

Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003

BIHAR

India

Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003

Rule

BIHAR-MINERALS-PREVENTION-OF-ILLEGAL-MINING-TRANSPORTA of 2003

- Published on 29 January 2003
- Commenced on 29 January 2003
- [This is the version of this document from 29 January 2003.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003Published vide Notification G.S.R. No. 224/M., Bihar Gazette (Extraordinary) dated 29.1.2003Government of Bihar, Department of Mines & GeologyG.S.R. No. 224/M. - In exercise of the powers conferred by Section 23C of the Mines & Minerals (Development and Regulation) Act, 1957, the Governor of Bihar is hereby pleased to make the following Rules, namely:-

Chapter I Preliminary

1. Short title, extent and commencement.

- (i) These Rules may be called Bihar Minerals (Prevention of illegal mining, transportation and storage) Rules, 2003.(ii)It shall extend to the whole of the State of Bihar.(iii)It shall come into force with effect from the date of publication in the Bihar Gazette.

2. Definitions

- In these Rules unless the context otherwise requires:-(i)"Act" means Mines & Minerals (Development & Regulation) Act, 1957 (Act No. 67 of 1957).(ii)"Carrier" means any mode or conveyance of facility by which Ore/ mineral is transported from one place to another and it includes mechanized device, person, animal or cart.(iii)"Competent Officer" means Asst. Mining

Officer/Distt. Mining Officer/ Geologist posted as Mining Officer in district and any other officer authorised by the State Government.(iv)"Prescribed" means prescribed by these Rules made under the Mines and Minerals (Development and Regulation) Act, 1957.(v)"Transit pass" means a Transit pass issued by the Competent Officer for lawful transportation of any raised or stocked mineral in accordance with the provision of the M.M. (D. and R) Act and Rules made thereunder, by a carrier.(vi)The expression "Mineral", "Mining lease", "Prospecting licence", "Mines", "Quarry lease" have the same meanings which are assigned to them in the Mines & Mineral (Development & Regulation) Act, 1957 and Rules made thereunder i.e. Mineral Concession Rules, 1960 and Bihar Minor Mineral Concession Rules, 1972.(vii)"Form" means a form set out in Schedule-I appended to these Rules.(viii)"Scientific test" means any test conducted for chemical or mineralogical analysis of minerals and assessment of its chemical & mineralogical constituents and properties for the purpose of scientific study without any commercial motive.(ix)"Research work" means any work done for beneficiation and upgradation of the mineral and for examining its suitability for utilisation in the industry, for the purpose of scientific study without any commercial motive.(x)Terms not defined in these Rules will have the same meaning which are assigned to them under the Act or Rules framed thereunder.

3. Prohibition on Transportation.

- No person shall transport or carry or cause to transport or carry any Ore/mineral by any means from the place of raising, leasehold area or the area of stock of minerals to another place without being in possession of a valid transit pass issued by the Competent Officer under the Rules.

Chapter II

4. Transport of Minerals.

- (i) For transportation of any mineral to any place, the holder of mining lease, the holder of a stock licence shall make an application in Form "A" in duplicate to the Competent Officer for issue of transit pass.(ii)All despatches of minerals by a holder of a mining lease by a carrier, stockist license holder, rail wagons or aerial ropeway shall be accompanied with a challan or Transit pass in duplicate in Form "B". The person in-charge of the carrier shall produce the transit pass at the check post en route or on demand by an Competent Authority or such other officer authorised in this behalf:Provided that in case of transport of mineral by holder of a Prospecting Licence for test purposes, a special permit by the concerned authority will suffice if the quantity transported is as per Col.3 of Schedule III of MCR 1960 or as per provision of the BMMC Rules 1972, for which proper return will have to be filed. For a quantity more than this, subject to maximum of that specified in Col 4 of Schedule III of MCR 1960 and B.M.M.C. Rules 1972 or for transport of mineral purchased by auction, in addition to a transit pass, a permit by the concerned authority or auctioneer, as the case may be, shall also be provided to the carrier, which will be produced to the concerned mining office to issue transit pass for such quantity.(iii)The holder of mining lease or quarry lease or any other holder of mineral under Mineral Concession Rules 1960 and Bihar Minor Mineral Concession Rules 1972 shall use transit passbook issued by the Competent Officer or any

officer authorised by the State Government in this behalf at a prescribed cost as decided by the State Government. The Transit passes shall be in triplicate, machine numbered with Book No. and Serial No. of the pass obtainable at cost of prescribed rate. One copy of the transit pass shall be submitted along with monthly return prescribed under M.C. Rules 1960 and B.M.M.C. Rules 1972 before the Competent Officer.(iv)All carriers carrying mineral shall stop at the check posts/gates or anywhere before the checking authority and proceed after having been cleared by the check posts/check gates/checking authority. Authorities shall make necessary endorsement on the triplicate copy held by the in-charge of the carrier.(v)Every holder of mining lease shall provide all reasonable facilities to competent officer or checking authority authorised in this behalf to inspect, verify and check the stocks and accounts of minerals and any other documents pertaining thereto.(vi)A transit pass issued by the Competent Officer and duly certified by him for inter-state movement shall be allowed by another States.

5. Jurisdiction of Officers.

- The following officers are authorised to stop, check and verify carriers carrying the Mineral from the mine or any other place as provided in M.C. Rules 1960 or B.M.M.C. Rules 1972:-(i)The Secretary and any officer senior to the rank of Dy. Secretary of the Deptt., Director, Mines/Geology (In the whole of the State of Bihar).(ii)Collector or any officer authorised by him (Within their respective districts).(iii)Addl. Director, Mines/Geology (In their respective zones).(iv)Dy. Director, Mines/Geology (In their respective zones).(v)District Mining Officer/Asst. Mining Officer in their respective area.(vi)Mining Inspector in their respective area.It shall be the responsibility of the mines-leaseholder of mineral and any other person who is doing mining/mineral business or settlement holder to ensure that all assistance and co-operation for such checking and verification shall be afforded by their carriers.

6. Establishment of check-posts and barriers and wieghment and inspection of minerals in transit.

(1)If the State Government considers it necessary to do so with a view to check the transport and storage of minerals transported without lawful authority, it may direct the setting up of check-post or erection of barrier or both at any place or places within the State by an order in writing:Provided that the setting up of a check-post or erection of a barrier shall be notified in the Official Gazette.(2)Any officer authorised by the State Government in this behalf may check carrier carrying mineral at any place and the person in-charge of the carrier shall furnish a valid "Transit Pass" in the prescribed Form and other particulars such as bill or receipt or delivery note on demand by that officer.(3)At every check-post or barrier set up under sub-rule (1) or at any other place when so required by the officer in-charge of the check-post or the barrier or Competent Officer or any other authorised officer, the person in-charge of the carrier shall stop the same for checking and verification of the mineral in transit and also inspection of all records and documents relating to minerals in possession of such person and before in-charge of the check-post or the barrier or Competent Officer or any other authorised officer and furnish his name and address as also that of the owner of the carrier and the name and address of both the consignor and the consignee. After checking the mineral and carrier the officer in-charge of the check-post or the barrier or Competent

Officer or any other authorised officer as aforesaid shall put his signature on the Transit Pass.(4)If the officer in-charge of the check-post or Competent Officer or any other authorised officer has reasons to believe that the mineral is not according to details of the transit pass, such officer, or any other authorised officer, shall recover from the person in-charge of the carrier the value of the mineral and royalty with other taxes.(5)(a)The officer-in-charge of the check-post or the barrier or Competent Officer or any other authorised officer shall have the power to seize the mineral along with the carrier in transit, if it is not accompanied with a valid transit pass or if the person in-charge of the carrier refuses to make the payment under sub-rule-4.(b)The officer in-charge of the check-post or the barrier or Competent Officer or any other authorised officer shall give a receipt of such mineral and carrier seized by him to the person from whose possession or control it is seized.(c)The officer-in-charge of the check post or Competent Officer or authorised officer may direct the person in-charge of the carrier to carry the mineral to the nearest police station or check post or barrier:Provided that if the person in-charge of the carrier, refuses to carry the mineral and the carrier to the nearest police station or check post or barrier the officer in-charge or Competent Officer empowered under sub-rule (3) may seize the carrier and take the same in his possession:Provided that if the officer in-charge of the check post or Competent Officer or any authorised officer if identified the carrier owner or mines owner he will release seized mineral along with carrier on his personal bond stating therein the value of the mineral and royalty with taxes and shall undertake to deposit within a week from the date of furnishing bond of the person in-charge of the carrier willing to take the seized mineral along with the carrier.

7. Storage of major mineral and minor mineral beyond lease hold area.

(1)Every person who carries business of major minerals beyond any lease hold area shall obtain a stockist licence from the Competent Officer or any officer authorised by the State Government in Form "C" of this Rule:Provided that for minor mineral the licence under Form 'L' except of stone minerals used for crusher shall be obtained as per the provision of Rule 49 of Bihar Minor Mineral Concession Rules, 1972:Provided further that for stockist licence for stone mineral used for crusher shall be obtained as per the following procedure:-(a)The number of stone stockist licence for use of crusher shall be determined in consonance to the number of leases and its capacity of stone production of a particular area/district as well as capacity of crusher unit.(b)The number of the stone stockist licence for the use of crusher shall be determined by the State Government on the recommendation of the Collector.(c)The determined number of stone stockist licence for the use of crusher shall be notified in Official Gazette by the State Government.(d)Notwithstanding anything contained contrary to this Rule and in Bihar Minor Mineral Concession Rules, 1972, the grant of stone stockist licence shall be strictly on the basis of Public Auction/Tender to the highest bidder/Tenderer as notified by State Government. The State Government shall fix the minimum reserve deposit for the stone stockist licence with the recommendation of Collector. The reserve deposit shall be fixed with regard to district, location, population, state of civil construction, state of industrial construction, state of urbanisation and place of industrial growth in different area of the State:Provided if the applicants are less than the numbers, as fixed by the State Government, Stone Stockist Licence for use of crusher, Collector of a district after having a prior approval of the State Government may grant licence on payment of agreed amount as decided by the Collector and approved by the State Government.(e)The State Government may allot upto 20% of total number of

stone stockist licence determined for a particular area/district to the nearby district in the interest of industrial development as well as mineral development with the recommendation by the Collector and Dy. Director of the Circle.(f)The Competent Officer with the approval of the Collector shall publish in a local newspaper widely read in the area with regard to number of stone stockist licences to be granted for use of crusher giving at least one month time for an application under Rule 7(i) (g) proviso of Bihar Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules 2003.(g)The application in prescribed Form "Ca" seeking a stone stockist licence for the use of crusher shall be accompanied in a prescribed manner to the Competent Officer:-(i)A non refundable treasury challan of Rs. 5000/- (five thousand).(ii)A character certificate issued by the concerned District Superintendent of Police with regard to the antecedent.(iii)No objection certificate from Pollution Control Board for establishment of crusher unit.(iv)A license under Bihar Factory Rules 1950 of The Factories Act 1948 or an affidavit stating that he will submit licence issued under Bihar Factory Rules, 1950 of the Factories Act, 1948 within two months after receiving the stockist licence.(h)Preference may be given to any person/persons in cluster of crushing machines within 8 kms. from the leasehold/mining areas.(i)The period of stone stockist licence for the use of crusher shall not be more than 20 years with following condition.(i)The auction bid/tender amount shall be deposited in yearly basis in equal installments within seven years. Each equal installment shall be deposited before 31st December.(ii)After payment of installment of auction bid/tender amount or agreed amount up to seven years, renewal of stone stockist licence for the use of crusher shall be made on the deposit of Rs. 5000/- every year up to thirteen years.(iii)The State Government shall issue a guideline from time to time in this regard.(j)Default in payment of any installment till prescribed date, a 24 percent simple interest shall be charged up to six month and after that action for cancellation of licence shall be taken.(k)Every stone stockist licence holder for the use of crusher shall maintain a register in Form 'G' of this Rule.(2)Every application for stockist licence of major minerals shall be accompanied with following particulars:-(a)Every application for stockist licence shall be accompanied with a fee of Rs. 500/-. (b)Every such licence shall be valid for one calendar year.(c)Every such licence may be renewed on application which shall be accompanied by a fee of Rs. 100/-. (d)Every such licence holder shall maintain proper accounts of purchase and sale of all such minerals in a register in Form "D" which shall be produced before the Competent Officer or any other officer authorised by the State Government for inspection.

8. Penalties.

(a)Whoever contravenes the provisions of sub-rule (4), (5a) and (5c) of Rule-6 shall be punished by the Competent Court with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand along with price of the mineral and royalty with other taxes.(b)Any mineral along with carrier seized under sub-rule (4), (5a) and (5c) of Rule 6 shall be liable to be confiscated by an order of the court competent to take cognizance of the offence under sub-rule (5a) of this Rule 6 and shall be disposed of in accordance with the directions of such court.(c)The Competent Officer or any other authorised officer shall have power to seize the mineral along with tools, if any, who contravenes the provisions of sub Rule (1) and (2) of Rule 7.(d)Whoever contravenes the provisions of sub-rule (1) and (2) of Rule 7 shall be punished by the Competent Court with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand along with price of the mineral and royalty with other taxes or shall be liable to be

confiscated by an order of the Court competent to take cognizance of the offence under sub rule (3) of this Rule 7 and shall be disposed of in accordance with the directions of such Court.(e)Notwithstanding anything contained in the Code of Criminal Procedure 1973, an offence under sub-rule (4), (5a) and (5c) of Rule 6 and Rule 7 shall be cognizable.

9. Cognizance of offence.

- No court shall take cognizance of any offence punishable under this Rule except upon complaint in writing made by a person authorised in this behalf by the State Government or a person described in Rule 5 and Rule 7 of this Rule.

10. Exemption.

- The State Government may, by notification in the Official Gazette exempt any person or class of persons from the extent of these Rules:Provided that mineral is stored/carried for the purpose of scientific test and research work only.

11. Relaxation.

- In case of Government works the State Government may relax any of the provisions under this Rule.

12. Revision.

(1)Any person, aggrieved by any order made by the Competent Officer as mentioned in this Rule on this behalf, in exercise of powers conferred on it by these Rules, may within 30 days of the date of communication of the order to him file a revision petition before the Commissioner, Mines, in Form-'E'.(2)Every application shall be accompanied with a fee of Rs. 500/- to be deposited under the head of account 0853.(3)The Commissioner, Mines, may after giving reasonable opportunity of hearing to the party confirm, modify or set aside or may pass such order or orders as may deem just and proper and his order shall be final.Form-A[See Rule 4(1)]To,The Distt/Asstt, Mining Officer,Sir,Transit pass may, kindly, be issued for dispatching the minerals - stone/sand/earth-brick mined from my lease area, Mauza.....Khata No.....Plot No.....total area of lease P.S.....Distt.....whose particulars are as below:-Particulars of Stock

Sl. No.	Nature of mineral	Name & address of lessee	Particulars of lease area	Measurement of stock uptill now	Mineral to be dispatched-stone/sand/ earth-brick	Quantity tonne/ Sqr. mtrs.	Quantity of mineral	Remarks
1	2	3	4	5	6	7	8	9

Place:Date :Signature of lessee.Form-B[See Rule 4(2)]Challan or Transit passDeptt. of Mines & GeologyGovernment of Bihar
Book No. Distt.

Name of the Mine.....Challan/Pass No.Terms of settlement of mining lease and:Date of termination:Name of leasehold minerals:Grade of minerals and purpose for which sold:Name of lessee/lessees and full address:

Date: Time:

Name of the person/firm/company by which mineral is being purchased:Mineral/Ore to whom sold (Give particulars):Cubic content (Cu.m.):Weight of the mineral (Tonne):No. of carrier:

Name & signature of the person
issuing the pass with date

Name & signature of the
carrier driver with date

Name & signature of the
checking staff with date

Remarks:-

1. All entries should be without any overwriting and should be clearly readable.

2. Duplicate copy shall be handed over to the driver of the carrier and original copy shall be retained in the transit pass book.

3. Omission to record date or time or any overwriting in the transit pass book shall be punishable.

4. Fresh transit pass shall be issued to the carrier for each trip.

Form - C[See Rule 7 (1)Stockist licenceDepartment of Mines & Geology,Government of BiharShri/Smtis approved to be a person to stock major mineral for calendar year.....at.....(name of place).....P.S.....Distt. and he will be compelled to abide by the provisions of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.Seal and signature ofCompetent Officer.Form -"CA"[See Rule 7(1)]To,The Competent Officer,Sir,Stockist licence may, kindly, be issued for storage of stone for the use in crusher within/beyond lease hold area, Mauza.....Khata no.....Plot no.....total area for storage.....P.S.....Dist.....whose particulars are as follows:-Particulars of Minerals for stock

Sl. No.	Name of mineral	Quantity of mineral (In tonnes)	Quality of mineral	Name and address of lessee to whom mineral purchased	Remarks.
1	2	3	4	5	6

Other required papers as in Rule 7 are enclosed.Place:Date:Signature of applicant.Form -D[See Rule 7(2) (D)]Register to be maintained by licence holder

1. Name and address of licence holder:

2. Details of quarry lease/permit:

3. Area:

4. Mineral:

5. Location of quarry site:

Date	Opening balance	Qty. extracted	Total	Names of persons to whom sold/ dispatched	Number of challan issued	Total quantity sold or dispatched	Qty. in stock at the close of the day	Amount of royalty	Remarks
1	2	3	4	5	6	7	8	9	10

Form - EForm of Application for Revision[See Rule 12(1)]

1. Name and address of individual(s), Firms or Company

2. Profession of individual(s), firm or Company.

3. No, and date of order (designation of officer) against which is revision Application is filed (copy enclosed).

4. Details of the order against which the Revision application is filed.

5. Whether application fee of Rs. 500/- has been deposited in the manner prescribed in Rule 12(2) of the Bihar Mineral (Prevention, Transportation and Storage) Rules 2003.

If so, Treasury Challan in original should be attached.

6. Whether the revision application has been filed within thirty days of the date of communication of the order passed.

7. If not, the reasons for not presenting it within the prescribed limit as provided In the proviso to sub-rule (1) of Rule 12, of this Rules.

8. Name and complete address of the party/ parties impleaded.

9. No. of copies of petition attached.

10. If the revision application has been filed by the holder of power of Attorney, Power of Attorney to be attached.

11. Ground of revision.

Place: Date : Yours faithfully, Signature and designation of the applicant.

Form - G[See Rule 7(1) (L)] Register to be maintained by stone stockist licence holder

1. Name and Address of stone stockist license holder-

2. Details of stone stockist licence-

3. Area-

4. Mineral-

5. Location of stock site-

Date	Opening balance	Qty. of stone	Total	Names of the persons to whom stone purchased	Number of challan issued	Total Qty. of stone sold/ dispatched	Qty. in stock at the close of the day	Amount of royalty	Remarks
1	2	3	4	5	6	7	8	9	10