



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
MINES AND MINERALS DEPARTMENT

NOTIFICATION

The 26th October, 2018

No. PEM 82/2018/31.- In exercise of the powers conferred by sub-section (1) of section 15 and section 23C of Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Governor of Assam hereby makes the following rules further to amend the Assam Minor Mineral Concession Rules, 2013, hereinafter referred to as the principal Rules, for regulating the grant of various forms of mineral concessions, for making available minor minerals at affordable prices for various public and private sector development works and for prevention of illegal mining, namely :-

**Short Title
and
Commencement**

- (1) These rules may be called the Assam Minor Mineral Concession (Amendment) Rules, 2018.
(2) They shall come into force on the date of their publication in the Official Gazette.

**Amendment
of Rule 18**

- In the principal rules, in rule 18,-
(i) after sub-rule (1), the following sub-rule shall be inserted namely:-

“ (1-A) In exceptional circumstances when there is a serious shortfall reported in an year and whenever total demand of minor minerals for such an year exceeds the total supply of minor mineral for such an year by more than 30% then the provisions of this sub-rule shall be invoked. The competent authority may then, subject to the availability of annual quantity under approved Mining Plan and Environment clearances, increase the annual quantities of minor minerals originally allotted through contract to a Mineral Concession Holder. The competent authority shall offer such quantities to the mineral concession holder at a price/cu.m that shall be a minimum of 5% (a normal inflationary index value) increase over the respective settled value/cu.m on the strength of a government approval for the whole of the state and the quantity thus allotted shall not exceed 70% of the annual available mineable mineral reserve in case of river bed mining and 50% of the total mineable

minor mineral reserve in case of other mines. Such increased allotments shall be granted for one year which shall be extendable for another year at a time but for not more than a total of 3 years. The competent authority in such situations wherever required shall send Mining Plans and Environment Clearances to concerned authorities for modification.

Explanation: For such a year when a serious shortfall is reported, the total demand shall be obtained by adding demand for government works and the demand for private sector works. The demand for government works shall be obtained from compiled demand data for year of various government departments as on 31st August of such an year and the demand for private sector works for the such an year shall be either directly obtained, if available, or derivable by extrapolating from various previous year's government reports or data sources approved by Assam Finance department, for ex., RBI data or Economic survey of Assam or other data sources vetted by Assam finance department for annual consumption of cement multiplied by a factor of 2.5 yields demand for sand and extrapolating from previous years data will lead to current year figures. The total annual supply shall be obtained from the compiled data of annual allotted quantity of various settled mineral concession areas in the state of Assam as well as the mineral concession areas under the process of settlement as on 31st August for such an year."

(ii) after sub-rule (4), the following new sub-rule (5) shall be inserted, namely:-

“(5) The Competent Authority/State Government, subject to the availability of quantity under approved Mining Plan and Environment clearances, on deposition of advance royalty, may issue permits for government works to government contractors from the existing mineral concession areas from the quantity that is in excess of the allotted quantity but within the available mineable mineral reserve. The competent authority in such situations wherever required shall send Mining Plans and Environment Clearances to concerned authorities for modification.”

**Amendment
of Rule 23**

3. In the principal Rules, in rule 23, in sub-rule(1), after clause (i) the following new clause shall be inserted namely:-
 - “(ia) *In exceptional circumstances and when there is a serious shortfall reported in an year and whenever total annual demand of minor minerals for such an year exceeds the total annual supply of minor mineral for such an year by more than 30% then the provisions of this clause shall be invoked.* The competent authority may then, subject to the availability of annual quantity under approved Mining Plan and Environment clearances, increase the annual quantities of minor minerals originally allotted through contract to a Mineral Concession Holder. The competent authority shall offer such quantities to the mineral concession holder at a price/cu.m that shall be a minimum of 5% (a normal inflationary index value) increase over respective settled value/cu.m on the strength of government approval for the whole of the state and the quantity thus allotted shall not exceed 70% of the annual available mineable mineral reserve in case of river bed mining and 50% of the total mineable

minor mineral reserve in case of other mines. Such increased allotments shall be granted for one year at a time and shall be extendable for one more year only. The competent authority in such situations wherever required shall send Mining Plans and Environment Clearances to concerned authorities for modification.

Explanation: For such an year when a serious shortfall is reported, the total demand shall be obtained by adding demand for government works and the demand for private sector works. The demand for government works shall be obtained from compiled demand data for year of various government departments as on 31st August of such an year and the demand for private sector works for the such an year shall be either directly obtained, if available, or derivable by extrapolating from various previous year's government reports or data sources approved by Assam Finance department, for ex., RBI data or Economic survey of Assam or other data sources vetted by Assam finance department for annual consumption of cement multiplied by a factor of 2.5 yields demand for sand and extrapolating from previous years data will lead to current year figures. The total annual supply shall be obtained from the compiled data of annual allotted quantity of various settled mineral concession areas in the state of Assam as well as the mineral concession areas under the process of settlement as on 31st August for such an year. Whenever, the clause 18(1)a is invoked, this clause shall automatically be invoked."

**Amendment
of Rule 24**

4. In the principal Rules, in rule 24, after sub-rule (5), the following new sub-rule(6) shall be inserted, namely:-

“(6) The Competent Authority/State Government, subject to the availability of quantity under approved Mining Plan and Environment clearances, on deposition of advance royalty, may issue permits for government works to government contractors from the existing mineral concession areas from the quantity that is in excess of the allotted quantity but within the available mineable mineral reserve. The competent authority in such situations wherever required shall send Mining Plans and Environment Clearances to concerned authorities for modification.”

RAVI CAPOOR,

Additional Chief Secretary to the Govt. of Assam,
Mines & Minerals Department.