

Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017

JHARKHAND

India

Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017

Rule

JHARKHAND-MINERALS-PREVENTION-OF-ILLEGAL-MINING-TRANSP **of 2017**

- Published on 27 January 2018
- Commenced on 27 January 2018
- [This is the version of this document from 27 January 2018.]
- [Note: The original publication document is not available and this content could not be verified.]

Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 Published vide Notification No. Kha. Ni.-2/Vidih-41/2006-245/M, dated 27.1.2018 No. Kha. Ni.-2/Vidih-41/2006-245/M, dated 27.1.2018 - In exercise of the powers conferred by Section 23-C(1) and Section 23-C(2) of the Mines and Minerals (Development and Regulation) Act, 1957 (as amended in 2015), the Government of Jharkhand hereby makes the following rules:-

1. Short Title, Extent and Commencement.

- (i) These rules may be called "The Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017. (ii) It extends to the entire State of Jharkhand. (iii) It shall come into force on the date of notification.

2. Definitions.

(1) In these rules, unless the context otherwise requires: (a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957) and as amended in time to time; (b) "Collector" means "Deputy Commissioner" of the District. (c) "Competent Authority" means "Additional Chief Secretary, Principal Secretary, Secretary, Mines Commissioner and Director, Mines appointed or authorized by the State Government"; (d) "Competent Officer" means Deputy Commissioner of the district and District/Assistant Mining Officer of the district or any gazetted officer authorized by the Deputy Commissioner of the district; (e) "Carrier" means any mode or conveyance or facility by which mineral is transported from one place to another and includes

mechanized device, person, animal or cart;(f)"Dealer " means any person who is ;(i)Engaged in purchase, storage, sale, transportation and processing of mineral(s) anywhere in the State for commercial gain through mineral based activity. However the purchaser utilizing the mineral for personal consumption shall be exempted.(ii)Carrying out export/import of mineral(s)(g)"Dealer's registration" means a registration granted under these rules authorizing a person, to store and engage in the transaction to buy or sell and transport of minerals defined in clause (k) below;(h)"Department" means Department of Industries, Mines and Geology, Government of Jharkhand ;(i)"Form" means "Prescribed Forms"(j)"Government" means State Government of Jharkhand;(k)JIMMS - means Jharkhand Integrated Mines 86 Mineral Management System under the Department of Industries, Mines and Geology.(l)"Mineral" means, minerals of all types (except the atomic minerals in part B of schedule-1 of Mines and Minerals (Development and Regulation) Act, 1957, and varieties including precious and semiprecious and un-cut stones and minor minerals as specified in section 3(e) of the mines and minerals (Development and Regulation) Act, 1957 (central Act, 67 of 1957) as amended in time to time and Jharkhand Minor Mineral Concession Rule, 2004 and as amended time to time for the purpose of these rules;Explanation. - Any mineral shall remain a mineral by reason of being subjected to any process like crushing, burning, breaking, drying, cutting, polishing, pulverizing, or any other procedure intended to make the mineral fit or suitable for sale or consumption.(m)"Mines Commissioner" means Additional Chief Secretary, Principal Secretary, Secretary, Industries, Mines and Geology Department, Government of Jharkhand or any other officer appointed or authorized as Mines Commissioner by the state government.(n)"Notification" means a notification published by Government of Jharkhand;(o)"Permit" means permit granted under these rules;(p)"Transport Challan" means a challan issued by the officer authorized by the Government for lawful transportation of any mineral raised in accordance with the provisions of the Act and the rules made their under by a carrier, which is issued to a Mineral Dealer; and(q)"Year" means financial year.(2)Terms not defined in these rules will have the same meaning assigned to them under the Act or the rules framed there under.

3. Grant of Registration.

- (i) Any person desirous of being registered as dealer shall apply online through JIMMS Portal in Form as prescribed by Department of Industries, Mines and Geology, Government of Jharkhand.(ii)Every applicant shall submit the following :-(a)A fee of Rs 25,000/- or an amount as notified from time to time by the Department of Industries, Mines 86 Geology payable online through JIMMS Portal.(b)Self-attested copy of the following document as a. PAN;b. TAN;c. GST Registration;d. Aadhar; ore. Company/firm Registration.Department of Industries, Mines and Geology, Government of Jharkhand may add, subtract, mandate or relax any document if so required to establish the identity of the dealer;(c)An Affidavit to this effect that he/she/they have not been convicted in any case relating to Illegal mining, Transportation, Storage, Sale and Purchase of minerals;(d)Existing registered dealers as on the date of notification of these rules, have to re-apply with requisite documents to get new registration without any additional fee within ninety days from notification of these rule.Explanation. - If existing dealers do not register themselves under these rules within specified time, their registration will be deemed to have lapsed automatically. Thereafter, if they desire, they will have to get themselves registered as a new dealer.

4. Processing and Disposal of Application.

- The officer in-charge of JIMMS or any such authorized officer by competent authority shall approve the application for registration in prescribed form after due verification of application within 30 days. If the application is neither approved nor rejected within thirty days, it will be deemed to have been approved. The registration number will be generated automatically in JIMMS portal. Competent Authority/officer or any authorised officer for the purpose may get the verification done subsequent to issuance of registration certificate. If a person is holding a valid mining lease granted under the Mineral Concession Rules, 1960 or 2016 or JMMC Rule, 2004 & as amended time to time framed under the MM(DR) Act shall be exempted to register as a dealer for the same lease and mineral. However he/she will be treated as deemed dealer for the purpose of these rules.

5. Conditions.

- (i) The Dealer shall abide by all terms and conditions prescribed by Department of Industries, Mines and Geology, Government of Jharkhand as mentioned in Dealers Registration Certificate. (ii) Dealers will have to register their mineral carrying carrier in JIMMS portal with their RFID/GPS or any other vehicle tracking system within sixty days of getting dealer registration. Lessee, as deemed dealer under Rule-4, will also require to register their mineral carrying carrier in JIMMS portal with RFID/GPS or any other vehicle tracking system within sixty days of notification of this rule.

6. Management Fees.

- (i) A management fee of Rupees one per ton of mineral despatched shall be paid by the mining lease holders which will be deposited online through JIMMS portal. However, Department of Industries, Mines and Geology, Government of Jharkhand may revise the management fee by a notification. (ii) The amount collected towards management fee may be provided from time to time in the expenditure budget of the Department of Industries, Mines & Geology under appropriate head of account. This fund shall be utilised to maintain and strengthen the JIMMS and prevention of illegal mining, transportation and storage or for the purpose as may be notified by the Department of Industries, Mines and Geology, Government of Jharkhand.

7. Prohibition.

- No person other than a dealer or a mining lease holder shall buy or store or sell or offer for sale or engage in any transaction of buying, selling, processing any mineral at any place or transport mineral for commercial gain without being registered as a dealer.

8. Suspension/Termination/De-Activation of Registration.

- (i) If a Dealer is found non-operative for a period of two years, the dealer registration will be de-activated automatically.(ii)Such de-activated Dealers' registration may be re-activated by filling an application in prescribed form along with a fee of Rs. 5000 or as notified time to time by Department, online through JIMMS Portal.(iii)The District Mining Officer/Any such officer authorized by the Competent Authority may at any time suspend the registration for breach of any of the terms and conditions of the Registration. The registration may be cancelled for breach of any of the terms and conditions of registration after giving an opportunity of being heard.

9. Transport Challan.

- (i) No person shall transport or otherwise remove or carry away any mineral from any place without obtaining a transport challan duly generated through JIMMS. The Dealer desiring such challan should file an application online through JIMMS portal in prescribed Form duly specifying all the particulars prescribed therein.(ii)The applicant shall upload the original copy of the royalty paid Transport Challan issued by the lessee to such Dealer or the relevant documents showing payment of royalty on such mineral or other adequate proof of such payment.(iii)On receipt of an application under sub-rule (i), the The District Mining Officer/Any such officer authorized by the Competent Authority shall communicate his approval/rejection within fifteen (15) days on the JIMMS portal for issuing the Transport Challan in prescribed form for such period and subject to such terms and conditions as prescribed by him. The District Mining Officer/Any such officer authorized by the Competent Authority may reject an application to grant Transport Challan for reasons to be recorded in writing and communicated to the applicant through JIMMS Portal.

10. Special Condition With Respect to Lease Holders.

- i. All dispatches of ores and minerals except those by aerial ropeway/conveyor belt by captive users shall be accompanied by Transport Challan in the prescribed Form.ii. Sampling and analysis will be done before the mineral/ore is removed from the mine site. The following procedure shall be adhered to-(a)Mining Lessees after proper dressing, stacking, grading and analysis shall apply in prescribed form through JIMMS portal to the District/Assistant Mining Officer, within whose jurisdiction the mine is situated, intimating his intention to remove the mineral/ore enclosing copies of the analysis report in duplicate in prescribed Form and shall make payment of royalty of the mineral and other charges through JIMMS portal.(b)Upon receipt of such application, District Mining Officer/Assistant Mining Officer shall verify or forward the same to Mining Inspector/any other authorised officer for verification. After verification, verification report will be submitted on JIMMS portal within 07 days of receipt of application. The District/Assistant Mining Officer shall allow/reject the same within 15 days.(c)The verifying officer shall draw joint samples from the stacks of marginal grade and also from the stacks, grade of which would appear to him different from that mentioned in the analysis reports. Joint samples shall be drawn by the Mining Inspector/Verifying Officer and an authorized representative of the Mining Lessee and shall be divided into 3 part, of which one part shall be handed over to the mining lessee under joint seals, the 2n1 part shall be sent to the Government approved Laboratory for analysis under joint seals and 3"1

part shall be kept with District/Assistant Mining Officer under joint seals as an umpire sample.(d)The analysis result of Government Laboratory would be final, provided that in case of dispute the Director may, if he is satisfied with the genuineness of the dispute on written reference by the mining lessee, send the respective umpire sample for analysis to another Government approved Laboratory and the report so given by the Laboratory shall be final.(e)When minerals/ores are dispatched directly from the mine by railway wagons, joint samples shall be drawn from the wagons and analysis report of each lot of four wagons or less as the case may be, shall be given:Provided that no analysis report shall be necessary if the minerals/ores are declared to be of the highest grade. No analysis shall also be required in respect of mineral/ores, i.e fireclay, quartzite etc. which do not have different grades for royalty purpose.iii. On receipt of the verification report from the Mining inspector, the District/Assistant Mining Officer shall approve/reject the same as mentioned in Clause 10(ii)(b) above.Provided that no dispatch shall be allowed in respect of the stacks from which joint samples have been drawn till the analysis results are received from the Government Laboratory.iv. Permit for the initial dispatch from a new mine shall not be allowed by the District/Assistant Mining Officer without obtaining clearance from concerned Collector that permission for surface operation has been given and all formalities regarding execution of lease are complete.v. (a) All transport of minerals/ores will normally pass through check-gate/weigh bridge of the Department and /or approved by the Department. The quantity moved will be verified through designated check-gate/weigh bridge. Where there is no facility of weighment, the verification shall be done through volumetric measurement.(b)The working hours of each check gate shall be announced in advance by the District/Assistant Mining Officer and shall be commensurate with the general requirement of the Mining traffic in that sector.vi. (a) Whenever any mining lessee transports the minerals raised in his mine without any valid permits or challan, it will be treated as a transgression of the conditions of these rules along with all other applicable Act and Rules.(b)The mining lessee shall be responsible for the strict compliance of these rules by the carriers engaged by them and shall ensure that the carriers produce necessary transit challans at the check-gates/weigh bridge for verification.

11. Search, Seizure and Confiscation.

- (i) The following officers are authorized to stop, check, search and verify at any place/truck/Other Vehicle carrying the minerals/ore from the mine or other source or storage and seize the same as required within the jurisdiction as specified below:

Additional Chief	
(i) Secretary/Principal Secretary/Secretary/Commissioner, entire State. Mines	
(ii) Director of mines	In the entire State.
(iii) Additional Director of mine	-do-
(iv) Deputy Director of mine	Within their respective jurisdictions.
(v) District Collector/Deputy Commissioner	Within their respective jurisdictions.
(vi) District/Assistant Mining Officer	Within their respective jurisdictions.
(vii)	

Sub Divisional Magistrate/Any other
officer authorized by the Collector

Within their
respective jurisdictions/Jurisdiction
authorized by the collector in the District

(viii) Mining Inspector.

-do-

(ix) In-charge Check-gate

-do-

It shall be the responsibility of the mining lessee/dealers to ensure that their carriers afford all assistance and co-operation for such inspection. (ii) The dealer/lessee shall allow any competent authority/competent officer or any such officer authorized by competent authority to inspect the place where mining, storage and processing unit exists to verify the stocks of ore and minerals and take sample or the abstract from the records maintained by him. (iii) Every dealer shall allow competent authority/competent officer or any officer authorised by the Director, Mines/Commissioner, Mines or Secretary, Department of Industries, Mines and Geology, Jharkhand to enter and inspect the premises, where the mineral is kept or stored. Inspection of such documents as desired in writing and furnishing of information as directed in writing shall be obligatory for such dealer. (iv) Every officer making a seizure, under these rules shall prepare a list of minerals, tools, equipment, vehicles or any other article, so seized and deliver a copy thereof signed by him to the person found in possession of such minerals. Such officer shall keep such seized property under proper custody with proper official seal and with detailed information. (v) Any minerals, tool, equipment, vehicle or any thing seized shall be liable to be confiscated by an order of the court of the Deputy Commissioner of the concerned district and shall be disposed of in accordance with direction of such court.

12. Custody of the Seized Property.

- The competent Officer shall keep the seized material or properties under the custody of an institution belonging to Government or any responsible official of the Government as far as possible.

13. Penalties.

- (i) Any person, who contravenes any of the provision of these rules, or buys or sells or store minerals except under and in accordance with the terms and conditions of dealers registration or who transports the minerals except as mentioned in the transport challan or transport minerals without transport challan shall be punishable as per provision made under JMMC Rule, 2004 and as amended from time to time. (ii) Whoever intentionally obstructs the competent officer or any other officer in performing his duties under these rules, shall be punishable with an imprisonment upto a term of one year or fine which may extend to Rs 25000/-or with both.

14. Appeals.

- (i) Any person aggrieved by an order of the District/Assistant Mining Officer for a particular action under these rules may prefer an appeal in prescribed form to the Deputy Commissioner within thirty (30) days from the date .of communication of the order. (ii) Every application for an appeal shall be accompanied with a fee of Rs. 1000/- (Rupees One Thousand only) or an amount as notified

from time to time by the department to be deposited online through JIMMS.(iii)The appellate authority may, for sufficient reason to be recorded in writing, condone the delay in filing of appeals.

15. Revision.

- (i) Any person aggrieved by an order passed in an appeal under these rules/ by an order passed by the Deputy Commissioner under rule 11(v) may file an application for revision/appeal as the case may be before the Mines Commissioner within Thirty (30) days from the date of communication of such order in prescribed Form(ii)Every revision/appeal application shall be accompanied with a fee of Rs. 1000/ (Rupees One Thousand only) or an amount as notified from time to time by the department to be deposited online through JIMMS.(iii)The Mines Commissioner may, for sufficient reasons to be recorded in writing, condone the delay in submission of revision/appeal application.

16. Repeal and Saving.

- (i) On the commencement of these rules, the Jharkhand Mineral Transit Challan Regulation, 2005 and Jharkhand Minerals Dealer Rule, 2007 shall cease to be in force with respect to all minerals for which the Jharkhand (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 are applicable except as regards things, done or omitted to be done before such commencement.(ii)On the commencement of these rules, with respect to the minerals to which these rules apply, any reference to Jharkhand Mineral Transit Challan Regulation, 2005 and Jharkhand Mineral Dealer's Rule, 2007 in the rules made under the Act or any other document shall be deemed to be replaced with the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017, to the extent, it is not repugnant to the context thereof.

17. Clarification.

- In any special case, the Department of Industries, Mines & Geology may issue clarification regarding these rules, if necessary, in the interest of mineral development.