



**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF INDUSTRIES**

OFFICE MANUAL



**DEPARTMENT OF INDUSTRIES, UDYOG BHAWAN
BEMLOE, SHIMLA-171001**

Web site: <http://himachal.gov.in/industry>

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FOREWORD

Industrialization in Himachal Pradesh is comparatively a recent phenomenon. The severe climatic conditions topographical and geographical severities throw challenges in the process of industrialization. In such a scenario, the benefits in the form of incentives and subsidies as well as the development of appropriate infrastructure become the main instruments to attract industrial investment in the State. Though industrialization in the State has not been able to gather momentum as compared to the neighbouring states like Punjab, Haryana, U.P. and Uttrakhand, yet with investment in infrastructural facilities, the state has been able to offset the locational and geographical disadvantages to considerable extent. The industrial sector in the state has entered the take off stage with a well diversified base of industries ranging from rural and traditional Handloom and Handicrafts, Cottage, Micro and SSI units to High-tech Textile, Telecommunication equipment, sophisticated Electronic units, Pharmaceuticals, Engineering, High Quality Precision Tools, Food Processing industries etc.

The Department of Industries is implementing various Government policies & programmes under different acts, rules, regulations, instructions and acts. There are four wings of the Department, viz., Industrial development Wing, Store Purchase Organisation, Geological Wing and Sericulture Wing. This compilation of different acts, rules, regulations, instructions and acts would be consulted as the Office Manual for guiding the working of the Department. I hope that the Department will make a constant endeavour to update this manual on regular basis. Efforts put in by the Department to bring out this manual are appreciated.

Ajay Tyagi, IAS
Principal Secretary (Industries & IT) to the
Government of Himachal Pradesh.

PREFACE

‘Documentation for Posterity’

Himachal Pradesh geographically consists of diverse terrains, ranging from the plains to the high-rise mountains and thus has varied climatic zones. The State is endowed with very rich natural resources as a result of which we find tourism flourishing in the lush valleys of Kangra, Kullu, Shimla & Mandi Districts, alongwith the traditional Handloom / Handicrafts, Animal Husbandry, Horticultural and Agricultural activities in the State. The natural resources like mineral deposits and the identified hydel potential of over 20,000 MW for hydropower generation is generating a lot of trade and economic activities in the State.

The State offers distinct comparative advantage to industrial units, tourism and power projects. Factors like low cost quality power, harmonious industrial relations, low cost of land and clean environment, investor friendly administration, attractive incentives and tax concessions- all contribute towards creating a healthy investment climate in our State.

With liberalization of the Indian economy, scientific exploitation of our industries, tourism and power potential have been identified as our thrust areas. Direct Foreign Investment (FDI) and exporting units have been accorded priority in our Industrial Policy. During the last few years, industrialization in the State of H.P. has made significant progress. The Share of industries and Services Sector respectively has increased from 1.1 & 5.9 percent in 1950-51 to 5.6 & 12.4 percent in 1967-68 and to 9.4 and 13 percent in 2010-11. Upto 31st March, 2011 the state had 37364 Small Scale and 471 Medium & Large Scale industrial units registered with the Industries Department with total investment of about Rs. 13492.14 Crore and employment of about 2.54 lac people.

This growth in industrial sector could be achieved only because of forward looking Industrial Policies and its proper implementation by the employees of the department. The compilation of various rules, regulations, instructions and acts will provide a document to the public, entrepreneurs, industrialists and to the employees of the department, a reference book for posterity to execute the government plans properly.

We hope that the efforts that have been put in to bring out the Office Manual will go a long way in improving efficiency of the department specially in providing good & responsive administration for the benefit of the public.

J.S. Rana, I.A.S.
Director of Industries
Dinesh Malhotra, I.A.S.
Addl. Director of Industries

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CHAPTER-I

Business allocation of the Department under 'Rules of Business'

1.1 Introduction:

In exercise of the powers conferred by Clauses (2) and (3) of Article 166 of the Constitution, Government of H.P. on 25th January, 1971 notified Rules of the business of the Govt. of Himachal Pradesh. The rule of business states that the entire business of the Govt. shall be transacted in the Departments of Himachal Pradesh. The work regarding industrial development was allocated to the Industries Department.

Himachal Pradesh was conferred Statehood in 1971. Stress was laid on the infrastructure development for the industries. Industrial areas were developed at Parwanoo, Barotiwala, Bilaspur, Shamshi, Nagrota Bagwan, Mehatpur & Chambaghat. The District Industries Officers were posted in each District. The Rules regarding Grant of Incentives to Industries-1971, were formulated. The Labour & Employment Wing was separated from the Department in 1972. District Industries Centres came into being in 1978 through a 100% Centrally Sponsored Scheme, and the District Industries Officers were replaced with General Managers, District Industries Centres. The Technical Education and Weights & Measures Wings were also separated from the Department in 1982. Rural Industrial Training Institutes (RITIs) for girls were transferred to Department of Technical Education & Tailoring Centres were transferred to Rural Development Department. The Tea Wing of the Department was also transferred to Agriculture Department in 1998. In 1984 funding pattern under District Industries Centres Scheme was changed to 50:50 and the Scheme was completely transferred to State in 1994. The Incentives Rules were revised in the year 1980 & thereafter in 1984, 1991, 1996, 1999 and 2004.

1.2 Business allocation under Rule Of business

Industries Department

1. Progress of the Industrial Development in the sectors excluding industrial co-operative and including:-

- (a) Sericulture-Central Silk Board.
 - (b) Khadi and Village Industries- Khadi and Village Industries Commission.
 - (c) Handloom-All India Handloom Board.
 - (d) Handicrafts-All India Handicrafts Board.
 - (e) Small Scale Industries.
 - (f) Medium and Large Scale Industries.
 - (g) Marketing and Emporia.
 - (h) Industrial Estates.
 - (i) Industrial Survey.
 - (j) Rural Industrial Project.
 - (k) Industrial and financial assistance to industries.
 - (l) Government owned and industrial concerns except those under Forest Department.
2. Registration of Firms.
 3. Geology.
 4. Mining.
 5. Grant of Loans and Subsidies for Industrial Enterprises.
 6. Mines, Minerals, Financial and Industrial Corporations.
 7. Trade and Commerce within the State production, supply and distributaries of manufactured goods and products of large scale and small scale industries.
 8. Establishment, budget and accounts matter.

The Industries Department is implementing various plan, policies & schemes under rule, regulations, instructions and Acts, which have been compiled in this office manual for references of stakeholders of the department.

CHAPTER-II

Organization Set up

2.1 Department of Industries, Government of Himachal Pradesh.

The Industries Minister heads the Industries Department. At the Secretariat level, there is a two tier structure with the Principal Secretary (Industries) who is assisted by the Special/Joint/ Deputy/Under Secretary (Industries).

The Directorate of Industries is headed by the Director of Industries. The Directorate is broadly divided into four functional wings. These are as detailed below:-

(i) Industrial Development Wing

In this wing Industrial Advisor, Joint Director of Industries, and Deputy Directors, report to the Director of Industries for the development of industries in the State. The Officers of these wings are further assisted by Managers, Industrial Promotion Officers, Superintendent (s) Gr.-II, ministerial and other staff. The function of development of Handloom Sector is also looked after by this wing.

(ii) Store Purchase Organisation

The Store Purchase Organisation is headed by the Additional Controller of Stores. He reports to the Controller of Stores (Director of Industries) in the matters concerning Store Purchase Organisation. He is further assisted by Senior Technical Officer (Mech.), Store Inspection Officer (Textile), Joint Director of Industries, Superintendent(s) Gr.-I & II, ministerial and other staff. He is further assisted by the Tehsildar (Recovery), Naib Tehsildar in the matter of recovery of loans and land acquisition.

(iii) Geological & Mining Wing

The Geological and Mining Wing is headed by the State Geologist. He reports to the Director of Industries for mineral exploration/regulation works. He is further

assisted by Geologists, Assistant Geologists, Superintendent Gr.- I & II, ministerial and other staff.

(iv) Sericulture Wing

The Sericulture Wing is headed by the Dy Director (Sericulture) at the Directorate level. He reports to the Director of Industries for Sericulture development. He is further assisted by Superintendent(s) Gr.-II, ministerial and other staff.

Administration and Accounts Wing. The Administrative and Accounts Wings is headed by the Additional Director (Admn.). He reports in administrative/accounts matters to the Director of Industries. He is further assisted by Assistant Controller (F&A), Superintendent(s) Gr.-I & II and by ministerial and other staff.

2.2 Field offices:

The organisational set up in the field offices of the Department of Industries is as under:-

(i) District Industries Centres

The District Industries Centres are headed by General Managers. They are further assisted by Managers, Industrial Promotion Officers, Economic Investigators, Extension Officers (Industries) at Block level, ministerial and other staff. In order to provide facilities to entrepreneurs close to their places of work, Single Window Clearance Agencies are functioning at Parwanoo, Baddi Nalagarh in Solan District, Paonta Sahib, Kala Amb in Sirmaur District, Gwalthai in Bilaspur District and Sansarpur Terrace, Damtal in Kangra District. (Annexure 'B').

(ii) Mining Offices

The Mining Office is headed by a Mining Officer. He is assisted by Mining Inspectors, Asstt. Mining Inspectors, Mining Guards and ministerial and other staff. Further more, the Drilling operation is headed by Drillers who are assisted by Asstt. Drillers and Laboratory Assistants.

iii) Sericulture Offices

The Deputy Director of Industries (Sericulture) looks after the Sericulture Development activities at the Directorate level. The Sericulture Wing has 7 divisions. The Deputy Director (Sericulture) heads the Shimla Division, Silk Seed Promotion Officer, Nadaun heads the Nadaun Division besides holding additional Charge of Dehra Division. The General Manager, DICs, Mandi and Sirmaur hold the additional charges of Mandi and Nahan Divisions respectively. The Charge of the Ghumarwin Division is with the Silk Seed Production Officer. These Officers are further assisted by Sericulture Officers, Development Officers, Technical Officer (Tassar), Sr. Sericulture Inspectors, Extension Officers (Tassar), Technical Assistants (Tassar), ministerial and other staff.

2.3 Staff Strength.

Industries Department has 1218 sanctioned strength of employees starting from Class-I to Class-IV, In the year 2011, 855 posts are filled and 363 posts are vacant. The detail of the category wise post / employee is as follow (Annexure "A"). This data has been used and should be used while formulating & selecting relevant training courses.

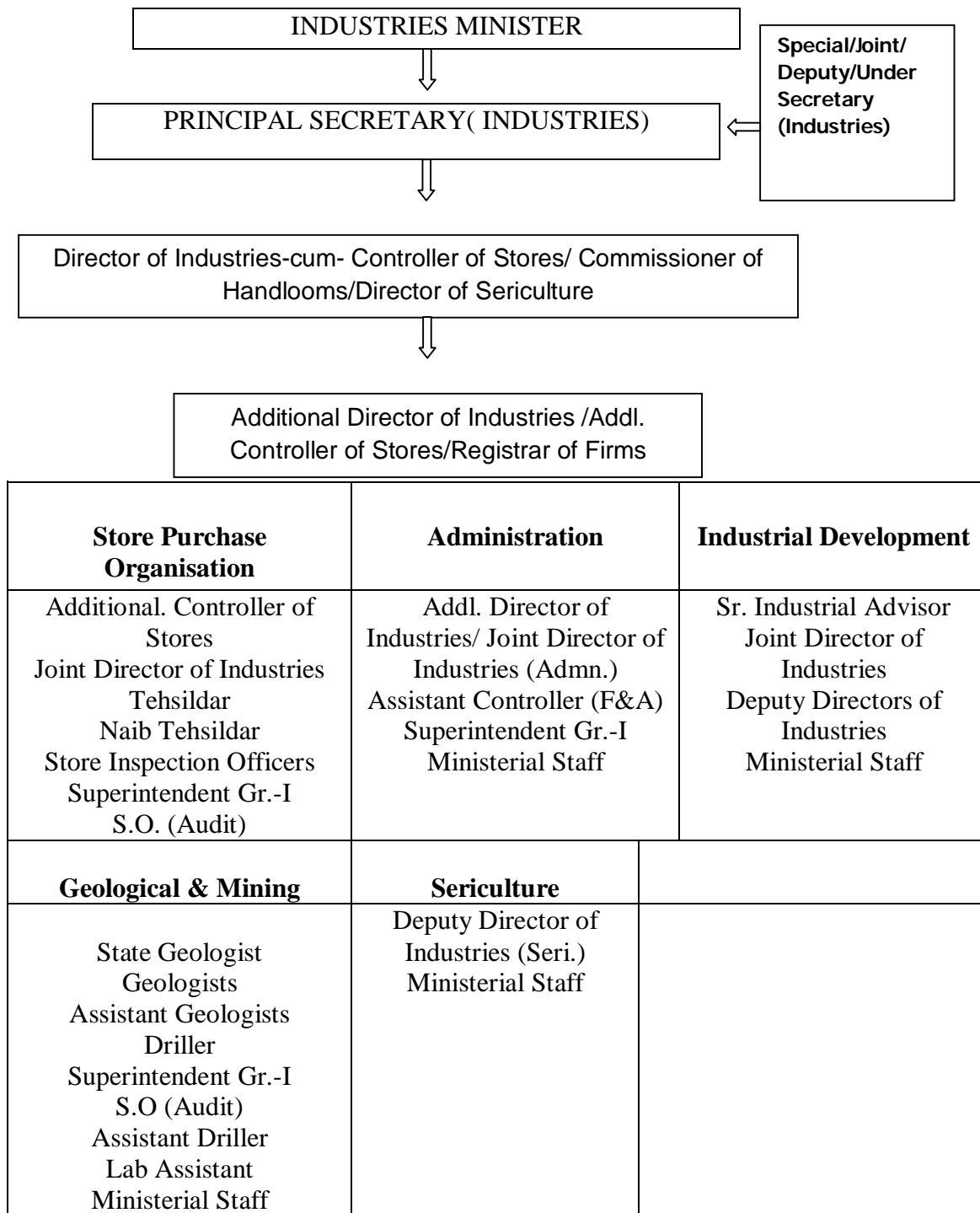
Staff Position of the Department

At a Glance

Sl. No.	Category	Sanctioned strength			Posts filled			Posts vacant		
		Hq.	Field	Total	Hq.	Field	Total	Hq.	Field	Total
1.	Class-I	33	14	47	21	14	35	12	--	12
2.	Class-II	23	98	121	21	59	80	2	39	41
3.	Class-III	215	400	615	121	243	364	94	157	251
4.	Class-IV	58	387	445	50	339	389	8	48	56
	Total	320	908	1228	231	655	868	116	244	360

2.4 DEPARTMENT OF INDUSTRIES, GOVERNMENT OF HIMACHAL PRADESH

ORGANISATION CHART (DIRECTORATE)



Field Offices

District Industries Centre	Mining	Sericulture
General Managers Managers/ Member Secretaries, SWCAs, Parwanoo, Baddi, Nalagarh, Paonta Sahib, Kala Amb, Sansarpur Terrace, Damtal & Gwalthai Industrial Promotion Officers Economic Investigators Extension Officer (Industries) (Block Level)	Mining Officers Mining Inspectors Assistant Mining Inspectors Mining Guards	Deputy Director of Industries (Seri)/ GMDICs /Managers Silk Seed Production Officers Sericulture Officers Development Officers Technical Officer (Tassar) Sr. Sericulture Inspectors Extension Officer (Tassar) Technical Assistant (Tassar)/Sericulture Inspector.

CHAPTER-III

Functions and Duties of the Department

Department of Industries, manned by officers & officials through different wings is performing functions to achieve the goal of industrial development. The functions performed by the employees of the department are laid down in different Act, Rules, Bye-laws which are being implemented by the department.

3.1 Functions of the Department

- ▶ Creation and improvement of Industrial infrastructure in the State for better industrial growth.
- ▶ Promotion of industrial investment to facilitate generation of employment opportunities in the State.
- ▶ Promotion of handicrafts & handloom sector in the State.
- ▶ Promotion of Sericulture activities in the State.
- ▶ Promotion of entrepreneurship through Self employment to increase potentials of entrepreneurs through various training Programmes.
- ▶ Regulation of mineral development and mineral exploitation.
- ▶ Finalization of Rate Contracts for Govt. Purchases.
- ▶ To impart training to employees of the Department for capacity building of the Department.
- ▶ Constructive interaction with Industries / Industrial associations for better environment & cooperation.
- ▶ Implementation of rules / regulations and policies to control pollution and Industrial emission.

All the field offices representing line agencies of the department are also supported by ministerial staff. The detail of function and responsibilities being discharged by various categories of officers/officials has been detailed below. Study of function and responsibilities of various categories of employees gives clear understanding of the functioning and objective of the department which helps in understanding training needs of the department.

3.2 Industrial Wing

1. Director of Industries

- i) Director of Industries is the head of department and responsible for the efficient working of the Department. He exercises all administrative and financial powers as adjoined upon the heads of the department in the Himachal Pradesh.
- ii) He is also acting as Controller of Stores, Himachal Pradesh.
- iii) All the consolidated budget and appropriation proposals of the department are submitted by him to the Government.
- iv) He exercises all the powers delegated to him by the Government from time to time and is directly answerable to the Government.

2. Additional / Joint Director of Industries (Admn.)

Additional Director of Industries is looking after the following work in the department of Industries:-

- (i) Establishment of Gazetted/Non- Gazetted officers cases.
- (ii) Inspection and general supervision of Head Quarters Branches & District Industries Centre
- (iii) Budget and Planning.
- (iv) Follow up of Inspections reports of DIC's.
- (v) All matters relating to Budget, reconciliation, accounts, stores, record, Diary and Dispatch.
- (vi) Maintenance of Directorate Building.
- (vii) Monitoring of Court Cases on monthly basis.
- (viii) Controlling Officer for Vehicles.

- (ix) All residual matter not assigned to any other officer.
- (x) Any other matters as entrusted by the Head of Department from time to time.

3. Senior Industrial Advisor

Senior Industrial Advisor is performing the following duties in the Department of Industries:-

- i) Industrial Policy.
- ii) SSI Registration and policy related issues.
- iii) Industrial Sickness.
- iv) Matters concerning different Industrial Associations and coordination with these Associations in the State of H.P.
- vi) Matters relating to Food Processing and coordination with the Govt. of India projects.
- v) Governor's address and Finance Minister's and other Ministers speeches.
- vi) Matters related to Baddi -Brotiwala- Nalagarh Development Agency.
- vii) Employment Policy and Planning.
- viii) Any other matters as entrusted by the Head of Department from time to time.

4. Joint Director of Industries / Project Co-ordinator (I)

Joint Director of Industries/Project Coordinator (I) has been assigned the following work of the Department:-

- (i) Eligibility Certificates and other certificates including incentive eligibility.
- (ii) Registration and approval of Medium and Large Scale projects.
- (iii) Essentiality Certificate for the purchase of private land.
- (iv) Store Purchase with respect to Electrical, Chemical & miscellaneous items.
- (v) Matters related to Establishment of Cement Plants.
- (vi) Administration of incentives and subsidies.
- (vii) Implementation of provisions of Indian Boiler Act, 1923, as Deputy Chief Inspector of Boilers for the State of H.P.

- (viii) Implementation of Household electrical appliances quality control order, 1981.
- (ix) Executive Director, HPCED.
- (x) Capacity assessment.
- (xi) VIP references on employment generation.
- (xii) Any other matters as entrusted by the Head of Department from time to time.

5. Joint Director of Industries / Project Co-ordinator (II)

Joint Director of Industries/Project Coordinator (II) is looking after the following work of the Department:-

- (i) Entrepreneur Development Programme/Industrial Awareness Programme.
- (ii) Training/ IECs and Employment.
- (iii) Nahan Foundry.
- (iv) Ex-Servicemen Corporation, H.P. Women Welfare Corporation, H.P. Backward Classes & Financial Corporation.
- (v) GIC, HPSIDC, HPSEB, HP Housing Board.
- (vi) H.P. Pollution Control Board and other Corporations.
- (vii) NRTC (Common Testing Centre).
- (viii) Central Tool Room /Mini Tool Room.
- (ix) Setting up of SEZ.
- (x) All Industrial Developmental Schemes of the Govt. of India, its supervision control, Evaluation & Monitoring such as IID's/Growth Centre/EPIP/ ASIDE/Industrial Estates & Other Schemes of Infrastructural Development of Govt. of India.
- (xi) Banks & Financial Institutions.
- (xii) Dev. of Industrial Areas/Estates.
- (xiii) Organization of Job and job career fairs.
- (xiv) Any other matters as entrusted by the undersigned from time to time.
- (xv) Any other matters as entrusted by the Head of Department from time to time.

6. Deputy Director of Industries (DIC)

Deputy Director of Industries (DIC) has been assigned the following work:-

- i) Maintenance of District Industries Centers including District Industries Center Buildings.
- ii) Prime Minister Employment Generation Programme/ PMEGP/ Rajiv Gandhi Udyami Mitat Yojana.
- iii) Monthly report/ Quarterly Progress reports to be sent to Director (PMRY), New Delhi.
- (v) Rural Artisan Programme/Rural Industries Programme Progress Report.
- (vi) Industrial / Rural Development Progress Report.
- (vii) Annual Administrative Report, Rural Planning Committee Estimate Committee, 20 Point and Governor Secretariat Report.
- (viii) Monitoring of employment, creation of Data Cell and information with respect to employment generation.
- (ix) Any other matters as entrusted by the Head of Department from time to time.
- (x) All type of allotment/cancellation of Plots/ sheds/shops.
- (xi) Transfer of lease hold rights.
- (xii) Rent permission.
- (xiii) Determination of premium of plots/sheds.
- (xiv) Damage caused by floods.

7. Deputy Director of Industries (Project)

Deputy Director of Industries (Handloom) has been assigned the following work of the Department:-

- (i) Handloom Handicrafts, Khadi Programme and Institutions related with Programme.
- (ii) Matter relating with Handicraft and Handloom Corporation and all India Institutions of Handicrafts and Handloom.
- (iii) Matter relating with H.P. State Khadi & Village Industries Board and all

India Khadi Commission.

- (iv) Implementation & monitoring of centrally sponsored Schemes relating to Handicrafts and Handloom sector.
- (v) Administration of Central/ State Awards pertaining to Handlooms and Handicrafts) and National awards to Small Scale entrepreneurs.
- (vi) Nodal Officer for I.T. matters.
- (vii) Any other matters as entrusted by the Head of Department from time to time.

8. General Manager, District Industries Centres

- (i) General Manager, District Industries Centre is the Head of office in District Industries Centre and responsible for the efficient working of the office. He exercises all administrative and financial powers as adjoined upon the heads of the offices by the Head of Department.
- (ii) All the consolidated budget and appropriation proposals of the office are submitted by him to the Directorate.
- (iii) He exercises all the powers delegated to him by the Head of Department from time to time and is answerable to the Head of the Department.
- (iv) He ensures implementation of the centrally and State sponsored schemes.
- (iv) He is appointed as Public Information Officer to provide information under Right to Information Act, 2005 in the concerned District Industries Center.

9. Manager (DIC)

- (i) There are 2 or 3 posts of Managers sanctioned in each District Industries Centre. These posts are functional and assist the General Manager, District Industries Centre in implementation of various Development Schemes of the Department. Manager (DIC) also performs the following duties:-
 - (a) Registration of Micro Small and Medium Enterprises.
 - (b) Issuance of RM-I and RM-II Forms.
 - (c) Delegated with Administrative, Drawing and Disbursement powers.
 - (d) Implementation of all the Central and State sponsored schemes.
 - (e) The implementation of Handloom Schemes.
 - (f) Manager (DIC) also acts as the Member Secretary of Single Window Clearance Agency.

- (g) Any other matters as entrusted by the General Manager from time to time

10. Industrial Promotion Officer.

- (i) Industrial Promotion Officers assist the Manager (DIC) in implementing all the Schemes sponsored by the Central and State Government from time to time.

11. Economic Investigator

- (i) Economic Investigators maintain Statistical Information in respect of the Department and submit all type of Development Progress Report to the Directorate through concerned General Manager.

12. Extension Officer (Industries)

Extension Officer (Industries) is performing the following duties in the department of Industries:-

- (i) Providing technical guidance to industrialists/ rural entrepreneurs.
- (ii) To study and assess the industrial potential with respect to raw material, spares, manpower, consumption pattern, potential and projected demand, market and skill available.
- (iii) To organise industrial co-operatives amongst the rural artisans and render help in preparation of loan cases and further scrutiny to have loan/credit facility from Banks to the industrial units.
- (iv) To prepare loan cases of the individual enterprises and industrial co-operatives and assist them in getting loans from Banks/Financial Institutions.
- (v) To prepare cases of hire purchase of machinery under scheme of National Small Industries Corporation.
- (vi) To identify languishing rural crafts and arrange for the training of rural artisans in such crafts.
- (vii) To maintain records of all types of industrial units.
- (viii) All duties of an organiser and extension worker for development of industries.
- (ix) Approval of Schemes of projects up to 2 lakhs and provisional registration of such projects.

- (x) Recovery of industrial and margin money loan.
- (xi) To prepare cases of Tiny/SSI units for incentives.
- (xii) To collect applications of educated unemployed for loans under PMRY help the youth in getting loan and physically verify the units so established.
- (xiii) To assist the bankers in loan recovery.
- (xiv) To prepare the cases of industrial units for permanent registration.
- (xv) Any other work, which may be assigned by the General Manager, DIC as well as the Block Development Officer of the Block concerned under whose control he is posted.

13. Assistant Controller (Finance & Accounts)

- i) Drawing and Disbursing Officer.
- ii) Draft replies to PAC/CAG reports.
- iii) Coordination of all correspondence with the Accountant General, Himachal Pradesh relating to Audit & Inspection Reports/Integrated Audit/Draft paras etc.
- iv) Internal Audit of Field Officers and Assistance in office inspection.
- v) Any other matters as entrusted by the Higher Authorities from time to time.

14. Law Officer

The Law Officer performs the following duties in Directorate of Industries:-

- (i) Maintenance of record of Court Cases of Department and their follow up.
- (ii) To pursue the Court Cases of Hon'ble H.P. High Court, H.P Administrative Tribunal and subordinate Courts for preparing, vetting and filing replies thereof and assisting Advocate General, Dy. Advocate General etc. during the hearing of cases.
- (iii) Preparation of status of Court matters for quarterly review.
- (iv) Any other matters as entrusted by the Head of Department from time to time.

15. Personal Staff

Personal Staff working in the Department of Industries have been assigned the duties as per Office Manual of Himachal Pradesh Government.

16. Superintendent Grade-I

- (i) Superintendent Grade-I are the incharge of the Establishment, Budget and Accounts, Store Purchase Sections and Geological Wing in the Department of Industries.
- (ii) They also ensure the punctuality in their respective Sections.
- (iii) They go through the Dak of their Section and mark the same to the concerned dealing Assistants.
- (iv) Any other matters as entrusted by the Head of Department from time to time.

17. Superintendent Grade-II

- (i) Superintendent Grade-II supervises the work of the Officials of the Sections allotted to them and also ensures the discipline in the concerned branch and timely disposal of the dak.

18. Senior Assistant

- (i) Assistants submit the proposals and cases to the concerned Branch incharge.

19. Computer Operator

- (i) Computer Operator feeds data in respect of the concerned Branch.

20. Junior Assistant / Clerk

- (i) Junior Assistants/Clerks do the work assigned to them by the concerned Branch Incharge and maintain the records.

21. Driver

- (i) Drivers drive the vehicles of the concerned Officer and ensure maintenance of the vehicles from time to time.

22. Gestatner Operator

- (i) Gestatner Operator operates the Gestatner Machine of the Department and procure papers, ink-toner etc. for ensuring proper operation of the Machine.
- (ii) He also maintains the account of the papers consumed.
- (iii) He arranges timely repair of the Machine.

23. Photostat Machine Operator

- (i) Photostat Machine Operator operates Photostat Machine and maintain the record of papers consumed and also ensure timely repair of the machine.

24. Jamadar

- (i) Jamadar attends the calls of Director of Industries.
- (ii) He carries and distributes the files and dak to the concerned.
- (iii) He also ensures the cleanness of the room of the Director of Industries.

25. Daftari

- (i) Daftri up keeps the record of the Directorate of Industries.
- (ii) He also assists the Dispatcher in preparing and envelops.

26. Peon

- (i) Peon carries files from one section to other and also deliver the within and out side the Office.

27. Process Servor

- (i) Process Server delivers summons pertaining to loan recovery cases.

28. Mali-cum-Chowkidar/Peon-cum-Chowkidar/Chowkidar

- (i) To watch and Work the Offices during off time of the offices.

29. Sweeper / Sweeper-cum-Chowkidar

- (i) Sweeper sweeps and clean the Offices/Office premises.

30. Unskilled Worker

- (i) Unskilled worker renders physical help and logistic support in Drilling operation.

3.3 Store Purchase Organisation

1. Additional Controller of Stores

- (i) Store Purchase Organisation & other works relating with Store Purchase Organisation.
- (ii) Entire Coordination of Directorate of Industries in important matters

assigned to him from time to time.

- (iii) Surprise inspection of the Head Quarter branches, DICs etc.
- (iv) Disposal of routine cases, meetings and general control of Directorate in the absence of Director of Industries.
- (v) Land acquisition Matters.
- (vi) Collector Recoveries.
- (vii) Ex-officio Vigilance Officer.
- (viii) Registrar of Firms under Partnership Act 1932.
- (ix) Any other matters as entrusted by the Head of Department from time to time.

2. Joint Director of Industries (Store Purchase)

- (i) Store Purchase Organization (Mechanical Items)
- (ii) Store purchase with respect to Electrical, chemical, Textile & miscellaneous items
- (iii) Fairs and Exhibitions including IITF.
- (iv) Any other matters as entrusted by the Head of Department from time to time.
- (v) He is also a Public Information Officer at Directorate Level.

3 Superintendent Grade-I

- (i) He is looking after the supervisory work of Store Purchase Section.

4. Store Inspection Officer (Textile)

- (i) Store Inspection Officer (Textile) assists Additional Controller of Stores in Store Purchase Organization in respect of Textile Codes.
- (ii) All matters pertaining to Handloom and Handicraft, Khadi Board and other correspondence of Handloom Section through Sr. Industrial Advisor.
- (iii) Any other matters as entrusted by the Head of Department from time to time.

5. Store Inspection Officer (Electrical)

- (i) Store Inspection Officer (Electrical) looks after the work of store purchase with Electrical Code in Store Purchase Organization.
- (ii) Any other matters as entrusted by the Head of Department from time to time.

6. Section Officer (Audit)

- (i) The Duties of Section Officer (Audit) is to scrutinize the financial matters of the Store Purchase Organization and also to do Audit of the Organization.

7. Research Officer

- (i) Research Officer maintain Statistical Information in respect of the Department at Directorate level and submit all type of Development Progress Report to the Government through Director of Industries.
- (ii) He also carries out the census of Industrial Units.

8. Investigators

- (i) Investigators assist the Research Officer in maintaining Statistical Information in respect of the Department.

9. Tehsildar (Recovery)

- (i) Loan Recovery and to assist the Additional Director of Industries in exercising powers of Collector.
- (ii) Any other matters as entrusted by the Head of Department from time to time.

10. Naib Tehsildar

- i) All Revenue related matters and Acquisition matters through Addl. Director of Industries.
- ii) Any other matters as entrusted by the Head of Department from time to time.

11. Kanoongo

- (i) Kanoongo assists Naib Tehsildar in Revenue and Acquisition matters.

12. Patwari

- (i) Patwari maintains the record of Revenue and Acquisition matters.

3.4 Geological Wing

1. State Geologist

- (i) Overall administrative control of Geological Wing, Establishment and Mining activities in the State.

2. Geologist

- (i) Function of Geologists is to regulate Mining Activities and investigation of Minerals.

3. Assistant Geologist

- (i) Function of Assistant geologist is to regulate Mining Activities and investigation of Minerals.

4. Chemist

- (i) Chemist analysis minerals/samples received from Head Quarters and Fields.
- (i) Function of Driller is to execute exploration of minerals by way of Drilling.

5. Assistant Chemist

- (i) Assistant Chemist assists the Chemist to analysis minerals/samples received from Head Quarters and Fields.

6. Mining Officer

- (i) Mining Officer Regulates Mining Activities within their Jurisdictions and control over the Mining Staff in the District.
- (ii) He also performs the duty of Drawing and Disbursing Officer in District.

7. Section Officer (Audit)

- (i) The Duties of Section Officer (Audit) is to scrutinize the financial matters of the Geological Wing and also to do Audit in Field Offices.

8. Senior Draughtsman

- (i) Senior Draughtsman prepares the Geological and Survey Maps.

9. Senior Surveyor

- (i) Senior Surveyor assists Techometrist to control large area for survey and guide for detail mapping.

10. Techometrist

- (i) Techometrist controls large area for survey and guide for detail mapping.

11. Technical Assistant (Geology)

- (i) Technical Assistant (Geology) collects the sample of Minerals from the different areas of State and Assist Geologist and Assistant Geologist.

12. Technical Assistant (Chemistry)

- (i) Technical Assistant (Chemistry) analysis minerals/samples received from Head Quarter and field.

13. Head Draughtsman

- (i) Head Draughtsman assists Senior Draughtsman to prepare the Geological and Survey Maps.

14. Draughtsman

- (i) Draughtsman assists Head Draughtsman and Senior Draughtsman to prepare the Geological and Survey Maps.

15. Surveyor

- (i) Surveyor assists Assistant Geologist in preparing Geological Maps and Survey maps.

16. Assistant Driller

- (i) Assistant Driller operates Drilling Rig for Mineral exploration.

17. Drilling Assistant

- (i) Drilling Assistant assists Assistant Driller in operating Drilling Rig for Mineral exploration.

65. Rigman

- (i) Rigman operates Drilling Rig for Mineral exploration.

18. Mining Inspector

- (i) Mining Inspector regulates Mining activities in their respect jurisdiction and to file court cases.

19. Assistant Mining Inspector

- (i) Assistant Mining Inspector assists Mining Inspector in Mining activities in their respective jurisdiction and to file court cases.

20. Laboratory Assistant (Chemistry)

- (i) Laboratory Assistant (Chemistry) assists Chemist to analysis the samples.

21. Laborator Assistant (Petrology)

- (i) Laboratory Assistant (Petrology) prepares section to Mineral samples.

22. Foreman (Drilling)

- (i) Foreman (Drilling) Repair/Maintenance of drilling equipments.

23. Mechanic Grade-I

- (i) Repairing/Maintenance of drilling equipments.

24. Mechanic

- (i) He assists the Mechanic Grade-I in Repairing/Maintenance of Drilling equipments

25. Ferro-Printer

- (i) Ferro-printer has duty to prepare the blue prints in the Drawing Branch.

26. Section Cutter

- (i) Section assists to Laboratory Assistant (Petrology).

27. Mining Guard

- (i) Mining Guard keep a check on the illegal extraction/transportation of the Minerals.

28. Technical Bearer

- (i) Technical Bearer assists Geologist and Assistant Geologist while in field to collect field samples.

29. Laboratory Assistant

- (i) Laboratory Attendant helps Assistant Chemist in preparing and analyzing Chemical Samples.

30. Field Attendant

- (i) Field Attendant assists Geologist and Assistant Geologist while in field to collect samples.

31. Khalasi

- (i) Khalasi manages Mess Management to field parties.

3.5 Sericulture Wing

1. Deputy Director of Industries (Sericulture)

- (i) Deputy Director of Industries (Sericulture) is performing the duties of Head of Sericulture Wing of the Department.
- (ii) Supervision and Control over all sericulture divisions of the Department.

2. Silk Seed Production Officer

- (i) Performing the duties of the Head of Office of Sericulture Division.
- (ii) Production, procurement and distribution of Silkworm seeds and Supervision and control over Sericulture activities in the Division.

3. Sericulture Officer

- (i) Performing the duties of Head of Office of Sericulture Division.
- (ii) Supervision and control of Sericulture activities in the Division.

4. Development Officer (Sericulture)

- (i) Supervision and control of Sericulture activities over Government Sericulture Centers in the division and allotted area.

5. Technical Officer (Tassar)

- (i) To assist and coordinate with the divisional Sericulture Officers for supervision and Control of Tassar Sericulture activities.

6. Demonstrator

- (i) To assist and coordinate with divisional Sericulture Officer for Sericulture Development activities.

7. Mulberry Superintendent

- (i) To assist Divisional Sericulture Officer for Sericulture Development including management of Mulberry Plantation.

8. Research Assistant

- (i) To assist and coordinate with Divisional Sericulture Officer.

9. Technical Supervisor

- (i) To assist and coordinate with the Divisional Officer.

10. Senior Sericulture Operator

- (i) To assist and coordinate with the Divisional Officer.

11. Extension Officer (Tassar)

- (i) To carry out and supervise Tassar Silk Development activities in the field area allotted.

12. Reeling Demonstrator

- (i) Supervise and Control of host-cocoon related activities namely Silk reeling, Silk Wearing and training on these activities.

13. Sericulture Inspector/Farm Assistant/Moth Tester/ Grainage Supervisor

- (i) To carry out and supervise all the Sericulture activities over allotted field areas.

14. Technical Assistant (Tassar)

- (i) To carry out and supervise all Tassar-Sericulture activities in the field area allotted.

15. Sericulture Operator (Tassar)

- (i) To carry out and supervise all Tassar-Sericulture activities in the field area allotted

16. Mulberry Sub-Inspector/Seed Examiner/Field Man/ Budder

- (i) To assist in carrying out Sericulture activities in the allotted field area.

17. Beldar/Mali

- (i) All manual work related to Sericulture and allied activities as assigned to him.

18. Research Assistant (Tassar)

- (i) All manual work related to Sericulture and allied activities that is assigned to him from time to time.

19. Manual Assistant-cum-Chowkidar

- (i) All manual work related to Sericulture and allied activities including performing duty of Chowkidar.

CHAPTER-IV

Administration of Acts, Rules, Regulations, Policies by the Department

Industries Department under the mandate & Rule of Business of the Govt. of H.P. through its major four wings is transacting business of industrial development by administrating Acts, Rules, Regulations and Policies of the Govt. The detail of administration of Rules and Regulations being implemented by various wings are as follow:-

4.1 Industrial Development Wing

1. Rules, Regulations being implemented:-
 - (i) Micro, Small & Medium Enterprises Development act -2005
 - (ii) Rules Regarding Grant of Incentives, Concessions and Facilities to Industrial Units in Himachal Pradesh, 2004 as amended upto date.
2. Procedures, instructions for the various functions / activities being performed by the Department.
 - (i) Notifications issued by the Govt. vide Letter No. Ind.(A)(F)6-32/94 dated 9th March, 1995 as amended on vide letter dated 02/06/1998, 15/03/2007, 08/05/2007 and 02/04/2010 constituting Monitoring/ Inter Disciplinary Committee for the review the progress of all the cement plants under implementation/ future cement plants in terms of various clauses of Memorandum of Understanding (MOU) signed between the Government of Himachal Pradesh and the concerned companies.
 - (ii) Notification issued by the Govt. vide letter No. Ind.A(F)2-1/2000 dated 22/01/2004 constituting State Level Single Clearance & Monitoring Authority (SLSWC & MA).
 - (iii) The State Level Single Window Clearance & Monitoring Authority (SLSWC & MA) was notified vide Notification No. Ind.A(F)2-1/2000 dated 22/01/2004. Hon'ble Chief Minister is the Chairman of the Authority. The terms of reference of the Authority are as under:-

1. To act as the Apex Body for channelizing, facilitating and guiding investment in Medium and Large Scale Industrial projects in the State, in a transparent, objective and time bound manner.
2. To discuss and solve all contentious and inter departmental issues, monitor and review the progress of units already approved and being set up and expedite approvals (administrative and statutory) of each concerned department necessary for the establishment of the unit in the State.
3. To consider and decide on:-
 - Proposals received which are listed as Negative Industries by Govt. of India in their OM dated 7th January, 2003.
 - Forest based industry ; and
 - Power intensive industry (where commitment of power for more than 1 MW is required).
4. To recommend necessary changes in the extant Govt. Policy / formulate New Policy Initiatives on Industrial Development in the State, in the light of experiences gained.
5. Such other matters as the Govt. may refer or delegate to the Authority from time to time.
 - (iv) As per the decision taken in the 29th meeting of SLSWC & MA held on 22/02/2008 at Dharamshala and subsequent meeting held under the Chairmanship of Pr. Secretary (Inds) to the Govt. of H.P. on 05/03/2008, a Sub-Committee has been constituted for Pre-Scrutiny of the proposals received for their time bound project specific clearances from respective Departments/ Boards of the proposals before their final clearance by the SLSWC & MA.

(3) Classification of Industries under the Micro, Small & Medium Enterprises Development Act, 2006 and the Authorities competent to acknowledge Entrepreneurship Memorandum (Part-I & Part-II):-

The spectrum of industries in the country extends from the organized Large Scale industries to modern Micro, Small & Medium Enterprises (MSME) and unorganized traditional industries. The last two i.e. modern MSME and unorganized traditional industries earlier known as Village and Small Industries (V&SI) constitute an important segment of the State economy. The Village and Small Industries Sector provide maximum

employment which is next only to the agricultural sector in the State. In terms of value added, it is estimated to contribute about 50% of value added in the manufacturing sector. The growth in this sector, besides resulting in self-employment and wider dispersal of industrial and economic activities, ensures maximum utilization of local resources both human and material.

Keeping in view the contribution of the MSME sector to growth, employment and exports, it is expedient to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises and for matters connected therewith or incidental thereto. Accordingly, the Micro, Small & Medium Enterprises Development Act, 2006 received the assent of the President on 16-6-2006. This Act was made applicable from 2-10-2006 as notified vide notification no. 2(3)/2006(F) SSI dated 18-7-2006. The definitions of Micro, Small and Medium Scale Industrial enterprises in manufacturing and services sectors were notified vide notification no. 4(1)/2006-MSME Policy I dated 29-9-2006.

(i) Classification of Industries

As per the new definitions, the classification of enterprises is as under:-

Sr. No.	Classification of industrial enterprises	Limit for manufacturing enterprises.(In plant & Machinery)	Limit for services enterprises.(In plant & Machinery)
1	Micro enterprises	is up to Rs. 25 lakh	up to Rs.10 lakh
2	Small enterprises	Above Rs. 25 lakh and up to Rs.5 crore.	Above Rs. 10 lakh and up to Rs.2 crore.
3.	Medium enterprises	Above Rs. 5 crore and up to Rs.10 crore.	Above Rs. 2 crore and up to Rs.5 crore.
4.	Large enterprises	More than Rs.10 crore.	More than Rs.5 crore.

The Act also replaces provisional and permanent registrations with filing of Entrepreneur's Memoranda Part-I & part-II.

(ii) Authorities competent to accept Entrepreneur's Memoranda Part-I:-

The Authorities competent to accept Entrepreneur's Memoranda Part-I are as under:—

Sr. No.	Classification of industrial enterprises	Authorities competent to accept Entrepreneur's Memoranda Part-I
1.	Micro enterprises	Extension Officers/ Economical Investigators (at block level)
2.	Small enterprises	General Managers/Managers/ Industrial Promotion Officers at District level, Dy. Director/Member Secretaries, Single Window Clearance Agencies at
3.	Medium enterprises	General Managers at District level and Dy. Director/Member Secretaries, Single Window Clearance Agencies at SWCA level. The Entrepreneur will also apply for the approval of State Level Single Window Clearance & Monitoring Authority.
4.	Large enterprises	The Director of Industries at State level. The approval of State Level Single Window Clearance & Monitoring Authority is also required.

(iii) Authorities competent to accept Entrepreneur's Memoranda Part-II:-

An entrepreneur who has set up a micro/small enterprise and medium enterprise in service sector may file an entrepreneur's memorandum Part-II at the SWCA level or District level depending upon the location where such enterprise has been set up. An entrepreneur who has set up a medium enterprise in manufacturing sector /large enterprise shall file an entrepreneur's memorandum at the SWCA level or District level depending upon the location where such enterprise has been set up as per details given below:-

Sr. No.	Classification of enterprises	Authorities competent to accept Entrepreneur's Memoranda Part-II
1.	Micro and Small enterprises	General Managers at District level, Dy. Director/Member Secretary, Single Window Clearance Agencies at SWCA level.
2.	Medium & Large enterprises	General Managers at District level, Dy. Director/Member Secretaries, Single Window Clearance Agencies at SWCA level.

However the filing of Entrepreneur's Memorandum is not compulsory in all cases. The following table gives details where filing of Entrepreneur's Memorandum is optional/ compulsory.

Sr. No.	Classification of industrial enterprises	Filing of Entrepreneur's Memoranda for various enterprises	
		Manufacturing enterprises	Service enterprises
1.	Micro enterprises	Optional	Optional
2.	Small enterprises	Optional	Optional
3.	Medium enterprises	Compulsory	Optional
4.	Large enterprises	Compulsory	Compulsory

When the enterprise is about to go into production, it may/shall as the case may be depending upon the type of enterprise, file Part-II of the Memorandum EM-II. An existing and functioning enterprise is eligible to apply to file Part-II of the Memorandum EM-II without first filing EM-I. While filing EM Form Part-II the entrepreneur is required to submit a copy of loan sanctioned, date of electricity connection, a copy of the electricity bill, machinery bills, first bill of production of goods/rendering of services, details of employees & their bonafide certificate etc.

(4.) Procedure for the approval of the Proposals falling Micro, Small & Medium Enterprises sector.

The entrepreneur intending to set up an Enterprise for manufacturing a product or rendering service are required to submit the prescribed application form EM-I along with four copies of project profile which is then acknowledged by the competent Authority. The detail of Authorities Competent as indicated in the table below to accept Entrepreneur's Memoranda Part-I and time frame of issuance of its acknowledgement is as under:-

Sr. No.	Classification of industrial enterprises	Authorities competent to accept Entrepreneur's Memoranda Part-I (Provisional Registration)	Time frame for issuance of EM-I
1.	Micro enterprises	General Managers/Managers/Industrial Promotion Officers at District level, Member Secretaries, Single Window Clearance Agencies at SWCA level. Extension Officers/	Across the table or within 24 hours.

		Economical Investigators (at block level),	
2.	Small enterprises	General Managers/Managers/Industrial Promotion Officers at District level, Member Secretaries, Single Window Clearance Agencies at SWCA level.	
3.	Medium enterprises	General Managers at District level/Member Secretaries, Single Window Clearance Agencies at SWCA level. The Entrepreneur are also required to obtain in principle approval of State Level Single Window Clearance & Monitoring Authority.	Across the table or within 24 hours. In principal approval of the project is granted by SLSWC& MA after the recommendations is made by a Sub-Committee headed by Director of Industries. It takes at least 1 to 2 months.
4.	Large enterprises	The Entrepreneurs are required to obtain acknowledgement of Industrial Entrepreneurial Memorandum (IEM) from Ministry of Commerce & Industry, Govt. Of India. The in principle approval of State Level Single Window Clearance & Monitoring Authority is also required.	In principal approval of the project is granted by SLSWC& MA after the recommendations is made by a Sub-Committee headed by Director of Industries. It takes at least 1 to 2 months.

The projects under Micro/ Small Scale Category having power requirement more than 1 MW, units listed in negative list of industries are also placed before the SLSWC & MA for approval. The acknowledgment of EM-I (provisional registration)/ SLSWC & MA clearance is issued to Enterprise to obtain all facilities/ clearances etc. required for setting up an enterprise. The acknowledgment of EM-I is valid for 2 years. Filing of application for grant of EM-I as per the provision of the Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 is discretionary to Micro or Small Enterprise or a Medium Enterprise engaged in providing or rendering of services. However according to MSME Act 2006 Medium Enterprise proposing to set up a manufacturing enterprise they are invariably required to file the Memorandum.

6. Procedure for the issuance of acknowledgement of EM-II (Permanent registration) or Commencement of commercial production certificate.

An Enterprise is required to commence production and file its EM-II (permanent registration) within 2 years from the date of acknowledgment of EM (Part-I).

Any person who has established a Micro or Small Enterprise or a Medium Enterprise engaged in providing or rendering of services at his discretion or a Medium Enterprise engaged in the manufacture or production of goods is required to file the EM-II (permanent registration) to the General Manager, District Industries Centre or in the office of Member Secretary, Single window Clearance Agency under whose jurisdiction the enterprise is located.

The following documents for grant of EM Part II should also accompany the Memorandum:-

- i) Papers in support of arrangement/ ownership of land/ building in which the enterprise has been established.
- ii) List of plant and machinery giving detail regarding cost, date of purchase and month of installation alongwith photocopies of purchase bills.
- iii) Power release certificate of HPSEB.
- iv) First raw material purchase bill.
- v) First sale invoice of each product.

- vi) Consent to operate issued by H.P. State Environment Protection and Pollution Control Board.
- vii) List of workers giving complete address, date of joining, designation, status of Himachali/ non-Himachali alongwith Bonafide certificate of Himachalis workers.
- viii) Project specific other documents, if any, as per the policy or rules in force.

The Commencement of Commercial Production Certificate to Large Scale Enterprises is also issued for all categories of enterprises by the General Manager, District Industries Centre or in the office of Member Secretary, Single window Clearance Agency under whose jurisdiction the enterprise is located after submissions of aforesaid documents by such enterprise.

(5) Procedure for the approval of the Proposals falling under the Jurisdiction of State Level Single Clearance & Monitoring Authority (SLSWC & MA).

After the receipt of a proposal, the same is circulated to all the concerned Departments/Boards for their Comments. After the receipt of 10-15 proposals, agenda is prepared for the consideration of these proposals by the Sub-Committee of State Level Single Window Clearance & Monitoring Authority (SLSWC&MA). After the meeting of the Sub-Committee, the minutes are prepared/circulated and the agenda for the meeting of State Level Single Window Clearance & Monitoring Authority (SLSWC&MA) is prepared incorporating the recommendations of the Sub-Committee. A proposal is then sent for convening the meeting of the Authority and the date & time for convening the meeting is sought from the Hon'ble Chief Minister who is the chairman of this Authority. The meeting is generally held on the day the Cabinet meeting is scheduled to be held. After the meeting of the Authority is held, the minutes are prepared and sent for approval. After the approval of minutes of the meeting, the approval/rejection is conveyed to the applicants.

The role of Industries Department is to scrutinize the proposal so as to ensure that it is processed keeping in view the prevailing Policy Guidelines and in-principle approval accorded to the projects as regards commitment of infrastructure such as Power, Water, PCB clearance requirement of land etc. The proposals are scrutinized by the Sub-

Committee of State Level Single Window Clearance & Monitoring Authority (SLSWC&MA) having representatives of Industries Department, I&PH Department, HPSEB Ltd, H.P. Pollution Control Board and other concerned Departments such as Excise & Taxation Department, Forest Department, Tourism Department and the comments of these departments/Boards are recorded while recommending/not recommending the proposal for the consideration of SLSWC&MA. After conveying the approval for the projects the applicants apply for obtaining formal approvals from the concerned Departments/ Boards which are allowed / granted in accordance to and on basis of the approval granted by the SLSWC &MA . The Department also assigns a Nodal Officers to render escort services to the project, so as to help facilitate requisite clearances.

4.1.1 Industrial Policy:

Grant of Incentives, Concessions and Facilities to Industrial units in H.P.-2004:

1. Short title and commencement:

These rules shall be called “Rules Regarding Grant of Incentives, Concessions and Facilities to Industrial Units in Himachal Pradesh, 2004” and shall come into force w.e.f. the Thirty First day of December, 2004, hereinafter referred to as the appointed day.

2. Objectives:

The objectives of the incentives, concessions and facilities being provided under these Rules are: -

- i)** To achieve the aims and objectives announced by the Government in the Industrial Policy Guidelines from time to time.
- ii)** To spell out the extent to which the State Government proposes to provide benefits, incentives, concessions and facilities to industrial enterprises to be set up in the State, on or after the appointed day.
- iii)** To supplement and support the Special Package of Incentives and Concessions announced by the Government of India on 7th of January,2003 for industrial enterprises to be set up in Himachal Pradesh.

- iv)** To encourage investment and optimum utilisation of the resources of the State namely power, land, capital, manpower and raw material in terms of revenue generation and generation of employment opportunities for local populace within the physical and environmental carrying capacities of the State .
- v)** To facilitate the ease of doing business by simplifying the Rules and to promote transparency of procedures governing the establishment of Industrial Enterprises in the State.
- vi)** To encourage the maximum gainful employment of bonafide Himachalis in the Industrial Enterprises set up in the State.

3. Definitions:

Under these Rules, unless the context otherwise requires: -

- (a)** An “allottee” means an Industrial Enterprise in whose favour an allotment of a land/ plot/ industrial shed/ shop etc. has been made under these Rules.
- (b)** ‘Bonafide Himachali’ means a resident of the State of Himachal Pradesh as defined by the Government from time to time.
- (c)** “Commencement of commercial production” means the date on which the Industrial Enterprise actually commences commercial production as certified by the Director /Deputy Director of Industries/ General Manager, District Industries Centre/ Member Secretary, Single Window Clearance Agency or any other officer authorized by the Director to do so.
- (d)** “Department” means Department of Industries, Government of Himachal Pradesh.
- (e)** “Director” means Director of Industries, Government of Himachal Pradesh and will also include Commissioner of Industries, Government of Himachal Pradesh, as the case may be.
- (f)** “Electricity Duty” means the electricity duty levied by the Government from time to time, on the consumption of power by Industrial Enterprises set up in the State.

- (g)** “Existing Industrial Enterprise” means an Industrial Enterprise, which have been set up in the State and is duly registered or acknowledged by the Department as Tiny, Micro, Small Scale, Medium or Large Scale Industrial units or Industrial enterprises in accordance with the procedure prescribed, and has commenced commercial production before the appointed day.
- (h)** "Export Oriented Unit' or 'Export Oriented Enterprise'(EOU) means an Industrial Enterprise set up for the purpose of exporting its produce as defined in the Import/ Export policy of the Government of India, from time to time, and duly approved /registered/ acknowledged as such by the competent authority.
- (i)** “100% EOU” means Enterprise (s) defined as such by the Government of India from time to time.
- (j)** “Feasibility Report” means a report on the economic and technical feasibility of an industrial project prepared by an approved Consultant or an Agency approved/recognised by the Director.
- (k)** “Financial Institution” means all scheduled commercial banks, Himachal Pradesh Financial Corporation (HPFC); Himachal Pradesh State Industrial Development Corporation (HPSIDC), I.C.I.C.I, I.D.B.I, S.I.D.B.I, NABARD, Co-operative Bank(s) in the State of H.P, State KVIB, KVIC or any other institution declared to be a “financial institution” by the Government of India under the relevant statute. It will also include corporation(s)/institution(s) set up by the State /Central Government specifically to assist and extend loan assistance to specific categories of entrepreneurs such as women, SCs/STs, ex-servicemen, physically handicapped, backward classes etc..
- (l)** “Fixed Capital Investment,” (FCI) means the actual investment made in land, building, plant and machinery by an Industrial Enterprise.
- (m)** “Government” means the Government of Himachal Pradesh.
- (n)** “Industrial Area” means an area developed/earmarked by the Government or any of its Agencies like Himachal Pradesh State Industrial Development Corporation Ltd. (HPSIDC), Himachal Pradesh Housing & Urban Development Agency (HIMUDA), Himachal Pradesh State Electronics

Development Corporation Ltd. (HPSEDC) etc. itself or in participation with private entrepreneur(s) for the establishment of Industrial Enterprises.

- (o)** “Industrial Estate ” means an area comprising sheds constructed by the Government or any of its agencies like HPSIDC, HIMUDA, HPSEDC etc. itself or in participation with private entrepreneur(s) for the establishment of Industrial enterprises.
- (p)** "Industrial Enterprise" will include Micro, Small, and Medium Enterprise as defined under Section 7(1) (a) or Section 7 (1)(b) of the ‘Micro, Small and Medium Enterprises Development Act, 2006’ [MSME Act 2006 No. 27 of 2006] or any such "Specified Category of Activities" so declared by the Government under these Rules or “Small Scale Service Business Establishment (SSSBE)”, “Tiny”, “Small”, “Ancillary”, “Medium and Large units” which are located within the State and have been registered/ taken on record by the Department.
- (q)** “Large Industrial Enterprise” shall mean those enterprises engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 set up in the State in which the investment in plant and machinery exceeds Rs 10 Crores or exceeds such investment level as may be prescribed under Section 7 (1) (a) (iii) of the ‘Micro, Small and Medium Enterprises Development Act, 2006’(No. 27 of 2006)’ [MSME Act 2006 No. 27 of 2006] by the Government of India, from time to time.
- (r)** “Negative List” includes the Industrial Enterprises mentioned in Annexure III of these Rules.
- (s)** “New Industrial Enterprise” means Industrial Enterprise registered/ acknowledged/ taken on record by the Department, located within the State of Himachal Pradesh which commences commercial production on or after the appointed day.
- (t)** “Person(s) with Disabilities” means person(s) determined as such under clause 2 (t) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

- (u)** “Power Tariff” means, only the basic rate of electricity per unit charged for the consumption of power, as specified from time to time under the relevant schedule of tariff by H.P. State Electricity Board (HPSEB) and shall not include electricity duty, surcharge, peak load exemption charge, winter charge, fuel adjustment charge, service charge or any other charge under any name in the Tariff Schedule as may be levied by the competent authority, under its Schedule of Tariffs.
- (v)** “Rural Area” means an area as defined in clause 46 of Section 2 of the H.P. Panchayati Raj Act, 1994.
- (w)** "State" means the State of Himachal Pradesh.
- (x)** “State Level Single Window Clearance and Monitoring Authority” means the Authority as constituted vide notification No. Ind. A (F) 2-1/2000 dated 22-01-04 of the State Industries Department, as amended from time to time.
- (y)** "Specified Category of Activities" means the activities as specified in Annexure-IV of these Rules.
- (z)** "Special Category of Entrepreneurs" means entrepreneurs belonging to the Scheduled Caste, Schedule Tribe, Women, Ex-serviceman, Physically Handicapped person (with the level of disability as notified by the Government from time to time), Below Poverty Line category who set up Industrial Enterprise(s) themselves.
- (aa)** 'Substantial Expansion' means the industrial enterprises existing before 7.1.2003, but which have undertaken substantial expansion by way of increase in installed capacity of the existing enterprises by not less than 25% of the capacity, which should be the result of installation of additional plant and machinery and which comes into commercial production from such expanded capacity not later than 31.3.2007 with further fulfillment of following condition:

It will be obligatory for the Industrial enterprises undergoing substantial expansion to employ at least 70% bonafide Himachalis on regular/contractual/sub-contractual/ daily basis or any other mode of

employment against the additional manpower which may be generated as a result of substantial expansion.

- (bb)** "Tax Free Zone" means all Tribal areas notified by the competent authority of the State Government and include all Tribal Development Blocks and Development Blocks mentioned under this category in these Rules. It will also include all Backward Panchayats categorized as C category areas under these Rules which may be located in Blocks categorized under the 'A' and 'B' Category Area of these Rules.
- (cc)** "Thrust Enterprises" means the Industrial Enterprises as specified in Annexure-II of these Rules.
- (dd)** "Tribal areas" means the Tribal area as notified by the Government from time to time.
- (ee)** "Village Enterprise" means any micro enterprise, located in "rural area" which produces any goods or renders any service with or without the use of power and in which the fixed capital investment per head of a full time artisan or worker i.e. capital expenditure on workshop/ work shed, machinery and furniture divided by full time employment created by the enterprise does not exceed Rs. 1, 50,000/-.

4. Eligibility:

- 4.1 (a)** All 'new industrial units' and "specified category of activity" will be eligible for incentives as provided for under these rules subject to fulfillment of such requirements as may be specified under these rules or as may be specified by the Director of Industries from time to time.
- (b)** Under these Rules, 'existing industrial units' will not be eligible for any incentives unless a specific provision has been made for providing a specific incentive to such 'existing industrial units' such as those undertaking substantial expansion.

- (c) Provided further that the incentives as provided for under these rules will be available to the eligible units as at (a) and (b) above, set up in the State only if it employs at all levels, at least seventy percent of its total manpower, employed whether on regular/contractual/sub-contractual/daily basis/ or any other mode from amongst the bonafide Himachalis in 'A' 'B' & 'C' category of Area respectively. The employment condition shall not be applicable to units employing only one employee, located anywhere in the State and in the self-employed ventures where the owner is running the unit without employing any manpower. In case of violation of this condition at any point of time during the period of admissibility of these incentives by any industrial unit no further incentive under these Rules will be admissible to the industrial unit and in such an event all incentives already availed by such units will be recovered and the unit will be liable for stringent action including withdrawal of power connection to such defaulting units.
- (d) Provided further that no unit (existing or new) shall be eligible for grant of incentives and concessions provided for under these Rules, if it has any outstanding dues of the Department of Industries and if it is not registered with the duly authorized officer of the Department of Industries. Director of Industries will be the duly authorized person in case of medium and large Industrial Unit and in case of other eligible units Director Industries or any such officer authorized by him will be the authorized officer.
- (e) Incentives provided under these Rules will be made available to the eligible industrial units from the date of commencement of production, as defined under these Rules, or from the date of notification issued by the concerned Government Departments under the relevant statute/ law to operationalize the relevant provisions of incentives as provided herein, whichever is later.

- 4.2** The incentives under these rules are provided under the discretionary powers of the State Government. They do not create any claim against the Himachal Pradesh Government enforceable in any court of law. The State Government in its wisdom may decide to amend, alter, delete or revise any or all of the incentives notified under these rules and no claim on account of such a decision will be entertained.

5. Categorisation of the State:

- a)** The State is being now classified into three categories of Areas as "A", "B", "C", as per Annexure I of these Rules or as may be specified from time to time by the Government for the purpose of incentives, depending upon its location; distance from the border of adjoining States; extent of industrial development; extent of overall backwardness of the block; resource availability and potential for employment generation for local people. The categorization into three Categories is as per Annexure-1 of these Rules.
- b)** Category "A" Areas are areas under the Kanungo Circles falling within the respective development blocks but excludes any Backward Panchayats which may fall under the specifically mentioned Kanungo Circles listed as Category "A" Areas. Category "B" Areas includes the entire area falling under the Development Blocks indicated in the list and includes any left out areas of the Development Blocks indicated under Category 'A' Areas but excludes any Backward Panchayat. Category "C" Area (Tax Free Zones) includes all Tribal Development Blocks and Development Blocks mentioned under this category and includes all Backward Panchayats located in Blocks under the 'A' and 'B' Category Area

6 Allotment and Transfer of land in Industrial Areas:

- 6.1** Need based land in Industrial Areas /Estates and in other areas wherever available with the Department for the establishment of Industrial Enterprise(s), Public Utilities, Social Infrastructure and such other purposes

as are deemed fit by the Govt. will be allotted on leasehold basis for a period of 95 years.

- 6.2** The premium for the allotment of land in Industrial Areas/Estates and Government Land in other areas for setting up of Industrial Enterprise(s) will be fixed on a year-to-year basis and made effective from 1st of April every year. The rate of premium will be fixed by the Committee consisting of the Secretary (Industries) to the Government, Director and the Managing Director, HPSIDC Ltd.
- 6.3** The Government Land available with the Department may also be allotted, for the development & setting up of public utilities such as shops, commercial complexes, recreational facilities, etc. on lease hold basis by inviting bids from the public, over and above the reserve price, to be fixed by the Committee as constituted under Rule 6.2.
- 6.4** The Government Land available with the Department may be allotted for the development of social infrastructure like banks, post offices, educational institutions, medical institutions, captive housing facilities etc. on lease hold basis at the premium to be fixed by the Committee as constituted under Rule 6.2.
- 6.5** Developed/ undeveloped Land for setting up of Industries and other activities as mentioned in Rule 6.1, 6.3 & 6.4 above subject to a maximum area of 10,000 sq. meters in industrial areas or wherever available with the Department shall be allotted on lease hold basis by the Director or any other officer authorized by him. Developed/ undeveloped Land exceeding 10,000 sq. meters in industrial areas/estates or wherever available with the Deptt. of Industries shall be allotted on lease hold basis with the prior approval of the Secretary (Industries) to the Government.
- 6.6** The application for allotment of plot(s)/ land shall be made to the concerned Deputy Director of Industries(DDI)/ General Manager, District Industries Centre(GM,DIC)/ Member Secretary, Single Window Clearance Agency (MS,SWCA), as the case may be, on a prescribed form alongwith other requisite documents and earnest money in the shape of a bank draft. The

earnest money shall be equivalent to 10% of the premium of land, prevalent at the time of making the application, which shall be adjusted initially in the premium in the event of allotment of land/plot or refunded in the event of non-allotment of plot. Applications received without earnest money payable and incomplete documents will not be considered.

6.7

- a)** Plot(s)/ land shall be allotted by the Director or any other officer authorized by him on the recommendation of a Committee constituted for the purpose on first come first serve basis, unless the Committee decides otherwise for reasons to be recorded in writing. However, plot/land may be allotted on out of turn basis to eligible categories for which such a provision has been specifically made under these Rules.
- b)** In case any land/ plot is available for allotment consequent upon its having been resumed after execution of lease deed or has been surrendered by the allottee himself, it shall only be re-allotted through open auction/inviting bids from general public. In such cases the minimum reserve price will be fixed by the Committee as constituted under Rule 6.2.
- c)** The land/ plot will be provisionally allotted for a period of two years and possession will be handed over to the allottee after entering into an agreement to lease. The allottee shall commence commercial production within 2 years from the date of handing over of the possession. The Director may, however extend the period of the provisional allotment for one year at a time on the merits of each case, subject to the total period (including the original period of 2 years) not exceeding 5 years from the date of handing over of possession. Such cases for grant of each extension will only be considered if the premium due to the Department till the time of making the application for extension of time period has been fully paid and there is no default in the payments due to the Department. Extension fee equivalent to 10%, 20% and 30% of the total premium assessed at the time of provisional allotment of the plot will be charged for extension sought for the 1st, 2nd and

3rd year respectively, which will not be refundable/adjustable in the premium of the plot.

- d)** A regular lease deed can be entered into between the Department and the allottee after the fulfillment of the following conditions by the allottee:-
 - i) Proof of obtaining all necessary approvals/registration of the different Departments/ Agencies of State Government and Central Government as applicable to the enterprise.
 - ii) Proof of obtaining the sanction of the loan for the approved enterprise from the financial institution(s), if any.
 - iii) In case the Industrial Enterprise is self-financed, proof of placement of firm orders of at least 50% of the estimated cost of plant and machinery and incurred at least 50% expenditure on building as per the project report.
- e)** A regular lease deed would be entered into between the Department through the DDI; GM, DIC's; MS, SWCA's, as the case may be and the allottee at the rates prevalent at the time of provisional allotment of the plot/ land.
- f)** 30% of the premium of land (the earnest money deposited at the time of application will be adjusted against the amount so payable) shall be payable at the time of entering into an agreement to lease and balance in 5 equal annual instalments. No interest will be charged on the balance instalments. However interest will be charged on delayed payment @12% P.A. or as may be fixed by the Government from time to time. However, 10% rebate on total premium of land will be given in case the allottee makes the entire payment of premium in lump sum at the time of execution of agreement to lease/ lease deed as against 5 annual instalments of 70% balance premium of land/plot.
- g)** The lessee may mortgage/ hypothecate the lease hold rights to the concerned financial institution with the prior permission of the Director or any officer authorized by him.

6.7.1 In case an allottee fails to execute regular lease deed or violate any term and condition of lease deed and not bring the enterprise in commercial production within the stipulated period including period of extension if any, the allotment shall be cancelled by the DDI; GM, DIC's; MS, SWCA's, as the case may be,

and the possession of the plot shall be resumed. The earnest money along with premium and extension fee paid by the allottee shall be forfeited.

6.8 (a) In case an allottee who has been offered allotment of land/plot of the size less than applied for or in excess of land/plot applied for and therefore refuses to take the possession of such provisionally allotted land/plot, such an offer for allotment of the land/plot will be deemed withdrawn and the entire earnest money deposited by the allottee will be refunded without interest.

(b) In case an allottee fails/refuses to take the possession of allotted land/plot on any ground other than that mentioned in Sub-Rule (a) above and does not enter into agreement to lease within the stipulated period the provisional allotment shall be cancelled and the amount of Rs.10, 000/- will be deducted from the earnest money as processing fee and the balance earnest money deposited by the allottee will be refunded without interest.

6.10 In case, an allottee surrenders the possession of the land/plot provisionally allotted to him within a period of two years from the date of allotment the provisional allotment would be deemed cancelled and 10% of the premium paid or Rs. 10000/-, whichever is higher will be deducted and the balance amount of premium deposited by the allottee would be refunded.

6.11 In case, an allottee is refused extension of time for setting up of the enterprise as provided under Rule 6.7(c) or otherwise violates any provision of these Rules or any condition of allotment or terms of registration /acknowledgement of Entrepreneur Memorandum–I (EM-I) & Entrepreneur Memorandum –II (EM-II), the allotment will be cancelled and the premium and extension fee, if any paid by the allottee will be forfeited. The possession shall be resumed by the Department after giving notice to the allottee to vacate the plot and surrender the possession free of all encumbrances peacefully within 2 months failing which the provisions of the H.P. Public Premises & Land (Eviction and Rent Recovery) Act, 1971 and other legal remedies will be invoked to resume the plot.

6.12 In the following situation(s) change in the ownership/ constitution of an allottee any time after provisional allotment shall be taken on record by charging a processing fee as under:-

a) 5% of the differential cost (i.e difference in the premium of plot as at the time of allotment and the prevalent allotment rate) or Rs. 10,000, whichever is higher in the event of: -

i) the original allottee proprietary firm is converting in to partnership firm provided the original allottee continues to hold the majority (minimum 51 %) share in the newly constituted/registered partnership firm.

ii) the original allottee partnership firm is introducing new partner(s) or becoming a new partnership firm provided the original allottee partners of the firm continues to hold the majority (minimum 51 %) share amongst themselves in the newly constituted/registered firm.

iii) the original allottee proprietary/partnership firm is becoming a Pvt. Ltd. Company provided the original allottee(s) proprietary /partners of firm continues to hold the majority (minimum 51 %) share/ paid up capital amongst themselves in the Company.

iv) merger of Companies and in the event when the original allottee Pvt. Ltd. Company becomes a Public Ltd. Company or vice versa and if such change is allowed by the Registrar of Companies, provided that at least 51% shareholding in the new entity continue to remain with the original allottee(s) shareholders/ subscriber of the Company in whose name the plot has been allotted.

b) 2% of the differential cost (i.e difference in the premium of plot as at the time of allotment and the prevalent allotment rate) or Rs. 5,000 , whichever is higher will be charged in the event of: -

i) the original allottee proprietor/ or partners of partnership firm/ or a promoter of the Pvt./Public Ltd. Company transfers his share to any of his legally recognized Class-I heir(s) as recognized under Section 8 of Indian Succession Act 1956 or other by laws applicable to him.

- ii) a mere change in the manufacturing activity or name of the enterprise without any change in the constitution/ ownership and shareholding.

6.13

- a) In the following situation(s), transfer of the lease hold rights of the plot(s) or a portion thereof where the lease deed has been executed will be permitted by the Director subject to payment of balance premium due in addition to an unearned increase in premium (i.e. difference between the rates applicable at the time of transfer and allotment) as under:-
 - i) In the event an Industrial Enterprise has not been set up or has not commenced commercial production, 50% of the unearned increase in premium shall be realized, provided that a rebate of 10% will be allowed if the permission for such transfer is obtained from the Department on or before 30-09-2009 and the unearned increase in premium and balance premium due is deposited within 3 months of the date of such permission.
 - ii) In the event an Industrial Enterprise has been in commercial production for a minimum period of five years, the unearned increase in premium shall be realized at the rate of 20%, provided that a rebate of 5% will be allowed if the permission for such transfer is obtained from the Department on or before 30-09-2009 and the unearned increase in premium and balance premium due is deposited within 3 months of the date of such permission.
 - iii) In the event an Industrial Enterprise has been in commercial production for a period less than five years, the unearned increase in premium shall be realized at the rate of 30%, provided, the transferor Industrial Enterprise has either not availed of any incentive or has returned the incentives availed which were conditional upon running the Industrial Enterprise for a specified minimum period, provided further that a rebate of 5% will be allowed if the permission for such transfer is obtained from the Department on or before 30-09-2009 and the unearned increase in premium and balance premium due is deposited within 3 months of the date of such permission.

- b) In the event of the transfer of the plot to a new Industrial Enterprise/promoter on account of the Industrial Enterprise being taken over and sold under Section 29 of the State Financial Corporations (SFCs) Act, 1951 by Himachal Pradesh Finance Corporation Ltd. or Himachal Pradesh State Industrial Development Corporation Ltd. or under orders of Board of Industrial Finance and Reconstruction and the new promoter revives/continues with the same Industrial Enterprise as existed prior to take over by HPFC/HPSIDC or sets up a new Industrial Enterprise, instead of charging unearned premium only a processing fee as indicated in para 6.12 (a) above will be charged.

6.14 An allottee may be allowed to set up one or more separately identifiable Industrial Enterprise(s) on the land/plot allotted to him without charging any processing fee to manufacture new item(s) (other than those being manufactured in the existing Enterprise of the allottee) under the original name/ style and constitution, without any corresponding change in the lease deed. However, if the new Industrial enterprise is set up under a new name, style or constitution in which the allottee has majority share (minimum 51 %), processing fee as per the provisions of Rule 6.12(a) will be charged and the new enterprise will abide by all the terms and conditions of the lease deed executed with the original allottee and the original allottee will be liable to bear all the liabilities and consequences of actions of its new enterprise.

6.15 An allottee, after commencement of commercial production may be allowed by the Director or any other officer authorized by him to rent out not more than 49% of approved built up area of land/plot which is surplus to his own requirement, for setting up of Industrial Enterprise(s) after charging one time processing fee equivalent to 10% of unearned increase in premium (i.e. difference between the rates applicable at the time of transfer and allotment), subject to maximum of Rs. 50,000/-, Rs. 20,000/- and Rs. 10,000/- in 'A', 'B' and 'C' category Areas respectively in each case and in

addition an allottee will also pay monthly rental @ Rs. 2.00 per Sq. Feet on built up rented area in 'A' category area and Municipal area and @ Rs. 1.00 per Sq. feet on built up rented area in 'B' and 'C' category area excluding Municipal Area. Such permission will be given only for setting up of not more than two Industrial Enterprise in the rented premises for manufacturing the new item(s) (other than those being manufactured in the existing Enterprise). The existing Industrial Enterprise of the allottee should be in production for at least one year and also have no objection certificate from the Financial Institution(s) having any charge on land/plot and assets of the Industrial Enterprise of the allottee. Permission to rent out premises shall be given initially for a period not exceeding 10 years at a time, which may be renewed by charging processing fee applicable at the time of renewal. Such permission will be deemed to have been withdrawn in case the original allottee or the hirer of the allottee closes down its Industrial Enterprise for a period lasting for more than 12 months continuously.

- 6.16** The revenue on account of processing fee, extension fee and unearned increase in premium realised by the Department under the provisions of these Rules, shall be deposited into the account of respective Industrial Area Development Agency (IADA), which will be corpus for maintenance and development of industrial areas/infrastructure and the same will be utilized as per by laws of the IADA.

7. Allotment of Industrial Sheds and Shops in Industrial Areas/ Estates:

7.1 For Industrial sheds allotted after the appointed day:-

- (a) Industrial Shed(s) built up by the Department shall be allotted by the Director or any officer authorized by him on leasehold basis for a period of 45 years by charging the premium as under:-

a	Actual cost of construction of shed.
b	Cost of land as determined by the Committee constituted under Rule 6.2 of these Rules.
Total Prem ium	a+ b

- (b) The application for allotment of industrial shed(s) for industrial purposes shall be made to the concerned DDI/GM, DIC/ MS,SWCA, as the case may be, on the prescribed form alongwith other requisite documents and earnest money of Rs.10,000 in the shape of bank draft. 30% of the premium of shed (the earnest money deposited at the time of application will be adjusted against the amount so payable) shall be payable at the time of entering into an agreement to lease and balance in 5 equal annual instalments. No interest will be chargeable on the balance instalments. However the interest would be chargeable on delayed payments @12% P.A. or as fixed by the Government from time to time. However, 10% rebate on total premium of shed will be given in case the allottee makes the entire payment of premium in lump sum at the time of execution of agreement to lease/lease deed as against 5 annual instalments of 70% balance premium of shed.
- (c) An allottee after execution of lease deed may be allowed to carry out major repairs, additions and alterations or construction of additional storey at his own cost for which prior approval of the Director shall be required, which will be given wherever feasible and otherwise allowed under the applicable planning regulations of the area. In case of additional construction, an additional premium equivalent to 25% of cost of entire leased area prevalent at the time of execution of initial agreement to lease will be charged and the supplementary lease deed for the balance period indicating the additional built up area will be entered into between the Department and the allottee. In case the allottee has constructed additional floor area or an additional storey after prior approval, he may be allowed by the Director to set up one separately identifiable Industrial Enterprise therein to manufacture new item(s) (other than those being manufactured in the existing Enterprise of the allottee). If this additional Industrial Enterprise is established under the original name/ style and constitution, without any corresponding change in the lease deed, no processing fee will be charged. However, if the additional Industrial enterprise is set up under a new name, style or constitution in

which the allottee has majority share (minimum 51 %), one time processing fee of Rs. 10,000/- will be charged. The new enterprise will abide by all the terms and conditions of the lease deed executed with the original allottee and the original allottee will be liable to bear all the liabilities and consequences of actions of its new enterprise.

- (d) Industrial shed shall be allotted by the Director or any other officer authorized by him on the recommendation of the Committee constituted for the purpose on first come first serve basis, unless the Committee decides otherwise for the reasons to be recorded in writing. However, the sheds may be allotted out of turn to the eligible categories for which such a provision has been specifically made under these Rules. In case the shed is available for allotment upon its resumption after cancellation of allotment or has been surrendered by the allottee himself, it shall be re-allotted only through open auction/inviting bids from general public. In such cases the minimum reserve price will be fixed as per the provisions of Rule 7.1.
- (e) The industrial shed will be provisionally allotted for a period of one year and possession will be handed over to the allottee after entering into an agreement to lease. The allottee shall commence commercial production within 1 year from the date of handing over of the possession. The Director may, however extend the period of the provisional allotment by one more year on the merits of each case, subject to the total period (including the original period of 1 year) not exceeding 2 years from the date of handing over of the possession. However, in exceptional circumstances where the allottee has taken effective steps for the setting up of the Industrial Enterprise in the Shed, Director may, if satisfied extend the period of the provisional allotment up to 3 years, from the date of handing over of the possession, on the merits of each case. Such an extension will only be given subject to realization of extension fee equivalent to 10% of the total premium assessed at the time of provisional allotment, which will not be refundable/adjustable in the premium of the Industrial Shed.

- (f) A regular lease deed can be entered into between the Department and the allottee after the fulfilment of the following conditions by the allottee:-
- i) Proof of all necessary approvals/registration of the different Departments/ Agencies of State Government and Central Government as applicable to the Project.
 - ii) Proof of sanction of the loan for the approved project from the financial institution(s), if any.
 - iii) In case the Industrial Enterprise is self-financed, proof of placement of firm orders of at least 50% of the estimated cost of plant and machinery as per the project report.
- (g) The lessee may mortgage/ hypothecate the lease hold rights with the prior permission of the Director or any officer authorized by him.
- (h) In case an allottee fails to bring the Industrial Enterprise in commercial production within the stipulated period including period of extension if any, the allotment shall be cancelled by the DDI/ GM,DIC/ MS,SWCA, as the case may be, and the possession of the shed shall be resumed. In such cases, 10% of the premium paid or Rs. 10,000/-, whichever is higher will be forfeited and the balance amount deposited by the allottee in lieu of the premium of shed would be refunded.
- (i) Change in the ownership/constitution of the allottee after provisional allotment will be permitted as provided for under Rule 6.12.
- (j)
- i) Transfer of the lease hold rights of shed will be permitted by charging unearned increase in premium (i.e. difference between cost of land on which industrial shed is constructed as on the date of execution of lease deed and transfer of lease deed) as provided for under Rule 6.13(a) (i to iii).
 - ii) In the event, a shed is transferred to a new Industrial Enterprise on account it being taken over and sold under Section 29 of the State Financial Corporations (SFCs) Act, 1951 by HPFC or HPSIDC or

under orders of BIFR, processing fee equivalent to 5% of the differential cost (i.e. difference between cost of land on which industrial shed is constructed as on the date of execution of lease deed and transfer of lease deed) or Rs.10,000, whichever is higher will be charged. Such a shed will be transferred to the buyer on 45 years lease hold basis for the establishment of Industrial Enterprise(s) on the same terms and conditions as applicable under Rule 7.1 and the revised lease deed will be executed accordingly.

7.2 For industrial sheds allotted before appointed day.

7.2.1 The allottees who were allotted industrial shed(s) upto appointed day i.e. 31-12-2004 on rental may exercise their option either to:-

- a) continue to be in the occupation of sheds on rental basis subject to the condition that the Enterprise is in operation. In such cases, the revised rental agreement between the allottee and the Department will provide for increase in rental by 10% w.e.f. 1-1-2005. The rental would be revised @ 10% and a fresh rent deed signed after every three years, provided the entire outstanding rental due to Department by the allottee has been settled. In case of violation of any of the conditions of allotment or any other condition imposed by the Director from time to time, the allotment of shed will be cancelled and the dues outstanding, if any, will be recovered as arrears of Land Revenue by the Department. The possession shall be resumed by the Department after giving notice to the allottee to vacate the shed and surrender the possession of the shed free of all encumbrances peacefully within a period of 2 months failing which the provisions of the H.P. Public Premises & Land (Eviction and Rent Recovery) Act, 1971 will be invoked to resume the possession of the industrial shed.

or

- b) convert their existing rental agreements to lease hold basis for a further period of 45 years from the date of agreement to lease. In such cases, a

regular lease deed will be signed after realizing the full premium of the shed to be calculated as follows:-

a	Cost of shed	Actual cost of construction + 10% simple rate of interest per annum upto the date of execution of Agreement to lease.
b	Cost of land	Cost of land as determined by the Committee constituted under Rule 6.2.
c	Rent paid	(i) Rent paid upto the date of execution of lease deed would be deducted from the premium of shed (ii) however unpaid interest/penal interest would be added in the premium of the shed.
d	Premium of shed.	$a + b + c(ii) - c(i)$

Provided that the sheds which were allotted on rent basis and subsequently proposal was evolved prior to 31-12-1998 for allotment of such sheds on hire purchase basis, such sheds may be allotted on lease basis as per option of the allottee. In such cases, determination of the premium of the shed will be done as follows:-

a	Cost of shed	Actual cost of construction + 10% simple rate of interest per annum upto the date of execution of Agreement to lease.
b	Cost of land	Cost of land as on 31-03-1998 + 10% interest upto the date of execution of Lease Agreement.
c	Rent paid	(i) Rent paid upto the date of execution of lease deed would be deducted from the premium of shed (ii) however unpaid interest/penal interest would be added in the premium of the shed.

d	Premium of shed.	$a + b + c(ii) - c(i)$
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The regular lease deed will be executed only after receipt of 100% of the premium of shed. 50% of the premium will be realised at the time of agreement to lease and the balance 50% will be recovered in 3 equal annual instalments. The interest chargeable on delayed payment would be 12%P.A. or as fixed by the Government from time to time.

Provided further that for such allottees also, after execution of regular lease deed, the conditions of Rule 7.1(c), (g), (i) & (j) will be applicable.

- 7.2.2** In the event, a shed is transferred to a new Industrial Enterprise on account it being taken over and sold under Section 29 of the State Financial Corporations (SFCs) Act, 1951 by HPFC or HPSIDC or under orders of BIFR the provisions of Rule 7.1 (i) will be applicable.
- 7.3** The existing allottees whose subsisting lease deed with the Department are for a period of 20 years may enter into a supplementary lease deeds for a period of 45 years from the date of signing of initial agreement to lease. For such allottees also the conditions of Rule 7.1(c), (g), (i) & (j) will be applicable.
- 7.4** Shops in the Industrial Areas/ Estates will be allotted on lease hold basis by inviting sealed bids/open auction for a period of 45 years. The allottees who were allotted shops prior to the appointed day on rental basis may either continue to occupy the shops for the remaining period of rent on rental basis as per the terms and conditions of allotment or opt for converting their existing rental agreements into an agreement for allotment of such shop on a lease hold basis for a period of 45 years calculated from the date of entering into agreement to lease. In such cases regular lease deed will be signed after

realizing all outstanding dues and full premium of the shop to be calculated as follows:-

- a Actual cost of construction of shop.
 - b Cost of land as on the date of execution of lease deed as determined by a Committee constituted under Rule 6.2 of these Rules.
- Total Cost a+ b

The existing allottees whose subsisting lease deeds with the Department are for a period of 20 years may enter into a supplementary lease deed for a period of 45 years from the date of signing of initial agreement to lease.

Wherever feasible and otherwise allowed under the applicable planning regulations of the area, an allottee after execution of lease deed may be allowed to construct one additional floor over the existing shop at his own cost. Prior approval of the Director in such cases shall be required, which will be considered on the merits of each case after charging additional premium equivalent to 50% of cost of land under shop, as determined by the committee constituted under Rule 6.2 of these Rules and applicable at the time of according such permission. The supplementary lease deed for the remaining period of the lease deed indicating the additional built up area also will be entered into between the Department and an allottee in such case.

8. SUBSIDY TOWARDS THE COST OF PREPARATION OF FEASIBILITY REPORT:

- (a) New Industrial Enterprise will be eligible for the reimbursement of 50% expenditure incurred towards the cost of preparation of feasibility report or Rs.10,000/- for Micro Enterprise, Rs.40,000/- for Small Enterprise and Rs. 1 lakh for Medium, Large, Thrust Enterprise and Specified Category of Activities, whichever is less.
- (b) The New Industrial Enterprise may apply to the concerned DDI/GM,DIC/MS,SWCA within a period of one year from the date of

commencement of commercial production alongwith proof of the payment made to an approved Consultant or Agency.

1. POWER CONCESSIONS:

Power:

Power will be made available to industrial units only as long as they satisfy the eligibility criterion as laid down under Rule 4 of these Rules, specifically Rule 4.1(c) and are also approved and registered with the Department of Industries as also fulfill the other eligibility conditions laid down for availing incentives under these Rules.

All New industrial units including EOUS/Specified Category of Activities/Thrust Industries/ setting up of state of the art computerized auction houses and quality certifying agencies etc., but excluding those units listed in Annexure-III with a connected load not exceeding 100KW, shall be charged a concessional rate of Electricity Duty at the rate of 10 paisa per unit for a period of 5 years from the date of commencement of commercial production in category B and C areas only. This concession would be effective from the date of notification by the Department of MPP & Power.

The existing unit(s) already availing this incentive under the previously applicable incentive Rules (1999 incentive rules) shall continue to avail those incentives, only for the unexpired period of its/their eligibility.

No electricity duty will be charged from any New Industrial unit or Existing Industrial Unit, on the power generated from their captive power generation sets from the appointed day.

Out of turn preference and top priority would be given to sanction power connections to 100%Export Oriented Units, Export oriented units, Information Technology projects, Bio Technology projects, and projects involving Foreign Direct Investments.

Industrial Units (except those listed in the negative list-Annexure-III), which involve continuous process, and are registered as export oriented units and food processing industry will be exempted from power load cuts depending upon the system constraints.

SALES TAX CONCESSIONS:

10.1 The following Sales Tax Incentives would be provided subject to their fulfilling the eligibility conditions as laid down elsewhere under these Rules:

- 1) Sales Tax incentives, that is, exemption from payment of C.S.T/G.S.T. for 10 years from the date of their commencement of production in the Tax Free Zone (now classified as Category 'C' areas under these Rules) shall be continued, as provided for under the 1999 Incentive Rules. This incentive will be admissible to New Industrial Units and or existing industrial units as on 7/01/2003 (for the purpose of this incentive only) which undertake substantial expansion after 7/01/2003 .This incentive will be available to all eligible units listed in the negative List (Annexure-111) also. In other words no Negative List will be applicable in Tax Free Zones for the purpose of this incentive.

- 2) Village Industry, as defined under these Rules, set up in the State, falling within the definition of Khadi and Village Industries Board and which are so notified by the State Government in consultation with the Department of Excise and Taxation will be exempted from the payment of Sales Tax, as was the position prior to 10/03/1999. This incentive however, will not be available to such units manufacturing products, which are listed in Annexure-III (Negative List) of these Rules.

- 3)i) Except for industries listed in the Negative List (Annexure-III of these Rules), New Industrial Units set up after the appointed day as specified under these Rules shall be entitled to the incentive of deferment of 100%

General Sales Tax for a period of 8 years in Category 'B' areas and for a period of 5 years for such units in category 'A' areas

- ii) Existing industrial units, except for industries listed in the Negative List (Annexure-III of these Rules), which have been set up (i.e commenced commercial production) before 7/01/2003, and which after the approval of Director of Industries or any other officer so authorised by him, undertake substantial expansion only after 7/01/2003, as defined under these Rules, shall be entitled to the incentive of deferment of 75% General Sales Tax for a period of 8 years in category B areas and for a period of 5 years for such units in category 'A' areas,
- iii) The benefit as at para (i) and (ii) above will however be subject to furnishing of security/bank guarantee to the satisfaction of the Excise & Taxation Department of Government of Himachal Pradesh. The General sales Tax so deferred for 8 years or 5 years as the case may be shall become due for payment after a period of 5 years from its collection. This means that the tax collected in the Ist year shall be payable in the 6th year, second year in the 7th year and so on. 25% of the G.S.T. liability as and when due in case of existing units undertaking substantial expansion (as at para (ii) above) will however continue to be deposited with the State Government as prescribed by relevant law/ statute.

The G.S.T. on the raw material, processing and packaging material except timber, shale and limestone used by the existing and new industrial units (as defined under these Rules) unless provided otherwise elsewhere under these Rules, for captive manufacturing within the State shall be leviable at a concessional rate of 1% upto 31-03-2013.

Central Sales Tax at a concessional rate of 1% shall be leviable on the goods manufactured by new and existing industrial units (as defined under these Rules) unless provided otherwise elsewhere under these Rules, upto 31-03-2013. This incentive will not be provided to industrial unit engaged in the

production of breweries, distilleries, non-fruit based wineries and bottling plants (both for country liquor and Indian made foreign Liquor).

The concessions provided under this rule will commence from the date of commencement of commercial production or from the date of notification issued by the Department of Excise and Taxation (wherever required), whichever is later.

11. ADDITIONAL INCENTIVES TO SPECIAL CATEGORY OF ENTREPRENEURS FOR SETTING UP OF NEW INDUSTRIAL ENTERPRISE(S) IN MICRO AND SMALL SECTORS:

- a) Reimbursement of 90% expenditure incurred towards the cost of preparation of feasibility report with a ceiling of Rs.25, 000/- in each case.
- b) 100% subsidy on the carriage and installation cost of the plant and machinery.
- c) Special Investment Subsidy @ 10% on Fixed Capital Investment (FCI) subject to a maximum of Rs. 1,00,000/-.
- d) Interest subsidy @ 5 % on term loan availed from the Financial Institution(s) as per original repayment schedule with a ceiling of Rs. 50,000 p.a. for a period of 3 years. This interest subsidy will be made available for "Specified Category of Activities" (as listed in Annexure-IV) with FCI upto Rs. 25 lakhs. No interest subsidy will be paid on defaulted installments and the period of default will be counted for determining the ceiling of 3 years viz. interest subsidy will be admissible for the first 3 years of the original repayment schedule finalized by the Financial Institution at the time of sanctioning of loan.

11.1 PREFERENTIAL ALLOTMENT OF LAND AT CONCESSIONAL RATES FOR ESTABLISHMENT OF INDUSTRIAL ENTERPRISES BY PERSON(S) WITH DISABILITIES:-

- a) 3% of the industrial plots/ industrial sheds available for allotment for the first time shall be allotted to Industrial Enterprises to be set up/promoted by Person(s) with Disability either individually or collectively. 3% reservation of plots/ sheds shall be done in the same manner reservation as to the posts

in employment to such persons is being provided, wherein preferential roster point is assigned e.g. if there are only 2 plots/industrial sheds, one plot/industrial shed will go to the person(s) with disability.

- (b) Industrial plots/ sheds will be allotted to Person(s) with Disability at 90% of the premium/ rates fixed by the Government from time to time.
- (c) The procedure for allotment of plots/industrial sheds & condition of allotment will be the same as contained in Rule 6 & 7 of the these Rules.

12. ADDITIONAL INCENTIVES FOR PROMOTION OF EXPORT:

- (a) Reimbursement of cost incurred for shipment of export samples by Micro & Small EOUs from the nearest port/container depot to the port of destination with a ceiling of Rs. 15000/- per consignment, subject to a maximum Rs. 50,000/- per Enterprise during its period of operation.
- (b) **Market development assistance to Micro & Small EOUs:**
 - i) Reimbursement of 50% of the cost incurred on publishing export marketing brochures and product literature with a ceiling of Rs.15,000/- per Enterprise during a financial year.
 - ii) Reimbursement of 50% of the cost of participating in the relevant overseas trade fairs approved by the Trade Fair Authority of India/State Government with a ceiling of Rs.25, 000/- per enterprise during a financial year.
- (c) 100% EOUs shall be eligible for grant of "Public Utility" status under the Industrial Disputes Act, 1947.
- (d) Wherever available the Department may allot land/built up area to recognized Trading Houses and Export Promotion Council(s) set up in the State and engaged in the export of produce of State in accordance with the provisions made in Rule 6.

- (e) The Department may allot land at concessional rates for the setting up of Inland Container Depot to facilitate the transportation of export items to Cargo Complexes/ Ports.

13. STATE AWARD SCHEME FOR EXPORTS, PRODUCTIVITY, QUALITY AND OUTSTANDING PERFORMANCE IN HANDICRAFT AND HANDLOOM SECTOR TO MICRO AND SMALL ENTRPRISES:

Sl. No.	Name of the Category	No. and description of awards for each category
1	Outstanding performance in Exports.	1st award comprising of a trophy, certificate and cash award of Rs. 25,000/-
2	Excellence in Productivity, Quality and Performance.	2nd award comprising trophy, certificate and cash award of Rs. 10,000/-
3	Outstanding performance by Micro & Small Scale Industrial Enterprises in Handicraft/Handloom sector.	3rd award consisting of commendation certificate and cash award of Rs. 5000/-

These awards will be given each year on the basis of selection made by a Committee headed by the Director.

14. INCENTIVES FOR QUALITY, TECHNOLOGY UPGRADATION AND INSTALLATION OF NEW POLLUTION CONTROL DEVICES:-

14.1 Incentives for setting up of Testing Centres:-

One time grant of Rs. 5 lacs or 30% of the cost of testing equipment and machinery installed, whichever is lower will be given to each Testing Center set up in the area of testing of raw material/components and finished products. This grant will be in addition to the grant/ financial assistance, if any, provided by any other Agency or Govt. of India for setting up of such Testing Centre. Such Testing Centers may be set up by an Industrial Association, Non Government Organisation (NGO), Society (acknowledged/ registered under Societies Registration Act, 1860 or any

other statute), Public Sector undertakings which has obtained ISO Series certification related to setting up of such Testing Centre. The sanction and release of grant will be subject to following specific conditions:-

- i) A Governing Council having representation from the concerned office of DDI/GM, DIC, as the case may be, and Department of Environment and Scientific Technologies of the Government will be constituted by the applying Agency.
- ii) The applying Agency will submit a detailed project proposal (DPP) indicating the cost of Testing Centre, means of finance and sustainability of the proposal.
- iii) The applying Agency will utilize the grant and furnish the utilization certificate duly audited by a Chartered Accountant and countersigned by the DDI/GM, DIC, as the case may be, within a period of one year of disbursement of grant.
- iv) In case the Testing Centre stops functioning within a period 5 years of operation the entire grant disbursed will be recovered, if need be as arrear of Land Revenue.
- v) The applying Agency will not dispose off any of the assets created out of grant without the prior permission of the Director.

14.2 Incentives for Technology Upgradation:-

- a) Reimbursement of Rs. 10.00 lacs or 50% of the costs incurred on development of prototype patent, whichever is lower, for any technology innovation/ R&D by an Industrial Enterprise for which a patent has been obtained.
- b) One time grant of Rs. 5 lacs or 25% of the cost incurred, whichever is lower, on setting up of Technology Transfer unit by NGO's/ Societies duly registered with the competent Authority. This grant will be provided only after the Technology Transfer unit has assisted in technology transfer to a minimum of 10 Industrial Enterprises of the State.

14.3 Incentives on installation of new pollution control devices:-

One time grant of Rs. 5 lakhs or 20% of cost of installation of modern pollution control devices, whichever is lower, will be payable to Industrial

Enterprises set up in 'B' and 'C' category areas subject to following conditions:-

- i) Certificate from the H.P. State Pollution Control Board to the effect that such pollution control devices has actually purchased/ installed for the first time and are functioning successfully in the Industrial Enterprises continuously for the last one year.
- ii) Replacement of an existing pollution control device will not be reimbursed.

15. INCENTIVES TO THRUST INDUSTRIAL ENTERPRISES (ANNEXURE-II) {EXCLUDING SUCH INDUSTRIAL ENTERPRISES LISTED IN ANNEXURE-III}

15.1 New Thrust Industrial Enterprises listed in Annexure II (excluding Industrial Enterprises listed in Annexure-III) and located in "B" and "C" category areas will be eligible for: -

- i) Out of turn allotment of land/plot/ industrial sheds.
- ii) Allotment of land/plot/ industrial sheds @50% of the normally applicable premium as may be determined by the Government from time to time for the general category of industries.

15.2 Exemption from the payment of State Excise Duty for a period of 7 years to New Thrust Industrial Enterprises set up as Micro and Small Scale Enterprises which are manufacturing wine/cider by using locally produced fruits and located in "B" and "C" areas.

15.3 New Thrust Industrial Enterprises based on Horticulture/Vegetable /Maize/ herbal produce enterprises and located in 'B' and 'C' category areas shall be entitled for the following additional incentives:

- a) Total exemption from the payment of Electricity Duty for a period of 10 years from the date of commencement of production.
- b) Interest subsidy @5 % p.a. on term loan, with a ceiling of Rs. 2 lakhs p.a. for a period of 3 years.

15.4 Biotechnology related Thrust Enterprise(s) covered under Sl. No. 27 of Annexure –II of these Rules will be governed by:-

- a) the procedure of the Department, as applicable to other Industrial Enterprises with regard to approval/acknowledgment, processing of applications for the purchase of private land, allotment and transfer of industrial plots/land/sheds in the Industrial Areas/ Estate including Biotechnology Parks/ Estates etc. of the State, release of electricity & water connections and other infrastructural requirements. The Department of Environment, Science and Technology of the State Government will be the Nodal Department for receiving, processing and recommending the applications of such Thrust Enterprise(s) to concerned Departments/ Boards/ Corporations of the State and Central Government, as the case may be, wherever required.
- b) the Scheme of Incentives, Concessions and Facilities under these Rules as provided to other Industrial Enterprises. Such New Thrust Enterprise(s) located in 'B' and 'C' category area shall be eligible for the following additional incentives:-
 - i) Out of turn allotment of land/plot/ industrial sheds.
 - ii) Allotment of land/plot/ industrial sheds @50% of the normally applicable premium as may be determined by the Government from time to time for the general category of industries.
 - iii) Interest subsidy @5 % p.a. on term loan, with a ceiling of Rs. 2 lakhs p.a. for a period of 3 years.

16 Purchase Preference:

16.1.1 The products of Small Scale Industry including 'Village Industry' as defined under these Rules and located within Himachal Pradesh only will be give purchase preference in respect of purchases affected by the Government

Departments, Boards and State owned or controlled Corporations. Purchase orders to such firms will be placed at the lowest approved rates.

17. "Himachali Utpaad Scheme- Product of Himachal":

- a) The State Government will adopt a logo which will be used to certify products made in Himachal. The H.P. Handlooms and Handicrafts Corporation or any specific designated Government Department/ Government owned agency on the recommendations made by the concerned General Manager, DIC will allow the use of this logo by registered manufacturing units set up in the State. The industrial units that are engaged in the manufacture of Handloom, Handicraft, Sericulture, Khadi and Village industry will be covered under this scheme in the first phase. The Handloom and Handicraft Corporation will elaborate upon the detailed procedure to be followed, registration fees/ charges and the process involved. The funds generated out of this scheme will be supplemented with a regular Departmental budget on 50:50 basis which will be used to advertise and develop a brand ambassador network, bringing select groups from media houses and educational institutions, skill upgradation and quality control institutions for structured tours in the State, collation and dissemination of success stories, generating research reports that would help track perception of Himachali Utpaad-A Product of Himachal Pradesh.
- b) The Department of Industries will fund 50% of the cost of visit of select groups/designers/ reputed manufacturing and buying houses to the clusters of Handloom and Handicraft villages in the State located in "B" and "C" category areas organised after approval of Director of Industries or any other officer authorised by him, with a view to adopt such villages and tie up their production, subject to a ceiling of Rs. 75,000/- per case per year.

18. Scheme for registration and grant of incentives to 'specified category of activities'(Annexure-IV):

- 18.1** The Department will register certain activities as 'Specified Category of Activities' listed in Annexure-IV promoted by bonafide Himachalis and certified as such by the concerned Government Department(s).

18.2 The applicant Enterprise shall apply to the Director/ DDI/ GM,DIC/ MS,SWCA, as the case may be, on the application form being used for the acknowledgement Micro, Small & Medium Enterprises and application form for Large Scale Enterprises, depending upon the proposed level of investment in Plant and Machinery/Equipments. The Department will forward the said application to the concerned Department (Departments of Agriculture/ Horticulture/ Animal Husbandry/ Fisheries etc. as the case may be) for certifying that the project is covered under the definition of 'Specified Category of Activities'. The Department will register these projects on provisional basis and maintain registration record of such activities separately. Such 'Specified Category of Activities' will be permanently registered after commencement of commercial production and will be issued Eligibility Certificate giving detail of commencement of commercial production and incentives and concessions as applicable.

18.3 In case any activity included in 'Specified Category of Activities' is also acknowledged as an Industrial Enterprise under the provisions of the MSME Act 2006 it will be only entitled to avail of those incentives and concessions which are provided to New Industrial Enterprises under these Rules.

18.4 The following incentives and concessions will be available to such New Enterprises registered on permanent basis as a Specified Category of Activities:

- i) Concessional rate of Electricity Duty @ 10 Paise per unit for a period of 5 years from the date of commencement of commercial production.
- ii) Interest subsidy @5 % p.a. on term loan and working capital with a ceiling of Rs. 1 lakhs p.a. for a period of 3 years.
- iii) Fixed Capital Investment Subsidy @ 15% subject to a maximum of Rs. 5 lakhs on cost of structure, building, plant and machinery.
- iv) Sanction of water and electricity connection on priority.

- v) Exemption from the payment of Luxury Tax and Entertainment Tax (as applicable) for a period of 5 years from the date of commencement of commercial production.

19. Tax incentives available to units in category "c" blocks (tax free zone)

19.1 All new industrial unit(s) set up in the Category "C" areas of the State, as notified from time to time, shall be exempted from payment of any State taxes and duties (excluding levies in the shape of cess, fees, royalties etc.) for a period of 10 years from the date of commencement of commercial production or the date of notification by the concerned Department(s), whichever is later.

20. Labour Laws:

For Existing and New industrial units set up in the State, the following concessions and facilities may be granted, effective from the date of Notification by the concerned Department under the relevant statute:

1. The State Government in exercise of the powers under Section 9-B of the Act, would grant exemption from the requirement of 'Notice for change' as provided for under the provisions of Section 9-A of the Industrial Disputes Act, 1947.
2. The State Government by a notification in the official gazette under Section 40 (1), of the Industrial Disputes Act, 1947 would add continuous process industry, IT industry, BT industry, hazardous industry and export-oriented industry to the 1st schedule.
3. Permission under Chapter V-B of the Industrial Disputes Act, 1947 to regain health of the *sick unit* by trimming the extra labour force would be given by the Labour Department within 30 days.
4. The State Government by exercising its powers under Section 65(2) of the Factories Act would grant exemption to all Export Oriented Units from the

provisions of Section 51, 52, 54 and 56 of the Act. to enable such units to increase its working hours to 60 per week (Section 51), to 11 per day (Section 54) and Spread Over to 13 hours per day (Section 56). The State Governments would also exercise its power to facilitate two-shift operation with women workers to enable women workers to work between 5.00 am to 10.00 pm and beyond the prescribed working hours between 6.00 am to 7.00 pm under Section 66 (1) (b), of the Factories Act. This would however be done on the condition that the management would make adequate transport, safety and security arrangements for the women workers.

- 5 Contract Labour would be permitted Under Section 10 of the Contract Labour (Regulation & Abolition) Act, 1970 in solid waste disposal units, 100% EOU's, IT units, BT units and non-core activities like cleaning, security, gardening, loading/unloading etc subject to the condition that such contractual labour is from amongst bonafide Himachali's and minimum wages would be applicable to such contractual labour.
- 6 The State Government would also consider on a case-to-case basis allowing enhanced freedom to employ contractual labour to the industrial units under the Contract Labour (Regulation & Abolition) Act, 1970 as follows:
 - Where Minimum wage is paid, no special freedom would be allowed.
 - Where double the minimum wage is paid, upto 10% of the total labour employed on permanent basis from amongst bonafide Himachali's by the unit would be allowed on contract basis.
 - Where triple of the minimum wage is paid, upto 20% of the total labour employed on permanent basis from amongst bonafide Himachali's by the unit would be allowed on contract basis.
 - Where five times the minimum wage is paid, exemption from Chapter V-B and upto 50% contract labour from amongst bonafide Himachali's would be allowed on contract basis.

21. Manpower Development:

- i) Private Recruitment Agencies obtaining a No Objection Certificate from the Labour Commissioner- cum- Director of Employment, H.P. will be eligible for the allotment of land/plot/ built up space in the Industrial Areas/Estates in accordance with the provisions made under Rule 6&7.
- ii) Industrial Enterprises which organize recruitment camps outside the District of their location or conduct campus interviews in the Colleges, Universities, Technical Training Institutes of the State will be eligible for incentive of Rs.500/- per bonafide Himachali candidate so recruited by it on regular basis subject to the condition that the recruitment so made is verified by the concerned District Employment Officer and by the DDI/GM, DIC/MS, SWCA, as the case may be. This incentive may also be availed by the Placement Cells of Colleges, Universities, Technical Training Institutes of the State.
- iii) Industrial Enterprises will be reimbursed 50% of the actual cost of training or Rs. 5000/- per trainee, whichever is less to its workers belonging to Below Poverty Line /Schedule Caste /Schedule Tribe families for upgrading of their skills in Government recognized institutions or recognized/licensed units located outside the State, subject to a ceiling of Rs. 25,000/- per Enterprise per year. This subsidy will be subject to the condition that all such trained workers will continue to be employed for at least a period of 3 years by the Enterprise.

b) Award Scheme for Employment:

Industrial Enterprises will be awarded following prizes on annual basis for employing maximum number of bonafide Himachalis:

Name of the Award	Description of Award
1 st Prize.	Trophy, Certificate and cash Award of Rs. 25,000/-

2 nd Prize	Trophy, Certificate and cash Award of Rs. 10,000/-
3 rd Prize	A commendation Certificate and a cash award of Rs. 5,000/-

22. Incentives for setting up of state of the art computerized auction houses and quality certifying agencies:

22.1 Entrepreneurs in private sector setting up modern auction houses, marts and infrastructure for physical handling, storing, marketing and facilitating on line auction of agriculture/ horticulture/ sericulture/ floriculture/ animal husbandry produce/ pisciculture produce in the State or for setting up modern offices for use by buyers/sellers and facilities for producers, setting up recognized quality certifying agencies (recognized by the concerned Department of the State Government) will be eligible for the following incentives:

- i) 25% subsidy on cost of computers and related peripherals, cost of testing and quality control equipment, subject to a ceiling of Rs. 2 lakhs per project.
- ii) Concessional rate of Electricity Duty @ 10 Paise per unit for a period of 5 years from the date of commencement of operation.
- iii) The Government may by a Notification in the official Gazette under Section 40 (1) of the Industrial Disputes Act, 1947 may include such establishments to the 1st schedule.
- iv) The Government by exercising its powers under Section 65(2) of the Factories Act may grant exemption to such establishments from the provisions of Section 51, 52, 54 and 56 of the Act. This will enable such establishments to increase their working hours from 60 per week (Section 51) to 11 per day (Section 54) and spread over to 13 hours per day (Section 56).
- v) The Governments may exercise its power to facilitate two-shift operation with women workers to enable them to work between 5.00 am to 10.00 pm

also and beyond the prescribed working hours between 6.00 am to 7.00 pm under Section 66 (1) (b) of the Factories Act. This will however be done on the condition that the management will make adequate transport, safety and security arrangements for the women workers.

- vi) Contract Labour from amongst bonafide Himachalis will be permitted Under Section 10 of the Contract Labour (Regulation & Abolition) Act, 1970 in such establishments for non-core activities like cleaning, security, gardening, loading/unloading etc. subject to the condition that minimum wages will be applicable to such contractual labour.

23. Power to amend and/or relax/repeal any or all provisions of the rules:

23.1 Notwithstanding anything contained in any of the provisions of these Rules, the State Government may at any time:

- a) make any amendment to these Rules, or repeal them;
- b) make any relaxation in applying the provisions of these Rules on merits of each case, as the State Government may consider necessary and appropriate;
- c) impose any condition in addition to the provision of these Rules on merits of each case, as the State Government may consider necessary and appropriate;

23.2 In case of any dispute arising out of interpretation of these Rules, the matter will be referred to the Secretary (Industries) to the Government of Himachal Pradesh, whose decision shall be final and binding on all. In any special case(s), the Government may set up a committee and refer any particular dispute to it for final decision.

24. Repeal and Savings:

Rules Regarding Grant of Incentives, Concessions and Facilities to Industrial Units in Himachal Pradesh, 1991, 1992 and 1996 notified vide notifications No. 9-4/73-SI (Rules)-4 dated 27/3/91, 31/7/1992, notification number

Udyog (Chh)6-96/81-IV dated 22/8/1996 respectively and Rules Regarding Grant of Incentives, Concessions and Facilities to Industrial Units in Himachal Pradesh, 1999 notified vide notification no. IND.A(E)5-1/98 dated 31st March, 1999 and all other incentives rules notified earlier as amended from time to time and orders, directions issued there under shall upon the commencement of these Rules, save as otherwise expressly provided in these Rules, stand repealed/revised.

Provided that such repeal shall not affect the operation of the incentive rules in respect of the claims, matters and issues pertaining to the period prior to the appointed day (as specified under these rules) and the same shall be governed by the Rules applicable at that time. In other words units set up prior to the appointed day and which were covered under the previous incentive Rules, as notified from time to time, would continue to be governed for the purpose of incentives as provided for under those Rules, for the unexpired period only.

ANNEXURE-I*

Categories of areas for the purpose of incentives

	District	Category “A” Areas (excludes Backward Panchayats)	Category “B” Areas (Entire area under the following Development Blocks including left out areas of the Development Blocks indicated under Category ‘A’ Areas and excludes any Backward Panchayat)	Category “C” Area (Tax Free Zones) (Includes all Tribal Blocks and Development Blocks mentioned under this category and includes all Backward Panchayats located in Blocks under the ‘A’ and ‘B’ Category Area)
1	Bilaspur		Bilaspur Sadar	
		-	Ghumarwin	
			Jhandutta	
2.	Chamba			Bharmaur
			Bhattiyat	Pangi
		-		Tissa
			Chamba	Salooni Mehla
3.	Hamirpur		Hamirpur	
			Bijhari	
		-	Nadaun	
			Bhoranj	
			Sujanpur-Tihra	
			Bamsan	
4.	Kangra		Kangra	
			Rait	
			Nagrota Bagwan	
			Panchrukhi	
			Fatehpur	
			Lamba Gaon	
		-	Baijnath	

			Nagrota Surian	
			Dehra	
			Bhawarna	
			Paragpur	
			Indora	
			Nurpur	
			Sulah	
			Dharamshala	
5.	Kinnaur			Kalpa
		-		Pooh
				Nichar
6.	Kullu		Kullu	Anni
		-	Naggar-Katrain	Nirmand
				Banjar
7.	Lahaul & Spiti			Lahaul (Keylong)
		-		Spiti (Kaza)
8.	Mandi		Mandi Sadar	Seraj
			Sundernagar	Karsog
			Balh	
		-	Gopalpur	Gohar
			Darang	
			Chauntra	
			Dharampur	
9.	Shimla		Theog	Rohru
			Mashobra	Chopal
		-	Jubbal	Chhohara
			Narkanda	Rampur
			Basantpur	Nankhari
10.	Sirmaur	1) All areas included in Kanungo circles of Majra and Paonta Sahib including Industrial Area Paonta Sahib in Paonta Sahib Development Block		Pacchad

		2) All areas included in Kanungo circles of Nahan including Industrial Area Kala Amb in Nahan Development Block		Shillai
				Sangrah
			Rajgarh All Left out Areas (i.e excluding Areas indicated in Category 'A' list) of Dharampur, Nalagarh, Paonta Sahib, and Nahan Development Blocks	
11.	Solan	1) All Areas included in kanungo circles of Kasauli including Industrial Area Parwanoo in Dharampur Development Block	Kandaghat	-

		2) All Areas included in kanungo circles of Nalagarh and Doon, including Industrial Area/s Baddi, Barotiwala, EPIP etc. in Nalagarh Block		
			Kunihar	
			Solan	
12.	Una		Amb	
			Gagret	
		-	Dhundla	-
			Una	
			Haroli	

ANNEXURE –II*

THRUST INDUSTRIAL ENTERPRISES

(AS REFERRED TO IN RULE 15 OF THESE RULES)

(This list will not apply in respect of Industrial Enterprises which may also fall under the category of Industrial Enterprise listed in Annexure –III)

1. Enterprises based directly on horticulture produce including hops and tea.
2. Mineral water bottling.
3. Automobile manufacturing Enterprises including assembly Enterprises which have a minimum of 5 ancillary Enterprises substantially dependant on it.
4. Cold storage Enterprises /chain.
5. Fruit/vegetable/herbs/ honey/spices based wineries.
6. Production of Ciders/ale/ liqueurs.
7. Sericulture /Handlooms/Khadi industry related manufacturing industrial activities.
8. Electronic Enterprises including computer software and information technology except assembling Enterprises where value addition is less than 15%.
9. Floriculture
10. Medicinal herbs and aromatic herbs etc. processing.
11. Horticulture, Maize based industries, herbal based industries and Agro Based Industries excluding those included in the negative list.
12. Food Processing Industry excluding those included in the negative list.
13. Sugar and its by-products.
14. Silk and silk products.
15. Wool and wool products
16. Woven fabrics (Excisable garments)
17. Sports goods and articles and equipment for general physical exercise and equipment for adventure sports/activities, tourism.
18. Paper & paper products excluding those in negative list (as per excise classification)
19. Pharma products.
20. Information & Communication Technology Industry, Computer hardware, Call Centres, I.T. Software and services.
21. Eco-tourism- Hotels, resorts in locations other than those located in the Municipal limits/NAC /Nagar Panchayats/Special Area Development Authority limits, as the case may be of Shimla, Dalhousie, Macleodganj and Manali
22. Spa, entertainment/amusement parks ropeways etc.
23. Industrial gases (based on atmospheric fraction).
24. Handicrafts
25. Non-timber forest product based industries.
26. Precision Industries
27. Enterprises to manufacture industrial products by any biotechnology process and Processing Laboratories or Research & Development activity related to processing,

scale-up, other innovations and products in the field of Biotechnology, as approved by State Level Single Window Clearance and Monitoring Authority on the recommendation of the Department of Environment, Science and Technology of the State Government.

Note: Products listed from Serial No. 9 to 24 are as reflected in Government of India, Ministry of Industry and Commerce O.M. dated 7/01/03 and as defined by Government of India from time to time.

ANNEXURE-III**NEGATIVE LIST**

1. Tobacco and tobacco products including cigarettes and pan masala
2. Thermal Power Plant (coal/oil based)
3. Coal washeries/dry coal processing
4. Inorganic Chemicals excluding medicinal grade oxygen (2804.11), medicinal grade hydrogen peroxide (2847.11), compressed air (2851.30)
5. Organic Chemicals excluding Provitamins/vitamins, Hormones (29.36), Glycosides (29.39), Sugars(29.40)(reproduction by synthesis not allowed as also down stream industries)
6. Tanning and dyeing extracts, tannins and their derivatives, dyes, colours, paints and varnishes, putty, fillers and other mastics, inks
7. Marble and mineral substances not classified elsewhere.
8. Flour Mill/Rice Mill (including Roller flour mills)
9. Foundries using coal.
10. Minerals fuels, mineral oils and products of their distillation; Bituminous substances, mineral waxes.
11. Synthetic rubber products
12. Cement Clinker and Asbestos raw including fibre.
13. Explosive (including industrial explosives, detonators & fuses, fireworks, matches, propellant powders etc.)
14. Mineral or chemical fertilizers
15. Insecticides, fungicides, herbicides & pesticides (basic manufacture and formulation)
16. Fibre glass & articles thereof
17. Manufacture of pulp-wood pulp, mechanical or chemical (including dissolving pulp)
18. Branded aerated water/soft drinks (non-fruit based)
19. Paper
Writing or printing paper, Paper or paperboard, Maplitho paper, Newsprint, in rolls or sheets, Craft paper, Sanitary towels, Cigarette paper, Grease-proof paper, toilet or facial tissue, Paper & paper board, laminated internally with bitumen, tar or asphalt, Carbon or similar copying paper, products consisting of sheets of paper or paperboard, impregnated, coated or covered with plastics, Paper and paperboard, coated impregnated or covered with wax etc.
20. Plastics and articles thereof.
21. Production of firewood and charcoal.
22. Mini Steel plants induction/ Arc/Submerged furnaces, and/ or rolling mills.

Note: Products listed from Serial No. 1 to 20 are as reflected in Government of India, Ministry of Industry and Commerce O.M. dated 7/01/03 and as defined by Government of India from time to time.

ANNEXURE-IV

LIST OF ACTIVITIES OF "SPECIFIED CATEGORY OF ACTIVITIES"

(REFER RULE 18)

Production of horticulture plant seeds and nurseries using bio technology/ tissue culture.

1. Production of seeds and plants of herbs, spices, aromatic and medicinal plants using bio technology/ tissue culture.
2. Production of plants and or seeds for propagating agriculture/ horticulture/ floriculture/ sericulture/minor forest produce/medicinal herbs and plants by use of Bio-Technology, micro biology, bio-chemistry, tissue culture, and mist chambers.
3. Production of bio-pesticides.
4. Production of organic fertilizer and vermin compost.
5. Production of organic agriculture and horticulture produce.
6. Production of Honey and related by-products including backward integration activities like bee-keeping.
7. Processing of nuts.
8. Setting up of mechanized grading, packing, washing waxing, sorting, drying, sizing, pelletising facility for processing agriculture/ horticulture/ floriculture/ sericulture produce.
9. Fruit preservation, setting up of pre cooling units and cold storages for agriculture/ horticulture/ floriculture/ sericulture produce.
10. Setting up of Zero Energy Cool chambers, hydro coolers, Reefer vans, Containers(with multi-chamber, multi product facilities).
11. Specialised Transport Vehicles for transportation of agriculture/ horticulture/ floriculture/ sericulture produce.
12. Setting up of ripening curing chamber for agriculture// horticulture/ floriculture/ sericulture produce.
13. Setting up of Market yards with Retail outlets and auction platforms for agriculture / horticulture/ floriculture/ sericulture/Animal Husbandry/Pisciculture produce.
14. Setting up of ropeways for transporting agricultre / horticulture/ floriculture/ sericulture produce.
15. Setting up of irradiation, dehydration, vapor heat treatment units for agriculture / horticulture/ floriculture/ sericulture produce.
16. Setting up of primary processing facilities like fermentation, extraction, distillation, vending, pulping, dressing, cutting, chopping, freezing etc. for processing of agriculture/ horticulture/ floriculture/ sericulture produce.
17. Extraction of natural colour dyes from agriculture/ horticulture/ floriculture/ sericulture produce.
18. Setting up of green houses.
19. Setting up of service and farm related management centers for maintenance and servicing of farm machinery and equipment.
20. Setting up of modern state of the art filming and recording studios using IT.

21. Setting up of multiplexes as may be defined by the State Department of Tourism from time to time.
22. Setting up of Specialized Health Institutions as certified as 'Specialized Institutions' by the State Department of Health or Ayurveda.
23. Setting up of housing complexes in the State consisting of a minimum of 20 dwelling units for labour only within a radius of 10 KM's of an established industrial area / estate.
24. Tourism related backward –forward linkage activities (other than Hotels and resorts) in locations other than those located in the Municipal Limits/ NAC / Nagar Panchayats/ Special Area Development Authority limits, as the case may be of Shimla, Dalhousie, Macleodganj and Manali.
25. Any other activity declared by the State Government from time to time.

* **Amended vide Pr. Secretary (Industries) to the Government of Himachal Pradesh Notification No. Ind. A(F)6-3/2008 dated 07-02-2009.**

4.2 Store Purchase Organisation

Director of Industries also exercise powers as Controller of Stores and is responsible for finalization of rate contracts of various codes and items which are authorized by Govt. from time to time to be procured for the departments of the State Government. The principle of financial proprietary for procurement of goods has been laid down in H.P. Financial Rules, 2009. Chapter-VI of HPFR- 2009 specifically deals with procurement of goods and services. The Procedure and Rules laid down in Appendix X to the HPFR 1971 Vol-II are being followed in addition to HPFR 2009.

4.2.1 Procedure and Rules regarding Purchase of Stores by all Department and Offices of Govt. of Himachal Pradesh (Appendix X to the HPFR Vol-II)

Preamble

(i) The main feature of these rules consists in the assertion of a definite preference for stores produced and manufactured wholly or partially in India, in general and Himachal Pradesh in particular and of the utilisation of the Agency of Himachal Pradesh Stores Department in respect of purchases of stores by all departments of the state of Himachal Pradesh.

(ii) The departments shall go in for products of cottage and small scale industries of the state of Himachal Pradesh in preference to the manufactured goods of large scale industries of equal standard even if the price of the former is higher but subject to a limit as may be fixed by the Government, from time to time. The first preference shall be extended to the products of Government owned industries carried on in Government works/Centres or by the Statutory Bodies set up by the Government, Industrial Co-operative Societies, Jails and Industrial Institutions and Schools in the Pradesh.

iii) For the development of industries to the utmost extent the following order of preference shall be maintained consistent with economy and efficiency:-

(a) In case of raw material (i) Raw material produced in Himachal Pradesh shall be purchased in preference to that produced in other States of India.

(ii) Raw Material produced in other States of India shall be purchased in preference to imported material.

(b) In case of manufactured goods-

- (i) The products of cottage and small scale industries of Himachal Pradesh shall be purchased in preference to the products of cottage and small scale industries of other States and the products of large scale industries.
- (ii) Article manufactured in Himachal Pradesh shall be purchased in preference to articles manufactured in other states of India.
- (iii) Articles manufactured in other State of India shall be purchased in preference to imported goods.
- (iv) Articles of foreign manufacture held in stock in India shall be purchased in preference to items to be imported.
- (v) Articles manufactured abroad shall be imported in special cases only, when suitable India products are not available.
- (vi) In case of articles manufactured abroad which have to be imported preference will be given to the Commonwealth Countries

In case of articles manufactured in India, care should be taken to purchase (i) articles manufactured in India from raw material produced in India in preference to articles manufactured from imported material and (ii) articles wholly or partially manufactured in India from imported material in preference to imported goods.

In pursuance of this policy the following rules are prescribed and except in the case of those stores and articles for the purchase of which special orders are issued by Himachal Pradesh Government, these rules shall be applicable to all purchases of stores made through Himachal Pradesh Stores Department and to all purchases of stores made by the Heads of Departments and other Officers:-

1. All Articles given in Annexure-I shall be purchased through the Store Purchase Organisation except where otherwise provided in these rules or elsewhere. Articles of stores covered in Annexure-V to these, Rules shall be purchased by the respective departments through their respective Departmental Standing Purchase Committees which shall be constituted with the prior approval of the Finance Department, purchases by these committees shall be made according to the Rules and Procedures of the Store Purchase Organisation and policy of the Government as in force from time to time. Any other item not covered in Annexure-I or Annexure-V to these Rules shall also be purchased through the Store Purchase Organisation.

2. The purchase of country made machinery, imported machinery and equipment and all other stores available ex-stock in India shall be made through the Stores Department or Standing Purchase Committee, as the case may be.

3. The indents on the Stores Purchase Organisation shall be placed as soon as allotment of funds is received and not held back till the close of financial year when there is always a

great rush of indents which possibly can not be coped with by store purchase Organisation. Indents received after 5th February of each year shall not be entertained by the Store Purchase Organisation for arranging supply within the current financial year as it ordinarily takes 6/8 weeks to finalise a Purchase case. In case where indents are not received by the above date N.A.C. will not be issued by the Store purchase Organisation for items which could not be brought on rate contract due to non receipt of indents.

4. Stores will be indented in accordance with I.S.I. marking. In the absence of these, they should conform to ISI Code of specification determined by the State Government, if any. In the case of uncommon items, an approved sample or pattern shall be furnished for guidance. A reference to previous supply shall be made when the same stores are required again but in no case shall a particular make or brand be insisted upon, as this restricts competition to the disadvantage of the buying department.

5.(i)The Heads of Departments shall consolidate their normal and recurring requirements of stores as defined in annexure I, and place indents on the Controller of Stores, in a consolidated form. In emergent cases, direct indents from subordinate officers, as nominated by Heads of Departments from time to time, shall be entertained by the Controller of Stores.

(ii) While placing the indents, the indenting officers shall certify that necessary funds exist to meet the liability and that competent sanction to the purchase has been obtained by them.

6. Indenting Officers can indicate the time to be allowed to tenderers for submission of their tenders. In case an item is to be specially imported, they should take into consideration the time required by various firms to obtain the prices from abroad.

7. Tenders/quotations shall be invited by the authority competent to do so. Wherever it is not in the public interest to call tenders or quotations, the State Government in the Industries Department may dispense with the above procedure, by an order in writing. Every purchasing authority shall be competent to effect purchases without inviting tenders, provided that the value of articles to be purchased shall not exceed Rs.1000 in a case and the total value of such purchases made during a financial year shall not exceed Rs.5000 in all.

8. For indents valuing less than Rs. 10,000 the system of "Limited Tenders" i.e. direct invitation to a limited number of firms may be adopted. The number of firms addressed should not be less than six.

9. (i) All indents valuing Rs.10,000 or over shall be advertised by the Store Department in the press in a consolidated tender notice. Copies of tender notices shall simultaneously be forwarded to manufacturers or their branch offices in India or accredited agents whose lists are sent by the indenting officer, as also those suppliers whose addresses happen to be available on the approved list of the Stores Department. It shall invariably be specified in the tenders notice that the power is reserved to reject any or all the tenders

received, without the assignment of a reason. Further more the tenderers shall initial all corrections in the tender and non-compliance with this condition will render the tenders liable to rejection.

(ii) The advertisement shall be issued and regulated in the manner prescribed by Government from time to time.

iii) The consolidated advertisements should be published regularly on 15th and the last date of each month. Special advertisements, however, for emergent demands may be issued by the Controller of Stores from time to time.

(iv) A period of 3 weeks from the date of publication shall be given for the receipt of tenders, except in case of urgent demands where the period may be reduced to 2 weeks.

(v) The tenders shall be collected in a locked box to be opened on the day fixed for the purpose.

(vi) The tenders shall be opened by a panel of 3 Gazetted officers, of whom 2 will be from the Stores Department and one will be a Magistrate or in case no Magistrate is available any other gazette Officer to be nominated by the local Deputy Commissioner. The Stores Department will intimate to the local Deputy Commissioner the date fixed for opening of tenders, at least a fortnight in advance to enable him to depute his nominee.

(vii) The tenders received till the fixed time and date will be opened by the panel of officers, who shall sign all sheets in the tender forms where rates are given and in the presence of such tenderers who may be present at the opening.

(viii) All alterations or cuttings in the tenders shall be initialed by the panel of officers.

(ix) All samples received at the time of opening shall be signed by the members of the panel.

10. The tenders shall be submitted in a sealed cover, duly superscribed giving the serial number of the tender and the date of opening and addressed to the Controller of Stores, Himachal Pradesh.

11. After the receipt of tenders, a comparative statement of rates shall be prepared and the tenders may be scrutinised by a committee constituted by Controller of Stores/Addl. Controller of Stores from time to time.

12. (i) Due consideration shall be given to the views of Indenting Officer and when it is not proposed to accept such recommendations, the view of his next higher authority shall be obtained before rejecting his recommendations.

ii) When it is necessary to accept tenders other than the lowest, Tender scrutiny committee scrutinizing the tenders shall record in writing the reasons for accepting the tenders other than the lowest.

(iii) In the Stores Department such powers for acceptance of tenders as may be approved by Government from time to time, shall be exercised and above the limits so prescribed, prior approval of Government, in the Industries Department shall be obtained, whose authority shall be final.

13. (i) Normally earnest money Rs.1000/- shall be deposited by the tenderers with their tenders. However, as and when the name of a firm is included in the approved list of contractors and it deposits the appropriate permanent earnest money the condition of depositing earnest money alongwith the tenders would not apply. Registered local small scale Industrial units which are also registered with the State Store Purchase Organisation shall be exempted from the deposit of permanent earnest money and also earnest money alongwith the tenders for such items as they are eligible for price preference. Similarly small scale industrial units registered with the D.G.S.&D or N.S.I.C. shall also be exempted from the deposit of earnest money alongwith the tenders for such items for which they are registered with the D.G.S.&D or N.S.I.C. Himachal Pradesh. State Government undertakings and the Government of India Undertakings shall also be exempted from the deposit of earnest money alongwith the tenders. In case of medium and large scale local industries of the Himachal Pradesh, permanent earnest money for the items as they are eligible for price preference shall be Rs. 1000/-. The permanent earnest money in the case of other firms/stockists who are not registered as local industrial units will be Rs. 2000/-.

(ii) When big firms do not comply with this requirement or certify that they have already deposited the security with the Director General of Supplies and Disposals or are registered with the department, the question of foregoing the earnest money or of asking the firms to deposit it immediately may be gone into in individual cases. Tenders of big firms should not be rejected merely because they do not deposit earnest money along with the tenders. The officer competent to accept the tender shall be competent to waive this condition.

iii) When quotations are invited for supply of stores valuing less than Rs.10,000/- the tenderers shall not ordinarily be required to furnish earnest money if the authority inviting the quotations is satisfied as to the financial position of the firm. (iv) The local registered industrial units which are also registered with the Store Purchase Organisation are exempted from depositing security amount while entering into rate contract with them. The other firms /stockists shall deposit Rs.5000/- or more as may be proscribed by the Controller of Stores with each rate contract.

14. Samples wherever required, shall be submitted on or before the tender date by the local tenderers and in the case of outstation tenderers within 10 days of the tender date but on or before the date of opening of tenders.

15. In case of large variety of material for which rigid standards cannot be laid down the alternative approved brands of various makers shall be specified in the tender notices and purchases made direct from the manufacturers or their accredited agents, representatives or stockists rather than from the retailers.

16. When bulk supplies are arranged the approximate delivery period for part supplies shall be indicated in the schedule and the tenderers called upon to intimate whether they will adhere to it. They may, however, be given an option to vary the delivery dates slightly.

17. Revised or late tenders/quotations shall not be considered, but where it is deemed necessary, in view of the rates quoted within time being high or otherwise not acceptable, all the tenderers and other known suppliers shall be given an opportunity to requote in sealed covers by a fixed date.

18. (1) Where the suppliers are required to quote on the prescribed tender form, the following tender fee is fixed:-

Estimated value of the order _____	<u>Cost of tender.</u>
(i) Upto Rs.30000/-	Rs.30/-
(ii) From Rs.30000/-to Rs.50000.	Rs.40/-
(iii) Above Rs.50000/-	Rs.50/-

In the case of annual rate contract the cost of tender form is fixed Rs.50/-.

(2) These shall be available for sale at the following places or any other place which may be notified from time to time:-

- a) at the office of the Controller of Stores, Himachal Pradesh.
- b) at the office of the General Manager, District Industries Centres in Himachal Pradesh.
- c) Himachal Pradesh Pavilion Pragati Maidan, New Delhi.

All the Industrial units of Himachal Pradesh registered with the Store Purchase Organisation and the industrial units registered with the D.G.S.&D or N.S.I.C will be supplied tender forms free of cost for such items for which they are registered with them on the production of attested copy of valid registration certificate.

(3) The tender fee shall not be refundable under any circumstances.

19. (a) (i) Limited Tender System i.e. by inviting quotations from a large number of registered firms:-

This system shall be adopted only for immediate requirements of stores and the emergency shall be established and certified by the indenting office in writing and unless competitive tenders from at least 6 firms are received the quotations shall be rejected. If the demand happens to be very urgent, the authority next above the indenting officer, may be consulted before rejection, and if that authority recommends that the purchase be effected on the basis of the number of tenders received and certifies that the rates in tender, proposed to be accepted, are reasonable, suitable action shall be taken in the Stores Department after referring the matter to the authority next above that ordinarily competent to sanction purchase.

19.(a)(ii): The Controller of Stores/ Addl. Controller of Stores shall be competent to issue rate contracts of the same item of specific brands of national/ International repute of the manufacturers at different rates in such cases in which he is competent to approve the rates and in cases which are beyond his competency with the prior approval of the Govt.

The financial powers of officers of the Stores Department for calling such quotations shall be determined and fixed by Government from time to time.

19. (b) Single tender system i.e. by obtaining tenders from one firm in case of articles of proprietary nature available from one source:-

Articles of proprietary nature shall be purchased according to financial powers delegated to officers, after obtaining, a certificate from the manufacturers or sole agents that the rates quoted by them are identical to those approved by the Director General of Supplies and Disposals or the rates that they would quote to that Organisation or to any other State in the country.

19(c) By negotiation with Government Institutions or Government owned Corporations:-

Purchases can be affected by negotiations from Government Institutions or Government owned Corporations by the Stores Department in exercise of powers that may be delegated to officers of that department by the competent authority, from time to time. Items manufactured by Government owned institutions, corporations and boards which are not manufactured by small scale or cottage industries within the Pradesh may be purchased directly by the concerned department.

19 (d) By negotiation with private parties in case of emergencies:-

This system should be adopted very sparingly in emergencies, and when it becomes necessary to do so, the attention of the authority next above the authority ordinarily competent, both in the indenting department and in the Stores Department, shall be drawn to such a case before doing so. Such powers as may be delegated to officers of Stores Department from time to time, shall be exercised.

19 (e) By purchase Committee approved by Government from time to time:-

Where it is not possible to obtain competitive tenders or quotations or to lay down comprehensive and complete specifications, the purchases shall be made by Purchase Committees as may be appointed by the competent authority from time to time.

19 (f) By Departmental Standing Purchase Committees. All the departments will constitute their Standing Purchase Committees with the prior approval of the Finance Department. These Committees will have no connection with the Stores Purchase Organisation but for the bigger departments like Public Works and Forest, at the time of constitution of these committees, the Finance Department will nominate one representative of the Store Purchase Organisation. These Purchase Committees will have no limit of their financial powers but where the cost of any single item exceeds Rs.10 lacs prior approval of the Government in the concerned administrative Department shall be obtained.

The Departments and Purchase Committees shall ensure that:-

- (i) Purchases are made according to the rules and procedure of the Store Purchase Organisation herein and policy of the Government as in force from time to time.
- (ii) While making purchases, it would be certified that local Industrial units or Himachal Pradesh Government owned bodies do not manufacture these items and that there is no rate contract entered into by the Controller of Stores. For such items that are manufactured by local Industrial units or Government owned bodies but because of urgent nature of demand or because the demand is in excess of the capacities of the units or for any such reason due to which it is not possible to procure supplies from such units, in time, no objection certificate shall be obtained from the Controller of Stores.

19(g) By obtaining no objection/non-availability certificate:-

Controller of Stores/ Addl. Controller of Stores will be competent to issue no objection certificate/non-availability certificate upto the powers of purchases vested in him. In case of purchase of petty store articles the G.M. DIC of a Distt. will be competent to issue NOC/NAC to the DDO's upto Rs.5000/- per item annually in their respective districts. For other cases which are not within his competency the Administrative Departments will be competent to issue NAC after obtaining clearance from the Industries Department.

19 (h) By placing direct order against rate contract.

- (i) the Store Purchase Organisation will, to the extent possible, enter into rate contract for items of general use. All Heads of Departments will be direct Demanding Officers in respect of rate contracts entered into by D.G.S&D but they will operate those rate contracts only if these items are not manufactured by the local units, Government bodies etc., and there is no rate contract by the Controller of Stores.

- (ii) Controller of Stores will have the powers to enter into rate contract on the same terms and conditions as those entered into by the D.G.S & D.

Note:- Approval of Government in, the Industries Department, whose authority shall be final shall be obtained in cases where the amount involved exceeds that for which powers have been delegated to officers of the Stores Department, under the above rule.

20. The Officers of the HIMACHAL PRADESH Government shall exercise such powers in the matter of local purchases of stores as may be delegated to them by the State Government from time to time.

Note:- After exhausting all sources of supplies, individual departments may make local purchases subject to the limits given in annexure IV. These powers will be exercised only if the items are not manufactured by the local industrial units and Government bodies and there is no rate contract for these items finalised by the Controller of Stores.

21. For purchase of articles (irrespective of cost), the Stores Department shall enter into Rate or Running Contracts. The Government Officers should not purchase these articles from any other source, but place an order direct on the firm concerned. If the firms fail to supply, the articles may be purchased from other sources, and if the rate be higher, the firm having the Rate or Running contract will be liable to reimburse the extra expenditure incurred by the Government. There should be a clause to this effect in the Rate or Running Contract.

Note: A Rate Contract is a contract for the supply of stores at a specified rate. No quantities are mentioned and the contractor is bound to accept any order which may be placed with him. A Running Contract is a contract for the supply of an approximate quantity of stores at a specified price during a certain period. Such a contract shall be entered into in respect of stores of standard types, which are in common and regular demand and the prices of which are not subject to appreciable market fluctuations.

22. (i)(1) 15% price preference will be given on products of cottage industries and small scale industrial units located in the Pradesh. A price preference of 3% will be given to products of medium and large scale industrial units located in the Pradesh. Existing price preference, if any, being given to small scale cottage and other industries of other States shall continue till Government by notification other-wise directs. For the purpose of claiming price preference every industrial units shall be required to produce a fresh eligibility certificate from the General Manager of the District concerned where the unit is located and while issuing the fresh eligibility certificate the General Manager will ensure that the product are being manufactured by the unit itself and not arranged for supply elsewhere as its own manufactured product.

22(i)(2) While placing orders preference shall be given to local manufacturers and atleast 30% of the total orders shall be placed with them on lowest approved rates provided such products meet the required quality standards.

Provided that the minimum purchases from local manufacturers as provided in the Rules 22(i)(2) above shall not be applicable in respect of items which in the opinion of the Head of Department is an item of sophisticated nature and high technology and precision standards.

Provided further, where it is not possible to procure atleast 30% from the local manufacturers, the Head of Department for reasons to be recorded in writing may purchase from other firms on rate contract.

22(i)(3) A parallel contract with a local unit shall be entered into by the officers concluding the rate contract under the following circumstances:-

a) If the unit had taken part in the original tender and the rate contract unit is unable to make full supply, at its own level, without prior approval of the Government by recording in writing, the reasons.

(b) If the unit had not taken part in the tender having come into production after the tender was opened and the rate contract finalised only with the prior approval of the Government.

(c) If any firm/firms(local unit) manufacture some more items at a later stage (i.e. after opening of the tenders) such firms may also be considered for the award of parallel rate contract with the prior approval of the Government.

Provided that samples of the items to be brought on parallel rate contract may be got approved from the Controller of Stores before the award of rate contract.

d) In the case of ISI products, if the unit which have taken part in the tender was not in possession of the ISI certificate at the time of opening of tenders, may also be awarded parallel rate contract at its request if the unit produces ISI certificate after finalisation of tender and issue of rate contract by the Controller of Stores.

22(i)(4): "A parallel rate contract with local unit, that has participated in the tender, may be entered into by the officers concluding a rate contract on the lowest quoted rates provided the product fulfills the technical requirements."

22. (ii) In cases where locally manufactured goods are priced above the rates fixed by the Controller of Stores, including price preference, the Controller of Stores is authorised to negotiate with the parties and enter into rate contract at rates within price preference.

22.(iii)(a) All Government Departments, autonomous Bodies, Government Corporations, Boards etc., should get the job works done such as conversion of Billets into M.S. Round, etc. Body buildings of Trucks and Buses and conversion of Coil into G.I.Wire etc., against the rate contract issued by the Controller of Stores or after obtaining the “No objection certificate” from him.

(b) In execution such job works, like raw materials i.e. Billets and M.S.Coil etc., are to be made available to the Contractor/local unit, by the Department, Corporations and Boards etc., and the local units are not required to meet the cost of even transportation thereof to the factory premises.

(c) For executing such job work the local Small Scale Industrial units be allowed upto 5% price preference and the medium and large industrial scale units be given upto 1.5% price preference for such job works.

23. (i) All articles purchased through the Store Purchase department shall, before acceptance, be subject to inspection by the Store Inspection Officer or such other officer as may be authorised by the Controller of Stores or Indenting Officer provided that the inspection shall be carried out by the Departmental Officer invariably in association with two technically competent officials.

ii) 100% payment will be made within 21 days against physical delivery of inspected/accepted stores duly supported with satisfactory inspection note and after receipt of correct goods at consignees site/ destination except in cases covered by sub clause (v) of this rule where percentage payment be limited to 90%.

(a) an inspection note, signed by an officer of the stores Organisation, bearing the seal of his office, which should clearly indicate that the goods were sealed in his presence in token of acceptance, and

(b) railway receipt or goods receipt indicating that the consignment has been booked at railway risk or at the risk of approved goods carrier.

iii) In a few cases like chemicals, glassware, crockery, inflammable, liquids etc., the railway or goods transport carriers may not book the consignment at their risk, for want of elaborate packing. In such cases, the supplier may choose to send the consignment duly insured and whenever this is done, 80 percent payment may be allowed even if the railway receipt is at owner's risk as losses in such cases can be recouped from the insurance companies.

(iv) The disbursing officer shall be responsible to see that balance payment to suppliers are positively made within 30 days of receipt of goods by consignees, correct to the specifications as laid down in the order or within such time as may be agreed to and prescribed by the Stores Department in individual cases.

(v) In the case of machinery where its satisfactory working is required to be examined, balance payments should be arranged immediately on satisfaction about the condition of the machinery and even in case where it is to be set up and tested, not later than 3 months of receipt by consignee unless otherwise mentioned in Schedule "A".

(vi) When the payment is not cleared within the prescribed period, the heads of Departments will be personally responsible to report the cases, explaining clearly the reasons of delay to the Administrative Secretary who in turn shall inform the Minister-in-charge of his department, Where delay in payment is more than one month over and above the prescribed maximum limit the Administrative Secretaries shall personally explain the reasons to the Minister-in-charge of their respective Departments concerned as well as to the Chief Minister.

24. Orders placed by the Stores Department shall not be cancelled or terms and particulars thereof modified by indenting department except to the extent as may be approved by the Stores Department in writing in each case.

25. In cases where there is delay on the part of contractors in the supply of Stores, and articles supplied do not conform to the prescribed samples, specifications, etc., or are not of the specified number, weight, volume etc., the Stores Department with the prior approval of the Government in the Industries Department whose authority shall be final, may deduct payment for short supply and in addition impose a penalty subject to the conditions, contained in the agreements, executed in each case. Where the failure, partial or total, on the part of a contractor to supply articles leads to purchase of those articles from another sources at a higher rate, the contractor shall also be liable to pay the excess expenditure incurred on such purchase. The penalty so imposed and excess expenditure so incurred will be recoverable from the securities of the contractors, deposited with the Stores Department or their pending bills or both.

26. The Himachal Pradesh Government in the Industries Department, in consultation with the Finance Department, where necessary, may sanction a departure from these rules in any individual case, if public interest so requires.

All applications for such sanctions should be made through the Administrative Department concerned.

The opinion of Stores Department shall, however, be obtained before sanctioning such departures.

27. (i) The Stores Department can make purchase of stores on behalf of other states and Co-operative Societies etc., on payment of 2% departmental charges. Local bodies/ Government undertaking/ Boards/ Corporation etc., have been exempted from this payment. It is obligatory for autonomous bodies and Government corporations and Boards to operate on the same rate contract which are entered into by the Controller of Stores/Addl. Controller of Stores except such Local bodies/ Govt. Undertaking / Boards/ Corporations etc. which have their own set of rules regarding purchase of store articles duly approved by the Finance Department of the State Government.

(ii) The charges so recovered from local bodies, other States, Co- operative societies etc., will be credited to the revenue of the State being receipts in respect of the Stores Department.

28. The Stores Department will maintain a list of approved contractors who apply to the department for registration on the prescribed form and pay the prescribed registration fee. The registration of each contractor may be renewed in the succeeding year. If his performance remains satisfactory on payment of the prescribed fee. The cost of registration form, registration fee and renewal fee shall be as under:-

Cost of application form	Rs 10/-
Registration fee	Rs.100/--
Renewal fee per year	Rs.120/-

29. The officers of the Stores Department will exercise such powers in the matter of purchase of stores as may be delegated to them by the State Government from time to time.

30. Tenderers/quotations for purchase of stores required for public service shall be invited on prescribed form (Annexure-II) applications for registration of contractors will be made on the form at Annexure-III.

31. If after the issue of rate contract the prices of the raw material (from official source only) or the taxes subsequently would go up, the Controller of Stores shall be competent to operate price escalation clause to the extent admissible as per the delegated powers. However, the Controller of Stores, shall inform the Government of the action taken in such cases in due course.

Sd/- Secretary to the
Govt.of Himachal Pradesh.
Finance Department.

ANNEXURE -"I"

CODIFIED LIST OF ITEMS OF STORES FOR WHICH RATE CONTRACT FINALISED BY THE STORE PURCHASE ORGANISATION.

- C-01 Acids & Chemicals.
- C-02 a) Bleaching Powder.
b) Bactocare Pulse (Water purifying chemicals).
- C-20 Building Lime.
a) Hydrated Lime.
b) Unslacked Lime.
- C-25 Soap & Detergents.
a) Phenyl.
- C-26 a) Paints & Varnishes
b) Quality Paints & National repute.
- C-29 Tyres & Tubes.

- C-33 H.D.P.E. Pipes.
- C-39 Microscopes & Optical Instruments.
- C-40 H.D.P.E. Storage Tanks.
- E-02 Batteries for motor Vehicles.
- E-05 Electrical Power Cable & Wires.
- E-06 Electrical Appliances:
a) Household Electrical Appliances.
i) Electrical Radiators (Room Heaters).
ii) Blower-cum-Room Heater.
Electric Stoves.
iii) Electric Stoves.
iv) Electric Kettles & Jugs. v) Coffee Percolator.
vi) Heating elements.
vii) Thermostats.
viii) Electric portable lamps stands and brackets.
ix) Electric Hot Plates.
- E-07 Electrical Emergency lights
- E-08 Electric Fans:-
a) Ceiling fans.
b) Table fans.
c) Pedestal fans.
d) Exhaust fans.
- E-09 Electric fittings /Luminaries:
a) Striplite Patti fittings.
b) Box type fittings.
c) Industrial fittings.

- d)Decorative fittings.
- e)Street Light fittings
- f)Acrylic sheds shades & accessories.
- E-10 Electric Lamps, Tubes & Accessories:
 - a) Tungston filament lamps.
 - b)Tubular fluorescent lamps.
 - c)Mercury vapor lamps.
 - d) Sodium lamps.
 - e)Neon light lamps.
 - f)Ballasts for fluorescent lamps, MV lamps and Sodium lamps.
 - f)Capacitors.
 - g)Starters.
- E-12 Switchgears and Controlgears.
 - a) Carriers & bases used in requirable type electrical fuses(kit-kat)
 - b)Circuit breakers.
 - c)Relays.
 - d)Distribution boards.
 - e)Moulded circuits breakers and distribution boards.
- E-14 Wire Accessories:
 - (i)Switches/Sockers & others wiring accessories:
 - a)Bakelite switches & sockets.
 - b)Plane/flush type & switches & Sockets.
 - c)Bakelite/flush type plug.
 - d)Ceiling roses.
 - e)Holders.
 - f)Battons.
 - g)Boards,
 - h)Blocks.
 - i)Bakelite sheets.
 - j)Gutties.
 - k)Link clips.
 - ii)Rigid steel conduits & accessories:
 - a) Adhesive insulating tapes for electrical purposes.
- E-15 Voltage correcting/ Regulating devices:
 - a)Automatic Voltage Stabilizer.
 - b)Manual Voltage Stabilizer.
- E-17 Refrigeration & Air Conditioning equipments:-
 - a)Deep freezers.
 - b)Refrigerators.
 - c)Water Coolers.
 - d)Bottle Coolers
 - e) Ice cans.
 - f)Room Air Conditioners.
- E-18 Electric Motor Generators:

- a)Electric Motors.
- b)Electric Generators.
- c)Servo Voltage Stabilizer
- M-01 Nuts & Bolts.
- M-02 G.I. Wire (Galvanised Iron Wire).
- M-03 Barbed wire and U staples.
- M-05 Steel Wire ropes.
- M-07 Sewing Machine.
- M-08 RCC Pipes and collars (Reinforced cement concrete).
- M-11 a) Electric Resistance welded pipe (ERW Pipes) Not slotted.
b)Electric Resistance Welded Pipes Slotted.
- M-12 Cast Iron Pipes (C.I. Pipes).
- M-14 Pipe Fittings:
 - a) Galvanised Iron Malleable Cast Iron Fitting.
 - b) Wrought Steel Pipe Fittings.
 - c) Cast Iron Fittings.
- M-15 a) Gun Metal Gate Valves
b) Gun Metal Glove Valve
c) Gun Metal Check Valve
d) Foot valves.
e) Reflex Valves.
f) Sluice Valves, Cast Steel (forged carbon steel) valves.
g) Reflex Cast Steel (forged carbon steel)valves.
h) G.I. Sluice valve.
- M-16 M.S. Flanges (Mild Steel Flanges).
- M-18 Water Meters.
- M-19 Sanitary Fittings.
- M-21 Mild Steel Welded Tanks (M.S. Welded Tanks).
- M-25 Building Material, Hardware.
- M-27 Agricultural Machineries
 - a) Power operated wheat thrashers.
 - b) Power operated wheat shellers.
 - c)Corn shellers.
 - d)Power operated Chuff cutters.
 - e)Power operated Chuff cutter-cum-wheat thrashers.
 - f)Seed grader-cum-cleaner.
 - g)Hand operated chuff cutters.
 - h) Manually operated chuff cutters.
- M-28 Agricultural Implements /tools:
 - a)Plough
 - b)Set of hand tools
 - c)Plough shares.
 - d)SS Plough.
 - e)Three type cultivator
 - f)Single Row Bar Harrow (Bullock drawn),
 - g)Disc.Narrow (Bullock drawn).

- h)Seed-cum-Fertilizer Drill (Bullock drawn).
 - i)Hand Rake.
 - j)Hand finger type welder
 - k)Digging Nee.
 - l)Serrated sickle.
 - m)Pattella-cum-Pudler.
- M-29 Agricultural Equipments:
- a)Storage Bins.
 - b)Atta Boxes.
- M-30 a)Road and Forest Tools
- b)Interlink Chain.
 - c)Tools Basked, wood handle for pick axes etc.
- M-34 Pneumatic Drill Rods.
- M-36 Pneumatic Tool hose with clamps and couplings.
- M-38 Survey and Drawing Machinery.
- M-39 Survey and Drawing Instruments/Equipments.
- M-41 Metrological Instruments.
- a)Rain Gauge.
 - b)Snow Gauge.
- M-43 Sheet Metal Products:
- a)Iron boxes/Trunk
 - b)G.I.Buckets.
 - c)Wire Buckets.
 - d)Coal Char Buckets.
 - e)Heating Stoves / Pipes/ Trays
 - f)Angithies.
- M-44 Steel Almirah and Cabinets.
- M-45 Iron Safe/Chest.
- M-46 Plastic Moulded Furniture.
- M-47 Hospital Ascetic Steel Furniture.
- M-48 Road Brushes.
- M-49 Paint Brushes.
- M-58 a)Fire Fighting Machinery.
- b)Fire Fighting Equipments /Accessories.
- M-59 Wooden Furniture.
- M-61 Readymade doors, windows, Frames, Shutters and Iron Grills.
- M-65 Cement.
- M-71 Sign Board.
- M-73 Nursery Protection Tools/ Equipments.
- M-78 Cold Tyre Retreading.
- M-79 Road and Water Supply Equipments:
- a)Wheel Barrow.
 - b)Grit Heating Vessels.
 - c)Bitumen Heating Vessels.
 - d)Cholorinator Tank.

- M-83 Diesel Engine.
- M-84 Iron & Steel:
 - a)M.S. Rounds.
 - b)Tor Steel.
 - c)Ribbed Steel.
 - d)Angle Iron.
 - e)Channels.
- M-88 Air Compressor & Portable Diesel Engine.
- M-99 Stainless Steel Utensils.
- M-100 Welding Electrodes
- M-103 Water Filters.
- M-104 Ball Bearings
- M-105 Cement Hollow Blocks
- M-106 Ballot Boxes
- M-113 Spare Parts for Plumbing Kit viz. Chaser for Dye Set, LT Distribution.
- M-114 Welded Wiremesh Fabric
- M-116 LP Gas Infra-red Heaters
- M-117 Steel/Fibre Reinforcement Concrete (SFRC Manhole Covers DI Manhole Covers
- M-118 Gabion Boxers/Gabion Mattrersses.
- M-119 Hydro Pipe Machines/Equipment.
- M-120 Infant Weighing Scales.
- T-04 Textile Floor Coverings:
 - a) Druggets Woollen.
 - b)Druggets Cotton.
 - c)Coir Carpets.
 - d)Synthetic Vinyl (Non Woven)
 - e)Godown covering.
- T-05 Jute Matting.
- T-06 Coir Matting.
- T-22 Umbrella.
- T-27 Cotton, Popline, Long Cloth & Khaddar.
- T-34 Terrycot cloth.
- U-01 Sports Good & Wears
- U-03 Marble Tiles/Chips.

ANNEXURE II

4.2.3

TENDER FORM Controller of Stores, HIMACHAL PRADESH (INSTRUCTION TO TENDERERS)

1. Quotations must be enclosed in a properly sealed envelope addressed to the Controller of Stores, Himachal Pradesh by designation and not by name. The quotations must be superscribed "quotations" for the supply of during the year. As called for in the Tender Notice dated The quotations must reach the Controller of Stores Himachal Pradesh before 11.30 AM of the date mentioned in the Tender Notice.

2. In the event of the quotations being submitted by a firm it must be signed separately by each member thereof, in the event of the absence of any partner, it must be signed on his behalf by a person holding a power of Attorney authorizing him to do so or in the case of a Company the quotations should be executed in the manner laid down in the said Company's Article of Association. The signatures on the quotations should be deemed to be authorized signatures.

3. All the columns of the quotations form shall be duly, properly and exhaustively filled in. The rates and the units shall not be overwritten. Quotations shall always be both in figures and words. The words "No Quotation" should be written across any or all of the items in the schedule for which a tenderer does not wish to tender. Any omission in filling the columns of units and rates may debar a quotation from being considered. All corrections must be signed by the tenderers.

4. Samples must be sent of all items quoted for wherever required and specifically mentioned in Schedule-A. Such samples must be submitted and delivered in person or through their authorized representatives to the Incharge, Sample Room of the Controller of Stores, Himachal Pradesh situated at Bemloe, Shimla-171001. Samples should bear a sealed label, marked with the tenderers name and address and reference to the item no. in schedule. All instructions regarding the samples specified in the notice should be compiled on a date to be specified by the of Stores, Himachal Pradesh failing which the sample will become the property of the Government and no claim thereof will be considered. Loss of samples or damage or wear and tear or injury by testing, exposure, experiment etc. shall be no ground for compensation in any form. Similarly the successful party who is put on rate contract shall remove their samples deposited against the rate contract after 90 days and before 120 days of the expiry of the rate contract whereafter the same shall become the property of the Government and will be disposed off under the orders of the Controller of Stores, in such manner as he may decide without giving any notice to the Contractor.

5. Earnest money of Rs..... in the shape of fixed deposit receipt duly pledged in favour of the Additional Controller of Stores, HIMACHAL PRADESH should be furnished with each tender. The tenderers or the firms who have deposited permanent earnest money or registered with this Organisation as local manufacturers need not deposit this amount and in such cases the tenderer must send attested copy of the registration certificate. Similarly Small Scale Industrial Units registered with the DGS&D or NSIC are exempted from the deposit of earnest money alongwith the tenders for such items for which they are registered with the DGS&D or NSIC in such cases they must send attested copy of the registration certificate. The successful tenderer may be required to deposit in addition as security for due performance of the contract an amount equal to 10% of the approximate value of the estimated supply. However, local units of HIMACHAL PRADESH who possess valid registration certification of Controller of Stores/Addl. Controller of Stores, HIMACHAL PRADESH are exempted from furnishing the security.

6. The tender must be accompanied by General Sales Tax, Central Sales Tax clearance certificates showing the clearance of taxes upto 31st March of the proceeding year. Tenderers who enclose current registration certificate of HIMACHAL PRADESH Store Purchase Organisation need not enclose these certificates. However, the Government of India/ Himachal Pradesh Government Undertakings and such tenderers holding current valid registration with the DGS&D and also small scale industrial units registered with the National Small Industries Corporation will be exempted from furnishing such clearance certificates. Local Industrial units who attached with the tender an attested copy of the permanent registration certificate issued by the General Manager, District Industries Centre concerned, will also be exempted from furnishing such clearance certificates but will have to submit no dues certificate from the concerned General Manager, DIC.

7. Prices should be firm validity of rates must not be less than 90 days where the period of validity is specifically mentioned as 90 days or more and the tenders does not send any intimation by a registered post after expiry of such specified period, the validity of rates shall be deemed to have been extended till the date of issue of telegram/letter of acceptance in favour of tenderer.

8. The Controller of Stores/Addl. Controller of Stores, HIMACHAL PRADESH reserves the right of rejection/approval of all or any of the tender(s) without assigning any reasons thereto and reserves the right to negotiate with any of the tenders where deemed necessary and to award parallel rate contract to any or all of the participating tenderers.

9. No tender will be considered unless and until all the documents are properly signed.

10. The quotation will be regarded as constituting an offer or offers open to acceptance on whole or in part or parts at the discretion of controller of Stores, upto.....(date)

11. In the event of tender being accepted, the quotations will be converted into a contract which will be governed by the conditions given in Schedule "B" (Annexed) read with these instructions.

12. The Controller of Stores/Addl Controller of Stores, HIMACHAL PRADESH is authorised to debar any party or parties from future participation in the Purchase Programme of the Stores Purchase Organisation and from having any such dealings with any Government /Corporate body etc. in the State of Himachal Pradesh for a period not exceeding one year from the date of issue of such orders, when such parties quote rates in respect of various items of store for which tenders were invited by the Store Purchase Organisation and are the lowest, but such parties decline to enter into rate contract.

13. The tenderer who wish to file appeal against the award of rate contract may do so within 30 days of the award of rate contract and the appeal shall lie to the Secretary(Ind.) or any other authority as may be notified by the Government.

14. The rates should be quoted F.O.R destination any where in Himachal Pradesh unless otherwise specifically mentioned in the Schedule "A" of the rate contract.

15. ISI marked products will be given preference. The tenderers quoting ISI marked products shall have to attach attested copy of the valid ISI marking licence.

16. 100% payment will be made within 21 days against physical delivery of inspected/accepted stores duly supported with satisfactory inspection note and after receipt of correct goods at consignees site/ destination.

17. Rate, specification, measurement and quantum etc. must be quoted in metric system and filled only in the Schedule "A" and no where else.

18. Where samples are considered to be got tested, tenderers will have to furnish testing fee on demand otherwise earnest money will be forfeited to the Government.

19. The tenderer must attach copies of their existing rate contracts, if any, with the DGS&D or any other State Government's.

20. Test reports from the test houses recognised by State/Central Government must be supplied with the tenders where-ever required as mentioned in Schedule "A".

21. All photo copies, which are required to be attached with the tender should be got attested from a Gazetted Officer.

22. Inspection of factory premises may be carried out by the Controller of Stores and Addl. Controller of Stores or his authorised representative to ensure the genuineness of the firm as well as to verify the capacity/ quality of product being manufactured by the firm.

23. Sales Tax, Excise duty, other taxes be indicated separately otherwise rates will be deemed to be inclusive of such levies/ taxes and no future increase in duty/taxes will be allowed.

24. In case where it has not been specifically indicated in the Schedule "A" that only manufacturers can participate in the tenders, in such cases the tenderers other than manufacturers should attach authorisation letter from such principal manufacturers alongwith the tender.

25. Price fall clause- The offer of rates by the tenderer will be subject to the price fall clause i.e. if any item is offered at a lower rate by the tenderer at any other State/place in India, he shall not charge higher rate for the item offered in the tender. In the event of higher rates offered by such tenderer, the rates so offered by such party can be rejected at any stage.

26. Tenderers who do not fulfill the above mentioned requirements, their tender will be liable for rejection.

I/We hereby quote to supply the goods and material at the rates specified in the schedule "A" and within the time specified as set forth in the conditions of contract given in schedule "B". The terms and conditions given in schedule "B" will be binding upon me/us in the event of the acceptance of my/our tender.

I/We herewith enclose fixed deposits receipt for a sum of Rs.....as earnest money and should I/We fail to execute an agreement embodying the said conditions and deposit the security as laid down, in the form within 10 days of the acceptance of my/our tender, I/we hereby agree that the above sum of earnest money shall be forfeited to the Controller of Stores, Himachal Pradesh.

Read and accepted.

Signature of the Tenderers.

SCHEDULE 'B'

4.2.4

CONDITION OF CONTRACT

This contract is to last from.....to.....but in the event of any breach of the agreement at any time on the part of the contractor the contract may be terminated summarily by the Controller of Stores, Himachal Pradesh.....without compensation to the contractor.

Any change in the constitution of the firm shall be notified forthwith by the contractor in writing to the authority sanctioning the contract and such change shall not relieve any former member of the firm from any liability under the contract.

No new partner/partners shall be accepted in to the firm by the contractor in respect of this contract unless he/they agree to abide by all its terms, conditions and deposit with the officer sanctioning the contract a written agreement to this effect. The contractor's receipt of acknowledgment or that of any partners subsequently accepted as above shall bind all of them and will be sufficient discharge for any of the purposes of the contract.

2. The Contractor will supply nothing but genuine articles described in column 2 of Schedule A, of the rate contract from time to time in such quantities as may be entered in the indents sent at the rates set forth in column 3 of Schedule A of the rate contract for use in offices/institutions/ departments under the administrative control of Government of the Himachal Pradesh, as may be required by the Indenting Officers. No guarantee can be given as to the quantity which will be ordered during this period. The purchaser reserves the right of placing orders of store items as given in Schedule "A" with one or more contractors as he may think fit and the contractor binds himself not to revoke this contract during the said period. The Controller of Stores/Addl. Controller of Stores, HIMACHAL PRADESH reserves to himself the right to obtain contracted items of stores when available from any Government department/ approved source without any prejudice to this contract. He further reserves the right to negotiate any of the tenderers and award parallel rate contract to any or all of the participating tenderers.

3. The articles to be supplied under this contract will be of the quality equal and answerable in every respect to the specifications given in the list accompanying with the tender and approved by the Controller of Stores, Himachal Pradesh. The Contractor shall be responsible for all complaints as regard the quality. In case any of dispute regarding quality of articles, the decision of the Controller of Stores/Addl. Controller of Stores, Himachal Pradesh will be final and binding on the contractor. It will be open to the Controller of Stores/Addl. Controller of Stores, or any Indenting Officer to send samples submitted by the tenderer/ contractor to any laboratory for chemical analysis and the cost there of will be borne by the tenderer/contractor.

4. The Controller of Stores/Addl. Controller of Stores, Himachal Pradesh may, by notice in writing call upon the contractor to supply additional articles to serve as sample, and upon receiving such notice in writing the contractor shall at his own cost be bound to supply the additional samples, such additional samples being in all respects of the same quality as the sample first supplied.

5. The contractor will be responsible for damage or loss in transit and replace goods broken or lost within 10 days from the date of notice thereof.

6. All goods must be dispatched within 45 days of the receipt of supply order by the contractor unless otherwise specifically mentioned in Schedule "A" of rate contract.

7. Conditions as to time for performance whether laid down herein or in any indent shall be always regarded as the essence of the contract.

8. The Controller of Stores, HIMACHAL PRADESH or the Additional Controller of Stores or any of the experts attached to the Industries Department of HIMACHAL PRADESH or the Indenting Officer or any other officer or person duly authorised in writing by the Controller of Stores Himachal Pradesh shall have the power to inspect the Stores before during or after manufacture, collection, dispatch transit or arrival and to reject the same or any part or portion after the written approval of the Controller of Stores, Himachal Pradesh. If he or they be not satisfied that the same is equal or according to the samples submitted by the contractor. The contractor shall not charge or be paid for supplies rejected as above and such supplies shall be removed by the contractor at once and at his own expense. He shall neither claim nor be entitled to payment for any damage that rejected supplies may suffer from any harm whatsoever incidental to a full and proper examination and test of such supplies. Government shall be under no liability whatever for rejected supplies and the same will be at the contractor's risk. Rejected supplies shall be removed by the contractor within 10 days after notice has been issued to him of such rejection and failing such removal rejected goods will be at contractor's risk and Government may charge the contractor rent for the space occupied by such rejected goods.

9. The contractor shall provide without any extra charge all materials, tools labour and assistance of every kind which the aforesaid officer may consider necessary for any test or examination which he may require to be made on the contractor's premises and shall pay all cost attendant thereon. In the case of stores inspected at maker's premises the maker shall provide all facilities including testing appliances, for making necessary tests other than special test or independent tests. Failing the facilities at his own premises for making the tests, the contractor shall bear the cost of carrying out tests elsewhere. The contractor shall also provide and deliver free of charge at such place as the aforesaid officer may direct such materials as he may require for tests by chemical analysis or independent testing machine. If for the purpose of determining the quality of stores the above said officer finds it necessary to have the stores tested at the test house or laboratory

expenses incidental to the test shall be borne by the contractor .On the failure of the contractor to pay the expenses within ten days of the receipt of intimation in this behalf from the Inspecting Officer ,the Controller of Stores shall have the right to deduct the amount from the security deposited by the contractor and if the amount so deducted is not deposited within 10 days, the Controller of Stores may treat the default as a breach of the agreement and proceed under clause (i) of the agreement without further notice. Further the aforesaid officer shall have the right to put all articles or materials to such tests as he may think proper for the purpose of ascertaining whether the same are in accordance with the specifications or sealed sample mentioned in the tender and to cut out or off/or destroy a portion not exceeding 2 percent from each delivery for such purpose the quantity so cut out or off and/or destroyed as aforesaid shall be replaced by the contractor free of charge.

10. Packing cases, containers, gunny packages etc. which may be used for purpose of packing and which are delivered with stores will not be returned and paid for unless specially stipulated and then at contractor's expense.

11. Unless otherwise specified in a requisition bills for the whole of the goods referred to in each indent in triplicate will be prepared and submitted by the contractor to the consignee for direct payment under intimation to the Controller of Stores, Himachal Pradesh .The full amount will be paid on receipt of stores, in good condition after their verification as regards specification etc. Should the payment of any bill be not made within three months from the date of its submission, the party to whom the bills was forwarded should be addressed first. Failing satisfaction the matter should be reported to the Controller of Stores, Himachal Pradesh. All such complaints should give-

- (i) the number and date of the requisition.
- (ii) the designation of the requisitioning officer.
- (iii) the designation and address of the consignee.
- (iv) the designation and address of the officer to whom the bill was sent by the Contractor.
- (v) the number of the bill and date on which the bill was sent to the officer mentioned in (iv) above.
- (vi) full reference to reminders if issued.

12(i) With every dispatch of goods or material under this contract invoices in triplicate will be prepared by the contractor. Invoices in duplicate, are to be sent by the contractor to the Indenting Officer, the duplicate to be returned by the Indenting Officer with the quantities or number received duly noted thereon and the third copy to be sent by the contractor to the Controller of Stores, Himachal Pradesh for record in his office.

(ii) Railway/goods receipt where ever applicable will be forwarded to the consignee immediately after despatch of stores. Should any demurrage charge be incurred owing to delay on the part of the contractor in forwarding the railway receipt, the amount of such charge will be deducted from the bill.

(iii) The Contractor shall dispatch material 'Freight paid' in all cases where his offer is F.O.R. destination. In the even of his failure to do so, a penalty of 5 percent will be charged on the amount paid as freight by the Indenting Officer on his behalf.

(iv) The contract will sent to the Controller of Stores/Addl. Controller of Stores, HIMACHAL PRADESH, quarterly statement of the goods supplied under this arrangement in the following form which should reach before the 15th July, 15th October, 15th January and 15th April positively:-

Name of Office	Indent No.	Name of articles	Quantity or number supplied and to Whom Supplied and Where	Value of Supplies	Remarks
1.	2.	3.	4.	5.	6.

In the event of failure to submit the said statement within 90 days of the expiry of the rate contract the security money/earnest money deposited by the Contractors shall automatically stand forfeited to the Government without any further notice to this effect.

(v) All dispatches by rail/road will be made at contractors risk and expense.

(vi) If, during the currency of the contract the specification of any article or articles to be supplied thereunder be changed the contractor shall continue to comply with demands for the supply of the said article/ articles in accordance with the new specifications at a rate to be mutually agreed to in writing at the time of such change and in default of such agreement the contract in so far as it relates to the said article or articles under respect of which no agreement has been arrived at shall terminate but no such change shall effect the supply of any other articles under the contract or entitle the contractor to any compensation.

13. In the event of withdrawal or discontinuance of any article or articles and consequent ceasing of or reduction in demand the contractor shall not be entitled to any compensation. Government will however make all reasonable endeavors to give a warning of any impending complete withdrawal or of any reduction seriously effecting quantities likely to be required under contract.

14. The time for and date of delivery or dispatch stipulated in the said schedule shall be deemed to be the essence of the contract and should the contractor fail to deliver or dispatch any consignment within the period prescribed for such delivery or dispatch in the said schedule then without prejudice to his rights otherwise the purchaser shall be

entitled to recover from the contractor a sum of equal 2 per cent of the contract price of such consignment for each and every month or a part of a month during which the supply of dispatch of such consignment may be in arrears or alternatively at the option of the purchaser. The purchaser, shall be entitled to purchase such consignment (or if not available the best and the nearest available substitute therefore) else where on the account and at the risk of the contractor or to cancel the contract, and the contractor shall be liable for any loss or damage which the purchaser may sustain by reason of such failure on the part of the contractor.

15. The contractor acknowledges that he has made himself fully acquainted with all the conditions and circumstances under which the supplies required under the contract will have to be made or furnished and with all the terms, clauses, conditions, specifications and other details of the contract and the contractor shall not plead ignorance of any of those as excuse in case of complaint against or on rejection of supplies tendered by him or with a view either to asking for enhancement of any rates agreed to in the contract or to evading any of his obligations under the contract.

6. No payment will be made in advance for any supplies under this contract.

17.(i) The contractor shall not:-

a) assign or subject the contract without written approval of the officer sanctioning the contract.

(b) disclose details of the conditions governing this to unauthorised person (Indenting against this contract is permissible only for the bonafide use of Government departments and quasi-public and not for private parties or for the private use of the Government officers).

(ii) In the event of the contractor failing duly and properly to fulfill or committing breach of any of the terms and conditions of this contract or repeatedly supplying goods liable to rejections hereunder or failing, declining, neglecting or delaying to comply with any demand or requisition or otherwise not executing the same in accordance with the terms of this contract or if any contractor or his agent or servants being guilty of fraud in respect of the contract or any other contract entered into by the contractor or any of his partners or representatives thereof with the Government directing, giving promising or offering any bribes, gratuity, gift, loan, perquisite, reward or advantages pecuniary or otherwise to any person in the employment of Government if any of his partners become insolvent or apply for relief as insolvent debtor or commence any insolvency proceeding or make any compositions with his/their creditors or attempts to do so then without prejudice to Government's right and remedies otherwise Government shall be entitled to terminate this contract forthwith and to blacklist the contractor for a period not exceeding one year from the date of issue of such orders, and purchase or procure or arrange from Governments stocks or otherwise at the contractor's risk and at the absolute discretion of the Controller of Stores/ Addl.

Controller of Stores, Himachal Pradesh as regard the manner, place or time of such purchases, such supplies as have not been supplied or have been rejected under this agreement or are required subsequently by Government thereunder and in cases, where issues in replacement are made from Government's stocks or supplies, the cost of value of such stocks or supplies, together with all incidental charges or expenses, shall be recoverable from the contractor on demand and the contractor shall not be entitled to benefit from any profit which may thus accrue to Government.

18. If any question, difference or objection whatsoever shall arise in any way connected with or arising out of this instrument or the meaning or operation of any part thereof or the rights, duties or liabilities of either party then save in so far as the decision of any such matter is hereinbefore provided for and has been so decided, every such matter including whether its decision has been otherwise provided for and or whether it has finally decided accordingly or whether the contract should be terminated or has been rightly terminated in whole or part and as regards the rights and obligations of the parties as the result of such termination shall be referred for arbitration to any officer appointed by Himachal Pradesh Government acting as such at the time of reference and his decision shall be final and binding and where the matter involves a claim the amount if any awarded in such arbitration shall be recoverable in respect of the matter so referred.

19. If the price of a contracted article is controlled by Government, the payment will in no case be made at higher rate than the controlled rate.

20(i):The price charged for the stores supplied under the contract by the contractors shall in no case exceeds the lowest price at which the contractor sells the stores or offers to sell stores of identical description to any person/organisations including the purchaser or any department of the Central/State Government or any statutory undertakings of the Central or State Government, as the case may be during the period till performance of all supply orders placed during the currency of the rate contract is completed.

(ii) If at any time, during the said period the contractor reduces the sale price or sells or offer to sell such stores to any person/organization including the purchaser or any department of Central/State Government or any statutory Undertaking of the Central or State Government as the case may be at a price lower than the price chargeable under the contract, he shall forthwith notify such reductions or sale or offer of sale to the Controller of Stores/ Addl. Controller of Stores, HIMACHAL PRADESH and the price payable under the contract for the store supplied after the date of coming into force of such reductions of sales or offer of sale shall stand correspondingly reduced. The above stipulation will however, not apply to:

- (a) Export by the Contractor.
- (b) Sale of goods such as drugs which have expire dates.

(iii) The Contractor shall furnish the following certificate to the concerned purchasing departments alongwith each bill for payment for supplies made against the rate contract:-

“I/We certify that there has been no reduction in sale price of the stores of description identical to the stores supplied to the Government under the contract herein and such stores have not been offered/sold by me/ us to any person/ organization including the purchaser or any department of Central Government /State Government or any statutory undertaking of the Central or State Government as the case may be upto the date of bill/ the date of completion of supplies against all supply/ orders placed during the currency of the rate contract at a price lower than the price charged to the Government under the contract except for quantity of stores mentioned in sub clauses(a) and (b) of sub para (ii) of para-20 of the Schedule “B”.

21. All disputes shall be settled within the jurisdiction of the High Court of Himachal Pradesh.

22. The earnest money/ security money shall be pledged in the name of Addl. Controller of Stores, Himachal Pradesh in the shape of F.D.R. issued by any Nationalised Bank.

WARRANTY CLAUSE:

The contractor/seller hereby declare that the goods/ stores/articles sold to the buyer under the contract shall be of the best quality and workmanship and shall be strictly in accordance with the specifications and particulars contained/ mentioned in the Schedule “A” of the rate contract and the contractor/seller hereby guarantee that the said goods/stores/articles would continue to conform to the description and quality aforesaid for a period of....days/months from the date of delivery of the said goods/stores/articles to the purchaser and that notwithstanding the fact that the purchaser (Inspector) may have inspected and/or approved the goods/stores/ articles, if during the aforesaid period of....days/ months the said goods/stores/ articles be discovered not to conform to the description and quality or have deteriorated (and the decision of the purchaser in that behalf will be final and conclusive) the purchaser will be entitled to reject the said goods/stores/ articles or such portion thereof as may be discovered not to conform to the said description and quality. On such rejection the goods/ stores/articles will be at the seller’s risk and all the provisions herein contained relating to rejection of goods, etc., shall apply. The contractor/seller shall, if so called upon to do, replace the goods etc. or such portion thereof as is rejected by the purchaser such damages as may arise by reason of the breach of the condition herein contained. Nothing herein contained shall prejudice any other right of the purchaser in that behalf under this contract or otherwise.

In witness thereof the parties have hereinto set their hands on the dates indicated below:-

1. (In the case of Firm)

Signed by the above named firm of.....through.....partner of the firm.

Date

Signature

2. (In the case of a company)

The seal of the.....Company Limited, was affixed by virtue of the resolution of the Board No.....date.....the.....day of.....2000.

Dated

Director's Signatures

Seal

Dated

Secretary' signature

(in either case)

in the presence of-

(i) Signature Address Description

(ii) Signature Address Description

Signed by.....

Dated.....

Signature of.....
on behalf of the Government of
Himachal Pradesh.

ANNEXURE-III

4.2.5 APPLICATION FOR REGISTRATION AS APPROVED CONTRACTORS OF STORES DEPARTMENT, HIMACHAL PRADESH.

1. Name of the firm.....
2. Address.....
3. Head Office.....
Branch Office.....
Telegraphic Address..... Tel. No.....
4. Is the firm/factory registered under:-

(a) The Indian companies Act, 1913 or Factories Act.

(B) The Indian partnership Act,1932.

(c) If not, who are the owners.

Please give full address of all partners in the case of firm and extent of share held by each.....

Are you a manufacturer.....if so please give:-

(i) Details of Stores manufactured, specifying each item.....

(ii) Full address of factory owned by you.....

(iii) Small scale Industries, registration number.....

6. Are you a manufacturers agent, If so, please state:

(i) Name and address of each manufacturer.....

(ii) Store manufactured by each....

(iii) Do you hold the sole agency or you only stock goods?

(iv) Do you also stock other goods? If so, please give details with address.....

7. Please give name and address of your bankers.....

8. Are you on the list of approved contractors of any other authority if so, please give details.....

9. Have you executed any contract in the past? If so, please give details.....

10. Did you apply for registration with this department before? If so, with what result.....

11. Give details of any contracts executed during the last six months for any Government Department.

12. Your sales, Tax Registration No. both local and central and the District in which it is registered

DECLARATION TO BE MADE BY THE APPLICANT

I/we hereby declare that the above entries made by me/us on this day of.....are true to the best of my/our knowledge.

Signature of applicant

1. Witness.....

Address.....

2. Witness.....

Address.....

ANNEXURE-IV

POWERS OF LOCAL PURCHASES UNDER RULE 20.

1.	Administrative Deptt (except Public works Deptt.)	Rs.40,000 in each case.
2.	Heads of Deptt.	Rs. 20,000 for each item in a financial year in respect of each Head of office.
3.	Controlling officers	Rs.4,000 for each item in a financial year.
4.	Head of Office.	Rs.2,000 for each item provided the value does not exceed Rs.8,000 in a financial year.
5.	Chief Engineers	Rs.50,000 for each item with out any limit.
6.	Superintending Engineers	Rs.20,000 for each item in a financial year subject to the condition that it does not exceed Rs.1 lakh.
7.	Executive Engineers	Rs.5,000 for each item in a financial year subject to the condition that it does not exceed Rs.50,000.
8.	Assistant Engineers/ Sub-Divisional Officer.	Rs. 250/-for each item in a financial year subject to the condition that it does not exceed Rs.5000/-

SCHEDULE 'C'**4.2.6****CONDITIONS OF RATE CONTRACT**

1. Under the contract indents/Supply orders should reach the contractor by the last date of the validity of the contract. The supplies will have to be made within the specified time against the indents/supply orders under this contract upto the last date of the validity according to the terms and conditions of the agreement under the contract. Even if in certain cases the supplies cannot be arranged upto the last date of the validity period of the same will have to be made.

No action will be required on the indent/supply orders which are received after the last date of the period of contract. Such indents/supply orders will have to be returned to the concerned Demanding Officer with a note that no supply can be made as the period of rate contract has expired.

2. As mentioned in Schedule "A".

3. The goods will be inspected by the consignee before dispatch at the specified place duly authorised in writing by the Controller of Stores/ Addl. Controller of Stores, Himachal Pradesh Supply orders can be placed by any Demanding Officer of the Himachal Pradesh Government under this contract. The Controller of Stores, Himachal Pradesh or the Addl. Controller of Stores, or any of the experts attached to the Industries Department of Himachal Pradesh or the Indenting Officer, or any other officer or person shall have the power to inspect the stores, before, during or after manufacture collection, dispatch, transit or arrival and to reject the same or any part or portion. If he or they be not satisfied that the same is equal or according to the sample submitted by the contractor can reject the same. The contractor shall not charge or be paid for supplies rejected as above and such supplies shall be removed by the Contractor at once and at his expense. He shall neither claim nor be entitled to any payment for any damage that the rejected supplies may suffer from due to any harm whatsoever incidental to a full and proper examination and test of such supplies. The Government shall be under no liability whatsoever for rejected supplies and the same will be at the contractor's risk. Rejected supplies shall be removed by the contractor within 10 days after notice has been issued to him of such rejection, and failing such removal rejected goods will be at contractor's risk and Government may charge the contractor rent for the space occupied by such rejected goods.

4. The contractor shall provide without any extra charge all materials, tools, labour and assistance of every kind which the aforesaid officer may consider necessary for any test or examination which he may require to be made on the contractor's premises and shall pay all cost attendant thereon. In the case of stores inspected at maker's premises the maker shall provide all facilities including testing appliances, for making necessary tests other than special test or independent tests. Failing to provide such facilities at his own premises for making the tests, the contractor shall bear the cost of carrying out tests elsewhere. The contractor shall also provide and deliver free of charge at such place as the aforesaid officer may direct such materials as he may require for tests by chemical analysis or independent testing machine. If for the purpose of determining the quality of stores, the

aforesaid officers finds it necessary to have the stores tested at the test house or laboratory, expenses incidental to the tests shall be borne by the contractor. On the failure of the contractor to pay the expenses within ten days of the receipt of intimation in this behalf from the Inspecting Officer, the Controller of Stores/ Addl. Controller of Stores, shall have the right to deduct the amount from the security deposited by the contractor and if the amount so deducted is not deposited within 10 days, the Controller of Stores/ Addl. Controller of Stores, may treat their default as a breach of the agreement and proceed under clause-1 of the agreement without further notice. Further, the aforesaid officer shall have the right to put all articles of materials to such tests as he may think proper for the purpose of ascertaining whether the same are in accordance with the specification of sealed sample mentioned in the tender and to cut out or off/or destroy a portion not exceeding 2 percent from each delivery for such purpose the quantity so cut out or off /or destroyed as aforesaid shall be replaced by the contractor free of charge.

5. Price fall clause- The offer of rates by the tenderer will be subject to the price fall clause i.e. if any item is offered at a lower rate by the contractor at any other State/place in India, he shall not charge higher rate for the item offered in the tender. In the event of higher rates offered by such tenderer, the rates so offered by such party can be rejected at any stage.

The Contractor shall furnish the following certificate to the concerned purchasing departments alongwith each bill for payment for supplies made against the rate contract:-

“I/We certify that there has been no reduction in sale price of the stores of description identical to the stores supplied to the Government under the contract herein and such stores have not been offered/sold by me/ us to any person/ organization including the purchaser or any department of Central Government or any Department of State Government or any statutory undertaking of the Central or State Government as the case may be upto the date of bill/ the date of completion of supplies against all supply/ orders placed during the currency of the rate contract at a price lower than the price charged to the Government under the contract except for quantity of stores categories under sub clause(a) and (b) of sub para (ii) of para-20 of Schedule “B”.

6. All goods must be dispatched within 45 days of the receipt of supply order by the contractor unless otherwise specifically mentioned in Schedule “A” of the Rate Contract.

. 100% payment will be made within 21 days against physical delivery of inspected/accepted stores duly supported with satisfactory inspection note and after receipt of correct goods at consignee’s site/ destination.

8. (i) With every dispatch of goods or material under this contract, invoices, in triplicate, will be prepared by the contractor, invoices in duplicate, are to be sent by the contractor to the Indenting Officer. The duplicate be returned by the Indenting Officer with the quantities or number received duly noted thereon and the third copy to be sent by the contractor to the Controller of Stores/ Addl. Controller of Stores, Himachal Pradesh, for record in his office.

(ii) Railway/Goods Receipt wherever applicable will be forwarded to the consignee immediately after dispatch of stores. Should any demurrage charge be incurred owing to delay on the part of the contractor in forwarding the Railway/goods receipt as the case may be, the amount of such charge will be deducted from the bill.

(iii) The contractor shall dispatch material "Freight - paid" in all cases where his offer is F.O.R. destination in the event of his failure to do so, a penalty of 5 percent will be charged on the amount paid as freight by the Indenting Officer on his behalf.

(iv) All dispatches by rail/road will be made at contractor's risk.

9. No guarantee can be given as to the quantity which will be ordered during this period. But the purchaser undertakes to order from the contractor all stores as detailed in Schedule "A" which he requires to purchase, except that he reserves the right of placing the contract with one or more contractors as he may think fit and the contractor binds himself not to revoke this contract during the said period.

10. While placing orders preference shall be given to local manufacturers and atleast 30% of the total orders shall be placed with them on the lowest approved rates provided such products meet the required quality standards. The minimum purchase from local manufactures shall not be applicable in respect of items which in the opinion of the Head of Department is an item of sophisticated nature and high technology and precision standards. If it is not possible to purchase atleast 30% from the local manufacturers, the HOD's for reasons to be recorded in writing may purchase from other firms on rate contract.

11. The rates should be quoted F.O.R. destination any where in Himachal Pradesh unless otherwise specifically mentioned in the Schedule "A" of rate contract.

12. The contractor will be responsible for damage or loss in transit and replace goods broken or lost within 10 days from the date of notice thereof.

13. Refund of the amount of security and earnest money deposited by the firm will be made after three months from the date of expiry of the contract or after the date of satisfactory completion of the given supply orders, keeping in view both these conditions while making applications for refund of the amount of security, the concerned firm will have to furnish a certificate that the supply of all the supply order received by it, have been made to the consignee according to the prescribed specifications to their entire satisfaction.

14. All disputes shall be settled within the jurisdiction of the High Court of Himachal Pradesh.

Sd/-
Addl. Controller of Stores
Himachal Pradesh,
for and on behalf of
Governor of Himachal Pradesh.

4.2.7 **LIST OF ITEMS TAKEN OUT FROM**
THE PURVIEW OF STORE PURCHASE ORGANISATION Name of Items.

1	C-03	Explosives
2	C-04	English Medicines(Tablets)
3	C-05	English Medicines (Injectable/Eye & Ear Drops).
4	C-06	English Medicines (Capsules).
5	C-07	English Medicines (Ointments/Creams).
6	C-08	English Medicines (Syrup/Mixtures).
7	C-09	English Medicines (Powders).
8	C-10	Cases for Medical purpose: (a) Oxygen I.P. (b) Nitrous Oxide I.P.
9	C-11	Ayurvedic Medicines.
10	C-12	Ayurvedic Raw Herbs.
11	C-13	Veterinary Medicines (Injectable/Ear & Eye drops).
12	C-14	Veterinary Medicines (Capsules).
13	C-15	Veterinary Medicines (Ointment/Creams).
14	C-16	Veterinary Medicines (Syrups/Mixtures).
15	C-17	Veterinary Medicines (Powder/Vegetable Products).
16	C-18	Allopathic Kits.
17	C-19	Ayurvedic Kits.
18	C-21	Pesticides/Insecticides: (a) Insecticides/Fungicides/Harbicides/Weedicides/Pesticides/Agrochemical (b) Organic Based Pesticides. (c) Fungicides.
19	C-22	Microneutriants.
20	C-23	Stickers.
21	C-24	Tree Spray Oils.
22	C-27	Coal, Coke & Firewood.
23	C-28	Chlorinators.
24	C-30	Retreading/Recapping/Resoling of old tyres.
25	C-31	Polythene films and canal lining.
26	C-32	Polythene Bags (L.D.P.E. Bags).
27	C-34	L.D.P.E. Pipes.
28	C-35	Laboratory Appliances.
29	C-36	Thermometer.
30	C-37	(a) Hospital Instruments/Equipments/Incinerator/Appliances. (b) Dental Material, Instruments & Appliances. (c) Dental Unit with Chair.
31	C-38	Dairy & Poultry Equipments.
32	C-41	(a) Plastic Charts. (b) Soil Testing kits.
33	C-42	Rubber Tubing & Rubber Water Hung Pipes.
34	C-43	Veterinary Equipments & Medicines Kits.
35	C-44	Veterinary Ist Aid Kit/Veterinary Instruments/Equipments.
36	C-45	Medical Instruments/Appliances etc.(Ayurvedic).
37	C-46	Bitument emulsion for Road(Cationic Type) to IS:8887/95(First Revision).

- 38 E-01 Automobile Electrical Equipments:
(a) Automobile Electric horns & their spares.
(b) Auto relays.
(c) Auto Coils.
(d) Terminal Connectors.
(e) Auto cables & Wires.
(f) Generator (dynamo).
(g) Regulator.
(h) Auto Switcher.
(i) Auto Lights.
(j) Electrical Wind Screen system.
(k) Auto lamps.
- 39 E-03 Cinematographic projection equipments:
(a) Motion picture projectors.
(b) Overhead projectors.
(c) Slide projectors.
(d) Film cum slide projectors.
- 40 E-04 Photographic Equipments:
a) Cameras.
b) Flash lights. c) Studio Lights. d) Photo films.
- 41 E-06 Electrical Appliances:
(i) Laboratory Electrical Appliances: (a) Electric Furnaces.
(b) Electric Ovens.
(c) Electric baths. (d) Centrifuge.
(e) Autoclaves.

(f) Water stills.
(g) Distillation & Digestion units. (h) V.D.R.I. Rotators.
(i) Shaking machine Kahn's.
- 42 E-11 Electrical Instruments & Integrated meters:
(a) Ph. meters.
(b) Colorimeters.
- 43 E-13 Sound Recording and Reproducing equipments:
(a) Public address system.
(b) Amplifier.
(c) Microphones.
(d) Microphone Stands.
(e) Sound columns
(f) Reflex horns.
(g) Loud Speakers.
(h) Conference system.
- 44 E-16 Electromedico Equipments:
(i) Diagnostic medical X-Ray Equipments:
(a) X-Ray units/machines.
(b) M.M.R. Cameras.
(ii) X-Ray Equipments & Accessories:
(a) Developing tanks.
(b) X-Ray Cassettes.

- (c) Intensifying Screens.
- (d) Developing hangers.
- (e) Half film blockers.
- (f) Dark room safe light.
- (g) VCT Unit.
- (h) X-Ray Lead rubber protecting apprens.
- (i) Load rubber gloves.
- (j) Lead goggles.
- (k) Lead screens.
- (l) Lead figures.
- (m) Lead letters.
- (n) X-Ray viewing box.
- (iii) (a) Electro cardiogram.
- (b) Radio frequency diathermy apparatus.
- (c) Leproscopy system. (d) Suction machine.
- (e) Operation theater lights & fittings.
- (f) Sterilizers.
- (g) Autoclaves.
- 45 E-19 Electronic/Quartz Clocks.
- 46 E-20 Intercommunication system:
 - (a) Intercoms.
 - (b) Telephones peripherals.
- 47 E-21 Electronic Audio & Video Equipments:
 - (a) Transistorised Radios.
 - (b) Tape recorders.
 - (c) Record Players.
 - (d) Two-in-one.
 - (e) Stereo system of records.
 - (f) Cassettes Recorders deck system.
 - (g) Audio Cassettes.
 - (h) Video Cassettes.
 - (i) Black & White Televisions.
 - (i) Colour Televisions.
 - (k) Video Cassette Recorder/Player.
- 48 E-22 Electronic Equipments/systems for use in office:
 - (a) Computer & its peripherals.
 - (b) Calculators.
 - (c) Electronic Typewriters.
 - (d) Photostat machine/photo coppier.
 - (e) Past Renller.
- 49 E-23 Fax Machine (Photo copies).
- 50 E-24 Earth leakage Circuit Breakers/High Frequency Electric chocks/blast.
- 51 E-25 E.P.A.B.X. Machine (E.P.A.B.X. System).
- 52 M-04 a)Wire Nails in various sizes.
 - b)Assorted Nails.
 - c)Ribbets.
- 53 M-06 Knitting Machines.
- 54 M-09 Asbestos Cement Pressure Pipes and Couplings (AC Pressure Pipes and coupling).
- 55 M-10 G.I. Pipes (Galvanised Iron Pipes).
- 56 M-13 Aluminum Irrigation Pipes with fittings and sprinkler equipment.
- 57 M-17 Pig Lead (Soft)

- 58 M-20 Hydrams.
- 59 M-22 Mild Steel bolted tanks (MS Tanks).
- 60 M-23 Pressed Steel Tanks (P.S. Tanks).
- 61 M-24 G.I. Sheet Tanks (Galvanised Iron Sheet).
- 62 M-26 Plant/Crops Protection Equipments:
 - (a) Power sprayers for plant/crop protection.
 - (b) Foot sprayers and accessories for plant/crops protection.
 - (c) Knan sacks sprayers and accessories for plant/crops protection.
 - (d) Hand operated sprayers for plant/crops protection.
- 63 M-31 Road and Forest Machinery.
- 64 M-32 ITI/Polytechnics tools/equipments.
- 65 M-33 Polytechnic/ITI Machineries.
- 66 M-35 Drill Rods with coupling and accessories.
- 67 M-37 Immersion Vibrators and Exploders.
- 68 M-40 Weight and Measures:
 - (a) Machinery.
 - (b) Instruments/Equipments.
- 69 M-42 Locks
- 70 M-46 Plastic Moulded Furniture.
- 71 M-50 Tins/Tins Cans.
- 72 M-51 Auto Leaf and Leaf springs.
- 73 M-52 Conversion of M.S. Billets into :-
 - a) MS Rounds.
 - b) Tor Steel.
 - c) Rabbed steel.
 - d) Angle Iron.
 - e) Channels.
 - f)Flats.
 - g) Joists.
 - h) Plates.
- 74 M-53 Conversion of MS Coil into:-
 - a) G.I. Wire.
 - b) Barbed Wire
 - c) U-Stepples.
- 75 M-54 Bee hives and Bee Keeping accessories.
- 76 M-55 Seed Testing Laboratory:
 - (a) Machinery. (
 - b) Equipments.
- 77 M-56 Mono Metal.
- 78 M-57 AC Sheets for roofing.
- 79 M-60 Plywood.
- 80 M-62 Boat and Boats Appliances.
- 81 M-63 Horticulture Tools Equipments and Accessories:
 - (a) Sceatrues of standard sizes.
 - (b) Grafting/Prunning Knives with Blade and Handles. (c) Budding Knives.
 - (d) Prunning Saws.
 - (e) Prunning-cum-Plucking Ladders.
- 82 M-64 Machinery Tools Equipments & in Fruit Canning Units.
- 83 M-66 Veterinary Equipments/Accessories:
 - (a) Horizontal Liquid Nitrogen Tank.
 - (b) Liquid Nitrogen Storage Tank.
 - (c) Semen Pressing & Sealing Container.
 - (d) Auto Fillings & Sealing Machine for Straw.

- (e) Auto Printing and Machine for Straw.
- (f) Phase Contrast Microscope.
- 84 M-67 Photo Cabinets.
- 85 M-68 Driving Licence System.
- 86 M-69 Malaria Pumps
- 87 M-70 Medical Gas Cylinder.
- 88 M-72 Bio-gas Double Burner Chullah/Stove.
- 89 M-74 Spare Parts for Strrup Pump.
- 90 M-75 Fibre Class Sheet.
- 91 M-76 Telescopic Type Hydraulic shock observers for Automotive Suspension.
- 92 M-77 (a) Febrication of Gypsy Body.
(b) Fabrication of Mohindra & Mohindra Jeep.
(c) Fabrication of Bodies for Light Vehicles.
- 93 M-80 Flush Door Shutters.
- 94 M-81 Rigid P.V.C. Pipes for irrigation and Sewerage.
- 95 M-82 Air Spray Vacuum Cleaner.
- 96 M-85 H.D.P.E. Sprinkler (ISI Marked).
- 97 M-86 Solar Water Heaters/Solar Cookers.
- 98 M-87 G.I. Sheet Drum.
- 99 M-89 Self Prining & Submercible Pump & Contrifugal Pump
- 100 M-90 Red Mud Plaster.
- 101 M-91 Intensifying Compound, Mortar Mud Plaster and Chunik.
- 102 M-92 Main Hole Covers.
- 103 M-93 RCC Fencing Poles.
- 104 M-94 Portable Smokeless Chullah & Chimneys.
- 105 M-95 File Racks.
- 106 M-96 Rubber Moulded Items.
- 107 M-97 Explosive Materials.
- 108 M-98 Drip Irrigation System.
- 109 M-101 Bottle Caps.
- 110 M-102 Machinery & Equipments for preparation of Ayurvedic Medicines.
- 111 M-107 Cement Water Tanks
- 112 M-108 Paint of Steel Almirah (Job work).
- 113 M-109 Soil Testing Kits.
- 114 M-110 Electric Drilling Machine
- 115 M-111 Mini Liquid Nitrogen Plant.
- 116 M-112 Mini Foundries for indoor and outdoor Decorations.
- 117 M-113 Gasket shellac compound(adhesive) 50ml & 100ml packings. Emery papers, Em cloth, Rexene cloth and Auto Elect low tension wire.
- 118 T-01 Woollen Blankets:
(a) Hospital Blankets.
(b) Barrack Blankets.
(c) Blankets for Rest Houses/Circuit Houses.
- 119 T-02 Bed Sheets.
- 120 T-03 Bed Covers/Pillow Covers.
- 121 T-07 Mattresses/Pillows/Cushions:
(a) Rubberized Coir Mattresses, Pillows & Cushions.
(b) Latex Rubber Foam Mattresses, Pillows & Cushions.
(c) Polyurethane Mattresses, Pillows & Cushions. (d)
Cotton Mattresses, Pillows & Cushions.
(e) Rubber Sheetings.
- 122 T-08 Curtains, Tapestry Upholstery cloth.

- 123 T-09 Durries & Patties:
(a) Durries for Floors.
(b) Durries for beds.
(c) Durries Patties for Schools.
- 124 T-10 Tents, Shamianas & Kanats.
- 125 T-11 Tarpaulins.
- 126 T-12 Towels & Dusters.
- 127 T-13 Garments:-
a) Woollen Garments.
b) Cotton Garments.
- 128 T-14 Jerseys & Socks.
- 129 T-15 Pagree Cloth.
- 130 T-16 Mazri Cloth, Cotton & Cotton Buckrum.
- 131 T-17 Drill Cloth.
- 132 T-18 Cellular Cloth.
- 133 T-19 Cotton Niwar/Nylon Niwar.
- 134 T-20 Uniform Equipments.
- 135 T-21 (a) Canvas Cotton.
(b) Ground Sheet s.
(c) Hood Cloth.
- 136 T-23 Coats:
(a) Rain Coats.
(b) Parkha Coats.
(c) Short Coats.
- 137 T-24 Ropes and Cordages:
a)Manila Ropes.
b)Sisal Ropes.
c)Jute Ropes. d)Coir Ropes.
- 138 T-25 Yarns:
a) Jute Twins.
b) Coir Twins.
c) Jute Spun Yarns.
d) Hemp Spun Yarns.
- 139 T-26 Textile waste:
a) Cotton Yarn Waste.
b) Old Dhoties.
c) Terring Outfits.
- 140 T-28 Bags and Sacks:
a)Gunny Bags.
b)Craft Pater Bags.
c)Potato Bags.
d)Fertilizer Bags.
e)HDPE Sacks/Bags.
- 141 T-29 Hessian Cloth.
- 142 T-30 Textile Nettings:
a) Mosquito Nets.
(b) Nylon Anti Hailing Nettings.

- (c) Swarm Catching Nets & Baskets.
- 143 T-31 Woollen serge.
- 144 T-32 Woollen Great Coat Cloth/Drab Mixture Cloth Woollen.
- 145 T-33 Angola & Berthia cloth.
- 146 T-35 Mountaineering Equipments.
- 147 T-36 Footwears:-
 - a)Leather Footwears.
 - b)Rubber Footwears.
 - c)Canvas Footwears.
- 148 T-37 Traveling Equipments:-
 - a)Brief Cases.
 - b)Holdols. c)Suit Cases.
- 149 T-38 Surgical Dressings.
- 150 T-39 Wool Cotton observant & Non observant.
- 151 T-40 Coated Cloth (Fabrics).
- 152 T-41 Flexible Floor Covering (PVC)
- 153 T-42 Rubber Tubing & Rubber Water Hose Pipes.
- 154 T-43 Denim Cloth.
- 155 T-44 Basta cloth, Latha cloth, Mussavis, Laminating rolls.
- 156 T-45 Woollen yarn, cotton yarn.
- 157 U-01 Sports Goods & Wears.
- 158 U-02 Blood Bank Equipment
 - (a) Pressure Cooker.
- 159 U-04 Laboratory Appliances:-
 - a) Laboratory Glasswares
 - b)Hospital Laboratory Appliances:
 - c)School College Laboratory Appliances.
 - 01)Laboratory Glasswares.
 - 02)Bottle & Closers.
 - 03)Laboratory Equipments (Phvsics).
 - 04)Laboratory Equipments(Chemistry)
 - 05) Laboratory Equipments (Biological /Botany).
- 160 U-05 Integrated Science Kit.
- 161 U-06 Maps & Charts (Teaching & Learning Materials):
 - (a) Maps, Educational Charts, Globes.
 - (b) Science Kits, Mini Tool Kit & Mathematics Kit.
 - (c) Playing Articles, Toys, Puzzle, Wisdom Block.
 - (d) Musical Instruments.
- 162 U-07 Cans, Bottles, Jars for packing of Fruits products.
- 163 U-08 Plastic Buckets.
- 164 U-09 Equipments for repair & Maintenance of Electrical Domestic Appliances
Commercial Garments Designing & Tool Equipments for Trainees.
- 165 U-10 Water Testing Kits/Horrocks Appliances.
- 166 U-11 Electrical Equipments/Appliances.
- 167 U-12 Fish feed ingredients, Hatchery/farm/fishing equipments.
- 168 U-13 Hydrometer, Revenue locks, Bung rode, testing glasses, dipp rods,
thermometer, saccharmeter, float rods, gauging rods.

AMENDMENTS/CLARIFICATION ISSUED FROM TIME TO TIME IN THE
 “PROCEDURE AND RULES FOR THE PURCHASE OF STORES BY ALL
 DEPARTMENTS & OFFICES OF THE GOVERNMENT OF HIMACHAL
 PRADESH”.

Sr. No.	Notification/ Letter No.	Dated
1.	10-113/70-SI	30-11-1971
2.	1-7/72-Fin(Reg)	15-05-1972
3.	8-24/72-SI (P&R)	18-10-1972
4.	8-24/72-SI (P&R)	18-10-1972
5.	1-7/72-Fin(R&E)	15-06-1973
6.	8-24/72-SI	08-08-1973
7.	1-7/72-Fin(Reg)Vol-II	12-02-1974
8.	1-7/72(Reg)Vol-II	16-08-1974
9.	1-14/75-SI-I	01-06-1975
10.	1-14/75-SI-I	16-12-1977
11.	IND(VI)(F)20(1)76	02-06-1978
12.	LLR-E(9)2/76	03-07-1978
13.	IND-VI(F)20(1)76	20-03-1979
14.	IND-VI(F)20(1)76	01-06-1979
15.	IND-VI(F)20(1)76	29-08-1979
16.	1-7/72-Fin(Reg)	06-08-1980
17.	Udyog(Kha)3-2/81	07-10-1982
18.	Udyog(Kha)3-2/81	25-08-1983
19.	Fin-C-A(3)2/81	31-05-1985
20.	Fin-C-A(3)2/81	09-09-1985
21.	Ind-VI(F)20(1)76-(Part-II)	14-10-1985
22.	Udyog(Ja)2-12/84-II	21-03-1987
23.	Fin(C)B(15)-11/87	24-11-1987
24.	Udyog(Ka)3-2/81-II	29-01-1988
25.	Ind(VI)(F)20(1)/76	08-09-1988
26.	Udyog(1)(Ja)2-6/85	08-04-1991
27.	Udyog (Ja)2-6/85	08-04-1991
28.	Udyog-II(Gha)6-3/88	06-05-1991
29.	Udyog-6(F)20-1/76	10-02-1992
30.	Ind-6(F)20-1/76-II	02-01-1993
31.	Ind-6(F)20-1/76	22-01-1993
32.	Udyog-II(Jha)2-6/85	05-08-1994
33.	Udyog-II(Chh)2-13/98	11-03-1999
34.	Udyog-II(Chh)2-4/98	14-03-2000

4.3 Geological Wing

4.3.1 Introduction & Functions of Geological Wing

The Geological Wing was set up in the Department of Industries, Himachal Pradesh in the Year 1964 -65 with only one Geologist, who was heading the Organization on deputation from Geological Survey of India. On the reorganization of erstwhile State of Punjab, in November 1966, majority of Geologist and staff were allotted to Himachal Pradesh, thus a well equipped Geological Wing started functioning in the Himachal Pradesh from November, 1966. The Director of Industries is the overall incharge of the Directorate including the Geological Wing. Geological Wing is headed by the State Geologist who works under the control and supervision of Director of Industries. He is further assisted by Geologists and Assistant Geologists and by the Mining Officers in the field, apart from the supporting staff from drilling, surveying, draughtsman and ministerial staff.

a. Functions:

- a) Exploration of mineral wealth of the State for their scientific and economical exploitation and setting up of mineral based industries like large cement plants, stone crushers etc.
- b) Carrying out geo-technical studies/investigations of bridges, buildings, landslides, road alignments, hydro-electric projects, I&PH schemes, Geological Stability/feasibility report of various roads constructed under PMGSY etc. as per the user agencies demands.
- c) Development and regulation of mines and minerals by granting various mineral concessions through leases, auction, short term permits etc. Implementation of River/Stream Bed Mining Policy, 2004, Policy guidelines for Registration, Location, Installation and Working of Stone Crushers in Himachal Pradesh, Court Cases, redressal of complaints etc.

b. Mineral Exploration:

Geological Wing of the Department of Industries, Himachal Pradesh is engaged in carrying out detailed exploration and prospecting of *minerals* available in various parts of the Pradesh, so as to know the quality and quantity of each mineral. It is obligatory on the part of the Geological wing to prove or disprove the existence and extent of mineral potentials. The regulation and development of mineral and quarries is also being looked after by this Wing to have a planned exploitation of mineral, based on projected demands and it also provides necessary guidance for systematic and scientific extraction of minerals from the quarries/ mines.

The exploration programme for proving of mineral deposits consist of three phases :—

- Phase One : Reconnaissance of deposits,
Phase Two : Estimation of deposits.
Phase Three: Detailed proving of the deposits.

After the presence of mineral is inferred by reconnaissance survey, further exploration and prospecting programme is planned which includes;

- i) Detailed mapping
- ii) Interpretation of Geological Data on the detailed map
- iii) Systematic surface sampling of mineral below the overburden by pitting and trenching.
- iv) Drilling to collect subsurface detail of rocks/ minerals

- iv) chemical analysis of samples.
- vi) Exploratory mining

After collecting this data, the Geologist prepares Geological report based on Geological sections, lithology of drill holes, mining plan and microscopic study of thin rock specimens. In addition, Geological Wing has also been carrying out various engineering geological studies for bridge foundations, multistory buildings, medium and micro hydel and irrigation schemes, landslides problems, road alignments etc.

At present there are four drilling units engaged in carrying out drilling operations for mineral investigations and foundation testings. The mineral exploration work are supplemented by Surveyors and Draughtsman.

4.3.2 Important Assignments conducted so far.

a) Geological Investigations:

Detailed geological investigation of limestone deposits of Gagal Barmana (Bilaspur), Kashlog (Tehsil Arki), Manal M/s CCI (Paonta Sahib), Broh-Shind (Distt. Chamba), Arki deposit of NMDC (Tehsil Arki), Kiran Block (Tehsil Sundernagar), Alsindi (Distt. Mandi), Nohra (Distt. Sirmour), Baga Bhalag (Tehsil Arki) etc.

➤ Based on the Geological investigations carried out by Geological Wing, five large cement plants (A.C.C. Barmana, District Bilaspur(two units), Ambuja Cements, District Solan(two units) & JP Associates, Bagha Bhalag in district Solan and one small plant of M/S CCI, Rajban Distt Sirmour have already been established and 4 No's are in pipe line viz. Chamba, Sundernagar, Alsindi, distt Mandi & Gumma Ruhana in district Shimla.

- ii) Detailed geological investigations of Gypsum deposits in Bhajon area (Distt. Sirmour), Chango area (Distt. Kinnaur) Losar Area (Distt. Lahaul & Spiti), Gue Nalla (Spiti area) have been underatken.
- iii) Detailed geological investigations of Drang Rock Salt (Distt. Mandi) Silica Sand (Distt. Una), Magnesite (Distt. Chamba) etc has been carried out.

(b) Geo Technical Investigation

Geo-technical investigations of various bridge sites, buildings, retaining walls, landslides, road alignments etc., Geo-environmental studies of various lakes like Renuka, Dal, Chandertal and Pong reservoir, tapping of hot water at Tattapani etc have been conducted by the Geological Wing.

The following Nos. of geotechnical assignments have been completed since year 2005-2011

- **2005-06** **48 Reports**
- **2006-07** **76 Reports**
- **2007-08** **45 Reports**
- **2008-09** **24 Reports**
- **2009-2010** **53 Reports**
- **2010-2011** **44 Reports**

Reclamation and rehabilitation of mined out areas in Distt. Sirmour, Chamba and Kangra under Foreign aided AUS AID, NORAD projects and World Bank projects. Preparation of Distt. Level River/Stream Bed Survey document as per Policy dated 28-2-04 etc.

(c) **Important assignments in hand**

i) **Detailed proving of limestone deposits of Guma-Rohana area** (Tehsil Chopal). 17 No's of bore holes have been completed in Gumma block and total 1665 mtrs of drilling has been conducted up to 31may 2011. The above site has been allotted to M/s India Cements Limited for setting up of a large cement plant and presently the Geological Wing is carrying out drilling works on behalf of M/s India Cements on payment basis.

ii) **Proving of cement grade limestone deposit on right bank of Satluj in Dhara-Badu area of District Shimla.**

A Prospecting License for limestone, dolomite and shale over an area of 20 sqkms has been granted in Dhara Badu area of district Mandi in favour of M/S Associate Cement Company by the State government. The drilling rig to undertake drilling on payment basis has been deputed on the request of M/S ACC ltd and drilling work has been started..

iii. **Geo-Technical investigation** of bridge sites, road alignments, parking sites, buildings etc. as referred by PWD, Forest Department and other user agencies. 44 numbers of Geotechnical investigations were completed during the year 2010-11and reports have been submitted to the different departments of the state government for further action.

iv) **Monitoring of Reckong-Peo land slide:**

The Geological Survey of India has submitted a report on Reckong Peo land slide on 13-1-2011 containing suggestions to mitigate the sliding problem. It is suggested to monitor the land slide at 17 locations and mapping of area outside the land slide towards Kalpa. In view of the suggestions made above, 17 Nos. of monitoring pillars have been constructed and are being monitored through Total Station. The three observations have been made on 1-4-2011, 8-5-2011 and 15-5-2011. Further the mapping of the uphill side of the Kalpa including the affected portion has been done. In order to know the subsurface strata in the affected portion drilling has been started and 102.00 mtrs of drilling has been done.

4.3.3 Mineral regulation:

Development of minerals form an important part of national economic development. Further, mineral deposits do not generate wealth, unless they are located, surveyed and economically exploited. Optimal use of the available mineral resources with scientific methods of mining, conservations, beneficiation and economic utilization constitute the essentials of our National Mineral Policy.

Ownership of the minerals rest with the States and the Central Government is required to regulate the Mines and Minerals Development to the extent declared by Parliament by law to be expedient in the public interest in accordance with Entry 54 Union List of the Seventh Schedule of the Constitution. The power of the States to regulate mines or minerals development is subject to these important Provisions: Entry 23, List II State List in the Seventh Schedule.

The Central Government has enacted the Mines and Minerals (Development and Regulation) Act, 1957, along with Mineral Conservation and Development rules, 1988 and the Mineral Concession Rules, 1960 which lay down the framework for the regulation of the mines and development of all minerals, other than Petroleum.

The State Government has also enacted mineral concession rules for the regulation and development of minor minerals. Under the provisions of Act and rules, the State Government have been assigned the basic role for the development of all minerals, excepts those specified in the First Schedule of the Act for which prior approval of the Central Government is required.

For regulation purposes, minerals have been classified into three categories i.e.:-

- 1- **The First Schedule Minerals** consisting of minerals which are of basic and strategic importance for the development of the country. These basically constitute Atomic minerals, Coal and Lignite and metallic and non-metallic minerals like Iron Ore, Lead, Zinc, Gold, Copper Ore, Bauxite, Precious stones etc. No lease for these minerals are granted except with the previous approval of the Central Government.
- 2- **The Second category of Minerals** consisting of all those minerals, which are not included in the First Schedule and which do not fall in the category of minor minerals. Important minerals are limestone, barites, gypsum, dolomite, silica sand, magnesite, mica, talc etc.
- 3- **The Third category** consists of minor minerals as defined under Section-3(e) of the Mines and Minerals (Development and Regulation) Act, 1957. These consist of building stones, gravel, ordinary clay, ordinary sand, bajri, marble, limestone, slate etc. and any other mineral which may be notified as such by the Central Government. The development of these minerals shall ordinarily be the responsibility of the private enterprises, though the State may take up the mining processing of any mineral in this category. These categories of minerals contribute sizeable to the value of mineral production and employment both in quarrying and transport sector, besides in the processing sector viz. stone crushers, cutting and polishing of dimension stones such as marble, sandstone, slate etc. The entire civil construction industry is dependent on the minor minerals such as sand and gravel aggregates, boulders etc.

Acts and Rules applicable to Regulation and Development of Mines and Minerals

Following Acts, Rules are applicable with regards to mineral regulation in the State of Himachal Pradesh:

4.3.4.1 Mines and Minerals (Development and Regulation), Act 1957

This Act is applicable to all minerals such as major & minor minerals. The State Government has powers to grant mining lease of all mineral, except those specified minerals falling in the First Schedule of the Act and include Atomic minerals, Coal and Lignite and metallic and non-metallic minerals like Iron Ore, Lead, Zinc, Gold, Copper Ore, Bauxite, Precious stones etc.

The section 4(1) provides that no person shall undertake any reconnaissance, prospecting or mining operations in any area except under and in accordance with the terms and conditions of a reconnaissance permit or of a prospecting licence or as the case may be of a mining lease granted under this act and rules made thereunder.

- a. The area and period of various mineral concessions granted under major minerals are as under:-

	Mineral Concessions	Maximum area	Period.
1.	Reconnaissance Permit (RP)	One or more RP covering a total area of 10,000 Sq. Km.	3 years; can be renewed for further 2 years.
2.	Prospecting Licence (PL)	One or more PL covering a total area of 25 Sq. Km.	-do-
3.	Mining Lease (ML)	One or more mining leases covering a total area of 10 Sq. Km.	Between 20 to 30 Years; can be renewed for further period or periods of 20 years.

b. **The holder of mining lease** is required to pay royalty in respect of any mineral removed or consumed from the lease area, as per the rates specified in the Second Schedule of Mines and Minerals (Development and Regulation) Act, 1957. The royalty rates of important major minerals being mined in the State are as below (w.e.f. 13/8/09).

1-	Limestone (Cement grade)	Rs. 63 per metric tonnes.
2-	Limestone (L.D. grade or flux grade)	Rs. 72 per metric tonnes.
3-	Dolomite	Rs. 63 per metric tonnes.
4-	Silica Sand/quartzite	8 % of sale price on advalorem basis,
5-	Barytes	Rs. 5 ½ % of sale price on advalorem basis.

With regard to the provisions of penalties against illegal mining and transportation, as per Section 21(I) of Mines and Minerals (Development & Regulation)Act, 1957, whoever contravenes the provision of Sub-Section (1) or Sub-Section (IA) of Section-4 shall be punished with imprisonment for a term which may extend to 2 years or with fine which may extend to Rs. 25,000/- or with both. Section 21(2) Provides for imprisonment for a term which may extend to one year or with fine which may extend to Rs. 5,000/- or with both. There is also provision of seizure of tools, equipments, vehicles, minerals etc. under Section 21(4). However, no court

shall take cognizance of any offence punishable under this Act or any rules made there-under except upon a complaint in writing made by a person authorized in this behalf by the Central Govt. or the State Govt. Section 23-A provides for compounding of offences. Under Section 26 powers have been delegated under Section 21(3) (4) (5), Section 22 and Section 23-A to various officers/officials of the Industries and other Departments. Powers have also been delegated to Executive Magistrates under Section 21(2) to (5), 22 and 23A.

ii) **Rules –**

4.3.4.2 Mineral Concession Rules, 1960

The regulation of major minerals are controlled as per the provisions of the Mineral Concession Rules, 1960, framed by Government of India under Mines and Minerals (Development and Regulation) Act, 1957, in close association with the concerned State Government, as the responsibility of enforcing the Mineral Concession Rules, 1960 is vested in various State Governments.

These rules define procedure for grant of Prospecting license, Mining lease, period of lease, payment of royalties etc.

As per rule 4 A an application for reconnoissance permit shall be made to the state government in form A through such officer or authority as the state government may specify

As per rule 9 A an application for prospecting license and its renewal in respect of land in which the mineral vest with government shall be made to state government in form B and Form D respectively.

As per Rule 22(A) mining operation shall be undertaken in accordance with the duly approved mining plan.

As per rule 24 A an application for renewal of mining lease shall be made to the state government in form J atleast 12 months before the date on which lease is to be expired.

As per rule 32 an application for mining lease shall before the deed referred to in rule 31 is executed, deposit as security for the due observance of terms and conditions of lease.

Every individual/ firm/ Company desirous of seeking mineral concessions, has to apply for mining lease on a standard application form i.e Form “I” in case of Major Minerals

1. An application for the grant of mining lease shall be made to the State Government in Form I (Mineral Concession Rules, 1960).
2. Every application for grant or renewal of mining lease shall be accompanied by:
 - i Non – refundable fee of rupees 3500/-;
 - ii No Mining dues certificate from the Mining Officer or State Geologist;
 - iii An affidavit stating that the applicant has –
 - Filled upto date income tax returns
 - Paid the income tax; and
 - Paid the income tax on the basis of self-assessment as provided in the Income- tax Act, 1961;

- iv An affidavit showing particulars of the area mineral-wise in State, which the applicant or any person jointly hold –
- Already holds under a mining lease;
 - Has already applied for but not granted ; and
 - Being applied simultaneously;
- v A statement in writing that the applicant has, where the land is not owned by him obtained surface rights over the area or has obtained consent of the owner for starting mining operation.
- 3 The receipt of every application will be acknowledged in Form D.
- The period of lease and security and other conditions will be as per the Mines and Mineral (Development and Regulation) Act, 1967, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 and other relevant Rules and Acts.

4.3.4.3 Mineral Conservation and Development Rules. 1988

The provisions of these rules are enforced by Indian Bureau of Mines; Govt. of India and includes enforcement, conservation and systematic development of major mineral resources, through implementation of mining plans etc.

The Mines Rules, 1952 and the Indian Metalliferous Mines Regulation,1961

are being enforced by Government of India through Director General of Mines Safety (DGMS) under the Union Ministry of Labour and take care of safety, welfare, working conditions in mines for both major and minor minerals.

4.3.4.4 The Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.

- Framed under Section-15 of Mines and Minerals (Development and Regulation), Act 1957.
- Applicable to all minor minerals i.e building material, in the State of H.P. Rules define procedure for grant of Mining leases, Auction procedure and issuance of Short Term Permits, the area and period of lease, payment of royalties, dead rent etc.

The area and period of various mineral concessions granted under minor minerals are as under:-

	Mineral Concessions	Maximum area	Period.
1.	Mining Lease	*As the Govt. may deem fit, but not more than 5 Sq. Kms. * For stone crushers based on raw material from river beds-more than 10 hecets. * For free sale of minerals area upto 5 hecets. * For hill slope, mining area shall not be less than 5 Bighas. *	the lease period from 5 years to 10 years in case of minerals which require investment and equipments to develop quarries such as limestone, slates and building stones available in hill slope and to 15 years for minor minerals, serving captive source for stone crushing units, available either in river/stream or hill slope and five years in case of open sale of mineral.
2.	Through Auction	As recommended in the Survey document or as per recommendations of the Sub-Divisional Committee. .	One to three years depending upon the auction amount; * if bid amount is more than 50% of previous bid- for 3 years. * if bid amount is 20% higher than the prev.bid but less than 50% -for 1 year

			* if less than 20% from the prev. bid amount- for 3 months; d.
3.	Short Term Permits *only for bonafide use of local residents.	As per the rights recorded in the Wajib-ul-arz	. For two months, issued by concerned District Mining Officer

The royalty is basically charged as per the rates specified in the Ist Schedule of the H.P. Minor Minerals (Concession) Revised Rule, 1971.

- The rates of important minor minerals being mined in the State are as below (w.e.f. 8-10-2007)

1- Building stone, masonry stone Boulders and shingle.	Rs. 20.00 per tonnes.
2- Limestone (as minor mineral used for making ordinary lime)	Rs. 63.00 per tonnes. w.e.f.13.8.2009
3. Bajri	Rs 20.00 per tonnes
4- Ordinary Sand/Clay/Shale	Rs. 20.00 per tonnes.
5- (a) Slate	Rs. 250.00 per tonnes.
(b) rough Slab Slate	Rs. 40.00 per tonnes.
7- Rori, Road metal, ballast.	Rs. 20.00 per tonnes.

However, in order to ensure that the lease holder do not evade royalty following methods have been adopted to charge royalty:-

a) From stone crushers:-	Royalty is charged on the basis of actual production which will be computed based on consumption of electricity (not more than 7 units/tonnes of bajri crushed) or any other measures (w.e.f. 2-3-2000)
b) For building stones and sand (in Hill slope mining)	As per Scheduled rates.
c) For mineral limestone	Although the royalty rates for mineral limestone under minor minerals is Rs. 45.00 per metric tonnes, however, royalty at par with major minerals i.e. Rs. 63/- per metric tonnes is being charged from lease holders in Distt. Sirmour.

Apart from the royalty, the lease holder is also required to pay Rs. 150 per acre as surface rent in case of Govt. land and mutually agreed compensation to land owners in case of private lands.

- In order to provide stable business environment to the lease holders, amendments were made in the H.P. Minor Minerals (Concession) Revised Rules, 1971 vide notification no. Ind-II(F)6-8/2008, dated 26.6.2008 whereby the lease period has been increased from 5 years to 10 years in case of minerals which require investment and equipments to develop quarries such as limestone, slates and building stones available in hill slope and to 15 years for minor minerals, serving captive source for stone crushing units, available either in river/stream or hill slope.
- Under Minor mineral the lease is granted as per the following provisions :-**

Power to Grant Lease	State Government	Throughout HP for an area more than 2-25-00 hectare Rule 10, Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971
	Director of Industries	Throughout HP for an area upto 2-25-00 hectare Rule 10, Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971
	State Geologist	Throughout HP for an area upto 1-12-50 hectare Rule 10, Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971
Maximum area of lease	Not more than 5 SQ Km	Rule 13, Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971

1. Formalities required to be completed for the grant of Mining Lease:

- i **First of all “Certificate of approval” is essential** to be obtained. As per rule 6 any person who is an Indian shall on payment of fee of Rs 500/- be entitled to obtain a certificate of approval from the Director or an officer authorized by him. The application for certificate of approval shall be submitted to the director or an officer authorized by him in form A. An affidavit shall be obtained from the applicant of his being an Indian National.
- ii. The prescribe application on form C is to be submitted in triplicate.
- Iii Court Fees of Rs. 1.25 Paise to be affixed on the application
- Iv Three copies of Revenue papers to be enclosed along with the application.
- V A receipt of Rs. 5000/-deposited in Treasury or by T.R.5 to be attached.
- Vi No mining due certificate from the concerned Mining Officer to be submitted along with application.
- Vii Income Tax Clearance Certificate or affidavit.
- Viii Certificate of Approval.
- Ix No Objection Certificate from the owner of land in the case of Private Land.
- X Site Plan of the area.
- Xi Consent of the concerned Gram Panchayat in the shape of resolution
- Xii As per rule 9
 - a. Where an application for grant or renewal of mining lease is delivered personally its receipt shall be acknowledged forthwith.
 - b. When such application is received by registered post its receipt shall be acknowledged within three days of the receipt.
 - c. The receipt of every such application shall be acknowledged in form D.

- The Joint Inspection of the area applied for mining lease is conducted by a Committee consisting of following members:
 1. Sub Divisional Magistrate Chairman
 2. Assistant Conservator of Forest/Range Officer Member
 3. Representative of Environment Protection and Pollution Control Board Member
 4. Executive Engineer PWD or his representative Member
 5. Executive Engineer IPH or his representative Member
 6. Mining Officer Member Secretary
- Only after the recommendations of this Committee, and completing other codal formalities, mining lease is granted for a period as specified in the Rules

As per rule 21(4) every applicant shall submit Working-cum-Environment Management Plan for approval of the State Geologist in case of minor minerals

Rule 24- Grant of Short Term Permit

The Director or any other officer authorized by him in this behalf may grant permit in form J from any specified land not leased to any body within the limits of Himachal Pradesh for any minor mineral not exceeding the quantity as may be specified under any permit on payment of such royalty as shown in the first schedule to these rules.

Rule 28- Grant of contracts by auction and tenders

Contracts may be granted by the Government by auction or tender for a maximum period of five years but not less than 3 years after which no extension shall be granted.

With regard to the penalties for unauthorized workings and transportation of minor minerals, provisions have been made under rules 53(2) and 57(6) of H.P. Minor Mineral (Concession) Revised rules 1971. It provides for imprisonment upto one year, or with fine upto Rs. 5000/- or with both for illegal mining and imprisonment upto 6 months or with fine upto Rs. 1000/- or with both for illegal transportation.

(E) The Himachal Pradesh Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2004 have been notified on 11-8-04.

The rules defines procedure for transportation of minerals, storage of mineral, checking of illegal mining and its transportation and registration of dealers

As per these Rules;

- All persons dealing with sale and purchase are to be registered with the concerned Mining Officer.
- Transportation of minerals shall be done only through transit pass issued by the authorized Officer. This transit pass shall contain serial number and book number.
- If State Govt. considers it necessary, it may establish check posts or barriers at any place within the State by notifying in the Official Gazette, for checking/weightment of vehicles carrying minerals.
- Penalties for illegal mining upto Rs. 25,000/- or 2 years imprisonment or both.
Penalties for illegal transportation upto Rs. 5000/- or 1 year imprisonment or both

4.3.4.5 Mining Policies of State Government

1) Mining Policy dated 23.12.1986.

The first mining Policy of the State was spelled out during the year 1986. Its salient features were:-

- 1- No permit required by traditional *Kumhars* for mineral clay. Earlier sale limit was fixed upto Rs. 5,000/- per annum.
- 2- Short term permits to be given only for self bonafide use and for use by Government departments.
- 3- Auction of slate quarries for 5 years and in case the same contractor intends to continue for further period, renewal with 25% annual compounding increase shall be charged.
- 4- Leases shall only be given for setting up of mineral based industries like stone crusher, screening plants, spun pipes etc.
- 5- Auction of river beds shall only be conducted after obtaining NOC from XEN(I&PH).
- 6- Lease/auction can be terminated by giving personal hearing:
 - in public interest.
 - if mining is not being done scientifically.
 - if there is soil erosion or damage to private/public property.

II Policy dated 23-12-1998.

The Policy dated 2.9. 1986 was partially modified by the Govt. on 23-12-1998. The salient feature was:-

A. **In Private land for setting up of stone crushers:**

Area not to exceed 20 hectares in river/nallas and 2 hectares in case of mid slope areas .Royalty to be charged on the basis of 60% of the installed capacity or actual power consumption, whichever is higher, and period of lease upto 5 years.

B. **Leases of sand and stone in Private land for open sale.**

Area shall be upto 2 hectares and royalty shall be charged as per scheduled rate.

C. **In Govt. land for setting up of stone crushers.**

a) Area shall not exceed 20 hectares in river/nallas and 2 hectares in case of mid slope.

b) Crusher shall be established within one year from execution of lease deed and royalty shall be charged on the basis of 75% of the installed capacity or actual power consumption whichever is higher. Upto the setting up of stone crusher the royalty shall be charged on the basis of last auctioned bid of the same quarry/adjoining quarry plus 30% and surface rent shall be extra.

c) The lease holder shall permit the right holder, the use of following quantity of minor minerals for their personal bonafide use at the rates as specified in Schedule-II.

	<u>For repair of old house</u>	<u>for construction of new house.</u>
--	--------------------------------	---------------------------------------

- | | | |
|---------|-----------|-------------|
| • Sand | 20 tonnes | 160 tonnes. |
| • Stone | 50 tonnes | 400 tonnes. |
| • Bajri | 10 tonnes | 90 tonnes. |

d) Transfer of lease not to be allowed in ordinary circumstances.

e) **Renewal of mining lease of existing stone crusher:**

- a) Area to be allowed at the time of renewal not to exceed 10 hectares in river bed/nallas and 2 hectares in case of mid slope.
b) Amount of royalty shall be 75% of the installed capacity or actual electric consumption whichever is higher.

f) **Lifting of stone, sand and bajri from Govt. Land.**

Shall be through auctions only and for a period of three years. Short term permits shall be issued till approval of the bid.

g) **Grant of leases for industrial units other than stone crushers like screening plants, hollow blocks.**

Area upto 5 Bighas for which royalty shall be charged at the rate of Rs. 5000 per bighas.

III. Policy dated 28-2-2004.

On the directions from the Hon'ble High Court of H.P. in CWP No. 188/01 titled as Jagjit Singh Dukhiya Vs State of H.P. and others, "**River/Stream Bed Mining Policy Guidelines for the State of H.P-2004**" were notified on 28-2-2004 and published in Rajpatra on 20-3-04. Its basic objectives are to ensure;

- Scientific and systematic mining
- Conservation of minerals
- Proper replenishment of minerals.
- Protection of environment and ecology
- Protection of river banks.
- Protection of public and private property.
- Checking of illegal mining.

In order to achieve the above mentioned objectives following important **Strategies** have been spelled out in the Policy.

Strategy No. 6

For Mining lease:

A. Every application for mining lease to be accompanied by a location plan, indicating physiographic features and location of any bridge, I&PH scheme, school, hospital and any other feature.

B. Joint inspection of the site to be done by Committee comprising of following members.

- | | |
|-------------------------------------|-------------------|
| 1. Sub-Divisional Magistrate. | Chairman. |
| 2. ACF/Range Officer | Member. |
| 3. Rep. of Pollution Control Board. | Member. |
| 4. Xen, PWD or is representative | Member. |
| 5. Xen, I&PH or is representative | Member. |
| 6. Mining Officer | Member Secretary. |

A. Preparation of Working-cum-Environment Plan has been made mandatory. This plan will give details of contour, reserves, method of mining, steps to protect environment and above all the replenishment factor.

Auctions:

Based on district level documents prepared by the Geological Wing, the Sub-Divisional Committee shall study the feasibility of workings in a particular River / Stream bed.. This Committee shall also review the workings of each river/stream bed annually.

Strategy No. 8

Involvement of PR's

- No concession in scheduled areas without consultation of concerned Gram Sabha/Panchayat.
- Priority to Panchayat if they apply for mineral concession in Schedule area.
- Opinion of concerned Gram Panchayat on prescribed Performa for granting leases in non-schedule area.

Strategy No. 9

Sub-Divisional Level Flying Squad.

In order to curb the menace of illegal mining, Sub-Divisional Flying Squads had been notified vide Not. No. Udyg(Chh) 7-3/90 dated 11-3-93, However, vide notification dated 28-2-04, the Flying Squads now consist of the following members;-

- | | |
|---------------------------------------|-----------|
| • Sub-Divisional Magistrate. | Chairman. |
| • Asstt. Conservator of Forest. | Member. |
| • Deputy Supdt. of Police or his rep. | Member |

The above Committee is authorized to requisition the relevant record from the Office of the Mining Officer and the services of Mining Officer and his staff for the purpose of carrying out such inspections. The Sub-Divisional Magistrate has already been delegated the powers under Section 21(2) to (5), 22 and 23 A of MMDR Act,1957. Other members of the Flying Squad i.e. Assistant Conservator of Forest and Dy. Supdt. of Police have also been delegated the powers under Section-22 with regard to lodging of written complaints in the Court of law vide notification No. Ind-II(B)1-3/97- dated 30-7-04.

District Level Committee.

In order to review the action taken against illegal mining and to review the working of river bed mining, a District Level Committee has also been constituted, comprising of following member.

- | | |
|--|-------------------|
| 1- Deputy Commissioner | Chairman |
| 2- Superintendent of Police | Member |
| 3- Divisional Forest Officer | Member. |
| 4- Rep. of Pollution Control Board. | Member. |
| 5- Mining Officer | Member Secretary. |
| 6- Any other Officer nominated by Chairman | Special Invitee. |

Mining in River/Stream Beds shall be subject to following general conditions in addition to site specific conditions as specified by the Committee.

- No River/Stream bed mining shall be allowed without the recommendations of the Sub-Divisional Level Committee.
- No River/Stream bed mining shall be allowed without getting clearance under Forest Conservation Act, 1980 if the area attracts the provisions of FCA. 1980.
- No River/Stream bed mining shall be allowed within 75 meters from the periphery of soil conservation works, nursery plantation, check dams or within the distance as recommended by the Sub-Divisional Committee, which ever is more.
- No River/Stream bed mining shall be allowed within 1/5th of its span or 5 meters from the bank or as specified by the Sub- Divisional Committee which ever is more.

- No River/Stream bed mining shall be allowed within 200 meters U/S and D/S of Water Supply Scheme or the distance as specified by the Sub- Divisional Committee which ever is more.
- No River/Stream bed mining shall be allowed within 200 meters U/S and 200 to 500 mts D/S of bridges depending upon the site-specific conditions.
- No approach road from PWD road shall be allowed to River/Stream beds mining, unless lessee/contractor obtains written permission from XEN PWD for making road leading to all intake places from the PWD Roads.
- No mechanical mining i.e through mechanical excavator etc. shall be allowed in River/Stream beds,
- No boulder/cobbles/hand broken road ballast shall be allowed to be transported outside the state from River/Stream beds,
- No digging of more than 3 feet shall be allowed in River/Stream beds.
- Every leaseholder shall supply in advance, the Registration Nos of vehicle engaged in transportation of mineral from mining area to his industrial unit. This would ensure checking of illegal vehicles carrying minerals.
- Every lessee/contractor shall ensure that his labour does not involve in fish poaching.
- No blasting shall be allowed in river/stream beds.

IV. Policy guidelines for Registration, Location, Installation and Working of Stone Crushers in Himachal Pradesh

Provisional registration of stone crusher- No person shall install or run any stone crusher in any area within the state of Himachal Pradesh unless he obtains a provisional registration from the Geological wing, Deptt of Industries. For this application in form-“A” shall be submitted.

Joint inspection of the area applied for mining lease and for setting up of stone crusher. The site for setting up of stone crusher shall be appraised and approved by a joint inspection committee.

Permanent registration- Based on the approval of sites for setting up of the stone crusher grant of mining lease and after obtaining consent to operate from the Pollution Control Board, permanent registration shall be issued to owner of the stone crusher by the Geological Wing, Deptt of Industries which shall be valid for a period of two years(Form-B)

4.3.4.6 IMPORTANT INSTRUCTIONS AND NOTIFICATIONS

1. Notifications dated 30-4 2011

The powers have been delegated to 39 categories of Officers/Officials of different departments like Industries, Revenue, Police, Forest, PWD, IPH and BDO under section 22 of Mines & Minerals (Development & Regulation) Act,1957 and under Section 21 (4) of ibid Act to 20 categories of Officials/officers to lodge complaint in the competent court of law and to seize mineral and equipments respectively.

2. Notification dated 17/11/2009

In para-9 sub para 9.3 Strategy³ of th River/Stream Bed Policy Guidelines for the State of Himachal Pradesh,2004 for the items 9.3c and 9.3d the following shall be substituted namely

“9.3c Permission for the extraction of sand, stone and bazri for open/free sale in the River/streams Beds falling in Government land shall be granted through auction/tender whereas mining lease for the same purpose shall be granted only in private land.

3. Instructions dated 20-11-2009

Vide letter no. Ind-II(E)2-1/2000-I dated 20-11-2009 the Government has decided not to put on auction the river bed of Chakki & Neugal in district Kangra and Seer khad in district Bilaspur/Hamirpur.

4. Instruction of State level committee to prevent illegal mining

In the 2nd meeting of State Level Committee the amount of compounding of illegal extraction was revised as follows and all the Mining Officers have been directed to comply with the decision taken in the meeting while compounding the cases of illegal extraction/transportation of minerals.

If illegal Extraction is detected by engaging:-

1.	Mules/hourses	not less than Rs. 200/-+ Royalty etc.
2.	Light Moter Vehicle such as Tractor/Majda etc.	not less than Rs. 3000/- + Royalty etc.
3.	Trucks	not less than Rs. 5000/- + Royalty etc
4	If illegal extraction is detected at Spot	not less than Rs. 5000/- + Royalty etc

If illegal Transportation is being done.

If illegal transportation is detected, provide there is documentary evidence that the minerals being carried are legally extracted and supported by bill cash memo of mineral concession holder:-

1.	Mules/hourses	not less than Rs. 200/-
2.	Moter Vehicle	not less than Rs. 1000/-.

4.3.4.7 The H.P. Minor Minerals (Concession) Revised Rules, 1971.

THE HIMACHAL PRADESH MINOR MINERALS (CONCESSION)
REVISED RULES, 1971
CHAPTER-I
PRELIMINARY

1. Short Title:

These rules may be called the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.

2. Definition:

In these Rules, unless the context otherwise requires:-

a) "Act," means the Mines and Minerals 1[Development and Regulation] Act., 1957.

b) "Minor Mineral" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, boulder, shingle, chalcedony pebbles used for ball mill purposes only, limeshell, kankar and limestone used in kilns for manufacture Act, of lime used as building material, murrum, brick-earth, fuller's earth bentonite, road metal, rehmatti, late and shale when used for building material, quartzite and sand stone when used for purposes of building or for making road metal and household utensils, 2[quartzite pebbles used for ball mill purposes or filling for bore wells or for decoration purposes in buildings] and any other mineral which the Central Govt. may by Notification in official Gazette, declare to be a minor mineral under Clause (e) of section 3 of the Act,;

c) "Building Stone" includes sand-stone, quartzite, schists, limestone, bajri, marble, dolomite, slate and shale when used as building material;

d) "Department" means the Industries Department of Himachal Pradesh;

e) "Director" means the Director of Industries, Himachal Pradesh;

[ee]³ "Gram Sabha means the established under section-4 of the Himachal. Pradesh Panchayati Raj Act,1994.

f) "Government" means the Government of Himachal Pradesh;

g) "Mining Lease" means a lease to mine, quarry, bore, dig and search for win, work and carry away any minor mineral specified therein;

[gg]³ "Panchayat means the Panchayat as defined in clause (20) of the Himachal Pradesh Panchayati Raj Act, 1994.

h) "Presiding Officer" means the Director or any other officer nominated or authorised by him for holding auction/calling tenders for contracts.

1. Substituted by MM (RD) Amendment Act., 1999 vide Government of India, Ext.Part II, Section-1, No.51 dated 20-12-1999(38 of1999).

2. Inserted by Government of India vide Notification No.G.S.R.786 (E) dated 23-08-1989.

3. Inserted by Government of India vide Notification No. Ind.B (F) dated 10-04-1994-ii loose (1) dated 25.-06-03

i) "Short term permit" means a permit granted by the Director to extracts, a certain quantity of mineral for the period specified in the permit;

j) "Contract," means a contract, given on behalf of the Government to carry, win, work and carry away any mineral specified therein through open auction or by inviting tenders for certain specified areas, notified by the Director;

k) "Contract, or" means a person or a party holding a contract, under these rules;

l) "Schedule" means a Schedule appended to these rules;

m) "Form" means a form appended to these rules;

n) "Mining Officer" means an officer appointed by the Government to ensure enforcement of minerals rules and regulations at district level, holding charge of one or more districts;

o) 1 ["Lessee", when used in relation to a mine, means a person to whom the lease has been granted by the Government, his transferee or assignee and in case of a mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver, and in case of a mine owned by a company, the business whereof is being carried on by a managing agent, such "Managing Agent."]

p) 2 ["Local Authority" means the Deputy Commissioner of the District or any other officer authorised by the State Government to exercise the powers of Local Authority for the purpose of these rules.]

q) "Scheduled areas" means the Scheduled Areas as referred to in clause (1) of article 244 of the constitution of India."

3. Exemption:

Notwithstanding anything contained in these rules no rent, royalty or permit fee shall be charged for

i) Extraction of ordinary clay or ordinary sand by hereditary kumhars who prepare earthen pots on a cottage industry basis, whose turnover during a year does not exceed five thousand rupees.

ii) 3 [extraction of masonry stones, ordinary clay and any other minor mineral by the right holders, in accordance with their rights recorded in the Wajib-ul-arz from the areas which are not occupied by any lessee or contract or, for their bonafide personal requirements, when such extraction is made under a permit, valid for two months issued by the Director of Industries or any person authorised by him in this behalf: }

1 Inserted by Government of H. P. Notification, No13-3/70-SI(MM) dated14-03-1975.

2. ibid

3. .Substituted by Government of H.P.Notification, No13-3/70-SI (MM) dated14-03-1975.

Provided that excavation of limestone or kankar from the area which are not occupied by a contract or or lessee, maybe made by the members of scheduled castes, scheduled tribes and backward classes whose monthly income does not exceed Rs. 150 per month and also the persons who want to build Dharamsala, Piao or other building for charitable or philanthropic purposes, under a permit, valid for two months, issued by the Director or any person authorised by him in this behalf on payment of five rupees.

3A. (1) Procedure for quarrying of minor minerals by government:

An application for the grant of a permit for quarrying of any minor mineral by any department of the Government, from the land belonging to Government for the construction of any work by it, by engaging its own labour, shall be made by any officer of the department concerned, not below the rank of Class II officer to the Director of Industries or any other officer authorised by him in his behalf ;

a) provided that no application fee or court fee shall be payable on the application made under sub-rule (1) by such Government Departments; and

b) that no royalty shall be charged for the removal of any mineral for which a permit has been, thus, granted” Provided that the mineral is extracted departmentally for the bonafide epartmental construction and all the area acquired by the departments concerned.

Note:- No private contractor executing the departmental work shall be exempted from the payment of application fee and court fee on minerals supplied by him under contracts of work entered into by him with the concerned department.

4. Supply of minerals to consumers:

The contractors shall supply to consumers, or allow them to excavate building stone, limestone, kankar and bajri at the rates, specified in the III Schedule of these rules for their bonafide personal use or for the construction of buildings meant for charitable or philanthropic purposes.

Note :- For purposes of sub-rule (ii) of rule 3 and rule 4, the Mining Officer concerned shall be the authority to decide whether a consumer is excavating the minor minerals for his personal bonafide use or not.

1. Substituted by Government of H.P. Notification, No13-3/70-SI (MM) dated14-03-1975

**GRANT OF MINING LEASES/CONTRACTS/SHORT TERM PERMITS IN
RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE
GOVERNMENT**

A. Grant of mining leases

5. Restriction on grant of mining lease: -

1) No mining lease shall be granted in respect of land within a distance of 60 metres from any village or 1[town], national highway, except on special exemption by the competent authority. 2[Provided that if the persons affected raise any objection to the location of any mining lease, whether within or beyond the 60 metres laid down above, such objections shall be fully heard and considered by the Director or any authority, subordinate to him, to whom he may delegate his powers, and before granting the lease the objection shall be disposed of after the due examination.] 3[Provided further that objections are in respect of any existing mining lease, it shall not be renewed before disposing of the objections.]

2) No mining lease shall be granted in respect of any such minor mineral as the Government may notify in this behalf. Such Notification may be for the whole of Himachal Pradesh or any part thereof.

3) No mining lease shall be granted to a person who does not hold a certificate of approval from the Director.

4) 4[No mining lease shall be granted to a person in a scheduled area without the prior recommendation of the Gram Sabha or Panchayat concerned.]

6. Certificate of Approval:

(1) Any person who is an Indian National shall on payment of a fee of 5[Rs. 500/-] be entitled to obtain a certificate of approval from the Director or an officer authorised by him. The application for certificate of approval shall be submitted to the Director or an officer authorised by him in form 'A'. An affidavit shall be obtained from the applicant of his being an Indian National.

(2) The Director may, with the previous approval of the Government, grant a certificate of approval to any person who is not an Indian National, on payment of fee, specified in Sub-Rule-(1).

(3) A certificate of approval shall be in Form 'B' and shall be valid up to 31st of December of the year in which it is granted. ““Provided that a certificate granted in the last quarter of a year shall be valid until the 31st day of December of the year next following”

1. Inserted by Government of H. P. Notification, No13-3/70-SI (MM) /II dated 14-03-1975.

2. ibid

3. ibid

4. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4-94 II dated 25-06-1999.

5. Substituted by Government of H. P. Notification, No Ind-11 (F) 6-5-2006 dated 08-10-2008.

(4) A Certificate of approval shall be renewed by the competent authority if a renewed fee of Rs. 1[500/-] is paid and an application for its renewal is submitted before the date of expiry of the certificate.

(5) Where a certificate of approval is not granted or renewed to any person, the fee paid by the applicant shall be refunded to him.

Explanation: - For purpose of sub-rule(1) a lessee 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 India and not less than fifty-one percent 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 citizens of India; and if any question arises as to whether a person is an Indian national or not, it shall be referred to the Central Government whose decision shall be final.

7. Application for mining lease :

An application for a mining lease shall be made to the State Government through the Director or any other officer authorised by Government in this behalf, in form 'C' and shall contain the following particulars:-

(a) (i) if the applicant is an individual, his name, nationality, profession and residence;

(ii) if the applicant is a partnership firm, a company or an association or body of individuals, whether incorporated or not, its name, nature and place of business and place of registration or incorporation;

(b) name of the minor mineral or minor minerals for which the applicant intends to obtain the lease;

(c) a 2[correct] description, illustrated by a map or plan showing 3[Omitted] the situation, boundaries and area of the land in respect of which the lease is required and where the area is un-surveyed, the location of the area should be shown by some permanent physical features, roads, tanks, etc. the period for which the lease is required and the purpose for which the extracted minor minerals are to be used;

(d) Certified copy of statement from the department showing dues outstanding, if any, against the applicant.

(e) In the case of private land not owned by the applicant an affidavit to the effect that applicant has obtained surface rights or consent of the concerned land owner(s) for carrying out the mining operation.

1. Substituted by Government of H P Notification, No Ind-B (F) 10-4-94-II dated 25-06-1999. Amended 8-10-2007.
2. Inserted by Government of HIMACHAL PRADESH Notification, No 13-3/70-SI (MM) dated 14-03-1975.
3. Omitted *ibid*.
8. Application fee:

Every application for the mining lease shall be accompanied by:

- i) A non refundable fees of Rs.1 [5000/] =
- ii) Omitted
- iii) An income-tax clearance certificate from the Income-Tax Officer concerned;
- iv) A certificate of approval in Form 'B'.

9. Acknowledgement of application:

- 1) Where an application for grant or renewal of a mining lease is delivered personally, its receipt shall be acknowledged forthwith.
- 2) When such application is received by registered post, its receipt shall be acknowledged within three days of the receipt.
- 3) The receipt of every such application shall be acknowledged in form "D".

9A.3 [Omitted.]

9B. Omitted

10. Priority:

- (1) Priority in granting mining lease shall be given to the following:-
 - (i) First priority shall be given to the discoverer of the new mineral;
 - (ii) Second priority shall be given to a person who intends to set up a mineral-based industry in the State; and
 - (iii) Third priority shall be given to a Co-operative Society.

-
1. Substituted by Government of HIMACHAL PRADESH Notification, No Ind-B (F) 10-4-94-ii dated 25-06-1999.
 2. *ibid*
 3. Omitted by Government of HIMACHAL PRADESH Notification, No Ind-vi(F) 12-17-78 part dated 29-07-1997.
 4. *ibid*

Provided that where two or more persons of the same category have applied for a mining lease in respect of the same land, the applicant whose application is received earlier shall have a preferential right for the grant of the lease over an applicant whose application is received later;

Provided further that where such applications are received on the same day, the Government after taking into consideration the matters specified in sub-rule (2), may grant mining lease to such one of the applicants as it may deem fit.

(2) The matters referred to in the second proviso to sub-rule (1) shall be the following namely:-

- (a) Experience of the applicant in mining;
- (b) Financial soundness, stability and special knowledge of geology and mining of the applicant;
- (c) Special knowledge of geology and mining of the technical staff already employed or to be employed for the work;
- (d) clearance of Government dues and royalties where the applicant has been engaged in the mining business previously; and
- (e) Satisfactory performance of the applicant where he has been engaged in the mining industry previously.

(3) The Government, may for special reasons to be recorded in writing, grant a mining lease to an applicant whose application is received later in preference to an applicant whose application is received earlier.

(4) The State Government may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant or renew a mining lease over the whole or 1[over a part of the area] applied for.

11. Register of mining lease:

A register of mining leases shall be maintained in the office of the Mining Officer concerned in Form 'E'.

12. Inspection of register:

The register of mining leases shall be open to inspection by any person on payment of the following fee:

- i) 2 [Rs. 50/] - for the first hour or part thereof;
- ii) 3 [Rs. 20/] - per hour or part thereof for subsequent hours.

13. Area of mining lease:

1) A Mining lease may be granted for such area as the Government may deem fit. "Provided that in respect of leases for River/Stream bed mining, leases over larger area of ten hectare or above shall be given priority for setting up of stone crushers and for free sale of minor mineral leases up to five hectare shall be granted.

2) No lessee by himself or with any person joint in interest with him shall ordinarily hold in aggregate more than 5 square kilometres of area under lease in respect of one minor mineral within Himachal Pradesh.

Provided that at the time of the renewal of the lease, the lessee shall be entitled to surrender any part of the area.

1. Substituted by Government of H. P. Notification, No 13-3/70-SI()MM-II/dated14-3-1975.

2. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4-94 II dated 25-06-1999.

3. ibid

14. Length and breadth of the area leased:

1) The area held under a mining lease, shall be rectangular as far as possible and length shall not exceed four times its breadth:

“Provided that the Government may in any particular case relax the provisions of this rule.”

2) An application for a mining lease shall relate to one compact, area only.

“Provided that if the State Government is of the opinion that in the interest of the development of any mineral, it is necessary to do so, it may for reasons to be recorded in writing allow the grant of mining lease in relation to any area which is not compact, or contiguous.”

15. Boundaries below the surface:

Boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

16. Security deposit:

The applicant shall deposit as security a sum of 2[25000/Rs]For an area up to ten hectares and where the area involved is more than ten hectare, an additional security based on pro rata basis for additional area, in the shape of fixed deposit receipt(FDR) duly pledged in favour of the Director”.

16A. 3[Refund of security]:

On such date as the Government may elect within twelve calendar months after the determination of mining lease, 4[Omitted] the amount of the security deposit paid in respect of mining lease and then remaining in deposit with the Government and not required to be applied to any purpose, mentioned in the mining lease, shall be refunded to the lessee(s). No interest shall run on the security deposit.

17. Transfer of mining lease:

The lessee, may, with the previous sanction of the Government assign, sublet or transfer his lease or any right, title or interest 1[therein] to any person or body directly undertaking mining operation, holding a valid certificate of approval on payment of a fee of Rs. 2[25000/]- to the Government.

1. Substituted by Government of HIMACHAL PRADESH Notification, No Ind-B (F) 13-3/70-SI()MM-II dated 14-3-1975.

2. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4-94 II dated 25-06-1999/8-10-07.

3. Inserted by Government of H. P. Notification, No Ind-B (F) 13-3/70-SI()MM-II dated 14-3-1975.

4. Omitted Ibid..

5. Inserted by Government of H.P. Notification, No Ind-II (F) 6-6-2004- dated10-6-04.

18. Period of lease:

- 1) The period for which 1[the mining lease may be granted shall not exceed five years in the first instance]. The mining lease may be renewed for one or two periods not exceeding the period for which the mining lease was originally granted.
- 2) The application for renewal of the mining lease shall be made in Form 'C' before one year of the expiry of the lease and upon payment of a non refundable fee of Rs. 2[5000/-]. This renewal will be subject to the Government being satisfied that the mines have been developed by the lessee and that the substantial investments in machinery, equipments have been made by him and that the mines have been worked and developed in a scientific manner and that the lessee has been paying the Government dues regularly under the rules.
- 3) When a renewal is granted, dead rent, royalty and surface rent shall be charged at the rates in force at the time of renewal.

19. Lease to be executed within 6 months :

Where a mining lease is sanctioned, the lease deed in Form "F" shall be executed within three months of the order sanction of the lease and if the lease is not executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked and the application fee shall be forfeited to the Government.

Provided that where the Government is satisfied that the applicant for the lease is not responsible for the delay in the execution of the lease deed, the Government may permit the execution of the lease deed after the expiry of the aforesaid period of three months. The currency of lease shall be considered from the date of execution of lea

20. Royalties in respect of mining leases:

- 1) The holder of a mining lease granted before the commencement of these rules, shall, notwithstanding anything contained in the instrument of lease or in any law in force at such commencement, pay royalty in respect of any mineral removed by him from the leased area after such commencement, at the rates for the time being specified in the First Schedule in respect of that minor mineral.
- 2) The Government may by Notification in the Official Gazette amend the First, Second and Third Schedule so as to enhance or reduce the rate at which the royalty shall be payable in respect of any minor mineral with effect from such date as may be specified in the Notification, either in respect of the whole State or any specified area.

3) 3[Omitted]

1. Substituted by Government of H. P. Notification, No Ind-B (F) 13-3/70-SI (MM-II dated 14-3-1975.
2. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4/94 - II dated 25-06-1999.
- 3 Omitted by Government of H. P Vide Notification No 08-38/74-31(MM)-dated 23-3-1978

21. Conditions of mining lease:

1) Every mining lease shall be subject to the following conditions:-

i) (a) the lessee shall pay royalty on minor minerals despatched from the leased area at the rate specified in 1st Schedule. ¹[The lessee shall also pay for every year, such yearly dead rent within the limits specified in II Schedule as may be fixed from time to time by the State Government and if the lease permits the working of more than one mineral in the same area, the Government may charge separate dead rent in respect of each minor mineral.

“Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral whichever be higher in amount but not both.

(b) for calculating the royalty, the lessee shall submit monthly returns in form 'G' to the Director and also to the other officers as specified in the lease deed. 2[c] The lessee shall pay royalty in advance for the material to be removed from the leased area according to First Schedule. However, as and when the limestone is supplied by the lessee to the Industries other than lime-kiln, royalty shall be paid by the lessee for lime as major mineral, whichever is more.] 3[d] Where a mining lease granted or renewed under these rules subsists or a new lease is granted or renewed, the lessee shall have to pay in addition to the royalty/dead rent, the surface rent at the rate of Rs4[200/- per acre.]

ii) Discovery of the other minerals:

(a) The lessee shall report to State Government the discovery in the leased area of any mineral not specified in the lease within thirty days of such discovery;

(b) if any mineral not specified in the lease is discovered in the leased area, the lessee shall not win and dispose of such mineral unless a separate lease is obtained thereof.

(iii) Foreign National not to be employed:- Except with the prior approval of the State Government, the lessee shall not employ in connection with the mining operations any person who is not an Indian National.

(iv) Mining operations to commence within two months:- Except where the State Government, for sufficient reasons, permits otherwise, the lessee shall commence mining operations within two months from the date of execution of the lease deed and shall thereafter conduct such operations without deliberate intermission in a proper, skilful and workman like manner.

1. Substituted by Government of H. P Notification, No Udyog (chh) 12-11/81 dated 5-10-1982.

2. Added Ibid

3. Inserted by Government of H. P Notification, No Ind-B (F) 10-4/94- II dated 25-06-1999/8-10-07.

4. Inserted by Government of H.P Notification No Ind-ii(F) 06-05/2006 dated 08-10-07.

Explanation:- For the purposes of this rule, mining operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the working of the mine.

v) Erection and maintenance of boundary marks:- The lessee shall at his own expense erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease.

vi) Maintenance of correct accounts of minerals:-

The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained and dispatched from the mine, giving mode of transport, registration number of vehicle, person in-charge of vehicle or animal and nature and quantity of minerals carried, the price and all other particulars of all sales of minerals, the number and nationality of persons employed therein, and complete plans of the mine, and shall allow any officer authorised by the Central or the State Government in this behalf to examine at any time any accounts, plans and records maintained by him and shall furnish to the Central Government or the State Government or any officer authorised by either, in this behalf, such information as may be required.

vii) Maintenance of record of trenches, pits etc.:-

The lessee shall keep accurate records of all trenches, pits and drillings made by him in the course of mining operations carried on by him under the lease and shall allow any officer authorised by the Central or the State Government to inspect the same. Such records shall contain the following particulars, namely :-

- a) the sub-soil and strata through which such trenches, pits or drillings pass;
- b) any mineral encountered;
- c) such other particulars as the Central or the State Government may, from time to time, require.

viii) The lessee shall not carry on, or allow to be carried on any mining operations at any point within a distance of 75 metres from any railway line or bridges except under and in accordance with the previous written permission of the Railway Administration or the department concerned or 60 metres from National Highway or 50 metres from any reservoir, tank, canal, roads or other public works or buildings or inhabited sites except under and in accordance with the previous permission of the Government. The Railway Administration or the Government may, in granting such permission, impose such conditions as it may deem fit:

“ Provided that except in cases of ordinary sand, no mining operations shall be carried on within 50 metres of any river banks

1. Substituted by Government of H. P Notification, No Udyog (chh) 12-11/81 dated 5-10-1982.

ix) The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein and a complete plan of the mine and shall allow any officer authorised by the Central or State Government in that behalf, to examine at any time any account and records maintained by him, and shall furnish the Central or State Government with such information and returns as it may require.

x) (a) The lessee shall allow existing and future licences or lease holders or contractors of any land which is comprised in or adjoins or is reached by the land, held by the lessee, reasonable facilities for access thereto.

(b) The lessee shall allow any officer authorised by the Government or the Central Government to enter upon any building excavation or land comprised in the lease for the purpose of inspecting the mines and to abide by such instruction which may be issued by the Inspecting Officers from time to time for scientific working and conservation of minerals.

xi) The lessee shall:-

(a) submit by the 10th of every month to the Director and also to other officer(s) specified in the lease deed, a return in Form 'G' giving the total quantity of minor mineral(s) raised and despatched from the leased area in the preceding calendar month and its value; (b) also furnish by the 15th April, every year to the Director and the other officer(s) specified in the lease deed, a statement giving information in Form 'H' regarding quantity and value of minor mineral(s) obtained during the last financial year, average number of regular labourers employed (men and women separately), number of accidents, compensation paid and number of days worked separately.

xii) The lessee shall strengthen and support to the satisfaction of the Railway Administration or the Government as the case may be, any part of the mine which in its opinion requires such strengthening or support for the safety of any railway, bridge, national highway, reservoir, tank, canal, road or any other public works or buildings;

xiii) If the lessee does not allow entry or inspection under clause (x) the Government may cancel the lease and forfeit in whole or in part the security deposit, paid by the lessee under rule

xiv) The Government shall from time to time and at all times during the term of the lease have the right (to be exercised by notice in writing to the lessee) of pre-emption of the said minor minerals and all products thereof lying in or upon the said lands hereby demised or elsewhere under the control of the lessee and the lessee shall deliver all minor minerals or products thereof to the Government at current market rates in such quantities and in the manner at the places, specified in the notice exercising the said right;

xv) The Government may by giving two months' prior notice in writing determine the lease if the Government considers that the minor mineral(s) under the lease is required for establishing an industry beneficial to the public:

Provided that in the state of national emergency or war the lease may be determined without giving such notice;

xvi) The Government shall have the right to determine the lease after serving a notice on the lessee to pay the dues within thirty days from the date of receipt of the notice. If the dead rent or

royalty or surface rent reserved or made payable by the lessee is not paid within fifteen days next after the date fixed in the lease for payment of the same, Government or any other officer authorised by it in this behalf may also at any time after serving the aforesaid notice, enter upon the said premises and distrain all or any of the minor minerals or movable property therein and may carry away, detain or order the sale of the property so distrained, or so much of it as will suffice for the satisfactions of the rent or royalty due and all costs and expenses occasioned by the non-payment thereof. All immovable and movable property erected in the leased area shall become the property of the Government after expiry of the lease.

xvii) The lessee shall immediately give to :

- 1) The Chief Inspector of Mines, Government of India, Dhanbad;
- 2) The Director, Indian Bureau of Mines, Government of India, Nagpur;
- 3) The District Magistrate of the District in which the mine is situated _____ a notice in writing in Form "I" as soon as :-
 - (a) The workings in the mine extend below superjacent ground; or
 - (b) the depth of any open cast excavation measured from its highest to the lowest point reaches six meters; or
 - (c) The number of persons employed on any day is more than 50; or
 - (d) Any explosives are used.

(xviii) When mining lease is granted by the Government arrangements shall be made, if necessary, at the expense of the lessee, for the survey and demarcation of the area granted under the lease. The lessee shall have to bear Actual expenses of the staff deputed for the work. Actual expenses shall include travelling allowance, daily allowance and salary of the staff plus 10 per cent as instruments charges.

(2) The mining lease may contain such other conditions as the Government may deem necessary in regard to the following, namely:-

- i) the time limit, mode and place of payment of rents and royalties;
- ii) the compensation for damage to the land covered by the lease;
- iii) the felling of trees;
- iv) the restriction of surface operations in any area prohibited by any authority;
- v) the notice by lessee for surface occupation;
- vi) the facilities to be given by the lessee for working other minor minerals in the leased area or adjacent areas;
- vii) the entering and working in a reserved or protected forest;
- viii) the securing of pits and shafts.
- ix) the reporting of accidents;
- x) the indemnity of Government against claims of third parties;
- xi) the maintenance of sanitary conditions in the mining area;
- xii) the forfeiture of property left after determination of the lease;
- xiii) the delivery of possession over lands and mines on the surrender, expiration or determination of the lease;
- xiv) the power to take possession of plant, machinery, premises and mines in the event of war or emergency;
- xv) the mode and arrangement of transport of mineral from the leased area within the territory of Himachal Pradesh.
- xvi) no boulders, cobbles and hand broken ballast shall be transported outside the state.

(2-A) No mechanical mining through mechanical excavator including any other earth moving machines like J.C.B, Buldozer, Pocklain, Loders etc.shall be carried out in River or Stream Bed by the lease holder or permit holder or contractor as the case may be:

“Provided that where in the interest of mineral development scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of the minerals from the river or stream bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the ecosystem of the area by recording the reasons in writing may grant by an order, such permission on certain conditions as he deems fit. Lessee or contractor or permit holder as the case may be seeking such permission shall deposit a sum of Rs.50,000 (fifty thousand) as security. Any violation of terms and conditions while granting such permission shall result in forfeiture of security.

(3) The mining lease may contain any other special conditions as may be specified by the Government.

(4) (i) Every applicant shall submit Working cum Environment Management Plan for approval of State Geologist within a period of three months or such period as may be allowed by him not exceeding six months, from the date of issuing of the grant order:” Provided that further permission from Government is required after six months.

(ii) The Working cum Environment Management Plan shall be prepared by a person holding qualifications as explained in Rule-22,B(2) of Mineral Concession Rules,1960 and should be registered with the Geological Wing of Department of Industries,Himachal Pradesh.

(iii) The working cum Environment Management Plan shall be dully approved by the Authority, authorised for approval of mining plans under 22(4A) of Mineral Concession Rules, 1960.

(iv) The security deposited under rule 16 of Himachal Pradesh Mineral(concession)Revised Rules, 1971, shall stand forfeited if Working cum Environment Management Plan is not approved within prescribed period unless he gets a written permission from the state Geologist/ Government for its late submission and

(v) The lease deed shall only be executed after submission of working cum Environment Management Plan.

22. Rights of lessee:

Subject to the condition mentioned in Rule 21, the lessee, with respect to the land leased to him, shall have the right for the purpose of mining operations on that land to:

- i) work the mine;
- ii) sink pits and shafts and construct buildings and roads;
- iii) erect plant and machinery,
- iv) quarry and obtain building and road materials and make bricks but not for sale,
- v) use water and take timber,
- vi) use land for stacking purposes,
- vii) do any other things specified in the lease.
- viii) to sell sand, river borne bajri and crusher dust from the lease granted for the establishment of stone crusher.

23. Right to determine lease:

The lessee may determine the lease at any time by giving not less than six calendar months notice in writing to the Government after paying all outstanding dues ofthe Government.

B. Grant of short term permits

24. Grant of quarrying permits:

i) Except where otherwise" Provided in these rules, the Director or any other officer, authorised by him in this behalf may grant permit in Form "J" from any specified land not leased to any body within the limits of the Himachal Pradesh for any minor mineral not exceeding the quantity as may be specified under any one permit on payment of such royalty as shown in the First Schedule to these Rules.

Provided that the Director may refuse to grant such permits for reasons to be recorded in writing.

Provided further that the Director or any other officer authorised by him in this behalf shall grant short term permit to any person in the Scheduled area of the state, only after receiving due recommendation of the Gram Sabha or Panchayat concerned.

ii) Restriction on grant of mining permit :- No mining permit shall be granted to a person who is not an Indian National for a period of more than six months.

25. Application for quarrying permits :

1[(1)] An application for the grant of quarrying permit shall be made to the Director or any other officer authorised by him in this behalf. It shall bear Court fee stamp of one rupee and shall contain the following particulars:

- j) name, address and the profession of the applicant;
- ii) quantity of the minor mineral(s) for which permit is required;
- iii) name of the minor mineral(s) to be extracted and removed;
- iv) description i.e. name of village(s), area and Khasra Nos. of the land from which the minor mineral is to be extracted and removed;
- v) Purpose for which the minor mineral is to be used;
- vi) Number of labourers to be employed. 2[(2)] Every application for quarrying permit, if the lands from which the minor minerals is to be extracted, are occupied lands, be accompanied by a letter from the occupant of such lands to the effect that he has no objection to the extraction of the minor mineral by the applicant. 3[(3)] Every application shall be accompanied by a fee of Rs. 50/- in respect of each minor mineral. Where the application for a quarrying permit is refused the fee shall be refunded.

1. Inserted vide Government of H. P Notification, No. 13-3/70-SI (MM) II dated 14-3-75.
2. ibid
3. Ibid.

26. Conditions on which the quarrying permit shall be granted:

(a) Every quarrying permit granted under these rules shall contain a condition that the depth of the pit below the surface shall not exceed three feet.

(b) Any quarrying permit granted under these rules may contain such other conditions as the officer granting the permit may deem necessary in regard to the following:-

- 1) the limit mode and place of payment of rates and royalties;
- 2) compensation of damage to the land covered by the permit;
- 3) felling of trees;

- 4) restriction of surface operations in any area prohibited by any authority;
- 5) entering and working in any reserved or protected forest;
- 6) reporting all accidents;
- 7) indemnity to Government against claim of third parties;
- 8) period within which the minor mineral shall be extracted and removed and Delivery of possession over lands on the expiry of such period or on removal of the quantity of the minor mineral for which the permit is valid;
- 9) deposit of security under Head "Revenue Deposits - Security Deposits" for due fulfilment of the conditions of the permit; and
- 10) release of security by the authority issuing permit after having satisfied that the permit holder has fulfilled all the conditions of the permit satisfactorily;
- 11) proper maintenance and clearance of the road where the quarries are located on the road-side;
- 12) responsibility to safeguard the water pipe, electric poles and wiring and other public property on the area covered under the permit and in vicinity of the same
- 13) no mechanical mining through mechanical excavator including any other earth moving mechanics like J.C.B, Buldozer, Pocklain, Loaders etc. shall be carried out in River or Stream Bed by the lease holder or permit holder or contractor as the case may be:

“Provided that where in the interest of mineral development scientific mining, eco- system and public, if it is felt that permission for mechanical excavation of the minerals from the river or stream bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area by recording the reasons in writing may grant by an order, such permission on certain conditions as he deems fit., lessee or contractor or permit holder as the case may be seeking such permission shall deposit a sum of Rs.50,000(fifty thousand)as security. Any violation of terms and conditions while granting such permission shall result in forfeiture of security.

14) the Power project Companies or promoters, as the case may be, shall not carry out any mining Activity in the project areas falling in River or Stream Bed, Each project seeking mineral concessions shall identify captive mining area different from the project area falling in River or Stream Bed, for which mineral concessions after observing all codal formalities shall be granted. Each Power. Project shall be liable to pay royalty for the use of various kinds of mineral as may be fixed by the Government from time to time:

“Provided that in the exceptionally inevitable situations where such projects require extraction of sand from River or Stream Bed falling in Project area. Mineral concessions shall be granted with the prior approval of Government only.”

27. Forfeiture of property left after cancellation of the permit:

In case of breach of any of the conditions subject to which the permit has been granted the Director or the authority issuing the permit, may cancel it. On cancellation of the permit, the quarried materials lying on the land from which they are extracted shall become absolute property of the Government.

C. Grant of contracts

28. Grant of contracts by auction or tender :

- (1) Contracts may be granted by the Government by auction or tender for a maximum period of five years but not less than three years after which no extension shall be granted.
- (2) The amount to be paid annually by the contractor to the Government shall be equally proportionate to the period of auction/tender and shall be payable in equal quarterly instalments in advance.
- (3) No tender/auction/contract shall be considered accepted unless approved by the Government.” Provided that no tender or auction or contract as the case may be, regarding exploitation of minor minerals in scheduled areas of the State shall be considered by the Government for acceptance unless recommended by Gram Sabha or Gram Panchayat or Panchayat Smity or zila Parishad, as the case may be.
- (4) In the event of grant of contract,, the party shall not be permitted to withdraw his application and in so doing the party will be liable to forfeiture of earnest money and security.
- (5) No mechanical mining through mechanical excavator including any other earth moving mechanics like J.C.B, Buldozer, Pocklain, Loders etc. shall be carried out in River or Stream Bed by the lease holder or permit holder or contractor as the case may be:”

Provided that where in the interest of mineral development scientific mining, eco-system and public, if it is felt that permission for mechanical excavation of the minerals from the river or stream bed is necessary, the Director after having been satisfied that mechanical excavation of minerals shall not hamper the eco-system of the area by recording the reasons in writing may grant by an order. Such permission on certain conditions as he deems fit, Lessee or contractor or permit holder as the case may be seeking such permission shall deposit a sum of Rs.50,000(fifty thousand)as security. Any violation of terms and conditions while granting such permission shall result in forfeiture of security.

29. Powers of the presiding officer:

The Presiding Officer may reject or accept any bid or tender without assigning any reason to the bidders or tenderers. Where the highest bid or tender is rejected, the reason shall, however, be reported to the Government.

30. 1[Procedure for grant of contract, by auction:]

- (1) Each contract will ordinarily be auctioned for a period of three years unless the period is specifically stated. The successful bidder will be informed of the auction in his favour.
- (2) The auction shall be notified:-
 - i) on the notice board of Director, Mining Officers and at least in one newspaper having wide circulation in the locality nearest to the area in question, in the regional language;
 - ii) In the Himachal Pradesh Government Gazette by publishing the auction notice at least 30 days before the date of auction. A copy of the auction notice shall be sent to the local authority having jurisdiction over the area in question for giving wide publicity in the area.
 - (iii) The terms and conditions and description of the contract, shall be read out to the intending bidders at the time of auction. The intending bidders shall deposit such earnest money as may be fixed by the Director. In each case such amount shall be notified in the Government Gazette;

1. Substituted by Government of H. P. Notification, No.13-3/70-SI(MM)-II dated 14-3-1975

- iv) No bid shall be regarded as accepted unless confirmed by Government. On completion of the auction the result will be announced and provisionally by selected bidder shall immediately deposit 25 percent amount of bid for one year and another 25 percent as security for due observance of the terms and conditions of the contract,;
- v) The earnest money shall be refunded immediately at the completion of the auction to all excepting the person whose bid is provisionally accepted. The earnest money shall be adjusted against the security under clause (iv);
- vi) misbehaviour by any bidder during auction can be punished by forfeiting his earnest money or removal or if necessary, by debarring him for a period of three years from any future auction under these rules, at the discretion of the Presiding Officer
- vii) If the provisionally selected bidder fails to deposit security money as required by clause (IV) of this rule, the earnest money deposited under clause (iii) of this rule shall be forfeited to the Government.

31. Procedure for calling tenders :

- 1) The tender shall be invited through the Himachal Pradesh Government Gazette and at least in one newspaper having wide circulation in the locality nearest to the area in question in the regional language and shall be displayed on the notice-boards of the Director, Mining Officers and all District Industries Officers. The Notification shall be published at least thirty days before the date of tender. A copy of the Notification shall be sent to the local authority, having jurisdiction over the area in question. Every tender shall be submitted to the Director or any other officer authorised by him in this behalf, in a sealed cover super scribed with the relevant details of the contract.
- 2) Every tender shall be accompanied with the earnest money in cash or crossed payment draft in favour of the Director, the amount of which shall be fixed by the Director in each case and it shall be mentioned in the aforesaid Notification. No tender shall be recorded as accepted unless approved by the Government.
- 3) Tenders shall be opened in the presence of tenderer or tenderers who may be present at the notified time for opening of tenders. The tenderer who is provisionally selected shall deposit 25% of the amount of the tender for one year and another 25% as security for due observance of the terms and conditions of the contract
- 4) The earnest money shall be refunded within a period of three months from the date of final decision of the tenders excepting the person whose tender is accepted. The earnest money of the successful tendered shall be adjusted against security under clause (3).
- 5) Misbehaviour of any tenderer during the course of offering tenders, can be punished by forfeiting his earnest money or rejecting his tender, if necessary, debarring him for a period of three years from offering tender in future under these rules, at the discretion of the Director.

32. Payment of contract, money: -

In case of contracts where the annual amount is not more than Rs. 5000/-, the balance amount shall be deposited by the contractor on the date of auction or opening the tenders, as the case may be. In other cases the balance amount shall be deposited in equal quarterly instalments of the annual amount in advance on due dates, prescribed in the agreement.

33. Execution of contract:

When a bid is confirmed or a tender is accepted, the bidder or tenderer shall execute a deed in Form 'K'. The execution of the deed shall be made within three months from the date of communication of acceptance of bid or tender to the bidder or tenderer and if no such contract, is executed within the aforesaid period and if the tenderer or the bidder, as the case may be is at fault, the order accepting the bid or tender shall be deemed to have been revoked and the amounts paid under rule 30 (2) (iv) & 31 (3), as the case may be, shall be forfeited to the Government:

1. Substituted by Government of H. P. Notification, No. 13-3/70-SI(MM)-II dated 14-3-1975

“ Provided that where the Government or an officer authorised by it to accept bid or tender on its behalf, is satisfied that the bidder or tenderer is not responsible for the delay in the execution of the contract,, the Government or other officer, as the case may be, may permit the execution of the contract, within a reasonable time after the expiry of the aforesaid period of three months.

1. Substituted by Government of H. P. Notification, No. Ind B(F)10-4/94 dated 25-6-1999.
2. Inserted vide Government of H. P Notification, No. 13-3/70-SI (MM) II dated 14-3-75.

CHAPTER-III

GRANT OF MINERAL CONCESSIONS IN RESPECT OF MINOR MINERALS IN RESPECT OF THE LAND IN WHICH MINOR MINERALS VEST IN A PERSON OTHER THAN THE GOVERNMENT.

34. Applicability of the chapter: -

The provisions of this chapter shall only apply to the grant of mining lease in respect of the land in which minor minerals vest exclusively in a person other than the Government.

35. Restriction on the grant of mining lease:

- 1) No mining lease shall be granted to any person unless he :
 - (a) holds a certificate of approval in Form 'B' from the Government;
 - (b) produces an income-tax clearance certificate from the Income-tax Officer concerned.
- (2) Except with the previous approval of the Government no mining lease shall be granted to any person who is not an Indian national.

EXPLANATION :- The expression "Indian national" has the same meaning as in the explanation to rule 6 and if any question arises as to whether a person is an Indian national or not, it shall be referred to the Central Government for decision which shall be final.

36. Renewal of mining lease:

A mining lease may be renewed by the grant 1[of] one or two periods each not exceeding the period for which the mining lease was originally granted.

(36-A) If an application for the renewal of a mining lease is made within the time referred to in rule 18(2) along with all requisite documents and in observance of all codal formalities and not disposed of by the Government before the expiry of lease period, the Director by recording the reasons in writing may extend the lease period by an order for further one year or till Government passes order thereon, whichever is earlier."

37. Conditions of mining lease:

Every mining lease shall be subject to the following conditions:-

- (i) The provisions of rules 15, 18 (3), 20, clauses (i) to (xv), (xvii) and (xviii) of rule 21 (1) and 21 (2) shall apply to such leases with the modification that the word "Government" occurring in clauses (ii) to (iv) and (xviii) of sub-rule (1) of rule 21 shall be substituted by the word "lessor";
- (ii) the lease may contain such other conditions not being inconsistent with the provisions of these rules, as may be agreed upon between the parties;
- (iii) the period for which a mining lease may be granted shall be five years in the first instance, unless the Government allows a longer period not exceeding ten years;
- (iv) if the lessee makes any default in payment of royalty as required by rule 21 (1) (i) or commits a breach of any of the conditions of the lease, the lessor shall give notice to the lessee requiring him to pay the royalty or remedy the breach, as the case may be, within thirty days

from the date of receipt of the notice and if the royalty is not paid or the breach is not remedied within such period the lessor 2[“may”], without prejudice to any proceeding that may be taken against the lessee, determine the lease;

(v) the lessee may determine the lease at any time by giving not less than six calendar months, notice in writing to the lessor after paying all outstanding dues to the latter; and

(vi) the lessee shall furnish a bank guarantee of Rs. 1000/- to the lessor for due observance of the terms and conditions of the lease, before the execution of the lease deed.

38. Transfer of assignment:

No mining lease or any right, title or interest in such lease shall be transferred to a person unless he holds a certificate of approval in Form 'B' from the Government and unless he produces an income-tax clearance certificate from the Income-tax Officer concerned.

39. Communication of transfer or assignment:

Every transferee or assignee of a mining lease or any right, title or interest therein, shall, within one month of such transfer or assignment inform the Government of the transfer or assignment and of the terms and conditions of such transfer or assignment. He shall also furnish to the Government a certified copy of the transfer/assignment deed in duplicate.

40. Submission of copy of lease:

Every person, obtaining a mining lease, shall within three months of the grant of such lease, submit to the Government a certified copy of the lease in duplicate.

1. Inserted by Government of H.P. Notification, No) 13-3(MM)-II dated 14-3-1975.

2. Ibid.

41. Prohibition of premium:

No person granting or transferring a mining lease or any right, title or interest therein, shall charge or pay any premium in addition to or in lieu of surface rent, dead rent or royalty payable under these rules or such proportionate part of such rent or royalty as is payable in respect of such right, title or interest.

42. If the Government has reason to believe that the grant of transfer of a mining lease or any right, title or interest in such lease, is in contravention of any of the provisions of this chapter, the Government may after giving the parties an opportunity to represent their views, direct the parties concerned not to undertake mining operations in the area to which the lease relates.

43. Returns and statements:

The holder of mining lease shall furnish to the Government such returns and statements and within such period as may be specified by it.

44. Grant of short term permit:

The provisions of rules 24, 26 and 27 shall also apply in this case with the modification that the words "Director" and "Government" occurring in these rules shall be substituted by the word "lessor".

45. Penalty:

(1) If the holder of a mining lease or his transferee or assignee fails, without sufficient cause, to furnish the documents, information and returns, called for by the Government, he 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 continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction.

(2) If any person grants or transfers or obtains a mining lease or any right, title or interest therein in contravention of any of the provisions of this chapter, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both and in the case of continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction.

1. Substituted by Government of H.P. Notification, No 13-3/70-SI(MM)-II dated 14-03-1975.

2. *ibid*

3. 1 *ibid*

4. *ibid*

CHAPTER-IV

REVIEW AND DELEGATION OF POWERS

46. Delegation:

The Government may, by Notification in the Official Gazette, direct that any powers exercisable by the Director under these rules may also be exercised, in such cases and subject to such conditions if any, as may be specified in the Notification, by an officer of the Directorate of Industries, as may be specified therein.

47. Appeal when allowed:

- 1) Any person aggrieved by an order of the Director:
 - i) cancelling or terminating of a mining lease or forfeiting any deposit thereunder in whole or in part; or
 - ii) refusing to permit transfer of a mining lease may appeal to the Government against such order within two months of the date of the order.

Provided that any such application may be entertained after the said period of two months, if the applicant satisfies the Government that he had sufficient cause for not making the application within time.

- 2) Where the functions of the Director have been delegated to any other officer subordinate to him under rule 46, any person aggrieved by any order of any such officer of the nature described in sub-rule (1) may appeal to the Director.

Provided that the appeal is filed within two months of the date of the order, appealed against.

48. Fees for appeal and review:

The memorandum of appeal or application for review shall be accompanied in every case by a treasury receipt of Rs. 1[2500] to the credit of Government under the Head: 2[0853- Non-Ferrous Mining and Metallurgical Industries, 102- Mineral Concessions fees, Rent and Royalties, 01- Receipts from Mineral Concession Fees,etc].

49. Review:

Upon receipt of such application, the Government or the Director, as the case may be, may call for the relevant records and other information and after considering his explanation and giving the appellant an opportunity of hearing and considering any comments that might be offered by the officer, may cancel or review the order against which the appeal has been preferred. The order of the Government or the Director, as the case may be, under this rule shall be final.

1. Substituted by Government of H. P. Notification, No Ind-B (F) 10-4-94- dated 25-06-1999-Ind-II(F) 6-5/2000

2. Amended vide Government of H.P.Notification.No. Fin. A.6 (17)3/86 dated 6-9-86.

CHAPTER-V

MISCELLANEOUS

50. Power to rectify apparent mistakes:

The Government may, at any time within six months from the date of order passed by it under these rules, on its own motion rectify any mistake or error apparent on the face of the record, and shall within the like period rectify any such mistake or error which has been brought to its notice by an applicant for the grant of the minor mineral concession:

“ Provided that no such rectification having or purporting to have a prejudicial effect on another applicant for the grant of the mining lease shall be made unless the Government have given such applicant notice of its intention to do so, and have allowed him reasonable opportunity of being heard.”

51. Application of rules to all leases granted or renewed before the commencement of these rules:

These rules shall also apply to the mining leases or contract,s granted or renewed before the commencement of these rules, as they apply in relation to mining leases or contracts, granted or renewed after such commencement.

52. Recovery of Government dues as arrears of land revenue:

Any rent, royalty, fee, contract, money or other sum due to the Government under these rules or under the terms and conditions of any mining lease or contract,, on a certificate in Form 'L' of such officer as may be specified by the Government in this behalf by general or special order, be recovered in the same manner as an arrear of land revenue.

53. Unauthorised working:

(1) No person shall undertake any mining operations in any area, except under and in accordance with the terms and conditions of the mining lease, contract, or permit granted under these rules.

(2) Any contravention of sub-rule (1) shall be punishable with imprisonment for a term which may extend to 1[one year], or with fine which may extend to 2[five thousand] rupees, or with both and in case of a continuing contravention, with an additional fine which may extend to 3[five hundred] rupees for every day during which the contravention continues after conviction for the first such contravention.

54. Offences cognizable only on written complaint:

No court shall take cognizance of any offence punishable under these rules except upon a complaint in writing made by the Director or any other officer authorised by him in this behalf within six months of the date on which said offence is alleged to have been committed.

1. Substituted by Government of HIMACHAL PRADESH Notification, No Ind-II (F) 12-17-78 part- dated 29-07-

1997.

2. ibid

3. ibid

55. No restriction etc. to be imposed by owner of land on mining operation:

No person having a right in any capacity in the land covered by a mining lease or mining permit, shall be entitled to impose any prohibition or restriction on the mining operation by the holder of lease or mining permit of such land or to demand any sum by way of premium or royalty for the removal of the minor mineral;" Provided that such person shall be entitled to get compensation from the said holder for the use of the surface which may be agreed upon between them. In the case of any dispute the amount of compensation shall be determined by the Collector and his order shall be final.

56. Relaxation of rules in special cases:

The State Government may, if it is of the opinion that in the interest of mineral development it is necessary to do so, by order in writing and for reason to be recorded, authorise in any case the grant of any mining lease or the working of any mine for the purpose of mining any mineral on terms and conditions different from these laid down in these rules.

57. Restrictions on transport of the mineral:

(1) The holder of a mining lease or mining permit or a person authorised by him in this behalf shall issue a pass in Form 'M' [duly countersigned by the concerned Mining Officer/ General Manager, District Industries Centre or any other officer authorised in this behalf to every person carrying a consignment of minor mineral by a vehicle, animal or any other mode of transport.

(2) No person shall carry within Himachal Pradesh a minor mineral by a vehicle, animal or any other mode of transport, excepting railway, without carrying a pass in Form 'M' issued under sub-rule (1).

(3) Every person carrying any minor mineral shall on demand by any officer of the State Government authorised in this behalf, show the said pass to such officer and allow him to verify the correctness of the particulars of the pass with reference to the quantity of the minor mineral.

(4) The State Government may establish a check post for any area included in any mining lease or permit, and when a check post is so established, public notice shall be given of this fact, by publication in the Gazette and in such other manner as may be considered suitable by the State Government.

(5) No person shall transport a minor mineral to which these rules apply from such area without first presenting the mineral at the check post fixed for that area for purposes of verification of the weight or measurement of the quantity of the mineral.

(6) Any person found to have contravened any provision of sub-rule (2), (3) or (5) above shall, on conviction, be punishable with imprisonment of either description for a term which may extend up to six months or with fine which may extend to one thousand rupees or both.

1. Inserted by H.P. Govt. Notification, No. Ind.-I(A) 3-5/77 dated 27-12-1979.

58. Delegation:

The State Government may by Notification in the Gazette, direct that any power exercisable by it under these rules, 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.

59 Acquisition of land of third parties and compensation thereof:

In case the occupier or owner of a land in respect of which minor mineral rights vest in the Government refuses his consent to the exercise of the right and powers, reserved to the Government and demised to the lessees or contractors, as the case may be, the lessees or contractors shall report to the Government and shall deposit with it the amount offered as compensation and if the Government are satisfied that the amount of compensation offered is fair and reasonable or if it is not so satisfied and the lessee shall have deposited with it such further amount as the Government shall consider fair and reasonable the Government shall order the occupier to allow the lessee to enter the land and to carry out such operations as may be necessary for the purposes of the lease. In assessing the amount of such compensation the Government shall be guided by the principles of the Land Acquisition Act.

60 Repeal:

The Punjab Minor Mineral Concession Rules, 1964 and the Himachal Pradesh Minor Minerals (Concession) Rules, 1966 and all rules corresponding to these rules in force in Himachal Pradesh territory shall stand repealed, but notwithstanding such repeal anything done, any Action taken or proceedings commenced under the said rules shall be deemed to have been done, taken or commenced under these rules.

**1[FIRST SCHEDULE]
RATES OF ROYALTY
[See Rule 21 (1) (i) (a)]**

Sl. No.	Name of Mineral	Rates of Royalty (per tonne)
1.	Building stones, Masonary stone including Boulders and Shingle.	Rs. 20.00
2.	Limestone	Rs. 45.00 (w.e.f. 14.10.2004)
3.	Marble:	
	(a) Used for lime burining	Rs. 45.00 (w.e.f. 14.10.2004)
	(b) Dressed, carved and rough marble slabs	Rs. 200.00 (w.e.f. 14.10.2004)
	(c) Marble chips, fine powder, Khandas.	Rs. 45.00 (w.e.f. 14.10.2004)
	(d) Coarse powder of not more than plus 20 mash.	Rs. 45.00 (w.e.f. 14.10.2004)
4.	Bajri.	Rs. 20.00
5.	Brick earth.	Rs. 12.00
6.	Ordinary sand/clay/shale.	Rs. 20.00
7.	(a) Rough slab slate	Rs. 40.00
	(b) Slate	Rs. 250.00
8.	Kankar, road metal, blast and rorri.	Rs. 20.00
9.	Cut or dressed blocks of granite and traps/basalt including rocks of other colours and shades (size 180x80x50 cms or more)	Rs. 350.00
10.	All other minor mineral not herein specified	20% of the sale value at pit mouth

1 Amended vide H.P. govt. Notification No. Ind.-B(F)06-5-2006 dated 8-10-2007.

1[SECOND SCHEDULE]*
[See Rule 21 (1) (i) (a)]
(RATES OF DEAD RENT IN RUPEES PER ACRE PER ANNUM)

Sl. No.	Name of Minor Mineral	Rate of Dead Rent
1	2	4
1.	Limestone as Minor Mineral and Slate.	Rs.25000/ per Hect. and part thereof per annum.
2.	Other Minor Minerals.	Rs.10,000/-per Hect. and part thereof per annum.”

(*Amended by Govt.of H.P.Notification No.Ind.-II (F) 6-5/2006 dated 8-10- 07)

THIRD SCHEDULE**RATES OF ROYALTY (CHARGEABLE BY THE CONTRACTOR/CONTRACTORS FROM THE LOCAL CULTIVATORS)***(See Rule 4)***1. Building stones:**

	Rs.
(a) Ashlar and sized dimensional stone Average quantity	
(i) In a cart drawn by 2 bullocks	0.50
(ii) In a cart drawn by 4 bullocks	1.00
(iii) Carried by one donkey	0.12
(iv) Carried by one mule	0.37
(v) Carried by one buffalo	0.25
(vi) Carried by one camel	0.50
(vii) Carried by one yak	0.25
(b) Masonary stones including khandas, boulder, shingle etc. average quantity:	
(i) In a cart drawn by 2 bullocks	0.12
(ii) In a cart drawn by 4 bullocks	0.25
(iii) Carried by one donkey	0.03
(iv) Carried by one mule	0.09
(v) Carried by one buffalo	0.06
(vi) Carried by one camel	0.12
(vii) Carried by one yak	0.06

2. Limestone:

Average quantity:

(i) In a cart drawn by 2 bullocks	0.50
(ii) In a cart drawn by 4 bullocks	1.20
(iii) Carried by one donkey	0.15
(iv) Carried by one mule	0.45
(v) Carried by one buffalo	0.30
(vi) Carried by one camel	0.50
(vii) Carried by one yak	0.30

3. Kankar and Bajri:

(i) In a cart drawn by 2 bullocks	0.12
(ii) In a cart drawn by 4 bullocks	0.25
(iii) Carried by one donkey	0.03
(iv) Carried by one mule	0.09
(v) Carried by one buffalo	0.06
(vi) Carried by one camel	0.18
(vii) Carried by one yak	0.06

Note.- Sr. No. 1 (a) vi & vii (b) vi & vii, Sr. No. 2 (vi & vii) and Sr. No. 3 (vi & vii) are inserted by Govt. of H.P.

Notification No. 13-3/70-SI(MM)-II dated 14-3-1975.

FOURTH SCHEDULE
DELEGATION OF POWERS UNDER VARIOUS PROVISIONS OF THE
HIMACHAL PRADESH MINOR MINERALS (CONCESSION) REVISED
RULES, 1971

Designation of the officers	Rule	Limit	
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	25	Power to receive application for short-term permit	In their respective jurisdiction.
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	24 (i)	Power to issue short-term permit	-do- upto 1000 tones in each case.
Director of Industries	24 (ii)	Power to extend validity of short term permit.	Throughout H.P. upto one month.
State Geologist	24 (ii)	-do-	-do- upto 15 days.
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	24 (ii)	-do-	In their respective jurisdiction upto 7 days.
Director of Industries	7	Power to receive application for mining lease.	Throughout H.P. where annual dead rent does not exceed Rs. 1000.
State Geologist	7	-do-	-do- where annual dead rent does not exceed Rs. 500/-
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	7	-do-	In their respective jurisdiction where annual dead rent does not exceed Rs.200/-
Director of Industries	10(1)	Power to assign priority to applications for mining lease.	Full Powers for such leases where annual dead rent does not exceed Rs. 1000.
State Geologist	10(1)	-do-	-do- does not exceed Rs.500.

Director of Industries	10	Power to grant or refuse Mining Lease	Rs. 200/-.
Director of Industries	10 (1)	Power to assign priority to applications for mining lease.	Full powers for such leases where annual dead rent does not exceed Rs. 1000/-.
State Geologist	10 (1)	-do-	-do- does not exceed Rs. 500/-.
Director of Industries	10	Power to grant or refuse Mining lease	Full powers for such leases where annual dead rent does not exceed Rs. 1000/-.
State Geologist	10	-do-	-do- where annual dead rent does not exceed Rs. 500/-.
Director of Industries	28	Powers to grant Contracts	Upto value of Rs. 20000/- P.A. throughout H.P.
State Geologist	28	-do-	Upto value of Rs. 5000/- P.A. throughout H.P.
Mining Officer	28	-do-	Upto value of Rs. 1000/- P.A. in their respective jurisdiction.
1[Deleted].			
2[Deleted].			
3[Deleted].			
Geologist/Asstt. Geologist	54	Power to lodge complaints.	Throughout the State of H.P.
Mining Officer	54	-do-	In their respective jurisdiction.
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	27	Power to cancel short-term permit	In their respective jurisdiction.
Mining Officer/ District Industries Officer/ Assistant District Industries Officer.	52	Power to sign "L" Form.	-do-
4Mining Officer/ Distt. Industries Officer	3 (ii)	Power to grant permit	-do-

5 Mining Officer/ Distt. Industries Officer	3 A	Power to receive application for short-term permit.	-do-
6 State Geologist .	3 A	-do-	Throughout Himachal Pradesh
7 Director of Industries	5 (i)	Power to grant special exemption	-do-

1 Deleted vide H.P. Government Notification No. Ind.-1(A)3-5/77 dated 9-7-1982.

2 Deleted vide H.P. Government Notification No. Ind.-1(A)3-5/77 dated 9-7-1982.

3 Deleted vide H.P. Government Notification No. Ind.-1(A)3-5/77 dated 9-7-1982.

4 Inserted vide Govt. of H.P. Notification No. 13-3/70-SI(MM)-II dated 14-3-75.

5 Inserted vide Govt. of H.P. Notification No. 13-3/70-SI(MM)-II dated 14-3-75.

6 Inserted vide Govt. of H.P. Notification No. 13-3/70-SI(MM)-II dated 14-3-75.

7 Inserted vide Govt. of H.P. Notification No. 13-3/70-SI(MM)-II dated 14-3-75.

FORM-A

[See rule 6(1)]

APPLICATION FOR CERTIFICATE OF APPROVAL

To

The Director of Industries,
Himachal Pradesh

Through:

Sir,

I/We _____ have the honour to request that a Certificate of Approval under the Himachal Pradesh, Minor Minerals (Concession) Revised Rules, 1971 be granted to enable me/us to acquire Mining Lease under the said Rules.

2. The fee of Rs. 500/- payable for the grant of certificate is remitted herewith through demand Draft No. _____ dated _____ on _____ /or has been (Name of the Bank) deposited in the Government Treasury under Head: 0853-Non Ferrous Mining & Metallurgical Industries-102 Mineral Concession fee, Rent and Royalties and receipted challan wherefor is enclosed.

3. The required particulars are given below:-

- i) Name and Address of the individual/
Firm/ Company:
- ii) Nationality of the individual member
of the Firm/ Company:
- iii) Place of registration or incorporation
of the Firm/Company:
- iv) Profession of the individual or
nature of business of the Firm/Company
- v) Details of technical qualification and Mining
Experience of the individual, firm or company, if any
- vi) The amount of capital that the individual,
Firm or Company can command to carry on a
well planned mining operation:
- vii) Bank reference, if any :
- viii) The amount of Income -tax or land:
Revenue paid annually, if any
- ix) Any other particulars which the
Applicant wishes to furnish:

Yours faithfully

Place:

Dated:

Signature and designation of the applicant

FORM B
[(See Rule 6(3))]
Government of Himachal Pradesh
Department of Industries
CERTIFICATE OF APPROVAL

No. _____

Dated _____

This is to certify that _____ is approved as a person who is qualified to acquire mining lease of minor minerals in the Himachal Pradesh under the Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971.

This certificate shall be valid up to 31st December, _____.

This certificate already granted and which expired on the 31st December, _____ is renewed upto 31st December, _____.

Director of Industries
Himachal Pradesh

FORM 'C'
[(See rule 7 & 18(2))]

APPLICATION FOR GRANT/RENEWAL OF MINING LEASE

Received at _____ (Place at) _____ (hour) on the
_____ day of _____.

Here affix court -fee Stamp

From:

To

Through

The _____

Dated, the

I. I/We beg to apply for a mining lease for _____ for a term of _____ years over hectares of land in the area specified in the Schedule.

II. A sum of Rs. 5000/- as application fee payable under rule 7 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 has been deposited in the Government treasury and the receipted challan therefor is enclosed.

III. The required particulars are given below:

PARTICULARS:

- (1) Name of applicant individual(s), firm, company or society
- (2) Nationality of the Individual(s) or place of registration or incorporations of firm, company or society
- (3) Profession of individual(s) nature of business of firm or company and place of business
- (4) Address of the individual(s), firm, company or society
- (5) Whether the application is for a fresh lease or for a renewal of a lease previously granted
- (6) Minor Mineral which the applicant intends to mine
- (7) Period for which the original lease is required
- (8) Approximate quantity of minor mineral expected to be raised during the first year
- (9) Manner in which the minor mineral raised is to be utilized :-
 - (a) For manufacture
 - (b) For sale
 - (c) any other purpose

In case of manufacture, the industries in connection with which it is required should be specified.

(10) A description, illustrated by a map or plan (in triplicate) showing as accurate as possible the situation, boundaries and area of the land in respect of which the lease is required and where the area is un-surveyed, the location of the area should be shown by some permanent physical features i.e. road, tanks etc.

(11) A statement showing all the areas within

the jurisdiction of the Government –

- (i) already held by me/us in my/our name/names (and jointly with others) under quarrying leases specifying the names of minor minerals.
 - (ii) Already applied for but not yet granted and
 - (iii) Applied for simultaneously or being applied for in other districts of this State is appended
- (12) Period for which renewal of mining lease is required
- (13) Whether renewal is applied for the whole or part of the lease held
- (14) In case the renewal applied for is only for part of the lease held:
- (a) the area applied for renewal
 - (b) description of the area applied for renewal
 - (c) map (in triplicate) of the lease held with area applied for renewal clearly marked on it (attached)
- (15) Means by which the minor mineral is to be raised i.e. by hand labor or mechanical or electric power.
- (16) Any other particulars which the applicant wishes to furnish

SCHEDULE

Description of the area applied for

(1) Name of village or in the case of Government Forest, the name of the range or sub-range

(2) Khasra number and area of each field or part thereof:

Khasra number

Area in

(3) Full description of the area applied for with regard to its natural features:

(4) Tehsil and number, felling series and working circle, if any _____

(5) District _____

Yours faithfully,

Place: _____

Date: _____

(Signature of applicant)

Note--- No application will be held to be complete for purpose of priority unless it furnishes correctly the particulars required by paragraphs. I, II, III, and is properly signed and stamped.

N.B.: If the application is signed by an authorised agent of the applicant, power of attorney should be attached.

FORM-D
[See rule 9(3)]
RECIPT OF APPLICATION FOR MINING LEASE OR RENEWALS
IN REPSECT OF MINOR MINERALS
GOVERNMENT OF HIMACHAL PRADESH

Serial No. _____

Dated: _____

Received the application with the following enclosures for a mining lease/renewal of mining lease in respect of minor minerals of Shri/Sarvshri _____ .M./ P.M. on _____ for about _____ Hects. _____ of land located in Village/forest block, range _____ Tehsil _____ District _____ for mining _____ [name of minor mineral(s)].

Place: _____

Dated _____

Signature and designation of the receiving officer.

Enclosures.

FORM-E
(See rule 11)
MINING LEASE REGISTER

1. Serial number
2. (a) Date of application
- (b) Date of receipt of the application
3. Name and address of the applicant
4. Situation and boundaries of the land
5. The mineral under mining lease
6. The total area
7. Date of grant of the lease
8. Period for which granted, renewed or extended
9. Application fee paid
10. Amount of security deposit
11. Particulars of disposal or refund of security deposit
12. Dated of assignment or transfer of the lease, if any, and fees paid therefor and the names of the parties thereto
13. Date of expiry or relinquishment or cancellation
14. Date from which the area is available for regrant
15. Signature of the officer, in charge, in token of attestation

FORM 'F'
, (See rule 19)
FORM OF MINING LEASE FOR MINOR MINERALS

This indenture made this..... day of. between the Governor, Himachal Pradesh, acting through.....

(hereinafter referred to as the 'Government' which expression shall where the context so admits, include the successors and assignees) of the one part and (1)

(Name of Person) (1) When the lessee is an individual.

(Address and occupation)
(hereinafter referred to as the "lessee" which expression shall where the context so admits, include his heirs, executors, administrators, representatives and permitted assignees) (1).

(2) (2) When the lessees are more than one individual.

(Name of person)
of (Address and occupation)
(Name of person)
(Address and Occupation)
and (Name of person)
of (Address and occupation)

(hereinafter referred to as the "lessees" which expression shall where the context so admits, include their respective heirs, executors, administrators, representatives and permitted assignees)

(2)
(3) (3) When the lessee is a firm.

(Name of person)
(Address)
and (Name of person)
of (Address)
and (Name of person)
of (Address)

All carrying on business in partnership at..... (address of the firm)

under the name and style of....., (Name of the firm) (hereinafter referred to as

the "lessees" which expression shall when the context so admits, include all the partners of the said firm, their representatives, heirs, executors, administrators and permitted assignees) (3)

(4) (4) When the lessee is a registered company.

(Name of company)
a company registered under..... (Act under which incorporated)
and

having its registered office at.....
(address)

(hereinafter referred to as the "lessee" which expression shall where the context so admits, include

. its successors and permitted assignees).

(4)of the other part.

Whereas the lessee/lessees has/have applied to the Government in accordance with the Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971 (hereinafter referred to as the 'said Rules') for a mining lease for..... .in respect of the lands

hereinafter described in clause (b) and has/have deposited with the Government the sum of [Rs. 5000] as security. And whereas the lessee is in possession of a valid certificate of approval and income-tax clearance certificate.

Now, therefore, this deed witnesses and the parties hereto hereby agree as follows:-

1. (a) In consideration of the rents and royalties, covenant and agreements hereinafter contained .and on the part of the lesseellesees to be paid, observed and performed, the Government hereby grants and demises unto the lesseellesees all those mines/beds/veins/scams of. (hereinafter referred to as the 'said minor minerals') situated, lying and being in or under the lands which are referred to in clause (b) together with the liberties, powers and privileges to be executed or enjoyed in connection herewith which are hereinafter mentioned in Part I subject to the restrictions and conditions and to exercise and enjoyment of such liberties, powers and privileges which are hereinafter mentioned in Part II and subject to other provisions of this lease.

(b) The area of the said lands is as follows:-

All that tract of land situated at..... in Tehsil.....Districtbearing Khasra Nos.....containing an area of..... or thereabouts delineated on the plan hereto annexed and bounded as follows:

On the North by

;

On the South by.....

On the East by

On the West by; and

(hereinafter referred to as the 'said lands' or the 'leased area').

(c) The lessee/lessees shall hold the premises hereby granted and demised from' the day for the term of. years thence next ensuing.

PART I
LIBERTIES, POWERS AND PRIVILEGES TO BE EXERCISED AND ENJOYED BY
THE LESSEE(S)

The following liberties, powers and privileges may be exercised and enjoyed by the lessee/lessees subject to the other provisions of this lease:

1. To enter upon land and search for win, work etc.-Liberty and power at all times during the term hereby denlised to enter upon the said lands and to search for mine, bore, dig, rill for win work, dress, process, convert, carry away and dispose of the said minor minerals.
2. To sink drive and make pit, shafts and inclines, etc.-Liberty and powers for or in connection with any of the purposes mentioned in this clause to sink, drive, make, maintain and use in the said lands and pits, shafts, inclines, drifts, levels, water ways, airways and other works and to use, maintain, deepen or extend any existing works of the like nature in the said lands).
3. To bring and use machinery, equipment.-Liberty and power for or in connection', with any of the purposes mentioned in this clause to erect, construct, maintain and use on or under the said lands any engine, machinery, plant, dressing floors, furnaces, coke ovens, brick-kilns, 'workshops, store-houses-bungalows, godowns, shed and other buildings and 6lher works and conveniences of the like nature on or under the said lands.

t. Amended *vide* H.P. Govt. Notification No. Ind.-B(F) IO-4/94-II dated 25-6-99.

4. To use water from streams, etc.-Liberty and power for or in connection with any of the purposes mentioned in this clause but subject to the rights of any existing or future lessees and with the written permission of the Collector to appropriate and use water from any streams, watercourse, springs *0It*; other source in or upon the said lands. and to divert, step up or dam any such stream or water-course and collect or impound any such water and to make, construct and maintain any water-course, cultivated land, village buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any streams or springs:

Provided that the lessee/lessees shall not interfere with navigation in any navigable stream nor shall divert such stream without the previous written permission of the Government.

5. To fell undergrowth and utilize timber and trees, etc.-Liberty and power for or in connection with any of the purposes mentioned in this lease deed, to clear undergrowth and brushwood. Lessee shall not fell any trees or timber standing or found on the said lands without obtaining prior permission in writing from the Collector of the District or the Chief Conservator of Forest in case of forest areas as the case may be. In case such permission is granted, he shall pay in advance, the price of the trees/timber to be felled to the said officer at the rates, fixed by him.
6. To get building and road materials, etc.-Liberty and power for or in connection with any of the purposes, mentioned in this lease deed, to quarry and get stones, gravel and other building and road materials and ordinary clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks, tiles but not to sell any such material, bricks, tiles.
7. To use land for stacking purpose.-Liberty and power to enter upon and use a sufficient part of the surface of the said lands for the purposes of stacking, storing or depositing therein an:: produce of the mines and works carried on and tools, equipment and other materials needed for mining operations.

PART II

RESTRICTION AS TO THE EXERCISE OF THE LIBERTIES BY THE LESSEE

The liberties, powers and privileges granted under Part I, are subject to the following restrictions and subject to the other provisions of this lease:-

1. No mining operations within the limit of Public Works, etc.-The lessee shall not carry on, or allow to be carried on any mining operations at any point within a distance of 75 metres from any railway line, except under and in accordance with the written permission of the railway administration concerned, or bridges or 60 metres from national highways or 50 metres from any reservoir, tank, canal, roads or other public works or buildings or inhabited sites except under and in accordance with the previous permission of the Government. The railway administration or the Government may in granting such permission, impose such conditions as it may deem fit; provided that except in cases of sand, no mining operations shall be carried on within 50 metres of any river banks.

Explanation.- For the purpose of this clause the expression 'railway administration' shall have the same meaning as it is defined to have in the Indian -Railway Act, 1890, by sub-section (4) of section 3 of that Act.

2. Permission for surface operation in land not already in use.-Before using for surface operations any land which has not already been used for such operation the lessee/lessees shall give to the Collector of the District, the Director of Industries, Himachal Pradesh, and the Mining Officer. two calendar months, previous notice in writing specifying the situation and the extent of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used, if objection is issued by the Collector within two months after receipt by him of such notice unless the objections so stated shall on reference to the Government, be annulled or waived.

3. Not to use the land for other purposes.-The lessee/lessees shall not cultivate or use the land for purposes other than those specified in the lease deed.

PART III COVENANTS OF THE LESSEE

The lessee/lessees hereby covenant(s) with the Government as follows:-

1. **[Rate of royalty .-**(a) The lessee/lessees shall pay royalty on the quantity of the said minor mineral dispatched from the leased area in advance at the rate specified in First Schedule, However as and when the limestone is supplied by the lessee/lessees to the Industries other than lime-kiln, royalty shall be paid by the lessee/lessees for limestone as major mineral whichever is more.]

(b) Mode of determination of sale price at the pit's mouth.-The sale price of the minor mineral at the pit's mouth shall be the current market price for the mineral of the same grade less-

(i) transport charges from the mine head to the nearest rail head;

(ii) railway freight from the rail head to the market; and

(iii) estimated handling charges and other incidental expenditure not exceeding 5 per cent of the market price.

(c) For calculating the royalty, the lessee/lessees shall submit half-yearly returns for the period ending 30th September and 31st March in Form 'G' to the Director and the Mining officer,.....

2. Surface rent.-The lessee/lessees shall pay for the surface area occupied by him/them, surface rent at the rate of Rs..... per acre per annum.

3. Dead rent.-The lessee/lessees shall also pay for every year, yearly dead rent at the rate of Rs..... per annum, and if the lease permits the working of more than one minor mineral in the same area, the Government may charge separate dead rent in respect of each minor mineral: .

Provided that the mining of one minor mineral does not involve the working of another minor mineral:

Provided further that the lessee/lessees shall be liable to pay the dead rent or royalty in respect of each mineral, whichever be higher but not both.

4. Working of newly discovered minerals.-If any minor mineral, not specified in the lease, is discovered in the leased' area, the lessee shall report the discovery without delay to the Government and shall not win or dispose of such minor mineral without obtaining a lease therefore. If he fails to apply for such a lease within 6 months from the discovery of the minor mineral, the Government or the authorized officer may give the lease in respect of such mineral to any other person.

5. To commence mining operations within two months and carry them on properly.-Unless the Government for sufficient cause permits otherwise, the lessee shall commence mining operations within two months, from the date of execution of the lease and shall thereafter conduct such operations in a proper, skilful and workman like manner.

1. Substituted by Govt. of R.P. Notification No. Udyog (chh)12-11/81 dated 5-10-1982.

Explanation.-For the purpose of this clause 'Mining operation' shall include the erection of machinery, laying of a tramway or construction of a road in connection with the working of the mine.

6. To erect and maintain Boundary Pillars etc.-The lessee shall, at his own expense, erect and at all times maintain and keep in good repairs boundary marks and pillars according to the plan annexed to the lease.

7. Accounts.-The lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein and a complete plan of the mine and shall allow any officer authorized by the Himachal Pradesh Government or the Central Government in that behalf to examine at any time any accounts and records maintained by him, and shall furnish to the Himachal Pradesh Government or the Central Government with such information and returns as it may require.

8. To allow facilities to other lessees, etc.-The lessee shall allow existing and future licensees or lease holders/contractors of any land which is comprised in or adjoins or is reached by the land, held by the lessee, reasonable facilities for access thereto.

9. To allow entry to officers.-The lessee shall allow any officer authorized by the Himachal Pradesh Government and the Central Government to enter upon any building, excavation or land comprised in the lease for the purpose of inspecting the mines.

10. Returns.-The lessee shall-

(a) submit a return in Form 'O' by the 10th of every month to the Director and also to other officer(s), specified in that form giving the total quantity of minor mineral(s) raised and dispatched from the leased area in the preceding calendar month and its value;

(b) . also furnish a statement giving information in Form 'H' by the 15th April every year to the Director and the other officer, specified in that form regarding quantity and value of minor mineral(s) obtained during last financial year, average number of regular laborers employed men and \women separately), number of accidents, compensation paid and number of days worked, separately.

11. To strengthen and support the mines.-The lessee shall strengthen and support to the satisfaction of the railway administration or the State Government, as the case may be, any part of the riline which in its opinion requires such strengthening or support for the safety of any railway, bridge, national highway, reservoir, tank, canal, road or any other public work or buildings.

12. Notice for use of explosives etc.-The lessee shall immediately give to:-

(i) The Chief Inspector of Mines, Government of India, Dhanbad.

(ii) The Director, Indian Bureau of Mines, Government of India, Nagpur.

(iii) The District Magistrate of the District in which the mine is situated, a notice in writing in form 'I' as soon as-

(a) the working in the mine extend below superjacent ground; or

(b) the depth of any open cast excavation measured from its highest to the .lowest point reaches six metres; or

(c) the number of persons employed on any day is more than 50; or

(d) any explosives are used.

13. Mode of payment of royalty/dead rent and surface rent.-The lessee/lessees shall pay in the office of the Officer authorized by the Director of Industries, Himachal Pradesh, in this behalf dead rent/royalty and surface rent in two half-yearly instalments on the 15th April and 15th October each year during the subsistence of the lease.

14. Maintenance of Sanitary conditions.-The lessee/lessees shall maintain sanitary conditions in the area held in by him/them under the lease.

15. To pay compensation for damage and indemnify" the Government.-The lessee/lessees shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him/them in exercise of the powers granted by the lease and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.

16. Abiding by Rules.-The lessee/lessees shall abide by all existing Acts and Rules enforced by the Government of India or the Himachal Pradesh Government and all such other Acts or rules

as may be enforced from time to time in respect of working of the mine and other matters affecting safety, health and convenience of the employees of the lessee/lessees or of the public.

17. To report accident.-The lessee/lessees shall without delay report to the Deputy Commissioner of the District concerned and the Director or any other officer authorised by him, any accident which may occur at or in the leased area.

18. Delivery of possession of Land and Mines on the surrender or sooner determination" of the lease.-At the end or sooner determination or surrender of "the lease, the lessee/lessees shall deliver up the said lands and all mines (if any dug therein) in a proper and workable state, save in respect of any working as to which the Government might have sanctioned abandonment.

19. To provide weighing machine.- "The lessee/lessees shall provide and at all times keep at or near the pit-head at which the said mineral shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or caused to be weighed thereon all the said minor minerals from time to time brought to bank sold, exported and converted products, and shall at the close of each day cause the total weights, ascertained by such means of the said minor minerals, ores, products, raised, sold, exported and converted during the previous twenty-four hours to be entered in the aforesaid books of accounts. The lessee/lessees shall permit the Government at all times during the said term to employ any person or persons to be present at the weighing of the said minor minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the Lessee/Lessees. The Lessee/Lessees shall give 15 days previous notice in writing to the Mining Officer of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

20. To secure pits, shafts, not fill them up.-The lessee/lessees shall well and properly secure pits and shafts and will not without permission in writing willfully close, fill up or choke any mine or shall

21. Not to enter upon or to commence operations in the Reserved or Protected Forest,-- The lessee/lessees shall not enter upon or commence any mining operations in any reserved or protected forest comprised in the leased area except after previous!)' obtaining permission in writing of the Chief Conservator of Forests, Himachal Pradesh.

22. To respect water rights and not injure adjoining property.-The lessee/lessees Shall not injure or cause to deteriorate any sources of water, power or water supply and shall not in any other way render any spring or stream of water unfit to be used or do anything to injure adjoining land/villages or houses.

23. Stocks lying at the end of the lease.-The lessee/lessees shall on the termination or Sooner determination of the lease remove all extracted minerals from the premises of the leased areas. All extracted minerals in the said lands left over indisposed, after the termination or determination of lease shall be deemed to be property of the Government.

24. Payment of Taxes.-The lessee/lessees shall duly and regularly pay to the appropriate authority all taxes, cases and local dues in respect of the leased area, said minor minerals or the working of the mines.

PART IV

RIGHTS OF THE STATE GOVERNMENT

1. The Government may determine the lease.-The Government shall have the right to determine the lease after serving a notice on the lessee to pay the dues within 30 days from the date of receipt of the notice. If the dead rent or royalty or surface rent reserved or made payable by the lessee is not paid within 15 days next after the date fixed in the lease for payment of the same, Government or any other officer authorized by it in this behalf may also at any time after serving the aforesaid notice, enter upon the said premises and distain all or any of the minerals or movable property therein and may carry away, detain or order the sale of the property so

distained, or so much of it as will suffice for the satisfaction of the rent or royalty due and all costs and expenses occasioned by the non-payment thereof.

2. Determination of lease in public interest.-The Government may by giving six months' prior notice in writing determine the lease if the Government consider that the minor mineral under the lease is required for establishing an Industry beneficial to the public:

Provided that in the state of National Emergency or war the lease may be determined without giving such notice.

3. Right of pre-emption.- The Government shall from time to time and at all times during the term of lease have the right (to be exercised by notice in writing to the lessee) of reemption of the said mineral and all products thereof lying in or upon the said lands hereby demised or elsewhere under the control of the lessee and the lessee shall deliver all minerals or products thereof to the Government at current market rates in such quantities and in the manner, at the place specified in the notice exercising the said right.

4. Penalty for not allowing entry to Officers.-If the lessee or his transferee or assignee does not allow any entry or inspection under clause (9) of Part III, the Government may cancel the lease and forfeit in whole or in part the security deposit paid by the lessee under rule 16 of the Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971.

5. Acquisition of land of third parties and compensation thereof.-In case the occupier or owner of the said land refuses his consent to the exercise of rights and powers reserved to the Government and demised to the lessee/lessees under these presents, the lessee/lessees shall report the matter to the Government who shall ask the Collector of the district concerned to direct the occupier or owner to allow the lessee/lessees to enter the said lands and to carry out such operations as may be necessary for working the mine, on payment in advance of such compensation' to the occupier or owner by the lessee/lessees, as may be fixed by the Collector under the Land.

Acquisition Act, 1894.

PART V

GENERAL

1. Cancellation.-The lease shall be liable to be cancelled by the Director if the lessee/lessees ceases to work the mine for a continued period of six months without obtaining written sanction of the Government.

2. Notices.-Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee/lessees by registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India as the lessee/lessees may from time to time in writing to the Government designate for the receipt of notices and every such services shall be deemed to be proper and valid service upon the lessee/lessees and shall not be questioned or challenged by him/them. '

3. Recovery under the public demands Act.-Without prejudice to any other mode of recovery authorized by any provision of this lease or by any law, all amounts, falling due hereunder against the lessee/lessees may be recovered as arrears of land revenue under the law in force for such recovery.

4. Forfeiture of property left more than three months after expiry or determination of Incase.-The lessee/lessees should remove his/their property lying on the said lands within three months after the expiry or sooner determination of the lease or after the date from which any

surrender by the lessee/lessees of the said lands under rule 23 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules 1971, becomes effective, as the case may be. The property left after the aforesaid period of three months shall become the property of the Government, and may be sold or disposed of in such manner as the Government, shall deem fit without liability to pay compensation therefore, to the lessee/lessees.

5. Security and forfeiture thereof.-(a) The Government may forfeit the whole or any part of the amount of rupees five thousand deposited by the lessee/lessees commits/commit a breach of any covenant to be performed by the lessee/lessees under this lease.

(b) whenever the said security deposit or any part thereof or any further sum hereafter deposited with the Government in replenishment thereof shall be forfeited under sub-clause (a) or applied by the Government under this lease (which the Government is hereby authorized to do) the lessee/lessees shall immediately deposit with the in appropriate part thereof to bring the amount in deposit with the Government up to the sum of Rs. 5000.

(c) The rights conferred by this clause shall be without prejudice to the rights conferred on the State Government by any other provision or this lease or by any law. 7

(d) On such date as the Government may elect within twelve calendar months after the determination of this lease or any renewal thereof, the amount of security deposit paid in respect of this lease and then remaining in deposit with the Government and not required to be applied to any of the purposes mentioned in this lease shall be refunded to the lessee/lessees. No interest shall run on the security deposit.

6. Survey and demarcation of the area.-When a mining lease is granted by the Government arrangements shall be made, if necessary, at the expense of the lessee, for the survey and demarcation of the area granted under the lease. The lessee shall have to bear actual expenses of the staff deputed for the work. Actual expense will include traveling allowances and daily allowances and salary of staff plus 10 per cent as instruments charges.

7. Rights of lessee/lessees to determine the lease.-The lease may determine the lease at any time by giving not less than six calendar months notice in writing to the Government after paying all outstanding dues of the Government.

IN WITNESS WHEREOF these presents have been executed in the manner hereunder appearing the day and year first above written.

For and on behalf of the
Governor, Himachal Pradesh.

Witnesses:

1 1.....
2..... 2

FORM-G

[(See Rule 21 (ib)(xi)(a)]

MONTHLY RETURN FOR THE MONTH OF

1. Name of the mine:
2. Location of the mine:
 - a) Village
 - b) District
 - c) State
3. Name and address of lessee.
4. Name of minor mineral(s) for which lease has been granted.
5. Average daily number of labourers and wages paid:

Number (Wages paid)

Male

Female

Adolescent

-
- (1) Name of mineral(s).
 - (2) Closing stock brought forward from the previous month (tonnes).
 - (3) Production during the month (tonnes).
Despatches during the month (in tonnes):
 - (4) By truck (5) By rail (6) By other means of transport
 - (7) Total Stock (tonnes).
 - (8) Closing stock (tonnes).
Amount fell due during the month under report.
 - (9) Royalty/dead rent.
 - (10) Surface rent.
 - (11) Total
 - (12) Remarks.
-

N.B. (1) Please furnish on the reverse of this form reason for rise or fall in production, despatches and labour employed etc. as compared with previous month.

(2) Please send this report to:-

(1) The Director of Industries, Himachal Pradesh, Shimla-1.

(2) The Mining Officer concerned, by the 10th of the month following the month under report.

Date _____

Signature of the lessee or his authorised agent.

FORM-H

[(See rule 21(1)(xi)(b)]

**ANNUAL STATEMENT OF MINOR MINERAL OBTAINED, LABOURERS
EMPLOYEDET.C.FOR THE FINANCIAL YEAR ENDING _____**

Name of the lessee _____

Area of lease _____

Village _____

Tehsil _____

District _____

-
1. Name of the minor minerals.
 2. Output.
 3. Value.

Average number of persons employed daily:

- | | | |
|----------------------------------|-----------|----------|
| 4. Male | 5. Female | 6. Total |
| 7. Average number of days worked | | |
| 8. Number of accidents | | |
| 9. Compensation paid: | | |
| Rs. | P. | |
| 10. Number of days worked | | |
| 11. Remarks | | |

Dated: _____

Signature of the lessee or his authorised agent.

This return is to be submitted by the 15th April of each year for the preceding financial year i.e. from first of April to 31st March, to the Mining Officer concerned.

FORM 'T'
[(See rule 21(1) (xvii)]

1. (a) Name of mine
- (b) Name of minor mineral worked
- (c) Situation of mine (Villages, Thana, Sub Division, District, State)
- (d) Date when work has first started
2. (a) Name and postal address of present owner(s)
- (b) Name and postal address of agent, if any
3. (a) Name and postal address of Manager, if any
- (b) His age
- (c) His qualification
- (d) His experience in mining
4. Whether workings are likely to be extended below superjacent ground.
5. (a) Maximum depth of open cast excavation measured from its lowest point
- (b) Date when depth first exceeded six metres
6. (a) Nature, amount and kind of explosives used, if any
- (b) Date when explosives were first used
7. Date(s) on which the number of persons employed on any day exceeded 50

Dated

Signature of Owner/ Agent I Manager.

To be sent to-

- (1) The Chief Inspector of Mines, Government of India, Dhanbad (ER).
- (2) The Director, Indian Bureau of Mines, Government of India, Nagpur.
- (3) The District Magistrate of the district where the mine is situated.
- (4) The Director of Industries, Himachal Pradesh, Shimla-1.
- (5) The Mining Officer concerned.

FORM 'J'
(See rule 24)
STANDARD FORM FOR SHORT TERM PERMIT

Whereas Shri/Mes.....
has/have applied for a short term permit for excavation and removal of
tonne/cubic metre/quintals of from under rule
25 of H.P. Minor Minerals (Concession) Revised Rules, 1971 and has/have paid an application
fee of Rs. 10/- has/have also paid royalty in advance amounting to Rs. and
security of Rs. (representing 50% of the amount of royalty) permission is hereby
granted for removal of of tonne/cubic
metre/quintals of from the aforesaid.....
area subject to the conditions given below:-

This permission shall be valid up to
Designation

CONDITIONS

1. The holder of the permit shall keep the Government indemnified from any third party claim and shall settle such claim on his own accord as soon as it arises.
 2. The holder of the permit shall excavate the minor mineral in such a manner as not to disturb or damage any road, public ways, buildings premises or public grounds.
 3. The holder of the permit shall on expiry of the permit either fill up the excavation or suitably fence it for safety as instructed by the Director or Mining Officer concerned.
 4. The holder of the permit shall pay in advance compensation of damage to the owner of the land wherefrom the minor minerals will be extracted/quarried at the rate fixed by the Collector under the Land Acquisition Act, 1894.
 5. The holder of the permit shall not fell any tree standing on the land without obtaining prior permission in writing from the Collector of the District concerned or the Chief Conservator of Forests in respect of forest areas, as the case may be. In case such permission has been granted, he shall pay in advance the price of the trees to be felled, to the said officer at the rate fixed by him.
 6. The permit holder shall not carry on surface operations in any area prohibited by any authority, without obtaining prior permission in writing from the concerned authority.
 7. The permit holder shall not enter and work in any reserved demarcated or protected forest without obtaining prior written permission of the Forest Department.
 8. The permit holder shall report immediately all accidents to the Deputy Commissioner and Mining Officer, concerned.
 9. The depth of the pit below the surface shall not exceed 3 ft.
 10. On expiry or 1[earlier] cancellation of the permit, the quarried, materials, lying on the land from which they are extracted, shall become the absolute property of the Government.
 11. The permit holder shall have to surrender and deposit the permit with the issuing authority within a week from the date of its expiry or cancellation, as the case may be. In case of default, the security deposited by him, shall stand forfeited to the Government.
- 1 Substituted vide H.P. Govt. Notification No. 13-3/70-SI(MM)II dated 14-3-75.
12. No mechanical mining through mechanical excavator including any other earth moving mechanics like J.C.B, Buldoser, Pocklain, Lodors etc. shall be carried out in River or Stream Bed unless permitted by the Director under rule 26 of the Himachal Pradesh Minor Mineral (concession) Revised Rules 1971”

1[FORM 'K']

[See rule 33 of Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971]

THIS INDENTURE made this day of 20 , between the Governor of Himachal Pradesh through..... Himachal Pradesh (hereinafter referred to as the 'Government' which expression shall where the context so admits be deemed to include the successors and assignees) of the one part, and

WHEN THE CONTRACTOR IS AN INDIVIDUAL (Name of the person with address and occupation) [Hereinafter referred to as the contractor(s) which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators and representatives].

WHEN THE CONTRACTOR IS A REGISTERED FIRM (Name and address of the partner) son of..... of all carrying on business in partnership under the firm name and style of..... (name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at..... in the town of [hereinafter referred to as for the contractor (s), which expression where the context so admits be deemed to include all the said partners their respective heirs, executors, legal representatives and permitted assignees].

WHEN THE CONTRACTOR IS A REGISTERED COMPANY..... (Name of the company, a company registered under.....Act under which incorporated) and having its registered officer at..... (Address) [hereinafter referred to as the Contractor (s) which expression shall where the context so admits be deemed to include its successors and permitted assignees of the other part.

WHEREAS THE bid of Rs. (Rupees) of the Contractor(s) made at the auction held on..... at (name of the place) in accordance with the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 (hereinafter referred to as 'the said rules') for the extraction of (name of the minor mineral) has been accepted by the Government for contract for..... years from..... to in respect of the lands described in Part I of the Schedule hereunder written and has/have deposited with the State Government a sum of Rs. (Rupees) as security for the due fulfillment of the covenants herein contained. The Government is empowered to deduct from such security money any sum which may be due from the Contractor (s) whether in respect of the contract money or other sum payable to Government by him hereunder.

If not confiscated under the provisions of this contract the security money or such balance thereof and may be left after making the deductions above-mentioned will be returned to the contractor(s) after the expiry of the term of this contract and after the Government have satisfied itself that the term of this contract have been duly and faithfully carried out by the contractor(s).

Witness that in consideration of the contract money, covenants and agreements by and in these presents and the Schedule hereunder written reserved and contained and on the part of the contractor(s) to be paid, observed and performed, the Government hereby grants and demises unto the contractor(s).

1 Revised Form "K" substituted by H.P. Government Notification No. 13-3/70-SI dated 4-5-73.

All those the mines, beds veins, seams of (hereinafter and in the Schedule referred to as the said minerals) situated, lying and being in or under the lands which are referred to in Part I of the said Schedule, together with the liberties, powers and privileges to be

exercised or enjoyed in connection herewith subject to the restriction and conditions as to the exercise and enjoyment of such liberties, powers and privileges EXCEPT and reserving out of this demise unto the Government the liberties, powers and privileges mentioned in the said rules.

TO HOLD the premises granted and demised unto the contractor (s) from the..... day of 20 for that term of years thence next ensuing YIELDING AND PAYING THEREFOR UNTO THE STATE GOVERNMENT THE contract mentioned in clause (1) of Part II of the said Schedule at the respective times therein specified subject to the provision contained in the said part; AND the contractor(s) hereby covenant(s) with the Government and the Government hereby covenants with the contractor(s) as is expressed in the said rules.

AND it is hereby MUTUALLY AGREED between the parties hereto as in Part III of the said Schedule is expressed.

PART I

LOCAION AND DESCRIPTION OF THE AREA OF THE QUARRY/RIVER BED ETC.

All that fact or land situated in Village in Tehsil..... in the District of and bearing Khasra Nos..... containing an area ofdelineated on the plan hereto annexed, (hereinafter referred to as the said lands).

PART II

AMOUNT AND MODE OF PAYMENT OF CONTRACT MONEY

1. The contractor(s) shall/will during the subsistence of the contract pay to the Government contract money mentioned below in respect of..... (name of the quarry) given to him/them on contract for a period of years from..... to

No. of installments Amount The date on which installment to be paid

COURSE OF ACTION IF CONTRACT MONEY IS NOT PAID IN TIME

2. Should any instalment of contract money due to the Government under the terms and conditions of these presents be not paid by the Contractor(s) within the prescribed time, the same may be recovered on certificate of such officer as may be specified by the Government by general or special order, in the same manner as the arrears of land revenue.

3. The Contractor(s) shall not remove from the quarry site nor export the slates/minor minerals extracted from the quarry until he has paid the instalment of the contract money as laid down in clause (1) of this part.

4. (a) The Director of Industries/State Geologist/Mining Engineer/ District Industries Officer/Assistant District Industries Officer/Mining Officer may at his discretion extend the period of payment of any particular instalment on payment of interest at the rate of Rs. 6-1/4% per annum.

(b) If the contractor(s) fail(s) to pay any instalment of contract money or any part thereof on the due date without permission of the competent authority in writing, they will be liable after the lapse of 3 days of grace at the discretion of the competent authority to pay as penalty at Rs. 12-1/2% per annum, which payment shall be realized from this security money here to

aforementioned by the seizure and detention of his/their slates/minor minerals. If such failure extends to 30 days, the purchaser shall be liable to lose all claims to the slate/minor mineral quarry or slates/minor minerals, and to the retention by the District Industries Officer/Assistant District Industries Officer/Mining Officer, of all money already paid by the purchaser on their behalf under the terms of the agreement as liquidated damages and the District Industries Officer/Assistant District Industries Officer/Mining Officer, subject to the approval of the competent authority, may cancel the contract.

PART III

CONTRACT MAY BE DETERMINED ON BREACH OF RULES, COVENANTS AND CONDITIONS

(1) If the Contractor(s) commits/commit a breach of any of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971, and any of the covenants/conditions of this contract, the Government may determine the contract, and forfeit the whole or part of the security deposit provided that the contractor(s) shall be given reasonable opportunity to explain the breach before the contract is determined.

(2) If the contract is cancelled or determined under clause (1) above, the contractor(s) shall remain liable for the contract money due upto the time of such cancellation or sooner determination and the Government may re-auction the said lands and in that case the contractor(s) shall also be liable to pay the deficiency, if any, resulting from such re-auction

CONTRACTOR (S) TO REMOVE HIS/THEIR PROPERTIES ON THE EXPIRY OF THE CONTRACT

(3) The 'Contractor(s)' having first paid the contract money payable by virtue of these presents, may at the expiration or sooner determination of the said contract take down and remove his/their property etc., such as engines, machinery, plant, buildings, structures and other works, erections and conveniences which may have been created, set up or placed by the, Contractor(s)' in or upon the said lands and which contractor(s)' are not bound to deliver to the State Government and which the State Government does not desire to purchase.

FORFEITURE OF PROPERTY LEFT AFTER EXPIRATION OR SOONER DETERMINATION OF THE CONTRACT

(4) If at the end of the expiry or sooner determination of the said contract there shall remain in or upon the said lands any engines, machinery, plant, buildings, structures and other works, erections and conveniences or other property the same shall if not removed by the contractor(s) within one calendar month after NOTICE in writing requiring their removal has been given to the Contractor(s) by the District industries Officer/Mining Officer be deemed to become the property of the Government and may be sold or disposed of in such manner as the Government shall deem fit without liability to pay any compensation to the contractor(s).

(5) Notices.- Every notice by these present required to be given to the Contractor(s) shall be given in writing to such person resident on the said lands, as the Contractor(s) may appoint for the purpose of receiving such notices and if there shall have been no such appointment, then every such notice shall be sent to the Contractor(s) at the address recorded in this agreement or at 58 such other address in India as the Contractor(s) may from time to time in writing to the Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the Contractor(s) and shall not be questioned or challenged by him/them.

- (6) That the Contractor(s) shall provide at the quarry site two first aid boxes containing necessary medicines.
- (7) That the Contractor(s) shall make benches on the side of the quarry.
- (8) That the Contractor (s) shall work the quarry from top downwards.
- (9) That the Contractor(s) shall remove overburden (loose stones) from top and the sides of the quarry in advance.
- (10) That the Contractor(s) shall make one meter wide passage to the quarry and shall maintain it in good condition.
- (11) That the Contractor(s) shall not employ any person below the age of 18 or any female member in quarry.
- (12) That the Contractor(s) shall maintain record of employment of labour, production and use of explosives etc. and such other record, as may be specified by the District Industries Officer/Mining Officer concerned.
- (13) That in the event of the cancellation of this indenture under any terms and conditions of this contract, the Government hereby expressly reserve the right of re-auction of the quarry and the loss, if any occasioned by the re-auction shall be borne by the Contractor(s) which loss may be recovered as damage by due process of law. In the event of the re-auction resulting in profit, the profit shall accrue to the Government and the Contractor(s) shall have no right whatsoever the profit may be.
- (14) That the Contractor(s) holds/hold himself/themselves responsible for due observance, by himself or by his agents and servants of the terms and conditions of this indenture.
- (15) That in the event of a breach of any of the terms or conditions of this contract by the Contractor(s) or servants, the Contractor(s) in all these cases for which a special penalty or compensation has not been provided for, shall be liable to pay a penalty which may extend to fifty rupees for each such breach at the discretion of the District Industries officer/Mining Officer.
- (16) That the Contractor(s) will not be allowed to remove from the quarry site nor export the slates/minor minerals extracted from the quarry until he has paid the contract money in time as laid down in clause (1) of Part-II of this agreement.
- (17) That is further agreed that this indenture is for the performance of acts in which the public are interested within the meaning of section 74 of the Indian Contract Act, 1872.

TO ALLOW ENTRY TO CENTRAL GOVERNMENT AND STATE GOVERNMENT OFFICERS FOR INSPECTION ETC.

(18) The Contractor(s) shall at all reasonable times allow the district of Industries, Himachal Pradesh and any other officer, authorized by the central Government or by the Himachal Pradesh Government in that behalf to inspect the said lands and the buildings and plant erected thereon and the Contractor(s) shall assist such person(s) in concerning the inspection and afford them all information they may reasonably required and shall conform to and observe all orders which the Central and the Himachal Pradesh Government as the result of such inspection or otherwise may from time to time pass.

ASSIGN, SUBLET OR TRANSFER OF THE CONTRACT

(19) The Contractor(s) shall not assign, sublet or transfer the contract to any person without obtaining prior permission in writing from the Government.

FENCING OF WORKING PLACE

(20) If the working place is found to be unsafe all persons shall be withdraw by the Contractor(s) immediately from the dangerous area and all access to such working place except for the purpose of removing the danger or saving life shall be prevented by securely fencing the

full width of all entrances to the place, at his/their own cost. The Contractor(s) and not the Government shall be liable to pay any compensation to the labour employed by the Contractor on contracted works under the Workman's Compensation Act, 1923.

TO KEEP GOVERNMENT INDEMNIFIED FROM THIRD PARTY CLAIMS

(21) The Contractor(s) shall keep the Government indemnified from any third party claim and shall settle such claim at his/their own accord.

PAYMENT OF COMPENSATION TO LANDOWNERS

(22) The Contractor(s) shall pay compensation of damage to the owner of the land wherefrom the minor minerals will be extracted quarried, at the rate fixed by the collector under the Land Acquisition Act, 1894.

Felling of Trees

(23) The contractor(s) shall not fell or cut any tree, standing on the land wherein the quarry is located without obtaining prior permission in writing from the Collector of the district or the Divisional Forest officer concerned in respect of the forest areas, as the case may be and paying its price fixed by him.

NOT TO CARRY ON SURFACE OPERATIONS IN PROHIBITED AREAS

(24) The Contractor(s) shall not carry on surface operations in any area, prohibited by any authority, without obtaining prior permission in writing from the concerned authority.

RESTRICTI ON MECHANICAL EXCAVATION IN RIVER OR STREAM BEDS.

(24-A) No mechanical mining through mechanical excavator including any other earth moving mechanics like J.C.B, Bulldoser, Pocklain, Loders etc. shall be carried out in River or Stream Bed unless permitted by the Director under rule 26 of the Himachal Pradesh Minor Mineral (concession) Revised Rules 1971.

NO TO ENTER AND WORK IN RESERVED AND PROTECTED FOREST AREAS

(25) The contractor(s) shall not enter and work in any reserved or protected forest without obtaining prior permission in writing from the Chief Conservator of Forest, Himachal Pradesh, or any other officer authorized by him in this behalf.

APPLICATION OF ALL RULES AND REGULATIONS TO THIS CONTRACT

(26) This contract is subject to all rules and regulations which may from time to time be issued by the government regulating the work of quarries and other matters affecting the safety, health and convenience of contractor(s) employees or of the public, whether under the Indian Mines Act or otherwise.

TO REPORT ACCIDENT

(27) The contractor(s) shall without delay send to the collector concerned and the District Industries Officer/Mining officer a report of any accident, causing loss of life or serious bodily

injuries or seriously affecting or endangering life or property which may at any time occur at or in the said lands in the course of operations under this contract.

TO SUBMIT REPORTS AND RETURNS

(28) The contractor(s) shall furnish such reports and returns relating to output, laboures employed and other matters as the Government may prescribe.

PENALTY FOR DEFAULT

(29) In case of default in the due observance of the terms and conditions of the contract or in the payment of the contract money on the due date, the contract may be terminated by the Government or by any officer authorized by the Government in this behalf by giving one month's notice, with forfeiture of security deposit as also the installment, paid in advance, if any.

TERMINATION OF THE CONTRACT BY STATE GOVERNMENT IN PUBLIC INTEREST

(30) The contract may be terminated by the government if considered by it to be in public interest by giving one months notice:

Provided that in the state of national emergency or war the contract may be terminated without giving such notice.

SECURITY DEPOSIT

(31) The security deposited by the Contractor(s) shall be in the shape of fixed deposit receipt duly pledged in the name of a competent authority.

DELIVERY OF THE POSSESSION OF THE QUARRY IN WORKABLE CONDITION

(32) The contractor(s) shall deliver the possession of the quarry to the District Industries Officer/Mining Officer in a workable condition. In case he/they fill it with debris the debris shall be cleared at the cost of the contractor(s) and the amount so spent, shall be deducted from his/their security deposit.

TO ALLOW FACILITIES TO THE CONTRACTORS ETC.

(33) The contractor(s) shall allow existing and further contractors/mining lease holders/permit holders of any land which is comprised in or adjoins or is reached by the land, held by the contractor(s), reasonable facilities for access thereto.

STATE GOVERNMENT NOT RESPONSIBLE FOR LOSS TO THE CONTRACTOR(S)

(34) The Government shall not be responsible for any kind of loss to the contractor(s).

RESTRICTIONSON TRANSPORT OF THE SLATES/OTHER MINOR MINERALS

(35) The export of slates/minor minerals shall be subject to such rules at the Himachal Pradesh Government may issue from time to time under the Himachal Pradesh minor Mineral (Concession) revised Rules, 1971 and in their absence under such instructions as the district Industries Officer/Mining Officer concerned may issue from time to time.

STAMP DUTY AND REGISTRATION CHARGES

(36) The stamp duty or registration charges, if any, on this indenture shall be borne by the government.

IN WITNESS WHEREOF Shri.....son ofcaste..... of Village.....Tehsil.....District.....Himachal Pradesh (Contractor) AND.....to the Himachal Pradesh Government for and on behalf of the Governor of Himachal Pradesh have signed these presents in token of acceptance of terms thereof on the day and the year first written above.

(When the Contractor is a registered firm)

IN WITNESS WHEREOF Shri.....son ofcaste..... village.....Tehsil..... District....., a partner of, and acting for and on behalf of the firm carrying on business in partnership under the firm and style of(Name of firm) registered under the Indian Partnership Act, 1932, AND.....to the Himachal Pradesh Government.....Department for and on behalf of the Governor of Himachal Pradesh and acting under his authority, have signed these presents, in token of acceptance of terms thereof on the day and the year written above.

(When the Contractor is a registered company)

IN WITNESS WHEREOF Shri.....son ofCaste.....villageTehsil.....District..... for and on behalf of the Company registered under the name and style ofand duly authorized in this behalf or under the statute incorporating the said Company, AND..... to the Himachal Pradesh Government..... Department, acting for and on behalf of the Governor of Himachal Pradesh, have signed these presents in token of terms thereof on the day and the year first written above.

Signed by

..... (Contractor)
For and on behalf of the governor of Himachal Pradesh. For and on behalf of
Address.....

Witness (1)..... (Name of the firm or Company)
Address.....
Witness (2)
Address.....

FORM 'L'
(See rule 52)
CERTIFICATE

In exercise of the powers conferred by rule 52 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971, read with Himachal Pradesh Government Order No.dated.....I, hereby certify that a sum Rs.(Rupees.....) (in words) is recoverable as arrears of land revenue from.....on account of the following in respect of lease or contract ofDeposits village(s)in..... District.

Rs.

(i) Royalty/dead rent	:
(ii) Surface rent	:
(iii) Contract money	:
Total :	

Place.....
Dated.....

Signature of the Issuing Authority
with designation.

**[FORM 'M']
IN TRIPLICATE
(See Rule 57(I))**

FORM OF PASS
(RuJe 57)

Book No

Seal & Signature of
Mining Officer/General Manager.
S. No : .
Date .

1. Name of Contractor/Lessee/
Short Term Permit holder.....
2. Name and Location of Mine
3. Name and Quality of Mineral.....
4. Place where Mineral is being sent
5. Name or person/party to whom
mineral is ,being dispatched.....
6. Mode of TransportVehicle No
7. Name of Owner of Vehicle
8. Name of Driver
9. Weight/volume of Mineral..
10. Page No. of the Production register at which Export Pass has been
enteredTime of Dispatch

Signature of the Driver.
Manager.

Signature of the Mine Owner/

1. Substituted by H.P. Govt. Notification No. Ind.-I(a)3-5/77 dated 27-12-1979.

**4.3.4.8 River / Stream Bed Mining Policy-Guidelines for the state of HP.
River/Stream Bed Mining Policy Guidelines for the State of Himachal
Pradesh**

1. Key element

Crushed stone, gravel and sand are one of the largest non-fuel mineral commodities by tonnage produced in Himachal Pradesh, supplying some of the most important construction materials. Further, average unit value of crushed stone, sand and gravel is one of the lowest of all mineral commodities.

This production of aggregate in a particular area is a function of the availability of natural resources, the size of population, the economy of the area and various developmental and infrastructural works being undertaken in the area like road construction, hydro-electric projects etc. Further, being a low- value, high-volume mineral commodity,

the prices are dramatically affected by transportation distances. If the distances increase, the transportation cost may increase much more than the cost of the aggregates.

A stable river is able to consistently transport the flow of sediments produced by watershed such

that its dimensions (width and depth) pattern and vertical profile are maintained without aggrading (building up) or degrading (scouring down)

The amount of boulders, cobbles, pebbles and sand deposited in riverbed equals to the amount delivered to the river from watershed and from bank erosion minus amount transported downstream each year.

2. Concern

The Himalayas and its foothills are a treasure house of the minerals being exploited by human beings since times immemorial. With the advent of society, the methods of the extraction of the minerals became more and more mechanized which resulted in extraction of the minerals at a pace much faster than the pace at which the nature

could meet itself with such a situation to recover from the onslaughts of human beings. It brought into sharp focus the conflict between development and conservation, which served to emphasize the need for reconciling the two into the larger interest of the society

3. Vision

In Future River bed mining will be allowed in environmental friendly manner:-

It has become clear that short- term benefits must be weighted and balanced against the resulting long-term effect of resource depletion and decline in the state of the environment. This has arisen from :-

Increasing evidence of potential problems from over- extraction of river/stream beds, and
The community increasing demand on and expectation of , the river system

Therefore, in future Riverbed mining should be based on the principle of sustainable development.

4. Policy Statement

The State of Himachal Pradesh through the implementation of State Policy on River /stream bed mining, wishes: -

- to support an appropriate and environmental friendly utilization of natural resources of the rivers;
- to contribute to the conservation of the beauty and cleanliness of the rivers of Himachal Pradesh;
- to minimize the risk of channel erosion and the subsequent damage to private and governmental property.

5. Principles

- River natural resources must be utilized for the benefit of the present and future generation;

- It is the responsibility of all sectors to maintain the river resources of the state and to ensure that it is prudently managed and developed;
- Awareness is essential for ensuring the protection of river natural resources and for the proper utilization of riverbed material.

6. Objective

To ensure

Scientific and systematic mining;
Conservation of minerals;
Protection of environment and ecology;
Proper replenishment of River beds;
Proper protection of River banks;
Protection of soil erosion;
Protection of bridges and other structure etc;and
Checking of illegal mining.

7. Overview

Riverbed mining in Himachal Pradesh

The total number of parts of riverbeds presently identified for auction in the State of Himachal Pradesh are about 300 and out of this about 110 parts of river beds are under operation. In addition, about 156 leases in river beds have been granted for the establishment of stone crushers and about 14 leases have been granted for setting up

of screening plants/hollow blocks units. In total about 47.3 Sq.Km (i.e 0.085% of the State) area is involved in river/stream bed mining.

Based on conservative estimate, approximately 35 lakh tonnes of sand, gravel and boulders are extracted annually from river/streams to meet the demand of road construction, bridges, building material, engineering requirements for flood controls, maintaining water supply intake points, retaining walls, hydroelectric projects etc.

Based on these about 260 number of stone crushers, 14 no of screening- cum- hollow block units have been established in the State. Apart from generating Rs. 2.8 crore of direct revenue it has generated direct/indirect employment to about 20000 persons in far-flung areas of the state have also been provided.

8. Legislations

- The Himachal Pradesh Minor Mineral (Concession) Revised, Rules, 1971
- The Mines and Mineral (Development and Regulation) Act, 1957
- The Mineral Concession Rules, 1960
- The Forest Conservation Act, 1980
- The Forest Conservation Rules, 1981

- The Environment Protection Act , 1986
- The Environment Protection Rules, 1986
- The Himachal Pradesh Mineral Vesting of Rights Act, 1983
- The Himachal Pradesh Mineral Vesting of Rights Rules, 1989

9. Strategies

To achieve the objectives of the State River/Stream bed mining, following are the strategies and actions.

9.1 Strategy 1

Review of legislation

To ensure systematic and scientific mining, few amendments shall be required in Himachal Pradesh Minor Mineral (Concession) Revised) Rules, 1971 particularly with reference to:-

- 9.1.a.** To ensure systematic and scientific mining the provisions of Mining cum Environment Management Plan shall be incorporated in the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.
- 9.1.b.** To ensure proper replenishment and to avoid deep mining of the area, leases over larger areas i.e. more than 10 hectare shall be encouraged.
- 9.1.c.** To ensure systematic mining by way of proper planning, replenishment and reclamation of the area, the period of lease shall be 5 years. Extension can be considered only after Joint Inspection by Sub-Divisional Committee and keeping in view its recommendations, depending upon the availability of raw material and requirement of mineral based industry. In addition to this, the provision for continuity of working after expiry of lease period, in conformity with rule 24A(6) of the Mineral Concession Rules, 1960 shall also be incorporated, which reads as: -

"If an application for renewal of a mining lease made within the time and is not disposed of by the State Government before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period till the State Government passes order thereon"
- 9.1.d.** In conformity with Section 6(1)(c) of The Mines and Mineral (Development and Regulation) Act, 1957, provision shall be made in the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 to grant lease in relation to area which is not compact or contiguous to avoid degradation of the larger area.
- 9.1.e.** To ensure proper implementation of the policy, provisions of Minimum Security amounting to Rs 25,000 for an area of 10 hectares and if the area involved is more, additional security based on pro-rata percentage for additional area, shall be made in the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971

9.1.f. For Checking of illegal mining. The Himachal Pradesh Minerals (Prevention of Illegal Mineral Transportation & Storage), Rules are being framed. The salient features of the proposed Rules are

1. Compulsory registration of dealers;
2. To prevent illegal mining and storage of mineral;
3. No transportation of mineral without transit pass;
4. Penalty upto Rs twenty five thousand rupees for illegal transportation and storage of minerals.

9.1.g. Powers have already been delegated to Executive Magistrates within their jurisdiction to seize any mineral raised by any person without any lawful authority or any tool, equipment, vehicle or any other thing brought on the land for the purpose, under Section 21 of Mines and Minerals (Development and Regulation) Act 1957.

Following Sub- Divisional Level Flying squad has already been constituted vide notification No Udyog (Chh) 7-3/90 dated 11/3/93 and revised vide notification no. Udyog (Chh) 7-3/90 dated 20/11/93

- Sub-Divisional Magistrate Chairman
- Assistant Conservator of Forest Member
- Deputy Superintendent of Police or

The above committee is authorized to requisition the relevant record from the office of Mining Officer and the services of Mining Officer and his staff for the purpose of carrying out such inspections.

Power shall also be delegated to other members of Sub-Divisional Level Flying Squad under section 21 of Mines and Minerals (Development and Regulation) Act 1957.

In a phased manner power shall also be delegated to Forest Guards for checking of illegal mining in forest area, under the provisions of the Mines and Mineral (Development and Regulation) Act, 1957 as has already been done in case of District Kullu vide notification no. Ind(B) F (6) 5/2003 dated 17/9/2003

Compounding of illegal mining and transportation cases shall be done in exceptional cases and that too by charging minimum compounding fee of rupees five thousand and no compounding shall be done if the offence is repeated by the same person, and case shall be lodged in appropriate court of law.

9.1.h. For checking of unhealthy competition, excessive and indiscriminate mining in river beds, following changes in the auction procedures shall be made in the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971

- The auction shall be done as per the recommendations/approval of the Sub-Division Level Committee as mentioned in para 9.6.2.

- Annual review of auctioned areas shall be done by the Sub- Divisional Level Committee;
- Some beds will be kept vacant on rotation basis for proper replenishment.

9.1.i. For checking of excessive mining in river/stream beds, provisions shall be made in rules to ensure that no boulders, cobbles and hand broken ballast are transported outside the state.

9.1.j. To discourage the selective mining and for proper utilization of waste, provisions for sale of sand/river borne bajri and crusher-dust from the leases granted for establishment of crusher shall be made in the Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971.

9.2 Strategy 2

District Level River/Stream Bed Mining Action Plan

The action plan for River/Stream bed mining shall be based on a survey document of the existing river/stream bed mining in each district and also to assess its direct and indirect benefits and identification of the potential threats to the individual rivers/streams in the state. This survey shall be conducted by Geological Wing, Department of Industries, Himachal Pradesh and shall contain:-

1. District-wise details of Rivers/Streams/Khallas; and
2. District-wise details of existing mining leases/contracts in River/Stream /Khalla beds.

Based on this survey, the action plan shall divide the rivers/streams of the state into the following two categories:-

- I. Rivers/streams or the River/Stream sections selected for extraction of minor minerals.
- II. Rivers/streams or the River/Stream sections prohibited for extraction of minor minerals.

9.3 Strategy 3

Extraction of minor minerals to be done in selected rivers/streams or the river/stream sections:

9.3.a. Based on the action plan as mentioned in strategy 2, lease / contract shall be granted as per Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971 and by following the procedures as mentioned in the policy.

9.3.b. Extreme care and caution shall be taken to identify mining area in the perennial river/streams so as to avoid mining activities in these areas.

9.3.c. The grant of lease shall be preferred over the auction.

At the first instance and in the interest of systematic/scientific mining and to reduce pressure on river/stream beds, no auction shall be done in border areas, like Nalagarh sub-division and Kasauli tehsil of District Solan, where there are chances of over exploitation of River/Stream beds and chances of illegal transportation of mineral outside the State. Other border areas shall also be included on the basis of study to be conducted.

- 9.3.d.** Leases for free sale upto 5 hectare and for a period upto 5 years in areas other than as specified in para 9.3.b. shall be granted subject to conditions that no boulders/cobbles/hand broken road ballast shall be allowed to be transported out side the state.
- 9.3.e.** Priority shall be given to Government Departments i.e PWD, IPH etc if mineral is required for departmental bonafied use,by engaging departmental laboures.
- 9.3.f.** The possibility of utilizing the waste generated during tunneling by various projects and during road construction shall be studied in the interest of mineral conservation, while granting permission for setting up of crusher in the vicinity of above waste.

9.4 Strategy 4

Prohibition of specific Rivers/Streams or the River/Stream section for extraction of minor minerals

Based on the action plan as mentioned in strategy 2,specific Rivers/streams or the river/stream section will be prohibited (and/or phased out if ongoing activities exists) in specific environment sensitive Rivers/Streams or the River/Stream sections. River bed mining in the prohibited areas will only be allowed for activities related to specific purpose such as flood mitigation, water supply or river rehabilitation. In such cases permission shall be given subject to the recommendations of the Sub- Divisional Committees as mentioned in strategy no 6. after technical satisfaction that such permission shall not have any adverse effect if mining is undertaken for specific period.

9.5 Strategy 5

Mining in River/Stream beds shall be subject to following general conditions in addition to Site specific conditions as specified by the Committee

- 9.5.a.** No River/Stream bed mining shall be allowed without the recommendations of the Sub-Divisional Level Committee.
- 9.5.b.** No River/Stream bed mining shall be allowed without getting clearance under Forest Conservation Act, 1980 if the area attracts the provisions of FCA. 1980.
- 9.5.c.** No River/Stream bed mining shall be allowed within 75 meters from the periphery of soil conservation works, nursery plantation, check dams or within the distance as recommended by the Sub-Divisional Committee, which ever is more.
- 9.5.d.** No River/Stream bed mining shall be allowed within 1/5th of its span or 5 meters from the bank or as specified by the Sub- Divisional Committee which ever is more.

- 9.5.e.** No River/Stream bed mining shall be allowed within 200 meters U/S and D/S of Water Supply Scheme or the distance as specified by the Sub- Divisional Committee which ever is more.
- 9.5.f.** No River/Stream bed mining shall be allowed within 200 meters U/S and 200 to 500 mts D/S of bridges depending upon the site-specific conditions.
- 9.5.g.** No approach road from PWD road shall be allowed to River/Stream beds mining, unless lessee/contractor obtains written permission from XEN PWD for making road leading to all intake places from the PWD Roads.
- 9.5.h.** No mechanical mining i.e through mechanical excavator etc. shall be allowed in River/Stream beds, for which amendment in the Rules shall be made. Mechanical mining shall not be allowed even for projects of national importance, power projects etc. In the power project areas, no mining activities by power project Companies/promoters shall be allowed in the river beds. Each project shall identify captive mining area duly approved by the competent authority. In the exceptionally inevitable situations where such projects require extraction of sand from river beds, prior approval of Council of Ministers shall be obtained. Royalty for use of various kind of minerals by power projects shall be realized fully by evolving a transparent and scientific procedure and mechanism.
- 9.5.i.** No boulder/cobbles/hand broken road ballast shall be allowed to be transported outside the state from River/Stream beds, so as to reduce pressure on the River/Stream beds.
- 9.5.j.** No digging of more than 3 feet shall be allowed in River/Stream beds.
- 9.5.k.** Every leaseholder shall supply in advance, the Registration Nos of vehicle engaged in transportation of mineral from mining area to his industrial unit. This would ensure checking of illegal vehicles carrying minerals.
- 9.5.l.** Every lessee/contractor shall ensure that his labour does not involve in fish poaching.
- 9.5.m.** No blasting shall be allowed in river/stream beds.

9.6 Strategy 6

9.6.1. For Mining Leases

Every River bed mining lease shall be allowed as per the Working- Cum -Environment Management Plan To achieve this

- A.** A person who applies for mining lease shall submit the following details alongwith application in Form 'B' as prescribed in Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971

Location plan of the area showing:

- i) Location of area
- ii) All physiographic features viz;
 - Water body;
 - Boundary of banks;

- Meandering pattern;
- Any spring;
- iii) All man made features viz;
 - Any habitation along the bank;
 - Any agriculture field along the bank;
 - Any bridge in the area;
 - Any water supply scheme etc;
 - Any School, hospital, educational institute etc;
 - Any crematory/cemetery ground;
 - Any other structure like transmission line, telephone line, well, footpath etc.

B. Joint Inspection

The area applied for lease shall be inspected by a Committee, comprising of following members: -

1.	Sub -Divisional Magistrate	Chairman
2.	Assistant Conservator of Forest/Range Officer	Member
3.	Representative of Environment Protection and Pollution Control Board	Member
4.	Executive Engineer PWD or his representative	Member
5.	Executive Engineer IPH or his representative	Member
6.	Mining Officer	Member Secretary

Joint inspection shall be conducted by at least three members viz Chairman, Assistant Conservator of Forest/Range Forest Officer and Mining Officer on the prescribed checklist.

Other members may issue separate NOC's as per the checklist.

C. Working- Cum -Environment Management Plan

Every applicant shall submit Working-cum-Environment Management Plan as per the mining plan format for very small 'B' category mines of Indian Bureau of Mines, G.O.I., for approval within a period of 3 months or such period as may be allowed by the State Geologist and not exceeding 6 months, from the date of issue of the grant order.

The Working-cum-Environment Management Plan shall incorporate:

- a) Contour plan of the area on appropriate scale (1:1000 to 1:5000);
- b) Showing every surface feature, natural water course, location of trees if any, and any other important point within the mining lease area;
- c) All intake points of water supply schemes;
- d) A geological plan of the lease hold area;
- e) Tentative reserves of the minor minerals available within the lease area;
- f) Plan of excavation/lifting/mining;
- g) Rotational plan of mineral excavation from river bed so that proper replenishment could happen;

h) Environment management plan;

- Step to be taken to control soil erosion, and air, water and noise pollution;
- Waste management;
- Afforestation programme ; etc.

The Working-cum-Environment Management Plan shall be duly approved by the authority, authorized for approval of mining plans under Section 22(4A) of Mineral Concession Rules, 1960

The security deposited under rule 16 of H.P. Minor Mineral (Concession) Revised Rules, 1971, shall stand forfeited if Working-cum-Environment Management Plan is not submitted within prescribed period unless he gets a written permission from the State Geologist for its late submission.

The lease deed shall only be executed only after submission of Working-cum-Environment Management Plan.

Where mining operations have been undertaken before the commencement of this policy, the holder of such mining lease shall submit a Working-cum-Environment Management Plan within a period of one year from the date of enforcement of this policy.

9.6.2 Auctions

On the basis of district survey document, the feasibility of working in a particular river/stream bed shall be made by the Geological Wing with respect to mineral, geology, phsiography, soil/bank erosion etc. Based on this, Survey Document the Mining Officer shall put up the proposal for auction of River/Stream/Khalla beds to the following Sub-Divisional Committee for its approval

1. Sub Divisional Magistrate	Chairman
2. Assistant Conservator of Forest/Range Officer	Member
3. Representative of Environment Protection and Pollution Control Board	Member
4. Executive Engineer PWD or his representative	Member
5. Executive Engineer IPH or his representative	Member
6. Mining Officer	Member Secretary

9.6.2.a The above Committee shall study the entire River/Stream beds considering all aspects of the policy.

9.6.2.b The Committee shall also look into the aspect as to whether the riverbed can be auctioned with respect to proper replenishment or it requires some more time for replenishment with respect to the area so it could be left vacant.

9.6.2.c After recommendations of the Committee, the area may be put to public auction for three years subject to conditions that every contractor in whose favour the bid is accepted by the competent authority as per H.P. Minor Minerals (Concession) Revised Rules 1971, shall work as per the general conditions of the policy as well as per the site specific conditions imposed in the feasibility report and by the Sub-Divisional Committee.

9.6.2.d The Sub- Divisional Committee shall review the working of each river bed annually.

9.6.2.e The security deposited by the contractor under rule 30(2)(iv) of H.P. Minor Mineral (Concession) Revised Rules, 1971, shall stand forfeited if workings are not done as per the conditions of auction.

9.7 Strategy 7

Short Term Permit in River/Stream beds shall be issued only in exceptional cases where: -

1. The area which has been auctioned and the sanction from competent authority has not been received, subject to the conditions:-
 - That the workings shall be done as per the recommendations/conditions of Sub-Divisional Committee imposed at the time of auction and other general conditions of policy guidelines.
2. The area which has been auctioned and the contract is cancelled due to non fulfillment of contract conditions or for not working as per conditions of Sub-Divisional Committee or not for working as per policy guidelines, subject to the conditions: -
 - that the workings shall be done as per the approved conditions of the earlier contract or subject to the conditions as imposed by the Sub-Divisional Committee at the time of auction and as per the general conditions of policy guidelines.
3. The area which has been recommended for auction by the Sub-Divisional Committee and the area is under process of auction, subject to the conditions:-
 - That the workings shall be done as per the recommendations of the Sub- Divisional Committee for the auction and general conditions of the policy guidelines.
 - The permit shall be cancelled immediately after holding auction and the permit shall be given to the highest bidder.
4. The area which has been leased out and the lease has been cancelled for non fulfillment of the conditions of lease deed, subject to the conditions:-
 - that the workings shall be done as per approved working plan of earlier lessee or subject to the conditions of the Sub-Divisional Committee, imposed at the time of joint inspection and other general conditions of the policy guidelines.
 - The area shall be proposed for auction after getting fresh recommendations of the Sub-Divisional Committee
 - The permit shall be cancelled immediately after holding auction and it shall be given to the highest bidder as per the conditions of case No 1 or in favour of the lease applicant from the date, the area is recommended by Sub-Divisional Committee for grant of mining lease as per conditions of case No.5

5. The area pending for grant of lease and has been recommended for grant of lease by Sub-Divisional Committee, subject to the conditions:-
 - That the workings shall be done as per recommendations of the Sub-Divisional Committee
6. In private land where mineral is available and person intends free sale of minerals in open market, subject to the conditions:-
 - that at the first instance the permit shall be issued after getting NOC's from members of the Sub-Divisional Committee for a period of 3 months and within that period permit holder shall have to apply for mining lease (the period of mining lease shall be decided on the basis of mineral available).
 - That working shall be done as per the conditions imposed in various NOC's and other general conditions of policy guidelines.
 - Short term permit for the extraction of sand and bajri shall be given for bonafide consumption for the construction of building as per existing rule 3 (ii) of H.P. Minor Mineral (Concession) Revised Rules 1971

9.8 Strategy 8

Involvement of PR's'

- 9.8.a. No concession shall be given without consultation of concerned Gram Sabha in the Scheduled areas.
- 9.8.b. Priority to concerned Panchyat shall be given if they apply for mineral concessions in the Scheduled areas.
- 9.8.c. The opinion of the concerned Gram Panchayat shall be sought on prescribed Performa for consideration, before granting mining lease in non-scheduled areas.

9.9 Strategy 9

9.9.1 Sub Divisional Level Flying Squad

9.9.1.a. Scope and functions of the Committee

To check illegal mining in the area

9.9.1.b. Composition of the Committee

As notified vide notification No Udyog (Chh) 7-3/90 dated 11/3/93 and as revised vide notification No. Udyog (Chh) 7-3/90 dated 20/11/93

- | | |
|---|----------|
| · Sub-Divisional Magistrate | Chairman |
| · Assistant Conservator of Forest | Member |
| · Deputy Superintendent of Police or his representative having local jurisdiction | Member |

The above committee is authorized to requisition the relevant record from the office of Mining Officer and the services of Mining Officer and his staff for the purpose of carrying out such inspections. Power shall also be delegated to other members of the Sub-Divisional Flying Squad under Section 21 of Mines and Minerals (Development and Regulation) Act 1957.

9.9.1.c. Periodicity of the Flying Squad

At least once in a month or as and when felt necessary by any one member of the Sub Divisional Level Committee.

The Mining Officer may nominate Mining Inspector if required by different Sub- Division Committee, on the same day

9.9.2. District Level Committee

9.9.2.a Scope and functions of the Committee

To review: -

- Action taken against illegal mining;
- Action plan to stop illegal mining;
- Review the workings of riverbed mining in the district; and;
- Any other point raised by any member regarding mining activity in the district.

9.9.2.b Composition of the Committee shall be

- | | | |
|----|---|------------------|
| 1. | Deputy Commissioner | Chairman |
| 2. | Superintendent of Police | Member |
| 3. | Divisional Forest Officer or
his representative | Member |
| 4. | .Representative of EP &PCB | Member |
| 5. | Mining Officer | Member Secretary |
| 6. | Any other Officer nominated Special Invitee by the Chairman | |

9.9.2.c Periodicity of meeting

Once in three months

9.9.3. State Level Committee

9.9.2.a. Scope and functions of the Committee would be:-

- To review action taken against illegal mining in the state;
- To review the suggestions of the District Level Committees;
- To review the working of riverbed mining in the State;
- To develop an action plan for future river bed mining in the State;
- Any other point raised by any member regarding mining activity in the State;

9.9.3.b Composition of the Committee (as notified on 16/1/04 vide notification no. Ind.II(E)2-1/2001)

1. A.C.S. - cum- Secretary (Industries) to the Government of Himachal Pradesh	Chairman
2. Pr. Secretary (S & T-Environment) to the Government of Himachal Pradesh	Member
3. Pr. Secretary (Forest) to the Government of Himachal Pradesh	Member
4. Pr. Secretary (P.W.D) to the Government of Himachal Pradesh	Member
5. Pr. Secretary (I.P.H.) to the Government of Himachal Pradesh	Member
6. Member Secretary, Environment Protection & Pollution Control Board Himachal Pradesh	Member
7. State Geologist, Himachal Pradesh	Member Secretary

9.9.3.c Periodicity of meeting

Once in 6 month

4.3.4.9 Policy Guidelines for Stone Crusher.

POLICY GUIDELINES FOR CONTROL OF LOCATION, INSTALLATION OR WORKING OF STONE CRUSHERS AND THEIR REGISTRATION IN THE STATE OF HIMACHAL PRADESH.

Taking into consideration the overriding principle of protection of ecology and environment, to ensure that not a single stone crushing unit in the State causes any Pollution of any type and in consonance with the “ River/Stream Bed Mining Policy Guidelines for the State of Himachal Pradesh-2004” as notified on 28-2-2004, the State Government hereby makes following Policy Guidelines for control of location, installation, workings of stone crushers and their registration thereof.

1. Mining Lease mandatory for running a stone crusher.

- 1.1 In order to ensure legal and regular supply of minor minerals, every owner of stone crusher, shall have a valid mining lease for this purpose.
- 1.2 In respect of River/Stream Bed Mining leases over larger area of ten hectare or above shall be given priority for setting up of stone crushers.
 - For Hill Slope mining, lease area shall depend upon the size of crusher, availability of mineral and annual requirement of mineral in relation to scientific mining. In any case, the area shall not be less than 15 Bighas.
 - If the area is less than 15 Bighas and in no case less than 5 Bighas, the period of lease shall be determined, based on reserves calculated and annual requirement as per the proposals given in the Working-cum-Environmental Management Plan, which every lease holder shall have to prepare.

2. Provisional Registration of stone crusher.

- 2.1 No person shall install or run any stone crusher in any area within the State of Himachal Pradesh unless he obtains a Provisional Registration from the Geological Wing, Department of Industries. For this an application in Form”A” shall be submitted and it shall be accompanied by:-
 - a) A fee of Rs. 2500/- (Two thousand and five hundred)only.
 - b) Revenue record and site plan of the land on which the stone crusher is proposed to be installed, showing the location of the stone crusher with reference to various siting parameters as notified by Govt. on dated 29-4-03. or amended from time to time.
- (a) stone crusher should have a minimum working area ranging from 2-5 Bighas, depending upon the size of the stone crusher for raising machinery/ plant and stacking of raw material/finished product in private land or in Govt. land after completing codel formalities and obtaining land lease from the competent authority.
- (c) In case of private land, consent of land owner where the stone crusher is to be installed.

- (d) An application for mining lease from where the minor mineral shall be used as raw material for feeding/running the stone crusher. This area should be within 5 Kms. radius of the stone crusher.

2.2 Based on these documents 'Provisional Registration' shall be issued by the Geological Wing, Department of Industries which shall form base for obtaining pre-production clearance from other Government Departments.

2.3 After provisional registration and Joint Inspection, the consent to Establish from the Himachal Pradesh State Environment Protection & Pollution Control Board (HPEP & PCB) should be obtained. The unit shall submit the Working-cum-Environment Management Plan before the issuance of Consent to Operate (COP) by the State Board.

2.4 Himachal Pradesh State Electricity Board shall give electric connection to the crusher owner only after obtaining Provisional Registration from the Geological Wing.

2.5 Already established stone crusher shall registered themselves within a period of 3 months from the date of issuance of these Policy Guidelines and for this registration they have to produce consent issued by Himachal Pradesh Environment Protection & Pollution Control Board.

3. **Joint Inspection of the areas applied for mining lease and for setting up of stone crusher.**

3.1 a) **Joint Inspection of crusher site.**

The site for setting up the stone crusher shall be appraised and approved by a Joint Inspection Committee, consisting of the following members(as per Notification of Deptt. of Science & Technology dated 29-4-03)

1- Sub-Divisional Officer(Civil) concerned	Chairman.
2.- Divisional Forest Officer or his representative	Member
3- Representative of the State Environment Protection and Pollution Control Board.	Member.
4. Executive Engineer, PWD or his representative	Member
5. Executive Engineer, I&PH or his representative	Member
6. Representative of the Deptt. of Tourism	Member
7. Representative of HPSEB –Local SDO(E)	Member
8. Geologist or Mining Officer	Member Secretary

(b) Joint inspection shall be conducted at least by four members viz. Chairman, representative of H.P. State Environment Protection & Pollution Control Board, D.F.O. or his representative and Geologist/ Mining Officer on a prescribed checklist. Other members may issue separate NOC's as per the check list.

3.2 **Joint Inspection of the area applied for mining lease.**

a) The area applied for lease shall be inspected by a Committee consisting of the following members (as per River/Stream Bed Mining Policy Guidelines for the State of H.P. 2004: notified on 28-2-04).

1- Sub-Divisional Officer (Civil) concerned	Chairman.
2.- Assistant Conservator of Forest/Range Officer	Member
3- Representative of the State Environment Protection and Pollution Control Board.	Member

- | | |
|---|------------------|
| 4. Executive Engineer, PWD or his representative | Member |
| 5. Executive Engineer, I&PH or his representative | Member |
| 6. Representative of the Deptt. of Tourism | Member |
| 7. Mining Officer | Member Secretary |
- (b) Joint Inspection shall be conducted by atleast three members viz. Chairman, Assistant Conservator Forest/Range Officer and Mining Officer on the prescribed check list. Other members may issue separate NOC's as per the check list.

3.3 The grant of Mining lease and approval of stone crusher site by the Committee shall be the basis for issuance of permanent registration.

4. Permanent Registration.

- (a) Based on the approval of sites for setting up of the stone crusher grant of mining lease and after obtaining consent to operate from the Pollution Control Board. permanent registration shall be issued to the owner of the stone crusher by the Geological Wing, Department of Industries, which shall be valid for a period of two years (Form-B).
- (b) The Geological Wing, Department of Industries may renew the Registration for a further period or periods of two years subject to proper functioning of the stone crusher as per the provision of various Acts and Rules and clearance of all dues including clearance from Pollution Control Board.
- (c) In case the Geological Wing, Department of Industries is of the opinion that it is not expedient to grant a permanent registration taking into consideration the various factors as per the recommendations of the Joint Inspection Committee, Geological Wing, Department of Industries may after giving an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to grant the permanent registration.
- (d) In case of renewal of the registration, the owner of the Stone Crusher shall apply for the renewal at least six month's before the expiry of the registration in 'Form-A'.
- (e) In case, the application for renewal submitted is not disposed off before the expiry of the period of registration, it shall be deemed to have been extended by a further period till the Geological Wing, Department of Industries passes order thereon.

5. Other conditions for running of stone crushers.

- (a) The owner of the stone crusher shall observe the provisions of;
- i) The Air (Prevention and Control of Pollution) Act, 1981 and rules framed thereunder.
 - ii) The Water (Prevention and Control of Pollution) Act 1974 and rules framed thereunder.
 - iii) The Environment(Protection) 1986 and rules framed thereunder.
 - v) The Noise Pollution (Regulation and Control) rules 2000.
- b) No consent for expansion to a crusher shall be given by Pollution Control Board or electric connection by H.P. SEB, without prior approval of Geological Wing, Department of Industries.

- c) Every stone crusher owner shall ensure that the emission standards as per the statute and as notified by the Govt. on 29-4-03 are adhered to.
- d) Every stone crusher owner shall adopt pollution control measures as per Govt. notification dated 29-4-03 or as amended from time to time.
- e) The Geological Wing, Department of Industries may impose any such further conditions as it may deem fit for the protection of Environment and Ecology.
- f) The crusher owner shall submit a return by 10th of every month, giving details of total quantity of minerals crushed, electricity consumed, power generated in case of captive power generated run crusher, fuel consumption in case of diesel run crusher, number of labour employed and wages paid etc. .
- g) The crusher owner shall allow the inspecting staff, access to the crusher and make available all records relating to operation of the crusher and verification of source of legal supply of minor minerals and stocks.

6. Conditions for mining leases:

- a) As per strategy No. 9.6 of River/Stream Bed Mining Policy Guidelines and Rule 21 (4)(i) of H.P. Minor Mineral (Concession) Revised Rules, 1971 (as amended on 10-6-04) every applicant shall submit Working-cum-Environment Management Plan for carrying out systematic and scientific mining.
- b) Mining in river/stream beds shall be subject to general conditions as per Strategy No.9.5 of the River/Stream Bed Mining Policy Guidelines in addition to any other site specific conditions as specified by the Joint Inspection Committee, as detailed below:-

c) Mining in Hill slopes shall be subject to following general conditions:-

I. Environmental Considerations:

- i) No mining shall be allowed within 100 metres of thickly forested area.
- ii) No mining shall be allowed in areas, which may cause aesthetic/visual degradation near any known tourist spot.
- iii) No mining shall be allowed where it is likely to disrupt water regime, IPH schemes roads, bridges etc.
- iv) No mining shall be allowed where danger to site of culture, religions, historical, archeological or scenic importance is likely.
- v) No mining shall be allowed near habitation, where it is likely to cause noise and vibration problems, due to blasting or operation of machinery.
- vi) No mining shall be allowed where proper disposal of mine waste cannot be arranged.
- vii) Conditions shall be imposed that the lease holder will take adequate steps to control and check soil erosion, debris flow etc. by raising various engineering structure.

II. Geological and Geomorphological considerations:

- i) No mining shall be allowed where the slope angles are more than 45° from horizontal and in case of mid slope mining, the foot wall should be of hard strata.
- ii) No mining lease shall be granted where the ore to overburden ratio is not economical i.e. 1:0.2 that is the waste generation should not be more than 20%.
- iii) Proper appraisal of the deposit for its qualitative and quantitative assessment shall be made in the form of Geological and topographical plans.

III. Technical Consideration:

- i) The area should not be highly jointed, fractured or consisting of weak planes.
- ii) Relation of slope angle to angle of repose should be within mining parameters where 6x6 metre benches by keeping overall angle of repose as 45° can be made.
- iii) No mining shall be allowed where subsidence of rocks is likely due to steep angle of slope.
- iv) No overhangs shall be allowed to be formed during the course of mining.
- v) The gradient of approach roads shall be gentle with hill-ward slope, side drains and parapet walls. Adequate number of waiting and crossing points shall be provided for safe plying of vehicles.
- vi) No blasting shall be resorted to without taking proper licence under Explosive Act.

d). General Conditions:

- i) Mining site shall only be handed over to the lease holder, after it is duly demarcated by permanent boundary pillars and certified by concerned Mining Officer.
- ii) Junction at take off point of approach road with main road shall be developed with proper width and geometrics required for safe movement of traffic by crusher owner at his own cost in consultation with Executive Engineer, H.P. PWD.
- iii) No lease holder shall store/stack any material in the acquired width of PWD road without the specific permission of the competent authority.
- iv) In addition to above the mining operation shall be subject to provisions of various Acts and Rules in force.
- v) Dumping of waste shall be done in earmarked places as per the Working Plans.

4.4.1 Sericulture Wing

THE HIMACHAL PRADESH SILKWORM SEED CONTROL ACT, 1968

An

ACT

to regulate the rearing of silkworm and to prohibit the use of unexamined silkworm seeds in Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

(Short title extent and commencement),

1. (1) This Act may be called the Himachal Pradesh Silkworm Seed Control Act, 1968.

(2) It extends to the whole of Himachal Pradesh.

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

(Definition)

2. In this Act, unless there is anything repugnant in the subject or context:-

(a) 'Government' means the Government of Himachal Pradesh;

(b) 'Official Gazette' means the Rajpatra, Himachal Pradesh;

(c) 'prescribed' means prescribed by rules made under this Act;

(d) 'rearing' includes all operations from the incubation of silkworm eggs and brushing of silkworm to the harvesting of cocoons;

(e) 'silkworm' includes mulberry silkworm, tussar silkworms, muga silkworm and eri silkworm'; and

(f) 'silkworm seed' means silkworm cocoons, moths, eggs, or young silkworm of whatever description, intended to be used for the purposes of reproduction or rearing.

(Regulation of manufacture, etc. of silkworm seed)

3. No person shall manufacture, store, transport, sell or otherwise distribute silkworm seed except under and in accordance with the terms of a license issued under this Act.

(Regulation of rearing.)

4. No person shall rear silkworm except from silkworm seed obtained from a person who holds a license under this Act.

(Application for license)

5. Every application for the grant of a license under section 3 shall be made in such form and to such authority as may be prescribed.

(Power of inspection)

6. The authority prescribed under section 5 or any officer authorized by it in writing in this behalf may, at any reasonable time for the purpose of ensuring due compliance with the provisions of this Act, enter and inspect the particular place where silkworms are reared.

(Penalties)

7. Whoever contravenes any of the provisions contained in section 3 or section 4 or any rule made under this Act, or obstructs any authority in the discharge of any imposed on it by this Act shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(Power to make rules)

8. (1) The Government may, by notification in the Official Gazettee, make rule for carrying out the purposes of this Act.
(2) In particular and without prejudice to the generality of the foregoing power, such rule may provide for-
 - (a) the constitution of authorities for granting license;
 - (b) the form and manner in which application for license may be made and the payment of fee therefore, if any; and
 - (c) the term and conditions which may be included in any license.
- (3) Every rule under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in two or more successive sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modification form or be no effect, as the 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.

(Repeal and saving 17 of 1953)

9. The Punjab Silkworm Seed Control Act, 1953, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organization Act, 1966, is hereby repealed:

(31 of 1966)

Provided that anything done or any action taken or any proceedings commenced or contained under the said Act shall be deemed to have been done, taken, commenced or contained under the corresponding provisions of this Act.

Himachal Pradesh
Industries Department

No. Udyog-VI(Chh)17-81-Resham,

Dated Shimla-171001

23.01.1982

NOTIFICATION

The Governor, H.P. is please to frame the Rules for payment of Grant-in-Aid to the Scheduled Castes engaged in Sericulture Industry as per Annexure enclosed.

R.K. Anand
Commissioner-cum-Secretary (Ind.) to the
Government of Himachal Pradesh.

No. Udyog-VI(Chh)17-81-Resham to:- Dated 23.01.1982

Copy for information is forwarded is forwarded to:

1. The Directorate of Industries, H.P. Shimla-2 with 20 spare copies.
2. The Finance (Regulation) Department, H.P Sectt. Shimla-3 with 3 pare copies.
3. The Accountant General, H.P. Chandigarh, Shimla-3 with 3 spare copies.
4. The Deputy Controller, H.P. Government Press, Shimla-3 for publication in the Rajpatra.

Deputy Secretary (Industries) to the
Government of H.P.

4.4.2 **Rules for Payment of Grant-in -Aid for the Members of Schedule Castes for Development of Sericulture and Tassar Industry in the State of Himachal Pradesh.**

- I. (i) Short title and commencement: These Rules may be called the Rules regulating the payment of Grant-in-aid to the members of Scheduled Castes for development of Sericulture and Tassar Industry in the State of Himachal Pradesh.
- (ii) These Rules shall come into force at once.

DEFINITION:

Grant-in-aid means a grant by the Government of Himachal Pradesh through the agency of Sericulture Officer/SSPO to meet expenditure on account of promotion and development of Sericulture/tassar Industry.

Rearer: means a person rearing mulberry or non-mulberry's worm.

Purpose for which grant-in-aid may be given:

- (i) To meet expenditure to advance the economic and social well being of members of schedule castes.
- (ii) To meet expenditure on account of construction of rearing sheds.
- (iii) To meet expenditure on purchase and maintenance of tools.
- (iv) To meet expenditure on any other account which may be necessary for the furtherance of aims and objectives of Sericulture and Tassar Industry.

Condition for the payment of Grant-in-aid:

- (i) Only bonafide residents of H.P. and persons belonging to Scheduled Castes shall be eligible for grant certificate to this effect will have to be supplied by grantee from the competent authority.
- (ii) The grantee shall spend the amount of grant-in-aid to the construction of rearing hut of the size 15'X12' with verandah.
- (iii) The grantee will be required to produce papers pertaining to his ownership/title of land in his favour and also the rough sketch of the proposed rearing hut.
- (iv) The grant will be given to such rearers who have either adequate mulberry leave or are prepared to plant 50 mulberry plants and have proper place to plant them. This condition will not be applicable to non mulberry silkworm rearers.
- (v) That the rearing hut shall be constructed within a period of 9 months. Further extension of any required under inevitable circumstances shall be granted by the concerned S.O. at his discretion for a period not exceeding 3 months.

- (vi) That the grantee or in event of his death his family shall rear mulberry or non-mulberry silkworm as the case may be for a period of years to which effect the grantee will execute an **indehnicy** bond infavour of the Department.
- (vii) That in the case the grantee of his family as the case may be, fails to comply with any of the conditions the entire amount shall be revocable in lump-sum as an arrears of revenue and that an interest at the rates fixed by the Department on Industrial loans from time to time shall be recovered with the amount of grant.
- (viii) The amount of grant-in-aid shall be drawn and deposited in the bank in respective of account guarantee to be operated through the concerned sericulture offices.
- (ix) The amount of grant-in-aid shall be released in 3 installments viz. 1,000/-, 8,00 and 700 after the completion of plinth level, roof level and completion of hut respectively.
- (x) The inspection of the completion pf a particular portion of accommodation (Rearing hut) shall be made by the Area Incharge and the amount shall be released on the receipt of a certificate from him.
- (xi) Before release of final installment, inspection shall be carried out by concerned officer.
- (xii) For the purchase of tools in rearing **equipneness** an additional amount of Rs. 5,00 may be granted to the grauntee as per condition laid down against item No. I, IV and VII above.
- (xiii) The concerned Sericulture Officer shall maintain register of tools and rearing equipments issued to the rearers.
- (xiv) The Concerned Sericulture Officer shall maintain a proper record of grauntee who are given such grant-in-aid and such record will be available for inspection and open scrutiny by the Audit Office.
- (xv) The concerned Sericulture officer shall furnish to the Directorate of Industries a certificate to the effect that the Grant-in-aid have been utilized within a period of one year w.e.f. the date of payment.
- (xvi) The concerned Sericulture Officer shall refund into Government Treasury an amount drawn as grant -in-aid which remains unutilized by the grantee.

No. 11-14/93-Ind-II/P-II-2825
Government of Himachal Pradesh
Department of Industries

To Dated: Palampur 01.11.2004
All the Divisional Sericulture Officers
Himachal Pradesh.

Subject: Common schedule of work and labour rates for Sericulture.

Sir,

I am directed to say that on the recommendation of committee constituted vide Director of Industries H.P. letter No. 11-14/93-B-II(P-II) dated 27.09.2000, the common schedule of work and labour rates for performing various departmental works under Sericulture have been approved.

A copy of "Common schedule of work and labour rates" applicable in the Sericulture division/Sericulture centers is sent herewith for your information and further implementation.

Yours faithfully,

Sd/-
Deputy Director of Industries (Sericulture)
Himachal Pradesh.

4.4.3 COMMON SCHEDULE OF WORK AND LABOUR RATES FOR SERICULTURE.

In accordance with the basis labour rates fixed by H.P. Government, the common schedule of work and labour rates for Sericulture has been worked out:

2. The work rates fixed are inclusive of the following:-
 - i) One day paid holidays after six working days to the daily wagers.
 - ii) The rates provide carriage of material etc. up to 100 meters.
3. This schedule is expected to bridge the gap between the estimated cost and actual cost of work. The future escalation or de-escalation will be taken care by corresponding increase or decrease in labour rate as fixed by the government.
4. In preparing this labour schedule reliance has been placed on schedule of other related departments having similar nature of work and on time and motion study of the related work.

The common schedule of labour / works rates has been made comprehensive and broad based in consultation of the Sericulture Officers/ Sericulture Supervisory officials etc. The Schedule is expected to implement uniform norms in the functioning of various sericulture from time to time by incorporating modifications considered necessary. The comments and suggestion if any, with full background and justification and also with regard to the local conditions with a view to make the document more useful will be appreciated.

Dated: July, 2004.

DAILY BASIC LABOUR RATES

(vide finance department HP Govt. notification No. Fin(PR)B(7)-5/98-II dated 18.08.2003)

S.No.	Category of Daily labour	Unit	Rate (in Rs.)
1.	Unskilled Labour Adult male or female	Per day	65.00
	Miscellaneous Labour		
2.	Chowkidar, Mali, Beldar	Per day	65.00

The rates are maximum if otherwise revised by the Government of Himachal Pradesh. There will be 25% enhancement in labour rates for scheduled Tribal Area of the state.

Sr. No.	Particulars of work	Units	Rate (in Rs.)
1. MUBERRY PLANTATION & FARM MAINTENANCE			
1.	Laying out of patches or pits		
a)	Bush Mulberry plantation (spacing less than 5 feet	1.0 Acre	752.75
b)	Mulberry tree plantation (spacing more than 5 feet)	1.0 Acre	157.45
2.	Digging of pits in soft soil		

a)	45cm x 45cm x 45 cm	100 Nos	329.60
b)	60cm x 60cm x 60cm	100 Nos	440.35
c)	90 cm x 90 cm x 90 cm	100 Nos	1066.40
3.	Digging of pits in hard and compact soil or soil with gravel.		
a)	45 cm x 45 cm x 45 cm	100 Nos	381.30
b)	60cm x 60cm x 60cm	100 Nos	506.80
c)	90 cm x 90 cm x 90 cm	100 Nos	1227.50
4.	Filling of pits including cost of application of FYM, pesticides etc. in the pits.		
a)	45 cm x 45 cm x 45 cm	100 Nos	125.45
b)	60cm x 60cm x 60cm	100 Nos	148.20
c)	90 cm x 90 cm x 90 cm	100 Nos	222.40
5.	Mulberry Plantation-Planting of tall and naked roots plants in pits i/c ramming.	100 Nos	209.10
6.	Re-digging of pits in the failed plantation pits		
a)	45 cm x 45 cm x 45 cm	100 Nos	164.80
b)	60cm x 60cm x 60cm	100 Nos	220.20
c)	90 cm x 90 cm x 90 cm	100 Nos	533.80
7.	Preparation of furrows for live hedge fencing 9" deep and 1" wide	Rmts	4.20
8.	Planting of live hedge plant species in furrows and application of FYM	Rmts	4.90
9.	Weeding and hoeing/digging in two feet area around of plant's circle with 9" deep digging	100 Nos	258.30
10.	Pruning of Mulberry plants (Bush type)	100 Nos	137.75
11.	Hard pruning and trimming of mulberry trees.		
a)	Small size (girth less than one foot)	100 Nos	178.35
b)	Medium Size (girth 1-2 feet)	100 Nos	250.90
c)	Large size (girth more than 2 feet)	100 Nos	784.75
12.	Collection of pruned twigs and stoking at a place.	100kg	14.75
13.	Weeding and hoeing/digging 9" deep (inter-cultivation) in bush type mulberry garden having soft soil & leveling of dug soil.	1 Sq.m.	1.40
14.	Weeding and hoeing/digging 9" deep (inter-cultivation) in bush type mulberry garden having hard & compact soil and leveling of dug soil.	1 Sq.m.	1.80
15.	Weeding and digging 9" deep in mulberry tree farms in soft soil.	1Sq.m.	1.15.
16.	Weeding and digging 9" deep in mulberry tree farms having hard and compact soil or soil with grovels.	1Sq.m.	1.40
17.	Application and spreading of FYM including carriage and mixing in soil		
a)	Bush plantation.	1Sq.m.	0.20

b)	Tree plantation.	100 Nos	98.40
18.	Flood irrigation in plantation area to a dept of 5.0cm		
a)	Power pum well	1.0 Acre	132.85
b)	Kuhl irrigation	1.0 Acre	115.60
19.	Cleaning minor repair of irrigation kuhl / channels	Rmts	2.10
20.	Carriage of naked root tall (5'-7')		
a)	Level work	100 Nos/KM	6.15
b)	Uphill side	100 Nos/KM	9.25
c)	Down hill side	100 Nos/KM	7.40
21.	Hedge cutting (compete pruning) from all three sides	Rmts	8.25
22.	Maintenance & cleaning of farm kutchra road	Sq.m.	1.10
23.	Application of lime+ pesticide etc. on the trunk of the mulberry tree up to 3-1/2 feet height i/c of cleaning of surface of the bark.		
a)	Small size (girth less than one foot)	100 Nos	131.60
b)	Medium Size (girth 1-2 feet)	100 Nos	188.20
c)	Large size (girth more than 2 feet)	100 Nos	329.65
II.	Nursery Works		
24.	Digging 10 inches deep and leveling of Soil of nursery plots	Sq.m.	1.70
25.	Application/mixing of farmyard manure i/c mining of insecticides/pesticides if any	Sq.m.	0.35
26.	Preparation of water channels 15cm deep and one foot wide inside.	Rmt	3.20
27.	Loosing of soil and preparation of nursery beds.	Sq.m	1.40
28.	Preparation of cutting size 9 inches (22.5cms) with	100 Nos	4.00
29.	Planting of cutting in bed i/c of treatment of root hormones.	100 Nos	4.75
30.	Nursery irrigation to the depth of 5.0 cm		
a)	Power pump-well	Sq.m	0.06
b)	Irrigation kuhl	Sq.m	0.10
c)	Lift irrigation	Sq.m	0.11
31.	Weeding & hoeing two inches deep on the nursery beds and removal of weeds.	Sq.m	1.05
32.	Chemical fertilizer application in the nursery beds	Sq.m	0.10
33.	Uprooting extraction of entire mulberry plants	100 Nos	13.85
34.	Counting and ordinary packing or bundling of naked root plants	100 Nos	1.55
III	Silk Worm Reading		
35.	Cleaning, washing and disinfecting rearing space (floor area)	Sq.m	1.85
36.	White washing with lime for disinfecting un-decorative wall surface (one cost) after thoroughly brooming the	Sq.m	2.15

	surface to remove all dirt dust and other foreign matter in the rearing house.		
37.	Washing, disinfecting, drying and transporting and arranging rearing equipment		
a)	Reading trays	100 Nos	201.70
b)	Rearing strands	100 Nos	627.30
c)	Rearing nets	100 Nos	22.15
d)	Silk worm carries	100 Nos	130.40
e)	Leaf chambers	100 Nos	649.45
f)	Plastic Mountages	100 Nos	319.80
38.	Room incubation (single room) and silkworm rearing related miscellaneous preparatory work	per day	219.55
39.	Plucking of suitable mulberry leaves for chowki rearing (quantity of mulberry leaves required to pluck will depend upon quantity of silk seed and its brushing percentage etc.)		
a)	For first stage silkworm	Kg	7.25
b)	For second stage silkworm	Kg	4.90
c)	For third stage silkworm	Kg	3.55
40.	Feeding of mulberry leaves to young age silkworms (chowki-worms) i/c of brushing, bed-cleaning, bed-disinfection etc. and maintenance of appropriate indoor i.e. complete chowki rearing room condition and cleanness indoor, i.e. complete chowki rearing rearing work.		
d)	First stage silkworm	Per Ounce (silk seed)	21.95
e)	Second stage silkworm	Per Ounce (silk seed)	29.25
41	Carriage of chowki mulberry leaves		
a)	Level work	Kg/Km	0.30
b)	Uphill side	Kg/Km	0.50
c)	Down hill side	Kg/Km	0.35
42.	Handling of chowki reared Third stage silkworm i/c of feeding, bed-cleaning etc. and their distribution	Per ounce	18.20
IV	Mulberry Silk Seed Production (Grainage)		
43.	Plucking of mulberry leaves for silkworm rearing for maintenance of pure silkworm races.		
a)	For first stage silkworm	Kg	7.25
b)	For second stage silkworm	Kg	4.90
c)	For third stage silkworm	Kg	3.60

d)	For fourth & fifth stage silkworm	Kg	2.75
44.	Complete Cellular silkworm rearing (indoor) for maintenance of pure silkworm races i/c of brushing, feeding in all five stages of silkworms, bed cleaning, sorting, bed-disinfecting etc. and maintenance of appropriate environmental rearing room condition i.e. complete rearing work.	100 DFL's	5489.00
45.	Mulberry bivoltine silk cocoons harvest from mountages.	100 cocoons	14.65
46.	Mulberry bivoltine seed cocoon deflossing and sorting and preserving in trays.	Kg	5.05
47.	Mulberry bivoltine cocoon shell cutting with the help of cutter and taking out pupa from inside and keeping in trays.	Kg	15.50
48.	Sex separation of purae and their reservation in trays	1000	14.65
49.	Moth emergence, pairing and de-pairing and oviposition.		
a)	Single moth oviposition (in cellules)	1000	93.00
b)	Mass oviposition	1000 Female Moths	46.75
50.	Application of starch solution on egg laying sheets (20 DFLs sheet)	1000 sheets	4.80
51.	Moth Examination		
a)	Individual moth Examination	1000 moths	218.95
b)	Mass moth examination (manual	1000 moths	89.30
c)	Mass moth examination with help of electric grinder and centrifuge machine.	1000 moths	52.65
52.	Segregation of diseased egg-laying	1000 egg laying	73.20
53.	Detaching eggs, washing, disinfecting and drying etc.	1000 egg laying	32.95
54.	Acid Treatment of egg-lying, washing and drying		
a)	Egg-laying on cards	Ounce	23.05
b)	Loose egg-laying	Ounce	13.55
55.	Packing and releasing of loose silkworm eggs	Ounce	0.75
V	Miscellaneous works		
56.	Barbed wire fencing		
a)	Carriage of angle iron or PCC/RCC fence poles 6- 7 feet long.	100 Nos	263.20
b)	Digging of pits size 20-30 diameter & 45 cm deep	100 Nos	329.65
c)	Fixing of angle iron of PCC/RCC posts with cement concrete in pits size 20-30 cm X 45 cm	100 Nos	863.45
d)	Carriage of barbed wire bundles to site	Quintal/Km	57.05
e)	Stretching & fixing of barbed wire in each strands with U-stepple	Rmt	1.95

57.	Repair of barbed wire fencing	Rmt	0.75
58.	Dismantling and binding of old barbed wire.	Rmt	1.35
59.	Live hedge fencing of agave, ipomea, Dusanta, Dondonts, Viscosa, Rosa etc.	Rmt.	5.55

Conversion Tables

1 inch = 2.54 cm
 1 Foot = 0.3048 meters
 1 Meter = 3.281 feet = 39.37 inches
 1 Acre = 4046.86 Sq.m = 5 Bighas
 1 Hectare = 2.47 Acre
 1 Sq. meter = 10.76 Sq.ft.
 1 Hectare = 1000 Sq. meters = 2.471 Acre = 25 Kanals = 12.5 Bighas.
 1 Kanal = 384 Sq. Meters.

CHAPTER-V **Service Delivery**

5.1 Citizen Charter

To create transparent, trust worthy and responsive system of governance, Department of Industries has a notified Citizen Charter which give definite directions to the action being undertaken by the employees of Industries Department in providing services to the citizen. Citizen Charter gives details of rights of citizen vis-à-vis Industries Department. These rights have been further strengthened by notification of services under Service Guarantee Act of 2011 which has been dealt with separately in this chapter.

Citizen Charter

Notification No.

Dated:

The Department of Industries is interfacing with public in the following major activities:-

1. Setting up of Industries Units.
 - a) Small Sacle, Medium & Large Scale.
 - b) Prime Minister's Rozgar Yojna.
2. Entering into a rate contract for the items to be purchased by the Government Departments, Autonomous Bodies & Corporations etc. with Industrial Units/firms.
3. Registration under Indian Partnership Act, 1932.
4. Granting of Mining Lease.

1. Setting up of Industries Units.

- Step-1: Discuss the project proposal with the officials/officers of the Department of Industries before selection of suitable project.
- Step-2: Select the suitable site for location the project/unit.
- Step-3: Prepare the profile of the project in consultation with the officials/officers of the Department of Industries or take help of private consultants or consultancy organization like HIMCON, HPC.
- Step-4: In case of Tiny/Small Scale Unit, apply for the provisional registration of the project/unit on the prescribed form alongwith project profile to concerned E.O(Inds.)/Manager/Genera Manager and obtain the provisional registration of the unit.

In case of Medium/Large Scale Project/Unit file an application with the Director of Industries on prescribed proforma and obtain provisional registration and subsequently approval of State Level Single Window Clearance & Monitoring Authority (SLSWC & MA). Simultaneously file an IEM for delicensed Industry or IL application for licensed industry to the Secretariat for Industrial Approvals, Ministry of Industry, Govt. of India.

- Step-5: After obtaining registration and SLSWC & MA approval of the project/unit, apply to the concerned General Manager, District Industries Centre for the allotment of Industrial plot or shed in an industrial area. For the purchase of private land for industrial project obtain an Essentiality Certificate from the Director of Industries and then apply to Dy. Commissioner of the area for obtaining of Govt. permission for the purchase of land.
- Step-6: Obtain other clearance e.g. No. objection from State Pollution Control Board and Power availability certificate from H.P. State Electricity Board for the proposed project.
- Step-7: File Term Loan application to the State Level Financial Institution (HPFC, HPSIDC) or banks or all India Financial Institutes (IDBI, IFCI, ICICI) depending upon the requirement of finance and financial limits or respective financial institute.
- Step-8: After the loan is sanctioned start construction of factory building on the allotted plot or purchased land and simultaneously make arrangements of plant and machineries.
- Step-9: On the completion of the installation of plant and machineries obtain consent to operate from Pollution Control Board and get the power load sanctioned/leased for Electricity Board and factory license from Chief Inspector of Factories before starting the production activities.
- Step-10: Start trial production and then commercial production and apply for the permanent registration of the unit to concerned General Manager, District Industries Center in case to tiny/SSI unit and obtain commencement of commercial production certificate for medium/large scale unit.
- Step-11: Obtain sales tax number/registration from Excise and Taxation Department before stating sale/Marketing of the products. Also obtain certificate (Form-II) from General manager, DIC for availing various State and Central Govt. incentives.

PRIME MINISTER'S ROZGAR YOJANA

Prime Minister's Rozgar Yojana has been launched in the State from 2nd October, 1993. The objectives of the scheme is to motivate unemployed youths for setting up of self employment ventures under business, service and industrial sector. Under the scheme the unemployed youths are provided loan facilities through nationalized banks. For the implementation of the scheme a Task Force has been constituted at District Level consisting of the following members:-

- | | | |
|----|-----------------------------------|------------------|
| 1. | Dy. Commissioner | Chairman |
| 2. | District Employment Officer | Member |
| 3. | Lead Distt. Manager | Manager |
| 4. | Two Leading Banks representatives | Manager |
| 5. | General Manager, DIC | Member Secretary |

The unemployed youths willing to avail assistance under the scheme can obtain prescribed application form from the Extension Officer (Industries) posted at Block Level in the office of the Block Development Officer and office of the General Manager, District Industries Centre of the concerned district free of cost. Any unemployed youth fulfilling the following conditions are eligible to apply for availing under the scheme:-

1.	Age	18 to 40 years for all educated unemployed North Eastern States. 18 to 45 years for Scheduled Cast/Scheduled Tribes, Ex-servicemen, Physically Handicapped and women educated unemployed in the country.
2.	Educational Qualification	8th pass. Preference will be given to those who have been trained for any trade in Govt. recognized/ approved institution for the duration of at least 6 months.
3.	Residency	The applicant should be the resident of the area for the last three years.
4.	Family Income	Neither the income of the beneficiary alongwith the spouse nor the income of the parents of the beneficiary shall exceed Rs. 24,000/-p.a.
5.	Defaulter	Should not be a defaulter to any nationalized bank/ Co-operative Bank and any other financial Institution. Further a person already assisted under any other subsidy linked Government scheme will not be eligible under the scheme.
6.	Activity covered	All economically viable activities including agriculture and allied activities but excluding direct agriculture operations like raising corps and purchase of manure etc.
7.	Project Cost	Rs.1.00 lakh for business sector. Rs. 2.00 lakh for service/Industrial ventures. If two or more eligible persons join together in a partnership, join upto 10.00 lakhs are covered. Assistance shall be limited to individual admissibility.
8.	Subsidy/Margin	Subsidy will be limited to 15% of the project cost Money subject to a ceiling of Rs.15,000/- per entrepreneur. Banks will be allowed to make margin money from the entrepreneur varying from 5% to 16.25% of the project cost.
9.	Collateral	No Collateral Guarantee is required for the project Guaranty

		upto Rs.1.00 lakhs.
10	Rate of interest and repayment schedule	Normal Bank rate of interest shall be charged. Repayment may range between 3 to 7 years schedule after initial moratorium as may be prescribed

2. Entering into contacts for the items to be purchased by the Govt. Departments, Autonomous Bodies and Corporations with Industrial units/ firms.

The Store Purchase Organization invites tenders for entering into Rate Contracts for the supply of the Stores Articles required for use in Govt. Departments, Boards and Corporations etc of the H.P. Government. The tenders are invited by publishing Notices Inviting Tenders in the leading newspapers. The desirous tenderers are required to furnish tenders which costs Rs.250/- and is available in the office of the Controller of Stores as well as General Manager, DIC, Chamba, Una, Hamirpur, Dharamshala, Mandi, Kullu, Bilaspur, Nahan, Solan & the Incharge, HP. Pavillion Pragati Maidan, New Delhi and can be obtained on payment in cash or by money order. Alongwith the tender the tenders for furnish the following documents:-

1. F.D.R for Rs.5000/- as earnest money pledged in the name of Additional Controller of Stores, Himachal Pradesh.
2. Attested copy of latest S.T.C.C.
3. Affidavit on Rs.3/- stamp papers duly attested to the effect that the firm has not been blacklisted/debarred by any State Govt./Central Govt. Department (Including D.G.S&D.) and by any Public Sector undertakings.
4. Authorization from the principal manufactures in the case of dealers participating as manufacture in the tenders.
5. For participating in the tenders the industrial units located in H.P. are to enclose a certificate duly signed by the General Manager, District Industries Centre concerned where the unit is located to the effect that they are not defaulters in the payment of due installments of loan, rent and lease money to the department.

The following are the exemption:-

1. All the Industrial units of H.P. registered with the Store Purchase Organization and the Industrial units registered with the N.S.I.C/D.G.S&D are supplied tender forms free of cost for the items for which they are registered with them on the production of attested copy of valid registration certificate.
2. Small Scale Industrial units registered with the NSIC/DGS&D are exempted from the deposited of earnest money alongwith the tenders for the item for which they are registered with the NSIC/DGS&D.

3. Registered local Small Scale Industrial Units which are also registered with the Store Purchase Organization are exempted from the deposit of Earnest Money alongwith the tenders for such items as they are eligible for price preference.
4. The other firms/stockiest who are not registered as local Industrial units but who are registered with the Store Purchase Organization and have deposited permanent Earnest Money alongwith the registration are not required to deposited Earnest Money with the tender.

The Store Purchase Organization register the firms/stockiests desirous of participating in the tenders invited by this Organization. For the purpose they are to apply on the prescribed application form costing Rs.100/- and obtainable from the office either on payment of Rs. 100/- in cash or by sending I.P.O's worth Rs. 100/- in the name of Additional Controller of Stores, H.P. alongwith stamped self addressed envelop. The application from duly completed in all respect must be accompanied by the following documents:-

1. Registration fee worth Rs.500/- in the shape of I.P.OS in the name of Additional Controller of Stores, H.P.
2. Affidavit to the effect that the firm has not been blacklisted/debarred by any State Government/Central Government Departments including DGS&D and by any Public Sector Undertaking.
3. An attested copy of P.M.T/ fresh Eligibility Certificate in the case of Industrial units located in H.P. and attested copy of latest S.T.C.C. in the case of other firms/stockists.
4. An attested copy of valid Drug License in the case of units engaged in manufacturing of items covered under the Indian Drug Cosmetics Act, 1941.
5. An F.D.R for Rs.5000/- pledged in the name of Additional Controller of Stores, H.P. as permanent Earnest Money in case the firms who intend to avail the benefit of exemption from depositing Earnest Money alongwith the tenders. However, registered local Small Scale Industrial Units are exempted from the deposit of permanent Earnest Money alongwith the Registration.

The Store Purchase Organization is headed by Additional Controller of Stores. He reports of Controller of Stores in the matters concerning Store Purchase Organization. He is further assisted by Sr. Technical Office (Mech.), Joint Director of Industries and Store Inspection Officer.

In case of any complaint/grievance, above Officer may be approached.

3. Registration under Indian Partnership act 1932.

The Registrar of Firms, Himachal Pradesh who is Additional Director of Industries registers of firms located in Himachal Pradesh under the Indian

Partnership Act, 1932. For the purpose of registration the desirous firms are required to furnish the following documents:-

1. Application on the prescribed proforma obtainable from the office free of cost.
2. An attested Photostat copy of the partnership deed executed amongst the partners on Rs. 22.50 stamp papers. This copy must contain the back page of the stamp papers.
3. A certificate duly signed by all the partners either on the application form itself or separately to the effect that the firm has not been registered earlier anywhere in India under the India Partnership Act, 1932.
4. A registration fee of Rs.3/- is required to be deposited in the Treasury and the original challan must be enclosed along with the application. The Treasury Challan can be had from this office of cost.
5. Partnership deed must be registered with the concerned Registrar/Sub Registrar.

4. Granting of Mining Lease.

A. Major Mineral

1. An application for the grant of Mining lease shall be made to the State Government in Form-I (Mineral Concession Rules, 1960.)
2. Every application for grant or renewal of mining lease shall be accompanied by:-
 - Non-refundable fee of Rs.2500/-;
 - No Mining due certificate from the Mining Officer of State Geologist;
 - An affidavit stating that the applicant has-
 1. Filed upto date income tax returns
 2. Paid the income tax assessed on him; and
 3. Paid the income tax on the basis of self-assessment as provided in the Income-Tax Act, 1961;
 - An affidavit showing particulars of the area mineral-wise in State, which the applicant or any person jointly with him-
 1. Already holds under a mining lease;
 2. Has already applied for but not granted; and
 3. Being applied simultaneously.
 - A statement in writing that the applicant has, where the land is not owned by him obtained surface rights over the area or has obtained consent of the owner for starting mining operation.
3. The receipt of every application will be acknowledged.
4. The period of lease and security and other conditions will be as per the Mines and Mineral (Development and Regulation) Act, 1960, Mineral Concession Rule,

1960, Mineral Conservation and Development Rules, 1988 and other relevant Rules and Acts.

B. Minor Minerals

a) Mining lease

1. First of all "Certificate of Approval" is essential to be obtained.
2. The application on prescribed form can be had from the office of the State Geologist, H.P. and the Mining Officer concerned Shimla.
3. Nationality Certificate or Affidavit required.
4. A sum of Rs.300/- as fee to be deposited in Government Treasury.

a) Formalities required to be completed for the grant of Mining Lease:

1. The Prescribed application is to be submitted in triplicate.
 2. Court Fee of Rs.1.25 Paise to be affixed.
 3. Three copies of revenue papers to be enclosed alongwith the application.
 4. A receipt of Rs.2500/- deposited in Treasury or by T.R.5 to be attached.
 5. No due certificate from the concerned Mining Officer to be submitted with application.
 6. Income Tax Clearance Certificate or affidavit.
 7. Certificate of Approval.
 8. No Objection Certificate from the owner of land in the case of private land.
 9. Site Plan of the area.
- If the application is completed in all respect it shall be entered in the Priority Register and receipt on Form-'D' will be given.
 - The joint inspection of the area applied for mining lease shall be conducted by a Committee as notified notification dated 28.2.2004.
 - After completing all codal formalities in the first instance the mining lease will be granted for a period of 5 years and can be renewed twice for a period of 5 years.
 - After granting of mining lease the lessee shall, deposit as security a sum of Rs.25000/- (twenty five thousand) for an area upto ten hectare and where the area involved is more than ten hectare, an additional security based on pro rata basis for additional area, in the shape of fixed deposit receipt (FDR) duly pledge in favour of the Director of Industries, H.P.

- Every applicant shall submit Working-cum-Environment Management Plan for approval of State Geologist, H.P. within a period of three months or such period as may be allowed by him not exceeding six months, from the date of issue of the grant order.

b) Formalities to be completed for the grant of Contract for the Extraction of Minerals.

1. As per River/Stream Bed policy Guideline for the State of H.P. 2004, before granting contract if the area, the survey of District shall be conducted by the Geological Wing of Industries Department with respect to mineral, geology physiography, soil/bank erosion etc.
2. Based on this survey documents, the Mining Officer shall put the proposal for auction of River/Stream/Khalla beds to Sub-Divisional Committee for its approval.
3. The above Committee shall study the entire River/Stream beds consisting all aspect of the Policy. The Committee shall also look into the aspect as to whether the river bed can be auctioned with respect to proper replenishment or it requires some more time for replenishment with respect to the area. After recommendations of the Committee the area may be put to public auction.

c) Formalities to be completed for the grant of short term permit.

1. Application on prescribed form to be submitted to Asstt. Mining Inspector/Mining Inspector/ Mining Officer of the area concerned in which extraction is to be done.
2. Court Fee of Rs. 1.25 paise to be affixed.
3. Revenue Record of the area applied for mineral extraction to be submitted with application.
4. No Objection Certificate from the owner in case of private land to be submitted.
5. No Objection Certificate from different Departments i.e. HPPWD, Revenue Department, Forest Department, I&PH Department etc to be enclosed with application.
6. In case all the formalities are completed, the applicant shall deposit security amount equal to half of the royalty amount and royalty application fee in the Govt. Treasury and short term permit will be issued by the competent authority thereafter.

The applicant has to ascertain before submitting application that the area applied for the extraction of mineral is not covered under the definition of Forest Land. Short Term Permit will not be issued for Forest Land.

In river/stream bed the Short Term Permit is to be granted only where:

The area which has been auctioned and the sanction from competent authority has not been received, subject to the conditions:-

- That the working shall be done as per the recommendations/conditions of Sub-Divisional Committee imposed at the time of auction and other general conditions of the policy guidelines.

The area which has been auctioned and the contract is cancelled due to non fulfillment of contract conditions or for not working as per conditions of Sub-Divisional Committee or for not working as per policy guidelines subject to the conditions:-

- That the workings shall be done as per the approved conditions of the earlier contract or subject to the conditions as imposed by the Sub-Divisional Committee at the time of auction and as per the general conditions of policy guidelines.

The area which has been recommended for auction by the Sub-Divisional Committee and the area is under process of auction, subject to the conditions:-

- That the working shall be done as per the recommendations of Sub-Divisional Committee for the auction and general conditions of the policy guidelines.

The permit shall be cancelled immediately after holding auction and the permit shall be given to the highest bidder.

- The area which has been leased out and the lease has been cancelled for non fulfillment of the conditions of lease deed, subject to the conditions:-

That the workings shall be done as per approval working plan of earlier lessee or subject to the conditions of the Sub-Divisional Committee, imposed at the time of joint inspection and other general conditions of the policy guidelines.

- The area shall be proposed for auction after getting fresh recommendations of the Sub-Divisional Committee.
- The permit shall be cancelled immediately after holding auction and it shall be given to the highest bidder as per the conditions of case No 1 or in favour of the lease applicant from the date, the area is recommended by Sub-Divisional Committee for grant of mining lease as per condition of case No. 5.

The area pending for grant of lease and has been recommended for grant of lease by Sub-Divisional Committee, subject to the condition:-

- That the working shall be done as per recommendations of the Sub-Divisional Committee.

In private land where mineral is available and person intends free sale of mineral in open market, subject to the conditions:-

- That the first instance the permit shall be issued after getting NOC's from members of the Sub-Divisional Committee for a period of 3 months and within that period permit holder shall have to apply for mining lease (the period of mining lease shall be decided on the basis of mineral available).
- That working shall be done as per the conditions imposed in various NOC's and other general conditions of policy guidelines.
- Short term permit for the extraction of sand and bajri shall be given for bonafide consumption for the construction of building as per existing rule 3 (ii) of H.P. Minor Mineral (Concession) Revised Rule 1971.

3. Formalities for setting up of Stone Crusher.

Mining Lease mandatory for running a stone crusher.

Provisional Registration of stone crusher.

- No person shall install or run any stone crusher in any area within the State of Himachal Pradesh unless he obtains a Provisional Registration from the Geological Wing, Department of Industries. For this an application in Form-"A" shall be submitted and it shall be accompanied by:-
 - a) A fee of Rs. 2500/- (Two thousand and five hundred) only.
 - b) Revenue record and site plan of the land on which the stone crusher is proposed to be installed, showing the location of the stone crusher with reference to various siting parameters as notified by Govt. on dated 29.04.2003 or amended from time to time.
 - A) Stone crusher should have a minimum working area ranging from 2-5 Bighas, depending upon the size of the stone crusher for raising machinery/plant and stacking of raw material/finished product in private land or in Govt. land after completing codel formalities and obtaining land on lease from the competent authority.
 - c) In case of private land, consent of land owner where the stone crusher is to be installed.
 - d) An application for mining lease from where the minor mineral shall be used as raw material for feeding/running the stone crusher. This area should be within 5 Kms. radius of the stone crusher.
- Based on these documents ' Provisional Registration' shall be issued by the Geological Wing, Department of Industries which shall form base for obtaining pre-production clearance from other Govt. Departments.
- After provisional registration and joint inspection, the consent to establish from the Himachal Pradesh State Environment Protection & Pollution Control Board (HPEP & PCB) should be obtained. The unit shall submit the working-cum-Environment Plan before the issuance of Consent to Operate (COP) by the State Board.
- Joint inspection of crusher site.

The site for setting up the stone crusher shall be appraised and approved by a Joint Inspection Committee, Consisting of the members, as per Notification of Deptt of Science & Technology dated 29.04.2003.

Permanent Registration.

- (a) Based on the approval of site for setting up of the stone crusher grant of mining lease and after obtaining consent to operate from the Pollution Control Board permanent registration shall be issued to the owner or the stone crusher by the Geological Wing, Department of Industries, which shall be valid for a period of two years (Form-B).
- (b) The Geological Wing, Department of Industries may renew the Registration for a further period of periods of two years subject to proper functioning of the stone crusher as per the provisions of various Acts and Rules and clearance of all dues including clearance from pollution Control Board.
- (c) In case of renewal of the registration, the owner of the stone crusher shall apply for the renewal at least six months before the expiry of the registration in Form-"A".
- (d) In case, the application for renewal submitted is not disposed off before the expiry of the period of registration, it shall be deemed to have been extended by a further period till the Geological Wing, Department of Industries passes order thereon.

• **Other conditions for running of stone crushers.**

- (a) The owner of the stone crusher shall observe the provision of;
 - 1. The air (Prevention and Control of Pollution) Act, 1961 and rules framed thereunder.
 - 2. The Water (Prevention of Control of Pollution) Act 1974 and rules framed thereunder.
 - 3. The Environment (Protection) 1986 and rules framed thereunder.
 - 4. The Noise Pollution (Regulation and Control) rules 2000.
- (a) No consent for expansion to a crusher shall be given by Pollution Control Board or electric connection by H.P. SEB, without prior approval of Geological Wing, Department of Industries.
- (b) Every stone crusher owner shall ensure that the emission standards as per the status ad as notified by the Govt. on 29.04.2003 and 10.09.2004 as adhered to.
- (c) Every stone crusher owner shall adopt pollution control measures as per Govt. notification sated 29.04.2003 and 10.09.2004 as amended from time to time.
- (d) The Geological Wing, Department of Industries may impose any such further condition as it may deem fit for the protection of Environment and Ecology.
- (e) The crusher owner shall submit a return by 10th of every month, giving details of total quantity of minerals crushed, electricity consumed, power generated in case of

captive power generated run crusher, fuel consumption in case of diesel run crusher, number of labour employed and wages pair etc.

- (f) The crusher owner shall allow the inspecting staff, access to the crusher and make available all records relating to operation of the crusher and verification of source of legal supply of minor minerals and stocks.

4. Grant of "dealer" registration and its renewal as provided under Himachal Pradesh Minerals (Presentation of Illegal Mining, Transportation and Storage) Rules, 2004.

"Dealer" means any person who carries on the business of buying, selling, supplying, transporting, distributing or delivering for sale of minerals and minerals products and includes:-

persons who buys and processes

1. persons who buys and possess mineral or mineral products for sale;
 2. persons involved in excavation business and buying and store the mineral more than 100 M.T. for utilization of their own purpose;
 3. any person who holds a mining lease, contract of short term permit granted under the Mineral Concession rules, 1960 and Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 framed under the Mines and Minerals (Development and Regulation) Act, 1957.
- Any person desirous of being registered as a dealer or renewal of registration shall apply in Form "A" to the Mining Officer. The application shall be submitted in quadruplicate in his office.
 - Every application made under sub-rule (1) shall be accompanied by:-
 1. a fee of Rs. 500/- (rupees five hundred)
 2. an affidavit to the effect that he had not been convicted in any offence relating to illegal extraction or transportation or minerals; and
 3. a copy of the certificate issued by the Industries Department or any other Department of Government for establishment of the factory or beneficiation plant or any industry, if any.
 - On receipt of application for regularization, the office of the Mining Officer shall acknowledge the receipt within five days in Form "B".
 - The Mining Officer shall grant to a dealer registration in Form-D for a period of five years within thirty days from the date of receipt of the application. In case of refusal or rejection of the application, the reasons shall be recorded in writing and communicated to the applicant within thirty days from the date of receipt of the application.
 - Application for renewal shall be made to the Mining Officer ninety days prior to the date of expiry of the existing registration. If orders of renewal are not passed before the expiry, it shall be deemed to have been renewed for the period of next one year.

Conditions for the issue of registration:- The registration shall be granted in Form-D subject to the following conditions namely:-

1. the dealer shall deposit an amount of rupees 2000/- (rupees two thousand) in the shape of fixed deposit receipt duly pledged in favour of Mining Officer as security for due observance of terms and conditions of registration;
2. the dealer shall maintain correct and legible monthly accounts of ores and minerals procured, processed and transported to different destination;
3. any person who transport the mineral and who is required to carry a transit pass, on demand shall produce such pass to any authorized officer in this behalf;
4. every dealer shall submit a return on Form-"E" (if he is holder of Lease, Contract and Short Term Permit) or a return on Form-F (for others) to the Mining Officer by the 5th of the succeeding month;
5. while removing the ore or minerals from the stores of factories, the dealer shall obtain permission from the concerned authorized officer and transport the ore or material under transit pass obtained from his office;
6. every dealer shall allow Director of Industries or State Geologist or Geologist or Asstt. Geologist or Mining Officer or Mining Inspector to inspect the stores and factories to verify the stocks of the minerals and take sample of the abstract from the records maintained by him. If an inspection is to be made at the second conversion point by any officer other than the Directorate and the State Geologist, the prior permission of the State Geologist shall have to be obtained;
7. the registration shall be cancelled after serving a notice, if dealer commits a breach of any condition or any of this rule or any of the Himachal Pradesh Minor Minerals (Concession) Revised Rule, 1971.

In case of any complaint the applicant may contact the Mining Officer concerned in the District and in case he still feels aggrieved, he can approach the State Geologist/Director of Industries, H.P. Shimla 171001.

5.2 Results Framework Document

Result Framework Document gives detail of activities to be undertaken by the Department in a particular financial year. All the activities are measurable, thus performance appraisal of the employees/department can be judged. Results Framework Document not only gives definite directions to the employees of the department but also provides transparency in the action of the department which is beneficial to the public.

Vision, Mission, Objectives and Functions

Vision

To achieve sustainable and balanced industrial growth by generating more employment opportunities , income and economic development of the State.

Mission

To promote and develop cottage , micro , small , medium and large industries with more emphasis on eco compatible and local resource based industries thereby creating opportunities of employment and increasing the Share of industries in the State Gross Domestic Product.

Objectives

1. To create and improve the industrial infrastructure in the State.
2. To create congenial investment climate in the State with a view to increase industrial investment and provide employment opportunities.
3. To promote handicrafts & handloom sector.
4. To promote Sericulture activity in the State
5. To promote self employment ventures by implementing self employment schemes such as PMEGP, Rural Industries Programme/ Rural Artisan Programme and Industrial Promotion and Training through Entrepreneurship Development Programme.
6. To regulate the exploitation of mineral wealth of the State.
7. To ensure transparency in procurement / tendering in Rate Contract Process.
8. To focus on Human Resource Development and Capacity Building of staff of the Department through appropriate training programmes.
9. To encourage industries to adopt CSR (Corporate Social Responsibility)
10. To control pollution and industrial emissions & effluents .

Functions

1. Creation and improvement of Industrial infrastructure in the State for better industrial growth.
2. Promotion of industrial investment to facilitate generation of employment opportunities in the State.
3. Promotion of handicrafts & handloom sector in the State.
4. Promotion of sericulture activity in the State.
5. Promotion of entrepreneurship through Self employment to increase potentials of entrepreneurs through various training Programmes.
6. Regulation of mineral development and mineral exploitation.
7. Finalization of Rate contracts for Govt. Purchases
8. To impart training to employees of the Department for capacity building of the Department.
9. Constructive interaction with Industries /Industrial associations for better environment & cooperation.
- 10 .Implementation of rules / regulations and policies to control pollution and industrial emission. For detail of RFD for year 2011-12 (Annexure 'A')

5.3 Services notified under the HP Services Guarantee Act, 2011.

(Notification under Section 3 of Public Services Guarantee Act, 2011)

Keeping in view the philosophy, to provide quick, responsive and trust worthy service to the public, Government of H.P. under H.P. Service Guarantee Act 2011 has notified seven services of the department of industries, which shall be available to the citizens within a definite time frame. This will bring more efficiency in the service delivery to the public at large. This leads to efficient and responsive administration of the Govt. policies.

No.Ind.II(A)18-1/2006-II

Dated Shimla-2, the 13.12.2011

NOTIFICATION

In exercise of the powers vested under Section 3 of the H.P. Public Services Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to notify the following services, Designated Officers and Ist Appellate Authority and stipulated time limits relating to the Industries Department, Himachal Pradesh for the purpose of the Act ibid:-

SSr. No.	Public Service	Designated Officer to provide service	Stipulated time	First Appellate Authority
1.	Acknowledgement of Entrepreneurship Memorandum Part-I	General Manager DIC / Deputy Director / Member Secretary SWCA (Single Window Clearance Agency)	6 working days provided that application is received with all prescribed documents as per Annexure-A	Director of Industries
2.	Acknowledgement of Entrepreneurship Memorandum Part-II	General Manager DIC / Deputy Director / Member Secretary SWCA (Single Window Clearance Agency)	30 working days provided that application is received with all prescribed documents as per Annexure-B	Director of Industries
3.	Issue of Essentiality Certificate	Director of Industries	45 working days (30 days GM+15 days at Directorate) provided that application is received with all prescribed documents as per Annexure-C	Principal Secretary (Industries) to the Govt. of H.P.
4.	Issue of Certificate of Approval (Registration) of lessee under minor mineral rules	Mining Officer	6 working days provided that application is received with all prescribed documents as per Annexure-D	Director of Industries
5.	Registration of firms, Suppliers etc. with Store Purchase Organisation	Additional Controller of Stores	15 working days provided that application is received with all prescribed documents as per Annexure-E	Director of Industries
6.	Registration partnership of Firms	Additional Controller of Stores, H.P.	7 working days provided that application is received with all prescribed documents as per Annexure-F	Director of Industries

7.	Registration of Sericulture Farmer / Entrepreneur/ NGO / Society/ SHG involved in Sericulture & Silk Industry in the State	Divisional Sericulture Officer	7 working days provided that application is received with all prescribed documents as per Annexure-G	Director of Industries
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Second Appellate Authority.

State Information Commissioner has been notified Second Appellate Authority under Section 2(h).

The compilation of the instructions rules, regulation being implemented by the department will prove a good reference point for present & next generation of employees in discharging their duties in rightful manner for public good.