

Rajasthan Mineral Prevention of Illegal Mining Transportation and Storage Rules, 2007

RAJASTHAN

India

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Rule

RAJASTHAN-MINERAL-PREVENTION-OF-ILLEGAL-MINING-TRANSPC of 2007

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012.

G.S.R. 41 in exercise of the powers conferred by section 23C of the Mines and Minerals (Development and Regulation) Act, 1957, the State Government hereby makes the following rules for prevention of illegal mining. transportation and storage of minerals and for the purposes connected therewith, namely-

1. Short title, extent and commencement.

(1) These rules may be called the Rajasthan Minerals [Prevention of Illegal Mining, Transportation and Storage] Rules, 2007.(2)They shall extent to whole of the State of Rajasthan and shall apply to all minerals except minor minerals.(3)They shall come into force from the date 'their publication in the Rajasthan Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires;(a)"Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);(b)"Authorized Officer" means

Director/Additional Director [Mines]/Superintending Mining Engineer/Superintending Mining Engineer [Vigilance]/Mining Engineer/Mining Engineer [Vigilance]/Assistant Mining Engineer of the Mines & Geology Department for their respective jurisdiction or any other officer authorized in this behalf of the State Government by Notification in the official gazette;[G.S.R. 26. In exercise of the powers conferred by clause (b) of rule 2 of the Rajasthan Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2007, the State Government hereby authorise the Revenue Intelligence Officer of State Directorate of Revenue Intelligence (SDRI) as "Authorised Officer" for the purpose of the said rules.] [G.S.R 26 Notification No. F. 14(1) Mines/Gr 11/2011, dated 26-5-2011. Published in Rajasthan Gazette Exty, Pt. 4(Ga)(1), dated 26-5-2011.](b)"Dealer" means any person who carries on the business of buying, selling, storing, distributing or processing of mineral or minerals/ores directly or otherwise for cash or for deferred payment or for commission, remuneration or other valuable consideration or uses mineral/s and/or it's ingredients as a raw material;(c)"Department" means Department of Mines and Geology, Government of Rajasthan;(d)"Director" means Director of Mines & Geology Department. Government of Rajasthan;(e)"Form" means a form appended to these rules;(f)"Government" means Government of Rajasthan;(g)"Mine Owner" in these rules shall have the same meaning as assigned to word "Owner" under the Mines Act, 1952;(h)"Rawanna" means a challan used for dispatch of mineral from valid mining lease area, issued by Mining Engineer/Assistant Mining Engineer of the Department.(i)"Section" means section of the Mines and Minerals (Development and Regulation) Act. 1957;(j)"Transit Pass" means pass issued by an authorized officer to the dealer for transportation of mineral;(I)"Vehicle" means any mode of transportation or any mechanised device, by which minerals is being transported; and(m)"Year" means financial year i.e. from 1st April to 31st March.(2)Words and expressions used but not defined in these rules shall have the same meaning as assigned to them under the Mines and Minerals (Development and Regulations) Act. 1957.

3. Prohibitions.

(1)No person shall carry on the business of buying, selling, storing, distributing or processing of mineral or minerals/ores directly or otherwise for cash or for deferred payment or for commission, remuneration or other valuable consideration or use mineral/s, and/or its ingredient as a raw material without being registered as a Dealer under these rules:Provided that existing dealers may apply for registration, as per procedure laid down in rule 4 within one month from the date of publication of these rules.Explanation Minerals shall not cease to be minerals by reason of being subjected to any process like crushing, breaking, drying, pulverizing or any other procedure intended to make the mineral fit or suitable for sale or consumption.(2)Subject to sub-rule (3) and (4), no person shall transport or carry away any mineral from any place without obtaining a transit pass from the Mining Engineer or Assistant Mining Engineer concerned.(3)If any excavated mineral is transported from granted mining area, driver or incharge of vehicle shall carry Rawanna duly stamped by the department, in place of Transit Pass.(4)If in any particular area or for a particular mineral, the Department itself is collecting royalty through check-posts and any other system is in force, the driver or incharge of vehicle shall carry Royalty Receipt issued by the incharge of check-post in place of Transit Pass.

4. Procedure for Registration

(1) Every dealer shall get his place/places of business registered separately under these rules by submitting an application in Form No. 1 along with proof of deposit of 100/- [Rupees one hundred] non-refundable fee to the respective Mining Engineer or Assistant Mining Engineer, have jurisdiction over the place of business: Provided that if any person establishes mineral based Industry within the State and registered with Industries Department of the State, shall be exempted for submitting an application in Form No. 1 for registration and fee as prescribed above. He shall intimate the concerned Mining Engineer/Assistant Mining Engineer that he is already registered with Industries Department and submit attested copy of Certificate of such Registration within specified period, and Mines department shall enroll the person as a registered dealer on the basis of such Registration Certificate. (2) On receipt of an application or intimation under sub-rule (1), the Mining Engineer or Assistant Mining Engineer shall acknowledge the receipt of the application or intimation on the same day and register the person as a dealer within three days from the date of receipt of the application/intimation and issue Registration certificate in Form No. 2. (3) If the person is not registered within three days from the date of receipt of the application/intimation, he shall be deemed to be registered as a dealer after the period of three days from the date of submitting the application/intimation. (4) The Mining Engineer or Assistant Mining Engineer shall maintain a register in his office in Form No. 3, wherein he shall make necessary entries about the dealer and its registration. The units mentioned in proviso of sub-rule (1) of Rule 4 shall be entered in the register, as specified above.

5. Transit Pass.

(1) The persons desiring Transit pass shall submit an application before the Mining Engineer or Assistant Mining Engineer concerned in Form No. 4 duly specifying all the particulars prescribed therein. (2) The application for transit pass shall be accompanied by a copy of the relevant documents and particulars of royalty payment on such mineral. (3) On receipt of an application of the dealer under sub-rule (1), the Mining Engineer or Assistant Mining Engineer concerned may issue Transit Pass in Form No. 5 for specified period on the basis of records including royalty receipts submitted by the applicant, and subject to such terms and conditions as deemed necessary or may refuse in writing to issue such transit pass for reasons to be recorded in writing and communicated to the applicant. (4) The Mining Engineer/Assistant Mining Engineer shall maintain register of 'Issue of Transit Pass' in Form No. 6. The Transit Passes issued to a dealer for the quantity, shall not exceed the quantity for which valid royalty receipts has been submitted. (5) Royalty receipts submitted by an applicant, in lieu of that Transit Passes issued to dealer shall be stamped as "Cancelled, Transit Pass issued"-by Mining Engineer or Assistant Mining Engineer. (6) Every person who transports the minerals shall carry Transit Pass or Rawanna or Royalty Receipt, as the case may be, with the vehicle and shall produce the same on demand to incharge of check post or authorized officer.

6. Establishment of check posts, weigh bridges and inspection of Mineral/goods in transit.

(1) If the State Government, Director, Additional Director (Mines), Superintending Mining Engineer, or Mining Engineer/Assistant Mining Engineer considers it necessary with a view to prevent the illegal mining may, subject to provision of sub-rule (2), establish check post at any place by an order in writing.(2)The Assistant Mining Engineer/Mining Engineer, Superintending Mining Engineer, Additional Director (Mines), Director and State Government may order to establish a check post for a period up to 6 months, 12 months, 18 months, 2 years and for a period more than two years respectively.(3)The establishment of check post for a period exceeding 2 years shall be Notification in the Official Gazette and in other cases, Notification at the place of establishment of check post and on the Notification Board of the Office of the concerned Mining Engineer/Assistant Mining Engineer shall suffice.(4)An authorized officer or incharge of the Check Post/Naka may check any vehicle carrying the mineral at any place and the owner or the person incharge of the vehicle shall furnish a valid Rawanna/Royalty Receipt/Transit Pass and other particulars [Deleted] [Deleted and Added by Amending Rules, 2011 G.S.R. 81 Notification No. F. 12(17) Mines/Gr 11/2000 Pt dated 13-1-2011. Published in Rajasthan Gazette Part [VC dated 17-1-2011.] as demanded by the said officer/incharge of the check-post.(5)The State Government or Director may establish the weigh bridge or may authorize any weigh bridge in the area on certain mutually agreeable conditions, to measure the quantity of mineral being transported at any place, by an order in writing.(6)At every check post or at any other place when so required by authorized officer, the driver or any other person incharge of the vehicle shall stop the same, get the minerals contained therein weighed, shall pay weighing charges as fixed by the Government from time to time and shall keep the vehicle stationed so long as may reasonably be necessary and allow incharge of the check post or authorized officer as aforesaid, to examine the minerals in transit and also inspect all records relating to the minerals in possession of such driver or other person. The driver or incharge of vehicle shall, if so required by the incharge of the check post or authorized officer, shall give his name and address as also that of the owner of the vehicle and the name and address of the consignor and the consignee. After checking the minerals and vehicle, the incharge of the check post or authorized officer shall put his signature on the rawanna/royalty receipt/transit pass so as to avoid any further checking at another check post.(7)[If the officer incharge of the check post or any other officer mentioned in sub-rule (4) above has reason to believe that royalty has been evaded in respect of any mineral liable to assessment for royalty, such officer may require the owner or person incharge of the vehicle to pay cost of mineral along with compounding fee as specified by the officer authorized under section 22 of the Act.(8)The officer incharge of the check post or the barrier or the officer empowered under sub-rule (4) shall have power to seize mineral along with vehicle which is not covered by a valid rawanna, or transit pass issued by Department of Mines and Geology, if the owner or person incharge of the vehicle refused to make payment as required under sub-rule (7). The seized vehicle alongwith mineral shall be handed over to SHO/incharge of nearest Police Station.(9)The officer incharge of the check post or the barrier or any officer empowered in this behalf shall give a receipt of such mineral along with vehicle seized by him to the person from whose possession or control it is seized.] [Deleted and Added by Amending Rules, 2011 G.S.R. 81 Notification No. F. 12(17) Mines/Gr 11/2000 Pt dated 13-1-2011. Published in Rajasthan Gazette Part [VC dated 17-1-2011.]

7. Inspection, Checking and Search

(1) An authorized officer may inspect, check and search the minerals at place of excavation or storage or during transit. (2) The mine owner or dealer or person in charge of the vehicle, shall produce every record related with mineral as demanded by the authorized officer and provide copy of the document as required by the said officer or allow him to get abstracts from the records. (3) An authorized officer may for the purposes of these rules, require a mine owner or dealer to produce before him any accounts, registers and other documents and to furnish any other information relating to mining operations or business related to minerals.

8. Maintenance of Registers, Boundary Pillars and Boards

(1) Every mine owner shall keep a copy of agreement of lease or license along with map etc. at site duly attested by Mining Engineer/Assistant Mining Engineer having jurisdiction over the area. (2) Every mine owner or dealer shall maintain sign boards at clearly visible location, with particulars of their dealing in minerals and of size and shape and details therein, as specified by the Mining Engineer/Assistant Mining Engineer concern and every time keep in good condition. (3) Every mine owner shall maintain boundary pillars of the sanctioned area, of size and shape as specified by the Mining Engineer/Assistant Mining Engineer concern and every time keep in good condition with marking number of lease/license and name of the pillar. (4) In addition to provisions in various rules, every mine owner shall maintain the record of production and despatch of mineral and non-saleable mineral in separate registers in Form No.7 and Form No.8 respectively and shall maintain log book of all machines, record of consumption of explosives, electricity, fuel etc. and registers regarding labour attendance and payment of wages, regularly. (5) Every Dealer shall maintain proper record of all rawannas/transit passes/royalty receipts and bills etc. through which mineral is received, dispatched, processed or consumed in manufacturing. He shall also maintain log book of all machines, record of consumption of explosives, electricity, fuel etc. and registers regarding attendance of personnel [skill or semi-skill or un-skill] employed and payment of wages, regularly. The dealer shall maintain all such particulars in the register in Form No.9.

9. Returns.

(1) Every Dealer shall furnish mineral wise annual returns for each financial year in Form No.10 to the Mining Engineer/Assistant Mining Engineer having jurisdiction over the place of business before 1 June of next year: Provided that Annual return may be filed with late fee of Rs. 100/- per (-ray up to 30 days after the period as specified above. (2) The Annual return submitted by a dealer to the Mines Department shall be treated as Self Assessment of royalty. The authorized officer shall make sample scrutiny of the randomly selected cases, from at least 10% of the total dealers in his jurisdiction.

10. Revision

(1) Any person aggrieved by an order of an authorized officer for a particular action under these

rules, may within thirty (30) days from the date of communication of the order, prefer Revision in Form No. 11 to the State Government.(2)Every application for revision shall be accompanied with a nonrefundable fee of Rs. 2000/- (Rupees Two Thousands only) to be deposited under relevant Head of Account. The revision authority shall dispose off the revision within a period of three months from the date of its receipt.(3)The revision authority may condone the delay in filing of revision with reasons to be recorded in writing.

11. Penalties

Whoever contravenes the provision of these rules, shall be punishable under the provisions of section 21 of the Act.

12. Rectification of mistake

Any clerical and arithmetic mistake in any order passed by the Government or any other officer under these rules and any error arising therein from accidental slip or omission may be corrected by the Government or officer as the case may be:Provided that no order prejudicial to any dealer shall be passed unless dealer has been given a reasonable opportunity of being heard.

13. Repeal and Savings

The Rajasthan Minerals Prevention of Illegal Mining, Transportation and Storage Rules, 2006 is hereby repealed:Provided that any action taken under the rules so repealed shall be deemed to have taken under the provisions of these rules.