

GRANITE CONSERVATION & DEVELOPMENT RULES, 1999

New Delhi, the 1st June 1999

N O T I F I C A T I O N

GSR...398(E).-..... In exercise of the powers conferred by section 18 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules for conservation and systematic development of and scientific mining to conserve, the granite resources and to prescribe a uniform frame-work with regard to systematic and scientific exploitation of granite throughout the country, namely:-

CHAPTER I

Preliminary

1. Short title and commencement.-

- (1) These rules may be called the Granite Conservation and Development Rules, 1999.
- (2) They shall come into force from the date of their publication in the official Gazette.

2. Application.- These rules shall apply to prospecting and quarrying of granite.

3. Definitions.- (1) In these rules, unless the context otherwise requires, -

- (a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957);
- (b) "agent" when used in relation to a quarry, means any person whether appointed as such or not, who acts as the representative of the owner in respect of the management of the quarry or any part thereof;
- (c) "development" means removing overburden or unproductive or waste materials as preparatory to mining;
- (d) "drilling" means the penetration of alluvial material, rocks or formations by holes for obtaining geological information and for drawing samples therefrom;
- (e) "environment" and "environmental pollution" shall have the same meanings assigned respectively to these terms in the Environment (Protection) Act, 1986 (29 of 1986);
- (f) "Form" means a Form set forth in Schedule to these rules;
- (g) "geologist" means a person appointed in writing by the prospecting licensee, owner or agent to perform the duties of a geologist under these rules;
- (h) "granite" means dolerites, granite gneisses, migmatites, gabbros, anorthosites, rhyolites, syenites, leptynites, charnockites and any other igneous and orthometamorphic rock types which are -
 - (i) amenable to be recovered as dimensional stone;
 - (ii) capable of taking polish; and
 - (iii) commercially exploitable.
- (i) "lease" means a lease granted for the purpose of undertaking mining or quarrying operations for granite;
- (j) "manager" when used in relation to a mine or a quarry, means any person appointed by the owner or agent and includes the owner or the agent if he appoints himself to be such manager, under section 17 of the Mines Act, 1952 (35 of 1952);
- (k) "mining engineer" means a person appointed in writing by the owner or

agent to perform the duties of a mining engineer under these rules;

(l) "prospect" means an area where existence of granite has been established.

(m) "prospecting licence" means a licence granted for the purpose of undertaking any operation for the purpose of exploring, locating or proving granite deposits;

(n) "quarry" means an opencast working as defined in Mines Act, 1952 (35 of 1952);

(o) "recognised person" means a qualified person granted recognition by the competent authority under these rules to prepare mining plan;

(p) "sheet rock" means massive granite bodies but does not include boulders;

(q) "year" means the twelve months period beginning from the first day of April and ending on the thirty first day of March of the following year;

(2) All other words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act

CHAPTER II

PROSPECTING AND MINING OF GRANITE

4. Prospecting to precede mining operations.- No lease shall be granted by the State Government unless it is satisfied that there is evidence to show that the area for which the lease is applied for has been prospected earlier for granite or the existence of granite therein has been established otherwise.

5. Period for which prospecting licence may be granted or renewed.- The period for which a prospecting licence may be granted shall not exceed two years.

6. Period for which leases may be granted or renewed.- (1) The maximum period for which a lease may be granted shall not exceed thirty years.

Provided that the minimum period for which any such lease may be granted shall not be less than twenty years.

(2) A lease may be renewed for a period not exceeding twenty years.

(3) Notwithstanding anything contained in sub-rule (2), if the State Government is of the opinion that in the interest of development of granite it is necessary to do so, it may, for reasons to be recorded, authorise the renewal of a lease for a further period or periods not exceeding twenty years in each case.

7. Minimum and maximum area for grant of a mining lease.- (1) The minimum area that may be granted or renewed under a lease for ensuring mining activities to optimum depth shall not be less than one hectare;

(2) The maximum area that may be granted under a mining lease shall not exceed fifty hectares.

Provided that the State Government, if it is satisfied on the basis of proposed production level, geological or topographical conditions, may for the reasons to be recorded in writing, grant or renew a lease over an area more than the maximum area or less than the minimum area specified under this rule.

CHAPTER III

PROSPECTING OPERATIONS

8. Scheme of prospecting.- (1) Every holder of a prospecting licence for granite shall submit to the State Government or any person authorised in this behalf by that Government within a period of sixty days from the date of execution of the prospecting licence, a scheme of prospecting indicating the manner in which he proposes to carry out the prospecting operation, in the area covered by the licence and the scheme shall incorporate the following; namely:-

- (a) particulars of the area;
 - (b) the scale of the plan and the area of geological mapping;
 - (c) the number of pits, trenches, and bore holes which he proposes to put in the area and the locations thereof;
 - (d) the particulars of the machines to be used;
 - (e) the details of exploratory mining to be undertaken;
 - (f) the number of samples proposed to be drawn and tested;
- baseline information of prevailing environmental conditions before the beginning of the prospecting operations;
- (h) any other matter relevant for the preparation of a scheme of prospecting, as directed by the State Government or any person so authorised from time to time by a general or specific order.

(2) The prospecting scheme under sub-rule (1) shall be prepared by a recognised person or a geologist or a mining engineer employed under clause (a) of sub-rule (1) of rule 38.

9. Modification of scheme of prospecting.- (1) A prospecting scheme prepared and submitted under rule 8 may be modified at any time on geological considerations by the holder of a prospecting licence during continuance of the prospecting licence.

(2) Any modification carried out under sub-rule (1) shall be intimated to the State Government or any person authorised in this behalf by that Government, by the holder of a prospecting licence within a period of fifteen days.

10. Prospecting operations to be carried out in accordance with scheme of prospecting.- Every holder of a prospecting licence for granite shall carry out the prospecting operations in accordance with the scheme of prospecting submitted under rule 8 or with such modifications, if any, as intimated under rule 9 or as directed by the State Government or any person authorised by that Government in this behalf.

11. Report of prospecting operations.- (1) Every holder of a prospecting licence for granite shall submit to the State Government or any person authorised in this behalf by that Government an annual report in Form A so as to reach them by 30th April for the previous year;

Provided that a report in Form-A shall be submitted within a period of three months after the completion of abandonment of the prospecting operations or the expiry of the prospecting licence, whichever is earlier.

(2) Where prospecting operations for granite are carried out by any authority specified in the second proviso to sub-section (1) of section 4 of the Act without a prospecting licence, such authority shall submit the annual report in Form A to the State Government or any person authorised by that Government in respect of each area where prospecting operations for granite have been undertaken by them.

Provided that this sub-rule shall not apply in a case where field operations consist of only geological mapping or geo-physical or geo-chemical investigations.

(3) The State Government or any person authorized in this behalf by that Government shall forward a copy, each of the annual report in Form-A received under sub-rule (1) or sub-rule (2), as the case may be, to the Controller General, Indian Bureau of Mines, within thirty days from the date of such receipt.

CHAPTER IV

MINING PLAN

12. Mining Plan as a pre-requisite to the grant of lease.- No lease shall be granted or renewed by the State Government unless there is a mining plan duly approved by the State Government or any person authorised in this behalf by that Government for the development of the granite deposit in the area concerned.

13. Mining plan to be prepared by a recognised person.- (1) No mining plan shall be approved unless it is prepared by a qualified person recognised in this behalf by the State Government or any person authorised by that Government or by a recognised person under rule 22B of the Mineral Concession Rules, 1960.

(2) No person shall be granted recognition for the purposes of sub-rule (1) by the State Government or any person authorised by that Government unless he holds -

(i) a degree in mining engineering or a post-graduate degree in geology granted by a university established or incorporated by or under an Act of Parliament or any institution recognised by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956) or any qualification equivalent thereto; and

(ii) professional experience of five years of working in a supervisory capacity in the field of mining or mineral administration after obtaining a degree or qualification required under clause (i).

14. Grant of recognition by State Government.- (1) Any person possessing the qualifications and experience required under sub-rule (2) of rule 13 may apply for recognition to the competent authority designated by the State Government for this purpose.

(2) The competent authority after making such enquiry as it deems fit, may grant or refuse to grant recognition and where recognition is refused, the competent authority shall record reasons in writing and communicate the same to the applicant.

(3) A recognition shall be granted for an initial period of ten years and may be renewed for further periods not exceeding ten years at a time:

Provided that the competent authority may refuse to renew recognition for reasons to be recorded in writing after giving an opportunity of hearing to the person concerned.

15. Approval and submission of mining plan.- On receipt of the application for grant of mining lease for undertaking mining operations for granite, the State Government shall take decision to grant precise area for the said purpose and communicate such decision to the applicant and on receipt of the communication from the State Government of the precise area to be granted, the applicant shall submit a mining plan within a period of three months from the date on which such communication is received or such other period as may be allowed by the State Government for approval and the said mining plan shall incorporate -

- (i) the plan of the precise area showing the nature and extent of the granite body; spot or spots where the excavation is to be done in the first year and its extent; a detailed cross-section and detailed plan of spots of excavation based on the prospecting data gathered by the applicant; a tentative scheme of mining for the first five years of the lease;
- (ii) details of the geology and lithology of the precise area including granite reserves of the area;
- (iii) the extent of manual mining or mining 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 mining 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 as may be directed by the Central or the State Government from time to time;
- (v) annual programme and plan for excavation on the precise area from year to year for five years;
- (vi) any other matter which the State Government or any person so authorised may require the applicant to provide in the mining plan.

CHAPTER V

NOTICES AND RETURNS

41. Half yearly and annual returns.- (1) The owner, agent, mining engineer or manager of every granite quarry shall submit to the State Government or any person authorised in this behalf by that Government returns in respect of such granite quarry within the time specified in respect of such returns, namely :-

- (a) a half yearly return in Form-F for every half year ending 30th September and 31st March before the 15th of the following month for the preceding half yearly period;
- (b) an annual return in Form-G which shall be submitted before the 1st July of each year for the preceding year :

Provided that in case of abandonment or surrender of a granite quarry, such annual return shall be submitted within ninety days of the date of abandonment or surrender.

(2) The State Government or any person authorized in this behalf by that Government shall forward a copy, each of the half yearly return in Form-F and annual return in Form-G received under Clauses (a) and (b) of sub-rule (1), to the Controller General, Indian Bureau of Mines, within thirty days from the date of such receipt.

42. Notice of certain appointments.- When any new appointment is made of an agent, mining engineer, geologist and manager for the purpose of these rules or when the employment of any such person is terminated or any such person leaves the said employment or when any change occurs in the address of any such person, the owner of the granite quarry or the holder of the prospecting licence, relating to such appointment, termination, living or change in address shall, within fifteen days from the date of such appointment, termination, leaving or change in address, give a notice in Form-H to the State Government or any person authorised in this behalf by that Government.

43. Records of boreholes.- The owner, agent, mining engineer, geologist or manager of every granite quarry or the holder of a prospecting licence shall keep a record of all boreholes in Form-I and shall retain all records and samples of the strata passed through. He shall not destroy such records of

boreholes and samples of strata except with the prior approval of the State Government or any person so authorised on this behalf.

44. Transfer of records of transferees.- When the ownership of a prospecting licence or a granite quarry lease is transferred, the previous owner or his agent shall make over to the new owner or his agent within a period of seven days of the transfer of the ownership, borehole cores preserved if any, all plans, sections, reports, registers and other records maintained in pursuance of the Act, rules or orders made thereunder, and all correspondence relevant thereto relating to the prospecting licence or granite quarry lease; and when the requirements of these rules have been duly complied with, both previous and the new owners or their respective agents shall forthwith send to the State Government or any person authorised in this behalf by that Government a detailed list of borehole cores, plans, sections, reports, registers and other records that have been transferred.

45. Copies of notices and returns to be maintained.- The owner, agent, mining engineer or manager of every granite quarry or a holder of a prospecting licence shall maintain the labour attendance register, production and despatch register, explosives consumption register, test reports and details of mining machinery and copies of all notices and returns, plans, sections and schemes submitted to the State Government or any person authorised in this behalf by that Government under these rules, at an office established by the licensee or lessee and these shall be made available at all reasonable times to the State Government or any person authorised in this behalf by that Government for inspection.

CHAPTER VI

SYSTEMATIC AND SCIENTIFIC MINING

29. Protection of environment.- Every holder of a prospecting licence or a lease shall take all possible precautions for the protection of environment and control of pollution while conducting prospecting, mining or processing of granite in the area for which such licence or lease is granted.

30. Removal and utilisation of top soil.- (1) Where top soil exists and is to be excavated for prospecting or mining operations for granite, it should be removed separately.

(2) The top soil so removed shall be utilised for restoration and rehabilitation of the land which is no longer required for prospecting or mining operations or for stabilising or landscaping the external dumps.

(3) Where top soil cannot be used concurrently, it shall be stored separately for future use.

31. Storage of overburden, waste rock etc.- (1) The overburden, waste rock and non-saleable granite generated during prospecting or mining operations for granite shall be stored separately in properly formed dumps on grounds earmarked.

(2) Such dumps shall be properly secured to prevent the escape of material in harmful quantities which may cause degradation of the surrounding land or silting of water courses.

(3) Wherever possible, such waste rock or overburden or other rejects, shall be backfilled into the worked out granite quarry, where granite has been recovered upto the optimum depth, with a view to restore the land to its original use or desired alternate use, as far as possible and where the backfilling is not feasible, the waste dumps shall be suitable terraced and stabilised by planting vegetation or otherwise.

32. Reclamation and Rehabilitation of lands.- Every lease holder shall undertake in a phased manner restoration, reclamation and rehabilitation of lands affected by prospecting or mining operations and shall complete this work before the conclusion of such operations and the abandonment of the granite quarry.

33. Precaution against air pollution.- Air pollution due to dust, exhaust emissions or fumes during prospecting, mining or processing operations for granite and related activities shall be controlled and kept within permissible limits specified under any environmental laws for the time being in force.

34. Discharge of effluents.- Every holder of a prospecting licence or a lease shall take all possible precautions to prevent or reduce to a minimum the discharge of toxic and objectionable liquid effluents from granite quarry, workshop or processing plant, into surface or ground water bodies, and usable lands. These effluents shall conform to the standards laid down in this regard.

35. Precaution against noise.- Noise arising out of prospecting, mining and processing operations for granite shall be abated or controlled by the holder of prospecting licence or a lease at the source so as to keep it within the permissible limit.

36. Permissible limits and standards.- The standards and permissible limits of all pollutants, toxins and noise referred to in rule 33, 34 and 35 shall be those notified by the concerned authorities under the provisions of the relevant statutes from time to time.

37. Restoration of flora.- Every lease holder shall take immediate measures for planting in the area held under the lease or any other area selected by the State Government for this purpose, such number of trees sufficient to improve the environment and to minimise effects of land degradation during the entire period of such lease. He shall look after such tree plantations during the subsistence of the lease.

CHAPTER VII

EMPLOYMENT OF QUALIFIED PERSONS

38. Employment of mining engineer.- (1) For the purpose of carrying out prospecting and mining operations in accordance with these rules, every holder of a granite quarry lease shall employ, -

(a) in the case of a mechanised granite quarry, a whole time mining engineer possessing the following qualifications, namely:-

(i) Degree in mining engineering with minimum one year's experience of working in mines including granite quarries, or

(ii) Post Graduate degree in geology with First Class Metalliferous Mines Manager's Certificate or Post Graduate degree in geology with minimum three years' experience of working in supervisory capacity in mines including granite quarries, or

(iii) Diploma in Mining with First Class Metalliferous Mines Manager's Certificate or Diploma in Mining with three year's experience in supervisory capacity in mines including granite quarries, or

(iv) First Class Metalliferous Mines Manager's Certificate with minimum two years' experience of working in mines including granite quarries after obtaining the certificate.

(b) in the case of a granite quarry lease other than the mechanised granite quarry lease, -

- (i) a part time mining engineer possessing qualification as prescribed under clause (a) above; or
- (ii) a part time mining engineer, possessing a post graduate degree in geology or Second Class Metalliferous Mines Manager's Certificate, or
- (iii) a whole time mining engineer possessing Secondary School Leaving Certificate and Mine Foreman Certificate with minimum five years' experience of working as Mines Foreman or Mate in mines including granite quarries.

Explanation - For the purpose of this sub-rule, mechanised granite quarry means a granite quarry where machine capable of deep drilling is deployed or heavy machinery for excavation, handling or lifting or transporting of overburden and granite blocks is deployed.

(2) A part time mining engineer possessing qualifications prescribed in sub clause (i) of clause (a) of sub rule (1) may be employed to supervise upto a maximum of six granite quarries provided that all such granite quarries are located within a radius of fifty kilometers :

Provided that a person possessing the qualifications other than those prescribed in sub clause (i) of clause (a) of sub rule (1) may be employed as part time mining engineer in quarries upto a maximum of three granite quarries provided that such quarries are located within a radius of fifty kilometers.

39. Duties of mining engineer.- (1) It shall be the duty of the mining engineer to take all necessary steps to plan and conduct mining operations, so as to ensure conservation of granite, systematic development of the granite deposits and protection of environment in and around the granite quarry lease area in accordance with these rules.

(2) He shall be responsible for the preparation and maintenance of plans, sections, reports and schemes in accordance with these rules.

(3) He shall carry out all such orders and directions as may be given in writing under these rules by the State Government or any person authorised in this behalf by that Government and shall forward a copy of each of such orders or directions to the holder of prospecting licence or, as the case may be, the granite quarry lease.

40. Supply of materials, appliances and facilities.- (1) The mining engineer shall ensure that there is sufficient provision of proper materials, appliances and facilities at all times at granite quarry for the purpose of carrying out the provisions of these rules and orders issued thereunder and where he is not the owner or agent of the granite quarry, he shall make requisition in writing to the owner or agent for anything required for the aforesaid purpose. A copy of every such requisition shall be recorded in bound paged book kept for the purpose.

(2) On receipt of a requisition under sub-rule(1), the owner or agent shall provide as soon as possible the materials and facilities requisitioned by the mining engineer.

CHAPTER VIII

NOTICES AND RETURNS

41. Half yearly and annual returns.- (1) The owner, agent, mining engineer or manager of every granite quarry shall submit to the State Government or any person authorised in this behalf by that Government returns in respect of such granite quarry within the time specified in respect of such returns, namely :-

- (a) a half yearly return in Form-F for every half year ending 30th September and 31st March before the 15th of the following month for the preceding half yearly period;
- (b) an annual return in Form-G which shall be submitted before the 1st July of each year for the preceding year :

Provided that in case of abandonment or surrender of a granite quarry, such annual return shall be submitted within ninety days of the date of abandonment or surrender.

(2) The State Government or any person authorized in this behalf by that Government shall forward a copy, each of the half yearly return in Form-F and annual return in Form-G received under Clauses (a) and (b) of sub-rule (1), to the Controller General, Indian Bureau of Mines, within thirty days from the date of such receipt.

42. Notice of certain appointments.- When any new appointment is made of an agent, mining engineer, geologist and manager for the purpose of these rules or when the employment of any such person is terminated or any such person leaves the said employment or when any change occurs in the address of any such person, the owner of the granite quarry or the holder of the prospecting licence, relating to such appointment, termination, leaving or change in address shall, within fifteen days from the date of such appointment, termination, leaving or change in address, give a notice in Form-H to the State Government or any person authorised in this behalf by that Government.

43. Records of boreholes.- The owner, agent, mining engineer, geologist or manager of every granite quarry or the holder of a prospecting licence shall keep a record of all boreholes in Form-I and shall retain all records and samples of the strata passed through. He shall not destroy such records of boreholes and samples of strata except with the prior approval of the State Government or any person so authorised on this behalf.

44. Transfer of records of transferees.- When the ownership of a prospecting licence or a granite quarry lease is transferred, the previous owner or his agent shall make over to the new owner or his agent within a period of seven days of the transfer of the ownership, borehole cores preserved if any, all plans, sections, reports, registers and other records maintained in pursuance of the Act, rules or orders made thereunder, and all correspondence relevant thereto relating to the prospecting licence or granite quarry lease; and when the requirements of these rules have been duly complied with, both previous and the new owners or their respective agents shall forthwith send to the State Government or any person authorised in this behalf by that Government a detailed list of borehole cores, plans, sections, reports, registers and other records that have been transferred.

45. Copies of notices and returns to be maintained.- The owner, agent, mining engineer or manager of every granite quarry or a holder of a prospecting licence shall maintain the labour attendance register, production and despatch register, explosives consumption register, test reports and details of mining machinery and copies of all notices and returns, plans, sections and schemes submitted to the State Government or any person authorised in this behalf by that Government under these rules, at an office established by the licensee or lessee and these shall be made available at all reasonable times to the State Government or any person authorised in this behalf by that Government for inspection.

CHAPTER IX

REVISION AND PENALTY

46. Revision.- (1) Any person aggrieved by any order made or direction issued by any person authorised by the State Government to make or issue such order or direction under these rules may within ninety days of the communication of such order apply to the State Government for revision of the said order :

Provided that any such application may be entertained after the said period of ninety days if the applicant satisfies the State Government that he had sufficient cause for not making the application within time.

(2) Every order, against which a revision application is preferred under sub-rule (1), shall be complied with pending the decision of the State Government in such revision:

Provided that the State Government may on an application by the applicant, suspend the operation of the order appealed against pending disposal of the revision application.

(3) On receipt of an application for revision under sub-rule (1), the State Government after giving a reasonable opportunity of being heard to the aggrieved person, may confirm, modify or set aside the order or direction.

(4) Every application submitted under the provisions of this rule shall be accompanied by a Treasury Receipt showing that a fee of five hundred rupees has been paid into a State Government Treasury or any branch of the State Bank of India doing Treasury Business to the credit of the State Government.

47. Penalty.- Whoever contravenes any of the provisions of these rules shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees or with both and in the case of continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.