

Bihar Minor Mineral Rules, 2017

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Bihar Minor Mineral Rules, 2017Published vide Notification No. 3018/M, dated 10.10.2017No. 3018/M. - In exercise of the powers conferred under Section 15 read with Section 23C and Section 26 of Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957), the Governor of Bihar is pleased to make the following Rules:-

Chapter I Preliminary

1. Short Title, Extent and Commencement.

(1)These rules may be called the Bihar Minor Mineral Rules, 2017.(2)It shall extend to the whole State of Bihar.(3)It shall come into force on the day of its publication in the Official Gazette.

2. Definition.

(1)In these Rules, unless otherwise required in the context-(i)"Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);(ii)"Collector" means Collector-cum-District Magistrate of a district or any person appointed by the Government to exercise the powers and perform the functions of the Collector-cum- District Magistrate;(iii)"Competent Officer" means -(a)in the case of grant of quarrying permits in land notified as reserved and protected forest under the Indian Forest Act, 1927 (Central Act XVI of 1927), where the actual mining operation involved is merely removal from the surface or from a depth not exceeding five feet and to a limit of 10,000 cubic feet only, Divisional Forest Officer of the reserved and protected areas concerned, and;(b)in all other cases in respect of all lands, and sub-soil including any right in mines and minerals whether discovered and whether being worked or not, the Mining Officer of the District;(iv)"Corporation" means Bihar State Mining Corporation;(v)"Department" means the Department of Mines and Geology, Government of

Bihar;(vi)"Divisional Commissioner" means the Commissioner of a Division appointed as such by the State Government;(vii)"Director of Mines" means the Director of Mines appointed as such by the State Government;(viii)"Export" means to take out of the State of Bihar otherwise than across a customs frontier as defined by the Central Government;(ix)"Government" means the State Government of Bihar;(x)"Import" means to bring into the State of Bihar otherwise than across a customs frontier as defined by the Central Government;(xi)"Local Authority" means a Municipal Committee, District Board or other authority legally entitled to, or entrusted, by the Government with the control or management of a municipal or local fund;(xii)"Licensing Authority" means an officer who is authorized to grant, suspend and cancel a mining lease, retail license, movement permit or any other license etc under the Act & these rules;(xiii)"Mines Commissioner" means the Commissioner of Mines and Geology, Bihar, or any other Officer authorized in this behalf by the State Government to perform the duties of Commissioner under these rules;(xiv)"Minor Minerals" means minor minerals as defined in clause (e) of Section 3 of the Mines and Minerals (Regulation and Development) Act, 1957 and(a)includes such minor minerals like sand, morram, chips, stones, boulder, bricks, brick earth, ordinary earth used for land filling, ctjh @ cksYmj found in the river bed, decorative stone, China clay, quartz, marble, sand stone, silica sand, etc; and(b)includes such minor minerals as notified by the Ministry of Mines in their Notification No. SO 423 dated 10.02.2015;(xv)"Mineral Disposal Permit" means a permit given for disposal of -(a)minor minerals/silt/flyash/jhama/raabish or any byproduct excavated or generated during the process of maintenance/drainage of any drain or canal or river;(b)minor minerals/silt/flyash/jhama/raabish or any byproduct excavated or generated during the process of construction or repair or demolition of any building or structure;(c)minor minerals/silt/flyash/jhama/raabish or any byproduct excavated or generated or accumulated due to floods or dispersed through any production activity;Note: - A person having a Mineral Disposal Permit need not require a Movement Permit, as defined in Rule 2(1)(xx) to transport the above minerals from one place to another.(xvi)"Mining Lease" means a mining lease or settlement in respect of minor minerals and includes quarrying permits and any other mineral concession, permitting the mining of minor mineral(s) in accordance with the provisions of these rules;(xvii)"Mining Plan" means a plan prepared by a Recognized Qualified Person (RQP) on behalf of Settlee of minor minerals and includes progressive and final mine closure plans;(xviii)"Mining Officer" means the officer as mentioned under Rule 5 of these rules;(xix)"Mining Revenue" means revenue derived or derivable from any royalty, fee, tax, payment (other than a fine imposed by a Criminal Court) or confiscation imposed or ordered under these rules or any other law for the time being in force relating to minerals;(xx)"Movement Permit" means an authorization granted under these rules for movement of any minor mineral from one place to another;(xxi)"Place" includes building, house, shop, boat, booth, vessel, raft, vehicle, conveyance or tent enclosure;(xxii)"Public Place" means any place to which public has access whether as a matter of right or not and includes all places visited by public and also includes any open space;(xxiii)"Police Station" means a police station as defined under clause (s) of Section 2 of the Code of the Criminal Procedure , 1973 (Act 2 of 1974);;(xxiv)"Prescribed" means prescribed by these rules or guidelines;(xxv)"Public Demand" means public demand as defined under Bihar & Orissa Public Demands Recovery Act, 1914 (Act 4 of 1914);(xxvi)"Recognized Qualified Person" means a person who has been notified as such by the Department under the Rule 20;(xxvii)"Retail License" means a retail license granted under these rules for carrying on any retail activity of minor minerals and includes any brick production activity;(xxviii)"Sandghat" means a sand bearing area from where

sand may be extracted and transported by means of a carrier;(xxix)"Settlee" means a person (as defined in these rules) holding a valid settlement/lease for quarrying/raising sand and other minor minerals from the settled/ lease hold area and would also include the plural there of;(xxx)"Settlement" means a mining right given on behalf of the Government to quarry, win, work and carry away sand and other minor mineral(s) specified therein through a competitive bidding process as notified by the State Government;(xxxi)"State Government" means the State Government of Bihar;(xxxii)"Sand Policy, 2013" means the Sand Policy as notified by the State Government vide its notification no. 2214 dated 27.08.2013;(xxxiii)"Temporary Structure" means any structure which does not require foundation to be erected and is easy to dismantle, very easy to change the configuration of the structure;(xxxiv)"Transit" means to move from one State to another State through the State of Bihar;(xxxv)"Transport" means to remove from one place to another within the State of Bihar;(xxxvi)"Warehouse" means a place where storage of minor mineral is permitted;(xxxvii)"Works Departments"- means Departments of the State or Central Government who are engaged in executing public projects like roads, rail, buildings, dams, water supply etc.(2)Words and expressions used but not defined in these Rules shall have the same meaning which are assigned to them in the Act.

Chapter II

Establishment and Control.

3. Appointment of Mines Commissioner.

- The State Government may, by notification, appoint a Mines Commissioner who shall be responsible for Administration of these rules at the State level.

4. Appointment of Director Mines.

- The State Government may, by notification, appoint a Director Mines who shall be responsible for Administration of these Rules in the field offices at the district level.

5. Mining Officer.

(1)The Mines Commissioner, Director Mines, Additional Director, Joint Director, Deputy Director, Assistant Director, District Mining Officer, Mineral Development Officer and Mining Inspectors shall be the Mining Officer for the purpose of these rules.(2)The Collector or any other Officer authorized by him within his district shall also be competent to exercise the powers of the Mining Officer for the purpose of these rules.

6. Delegation and Withdrawal of Powers.

(1)The State Government may delegate its powers to the Mines Commissioner or Collector subject to such limitations and conditions as may be specified in the order of delegation.(2)The State

Government may, by an order, also withdraw from any Officer or person any or all the powers so delegated.

7. Role of the Collector.

(1)The Collector of the district shall be responsible for the complete implementation of the provisions of the Act and these rules;(2)The Collector shall also be competent to exercise the powers of the Mining Officer under these rules;(3)The Collector shall exercise direct control and superintendence over all the Mining Officers of the district.(4)The State Government may, by notification, confer the powers of the Collector to any Officer, not below the rank of Inspector of the Mines Department or any Officer, not below the rank of Deputy Collector, of the Revenue Department, with such designations, powers and duties as the State Government may think fit.

8. Role of the Superintendent of Police.

- The Superintendent of Police shall :-(a)assist the Collector in ensuring implementation of the provision of the Act and these rules;(b)work under direct control and superintendence of the Collector;(c)enforce and implement such lawful directions of the Collector or Mines Commissioner or Director Mines as issued under the Act and these rules;(d)submit such reports and in such manner as the Collector or the Mines Commissioner or Director Mines may desire.

9. Powers and functions of the Mines Commissioner.

- The Mines Commissioner -(a)shall exercise over all control and superintendence over all Mining Officers in the State;(b)may require any Settlee, or any other licensee etc by notice to produce or caused to be produced before him such documents, accounts or other evidence which may be deemed fit;(c)may suo motto call for and examine the record of any proceeding conducted by any authority, officer or person subordinate to him under the Act and these rules and if he considers that any order passed therein is erroneous or is prejudicial to the interest of revenue, mining rules and environmental conditions, pass such order as he deems fit after giving the Settlee or the person concerned an opportunity of being heard;(d)shall monitor the activities of the Settlees or other licensees etc and if he is prima facie satisfied that any Settlee or other licensee etc has violated all or any of the condition of the lease/Retail license or is not complying to any lawful direction issued by any authority, he shall direct the Collector to initiate proceeding cancel/suspend such lease or such license.Provided further that the Collector shall conduct a detailed inquiry against the said violation and then proceed to issue a notice to the said Settlee/licensee as per Rule 56.

10. Power and function of Director Mines.

(1)He shall head the Directorate of Mines and shall exercise Administrative Control over all Mining Officers of the Department.(2)He shall be responsible for the security of all mining operations in the State. He shall also be responsible for ensuring that the interest of the State are protected and all the Settlees, Corporation, other licensees, operate as per the provisions of the Act and these rules.(3)He

shall be responsible for the collection of royalty and other revenues payable.(4)There shall be a Directorate of Security under him which shall employ adequate personnel on either deputation or recruitment from Civil / Police Personnel or retired Defense/Para Military/ Police Personnel.(5)The Directorate of Security shall function under the control and supervision of Director and shall discharge such duties as may be assigned to it by the Director including the investigation of the offences under Chapter XI of these rules.(6)The structure of the Directorate of Security shall be approved by the State Government.

11. Mining Offices at the District Level.

(1)All districts of the State shall have a Mining Office headed by an appropriate Mining Officer to be appointed by the State Government.(2)All Mining Officers heading a District Mining Office shall exercise all financial powers including that of a Drawing-cum-Disbursing Officer.

12. Persons with Special Powers.

- The State Government may, by notification, and in order to implement the Act and these rules, empower any Government functionary not being a Mining Officer, with powers to perform all or any of the functions of any Mining Officer under these rules, and such person shall, in exercise of these functions, be deemed to be a Mining Officer.Chapter - III General Conditions of Mining Lease for Minor Minerals.

13. Restriction of Mining of Minor Minerals.

- No person shall excavate, produce, manufacture, distribute, transport, collect, store, possess, purchase, sell any minor mineral except under a valid mining lease or a license or movement permit, as the case may be;Provided that the State Government may, by notification, allow any State Owned Company to undertake such activities as it may specify.

14. Mining to be on Lease Basis.

- All mining of minerals shall be done on mining lease basis. A person or firm undertaking mining or excavating or producing minor minerals shall be called a Settlee/licensee. No Settlee/Licensee can claim to be an owner of the land, nor of the minerals that he will be excavating.

15. Mining Area or Mining Plot.

- No mining area shall ordinarily be less than 5 hectares. Each such area shall be called a 'Mining Plot'.Provided that the State Government may decide to have a Mining Plot of less than 5 hectares or more than 5 hectares in terms of the Notification No. SO141E dated 15.01.2016 issued by Ministry of Environment, Forest and Climate Change, Government of India and their guidelines as issued from time to time.

16. Mining Cluster.

- The State Government may designate a group of mining plots into clusters in terms of the above mentioned notification of the Ministry of Environment, Forest and Climate Change and their guidelines as issued from time to time.

17. Mining Depth.

- In case of sand ghats, the depth of mining shall not be more than 3 meters or the water level, whichever is less.

18. Duration of Mining Lease.

- Ordinarily, the duration of the Mining lease for minor minerals shall be 5 years. Provided that the State Government may decide to settle a particular mining lease for a particular minor minerals for a period of 3 years or less depending upon each case.

19. Mining Plan.

- The Mining plan shall be prepared for each mining plot or mining cluster. Each Settlee/Licensee shall have to submit a Mining Plan, to the Collector before commencing the mining operation. Such mining plan shall be prepared by any Recognized Qualified Person. The Department shall lay down detailed procedures for preparation of approval of a Mining plan.

20. Recognized Qualified Person.

(1) A Recognized Qualified Person is a person who is Graduate in Engineering, preferably in Mining Technology, Geology or related areas with at least three years of work experience in Mining/Construction/Architecture sector. (2) The Department shall prepare a panel of Recognized Qualified Persons who shall prepare the mining plan on behalf of the Settlees. (3) The Department may relax the minimum eligibility criteria for a person to be empanelled as a Recognized Qualified Person.

21. Environmental Clearance.

- Each Settlee/Licensee has to obtain a valid Environmental Clearance in terms of the Notification No. 1533A dated 14.09.2006 issued by Ministry of Environment and Forest, Government of India. Provided further that the Settlee/Licensee shall obey and comply with such other instructions regarding environmental protection and Environmental Clearance issued from time to time by the Government of India, State Government, Central Pollution Control Board, State Pollution Control Board and the Collector of the District.

22. Mineral Development Fund.

- All Settlees/Licensees or such other person or entity as directed by the State Government, shall deposit two percent of the mining lease amount every year in the Mineral Development Fund to be operated by the Mineral Development Foundation as indicated in Chapter XVI of these rules. Provided further that the State Government may by notification increase or decrease the percentage of this contribution.

23. Manual Labor on Sandghats.

(1) In case of sand ghats, no machines or equipments like poclain, loaders, excavators etc will normally be allowed for the purpose of excavation. Excavation of sand from sand ghats should be done preferably using manual labor. Provided that the Department or the Collector may allow the use of above mentioned machines in certain or all ghats in cases of any emergency or shortage of labor. (2) The Department may lay down further guidelines for the purpose of protecting the sand ghats and their ecology from environmental prospective.

24. General Restricted Areas for Mining on Sand Ghats.

(1) No mining should be allowed up to 300 meters from a railway bridge or a road bridge. (2) No mining should be allowed up to 50 meters from any cremation ground/religious place. (3) No mining should be allowed within 5 meters from the water line of either side of river. (4) In addition to the above, the Collector may specify additional restricted areas for each mining lease in the mining plan itself.

25. Restriction on number and Area of Mining Lease.

- No person or firm shall be allowed to hold a Mining Lease for more than 100 hectares. Provided further that the Department may allow more than 100 hectares to a person or firm in an area if it is found that the said mining area is not generating enough interest amongst the prospective bidders.

26. Mining in the Forest Areas.

(1) The minor minerals lying inside any forest area may be bid out by the Collector with the condition that the prospective Settlee brings the due permission from the Forest Department under the Forest Conservation Act, 1980. (2) The formal mining lease deed shall be executed only after the required clearance from the Forest Department is received.

27. Mining on the Raiyati Land.

(1) Wherever any minor mineral is discovered or available on a raiyati land, the Collector shall be competent to bid out the said minor mineral as per the procedure laid down in these rules. (2) The Collector may enter into such Agreement with the Raiyat and pay such compensation as may be

mutually agreed.(3)Such Raiyat shall not ipso facto get a right for excavating the mineral and shall have to participate in the public bidding.

28. Special Licenses for Excavation of Ordinary Earth.

(1)There shall be special licenses given for Mining/Excavation of Ordinary Earth in the district.(2)The Department shall lay down detailed guidelines for such licenses and Mining/Excavation and trade in Ordinary Earth.

29. Special Licenses for Brick Kiln Owners.

(1)Each brick kiln owner shall be required to obtain a retail license for operating the brick kiln and producing bricks from brick earth.(2)The Department shall lay down detailed guidelines for such retail licenses and Mining/Excavation/Manufacture and trade in bricks and brick Earth.

30. Permits for Mineral Disposal.

(1)Every person desirous of undertaking excavation as per sub Rule (xv) of Rule 2 of these Rules shall have to obtain Mineral Disposal Permit from the Collector.(2)The Departmental shall lay down detailed guidelines for such Mineral Disposal Permits.

31. Relationship between a Settlee and Other Licensees.

- A person cannot be a Settlee or a licensee at the same time. A Settlee cannot be given any other license under these rules and vice versa.

32. Licensing Authority.

- The Collector shall be the Licensing Authority for all the mining lease and any other license. He may, however, delegate issuance of movement permit, e-challan and such other functions to any Mining Officer of the District.

33. Other Conditions.

(1)The Department may require any Settlee/licensee to take up environmental friendly activities and set up such modern facilities like weigh bridges, computers, offices at the mining sites or his premises.(2)The Department may lay down such other conditions from time to time on the Settlees/Licensees and the Corporation as it may deem fit in order to enforce the provision of the Act and these rules. These may, inter alia, include such conditions as are peculiar to a particular minor mineral or a particular geographical area.

34. Activities by the Bihar State Mining Corporation.

(1)The State Government may entrust all or any of the mining activity or trade to Bihar State Mining Corporation. The Corporation may undertake, in particular, mining activity, wholesale trading, retail trading, storage, transportation etc of minor minerals. Provided that if the Corporation wishes to undertake mining or excavation of minor minerals, it shall participate in the open public bidding as required under these rules. (2)The Corporation may enter into an arrangement with any Government or semi Government or private undertaking for the said purpose.

35. Corporation to buy minerals at prescribed rates.

- The Department may direct all the new Settlees or existing Settlees or any other licensee to sell all or any proportion of their produce to the Corporation at such rates as may be prescribed.

36. Prescribed rates for new Settlees/Licensees.

- All new Settlees/licensees shall be required to supply the Corporation the minor minerals excavated by them at a rate arrived at through competitive bidding.

37. Prescribed rates for existing Settlees/Licensees.

(1)While fixing the prescribed rates for existing Settlees/licensees, the Department may seek report from the Mining Officer of the District and after considering the cost of production, handling charges, transport cost and any other cost, fix the proposed prescribed rate. (2)On this proposed prescribed rate, the Department may seek an objection from the existing Settlees/licensees and after hearing the said Settlees/licensees, the Department may finalize the prescribed rate. Explanation. - For the purpose of this rule, the existing Settlees/licensees means the person or the firm who is owning a mining lease or a license on the day of promulgation of these rules.) Chapter - V Procedure for Grant of a Mining Lease.

38. E-bidding.

(1)All mining leases for a Mining Plot or a mining cluster thereof shall be granted through a public bidding, preferably through e-bidding mode. (2)The Department shall issue detailed guidelines for this purpose.

39. Eligibility for Individuals.

- For person to be eligible for grant of a mining lease or any license, he should be, (a)A citizen of India; (b)PAN Card Holder; (c)should not be a defaulter or blacklisted or debarred from holding a mining lease or any license or in arrears of any government dues; (d)should be solvent and bear good moral character and should not have been convicted of any offence under any Act and the same should be duly supported by a police verification report; (e)should not hire or employ persons who

are below eighteen years of age or who have criminal background;

40. Eligibility for Firms.

- For a Firm to be eligible for grant of a mining lease or any license, it should be (a) duly registered under the Companies Act, 2013; (b) should be registered with the Income Tax Department; (c) providing an affidavit that there is no criminal case or dues pending against the said firm with the same duly supported by a police verification report; (d) should not be a defaulter or blacklisted or debarred from holding a mining lease or any license; (e) should be solvent and should not have been convicted of any offence under any Act; (f) should not hire or employ persons who are below eighteen years of age or who have criminal background.

41. E-Bidding Procedure.

(1) The E-bidding shall be conducted by the Department where the interested bidders may participate. The Department may also authorize the Collector to conduct the e-bidding at the district. The Department shall be free to lay down its own procedures for such bidding. (2) The bidding shall be conducted by Mining Plot wise or a cluster thereof. (3) The Department shall lay down a minimum reserve price for each mining plot or a cluster. Any person/firm interested in the e-bidding shall have to deposit the minimum reserve price through a demand draft to the Department. (4) The successful bidder shall be then be registered with the Department and shall be required to submit due GST registration. (5) Upon the submission of the GST registration, the Department shall recommend to the Collector to issue the mining lease. (6) The Collector, as Licensing Authority, before issuing the mining lease to the successful bidder, shall see that the Successful bidder - (a) has deposited the required security deposit. (b) has deposited a bank guarantee for the bidding period in the format suggested by the Department. (c) has deposited the Mining Plan. (d) See that the successful bidder has deposited the required stamp duty & such other fee. (7) Upon the receipt of the mining lease from the Collector, the successful bidder shall then obtain environmental clearance from the Competent Authority within 3 months. (8) Upon obtaining the environment clearance, the successful bidder shall inform the Collector and thereafter the Collector shall authorize the District Mining Officer to enter into an Agreement with the Settlee and issue the work order for commencement of the mining operation. (9) The Department shall lay down the draft Agreement format to be signed by the Settlee. (10) The Department shall also be competent to issue such guidelines or clarifications to the Collector in order to conduct the E-bidding smoothly. Chapter - VI Storage, Trading, Sale and Purchase of Minor Minerals.

42. Regulation of Trade in Minor Minerals.

(1) The business of storage, trading, sale and purchase of minor minerals shall be regulated by the State Government through a regime of lease, licenses and permits. (2) The State Government may issue such further directions from time to time as it deems fit to regulate the trade in Minor Minerals.

43. Wholesale Trade.

(1)The Department may undertake the wholesale trade upon itself or may authorize the Corporation to be the Wholesale Trader of certain or all minor minerals in the State.(2)The Settlee/licensee, who undertakes the mining operation of the minor minerals, shall be required to excavate/manufacture the minerals and deposit with the Corporation, at the prescribed rates.(3)The Settlee/Licensee shall not be permitted to sell the minor minerals directly to any person or firm.(4)The Corporation, as wholesale trader of minor minerals, shall be free to sell the minor minerals to retailers, Government and contractors at market rates or such rates as the State Government may direct.

44. Buffer Stock.

- To regulate the prices of minor minerals, the Department may authorise the Corporation to maintain a certain buffer stock of some or all the minor minerals and sell the same at such places and at such prices as the Department may direct.

45. Retail Trade.

(1)The Collector, in order to regulate the retail trade in minor minerals, issue retail licenses in the district to retailers who shall be authorised to store and sell the minor minerals to the public at large.(2)The retail licenses shall be issued in sufficient number in all the districts by the Collector. The Collector shall be competent to decide the number of such retailers.(3)In case the retailers are transporters or transport agencies, they may be required to be separately get registered with the Department.(4)All the retail licensees, including transporters, should be necessarily be having a GST registration.(5)The Department shall lay down other conditions of such retail licenses and retail businesses.

46. Renewal of Lease and License.

(1)There shall be ordinarily no renewal of mining lease to a Settlee/licensee. Once the period of the mining lease is over, the Department or the Collector shall again put the said Mining Plot or the Cluster for public bidding. However, in case of any unforeseen delay in conducting a fresh bidding, the Collector may renew the Mining Lease of the earlier Settlee/licensee, till such period, not beyond six months, as the fresh bidding is completed.(2)In case of retail licenses, however, the Collector may renew a retail license for such period as may be indicated by the Department in their guidelines.

47. Sale price of Minor Minerals.

(1)The sale price of minor minerals to the end user or the public shall be decided by the market forces.(2)The State Government or the Collector, however, may intervene in such manner as deemed appropriate, to regulate the market prices in public interest.

48. Non Transferability of Licenses.

- All Licenses issued or renewed under these rules shall be non transferable.

Chapter VII E-Requirements.

49. Usage of Electronic Procedures.

- The Mines Commissioner may, by notification, require any Mining Officer, Police Officer, Settlee/Licensee or any other Stake Holder to file their returns, statements and activities electronically and undertake all or any operations through electronic mode.

50. E-Challan.

- (1)The movement of all minor minerals, whether by Settlee/Licensee or by the Corporation, shall be monitored through e-Challan system to be developed by the Department.(2)Whoever refuses to adhere to the system of e-challan shall be prosecuted under the provision of these rules.

51. Mining MIS.

- (1)The Department may also require all the Settlees/Licensee, the Corporation and other persons engaged in the transport and trade of minor minerals to come under the purview of the provision of these rules and under take their activities as per the Mining MIS system to be developed by the Department.(2)Whoever refuses to adhere to the system of Mining MIS shall be prosecuted under the provision of these rules.(3)The Department may lay down detailed guidelines for its MIS.Chapter -VIII Grant of Movement Permits for Movement of Minor Minerals.

52. Movement of Minor Minerals.

- (1)No minor minerals shall be imported, exported or transported or transited within or from outside or through the State except with a valid movement permit/challan/echallan and subject to such fee (if any) payable as may be prescribed;(2)If any consignment of minor mineral is being transported by road from a place to another such place, the driver or any other person incharge of the vehicle shall obtain transit permission in the prescribed manner from the Competent Authority;(3)In case the driver or person referred to in sub-section (2) fails to comply with the provisions of sub-section (2), he may, apart from being levied such penalty as the State Government may decide, be prosecuted under the provision of these rules.

53. Restrictions on Vehicles carrying Minor Minerals.

(1)The State Government may lay down reasonable restrictions on the vehicles transporting any minor minerals and may require them to adhere to certain specifications.Provided further that the State Government may require the transport vehicles to install GPS devices or such other devices, as it may require and give such directions as it deems fit.(2)The State Government may also specify the size and nature of vehicle/transport to be used for transporting any minor mineral from its source of excavation/production to the warehouse of the Corporation and to the Retail licensee.

54. Power to Regulate Transport of minor minerals.

(1)The State Government may, by notification, regulate the movement or import or export of any or all minor minerals into or from or through the State or any specified part or area of the State.(2)The Department may set up Check Post, Barriers, Weigh bridges etc and such other facilities to regulate the movement of minor minerals.

55. Non Transferability of Permits.

- All movement permits issued under these rules shall be non transferable.Chapter - IX Cancellation of Mining Lease, Retail Licences or Permits.

56. Power to Suspend or Cancel Mining Lease, Retail License or Permit.

(1)The Collector shall be competent to cancel any mining lease of any Settlee/licensee of a retailer in his district. He shall also be competent to cancel any movement permit issued under these rules.(2)Subject to such restrictions as the State Government may prescribe, the Collector may suspend or cancel and forfeit the Security Deposit/Earnest Money Deposit of any mining lease or retail license or movement permit in the following circumstances after giving reasonable opportunity of being heard -(a)if the mining lease or license or movement permit is transferred or sublet by the holder thereof; or(b)if any mining revenue payable by the holder thereof is not duly paid; or(c)in the event of any breach by the holder of such mining lease, any license or movement permit or by his servant or agent, or by any one acting on his behalf, with his express or implied permission, of any of the terms and conditions of such mining lease, any license or movement permit; or(d)if the holder of mining lease or any license or movement permit or his agent or employee is convicted of an offence punishable under the Act or these Rules or any other law for the time being in force, relevant and connected with mining matters or matter relating to mining revenue or of any cognizable and non-bailable offence under any other relevant law; or(e)if the purpose for which the mining lease, the license or movement permit was granted ceases to exist; or(f)if the mining lease, the license or movement permit has been obtained through misrepresentation or fraud; or(g)If the Settlee/license holder has violated any of the conditions mentioned in these rules; or(h)If the Settlee/licensee fails to obtain the environmental clearance within three months or violates any of the condition mentioned therein; or(i)If the Settlee/licensee fails to start mining operation within three months from the date of signing the Agreement; or(j)If,

for any other reason, the Collector is prima facie satisfied, that the mining lease or the license or the movement permit is fit to be cancelled.(3)For any action taken under subsection (1), the Settlee/licensee shall not be eligible for any compensation or refund or deposit whatsoever.(4)Notwithstanding anything mentioned above, in case of detection of any violation of the Act, these rules and any other condition of the mining lease or any license or movement permit, the State Government or the Collector may, apart from cancelling the mining lease/license/movement permit, also impose suitable financial penalties and/or criminal prosecution.(5)Any such penalties levied shall be recoverable under the Public Demand Recovery Act, 1914 (Act 4 of 1914).

57. Procedure for Cancellation of any Lease or License.

(1)Upon receipt of a report from any Mining Officer regarding any contravention of the Act or these rules, the Collector shall issue a notice to the said Settlee/licensee giving 15 days time to file show cause.(2)After hearing the Settlee/licensee, the Collector shall, pass a reasoned order. In the said order, the Collector shall indicate whether the existing stock of the minor minerals and other transport should be confiscated and auctioned or not, and whether or not, the money so received is to be returned to the Settlee.(3)The Collector may also direct the Settlee that such stock, pursuant to the cancellation or suspension of the mining lease or the license, be deposited with the Corporation at such a price as the Corporation may decide. If the Settlee/licensee fails to implement the order of the Collector, the Collector shall cause the minor minerals to be deposited with the Corporation and recover the cost from the said Settlee/licensee.(4)Where the Settlee/licensee fails to appear as a result of the said notice, the Collector shall be free to pass an order ex-parte.

58. Bar to the Right of Renewal and to Compensation.

- No person to whom a mining lease or any license or movement permit has been granted earlier shall be entitled to claim any renewal thereof as a matter of right, and no claim shall lie for damages or otherwise in consequence of any refusal to renew a mining lease or the license or movement permit on the expiry of the period for which the same remains in force.

59. Power of the State Government to withdraw or not to renew all or any license.

(1)The State Government may at any time decide either to withdraw or not to renew all or any of Mining Lease or Retail license or any other license issued to any Settlee/licensee in the entire State of Bihar or any part thereof.(2)For any action taken under sub-section (1), nothing shall be paid in consequence thereof, except any retail license fee or deposit paid in advance after deducting any amount recoverable by the Government.

60. Power of the Collector to take over the Management.

- If any Settlee/licensee or any holder of a retail license issued under these Rules contravenes any provision of the Act or any rules made there under or defaults in complying with any condition imposed upon him or upon refusal to abide by such reasonable directions as the Collector may issue under these rules, or upon expiry of the mining lease period or retail license or withdrawal of the retail license, the Collector, may at any time, with or without cancellation of such mining lease or retail license or privilege -(a)take over the management of such mining operations at the risk and loss of the owner of that establishment; or(b)take over the management of such establishment at the risk and loss of the owner of that establishment; or(c)transfer the establishment , for the unexpired period of the mining lease or retail License or the privilege, at the risk and loss of the owner, to any other person or the Corporation.

61. Power of Collector to Requisition Minor Minerals.

(1)Notwithstanding anything mentioned above, in case of any natural disaster or acute shortage or such other emergencies or in order to maintain a buffer stock, the Collector may require a Settlee/licensee to produce or excavate a specified output of the minor mineral and deliver it to such a place at such rate as he deems fit.(2)Notwithstanding anything mentioned above, in case of any natural disaster or acute shortage or such other emergencies, the Collector may require a retail licensee to deliver a specified quantity of any minor mineral and deliver it to such a place at such rate as he deems fit.

62. Exit Option for Settlee or Retail Licensees.

(1)Any Settlee/licensee or Retail Licensee, at any point of the mining lease period or the Retail license period, as the case may be, may opt to exit the business upon giving three months' notice to the Collector. However, this option is not available to Settlees who have not paid their bidding amount or settlement amount or have violated any condition of lease/license.(2)The Collector may allow such Settlee/licensee to exit the business and return any security money deposited by the Settlee/licensee after deducting such dues as are recoverable.(3)The Collector, thereupon, shall initiate arrangement for a fresh bidding or a fresh retail license, as the case may be.(4)In case of fraud or violation of mining or environmental conditions or any other irregularities reported, no exit option will be available to the Settlee/licensee and their security deposit shall be forfeited.

63. Power of the Collector to issue directions.

(1)Where a Mining Lease has been cancelled or proposed to be cancelled, the Collector may direct the Settlee to continue to excavate or produce such minor mineral in such quantity and deposit the same at such a place, as he may specify in the order, till alternative arrangements are made.(2)Notwithstanding anything mentioned in Sub Rule (1) above, the Collector can issue any direction to any Settlee/licensee to do or not to do a specific action so as to ensure that the minor minerals in the district are available at the prescribed rates and there is no violation of the

provisions of the Act and these Rules.

64. Power of the Mines Commissioner to Suspend/Cancel Mining Lease or Retail License.

- Notwithstanding anything contained in this Chapter, the Mines Commissioner, on his own or upon a complaint or upon a report by any Mining Officer or Police Officer, may initiate steps to cancel or suspend any mining lease or retail license or any other license /movement permit issued under these rules; Provided that he shall give a reasonable opportunity to such Settlee/Licensee to present his case, before passing any order.

Chapter X

Mining Revenue.

65. Nature and components of Mining Revenue.

- Mining Revenue shall be levied and recovered under the following heads, namely:-(a) Bidding Proceed(b) Fee from Retail Licenses(c) Royalty(d) Special Duty(e) Fee from Permits, including Movement permits etc(f) Seigniorage Fee(g) Accruals through fines, penalties and other sundry receipts etc; and(h) Any other duty, fee or surcharge as the State Government may, by notification, impose.

66. Mining Revenue to be paid irrespective of pendency of any Writ Petition, Suit, etc.

- Notwithstanding that a Writ Petition has been preferred or a suit or other Proceeding has been instituted in any court or any appeal has been filed before any Tribunal or the Mines Commissioner or a Revision has been filed before the State Government, any sum due to the State Government under the Act or these rules as a result of demand or order made or passed by any Officer or Authority empowered in this behalf by or under the Act or these rules, shall be payable in accordance with such demand or order unless and until such payment has been stayed by the Competent Authority or the Court.

67. Power to impose fee on import, export, transport and excavation.

(1) Any fee or surcharge, as the case may be, at such rate or rates as the State Government may direct, may be imposed, either generally or for any specified local area on -(a) any Minor minerals imported, or(b) any Minor minerals exported, or(c) any Minor minerals transported, or(d) any Minor minerals excavated under any mining lease issued or renewed under this Act, or(e) any Minor minerals excavated or produced in any Mine or crusher.(2) A duty, at such rate or rates as the State Government may direct, may be imposed, either generally or for any specified local area, on any Minor Minerals under the provisions of these rules.

68. Royalty from Minor Minerals.

(1) All minor minerals shall be subject to a royalty to be paid by the user at a rate decided by the State Government and as revised from time to time. (2) All the royalty may also be collected by the Corporation and deposited with the State Government every month. (3) The Department may lay down such other guidelines as may be required for mechanism for collection of Royalty.

69. Seigniorage Fee from Government Projects.

(1) All the Government Departments, particularly Works Departments using any minor mineral for their schemes or projects, shall deduct a Seigniorage Fee from their suppliers or contractors of such minor minerals. (2) Such Seigniorage Fee shall be at a flat rate of two percent and shall be deducted by the Department from their supplier and contractor and deposited with the Mining Officer of the district. Provided that the State Government may increase or decrease the Seigniorage Fee from time to time.

70. Furnishing of Return.

(1) Every Settlee/Licensee/ shall furnish a true and complete return in respect of all his transactions relating to mining activities, mineral extraction and dispatches of minerals and any other transactions prescribed specially for each month to the prescribed authority in such form and in such manner as may be prescribed. (2) If Settlee/Licensee/ fails to furnish the return within the time specified, he shall be prosecuted under the provision of these rules.

71. Electronic Filing of Returns, Payment by Challan or Statement.

- The Mines Commissioner may require by notification any class of Settlee/Licensee/ to file returns, payment challan or statements electronically. In case such a notification is issued, the class of lessee/Settlee/Licensee/ specified therein has to compulsorily file their returns, payment challan or statements electronically on the specially designed site or portal of the Department.

72. Payment of Royalty and Interest thereon.

- Every Settlee/licensee shall make the payment of royalty due to be paid as in the manner prescribed through challan/e-Challan. In case of defaults in making payments on the due date, they will be liable to pay interest in the manner prescribed. Interest being a civil liability, the issuance of notice is not required for the purpose of levy. In fact, under circumstances warranting payment of interest, the Settlee/Licensee is supposed to compute it suo motto, pay the same and furnish the challan evidencing such payments.

73. Scrutiny of Return.

(1)The Mining Officer shall, within the time and in the manner prescribed, scrutinize every return and payment for the purpose of ascertaining that -(a)all calculations contained therein are arithmetically accurate;(b)the amount of royalty, Seigniorage Fee, extraction of minerals, royalty payable and interest payable, if any, have been computed correctly or properly.(c)Evidence as prescribed has been furnished with regard to payment of royalty and interest payable, if any;(2)If upon scrutiny under sub-Section (1), the Mining Officer discovers any errors, he will serve a notice in the prescribed form on the concerned Settlee/licensee directing him to pay the due royalty or interest within 7 days.(3)The prescribed authority is satisfied that reasonable ground exists to believe that any Settlee/licensee has furnished a wrong return with an intention to evade the royalty, the prescribed authority shall after giving him a reasonable opportunity of being heard, assess to the best of its judgment, the amount of royalty due, if any, from the Settlee/licensee.(4)In case the Settlee/licensee or the Retail licensee fails to obey the orders passed by the Mining Officer, he shall be prosecuted under Rule 80.

74. Single Bank Account.

(1)All Settlee/Licensee shall necessarily operate only a single bank account for all their operations connected with the said lease or the Retail license or the movement permit.(2)The Settlee/licensee must necessarily give the information of the said bank account to the Collector, the Mining Officer of the district, Director Mines and the Mines Commissioner.(3)Any person who acts in violation of this provision shall be prosecuted under Rule 80.

Chapter XI

Offences and Penalties.

75. Penalty for unlawful import, export, transport, manufacture, possession, sale, etc.

- Whoever, in contravention of Section 4(1) and Section 4(1A) of the Act or these rules or order made or notification issued under the Act or these rules or in contravention of any condition of any mining lease or retail license or movement permit or any other license under these rules or without a valid mining lease or retail license or movement permit or any other license issued under these rules -(a)excavates, produces, possesses, buys, sells, distributes, collects, imports, exports, or transports any minor mineral, or(b)transports the minor minerals far in excess of the authorized carrying capacity of the vehicle or transport, or(c)indulges in the excavation, production, transport or trade of any minor mineral in a manner so as to endanger the life of any person working in the mining area or outside or neighborhood,(d)constructs, establishes any plant & machinery or crushers;Shall be punishable with imprisonment for a term of five years and with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees.Explanation. - For the purposes of this section, any owner of the transport or the Settlee of the minor mineral may also be prosecuted if it is

established that such contravention is happening with full knowledge of such owner or Settlee, in addition to the driver of the transport.

76. Commission of offence by Companies.

(1) If the person committing an offence under these rules is a Company, the Company as well as every person in charge of and responsible to, the company for the conduct of its business at the time of commission of the offence, shall be deemed to be guilty of offence, and shall be liable to be proceeded against and punished accordingly. Provided that where a company has different establishment or branches or different units in any establishment or branch, the concerned Chief Executive and the person in charge of such establishment, branch, unit nominated by the company as responsible for the conduct of business shall be liable for contravention in respect of such establishment, branch or unit: Provided further that nothing in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary, or other Officer of the company, such director, Manager, Secretary or other Officer shall be liable to be proceeded against and punished accordingly. (3) This section shall not apply to such companies where the majority shareholding is held by Central or any State Government or such companies as the State Government may exempt. Explanation. - For the purpose of this section - "Company" means anybody corporate and includes a firm or other association of individuals; and "Director", in relation to the firm, means a partner in the firm.

77. Presumption as to Commission of offence in certain cases.

(1) In prosecution under any relevant provision of these rules, it shall be presumed, until the contrary is proved, that the accused person has committed the offence punishable under that section in respect of any minor mineral, for the possession or manufacture or excavation or transportation of which he is unable to account satisfactorily.

78. Penalty for mixing foreign ingredients in minor minerals.

- Whoever, mixes or permits to be mixed with any foreign ingredient in any minor minerals with an intention to reduce its quality shall be punishable with imprisonment which shall be for a term of five years and fine which shall not be less than one lakh rupees but may extend to five lakh rupees;

79. Order by Collector to pay compensation.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) the Collector, while passing an order under these rules may, if he is satisfied that any person or his property has suffered damaged due to action of the Settlee/licensee, order to pay, by way of

compensation, a suitable amount to such person:(2)in case of non-payment by the Settlee/licensee, the said compensation amount within the specified time, the Collector may pay the said amount to the person and thereafter recover the said compensation as "Public Demand" under the Public Demands Recovery Act, 1914 (Bihar and Orissa Act IV of 1914).(3)Any person aggrieved by an order under sub-section (1) may, within thirty days from the date of the order, prefer an appeal to the High Court:Provided that no appeal can be filed against any order filed under this Rule unless 50% of the amount ordered to be paid under sub-section (1) is deposited by the Appellant in the Court:Provided further that the High Court may entertain an appeal after expiry of the said period of thirty days if it is satisfied that the Appellant was prevented by sufficient cause from preferring the appeal in time.

80. Penalty for misconduct by Settlee, Licensees, etc.

- Whoever being a stake holder or a holder of a mining lease or retail license or movement permit granted or issued under these rules or being in the employment of such holder and acting on his behalf, -(a)Fails to produce such Agreement or license or movement permit on demand by any Mining Officer, Police Officer or any other officer duly empowered to make such demand; or(b)Willfully does or omits to do anything in contravention of the conditions of the mining lease or retail license or movement permit not otherwise provided in these rules; or(c)Fails to cooperate during the inspection by any Mining Officer of his premises; or(d)willfully disobeys the lawful order passed by any Mining Officer or the Collector; or(e)Fails to submit returns. shall, be punished -(i)In the case of an offence falling under clause (a), with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.(ii)In the case of an offence falling under clause (b) (c) (d) & (e), with an imprisonment for a term which shall not be less than two years but may extend to five years and with fine which shall not be less than one lakh rupees but which may extend to ten lakh rupees.

81. Penalty for employing minors in Mining or Mining trade.

- If any person employs any minor below the age of eighteen years for the purposes of excavating, producing, selling, possessing, transporting, or distributing any minor mineral, he shall be punishable with a term which shall not be less than three years but which may extend to five years and with fine, which shall not be less than one lakh rupees which may extend to five lakh rupees.

82. Penalty for assault and obstruction.

- Notwithstanding anything contained in the Indian Penal Code, 1860 (XLV of 1860), any person who assaults or threatens to assault or obstructs or attempts to obstruct any Mining Officer or Police Officer or any other officer in the discharge of his official duties shall be punishable with a term which shall not be less than three years but which may extend to five years and with fine, which shall not be less than one lakh rupees which may extend to five lakh rupees.

83. Penalty for non-Payment of Royalty, Duty or Fee.

- If any person fails to pay any royalty duty or fee, which under these rules he is liable to pay, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and also with fine which shall not be less than one lakh rupees but which may extend to ten lakh rupees.

84. Penalty for allowing premises, etc, to be used for Commission of an Offence.

- Whoever, whether being a Settlee/licensee under these rules or otherwise, and having the control or use of any house, room, enclosure, space, animal or conveyance, knowingly permits it to be used for commission by any other person of an offence punishable under any provision of these rules, shall be punishable in the same manner as if he had himself committed the said offence.

85. Penalty for attempt to commit an offence.

- Whoever attempts to commit an offence punishable under these rules shall be liable for half the maximum punishment provided for the offence under these rules.

86. Penalty on Mining Officer or Police Officer refusing to do duty.

- Any Mining Officer or Police Officer who, without lawful excuse, refuses to perform or withdraws himself from the duties of his office, unless expressly allowed to do so in writing by the Mines Commissioner or Collector, or unless he shall have given to his official superior officer two months' notice in writing of his intention to do so, or who shall be guilty of cowardice shall be punishable with imprisonment which may extend to six months or with fine which may extend to one lakh rupees, or with both.

87. Penalty for offences not otherwise provided for.

- Whoever does any act in contravention of any of the provisions of these rules or any rule or order made there under and punishment for which has not been otherwise provided for such contravention, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years or with fine which shall not be less than one lakh rupees but which may extend to ten lakh rupees or both.

88. Enhanced punishment after previous conviction.

- If any person, after having been previously convicted of an offence punishable under these rules, subsequently commits and is convicted of an offence under these rules, he shall be liable to twice the punishment, provided for the first conviction.

89. Non-compounding of offences.

- Any offence committed in contravention of the provisions of the Act and these rules shall be non-compoundable.

Chapter XII

Confiscation etc. by Collector.

90. Things liable for confiscation.

- Whenever an offence has been committed, which is punishable under the Act and these rules, following things shall be liable to confiscation, namely -(a)Any minor mineral,(b)Any plant and machinery,(c)Any animal, vehicle, vessel or other conveyance used for carrying or excavating or producing or manufacturing any minor mineral.(d)Any land and/or premises or part thereof that may have been used for storing or producing or excavating any minor minerals.

91. Procedure for Confiscation and Auction of Minor Minerals by District Collector.

(1)Where any minor mineral is seized by any Mining Officer or Police Officer, he shall submit report to the District Collector and request for its confiscation and auction.(2)On receipt of the report under sub-section (1), the District Collector, if satisfied that an offence under these rules has been committed, may, whether or not prosecution is instituted for the commission of such an offence and whether or not a case is pending before any Court, proceed for confiscation and auction of such minor mineral;(3)The Collector shall thereupon issue a public notice informing about the impending auction giving 7 days notice for any person to appear and file objection with regard to the said bidding.(4)If within 7 days no objection is received, the Collector shall treat the said minor minerals as "unclaimed" and then proceed to order confiscation of the said minor mineral. Thereafter, he shall issue a public auction notice giving 7 days time for prospective bidders and then settle the auction with the highest bidder. The proceeds shall then be deposited in the Government Treasury. Before deciding the auction, the Collector may direct that a certain portion of the confiscated minor mineral may be given to the local Government Departments at their Scheduled rates. The remaining portion of the confiscated minor mineral may be given to the highest bidder.(5)Where, as a result of the public notice issued under sub Rule (2) any objection is filed by a person who claims that the confiscated minor minerals belong to him, the Collector shall pass a reasoned order rejecting or accepting his claim. If the claim is rejected by the Collector, then he may proceed to take action for auction as per sub Rule (4). However, the Collector may deposit the proceeds in the Government Treasury with the condition that if the objector goes in appeal and obtains an order in his favor from any Court, the said money shall be returned to the objector.(6)Where, as a result of objection received by the Collector, the Collector passes an order in favor of the objector and holds that the confiscated minor minerals belongs to the objector, the Collector may, in the interest of ensuring adequate availability of the said minor minerals in the

district, still proceed with the auction process as per sub rule (4) and money so fetched in the auction be given to the claimant.(7)Where, pursuant to his order under sub Rule (6) above, if the minor mineral so confiscated is a subject matter of an FIR or a criminal proceeding, the Collector may still proceed with the auction but deposit the proceeds in the Government Treasury with the condition that if any objector goes in appeal and obtains a favorable order from any Court, the said money shall be returned to the said person.(8)The District Collector shall submit a full report of all particulars of confiscation to the Commissioner of Mines within one month of such confiscationExplanation. - For the purpose of this rule, the public auction may or may not be through e-auction.

92. Procedure for Confiscation and Auction of Items other than Minor Minerals by District Collector.

(1)Where anything, other than a minor mineral, liable for confiscation under these rules is seized or detained under the provisions of these rules, the officer seizing and detaining such item or transport or vessel or animal shall, without any reasonable delay submit a report to the District Collector who has jurisdiction over the said area;(2)On receipt of the report under sub-section (1), the District Collector if satisfied that an offence under these rules has been committed, may, whether or not prosecution is instituted for the commission of such an offence and whether or not a case is pending before any Court, proceed for confiscation and auction of such property;(3)The Collector shall, before passing an order under subsection (2), give a notice of 7 days to the person concerned, of being heard and he may also issue a public notice for him to appear;(4)If the said person appears and files his reply, the Collector shall pass a reasoned order on the same accepting or rejecting his claim. If the Collector rejects his claim, he shall order for the confiscation of the said items and its public auction.(5)Where the person concerned does not appear as result of the notice, the Collector shall be free to pass an order ex-parte.(6)While making an order of confiscation under sub-section (4), if the District Collector is of the opinion that it is expedient in the public interest to do so, he may order the said confiscated item or any part thereof to be sold by public auction and proceeds deposited with the State Government;(7)The District Collector shall submit a full report of all particulars of confiscation to the Commissioner of Mines within one month of such confiscation.Explanation. - For the purpose of this rule, the public auction may or may not be through e-Auction.

93. Confiscation in Public interest or emergent cases or to prevent hoarding.

- Where the Collector feels that there is a shortage of particular minor mineral or in the event of natural disaster or in the event of a Settlee or Licensee suddenly abdicating his mining/manufacturing activity or hoarding the minor minerals, the Collector may -(a)Summarily confiscate such duly excavated/manufactured minerals and sell the same through public auction or to the Corporation and pay the said amount to the said Settlee; or(b)Direct the Settlee to immediately sell such excavated/manufactured minor minerals in the open market or to the Corporation at the rates fixed by the Corporation so as to ensure its availability; or(c)Direct the Settlee to immediately sell such minor minerals to such Government Departments at their Scheduled rates.

94. Power to Freeze Bank Account.

(1)Where the Collector, upon a report by Mining Officer or Police Officer has reason to believe that the bank account of any Settlee/licensee has to be frozen in order to protect Government revenue or to assist the prosecution, he shall forth with issue an order directing the concerned bank to freeze the bank accounts of such Settlee/licensee, till further orders.(2)Any bank or its employee who refuses to obey the aforementioned direction of the Collector shall be prosecuted under Rule 80.

95. Requirement of Exhibit.

(1)Where any minor mineral or any other item has been confiscated and criminal prosecution has been launched, such minor minerals may still be auctioned by the Collector keeping adequate evidence, in the form of an inventory drawn by an Executive Magistrate, photographs or video graphs, as a proof, for the use as an exhibit in the criminal prosecution.(2)The Collector shall cause a report to be filed before the concerned Court about the said auction and the said report shall serve the purpose of exhibit and/or evidence for the purposes of prosecution.

96. Power of the Collector to destroy or disassemble transport or vessel.

- Where any transport or vessel has been confiscated under Rule 92, the District Collector may order that such transport or vessel may be destroyed or may be disassembled so as to render it unfit for any further use.

97. Order of confiscation and destruction not to interfere with other punishment.

- The order of any confiscation under Rule 91 & 92 shall not prevent imposition of any order punishment to which the person affected thereby is liable under these rules.

98. General.

(1)Notwithstanding anything contained in this Chapter, the Collector may direct any Settlee or licensee or any claimant to any confiscated minor minerals to deposit the said confiscated minor minerals with the local warehouse of the Corporation at such rates as the Corporation may decide. If the Settlee/licensee or the Retail licensee fails to implement the order of the Collector, the Collector shall cause the minor minerals to be deposited with the Corporation and recover the cost from the said Settlee/ licensee.(2)The Collector may, after having confiscated any minor mineral, cause it to be sold to such Government Departments at their Scheduled rates so that the Government projects and schemes do not suffer due to non-availability of any minor mineral(3)All the auctions conducted in this Chapter may or may not be through e-Auction mode and the Collector shall be competent to decide the same.(4)The Collector, if he is so satisfied, may approve a single bid received in such an auction.

Chapter XIII

Detection, Investigation and Trial of Offences.

99. Power to enter, inspect, search and seize.

(1)Any of the following Officers namely:(a)The Mines Commissioner, the Director Mines; or(b)The Collector; or(c)Any Block/Anchal Level Officer and above of the District authorized by the Collector; or(d)Any Mining Officer; or(e)Any Police Officer not below the rank of Assistant Sub Inspector;may, without warrant, but subject to such restrictions as may be prescribed by the State Government, enter, inspect ,search any place at any time, day or night, and seize any document, sample, equipment, conveyance, animal, commodity, minor mineral, material, raw material or any other item of concern.(2)The Officers mentioned in sub section (1) above shall be fully empowered to use such reasonable force for the purposes of entering, inspecting, searching and making such seizures as necessary.

100. Power to stop and check any carrier, transport or vessel.

(1)Any Mining officer or any Police Officer not below the rank of Assistant Sub Inspector may stop any carrier, vehicle or transport or vessel to check for verification of the contents.(2)Such Officer may require the driver of the carrier, vehicle, vessel, transport to take such carrier, vehicle, vessel or transport to the nearest weighbridge and get the contents weighed at the expense of the driver or the owner of such vehicle, carrier, vessel, transport.(3)If any person who refuses to obey the lawful command of such Mining Officer or such Police Officer, shall be prosecuted under Rule 75 of these Rules.

101. Power to arrest or detain without warrant.

(1)Any of the Officers mentioned in Rule 99 may arrest or detain, without warrant, any person and/or any vehicle, animal, means of conveyance, at any time of day and night, found committing an offence or attempting to commit an offence punishable under any provision of this Act.(2)All arrests made under this section must be reported to the Collector forthwith.

102. Offences to be Cognizable and Non-Bailable.

(1)All offences under these rules shall be Cognizable and Non-Bailable and provisions of Code of Criminal Procedure, 1973 (Act 2 of 1974) shall apply.(2)No Court shall take cognizance of any offence punishable under the act or these rules except upon to complaint in writing made by any Officer mentioned in Rule 99.

103. Power to investigate.

(1) Any Mining Officer or Police Officer not below the rank of Assistant Sub Inspector may investigate any offence punishable under this Act. (2) The Investigating Officer, for the purposes of these rules, shall exercise the powers of the Code of Civil Procedure 1908 (No. 5 of 1908) in respect of matters enforcing the attendance of any person, examining him on oath or affirmation and compelling production of documents.

104. Powers of the Mining Officer.

(1) All Mining Officers mentioned in Rule 99 shall exercise the powers of the Officer-in-Charge of a police station in his area of jurisdiction for the purposes of these rules. (2) The area to which a Mining Officer is empowered under Rule 99 shall be deemed to be a police station.

105. Production of Persons arrested.

- Any person arrested under this Act shall be produced before the Court within twenty four hours.

106. Reports of Arrests, Seizures and Searches.

- Every Police Officer upon making any arrest, search or seizure shall submit a report to the Collector and to the Mining Officer empowered under Rule 99 within twenty four hours.

107. Trial by the Court.

- In terms of the powers conferred under Section 30C of the Act, all offences punishable under this Act shall be tried by the Court of Sessions.

108. Special Courts.

(1) In terms of power conferred under Section 30B of the Act, the State Government may, if consider necessary in the public interest, for the purposes of trial of all or any of the offences under this Act, either appoint or designate in every District of the State, Special Court(s) in consultation with the Chief Justice of the High Court. (2) The Special Court shall be presided over by a Special Judge who is or has been a Sessions Judge or an Additional Sessions Judge or an Assistant Sessions Judge under the Code of Criminal Procedure 1973 (Act 2 of 1974). (3) The trial under this Act of any offence by the Special Court shall have precedence over the trial of any other case against the accused in any other Court (not being a Special Court) and shall be concluded in preference to the trial of such other case.

109. Procedure and Power of the Special Judge.

(1) A Special Judge may take cognizance of offences without the accused being committed to him for trial and, in trying the accused persons, shall follow the procedure prescribed by the Code of

Criminal Procedure, 1973 (2 of 1974), for the trial of warrant cases by the Magistrates;(2)Save as provided in sub-section (1), the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as they are not inconsistent with this Act, apply to the proceedings before a special Judge; and for purposes of the said provisions, the Court of the special Judge shall be deemed to be a Court of Session and the person conducting a prosecution before a special Judge shall be deemed to be a public prosecutor;(3)In particular and without prejudice to the generality of the provisions contained in sub-section (2), the provisions of Sections 326 and 475 of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to the proceedings before a special Judge and for the purposes of the said provisions, the special Judge shall be deemed to be a Magistrate;(4)A Special Judge may pass upon any person convicted by him any sentence authorized by law for the punishment of the offence of which such person is convicted;(5)A Special Judge, while trying an offence punishable under this Act, shall exercise all the powers and functions exercisable by a District Judge under the Criminal Law Amendment Ordinance, 1944 (Ord.38 of 1944);(6)Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the special Judge shall, as far as practicable, hold the trial of an offence on day-to-day basis.

110. Power to transfer cases to Regular Courts.

- Where, after taking cognizance of any offence in these rules, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any Court having jurisdiction under the Code of Criminal Procedure, 1973 (Act 2 of 1974) and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

111. Power of the Special Court to implead manufacturer, owner, occupier, etc.

- Where at any time during the trial of an offence under these rules, alleged to have been committed by any person, not being the lessee, licensee, manufacturer, or transporter of any mineral or owner or occupier of any premises involved in the offence, the Special Court is satisfied, on the evidence adduced before it, that such manufacturer, distributor, dealer, owner or occupier is also concerned with that offence then the Court may notwithstanding anything contained in the sub-section (3) of section 319 of the Code of Criminal Procedure, 1973 (2 of 1974), proceed against him under any Section of this chapter.

112. Special/ Additional Public Prosecutors.

(1)For every Special Court set up under Section 30C of the Act, the State Government, as per the procedure laid down under Section 24 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), may appoint a person to be the Special Public Prosecutor and more than one person to be Additional Public Prosecutors.(2)Notwithstanding anything contained in sub Rule (1) above, the Government may appoint a Special PP for every district from amongst the panel prepared by the District Magistrate in consultation with the Session Judge.(3)A Special/Additional PP so appointed under

sub Rule (2) above, may be removed upon the report of the District Magistrate.

113. Appeal.

- Any person aggrieved by any order of the Special Court may, within forty five days from the date of order, prefer an appeal in the High Court.

114. Procedure for launching Prosecution.

(1)As soon as a violation of any of the provisions of these rules is detected, the Mining Officer or the Police Officer of the rank of Assistant Sub Inspector and above, shall register a case under the Act and these rules.(2)The Mining Officer or police officer concerned shall then proceed for investigation of the case.(3)After investigation of the case, he shall file a Report within Sixty - Days from the date of registration of the case.(4)The Report so filed shall be deemed to be a Police Report for the purposes of Section 173(2) and Section 190 of the Code of Criminal Procedure ,1973 (Act 2 of 1974).(5)The Collector shall ensure that the aforementioned Report is filed in time and shall also monitor effective prosecution of the cases before the Courts.(6)The Superintendent of Police shall closely monitor the status of cases filed by the Police Officers under this Act and shall submit period reports to the Mines Commissioner and the Collector.

Chapter XIV

Appeals and Revision.

115. Appeals.

(1)All final orders passed by any Mining Officer other than the Mines Commissioner or Collector under these rules, shall be appealable to the Collector within sixty days from the date of the order.(2)All final orders passed by the Collector shall be appealable to the Divisional Commissioner within ninety days from the date of the order complained of.(3)All final orders passed by the Mines Commissioner shall be appealable to the Board of Revenue within ninety days from the date of the order complained of.(4)All appeals shall be disposed of within three months from the date of the filing.

116. Revision.

(1)All final orders passed by the Collector in appeal shall lie in revision before the Mines Commissioner.(2)All final orders passed by Divisional Commissioner in appeal shall lie in revision before the Mines Commissioner.(3)All Revision matters must be disposed of within two months from the date of the filing.(4)The State Government may, on its own motion or on an application made to it, call for and examine the records of any proceeding before any Mines Officer or any document, including that relating to renewal or refusal of retail license or grant of movement permit, pass etc under these rules, for the purpose of satisfying itself as to the correctness and

legality of any order passed in, and as to regularity of, any such proceeding and may, when calling for such record, direct that the order be not given effect till the pendency of the examination of the record, so called for. After examining the record, the State Government may annul, reverse, modify or confirm such order, or pass such other order as it may deem fit.

117. Review.

- Notwithstanding anything contained in this Chapter, the State Government may at any time review its own decision. Chapter - XV Enforcement.

118. State Level Mining Task Force.

(1) There shall be constituted a State Level Mining Task Force as under:- (a) Chief Secretary-Chairman (b) Development Commissioner- Member (c) Principal Secretary Home - Member (d) DG Police - Member (e) Principal Secretary, Environment and Forest (f) Principal Secretary, Revenue and Land Reforms (g) Principal Secretary, Industries (h) Principal Secretary, Road Construction Department (i) Principal Secretary, Building Construction Department (j) Principal Secretary, Rural Works Department (k) Principal Secretary, PHED (l) Principal Secretary Commercial Taxes Department (m) Chairman State Pollution Control Board (n) Principal Secretary, Mines and Geology Department (o) Director Mines - Member Secretary (2) The Chief Secretary may co-opt or invite any other Officer or expert to attend and contribute in the meeting of the State Level Mining Task Force. Half of the Members present shall constitute the quorum.

119. Monitoring Committee.

- The State Level Mining Task Force shall constitute a Monitoring Committee headed by the Principal Secretary of the Department of Mines and Geology with such members as it may deem fit. The Monitoring Committee shall ensure the compliance of the directions of the State Level Mining Task Force.

120. Function of State Level Mining Task Force.

- The State Level Mining Task Force shall insure implementation of these Rules and shall monitor the excavation, trade and availability of minor minerals in the State. In addition to the above, it shall also (a) provide guidance to the Department for achieving the objective of the Act and these Rules (b) frame policies and guidelines essential to implement these Rules (c) issue direction to any other Department to undertake such action as essential to achieve the objective of the Act and these Rules. (d) Shall ensure that the mining activity is undertaken as per the environmental safeguards laid down by the Ministry of Environment Forest and Climate Change.

121. Divisional Level Mining Task Force.

(1) There shall be constituted a Divisional Level Mining Task Force as under :- (a) Divisional Commissioner - Chairman (b) Divisional Commissioners of the Bordering Divisions - Co-Chairmen (c) DIG Police of the Division. (d) DIG Police of the Bordering Divisions (e) The Conservator of Forest (f) All Collectors of the Division (g) All SPs of the Division (h) All DFOs of the Division (i) All Mining Officers of the Division (j) Secretary to the Divisional Commissioner - Member Secretary (2) Additionally, the Divisional Commissioner may co-opt such additional members as he may deem fit. The Divisional Commissioner may also invite the Collectors and the SPs of the districts who share boundaries with the Division. (3) Half of the Members present shall constitute the quorum. (4) It shall meet once in a month.

122. Function of the Divisional Level Mining Task Force.

- The Divisional Level Mining Task Force shall insure implementation of these rules and shall monitor the excavation, trade and availability of minor minerals in the Division. In addition to the above, it shall also - (a) ensure the inter-district coordination between the districts of the Division and the bordering districts of Division. (b) Prepare and launch coordinated action plan to check illegal mining and illegal transportation of minor minerals across districts and districts outside the Division.

123. District Level Mining Task Force.

(1) There shall be a constituted a District Level Mining Task Force as under: (a) Collector - Chairman (b) Superintendent of Police (c) All Sub Divisional Officers (d) All Sub Divisional Police Officers (e) Divisional Forest Officer (f) Executive Engineer, RCD, BCD, PHED and Rural Works Department (g) District Transport Officer (h) District Mining Officer - Member Secretary (2) The Collector may co-opt or invite any other Officer or expert to attend and contribute in the meeting of the District Level Mining Task Force. (3) Half of the Members present shall constitute the quorum. (4) It shall necessarily meet once a month and at earlier frequencies as directed by the Department.

124. Function of the District Level Mining Task Force.

- The District Level Mining Task Force shall insure implementation of these rules and shall monitor the excavation, trade and availability of minor minerals in the district. In addition to the above, it shall also (a) ensure that all the mining activity is carried on as per the condition of the mining lease. (b) ensure that no illegal mining, illegal transportation, over loading, hoarding and black marketing of minor mineral is carried on. (c) all the retail business of minor minerals are carried out as per the provision in these rules. (d) issue direction to any other Department to undertake such action as essential to achieve the objective of the Act and these Rules. (e) Shall ensure that the mining activity is undertaken as per the environmental safeguard laid down by the Ministry of Environment Forest and Climate Change. Chapter - XVI District Mineral Foundation.

125. District Mineral Foundation.

(1) There shall be a District Mineral Foundation as mentioned under section 9B of the Act. (2) All Settlees/licensee, as required under section 15A of the Act, shall be required to contribute 2% of the bidding proceeds or the license fee to the District Mineral Foundation in which they are undertaking mining operation or Retail operation. If the area operation extent to two district then they shall contribute two percent (3) The District Mineral Foundation shall be a Trust as required under section 9B of the Act.

126. Trust and its Constitution.

(1) There shall be constituted for each District of Bihar, a Trust established in terms of sub-section (1) of Section 9 (B) of the Act to be known as the District Mineral Foundation for the said District; (2) The Trust shall be perpetual body and shall have a common seal. (3) Each of the Foundation shall have its Headquarter at the respective District Headquarter

127. Composition of Board of Trustees of the District Mineral Foundation.

(1) The District Mineral foundation in each of the district shall consist of the following members namely:-

| | |
|--|------------------|
| Collector | Chairperson |
| Additional Collector | Co-Chairperson |
| Assistant Director Mines/ Mineral Development Officer/ Mines Inspector | Member Secretary |
| Director, District Rural Development Agency | Member |
| Divisional Forest Officer | Member |
| Civil Surgeon | Member |
| District Welfare Officer | Member |
| District Co-Ordinator, Jeevika | Member |
| District Accounts Officer | Member |
| District Cooperative Officer | Member |
| Any other officer authorized by the Collector. | Member |
| Two Representatives, (One from Major Mineral & Other from Minor Mineral) from the holders of Mineral concession belonging to the concerned district | Members |
| Any person from mining affected area, nominated by the Collector | Member |

(2) The Chairperson may invite such other officials to the meetings of the Foundation, as he/she may consider necessary. (3) The quorum for the Foundation shall be fifty percent of the members. (4) The Foundation shall meet at least once every quarter and more frequently if required, and accordingly take decisions regarding utilization of the Fund in an effective, transparent and accountable

manner. The Chairperson shall arrange for the maintenance of the books of accounts of the Fund.

128. Objectives of the Foundation.

- The District Mineral Foundation shall work for the interest and benefits of the people and areas affected by mining related operations in the districts in such manner as may be prescribed by the State Government in order to meet the following objectives:-(a)To Implement various developmental and welfare projects or programs in mining affected areas.(b)To minimize or mitigate the adverse impacts, during and after mining, on the environment, health and socio-economics of people in mining districts.(c)To ensure long-term sustainable livelihoods for the affected people in mining areas.(d)Funding of expenditure incurred on implementation of any scheme of incentives that the State Government may frame for recognition and awards for scientific mining undertaken with highest regard to mineral conservation, rehabilitation measures along with environmental safeguards and other measures.(e)Implementing the objectives specified in Pradhan Mantri Khanij Kshetra Kalyan Yojana (P.M.K.K.KY.)(f)Any other objective which the State Government may consider expedient to support in the overall interest of the mining sector.

129. Powers and Functions of the Foundation.

- The Foundation shall have the overall control over the management and functioning of the Trust and shall, subject to the guidelines or directions, if any, issued by the Government from time to time, have the powers to -(a)Approve the annual budget and action plan for the Trust;(b)Approve the master plan or perspective plan;(c)Decide the priority areas and allocations;(d)Appoint the auditors and approve the annual reports;(e)Monitor the proper functioning of the Trust.(f)Carry out other activities as notified by the Central/State Govt. from time to time.

130. Fund of the Trust.

- The funds of the Trust shall comprise :(a)Payment to the Trust made by the holders of mineral concessions at the rates specified by Central/State Government.(b)Payments made to the trusts by any Settlee/licensee or any other person as required by the Central Government or the State Government.(c)All receipts and incomes including interest accrued on the deposits made in the Bank Account.(d)Voluntary contributions, if any, received by the Trust from any person or Organization.(e)Any other grant, subvention and/or financial assistance notified for this purpose by the Government.

131. Bank Accounts.

- The Fund shall be kept in any Scheduled Bank or a Bank designed for this purpose by the Government through a Savings Bank Account in the name of District Mineral Foundation or such name as decided by the Government in this regard and such account shall be operated under the joint signatures of at least two of the three signatories, viz. Chairperson, Co-chairperson and Member Secretary.

132. Amount payable by the holders of mineral lease holders or Settles/licensee to the Trust.

(1) In respect of Minor Minerals an amount equal to two percent or at a rate prescribed by the State Government from time to time of the annual bidding/settlement amount/compounded royalty as per category fixed in case of brick earth/royalty payable by permit holder/royalty paid by existing mining lease holder shall be charged from the mineral concession holder on annual basis and credited to the Foundation, in addition to the amount payable to the Government on account of such concession. (2) The said contribution shall be remitted by the mineral concession holder by 31st December every year during the entire concession period. In case of sand settlement, the said amount shall be paid along with the installments of mining royalty. (3) For default in payment till prescribed date simple interest @ 24 percent per annum or as decided by the State Government shall be charged from the Mineral concession holder.

133. Mode Of Payment of Contribution.

- All payments shall be made by way of Bank Draft drawn in favor of DMF Trust, (Name of District), Payable at (Name of the District)

134. Expenditure/Utilization of the District Mineral Foundation Fund.

(1) The expenditure and utilization of fund accrued under the District Mineral Foundation shall be done as per the Pradhan Mantri Khanij Kshetra Kalyan Yojana (P.M.K.K.K.Y.) details of which are annexed as Annexure-I and/or in a manner as decided by the Central/State Government from time to time. (2) The District Mineral Foundation shall abide by all guidelines and directions issued in respect of the Pradhan Mantri Khanij Kshetra kalyan Yojana (P.M.K.K.K.Y.) and/or other schemes by the Central/State Governments, as applicable.

135. Maintenance and Audit of Accounts.

(1) The accounts of the District Mineral Foundation shall be maintained in the form, mode and manner as may be decided by the Government. (2) The accounts of the District Mineral Foundation shall be audited in such manner as may be decided by the Government. (3) After the audit the District Mineral Foundation shall submit the annual report to the Government.

136. Annual Report.

(1) Every year, within three months from the date of closure of the Financial Year, the Foundation shall cause to prepare an annual Report on the activities of the Trust for the respective year. (2) The Annual Report will be submitted to the Government within one month from the date of its approval by the Foundation and will also be hoisted on the website of the Foundation. (3) The Annual Report of each Foundation shall be laid before the State Legislative Assembly.

137. Monitoring of the amount payable to the Foundation.

- Every lessee/Mineral Concession holder shall remit the amount payable to the Foundation into the credit of such bank account as the Government may specify. Every Officer who is authorized to collect royalty shall maintain a register of the amount payable and paid by each lessee/ Mineral Concession holder and furnish the monthly consolidated statement thereof to the Chairperson of the foundation at the end of every month.

138. Identification of Affected Areas and People.

(1)Affected Areas:(a)Directly affected areas are where direct mining-related operations such as excavation, mining, blasting, beneficiation and waste disposal, overburdened dumps, tailing ponds, transport corridors etc. are located and shall include:(i)Villages and gram Panchayats within which the mines are situated and are operational. Such mining areas may extend to neighboring village, block or district on even state.(ii)An area within such radius from a mine or cluster of mines as may be specified by the State Government, irrespective of whether this falls within the district concerned or adjacent district.(iii)Villages in which families displaced by mines have been resettled or rehabilitated by the project authorities.(iv)Villages that significantly depend on the mining areas for meeting their economic needs and have traditional rights over the project areas, for instance, for grazing, collection of minor forest produce etc.(b)Indirectly affected areas are those areas where local population is adversely affected on account of economic, social and environmental consequence due to mining related operations. The major negative impacts of mining could be by way of deterioration of water, soil and air quality, reduction in stream flows and depletion of ground water, congestion and pollution due to mining operation, transportation of minerals, increased burden on existing infrastructure and resources.(2)Affected people -(a)the following shall be considered as directly affected persons:(i)'Affected family' as defined under Section 3(c) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(ii)'Displaced Family' as defined under Section 3(k) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.(iii)Any other as appropriately identified by the concerned Gram Sabha.(b)Persons affected by mining shall include people who have legal and occupational rights over the land mined, and also those with usufruct and traditional rights.(c)Affected families shall be identified, as far as possible, in consultation with local/elected representatives of Gram Sabha or the Urban Local Body as the case may be.(3)The District Mineral Foundation shall prepare and maintain an updated list of such affected areas and people.

Chapter XVII

Exemptions.

139. Power of State Government to exempt minor minerals from the provisions of these Rules.

- The State Government may, by notification, either wholly or partially, and subject to such conditions (if any) as it may think fit to prescribe, exempt any minor mineral from all or any of the provisions of these rules, either throughout the State or any specified area of the State, for any specified period or occasion or for any specified class of persons and for such purposes.

140. Power of Government to relax the operation of any provision of these Rules.

(1) State Government may, relax the operation of one or more of the provisions of these Rules if, in the opinion of the Government, such relaxation is necessary in public interest. (2) Notwithstanding anything contained in these rules, the State Government, in such case as it deems proper in public interest, may grant a mining lease/mining settlement and may also authorize the grant of a quarrying permit or movement permit to any person on terms and conditions other than those prescribed in these rules for reasons to be recorded in writing: Provided that the State Government may grant a mining lease/settlement/retail license in any area under its jurisdiction to any Government Department or State owned Corporation on terms and conditions other than those prescribed in these Rules.

141. Mining Lease etc to any Works Department.

(1) Notwithstanding anything contained in these rules, the State Government may grant license/lease to any Works Department for any particular project in a specific number of districts for specific period of time. (2) The said Works Department shall have to pay the due royalty/ Seigniorage Fee and such other fee as applicable under these rules.

Chapter XVIII

Miscellaneous.

142. Restriction on General Ban on Mining.

- No Authority or Agency or institution or any Competent Person shall issue a general blanket ban of mining of minor minerals without consulting the State Government. If it comes to the knowledge of the State Government that such a ban has been imposed, it shall be competent to overrule the said ban in public interest.

143. Officers to be Public Servants.

(1) All Officers and persons empowered to exercise any powers or to perform any functions under the Act or these rules shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (Act 45 of 1860). (2) No suit shall lie in any Civil Court against the State Government or any Mining Officer for damages for any act done in good faith or ordered to be done in pursuance of the Act or these rules or of any other law for the time being in force relating to the

Mining Revenue.(3)No Civil Court shall try any suit against the State Government in respect of anything done, or alleged to have been done, in pursuance of these rules, and except with the previous sanction of the State Government, no Magistrate shall take cognizance of any charge made against any Mining Officer under these rules or made against any other person under these rules.

144. Orders to remain in Force.

(1)Every Order, Notification, Rule or Regulation which was made under the Bihar Minor Mineral Concession Rules, 1972 (as amended from time to time), the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, the Sand Policy, 2013 or by the Mines Commissioner, Collector, the Board Of Revenue or any other Mining Officer appointed under those Rules relating to the matter of Mining and which was in force immediately before the expiration thereof shall, in so far as such order or notification or rule or regulation is not inconsistent with the provisions of the Act and these rules, be deemed to continue in force and to have been made under the Act and these rules.

145. Repeal and Savings.

(1)The Bihar Minor Mineral Concession Rules, 1972 (as amended from time to time), the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and the Sand Policy, 2013 are hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said rules and Policy shall be deemed to have been done or taken under the corresponding provisions of the Act and these rules.(3)All references in any provisions of the rules so repealed shall be construed as references to the corresponding provisions of these rules.(4)All proceedings (including proceedings by way of investigations) pending before any Officer, Authority or Court, immediately before the commencement of these rules shall, on such commencement, be deemed to be proceedings pending before it as per these rules and shall continue to be dealt with accordingly.

146. Power to remove difficulty.

(1)If any difficulty arises in giving effect to the provisions of these rules, the State Government may, by notification in the Official Gazette, make such provisions as it deems necessary or expedient for removing the difficulty.

147. Laying of Rules.

(1)These rules, as soon as they are promulgated, shall be laid before each house of the State Legislature.(2)Every notification issued under these rules shall, as soon as it is issued, be laid before each house of the State Legislature.