

**'Scheme of Mining' for the mining of Construction Material
(Minor Minerals) in the Aravalli Range falling in the district of
Faridabad (including Palwal) in Haryana State**

The mining of construction material, constituting the minor minerals, from the Aravalli ranges extending into the district of Faridabad (including Palwal) has been permitted by the Hon'ble Supreme Court of India vide its orders dated 08.10.2009 along with the terms and conditions specified in the order and those contained in the report dated 15.01.2009 filed by the Central Empowered Committee (CEC). The said terms and conditions have been stipulated primarily to regulate the mining operations consistent with the principles of precautionary safeguards for preservation of the ecology and environment and in conformity with the principles of sustainable development.

Accordingly, the Governor of Haryana is pleased to approve and notify a "Scheme of Mining" for the mining of construction material from the Aravalli ranges extending into the district of Faridabad (including Palwal).

2. This Scheme consists of three Sections:
 - I. Guidelines regarding the transparent manner and mode of grant of mining leases/ contracts for the period specified therein including, but not limited to, the following:
 - i) the need for submission of a mining plan by the lease/ contract grantee and its approval by the competent authority in the state;
 - ii) the work-plan and the measures for restoration/ rehabilitation of the mined areas;
 - II. Constitution of a Monitoring Committee; and
 - III. Establishment, management and operation of the Aravalli Rehabilitation Fund.

Empowered Committee:

3. The Government has decided to constitute an Empowered Committee to supervise and oversee the implementation of this scheme. The Empowered Committee will be competent to take decisions on all the matters involved therein or incidental

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thereto, including, but not limited to, the inter-departmental issues and the decisions taken by the Empowered Committee shall have a binding effect on all the departments. The constitution of the Empowered Committee is as under:

Sr. No.	Name/ Designation of the Officer	Status
1	Chief Secretary to Government of Haryana	Chairman
2	Financial Commissioner and Principal Secretary to the Government of Haryana, Finance Department	Member
3	Financial Commissioner and Principal Secretary to the Government of Haryana, Forest Department	Member
4	Financial Commissioner and Principal Secretary to the Government of Haryana, Environment Department	Member
5	Financial Commissioner and Principal Secretary to the Government of Haryana, Mines & Geology Department	Member
6	Financial Commissioner and Principal Secretary to the Government of Haryana, Dept. of Town & Country Planning	Member
7	Principal Chief Conservator of Forests, Haryana	Member
8	Chief Administrator, HUDA	Member
9	Member-Secretary, Environment Pollution Control Board	Member
10	Director, Mines & Geology	Member-Secretary
11	Special Invitees, if any,	

4. The provisions contained in this scheme are complementary/ supplementary to the provisions in the State Minor Mineral Concession Rules, as amended from time to time, which may provide for additional compliance requirements. In case of any inconsistency between the two, the provisions contained in this Scheme will have an over-riding effect. The Scheme has been framed in consultation with the Central Empowered Committee vide its reference bearing File No. 2-50/CEC/SC/2009 dated 16th December 2009.

5. The Scheme shall be applicable to the mining of minor minerals consisting of construction material in the Aravalli range in the district of Faridabad (including Palwal) and may also extend to the district of Gurgaon (including Mewat) in due course of time (as and when the Hon'ble Supreme Courts permits the mining of minor minerals in these districts).

6. The Scheme consists of three major sections as mentioned in para 2 above. The details of each of these Sections are as follows:

Section - I

Guidelines on the manner and mode of Grant of Lease/ contracts for mining of construction material in the Aravalli range in the district of Faridabad (including Palwal):

1. Identification of Sites:

The Mines & Geology Department, Government of Haryana, shall, in the first instance, identify the exact areas at two or more locations for mining of construction material. This exercise will be carried out with due regard to the feasibility of workings on the sites keeping in view the logistics of transportation of the mined material i.e. access, locations for intermediate transfer of the mined material for processing (at stone crushers) and its final dispatch. While selecting the site locations, due care would be taken to scrupulously exclude (i) such sites as have already been excavated up to the ground water level during the process of mining and which would need to be restored and rehabilitated as part of the overall plan, and (ii) the eco-sensitive areas in close vicinity of the Badhkhal and Surajkund.

Further, no mining activity will be permissible beyond the level of ground water. As a matter of abundant caution, a buffer of a minimum of one meter will be maintained above the ground water level. For transportation of mineral from the mining site(s), appropriate roads/approaches, which do not lead to further environmental degradation, will be prescribed by the State of Haryana. No other road will be allowed to be used by the contractor/lessee for transportation of mineral.

2. Size of the Mining Blocks:

- i) The area under each of the mining blocks/ size will be decided keeping in view the broad principle that (i) the area is not so small as to render the workings of the mine in a scientific and planned manner difficult, and (ii) it is not large enough to result in creating monopoly situations in the market. Accordingly, the size of any one mining block may vary between 30 hectares to 100 hectares depending on the location constraints;
- ii) The boundaries of the areas so identified would be got demarcated by the Mines & Geology Department from the officers of Revenue Department and

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appropriate pillars/ identification marks would be created at site before granting lease/ contract of any mining block;

- iii) It would be the duty of the Lease/ contract grantee to preserve and maintain such identification marks during the validity of the lease/ contract period and the Department may require the Lessee to install/ provide a barbed wire-fencing of the area leased out so as to ensure that no disputes are raised at a later stage on this account.

3. Period of Mining Lease/Contract:

The period of grant of lease/ contract may vary from 7 to 10 years. The State Government may make suitable enabling provisions to this effect by way of amendment in its Minor Mineral Concession Rules;

Provided that the State may consider grant of Short-Term Permits for a period not exceeding 180 days in order to meet any exigencies/ intervening arrangements subject to environmental clearances;

Provided further that there shall be no extension of an existing lease/ contract on expiry of the original period of the grant and any such lease/ contract, on expiry of the original period of grant, shall be granted only in the manner hereinafter prescribed.

4. Environmental Approvals:

The State Government shall obtain all the environmental approvals/ clearances as required in terms of the MOE&F Notification dated 14.09.2006 before grant of lease/ contracts and the lessees/ contractors shall be under obligation to adhere to the environmental requirements/stipulations while carrying out their workings and fulfill all the terms and conditions attendant thereto.

5. Mode and Manner of Grant of Lease/ Contract:

- i) The Department of Mines and Geology, Government of Haryana, shall grant all leases/ contracts of the mining blocks, identified and carved out as per para 2 above, by way of an open auction following a transparent process;

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- ii) The Department shall get a public notice published to that extent in at least three newspapers, of which one would be in vernacular, giving a clear notice of no less than 7 days of such auction. The notice shall also be published on the website of the Department and shall contain all the relevant details;
 - iii) The Department may disallow certain persons/ firms/ associations/ companies from participating in the bid process in case such persons are found defaulting in payment of any old contract/ lease monies to the Government, and/ or have failed to carry out restoration/ rehabilitation works in the past and have failed to furnish an appropriate surety for the same;
 - iv) The auction shall be conducted by a Committee headed by the Deputy Commissioner of the concerned district. In case the Deputy Commissioner is not able to be present, for whatever reasons, the auction shall be conducted by the Committee headed by the Additional Deputy Commissioner;
 - v) The highest bidder allowed to participate in the bidding process shall be considered eligible for the grant of lease/ contract as the case may be. The highest bidder shall be responsible for depositing/ payment of the lease money as per the rules in force;
 - vi) Once the competent authority in the Government has approved the highest bid, the Department shall grant such lease/ contract in favour of the successful bidder.
- 6. Payment of Security Deposit, Lease Amount, and the amount committed towards restoration works:**
- i) In addition to the amount paid towards the bid on the fall of hammer, the Lessee shall furnish the surety and the Security Deposit as prescribed in the Minor Mineral Concession Rules;
 - ii) The Lessee/ contractor shall deposit the Lease amount on a monthly basis in advance by the 7th of every previous month;
 - iii) In addition, an amount equal to 10% of the auction money (as per prescribed payment schedule) will be deposited by the successful bidder/ leaseholder in an account jointly operated with the Mining Officer of the concerned district.

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This amount is liable to be forfeited and will become part of the Aravalli Rehabilitation Fund if the mining lease holder fails to satisfactorily carry out the reclamation and rehabilitation of the mining area. This amount will be over and above the normal Security Deposit to be made by the Lessee under the relevant rules/ guidelines/procedures. The amount so deposited may be allowed to be withdrawn on a pro-rata basis on the recommendations of the Monitoring Committee, constituted under Section-II, depending on the percentage of the area satisfactorily reclaimed and rehabilitated by the lease holder.

7. Other Terms and Conditions:

The Contractor/ Lessee shall comply with the following conditions during the currency of the grant:

- i) The lease area shall be divided into two parts, and, to the extent possible, each of these two parts will be equal. While the mining lease will cover both the parts, the mining operations in the second part will be permitted to commence only after the first part is reclaimed and rehabilitated at least to the extent 60% of the area;
- ii) The Lessee/ Contractor shall submit a Mining Plan, certified by a qualified geologist/ mining engineer, clearly bringing out therein the method, the schedule, the depth, the restoration/ rehabilitation plan along with the time-frame of such workings, which shall be consistent with the Environmental clearances;
- iii) The said Plan shall be duly approved by the Government in the Department of Mines & Geology, with or without any modification. The Government may invite the lessee/ contractor to make a presentation of its Plan and suggest appropriate changes therein, if required, before a formal approval is granted. The lessee shall carry out modifications suggested, if any, during the process of approval.
- iv) The Contractor/ Lessee shall be allowed to commence the mining operations only after the Mining Plan is duly approved. The Contractor/ Lessee shall

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ensure that mining operations are carried out strictly in accordance with the approved Mining Plan;

- v) The contractor/ lessee shall clearly bounden the area under lease grant with clear demarcation pillars/ barbed-wire fencing etc. and will commence the mining operations in a manner that supports restoration works in tandem;
- vi) The Lessee will also ensure that the transportation of all mined material is allowed to be taken out of the defined premises only through a single exit point which shall be equipped with electronic weigh bridges. The weigh-bridges will be subjected to inspection at regular intervals and the grantee shall submit a six-monthly certification to that effect from the competent authority. Adequate provisions will be made for special registration of vehicles transporting the mined mineral as also the particulars of the consignee to whom it is delivered. These measures will form a part of the mining plan;
- vii) The Lessee shall ensure that every vehicle entering the mining premises carries its number plate, clearly legible and readable from a distance, as per the stipulations in the Motor Vehicles Act. In case a vehicle without such number plates or with fake number plates is intercepted within the site or at the exit point from the mining area, it will be treated as a case of illegal mining and attract appropriate punitive measures;
- viii) The Contractor/Lessee shall, at all times, extend full cooperation to the Monitoring Committee constituted to oversee the compliance of various terms and conditions of the lease/ contract including compliance with the environmental safeguards and commensurate satisfactory progress on the restoration/ rehabilitation works of the mined area.

8. Consequences of non-compliance:

Non-observance of the terms and conditions accompanying the EMP, the Mining Plan or any of the above stipulations by the Lessee/ Contractor shall amount to violation of the terms and conditions of the lease grant and shall entail the following consequences:

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- i) The said violation/ non-observance shall be brought to the notice of the lessee/ contractor in the first instance calling upon him to take corrective action within a period of 30 days;
- ii) Failure to take corrective action pursuant to the above would attract levy of a pecuniary penalty equal to the bid amount for one month in the first instance;
- iii) In case the lessee/ contractor does not take any corrective steps even after the first incidence of levy of penalty and is found to be indulging in such violation for the second time, it would amount to a **breach** of the terms and conditions and shall entail termination of the contract/ lease, forfeiture of Security Deposit and the balance amount lying in the joint account.
- iv) Consequent upon action taken in above terms, the lease/ contract would be terminated and the amount of security deposit and the balance in the joint account forfeited.

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Section - II

Constitution of the Committee to Monitor the compliance of terms and conditions set out in the order dated 8th October 2009 of the Hon'ble Supreme Court of India in respect of mining of minor minerals (construction material) in the Aravallis in the district of Faridabad (including Palwal) in the state of Haryana.

The Governor of Haryana is pleased to accord his approval to the constitution of a Committee to monitor the progress on observance of various precautionary safeguards in the process of mining of construction material in the district of Faridabad (including Palwal) pursuant to the directions of the Hon'ble Supreme Court of India as contained in its order dated 8th May 2009.

2. The initial term of the Monitoring Committee shall be five years from the date of its constitution, which may be renewed periodically through publication of a notification in the Gazette (Extra-ordinary) of the State.

3. The committee shall be known as the 'Monitoring Committee to oversee the Mining of Minor Minerals in the Aravallis in the district of Faridabad (including Palwal) and shall consist of the following:

Sr. No.	Name/ Designation of the Officer	Status
1.	Divisional Commissioner, Gurgaon	Chairman
2.	Joint Secretary, Forests as representative of the Principal Secretary Forests	Member
3.	Conservator of Forests(South), Gurgaon as representative of the PCCF	Member
4.	Representative of the Director General Forests, MOE&F (not below the rank of AIGF)	Member
5.	Senior Mining Engineer, as representative of the Principal Secretary Mines & Geology	Member
6.	Senior Town Planner, Faridabad/ Gurgaon as representative of Principal Secretary Town & Country Planning	Member
7.	Representative of a NGO (Sh. Ritwick Dutta, Advocate)	Member
8.	Deputy Commissioner, Faridabad	Member-Secretary
9.	Mining Officer, Faridabad/ Gurgaon	Special Invitee

4. Terms of Reference of the Monitoring Committee:

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The Monitoring Committee will be kept informed about the details of the mining lessees/ contractors in the area, location of the mining sites, and any other details required by the Committee from time to time. Following will be 'Terms of Reference' of the Monitoring Committee:

- i) To receive information and complaints about any illegal mining in the Aravalli ranges extending into the district of Faridabad (including Palwal);
- ii) To carry out site visits and verification on such complaints;
- iii) To oversee and supervise that the mining operations in the district of Faridabad (including Palwal) are carried out strictly accordance with the forest/ environmental safeguards along with the reclamation and rehabilitation of the mined areas;
- iv) To carry out periodical checks on the compliance of environmental safeguards by the lessees/ contractors and to review the progress on restoration/ rehabilitation measures by the lessees/ contractors;
- v) To review the progress of works on rehabilitation/ reclamation/ restoration of the abandoned sites mined in the past in these districts;
- vi) To recommend release of pro-rata amount out of the joint account (reference provision in para 6(iii) under Section-I of the Scheme);
- vii) To submit periodical reports to the CEC.

5. Meetings and Reviews:

- i) The Monitoring Committee shall meet as and when considered necessary but at least once every quarter to carry out its reviews. The Mining Officer, Faridabad shall act as the Member- Secretary. He will issue notices for the meetings and draw up minutes of every review meeting;
- ii) The Committee shall carry out all site visits together. In so far as possible, such site visits at individual level shall be avoided;

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- iii) A minimum of 5 members present shall constitute the quorum of the meetings of the Committee.

6. Expenditure on the working of the Committee:

While the expenditure on TA/DA of the official members will be borne by the concerned departments, the expenditure on the visit by the representative of the NGO shall be reimbursed on actual basis out of the Aravalli Rehabilitation Fund. He shall be paid a token honorarium of Rs. 1,000/- (one thousand) for each meeting attended by him or site visit undertaken. An imprest amount of Rs. 10,000/- out of the Fund shall always be kept with the Member-Secretary of the Committee and any expenditure on the meetings/ refreshments etc. will be incurred with the approval of the Chairman of the Committee.

7. Issue of Advisory to the Lessees:

The Monitoring Committee may issue advisory to the lessees/ contractors wherever it feels that the quality of attendant restoration works need improvement.

8. State to be informed about the corrective action, if any, required to be taken

Wherever any violations/ non-compliance with the EMPs and the approved Mining Plan are observed, it will bring such facts to the notice of the Government (in the Department of Mines & Geology) for taking corrective measures. The State shall take corrective action in such matters and the Action Taken Report will form a part of the agenda for the subsequent review meeting.

9. Interaction of the Monitoring Committee with the State Government

The Committee may hold interaction with the Principal Secretary Mines & Geology at such intervals as deemed necessary for improvement in the workings of the mines in this area or for deliberating any further remedial steps/ improvements.

10. Submission of Reports by the Committee:

The Monitoring Committee shall submit quarterly reports with the CEC and the State Government or at such intervals as may be required by the CEC and the state Government. The reports for the quarters ending March, June, September and

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December shall be filed by the 30th day of the month following. The reports would cover each of the points constituting the Terms of Reference and may include any such issue that may be outside the TORs.

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Section - III

Establishment of the Aravalli Rehabilitation Fund (ARF)

The Governor of Haryana is pleased to accord his approval to the establishment of a Fund to be known as the "Aravalli Rehabilitation Fund" under the 'Public Account' of the State for the purpose of restoration/ rehabilitation of the Aravalli range and the management thereof in accordance with the provisions contained herein.

2. Accordingly, the Government of Haryana hereby establishes a fund to be known as the '**Aravalli Rehabilitation Fund**'(ARF). The fund shall be maintained under the Public Account of the State under the Head: "Public Account, Deposits and Advances and Remittances - 8229- Development & Welfare Funds - 114 - Mines Welfare Funds - Aravalli Rehabilitation Fund".

3. **Object of the Fund:**

The Aravalli Rehabilitation Fund (ARF) is established with a view to funding all such schemes/ programmes/ projects as are considered necessary for the protection and preservation of the Aravalli ranges in the state of Haryana and thereby the overall ecology and environment of the area. The amount in the fund will be used exclusively for the rehabilitation and afforestation of the Aravalli Hills, particularly the areas affected by the mining activities.

4. **Sources of credit/ accruals to the Fund:**

The following amounts shall be credited to the Fund:

- i) 10% of the auction money (as per schedule of payment) received through auction of minor mineral mines in the Aravalli range falling in the District of Faridabad (including Palwal), and the District of Gurgaon (including Mewat), if permitted by the Hon'ble Supreme Court;
- ii) Any amount appropriated out of the joint account of the Lessee/ Contractor and the Department of Mines & Geology in terms of the orders of the Hon'ble supreme Court;

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- iii) Any amount deposited by any other agency of the State;
- iv) Any grant/ financial support from the Government, multi-lateral funding agencies or NGOs;

5. Administration of the Fund:

The Aravalli Rehabilitation Fund (ARF) shall be administered by a Committee under the Chairmanship of the Chief Secretary to the Government of Haryana. The constitution of the Committee shall be as under:

Sr. No.	Name/ Designation of the Officer	Status
1	Chief Secretary to Government of Haryana	Chairman
2	Financial Commissioner and Principal Secretary to the Government of Haryana, Finance Department	Member
3	Financial Commissioner and Principal Secretary to the Government of Haryana, Department of Environment	Member
4	Financial Commissioner and Principal Secretary to the Government of Haryana, Department of Forests	Member
5	Financial Commissioner and Principal Secretary to the Government of Haryana, Dept. of Town & Country Planning	Member
6	Financial Commissioner and Principal Secretary to the Government of Haryana, Dept. of Mines & Geology	Member
7	Principal Chief Conservator of Forests, Haryana	Member
8	Director, Town & Country Planning	Member
9	Director, Mines & Geology	Member
10	Director, Environment	Member
11	Conservator Forests (South)	Member

Any five members present shall constitute the quorum. The Committee may nominate one of the members as its Member-Secretary.

6. Purposes for which the amount from the Fund may be utilized:

- i) The amount deposited in the Fund shall be used exclusively for the rehabilitation and afforestation of the Aravalli Hills, particularly the areas affected by the mining activities;
- ii) The Committee constituted for the administration of the Fund shall be competent to approve the projects and proposals for funding thereof on such terms & conditions as it may deem necessary;

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- iii) Expenditure incurred on the Monitoring Committee in the discharge of its responsibilities, as well as the expenditure incurred on the establishment of the Cell to manage the Fund will also constitute a valid charge on the Fund.

7. Manner of implementation of works/ projects approved from the Fund:

- i) The Committee shall decide on the manner and mode of implementation of the projects funded from the ARF. It may consider and approve projects either suo motu or on receipt of proposals from any of the state government departments/ agencies.
- ii) The Committee shall also be competent to decide on the agency to implement/ execute the projects. The broad guiding principles would be driven by the intended and clearly defined outcomes;
- iii) There shall be put in place a mechanism for physical audit of the implementation of projects through an independent third-party agency.

8. Duties and Responsibilities of the Committee:

The Committee shall meet once in every quarter. A minimum of 5 members (including the Chairman) shall constitute the quorum. The Committee shall:

- i) Review the status of the Fund;
- ii) Approve the projects found eligible for funding;
- iii) Monitor the progress on implementation of the projects approved;
- iv) Establish a mechanism for audit of the physical deliverables and outcomes; and
- v) Take appropriate corrective measures wherever required.

9. Account-keeping for the Fund:

The Director, Mines & Geology will act as the Drawing and the Disbursing Officer (DDO) for the purposes of appropriation of any money out of the Fund. He will work out the modalities of segregating and setting apart the 10% amount from the Lease/ Contract receivables and its proper credit/accounting into the Fund. He may establish a small cell consisting of no more than a staff of 5 persons out of the existing staff to maintain the accounts of the Fund (monies received and expended) as per guidelines laid down by the Finance Department and its reconciliation with the AG and

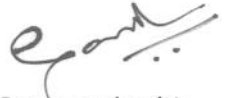
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its audit, which shall be placed before the Committee in its meetings. The expenditure incurred on this cell shall be chargeable to the Fund.

10. Audit of the Fund:

The Fund shall be subject to audit by the Accountant General (Audit), Haryana.

The 'Aravalli Rehabilitation Fund' has been established with the concurrence of the Finance Department received vide their U. O. No. 11/162/2009-2FDIII/2010 dated 06.01.2010.



(T. L. Satyaprakash)
Deputy Secretary
Mines & Geology Department
Government of Haryana