expression shall where the context so admits be deemed to
include his heirs, executors, administrators and representatives) of the other part.

When the lessee are more than one individual

..... (Name of person with address and occupation)
and (Name of person with address and occupation) (here-in-after referred
to as " the lessees " which expression shall where the context so admits be deemed to include their
respective heirs, executors, administrators, and representatives) of the other part

When the lessee is a registered firm

..... (Name and address of partners) son of
..... of..... all carrying on business in partnership
under the firm name and style of (Name of the firm) registered
under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at
..... in the town of (hereinafter referred
to as " the lessees " which expression shall where the context so admits be deemed to include all the
said partners, their respective heirs, executors and legal representatives), of the other part.

When the lessee is a registered company

..... (Name of Company) a company registered under.....
..... (Act under which incorporated) and having its registered office
at (address) (hereinafter referred to as " the lessee " which expression
shall where the context so admits be deemed to include its successors) of the other part.

WHEREAS THE lessee/lessees has/have applied to the State Government in accordance with the Pondicherry Minor Minerals (Concession) Rules, 1975 (hereinafter referred to as ' the said rules ') for a mining lease for acres in respect of the lands described in Part-I of the Schedule hereunder written and has/have deposited with the State Government, the sum of Rs..... as security and the sum of Rs..... for meeting the preliminary expenses for a mining lease.

WITNESSETH that in consideration of the rents and royalties, covenants and agreements by and in these presents and the Schedule hereunder written reserved and contained and on the part of the lessee/lessees to be paid, observed and performed the State Government hereby grants and demises into the lessee/lessees.

All those mines, beds/veins, seams of (here state the mineral or minerals) (hereinafter and in the scheduled referred to as ' the said minerals ') situated lying and being in or under the lands which are referred to in Part-I of the said Schedule, together with the liberties, powers and privileges to be exercised or enjoyed in connection herewith and subject to the restrictions and conditions as the exercise and enjoyment of such liberties, powers and privileges

Except and reserving out of this demised unto the State Government the liberties powers and privileges mentioned in the said rules.

TO HOLD the premises hereby granted and demised unto the Lessee/Lessees from the day of 19 for the term of years thence next ensuing.

TIMING AND PAYING therefore unto the State Government the several rents and royalties mentioned in Part-II of the said schedule at the respective times therein specified subject to the provisions contained in the same part.

And the lessee/lessees hereby covenants/convenant with the State Government and the State Government hereby covenants with the lessee/lessees as its expressed in the said rules.

And it is hereby mutually agreed between the parties hereto as in Part-III of the said schedule is expressed.

(The schedule above referred to)

PART—I

The areas of this lease

Location and area of the lease

All that tract of lands situated at (Description of area or areas) Commune in the region of bearing cadastral survey Nos containing an area of delineated on the plan hereto annexed and thereon coloured and bounded as follows :

On the North by

On the South by

On the East by

On the West by

hereinafter referred to as " the said lands ".

PART—II

Rents and royalties reserved by this lease. To pay dead rent or royalty whichever is greater.

(1) The lessee shall pay for every year except the first year the lessee yearly dead rent as specified in clause (2) of this part in respect of each mineral

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

Rate and mode of payment of dead rent

(2) Subject to the provision of clause (1) of this part, during the subsistence of the lease, the lessee/lessees shall pay to the State Government annual dead rent at the following rate/rates or at such revised rate/rates which may be communicated in writing to the lessee/lessees by the State Government per mineral per acre of the land demised and described in Part-I of the Schedule.

Name of mineral	Dead rent fixed per acre	Area of demised land	Dead rent payable	Total dead rent payable in a year
1.				
2.				

Rate and mode of payment or royalty

(3) Subject to the provision of clause (1) of this part, the lessee/lessees shall during the subsistence lease pay to the State Government as such times and in such manner as the State Government may prescribe, royalty in respect of any mineral/minerals removed by him/them from the leased area at the rate for the time being specified in the First Schedule to the said rules.

Dead rent and royalties to be free from deduction, etc.

(4) The dead rent and royalties mentioned in this part shall be paid free from any deductions to the State Government at and in such manner as the State Government may prescribe.

Mode of computation of royalties

(5) For the purpose of computing the said royalties, the lessee/lessees shall keep a correct account of the mineral/minerals raised and the manner in which despatched from the mine mentioning the mode of transport, the registration number of vehicle, the person in charge of vehicle, the description and quantity of mineral/minerals transported by the vehicle and such other particulars which the State Government may by general or special order specify. The accounts as well as the weight of the mineral/minerals in stock or in the process of export may be checked by an officer authorised by the State Government.

Course of auction, if rent, royalties, etc., are not paid in time

(6) Should any rent, royalty or other sums due to the State Government under the terms and conditions of these present be not paid in the lessee/lessees within the prescribed time, the same may be recovered on a certificate of such officer as may be specified by the State Government by a general or special order in the same manner as arrears of land revenue.

PART—III

GENERAL PROVISIONS

Lease may be determined on breach of rules, covenants & conditions

(1) If the lessee/lessees commits a breach of any of the Pondicherry Minor Minerals (Concession) Rules, 1975 or any of the covenants and conditions of this lease, the State Government may determine the lease and forfeit the whole or part of the security deposit provided that the lessee/lessees shall be given the opportunity to explain the breach before the lease is determined.

Lease to remove his properties on the expiry of lease

(2) The lessee/lessees having first paid and discharged rent and royalties payable by virtue of the presents, may, at the expiration or sooner determination of the said term or within three calendar months thereafter (unless the lease has been determined under clause (1) of this part, and in that case at any time not less than one calendar month not more than three calendar months after such determination) take down and remove for his/their own benefit all or any engines, machinery, plant buildings, structures and other works, erections and conveniences which may have been created, set up or placed by the lessee/lessees in or upon the said lands and which the lessee/lessees is/are not bound to deliver to the State Government and which the State Government does not desire to purchase.

Forfeiture of property left more than three months after determination of lease

(3) If at the end of three calendar months after the expiration or sooner determination of the said term there shall remain in or upon the said lands any engines, machinery, plant, buildings, structures and other works, erections and conveniences or other property the same shall if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal has been given to the lessee/lessees by the Deputy Collector be deemed to become the property of the Government and may be sold or disposed of in such manner as the State Government shall deem fit without liability to pay any compensation or to account the lessee/lessees in respect thereof.

Collection of royalties and dead rent through a contractor

(4) If the State Government so directs the lessee shall pay the royalties and dead rent reserved by these presents to a royalty collections contractor in the manner prescribed by the State Government during such periods as may be specified.

Notices

(5) Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee/lessees by registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India as the lessee/lessees may from time to time in writing to the State Government designate for the receipt on notice and every such service shall be deemed to be proper and valid service upon the lessee/lessees and shall not be questioned or challenged by him/them.

Stamp duty

(6) For the purpose of stamp duty anticipated royalty from the demised lands is Rs.....
..... per year.

IN WITNESS WHEREOF these presents have been executed in the manner hereunder
appearing the day and year first above written.

Signed by

for and on behalf of the President of India
in the presence of

1.

2.

(Signed by)

Lessee/Lessees in the presence of

1.

2.

FORM M.M. 4

Register of mining lease

(Rule 20)

1. Serial number.
2. Name of the lessee :
3. Residence with complete address of lessee :
4. (a) Number and date of order granting the lease :
(b) Date of execution of mining lease deed.

5 Particulars of land :

(a) Region :

(b) Commune :

(c) Village :

(d) Survey No.

(e) Area.

6. Total area for which lease granted.

7. Mineral or minerals for which lease granted.

8. Dead rent fixed.

(a) Mineral :

(b) Dead rent per acre :

(c) Total dead rent :

9. Date of commencement of the lease :

10. Period for which granted :

11. Signature of Officer-in-charge :

12. Date of change together with details of change that take place in name, nationality or other particulars of the holder of mining lease :

13. Date of relinquishment or determination of lease :

14. Signature of Officer-in-charge :

15. Remarks :

FORM M.M. 5

Register of areas notified for auction leases.

(Rule 25)

1. Serial number :
2. Number of Government notification :
3. Date of notification :
4. Date of Gazette in which published :
5. Region :
6. Commune :
7. Village :
8. Survey No.
9. Area
10. Signature of Officer-in-charge :
11. Withdrawal from leasing by auction :
 - (a) Number of notification :
 - (b) Date of notification :
 - (c) Date of Gazette in which published :
 - (d) Signature of Officer-in-charge :

FORM M.M. 6

Model form of auction lease for mining

(Rule 29)

This INDENTURE made this day of
..... between the President of India as Pondicherry Government (hereinafter referred to as " The State Government " which expression shall where the context so admits be deemed to include the successors and assigns) of the one part, and

When the lessee is an individual/more than one individual
..... (Name of person with address and occupation) and (name of person with address and occupation) (hereinafter referred to as the lessees which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators and representatives).

When the lessee is registered firm

..... (Name and address of partner) son of
..... all carrying on business in partnership under the firm and style of (Name of the firm) registered under the Indian Partnership Act, 1958 (9 of 1952) and having their registered office at in the town of (hereinafter referred to as the lessees which expression shall where the context so admits be deemed to include all the said partners, their respective heirs, executors and legal representatives) of the other part.

When the lessee is a registered company

..... (Name of company) a company registered under (Act under which incorporated) and having its registered office (addresses) (hereinafter referred to as the lessees which expression shall where the context so admits be deemed to include its successor), of the other part.

WHEREAS the bid of Rs..... of the lessee/lessees made at the auction held in accordance with the Pondicherry Minor Minerals (Concession) Rules, 1975 (hereinafter referred to as the " said rules ") has been accepted by the State Government for mining lease for year/years for acres in respect of the lands described in Part—I of the Schedule hereunder written and has/have deposited with the State Government that a sum of Rs. as security.

WITNESSETH that in consideration of the royalties, covenants and agreements by and in these presents and the schedule hereunder written reserved and contained and on the part of the

lessee/lessees to be paid, observed and performed, the State Government hereby grants and demises unto the lessee/lessees.

All those the mines, beds/veins, seams of (here state the mineral or minerals) (hereinafter and in the Schedule referred to as " the said minerals ") situated, lying and being in or under the lands which are referred to in Part—I of the said Schedule, together with the liberties, powers and privileges to be exercised or enjoyed in connection herewith subject to the restriction and conditions as to the exercise and enjoyment of such liberties, powers and privileges EXCEPT and reserving out of this demise unto the State Government the liberties, powers and privileges mentioned in the said rules.

To hold the premises hereby granted and demised unto the lessee/lessees from the day of..... 19 for the term of years thence next ensuring YIELDING AND PAYING THEREFOR UNTO THE STATE GOVERNMENT.

AND THE lessee/lessees hereby covenants/covenant with the State Government and the State Government hereby covenants with the lessee/lessees as is expressed in the said rules.

AND it is hereby mutually agreed between the parties hereto as in Part-III of the said Schedule is expressed.

(The schedule above referred to)

PART—I

(The area of this lease.)

Location and area of the lease

All that tract or land situated at (Description or area of areas) in (commune) in the Region of commune bearing cadastral Survey Nos containing and area of delineated on the plan hereto annexed and thereon coloured and bounded as follows :

- On the North by
- On the South by
- On the East by
- On the West by

hereinafter referred to as " the said lands ".

PART—II

Royalties reserved by this lease, Amount and mode payment of royalty

(1) The lessee/lessees shall during the subsistence of this lease pay to the STATE GOVERNMENT royalties mentioned below in respect of all removed by him/them from the area leased.

No. of instalments	Amount	Date on which instalment to be paid
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Royalty to be free from deduction, etc.

(2) The instalments of the royalty mentioned in this part shall be paid free from any deductions to the State Government at by deposit in Government Treasury a copy of the chalan being supplied to the District Officer.

Course of auction if royalties are not paid in time

(3) Should any instalment of royalties due to the State Government under the terms and conditions of these presents be not paid by the lessee/lessees within the prescribed time the same may be recovered on certificate of such officer as may be specified by the State Government by general or special order in the same manner as arrears of land revenue.

PART—III

General provisions

Lease may be determined on breach of rules, covenants and conditions

(1) If the lessee/lessees commits a breach of any of the Pondicherry Minor Minerals(Con-
cession) Rules, 1975 or any of the covenants conditions of this lease, the State Government may determine the lease and forfeit the whole or part of the security deposit, provided that the lessee/lessees shall be given be opportunity to explain the breach the lease in determined.

Lessee to remove his properties on the expiry of lease

(2) The lessee/lessees having first paid and discharged royalties payable by virtue of these presents may at the expiration or sooner determination of the said term of within the three calendar

months there after (unless the lease shall be determined under clause (1) of this part and in that case at any time not less than one calendar month nor more than three calendar months after such determination) take down and remove for his/their own benefit all or any machinery, plant buildings, structures and other works, erections and conveniences which may have been erected, set up or place by the lessee/lessees in or upon the said lands.

Forfeiture of property left more than three months after determination of lease

(3) If at the end of three calendar months after the expiration of sooner determination of the said term there shall remain in or upon the said lands any engines, machinery, plants, buildings, structures and other works, erections and conveniences or other property, the same shall, if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal has been given to the lessee/lessees by the Deputy Collector, be deemed to become the property of the State Government and may be sold or disposed of in such manner as the State Government shall deem fit without liability to pay any compensation or to account to the lessee/lessees in respect thereon.

Notices

(4) Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee/lessees by the registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India, as the lessee/lessees may from time to time in writing to the State Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the lessee/lessees and shall not be questioned or challenged by him/them.

Stamp duty

(5) For the purpose of stamp duty the anticipated royalty from the demised lands is per year.

IN WITNESS WHEREOF these presents have been executed in the manner hereunder appearing the day and year first above written.

(Signed by)

(Signed by)

Lessee/Lessees in the presence
of

for and on behalf of the President of
India in the presence of

- 1.
- 2.

- 1.
- 2.

FORM M.M. 7

Register of auction leases

(Rule 30)

1. Serial Number :

2. Particulars of land ;
 - (a) Region :
 - (b) Commune :
 - (c) Village :

 - (d) Survey No :
 - (e) Area :

3. Total area of land :

4. Mineral or minerals :

5. Name of lessee :

6. Full address of lessee :

7. Date of commencement of lease :

8. Date of expiry of lease :

9. Total amount of royalty :

10. Signature of Officer-in-charge :

11. Remarks :

FORM M.M. 8

Application for mining permit

(Rule 52)

(To be submitted in triplicate.)

Dated day of19
Received at (time
) on (date)..... at
..... (place).

Signature of Receiving Officer.

To

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

Sir,

I/We request that a mining permit under the Pondicherry Minor Minerals (Concession) Rules, 1975 may be granted to me/us.

2. A sum of Rs..... being the fee in respect of this application has been deposited.

3. The required particulars are given below.

(i) Name of the applicant with complete address :

(ii) Is the applicant a private individual/private company/public company/firm or association :

(iii) In case the applicant is

(a) an individual, his nationality :

(b) a private company the nationality of all members of the company along with place of registration :

(c) a public company the nationality of all directors, the percentage of share capital held by Indian nationals along with place of incorporation :

(d) a firm or association, the nationality of all the partners of the firm or members of the association :

(iv) Profession or nature of business of applicant :

(v) Mineral or minerals which the applicant intends to mine :

(a) Name of mineral :

(b) Total quantity intended to be mined :

(vi) Period for which mining permit is required :

(vii) Details of the area in respect of which mining permit is required :

Region	Commune	Survey No.	Area	Whether vacant or held by any one if so its detail
--------	---------	------------	------	--

In the case of village area the name of the Village and if only a part of the village is applied for, Kharsa (Village) number, the area in acres of each field or part thereof applied for.

(viii) In the case of forest areas, the name of the working circle, the range and felling series, if any, a description of the area in relation to the known and demarcated areas in the forest as well as the extent in areas (approximately) :

(ix) In case of an area not covered by cadastral survey a description of the starting point of the area with reference to fixed points on the topo map and the linear distances or boundary lines and their bearings as accurately as possible corresponding to the area shown on the top map (4" = mile scale).

(x) Manner in which the mineral raised to be utilised :

(xi) Financial resources of the applicant :

(xii) Particulars of receipted treasury chalan etc., attached for the amount referred to at above :

(xiii) Any other particulars or sketch map which the applicant wishes to furnish :

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details as may be required by you.

Yours faithfully,

Signature of the applicant(s)

Place :

Date :

N. B. : If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.

FORM M.M. 9

Register of applications for mining permits

(Rule 56)

1. Serial No.
2. Date of application for mining permit :
3. Name of minerals :
4. Area applied for :
 - (a) Region :
 - (b) Commune :
 - (c) Village :
 - (d) Survey No.
 - (e) Area :
5. Signature of Officer-in-charge :
6. Date of order refusing or granting a permit with initials of the Office-in-charge :

7. Details of permit, if granted :

- (a) Total area granted :
- (b) Total quantity of mineral permitted :
- (c) Period for which granted :
- (d) Amount of total royalty :
- (e) Date of deposit of royalty :
- (f) Date of issue of permit :
- (g) Date of expiry of permit :
- (h) Signature of Officer-in-charge :

FORM M.M. 10

Model form of mining permit

(Rule 55)

Whereas Shri/Sarvashri has/have applied for a permit to mine (mineral) in Village under Rule 52 of the Pondicherry Minor Minerals (Concession) Rules, 1975 and has/have paid an application fee of Rs. 25 (has been exempted from the payment of fee) and also paid royalty in advance amounting to Rs..... at per ton/cft.

Permission is hereby granted for removal of ton/cft of mineral from the land mentioned below within a period of months from today subject to the conditions mentioned below :

DETAILS OF LAND

Region	Commune	Village	Plot No.	Area in acres

*Signature and designation of Officer
granting the permit*

CONDITIONS

1. The holder of the permit shall keep the State Government indemnified from any third party claim and shall settle such claim on his own as soon as it arises.
2. The holder of the permit shall extract the mineral in such manner as not to disturb or damage any road, public ways, buildings premises, public grounds or public property.
3. The holder of the permit shall keep an account of all minerals raised and shall allow such account to be inspected by an Officer deputed in this behalf.

*Signature and designation of
Officer granting the permit.*

FORM M.M. 11

(in Triplicate)

Form of pass

[Rule 72 (1)]

Date Time

1. Name of lessee or permit holders :
2. Location of mine :
3. Name of mineral :
4. Quantity of mineral :
5. Destination :
6. Particulars of means or transport : (if motor vehicle, mention registration No.)
7. Full name and address of the person-in-charge of consignment :
8. Full signature of the person-in-charge of the consignment :
9. Full signature of the person issuing the pass :

Notes :

(1) Counterfoil will be retained at the Mine.

(2) Two counterfoils will be given to the person-in-charge of consignment, one of which will be removed by the Government servant checking the pass.

¹ [SCHEDULE—I

Royalty

	<i>Per Cart Load Rs</i>
1. Tyre - cart load of ordinary sand / ordinary clay / red earth	10.00
2. Tyre - cart load of ordinary limestone	20.00
3. Lorry / Tractor load of ordinary sand / ordinary clay / red earth	50.00
4. Lorry / Tractor load of limestone	100.00
5. All other minor minerals (per cu. mt.)	100.00

¹ [SCHEDULE—II

Area assessment

<i>Sl. No.</i>	<i>Region</i>	<i>Assessment</i>
1.	Pondicherry	Rupees twenty per 4,045 sq. mtrs for stone metal gravel, lime stone, clay (used for bricks and tiles) and all other minor minerals
2.	Karaikal	Do
3.	Mahe	Do.
4.	Yanam	Do.

1. Substitution Vide EOG No. 32 dt. 21-11-2000

SCHEDULE—III

Dead rent

(See Rule 22)

<i>Area</i>	<i>Dead rent per acre per annum</i>	
	<i>Minimum</i>	<i>Maximum</i>
	Rs.	Rs.
1. Upto 10 acres ..	50.00	100.00
2. More than 10 acres but not more 30 acres ..	35.00	70.00
3. More than 30 acres ..	20.00	40.00
