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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Industry, Commerce & Enterprise

Mines Branch

4, Abanindranath Tagore Sarani (Camac Street), Kolkata-700016

NOTIFICATION

No. 668/CI/O/MIN/GEN-MISS/17/2022

Dated: 22/11/2022

Whereas, the western districts of the state, such as, Birbhum, Paschim Bardhaman, Bankura, Purulia have huge reserves of minor minerals, like, Black Stone, China Clay & Fire Clay, Quartz & Feldspar etc., majority occurrence of which is found in private/raiyaati land,

And whereas, the State Government was considering that a huge population of women and men workers who are associated with and earn their living from multiple ancillary industries associated with mining, such as, crushing, processing and transportation sectors will benefit from a mining policy in Raiyaati land,

And whereas, to encourage extraction of these minerals in a sustainable manner, following all statutory environmental guidelines, the State Government vide notification no. 379-ICE/O/MIN/GEN-MIS/76/2017 dated 24th September 2021, declared that it will bring out detailed modalities of mining of minor minerals in raiyaati land,

Now, therefore, the Governor is hereby pleased to publish the Policy of Mining of Minor Minerals in Private/Raiyaati land for the State of West Bengal.

The Policy of Mining of Minor Minerals in Private/Raiyaati land

1. Only the Raiyat owning the land can apply for a mining lease. They may apply individually or organise themselves in a group of Raiyats/Company. All the legal documents shall only be issued in the name of raiyat/group of raiyats/company thus ensuring complete ownership, responsibility, and equitable social justice.
2. The application shall then be evaluated by district land department regarding authenticity of ownership of land and be forwarded with their recommendation to the state nodal agency West Bengal Mineral Development & Trading Corporation Ltd (WBMDTCL).

3. WBMDTCL may grant provisional Letter of Intent (LoI) to the raiyat(s) if it is prima facie satisfied. LoI shall be issued against the payment of an advance fees.
3. Based on provisional LOI, the Raiyat(s) will get mining plan prepared by qualified agency, establish the mineable reserve and get it approved by the competent authority. Thereafter, he/they shall submit application for Environmental Clearance (EC) to State Environment Impact Assessment Authority (SEIAA). The Raiyat(s) shall be responsible for prospecting, determining and finalizing of Mining Plan through qualified agency, obtaining Environment Clearance (EC) and all statutory clearances/approvals/permissions thus ensuring environment friendly and sustainable mining.
4. After obtaining EC, Consent to Establish (CTE) & Consent to Operate (CTO) and all statutory clearances approvals/permissions, the Raiyat(s) shall apply for grant of Mining Lease. A Mining Lease Fee shall be charged before granting such mining lease amount of which shall be fifty percentage (50%) of value of minor mineral dispatched in one month as per the environment clearance in rupee term. The advance fees paid while receiving provisional LoI shall be adjusted.

The value of minor mineral shall be an amount equal to the product of,

- mineral to be dispatched in a month as per the approved Environment Clearance, and,
 - Assessed price of the minor mineral as determined by the State Government
5. The lease shall be granted for a period of 5 years or till the reserve is exhausted, whichever is earlier, with a provision of extension for up to 5 years at a time depending upon the mineral reserve established, adhering to statutory norms at the discretion of the state government. For any extension of mining lease, the Mining Lease Fee shall be calculated based on the revised approved mining plan/ Environment Clearance at that time and has to be paid again.
 6. The lessee shall pay royalty, cess, DMF and other statutory payments as applicable and obtain excavation permit during the entire life cycle of the mines.

The willing lessees of contiguous plots are allowed to execute agreement between/among them for 'Common Area Extraction' to promote scientific and sustainable mining.

The detailed procedure and guidelines for this is placed below:

The Standard operating Procedure (SoP) proposed by the Department

The following procedure is proposed for granting Mining Leases for excavation of minor mineral on raiyati land.

- The interested Raiyat/Group of Raiyats/Company as Raiyat shall apply for grant of Letter of Intent (LoI) to the state nodal agency (WBMDTCL) for an area of minimum 1 Ha on their own land(s) along with land details for all minor minerals except morrum.
- This application shall be made on WBMDTCL webportal or any other manner decided by WBMDTCL.
- For morrum, the interested Raiyat/Group of Raiyats/Company as Raiyat shall apply for grant of Letter of Intent (LoI) to the state nodal agency for any parcel area on which Environmental Clearance (EC) can be obtained
- The cost of such application shall be Rs.50,000/-.
- The application shall then be evaluated by district land department regarding authenticity of ownership of land and be forwarded to the state nodal agency with their recommendation.
- As nature of land will also be examined during such evaluation, the applicant may apply for land conversion simultaneously if the same is needed. Conversion is mandatory before the execution of mining lease.
- The state nodal agency (WBMDTCL) shall then grant/reject provisional LoI to the raiyat(s).
- For the issuance of LOI the interested Raiyat/Group of Raiyats/Company as Raiyat shall submit an advance fees amounting to 1000 times the royalty of the minor mineral per Ha before the issuance of LOI. For eg. is

any raiyat is applying for a three hectare plot for mining blackstone and the royalty rate for blackstone is Rs 130 per cubic meter, the advance fees will be $3 \times 130 \times 1000$ i.e. Rs 3,90,000. The size of the plot will be rounded off to the nearest integer for this calculation.

- Based on provisional LOI, the Raiyat(s) will get mining plan prepared by qualified agency, establish the mineable reserve, and get it approved by the competent authority. Thereafter, he/they shall submit application for Environmental Clearance (EC) to State Environment Impact Assessment Authority (SEIAA). The Raiyat(s) shall be responsible for prospecting, determining, and finalizing of Mining Plan through qualified agency, obtaining Environment Clearance (EC) and all statutory clearances/approvals/permissions.
- After obtaining EC, Consent to Establish (CTE) & Consent to Operate (CTO) and all statutory clearances/approvals/permissions, the Raiyat(s) shall apply for grant of Mining Lease. Along with such clearances/approvals/permissions, the Raiyat(s) shall pay the residual amount of the Mining Lease Fee after adjusting the advance fees paid at the time of issuance of LOI.
- One time Mining Lease Fee shall be fifty percentage (50%) of value of minor mineral dispatched in one month as per the approved environment clearance in rupee term.
- The value of minor mineral shall be an amount equal to the product of,
 - mineral to be dispatched in a month as per the approved Environment Clearance, and,
 - Assessed price of the minor mineral as determined by the State Government
- The state nodal agency (WBMDTCL) shall execute the mining lease on behalf of the Industry, Commerce and Enterprises Department.
- The lease shall be granted for a period of 5 years or till the reserve is exhausted, whichever is earlier, with a provision of extension for up to 5 years at a time depending upon the mineral reserve established, adhering to statutory norms at the discretion of the state government. For any extension of mining lease, the Mining Lease Fee shall be calculated based on the revised approved mining plan/environment clearance at that time and has to be paid again.
- The lessee shall pay royalty, cess, DMF and other statutory payments as applicable and obtain excavation permit during the entire life cycle of the mines.
- The willing lessees of contiguous plots are allowed to execute agreement between/among them for 'Common Area Extraction' to promote scientific and sustainable mining.
- WBMDTCL shall reserve the right to accept or reject any application without assigning reasons.

By order of the Governor,

VANDANA YADAV

Secretary to the Government of West Bengal.