

No. M.VI-16/52/2023-Mines VI

Government of India

Ministry of Mines

Shastri Bhawan, Dr. Rajendra Prasad Road

New Delhi-110 001

Dated:- 13th November, 2023

NOTICE

Subject: Amendment to rule 12(1)(k) of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 ('MCR, 2016').

Sub-rule (1) of rule 12 of the MCR, 2016 provides the terms and conditions of a mining lease. Clause (k) of the said sub-rule provides conditions for disposal of mineral of inferior quality (which cannot be used as major mineral), overburden, waste rock, minor mineral, etc. obtained from a mine.

2. The second proviso inserted in the said clause (k) vide amendment dated 02.11.2021, *inter alia*, provide for disposal of overburden or waste rock or mineral below threshold value. However, the said proviso is silent on intended use of overburden or waste rock or mineral below threshold value while its disposal. There may be cases where the lessee proposes to dispose such mineral below threshold value but the intended use may be for any of the purpose by reason of which use it can be called a mineral other minor mineral. However, in such cases, it will cause loss of revenue to the State Governments. If the intended use of such minerals is as a mineral other than minor mineral (i.e. major mineral), then instead of seeking permission under rule 12(1)(k), the lessee should produce and dispatch such mineral in normal course of mining and reflect the same in mining plan as well as monthly and annual returns.

3. Therefore, it is proposed to clarify the provision of rule 12(1)(k) through an amendment. Accordingly, a draft notification for amendment of the said rule is enclosed herewith.

4 . As part of the Pre-Legislative Consultation Policy, comments/suggestions are invited from the general public, Governments of

States and Union Territories, mining industry stake-holders, industry associations, and other persons and entities concerned, on the draft amendment.

5. The last date for receipt of the comments/suggestions is 13.12.2023.

6. The comments/suggestions may be sent by e-mail in MS-Office Word file to the following ID:

jspolicy-mines@gov.in

The subject of the e-mail should be "Comments/ suggestions on the amendment of rule 12(1)(k) of the MCR, 2016".

7. Alternatively, comments/suggestions may also be sent by post to the following address:

Shri Mustaq Ahmad, Director
Ministry of Mines
Room No 313,
D-Wing Shastri Bhawan,
Dr Rajendra Prasad Road
New Delhi -110 001

The envelope may kindly be superscribed on the top with:

"Comments/ suggestions on the amendment of rule 12(1)(k) of the MCR, 2016".

Encl.: As above.



(Vinod Kumar)

Under Secretary to the Govt. of India
011-23383946

**[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,
SECTION 3, SUB-SECTION (i)]**

**Government of India
Ministry of Mines**

Notification

New Delhi, the October, 2023

G.S.R. ____ (E).— In exercise of the powers conferred by section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules further to amend the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016, namely:—

1. Short title and commencement.—(1) These rules may be called the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession ____Amendment Rules, 2023.

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

2. In the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016, in rule 12, in sub-rule (1), in clause (k), after the second proviso, the following provisos shall be inserted, namely:—

“Provided also that permission under the second proviso shall be granted only in case where such overburden or the waste rock or mineral below threshold value cannot be used for any of the purposes by reason of which use it can be called a mineral other than minor mineral:

Provided also that permission under this sub-rule may be revoked at any time after giving an opportunity of hearing to the lessee;”.

[F. No. M.VI-16/52/2023-Mines VI]

(Dr. Veena Kumari Dermal)
Joint Secretary

Note:- The Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 were published in the Gazette of India, Part II, section 3, sub-section (i) vide number G.S.R. 279(E) dated the 4th March, 2016 and lastly amended vide number G.S.R. 737(E), dated the 12th October, 2023.