

The mines and Minerals (Regulation and Development) Act 1957

THE MINES AND MINERALS
(REGULATION AND DEVELOPMENT)
ACT, 1957,
ACT 67 OF 1957¹

[28TH December, 1957.]

An Act to provide for the regulation of mines and the development of minerals under the control of the Union.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows :-

PRELIMINARY

1.Short title, extent and commencement - (1) This Act may be called the Mines and Minerals (Regulation and Development) Act, 1957.

(2)It extends to the whole of India.

(3)It shall come into force on such date² as the Central Government may by notification in the Official Gazette appoint.

2.Declaration as to expediency of Union control - It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of mines and development of minerals to the extent hereinafter provided.

3.Definitions - In this Act unless the context otherwise requires,-

(a)“minerals” includes all minerals except mineral oils ;

(b)“mineral oils” includes natural gas and petroleum ;

(c)“mining lease” means a lease granted for the purpose of undertaking mining operation and includes a sub-lease granted for such purpose ;

(d)“mining operations” means any operations undertaken for the purpose of winning any mineral;

¹The Act has been extended to Goa, Daman and Diu by Regulation 12 of 1962 section 3 and schedule to Dadra and Nagar Haveli by Regulation 6 of 1963, section 2 and Schedule I and to Pondichery by Regulation 7 of section 3 and Schedule I.

²*1st June 1958 vide Notification No. G. S. R. 432 dated the 29th May 1958, see Gazette of India 1953 Extraordinary, Part II, section 3(I), page 225.*

(e)“minor minerals” means building stones gravel ordinary clay ordinary sand other than sand used for prescribed purposes and any other mineral which the Central Government may by notification in the Official Gazette declare to be a minor mineral;

(f)“prescribed” means prescribed by rules made under this Act;

(g)“prospecting licence” means a licence granted for the purpose of undertaking prospecting operations;

(h)“prospecting operations” means any operations undertaken for the purpose of exploring locating or proving mineral deposits ;and

(i)the expressions “mine” and ‘owner”, have the meanings asigned to them in the Mines Act, 1952.

GENERAL RESTRICTIONS ON UNDERTAKING PROSPECTING AND MINING

OPERATIONS

4. Prospecting or mining operations to be under licence or lease (1)

No person shall undertake any prospecting or mining operations in any area except under and in accordance with the terms and conditions of a prospecting licence or as the case may be a mining lease granted under this Act and the rules made thereunder :

Provided that nothing in this Sub-section shall affect any prospecting or mining operations undertaken in any area in accordance with the terms and conditions of a prospecting license or mining lease granted before the commencement of this Act which is in force at such commencement.

(2) No prospecting license or mining lease or mining lease shall be granted otherwise than in accordance with the provisions of this Act and the rules made thereunder.

¹[**4A. Termination of mining leases** (1) Where the Central Government after consultation with the State Government is of opinion that it is expedient in the interest of regulation of mines and mineral development so to do it may request the State Government to make a premature termination of a mining lease in respect of any mineral lease in respect of any mineral other than a minor mineral and on receipt of such request the State Government shall make an order making a premature termination of such and granting a fresh mining lease in favour of such Government company or corporation owned or controlled by Government as it may think fit.

(2) Where the State Government after consultation with the Central Government is of opinion that it is expedient in the interest of regulation of mines and mineral development so to do it may by an order make premature termination of a mining lease in respect of any minor mineral and grant a fresh lease in respect of such mineral in favour of such Government company or corporation owned or controlled by Government as it may think fit.]

5. Restrictions on the grant of prospecting or licences or mining

leases (1) No prospecting licence or mining lease shall be granted by a State Government to any person unless he-

(a) holds a certificate of approval in the prescribed form from the State Government;

(b) produces from the Income-tax Officer concerned an income-tax clearance certificate in the prescribed form;

(c) satisfies such other conditions as may be prescribed.

Explanation.- For the purposes of this sub-section, a person shall be deemed to hold a certificate of approval notwithstanding that at the time his certificate of approval has expired if an application for its renewal is pending at that time.

¹*Section 4-A inserted by Act 56 of 1972, section 2.*

(2) Except with the previous approval of the Central Government no prospecting licence or mining lease shall be granted-

(a) as respects any mineral specified in the First Schedule; or

(b) to any person who is not an Indian national .

Explanation.- For the purposes of this sub-section, a person shall be deemed to be an Indian national-

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

(b) in the case of a private company as defined in the said Act 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.

6. Maximum area for which a prospecting licence of mining may be

granted ¹[(1) No person shall acquire in any one State in respect of any mineral or prescribed group of associated minerals-

(a) one or more prospecting licences covering a total area of more than twenty-five square kilometers; or

¹*Substituted by Act 56 of 1972, section 3*

(b) one or more mining leases covering a total area of more than ten square kilometers

Provided that if the Central Government is of opinion that in the interests of the development of any mineral it is necessary so to do it may for reasons to be recorded by it in writing permit any person to acquire one or more prospecting licences or mining leases covering an area in excess of the aforesaid total area ;

(c) any mining lease or prospecting licence in respect of an area which is not compact or contiguous ;

Provided that if the Central Government is of opinion that in the interests of the development of any mineral it is necessary so to do it may for reasons to be recorded in writing permit any person to acquire a prospecting licence or mining lease in relation to any area which is not compact or contiguous]

(2) For the purposes of this section a person acquiring by or in the name of another person a prospecting licence or mining lease which is intended for himself shall be deemed to be acquiring it himself.

¹[(3) For the purposes of determining the total area referred to in sub-section (1) the area held under a prospecting licence or mining lease by

a person as a member of a co-operative society company or other corporation or a Hindu undivided family or a partner of a firm shall be deducted from the area referred to in sub-section (1) so that the sum total of the area held by such person under a prospecting licence or mining lease whether as such member or partner or individually may not in any case exceed the total area specified in sub-section (1)].

¹Sub -section (3) inserted by Act 56 of 1972 section 3.

7. *****

8. Periods for which prospecting licences may be granted or renewed

(1) - The period for which a prospecting licence may be granted shall not-

(a) in the case of mica, exceed one year ; and

(b) in the case of any other mineral exceed two years.

(2) A prospecting licence may be renewed for one or more periods each not exceeding the period for which the prospecting licence was originally granted if the State Government is satisfied that a longer period is required to enable the licensee to complete prospecting operations :

Provided that no prospecting licence granted in respect of a mineral specified in the First Schedule shall be renewed except with the previous approval of the Central Government.

(3) Notwithstanding anything contained in sub-section (2), if the Central Government is of opinion that in the interests of mineral development it is necessary so to do it may for reasons to be recorded authorise the renewals of a mining lease for a further period or periods not exceeding in each case the period for which the mining lease was originally granted.

9. Royalties in respect of mining leases (1) The holder of a mining lease granted before the commencement of this Act shall notwithstanding anything contained in the instrument lease or in any

law in force at such commencement pay royalty in respect of any¹[mineral removed or consumed by him or by his agent manager employee contractor or sub-lessee] from the leased area after such commencement at the rate for the time being specified in the Second Schedule in respect of that mineral.

(2)The holder of a mining ease granted on or after the commencement of this Act shall pay royalty in respect of any ¹[mineral removed or consumed by him or by his agent manager employee contractor or sub-lessee] form the leased area at the rate for the time being specified in the Second Schedule in respect of that mineral.

²[(2A) The holder of a mining lease whether granted before or after the commencement of the Mines and Mineral (Regulation and Development) Amendment Act, 1972, shall not be liable to pay any royalty in respect of any coal consumed by a workman engaged in a colliery provided that such consumption by the workman does not exceed one-third of a tone per month].

(3)The Central Government may by notification in the Official Gazette amend the Second Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral with effect from such date as may be specified in the notification :

¹*Substituted for the words “mineral removed by him” by Act 56 of 1972 section 4.*

²*Sub-section 2-AS inserted by *ibid*.*

¹[Provided that the Central Government shall not enhance the rate of royalty in respect of any mineral more than once during any period of four years.]

[9A. Dead-rent to be paid by the lessee- (1) the holder of a mining lease whether granted before or after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act 1972 shall notwithstanding any thing contained in the instrument of lease or in any other law for the time being in force pay to the State Government every

year dead rent at such rate as may be specified for the time being in the Third Schedule for all the areas included in the instrument of lease :

Provided that where the holder of such mining lease becomes liable under section 9 to pay royalty for any mineral removed or consumed by him or by his agent manager employee contractor or sub-lessee from the leased area he shall be liable to pay either such royalty or the dead rent in respect of that area whichever is greater.

(2)The Central government may by notification in the Official Gazette amend the Third Schedule so as to enhance or reduce the rate at which the dead rent shall be payable in respect of any area covered shall take effect from such date as may be specified in the notification :

Provided that the Central Government shall not enhanced the rate of the dead rent in respect of any such area more than once during any period of four years.]

PROCEDURE FOR OBTAINING PROSPECTING LICENCES OR MINING LEASES IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT

10. Application for prospecting licences or mining lease - (1) An application for a prospecting licence or a mining lease in respect of any land in which the minerals vest in the Government shall be made to the State Government concerned in the prescribed form and shall be accompanied the prescribed fee.

¹*Proviso substituted by Act 56 of 1972.*

²*Section 9-A inserted by *ibid*.*

(2)Where an application is received under sub-section (1) there shall be sent to the applicant an acknowledgement of its receipt within the prescribed time and in the prescribed form.

(3)On receipt of an application under this section the State Government may having regard to the provisions of this Act and any rules made

thereunder grant or refuse to grant the licence or lease.

11. Preferential right of certain persons (1) Where a prospecting licence has been granted in respect of any land the licence shall have a preferential right for obtaining a mining lease in respect of that land over any other person:

Provided that the State Government is satisfied that the licensee has not committed any breach of the terms and conditions of the prospecting licence and is otherwise a fit person for being granted the mining lease.

(2) Subject to the provisions of sub-section (1) where two or more persons have applied for a prospecting licence or 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 the licence or lease as the case may be over an applicant whose application was received later :

Provided that where any such applications are received on the same day the State Government after taking into consideration the matters specified in sub-section (3) may grant the prospecting licence or mining lease as the case may be to such one of the applicants as it may deem fit.

(3) The matters referred to in sub-section (2) are the following :-

(a) any special knowledge of or experience in prospecting operations or mining operations as the case may be possessed by the applicant;

(b) the financial resources of the applicant;

(c) the nature and quality of the technical staff employed by the applicant;

(d) such other matters as may be prescribed.

(4) Notwithstanding anything contained in sub-section (2) but subject to the provisions of sub-section (1) the State Government may for any special reasons to be recorded and with the previous approval of the Central Government grant a prospecting licence or a mining lease to an

applicant whose application was received later in preference to an applicant whose application was received earlier.

12. Registers of prospecting licences and mining leases (1) The State Government shall cause to be maintained in the prescribed form-

(a) a register of applications for prospecting licences;

(b) a register of prospecting licensees ;

(c) a register of applications for mining leases ; and

(d) a register of mining lessees;

in each of which shall be entered such particulars as may be prescribed.

(2) Every such register shall be open to inspection by any person on payment of such fee as the State Government may fix.

RULES FOR REGULATING THE GRANT OF PROSPECTING LICENCES AND MINING LEASES

13. Power of Central Government to make rules in respect of minerals

(1) The Central Government may by notification in the Official Gazette make rules for regulating the grant of prospecting licences and mining leases in respect of minerals and for purposes connected therewith.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :-

(a) the person by whom and the manner in which applications for prospecting licences or mining leases in respect of land in which the minerals vest in the Government may be made and the fee to be paid therefor ;

(b) the time within which and the form in which acknowledgment of the receipt of any such application may be sent;

(c)the matters which may be considered where applications in respect of the same land are received on the same day;

(d)the persons to whom certificates of approval may be granted the form of such certificates and the fees payable for the grant or renewal thereof;

(e)the authority by which prospecting licences or mining leases in respect of land in which the minerals vest in the Government may be granted;

(f) the procedure for obtaining a prospecting licence or a mining lease in respect of any land in which the minerals vest in a person other than the Government and the terms on which and the conditions subject to which such a licence or lease may be granted or renewed;

(g)the terms on which and the conditions subject to which any other prospecting licence or mining lease may be granted or renewed;

(h)the facilities to be afforded by holders of mining leases to persons deputed by the Government for the purpose of undertaking research or training in matters relating to mining operations;

(i) the fixing and collection of dead rent fines fees or other charges and the collection of royalties in respect of-

(i) prospecting licence.

(ii) mining leases.

(iii) Minerals mined, quarried, excavated or collected;

(j)the manner in which rights of third parties may be protected (whether by payment of compensation or otherwise) in cases where any such party any be prejudicially affected reason of any prospecting or mining operations ;

(k)the grouping of associate minerals for the purposes of section 6;

(l) the manner in which and the conditions subject to which a prospecting licence or a mining lease may be transferred;

(m) the construction maintenance and use of roads power transmission lines tramways railways aerial ropeways pipelines and the making of passages for water for mining purposes on any land comprised in a mining lease;

(n) the form of registers to be maintained under this Act;

(o) the disposal or discharge of any tailings slime or other waste products arising from any mining or metallurgical operations carried out in a mine;

(p) the reports and statements to be submitted by holders of prospecting licences or owners of mines and the authority to which such reports and statements shall be submitted;

(q) the period within which applications for revisions of any order passed by a Stated Government or other authority in exercise of any power conferred by or under this Act, may be made and the manner in which such applications shall be disposed of; and

(r) any other matter which is to be or may be prescribed under this Act.

¹[13A. **Power of Central Government to make rules for the grant of prospecting licenses or mining leases in respect of territorial waters or continental shelf of India** (1) The Central Government may by notification in the Official Gazette make rules for the grant of prospecting licenses or mining leases in respect of any minerals underlying the ocean within the territorial water or the continental shelf of India.

(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters namely-

(a) the conditions limitations and restrictions subject to which such prospecting licenses or mining leases may be granted;

(b)regulation of exploration and exploitation of minerals within the territorial waters of the continental shelf of India;

(c)ensuring that such exploration or exploitation does not interfere with navigation ; and

(d)any other matter which is required to be or may be prescribed.]

14. Sections 4 to 13 not to apply to minor minerals - The provisions of sections 4 to 13 (inclusive) shall not apply to ²[quarry lease mining leases or other mineral concessions] in respect of minor minerals.

15. Power of State Governments to make rules in respect of minor minerals-(1) The State Government may by notification in the Official Gazette make rules for regulating the grant of ³[quarry leases mining leases or other mineral on cessions] in respect of minor minerals and for purposes connected therewith.

¹Section 13-A inserted by Act 56 of 172 section 5.

²Substituted for the words “prospecting licenses and Measuring leases” by ibid section 7.

³Substituted for the words “prospecting licenses and mining leases” by ibid section 8.

(2)Until rules are made under sub-section (1) any rules made by a State Government regulating the grant of ¹[quarry leases mining leases or other minerals concessions] in respect of minor minerals which are in force immediately before the commencement of this Act shall continue in force.

(3)²[(3)The holder of a mining lease or any other mineral concession granted under any rule made under sub-section (1) shall pay royalty in respect of minor minerals removed of consumed by him or by his agent manager employee contractor or sub-lessee at the rate prescribed for the time being in the rules framed by the State Government in respect of minor minerals;

Provided that the State Government shall not enhance the rate of royalty in respect of any minor mineral for more than once during any period of four years.]

16. Power to modify mining leases granted before 25th October, 1949³ - [(1) (a) All mining leases granted before the commencement of the Mines and Minerals (Regulation and Development) Amendment Act 1972 if in force at such commencement shall be brought into conformity with the provisions of this Act and the rules made thereunder within six months from such commencement or such further time as the Central Government may by general or special order specify in this behalf .

(b) Where the rights under any mining lease granted by the proprietor of an estate or tenure before the commencement of the Mines and Minerals (Regulation and Development) Amendment Act 1972 have vested on or after then 25th day of October 1949 in the State Government in pursuance of the provisions of any Act of any Provincial or State Legislature which provides for the acquisition of estates or tenures or provides for agrarian reform such mining lease shall be brought into conformity with the provisions of this Act and the rules made thereunder within six months from the commencement of the Mines and Minerals (Regulation and Development) Amendment Act 1972 or within such further time as the Central Government may by general or special order specify in this behalf.]

¹Substituted for the word “Prospecting licenses and mining lease” by Act 56 of 1972 section 8.

²Sub-section (3) inserted and shall be deemed always to have been inserted by ibid section 3

³Sub-section (1) substituted by ibid section 9.

(2) The Central Government may by notification in the Official gazette make rules for the purposes of giving effect to the to the provisions of sub-section (1) and in particular such rules shall provide-

(a)for giving previous notice of the modification or alteration proposed to be made in any existing mining lease to the lessee and where the lessor and for affording him an opportunity of showing cause against the proposal;

(b)for the payment of compensation to the lessee in respect of the reduction of any area covered by the existing mining lease;

(c)for the principles on which the manner in which and the authority by which the said compensation shall be determined.

SPECIAL POWERS OF CENTRAL GOVERNMENT TO UNDERTAKE PROSPECTING OR MINING OPERATIONS IN CERTAIN CASES

17.Special powers of Central Government to undertake prospecting or mining operations in certain lands -(1) The provisions of this section shall apply ¹[* *] in respect of land in which the minerals vest in the Government of a State ²[or any other person].

(2)Notwithstanding anything contained in this Act the Central Government after consultation with the State Government may undertake prospecting or mining operations in any area not already held under any prospecting licence or mining lease and where it proposes to do so it shall by notification in the Official Gazette,-

(a)specify the boundaries of such area,

(b)state whether prospecting or mining operations will be carried out in the area ; and

(c)specify the mineral or minerals in respect of which such operations will be carried out.

¹The word “only omitted by Act 56 of 1972 section 10.

²the words “or any other person” inserted by *ibid*.

(3) Where in exercise of the powers conferred by sub-section (2) the Central Government undertakes prospecting or mining operation in any area the Central Government shall be liable to pay prospecting fee royalty surface rent or dead rent as the case may be at the same rate at which it would have been payable under this Act if such prospecting or mining operations had been undertaken by a private person under a prospecting licence or mining lease.

(4) The Central government with a view to enabling it to exercise the powers conferred on it by sub-section (2) may after consultation with the State Government by notification in the Official Gazette declare that no prospecting licence or mining lease shall be granted in respect of any land specified in the notification.

DEVELOPMENT OF MINERALS

18. Mineral Development - (1) It shall be the duty of the Central Government to take all such steps as may be necessary for the conservation and development of minerals in India and for that purpose the Central Government may by notification in the Official Gazette make such rules as it thinks fit.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters namely-

(a) the opening of the new mines and the regulation of mining operations in any area;

(b) the regulation of the excavation or collection of minerals from any mine;

(c) the measures to be taken by owners of mines for the purpose of beneficiation of ores including the provision of suitable contrivances for such purpose;

(d) the development of mineral resources in any area;

(e)the notification of all new borings an shaft sinkings and the preservation of bore-hole records an specimens of all new bore-holes;

(f)the regulation of the arrangements for the storage of minerals and the sticks thereof that may be kept by any person;

(g)the submission of samples of minerals from any mine by the owner thereof and the manner in which and the authority to which such samples shall be submitted; and the taking of any mineral from any mine by the State Government or any other authority specified by it in that behalf ; and

(h)the submission by owners of mines of such special or periodical returns and reports as may be specified and the form in which and the authority to which such returns and reports shall be submitted.

(3)All rules made under this section shall be binding on the Government.

¹[18A. Power to authorities Geological Survey if India etc., to make investigation (1) Where the Central Government is of opinion that for the conservation and development of minerals in India it is necessary to collect as precise information as possible with regard to any mineral available in or under any land in relation to which any land in relation to which any prospecting licence or mining lease has been granted whether by the State Government or by any other person the Central Government may authorities the Geological Survey of India or such other authority or agency as it may specify in this behalf to carry out such detailed investigation for the purpose of obtaining such information as may be necessary :

¹Section 18-A inserted by Act 56 of 1972 section 11.

Provided that in the cases of prospecting licenses or mining leases granted by a State Government no such authorisation shall be made except after consultation with the State Government.

(2)On the issue of any authorization under sub-section (1) it shall be lawful for the Geological Survey of India or the specified authority or

agency and its servants and workmen-

(a)to enter upon such land,

(b)to dig or bore into the sub-soil,

(c)to do all other acts necessary to determine the extent of any mineral available in or under such land,.

(d)To set out boundaries of the land in which any mineral is expected to be found,

(e)To mark such boundaries and line by placing marks,

(f)Where otherwise the survey cannot be completed on the boundaries and line marked to cut down and clear away any part of any standing crop fence or jungle :

Provided that no such authority or agency shall enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days notice in writing of its intention to do so.

(3)Whenever any action of the nature specified in sub-section (2) is to be taken the Central Government shall before or at the time when such action is taken pay or tender payment for all necessary damage which is likely to be caused and in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it should be paid or tendered the Central Government shall refer the dispute to the principal civil court of original jurisdiction having jurisdiction over the land in question.

(4)The fact that there exists any such dispute as is referred to in sub-section (3) shall not be a bar to the taking of any action under sub-section (2).

(5)After the completion of the investigation the Geological Survey of India or the specified authority or agency by which the investigation was

made shall submit to the Central Government a detailed report indicating therein the extent and nature of any mineral which lies deposited in or under the land.

(6)The costs of the investigation made under this section shall be borne by the Central Government :

Provided that where the State Government or other person in whom the minerals are vested or the holder of any prospecting licence or mining lease applies to the Central Government to furnish to it or him a copy of the report submitted under sub-section (5) that State Government or other person or the holder of a prospecting licence or mining lease as the case may be shall be bear such reasonable part of the costs of investigation as the Central Government may specify in this behalf and shall on payment of such part of the costs of investigation be entitled to receive from the Central Government a true copy of the report submitted to it under sub-section (5)].

MISCELLANEOUS

8.Prospecting licenses and mining leases to be void if in

contravention of Act Any prospecting licence or mining lease granted renewed or acquired in contravention of the provisions of this Act or any rules or orders made thereunder shall be void and of no effect.

Explanation.-Where a person has acquired more than one prospecting licence or mining lease in any State and the aggregate area covered by such licenses or leases as the case may be exceeds the maximum area permissible under section 6 only that prospecting licece or mining lease the acquisition of which has resulted in such maximum area being exceeded shall be deemed to be void.

9.Act and rules to apply to all renewals of prospecting licenses and mining leases -The provisions of this Act and the rules made thereunder shall apply in relation to then renewas after the commencement of this Act of any prospecting licence or mining lease granted before such

commencement as they apply in relation to the renewal of a prospecting licence or mining lease granted after such commencement.

10. Penalties¹[(1) Whoever contravenes the provisions of sub-section (1) of section 4 shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both.]

(2) Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

²[(3) Where any person trespasses into any land in contravention of the provisions of sub-section (1) of section 4 such trespasser may be served with an order of eviction by the State Government or any authority authorised in this behalf by that Government and the State Government or such authorised authority may if necessary obtain the help of the police to evict the trespasser from the land.

(2) whenever any person raises without any lawful authority any mineral from any land and for that purpose brings on the land any tool equipment vehicle or any other thing such mineral tool equipment vehicle or other thing shall be liable to be seized by a magistrate specially empowered in this behalf.

¹Sub-section (1) substituted by Act 56 of 1972 section 12.

²Sub-sections (3), (4) and (5) substituted by Act 56 of 1972.

(3) Whenever any person raises without any lawful authority any mineral from any land the State government may recover from such person the mineral so raised or where such mineral has already been disposed of the price thereof and may also recover from such person rent

royalty or tax as the case may be for the period during which the land was occupied by such person without any lawful authority.]

11.Cognizance of offences No court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Government

12.Offences by companies (1) If the person committing an offence under this Act or any rules made thereunder this Act or any rules made thereunder is a company every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge of that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed with the consent or connivance of any director manager secretary or other officer of the company such director manager secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

1. “company” means any body corporate and includes a firm or other association of individuals;
2. “director” in relation to a firm means a partner in the firm.

¹[**23A. Compounding of offences** - (1) Any offence punishable under this Act or any rule made thereunder may either before or after the institution of the prosecution be compounded by the person authorised under section 22 to make complaint to the court with respect to that

offence on payment to that person for credit to the Government of such sum as that person may specify :

Provided that in the case of an offence punishable with fine only no such sum shall exceed the maximum amount of fine which may be imposed for that offence.

Where an offence is compounded under sub-section (1) no proceeding or further proceeding as the case may be shall be taken against the offender in respect of the offence so compounded and the offender if in custody shall be released forthwith.]

13.Power of entry and inspection (1) For the purpose of ascertaining the position of the working actual or prospective of any mine or a abandoned mine or for any other purpose connected with this Act or the rules made thereunder any person authorised by the Central Government in this behalf by general or special order may-

1. enter and inspect any mine ;
2. survey an take measurements in any such mine;
3. weigh measure or take measurements of the stocks of minerals lying at any mine;

1Section 23-A inserted by Act 56 of 1972 section 18

(d) examine any document book register or record in the 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 record as is referred to in clause (d); and

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

(2) Every person authorised by the Central Government under sub-section (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 the powers conferred by clause (e) or clause (f) of that sub-section shall legally bound to comply with such order or summons as the case may be.

14. Recovery of certain sums as arrears of land revenue - 1[(1) Any rent royalty tax fee or other sum due to the Government under this Act or the rules made thereunder or under the terms and conditions of any prospecting licence or mining lease may on a certificate of such officer as may be specified by the State Government in this behalf by general or special order be recovered in this behalf by general or special order be recovered in the same manner as an arrear of land revenue.

2[(2) Any rent royalty tax fee or other sum due to the Government either under this Act or any rule made thereunder or under the terms and conditions of any prospecting licence or mining lease may on a certificate of such officer as may be specified by the State Government in this behalf by general or special order be recovered in the same manner as if it were an arrear of land revenue and every such sum which becomes due to the Government after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act 1972 together with the interest due thereon shall be a first charge on the assets of the holder of the prospecting licence or mining lease as the case may be.]

15. Delegation of powers- (1) The Central Government may by notification in the Official Gazette direct that any power exercisable by it under this Act may in relation to such matters and subject to such conditions if any as may be specified in the notification be exercisable also by-

(a) such officer or authority subordinate to the Central Government ; or

(b) such State Government or such officer or authority subordinate to a State Government ;

as may be specified in the notification.

(2) The State Government may by notification in the Official Gazette direct that any power exercisable by it under this Act 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.

(3) Any rules made by the Central Government under this Act may confer powers and impose duties or authorise the conferring of powers and imposition of duties upon any State Government or any officer or authority subordinate thereto.

16. Protection or action taken in good faith No suit prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

17. Rules and notifications to be laid before parliament and certain rules to be approved by Parliament 1[(1) Every rule and every notification made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session and if one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should be made the rule or notification shall thereafter have effect only in such modified form or be of no effect as case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.]

(2) Without prejudice to the generality of the rulemaking power vested in the Central Government no rules made with reference to clause (c) of sub-section (2) of section 16 shall come into force until they have been approved whether with or without modification by each House of Parliament.

18. Existing rules to continue - All rules made or purporting to have been made under the Mines and Minerals (Regulation and Development) Act 1948 shall in so far as they relate to matters for which provision is made in this Act and are not inconsistent therewith be deemed to have been made under this Act as if this Act had been in force on the date on which such rules were made and shall continue in force unless and until they are superseded by any rules made under this Act.

19. Power of revision of Central Government - The Central Government may of its own motion or on application made within the prescribed time by an aggrieved party revise any order made by a State Government or other authority in exercise of the powers conferred on it by or under this Act.

1Sub-section (1) substituted by Act 56 of 1972 section 15

1[30A. Special provisions relating to mining leases for coal granted before 25th October, 1949 - Notwithstanding anything contained in this Act the provisions of sub-section (1) of section 9 and of sub –section (1) of section 16 shall not apply to or in relation to mining leases granted before the 25th day of October 1949, in respect of coal but the Central Government if it is satisfied that it is expedient so to do may by notification in the Official Gazette direct that all or any of the said provisions (including any rules made under section 13 and 18) shall apply to or in relation to such leases subject to such exception and modifications if any as may be specified in that or in any subsequent notification.]

20. Relaxation of rules in special cases - The Central Government may if it is of opinion that in the interests of mineral development it is necessary so to do by order in writing and for reasons or transfer of any prospecting licence or mining lease or working of any mine for the purpose of searching for or winning any mineral on terms and conditions different from those laid down in the rules made under section 13.

21. [Amendments to Act 53 of 1948.] Repealed by the Repealing and Amending Act 1960 (58 of 1960), section 2 and First Schedule.

22. Validation of certain acts and indemnity - All acts of executive authority done proceedings taken and sentences passed under the Mines and Minerals (Regulation and Development) Act 1948, with respect to the regulation of mines and the development of minerals during the period commencing on the 26th day of January, 1950 on date of commencement of this Act by the Government or by any officer of the or by any officer of the Government or by any other authority in the belief or purported belief that the acts proceedings or sentences were being done taken or under the said Act shall be as valid and operative as if they had been done taken or passed in accordance with law and no suit or other legal proceeding shall be maintained or continued against any person whatsoever on the ground that any such acts proceedings or sentences were not done taken or passed in accordance with law.

¹Inserted by the Mines and Minerals (Regulation and Development) Amendment Act 1958 (15 of 1958), section 2 (with retrospective effect.

THE FIRST SCHEDULE

[See section 5 (2) (a), 7(2) and 8(2)]

SPECIFIED MINERALS

1. Apatite and phosphate ores.
2. Beryl¹.
3. Chrome ore
4. Coal and lignite.
5. Columbite, samarskite and other minerals of the “rare earth” group.
6. Copper.
7. Gold.
8. Gypsum.
9. Iron ore.

10. Lead.
11. Maganese ore.
12. Molybdenum.
13. Nickel ores.
14. Platinum and other precious metals and their ores.
15. Pitchblend an other uranium ores.
16. Precious stones.
17. Rutile.
18. Silver.
19. Sulphur and its ores.
20. Tin.
21. Tungsten ores.
22. Uraniferous allanite, monazite and other thorium minerals.
23. Uranium bearing tailings left over from ores after extraction of copper and gold ilmenite and other titanium ores.
24. Vanadium ores.
25. Zink.
26. Zircon.

THE SECOND SCHEDULE

(See Section 9)

RATES OF ROYALTY

1	Coal	Five per cent of f. o. r, price subject to a minimum of fifty naye paise per ton.
2	Mica-	
	(a) Crude Mica	Six rupees per 100 Kg.
	(b) Trimmed mica of qualities Heavy-stain dense stained or spotted Second quality.	Ten rupees per 100 Kg. other then

¹Substituted by G. S. R. 1263 dated 29th June, 1968, see Gazette of India Part II Section 3(I) page 369 and shall come into force with effect from 1st July 1968.

²Substituted by G. S, R. 1486, dated 31st October, 1962 see Gazette of India Part II section 3(I) page 1791.

5	(a) All precious and semi-precious stones (except diamond).	Twenty percent of the sale price at the pit's mouth.
	(b) Diamond	Ten percent of the sale price at the pit's mouth
6	Maganese ore-	
	² [(a) Maganese dioxide (containing 78 per cent or more of Mno 2 and 4 per cent or below Fe)	Fifteen rupees per tonne]

¹Substituted by G. S. R.1263 dated 29th June 1968-see Gazette of India Part II section 3(I) page 369 and shall come into force with effect from 1st July, 1968.

²Clause (a) substituted by G. S. R. 2053, dated 15th November, 1969-see Gazette of India part II section 3(I) page 2863.

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35	Fluorspar (with 30% of Less of CaF ₂)	Ten rupees per tonne.
36	Magnesite-	
	(a) Superior quality with less than 2.5% silica	Three rupees per tonne.
	(b) Inferior quality with 2.5% or more silica	Two rupees and fifty paise per tonne
37	Nickle Ore	One rupee and seventy-six paise per unit

THE THIRD SCHEDULE

Repealed by the Repealing and Amending Act, 1960 (58 of 1960), section 2 and First Schedule.

¹Substituted by G. S. R. 1451, dated 27th August, 1963 see Gazette of India Part II section 3(I) page 1685. This entry was renumbered by ibid to read as above.

1[THE THIRD SCHEDULE

(See section 9A)

DEAD RENT

Period of the mining lease	Rate of dead rent per hectare
1. 1 st year	Nil
2. 2 nd year to 5 th year	Rs. 12.50.
3. 6 th year to 10 th year	Rs. 25.00
4. 11 th year onwards	Rs. 37.50]

¹*schedule III inserted by Act 56 of 1972, s. 16.*

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