

The Orissa Minerals (Prevention of theft, Smuggling & Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007

ODISHA

India

The Orissa Minerals (Prevention of theft, Smuggling & Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007

Rule

THE-ORISSA-MINERALS-PREVENTION-OF-THEFT-SMUGGLING-ILLEGAL MINING AND REGULATION OF POSSESSION, STORAGE, TRADING AND TRANSPORTATION) RULES, 2007

- Published on 16 July 2007
- Commenced on 16 July 2007
- [This is the version of this document from 16 July 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Minerals (Prevention of theft, Smuggling & Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007 Published vide Notification No. S.R.O. No. 412/2007, Orissa Gazette Extraordinary No. 1171 dated 16.7.2007 S.R.O. No. 412/2007 - In exercise of the powers conferred by Section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the State Government do hereby make the following rules for prevention of theft, smuggling & illegal mining and to regulate the possession, storage, trading and transportation of minerals in the State of Orissa and for the purposes connected therewith, namely: Chapter-1

1. Short Title, Extent and Commencement.

(1) These rules may be called the Orissa Minerals (Prevention of Theft, Smuggling & Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007. (2) They shall come into force on the date of their publication in the Orissa Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires- (a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957); (b) "Competent Authority" means officers as mentioned in the Schedule appended to these rules; (c) "Carrier" means any mode of conveyance or

facility by which mineral is transported from one place to another and it includes mechanized conveyance, person, animal, bicycle, vessel, cart or any other means;(d)"Check-post" means any permanent or temporary structure managed by authorized personnel to verify the documents relating to transport of mineral(s);(e)"Form" means a form appended to these rules;(f)"Government" means the Government of Orissa;(g)"Government Laboratory" means Chemical Analytical Laboratories functioning under the control of the Department of Steel & Mines, Orissa;(h)"Illegal mining" means any mining activity undertaken in violation of Sub-section (1) of Section 4 of the Act;(i)"Illegal transportation" means transportation or caused to be transported of any mineral otherwise than in accordance with the provisions of the Act and rules made thereunder;(j)"Illegal storage" means the storing of any mineral other than in accordance with the provisions of the Act and rules made thereunder;(k)"Inspecting officer" means any person authorised by the Government under Section 24 of the Act;(l)"Prescribed" means prescribed under these rules or rules made under the Act;(m)"Research work" means any work done for beneficiation and up gradation of the mineral and for examining its suitability for utilization in the industry and for the purpose of scientific study without any commercial utilization;(n)"Scientific test" means any test conducted for chemical analysis or mineralogical study of mineral and assessment of its chemical and mineralogical constituents and properties for the purpose of scientific study without any commercial utilisation;(o)"Trader" means any person who carries on business of buying, possessing, storing, selling, supplying, transporting, distributing or delivering for sale or processing of mineral(s), and includes:(i)person who buys and processes, minerals for sale or for utilisation for their own purposes;(ii)person who holds a mining lease granted under Mineral Concession Rules, 1960 or acquires a mining lease under the Coal Bearing Area (Acquisition and Development) Act, 1957;(p)"Trading licence" means a licence issued by the Competent Authority to any person, who wishes to possess, sell, trade in, transport, store, or otherwise deal with any mineral;(q)"Transit pass" means a pass issued by the Competent Authority for lawful transportation of any mineral, raised in accordance with the provisions of the Act and rules made thereunder, by a carrier;(r)"Transit permit" means the permission granted by the Competent Authority in the prescribed form for removal of mineral from one place to another;(s)"Transportation" means carrying of mineral from one place to another;(t)"Weighbridge" means mechanized or electronic system of weighing minerals or mineral products;(2)All other words and expressions used in these rules but not defined unless the context otherwise requires shall have the same meaning as respectively assigned to them under the Act and rules made thereunder.

3. Restriction.

- No person shall carry on the business of buying, possessing, storing, selling, supplying, transporting, distributing or delivering for sale or processing of minerals at any place for the purpose of sale or consumption or otherwise deal with any mineral except under and in accordance with the terms and conditions of a trading licence granted under these rules ;Provided that a holder of a reconnaissance permit, prospecting licence or mining lease in respect of the minerals for which he holds a mineral concession shall not be required to obtain a licence for possessing, storing, selling, supplying, transporting, distributing or processing of such mineral(s) within the leasehold area and transportation from the leasehold area as the case may be :Provided further that any person purchasing and transporting mineral(s) for use or consumption shall be required to obtain a

licence or a permit as the case may be :Provided also that no licence shall be required for transportation, storing and processing of minerals for scientific test or research work:Provided also no licence shall be granted to any person unless a person is an Indian National or a Company as defined in the Companies Act, 1956; not a defaulter in payment of mining dues payable under the Act and the rules made thereunder and has not been convicted by a Court in any case relating to any violation under these rules:Provided also that in order to discourage procurement of illegally extracted mineral(s) no licence for storage (depot) of mineral for trading shall be granted within a radius of 40 Km. of the source of such mineral :Provided also that, no licence shall be granted to a person whose licence has been cancelled for violation of terms and conditions of a previous licence issued under these rules.Chapter-2 Grant of Trading Licence and its Renewal

4. Application for grant of Trading Licence.

(1)Any person who intends to procure, possess, store, sell, trade in, consume or otherwise deal with any mineral shall make an application for a trading licence for each mineral in Form A, In case he applies for grant of trading licence for storing and trading or storing and consuming any mineral whose source of procurement is not in the jurisdiction of the competent authority, he shall submit a copy of valid procurement licence. The application shall be submitted in duplicate to the Competent Authority under whose jurisdiction the applicant carries business or the source of mineral from which he intends to procure is located.(2)The applicant shall deposit a non-refundable fee of rupees twenty-five thousand only for the minerals specified in Part "B" and Part "C" of the First Schedule to the Act and semi-precious stones and rupees ten thousand only for all other minerals through treasury challan under the Head of Account "0853-Non-Ferrous Mining and Metallurgical Industries 102-Mineral Concession Fees, Rents and Royalties".(3)Every application made under Sub-rule (1) shall be accompanied by;(i)the original challan for the non-refundable fee as prescribed under Sub-rule (2) deposited under proper Head of Account;(ii)an attested copy of Nationality Certificate or the Photo Identity Card issued by the Election Commission of India or valid Indian Passport or permanent resident certificate issued by revenue authority in support of his nationality;(iii)an attested copy of the annual income tax return for the preceding assessment year or an affidavit that up-to-date income tax return as prescribed under the Income Tax Act, 1961 has been filed and that the tax due including the tax on account of self assessment has been paid;(iv)an attested copy of the Value Added Tax (VAT) clearance certificate;(v)an affidavit to the effect that the applicant has not been convicted in any Court of Law in any case relating to theft or smuggling or illegal mining or illegal transporting or illegal storage of minerals;(vi)an attested copy of the certificate or order issued by the appropriate authority on establishment of factory or beneficiation plant or lapidary unit, if any;(vii)an attested copy of the valid clearance certificate of mining dues payable under the Act or rules made thereunder issued by the Director of Mines, Orissa.(4)On receipt of application complete in all respect for trading licence or its renewal, the Competent Authority shall acknowledge the receipt in Form B.

5. Processing of application by the competent authority.

(1)The Competent Authority shall maintain a register in Form C, and make necessary entries therein.(2)The Competent Authority or an officer authorised by him/her, shall verify the bona fides

of the applicant after conducting enquiry and furnish a report within 15 days with specific views on grant of licence.

6. Disposal of application for trading licence.

- After due enquiry, the Competent Authority shall either grant a trading licence to the applicant on the condition specified in Rule 7 for a period not exceeding two years at a time, for a mineral or refuse to grant the trading licence as he considers fit. In case he decides to grant the trading licence, he shall communicate the terms and conditions governing grant of such licence to the applicant for his acceptance. The applicant shall intimate about the acceptance of terms and conditions within seven days from the date of receipt of communication. The Competent Authority shall grant the trading licence in Form D or refuse the same with reasons to be recorded in writing within one month from the date of receipt of the application. Order of refusal to grant shall be communicated to the applicant recording reasons therefor by registered post with acknowledgement.

7. Conditions for grant of trading licence.

- The licence shall be granted in Form D subject to the following conditions:(i)The licensee shall deposit an amount of rupees fifty thousand only for minerals listed in the PART B and PART C of the First Schedule to the Act and semi-precious stones; and rupees twenty thousand only for other minerals as security deposit in shape of National Savings Certificate duly pledged to the Competent Authority or deposit receipts of Schedule Banks/Regional Rural Banks or in any other manner prescribed by Government from time to time for the due observance of terms and conditions of the licence: Provided that in the event of cancellation of the licence on account of breach of the terms and conditions, the security deposit as well as the interest accrued thereon shall be forfeited;(ii)The licensee shall maintain a correct and intelligible account of minerals procured, and transported daily to different destinations in the format prescribed in Form E;(iii)In case of beneficiation plant or lapidary unit or factory, the licensee will maintain a separate daily account of the minerals procured and fed to the factory or processing plant or lapidary unit and the processed minerals recovered and transported in Form F;(iv)The licensee shall submit the monthly return in Form E and Form F, as the case may be, of the accounts maintained under clause (ii) and (iii) respectively for every month within the first week of the succeeding month to the Competent Authority;(v)All the reports, returns and registers shall be maintained by the licensee and kept in the place of business and be made available to the inspecting officer;(vi)While removing the mineral from the store or factory or lapidary unit or beneficiation plant, he shall obtain permission from the concerned Competent Authority and transport the material under prescribed transit pass in Form G obtained from the Competent Authority;(vii)The licensee shall not pollute the environment by storing the minerals or while utilizing them in the processing plant or beneficiation' plant or the factory and obtain no objection certificate from Orissa State Pollution Control Board to that effect.(viii)The licensee shall allow the inspecting officers of the Directorate of Mines to inspect the store, factory, processing plant, beneficiation plant and lapidary unit to verify the stock of minerals and to take samples and extract of records;(ix)The Competent Authority may impose such further condition as may be necessary in the interest of the public.

8. Renewal of Licence.

(1)The licence can be renewed further for not more than two years on application in Form A 1 accompanied with the fee and documents prescribed in Rule 4 before ninety days of expiry of the existing licence to the Competent Authority, who will process it in the same manner as prescribed for the original licence.(2)In case the renewal of licence is granted, the security money already deposited by the licensee, if valid, shall be accounted for as the security deposit for the renewal of licence.(3)The period of renewal of licence shall commence from the date of the expiry of the licence under renewal.

9. Rescission of Licence.

- The Competent Authority may, at any time during the tenure of licence, suspend the licence for breach of an/ of the terms and conditions of the licence.Before cancellation of the licence, the licensee will be served a show-cause notice. If the Competent Authority is satisfied with the explanation, he may withdraw the order of such suspension and allow the licensee to carry on his business. Otherwise, the Competent Authority, after giving an opportunity of being heard to the licensee, cancel the licence by an order in writing communicated to the licensee and also shall forfeit the security deposit along with the interest accrued thereon to the Government.Chapter-3 Transport of the Minerals

10. Transport of minerals.

(1)Any person who wishes to transport or remove any mineral from any place, shall make an application complete in all respect in Form H in duplicate to the Competent Authority for issue of a permit.(2)Every application for grant of permit shall be accompanied by original Treasury challan of Rupees one hundred towards non-refundable application fee; to be deposited in a Government Treasury under the Head of Account as mentioned in Sub-rule (2) of Rule 4.(3)On receipt of the application, the Competent Authority may cause an enquiry and grant a permit within a period of seven days in Form.l. The period of permit shall not exceed one month. Copies of the permit shall be endorsed to the Deputy Director of Mines/Mining Officer under whose jurisdiction the mineral will be transported. Grant of the permit shall be subject to the following conditions, namely:(i)The applicant shall disclose and satisfy the Competent Authority regarding the legality of the source from which the mineral(s) are procured;(ii)The permit holder shall maintain a correct and intelligible account of the mineral transported by him every day in Form E;(iii)He shall furnish copies of the above account for every calendar month within seven days of the succeeding month to the Competent Authority; and(iv)In case of breach of any of the terms and conditions of the permit, the Competent Authority shall issue a notice to the permit holder(s) to show-cause for such violation within seven days of receipt of the notice. If there is no response from the permit holder within the stipulated time or the show-cause given by him is not found satisfactory, the Competent Authority may cancel or suspend the permit by an order in writing to be communicated to the permit holder.(4)In case of refusal of the application made under Sub-rule (1), the Competent Authority shall communicate the reasons of such refusal to the applicant in writing by registered post with acknowledgement.(5)The lessee, after proper dressing, stacking, grading and analysis of the mineral

Shall apply to the concerned Mining Officer or Deputy Director of Mines as the case may be, notifying his intention to remove such mineral, in Form J. The application is to be accompanied with a fee as specified in Sub-rule (2) and submitted in duplicate through the concerned Senior Inspector of Mines enclosing copies of chemical analysis report of the mineral analysed in a Government Laboratory/laboratory of Public Sector Undertaking approved by the Government, in duplicate in Form K.(6)The Senior Inspector of Mines shall verify the stacks with reference to the chemical analysis report, land from which mineral raised, balance stock from previous permitted quantity and total stock at mines site and forward the application to the Mining Officer/Deputy Director of Mines with his verification report within seven days of receipt of the application.(7)In case it appears to him the grade of the stacked minerals is different from the grade mentioned in the analysis report or of marginal grade, the Senior Inspector of Mines shall draw joint samples from the said stacks in presence of the lessee or his authorized representative. The sample, so collected, shall be prepared and divided into three parts and sealed with joint signatures of the lessee or his authorized representative. One of the sealed samples shall be sent to the Government Laboratory for analysis, the second part shall be handed over to the lessee, and the third part shall be deposited with the Mining Officer or Deputy Director of Mines, as the case may be, as umpire sample. The analysis results of Government Laboratory would be final provided that in case of any dispute the Director may allow analysis of the umpire sample at the Government Laboratory in presence of the lessee or his authorized representative, if he is satisfied with the genuineness of the dispute and on the representation of the lessee. The analysis result of the Government laboratory shall be final and binding:Provided that in case of a fully mechanized mines, if the lessee declares to pay highest rate of royalty as prescribed under the Second Schedule of the Act, stacking and sampling shall be dispensed as provided under Rules 6 and 7 above. The Deputy Director of Mines/ Mining Officer shall issue permit after permission accorded by the Director of Mines for such dispense. The Director of Mines may prescribe conditions, as he deems fit, for such permission. Average blast hole samples data in terms of quality and quantity of each blast representing the average run of Mines grade shall be submitted to the concerned Deputy Director of Mines or Mining Officer, as the case may be, for record and verification. Further the lessee shall be required to submit a monthly average analysis report for quality and grade.(8)On receipt of verification report from the Senior Inspector of Mines, the Mining Officer/Deputy Director of Mines, as the case may be, shall issue a permit in Form L within seven days. Copies of the permit shall be endorsed to the Deputy Director of Mines and/or the Mining Officer through whose jurisdiction the mineral permitted will be transported. The permit shall be issued for a period not exceeding one month from the date of its issue.(9)Notwithstanding anything mentioned above; transit permit for the first despatch from a new mine shall not be issued by the Mining Officer/ Deputy Directors without receipt of the registered lease deed and grant of permission for surface operation.(10)The lessee or the permit holder(s) shall obtain transit pass books from the Competent Authority to the extent of his requirement, on production of Treasury Challan showing non-refundable deposit as prescribed by the Government towards the cost of a book, under Head of Account "0058-Stationery and Printing-102-Sales of Gazettes etc.-0127-Receipt of Government Press-02133-Sales Proceeds of Gazettes etc." for each book containing 50 transit passes, in triplicate The transit permit shall be issued in Form M for the lease holder(s) and transit permit in Form G for other licensee/permit holder.(11)The transit passes/permits shall be machine numbered showing Book Number and Serial Number of the pass/permit. Before issue of the transit pass book to the lessee/permit holder(s) the

pages in the book shall be stamped with the office seal and facsimile signature of the Mining Officer/ Deputy Director, Mines concerned on the reverse. After the first issue of the said book, subsequent issues will be made only on the surrender of used-up books.(12)On receipt of the used up book(s) the Mining Officer/Deputy Director of Mines concerned shall get its original counterfoils checked in his office with regard to the material entries in the relevant transit passes previously received at check gate/weigh bridge so that no discrepancy may arise in future as to the quantity and grade (i.e. percentage content of the minerals) despatched. After such checking and verification the Mining Officer/Deputy Director of Mines concerned shall return to the lessee(s), the used up books having each counterfoil marked as 'checked' with seal and signature of the Mining Officer/Deputy Director of Mines or any other subordinate officer authorized by him on his behalf.(13)All despatches of minerals in carriers, except those by rails or aerial ropeway, shall be accompanied with transit pass/permit in duplicate, in Form I & Form L, as the case may be. The person in charge of the carrier shall produce the transit pass/permit at the check post and weighbridge enroute or on demand by any Competent Authority or such other officer authorized under these rules:Provided that in case of transport of mineral by holder of reconnaissance permit or prospecting licence for test purpose or transport of minerals purchased by auction, in addition to transit pass/permit, a special permit may be issued by the Competent Authority.(14)In case of transportation of mineral by railway wagons, samples of mineral shall be drawn by the person authorised by the concerned Deputy Director, Chemical Analysis/Analytical Chemist from each lot of four wagons or less, as the case may be, in presence of the lessee or his authorized representative. The lessee shall provide suitable mechanized facilities for drawal of representative sample. The method of the drawal of the mechanized samples shall be approved by the Director of Mines. The sample so drawn shall be divided into three parts, of which one part shall be sent to the Government Laboratory for analysis under joint seal and signature. The second part shall be handed over to the mine owner under joint seal and signature and the third part be kept with the Mining Officer or Deputy Director of Mines, as the case may be, under joint seal and signature as umpire sample. The analysis report of the sample collected during a month shall be submitted by the Government Laboratory to the Competent Authority by 10th day of next month under intimation to the lessee. The report on Railway Receipt (HR) for the month indicating the quantity and quality of mineral source of procurement (Source wise, quality wise and quantity wise) and particulars of the buyer shall be submitted by the lessee to the concerned Deputy Director of Mines/ Mining Officer by 15th day of next month.(15)With a view to check illegal transportation and storage of mineral, the Government may impose restrictions on such activity, if necessary.Chapter-4

11. Establishment of check-post, barrier and weigh-bridge and inspection of mineral in transit.

(1)With a view to check the transport and storage of minerals raised without lawful authority and to check the quality and quantity of minerals transported from lease-hold areas and depot, the Government may set up check-post(s) with or without barrier(s) and weigh-bridge(s) at any place within the State.(2)The following officers or any other officer authorized by the State Government on this behalf may stop and check any carrier at any place within their respective jurisdiction and the person in-charge of the carrier shall furnish the valid transit pass/permit and other particulars such as bill(s) or receipt(s) or delivery note(s) on demand.

Designation of the Officer	Jurisdiction
I. Director of Mines	Whole of the State
II. Joint Director, Mines	Whole of the State
III. Deputy Director, Mines (Headquarters)	Whole of the State
IV. Collectors	Within their respective Districts.
V. Deputy Director, Mines/Mining Officer	Within their respective Mining Circle
VI. Assistant Mining Officer	Within their Mining Circle
VII. Senior Inspector of Mines	Within their Mining Circle
VIII. Check-gate Supervisor	Within their Mining Circle
IX. Check-gate Clerk	Within their Mining Circle
X. Any other officer authorized by the Collector	Within the concerned District
XI. Police Officer not below the rank of Sub-Inspector of Police	Respective jurisdiction

(3) Every holder of Mining lease and/or licence shall provide necessary assistance to the authorized officer to inspect, verify and check the stocks and accounts of minerals and any other documents pertaining thereto and draw samples. He shall be responsible for providing necessary assistance and co-operation to the concerned authority for checking and inspection of the carrier during transit. (4) Every holder of a mining lease and/or licence shall issue the duplicate and triplicate copies of the transit pass/permit to the in-charge of the carrier transporting mineral from the mines/depot and the original copy shall be kept in the book. (5) All carrier will normally pass through check-post(s) or check-post-cum-weighbridge(s) of the Department or the other weighbridge(s) installed in leasehold area or plant or factory premises of the licensee approved by the Director of Mines. Government will engage checking staff to supervise the weighment of other weigh-bridges and the expenditure on this account will be borne by the weigh-bridge owner. If the quantity of the mineral in the carriers, as recorded in the other weigh-bridge(s) are found lower than the actual quantity of the mineral on subsequent checking, the permission for operation of the weigh-bridge shall be suspended for a period not exceeding thirty days by the concerned Deputy Director of Mines/Mining Officer. In case of repetition of such discrepancy, the permission for operation of the weighbridge shall be withdrawn by the Director of Mines. All the carriers shall carry two copies of the transit pass/permit (duplicate and triplicate) and shall stop at the check post/weighbridge where the quantity and quality of the mineral will be verified by the Government checking staff and proceed after being cleared by the check post clerk by making necessary endorsement(s) in the triplicate copy held by the in-charge of the carrier. The duplicate copy shall be handed over to the check-gate clerk who will keep it for office record. (6) The owner of the weigh-bridge shall keep the weighbridge in perfect working condition and any break down or malfunctioning shall be reported forthwith to the concerned Deputy Director of Mines/ Mining Officer. (7) The working hours of each check-post, with or without barrier or weighbridge shall be announced in advance by the Deputy Director of Mines/ Mining Officer, as the case may be, and shall be commensurate with general requirement of the mineral traffic in that sector. The Director of Mines may review the time schedule so fixed periodically. (8) (i) Where there is a weigh-bridge of Government or other near the checkpost, the quantity of mineral transported shall be ascertained through weighment; (ii) The

lessee, licensee or permit holder shall pay to the Government the weighment charges for weighment of the mineral in a Government/ weighbridge at the rate prescribed by the Government from time to time in advance by 15th day of every month. In case of default in advance payment, she/he shall pay simple interest at the rate fixed by the Government from time to time.(iii)Where there is no weigh-bridge close to the check-post, the volume of mineral will be measured and converted to tonnes by applying the standard conversion factor for the mineral of particular mines to arrive at the quantity transported. The standard conversion factor will be obtained by test check taking average of few truck loads selected at random either at the nearest Government weighbridge or by any other suitable weighing method from time to time by the Mining Officer/Deputy Director of Mines concerned.(9)The Government checking staff in-charge of check-post and/or weigh-bridge may verify the quantity and quality of the ore carried and shall return one copy of the transit pass/permit. He shall record in both copies of the pass/permit any observation relating to the discrepancy between the quantity and quality of ore carried and that shown in the pass/permit. He shall bring to the notice of the Mining Officer/Deputy Director of Mines any case of repeated discrepancies in respect of any mine owner/licensee.(10)The person in-charge of the carrier shall, if so required by the authorized officer, furnish all relevant information regarding consigner, consignee and minerals.(11)After checking the mineral and the carrier, the officer in-charge of the check-post or weigh-bridge or any other authorized officer shall put his signature and designation with date and time on the transit pass/permit.(12)If the officer in-charge of checkpost or weigh-bridge or any other authorized officer has reasons to believe that the mineral is not covered by the transit pass/permit or the transportation is without a valid permit/pass, such Officer shall detain the vehicle. Then the officer in-charge of checkpost or weigh-bridge or any other authorized officer shall seize the mineral(s), vehicle(s), tool(s), equipment(s) or any other thing(s) used in transport of minerals. The seized mineral(s), vehicle(s), tool(s), equipment(s) or any other thing(s) shall be liable to be confiscated by an order of the court competent to take cognizance of the offence and shall be disposed of in accordance with the direction of the Court.

12. Seizure and Confiscation.

(1)The Competent Authority or any other officer specially authorized in this behalf by the Government shall seize under Sub-section (4) of Section 21 of the Act, any mineral(s) raised, transported, or caused to be raised or transported, stored, sold supplied, distributed, delivered for sale or processed without any lawful authority and also the tool(s), equipment(s), vehicle(s), or any other thing(s) used for the said purpose.(2)After seizing any property under Sub-rule (1), he shall keep such property under his custody with proper official seal and with detailed information in Form-N indicating that the same has been seized by him and shall, except where the offender agrees in writing to get the offence compounded, either produce the same before the Competent Authority having jurisdiction or make a report of such seizure to the court competent to take cognizance of the offence and the Court will try the offence on account of which the seizure has been made.(3)Upon receipt of any report under Sub-rule (2), the court shall, except where the offence has been compounded, take such measures, as may be necessary, for arrest and trial of the offender and disposal of the property according to law.(4)The minerals, which are the property of Government and in respect of which an offence has been committed, shall be liable for confiscation including all tools machineries and vehicle by an order of the Court or Competent Authority.(5)When the trial of

any offence is concluded, the mineral(s) in respect of which such offence(s) have been committed shall, if it is the property of Government or have been confiscated, be taken to charge of by the Competent Authority, and in any other case may be disposed of in such manner as the court or the Competent Authority, may direct.(6)Where the Competent Authority is of the opinion that an offence was committed in respect of any mineral and the offender is not known or cannot be found, he may take possession and confiscate the mineral(s), tool(s), machinery(s) and shall dispose of the same through public auction or in such manner as the Government may decide:Provided that before making any such order, the Competent Authority shall cause a notice to be served upon any person, who, he has the reason to believe, is interested in the mineral property seized or shall publish such notice in such manner as deemed fit:Provided further that no such order shall be made until the expiration of one month from the date of seizure or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he may produce in support of his claim. In the event of the claim for the mineral property, the Competent Authority shall refer the matter to the court of jurisdiction and dispose of accordingly.(7)Any person claiming to be interested in the seized property may, within one month from the date of the order passed under Sub-rules (3), (4), (5), and (6), prefer an appeal to the Court to which orders so made are appealable and order passed on such appeal shall be final.(8)When an order for confiscation of any property has been passed under Sub-rules (4) or (6), as the case may be and the period limited by Sub-rule (7) for filing an appeal from such order has elapsed and no such appeal has been preferred or when, on such an appeal being preferred, the appellate court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all encumbrances.

13. Release of Property by Competent Authority.

- Nothing in these rules shall be deemed to prevent the Competent Authority from directing at any time the immediate release of any property seized under Sub-rule (1) of Rule 12 and the withdrawal of any charge made in respect of such property in accordance with the provisions of Section 321 of the Code of Criminal Procedure, 1973 (No.2 of 1974):Provided that where a report has been made to the competent court of the property seized, the Competent Authority shall not release the property without the consent in writing of such court, if a case is pending before the same.

14.

An order of confiscation made under Sub-rules (4) and (5) of Rule 12 shall not be bar to the imposition of any other penalty to which the offender is liable under the Act and rules made under it.Chapter-6

15. Cognizance of Offence.

- No court shall take cognizance of any offence punishable under the Act except upon any complaint in writing is made by the Competent Authority or person authorised in this behalf by the Government.

16. Compounding of Offences.

(1) On receipt of written application from the accused person, the Competent Authority may, in exercise of its powers conferred under Sub-section (1) of Section 23A of the Act, compound the offence either before or after the institution of prosecution, on payment of such sum, as the Competent Authority may specify with prior approval of the Director of Mines/any officer authorized by the Director. The amount so collected shall be credited to the Government under the head of account specified under Sub-rule (2) of Rule 4. (2) After the offence is compounded and the accused person is not interested to pay for the property seized or the Competent Authority is of the opinion that such property shall not be released in favour of the accused, he shall not compound the offence and take charge of the seized property and dispose it of by public auction or as per the directions of the Government. (3) Where an offence is compounded under Sub-rule (1), no proceeding or further proceedings as the case may be, shall be taken against the offender in respect of the offence so compounded and the offender, if in custody, shall be released forthwith. (4) The Competent Authority shall maintain a register in Form O mentioning therein the details of every offence compounded by him under these rules and submit a monthly return to the Director of Mines.

17. Appeal.

(1) Any person aggrieved by the order of the Competent Authority made under Sub-rule (1) of Rule 6 and Sub-rule (4) of Rule 10 may within sixty days from the date of receipt of the relevant order, prefer an appeal in Form P to the Director of Mines if the order is passed by the Deputy Director of Mines/Mining Officer and to the Government in the Department of Steel and Mines, if the order is passed by the Director of Mines. (2) The appellate authority may entertain the appeal after expiry of period of sixty days, if the appellant satisfies the appellate authority that he was prevented by sufficient cause from filing the appeal in time. (3) Every application for appeal shall be accompanied with a non-refundable fee of rupees five thousand only to be deposited under the head of account specified under Sub-rule (2) of Rule 4. (4) The appellate authority may, after giving an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, dispose of the appeal within a period of two months from the date of its filing. (5) The order passed by the Competent Authority under Sub-rule (1) of Rule 6, Sub-rule (1) of Rule 8, Rule 9 and Sub-rule (4) of Rule 10 shall subject to the orders passed in appeal under Sub-rule (4), be final.

18. Penalties.

(1) Whoever undertakes or causes to undertake illegal mining, transports or stores any mineral otherwise than with the provisions of Section 4 (1) and or 4 (1A) of the Act is punishable with imprisonment for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees or with both and in the case of continuance of such illegal activity with an additional fine which may extend to five hundred rupees for each day during which such illegal activity continues after conviction for the first such contravention. (2) Whoever contravenes any of the provisions of these rules shall be punishable with imprisonment for a term which may extend to

one year or with fine which may extend to five thousand rupees or with both and in the case of continuation of contravention with an additional fine which may extend to five hundred rupees for each day during which such contravention continued after conviction for the first such contravention.(3)Whenever any lease-holder transports the mineral raised in his lease without a valid permit or valid transit pass or in excess of the quantity and quality permitted or mentioned in the transit pass, it shall be treated as violation of the provisions of these rules and breach of the covenants of the lease and shall be liable for penalty as provided.

19. Rewards on the seized minerals.

- Appropriate reward will be paid to the officer(s) and informer(s) out of the sale proceeds of the seized mineral(s) as per the guidelines to be issued separately by the Government.

20. Exemption.

- The Government may through an order, exempt any person or class of persons from the purview of any of the provision(s) of these rules for the purpose of scientific test and research work only.

21. Protection of Action taken under these Rules.

(1)No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything which is in good faith done or intended to be done in pursuance of these rules.(2)No suit, prosecution or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of these rules or any order made thereunder.

22. Savings.

- Notwithstanding anything to the contrary contained in these rules, things done, actions taken, or orders passed under the Orissa Minerals (Prevention of Theft, Smuggling & Other Unlawful Activities) Rules, 1990 shall be deemed to have been done, taken or passed under these rules,Form A[See Rule 4 (1)](Application for Trading Licence and renewal)

1. Name of applicant for licence (in full):

2. Profession:

3. Full Address:

4. Father's name in full (in case of firm, give names and address of partners and person holding powers of attorney to act on behalf of the firm):

5. Specific place or places of business

(In case of depot for storing of mineral, document in support of ownership of the land or consent of the owner of the land shall be enclosed.)

6. Financial status with details of person, i.e. property, annual payment of Income Tax and any other relevant evidence regarding financial status.

7. Specific purpose for which licence is applied for (Processing/storing/selling/trading/ procurement):

8. Name of mineral/ore for which licence is required:

9. Evidence of payment of application fee:

10. Name and address of persons/firms from whom the mineral/ores will be purchased procured:

11. Period for which licence is required:

12. In case of renewal the number and date of original licence;

13. Detail of Income Tax Clearance Certificate or Affidavit and Value Added Tax (VAT) Clearance Certificate:

14. Any special ground for grant of licence in favour of the applicant:

15. List of enclosures:

(i)(ii)Declaration I/We hereby declare that I/We have read and understood all the provisions of the Orissa Mineral (Prevention of Theft, Smuggling, Illegal Mining, Possession, Storage, Trading and Transportation) Rules, 2007 and the conditions of the licence and, I/We agree to abide by the same. Date: Place: Signature of the Applicant
Note - An application not complete in respect of documents prescribed under the rules, shall not be received & returned to the applicant if application is sent by post. Form A-1 [See Rule 8 (1)] (Application for renewal of licence)

1. Name of applicant for licence:

(in full):

2. Profession:

3. Full Address:

4. Father's name in full (in case of firm, give names and address of partners and person holding powers of attorney to act on behalf of the firm):

5. Specific place or places of business

(In case of depot for storing of mineral, document in support of ownership of the land or consent of the owner of the land shall be enclosed.):

6. Financial status with details of person i.e. property, annual payment of Income Tax and any other relevant evidence regarding financial status:

7. Specific purpose for which licence is applied for (Processing/Storing/Selling/Trading/Procurement):

8. Name of mineral/ore for which licence is required:

9. Evidence of payment of application fee:

10. Name and address of persons/firms from whom the mineral/ores will be purchased/ procured:

11. Period for which-licence is required:

12. In case of renewal, the number and date of original licence:

13. Detail of Income Tax Clearance Certificate or Affidavit and Value Added Tax (VAT) Clearance Certificate:

14. Any special ground for grant of licence in favour of the applicant:

15. List of enclosures:

(i) (ii) Declaration I/We hereby declare that I/We have read and understood all the provisions of the Orissa Mineral (Prevention of Theft, Smuggling, Illegal Mining, Possession, Storage, Trading and Transportation) Rules, 2007 and the conditions of the licence and, I/We agree to abide by the same.
..Date:Place:Signature of the Applicant
Note-An application not complete in respect of documents

prescribed under the rules, shall not be received & returned to the applicant, if application is sent by post. Form B [See Rule-4 (4)] (Acknowledgement of receipt of application for licence/renewal) Received..... copies of applications for grant of licence for possessing/storing/selling/trading..... (Name of Mineral/Ore) Ore/Mineral from Shri/Smt./M/s..... S/O.....resident of.....P.O.....PS.....District.....on.....day of.....(month).....(year) with the following enclosures,(1)(2)(3)(4) Signature of the Competent Authority Memo No.....Date.....To Sri/Smt./M/s.....(Address).....for information. Signature of the Competent Authority Form C [See Rule 5(1)] (Register of application for grant of licence and its renewal)

Sl. No.	Date of receipt of application	Name of applicant	Address of applicant	Name of mineral/ore	Place of processing/ storing/ selling/ trading
(1)	(2)	(3)	(4)	(5)	(6)
	Date of grant	Date of Refusal	Date of appeal, if any	Date of disposal of appeal	Brief orders on appeal
(7)	(8)	(9)	(10)	(11)	
	Date of expiry of licence, if granted	Date of application for renewal	Date of Grant for renewal	Period of renewal	Remarks
(12)	(13)	(14)	(15)	(16)	

Form D Form of Trading Licence [See Rule 6 (1) and Rule 7] Licence No.....Date.....

1. Name of the licensee (in full) :
2. Full Address :
3. Father's name in full (in case of firm names and address of partner and persons holding power of attorney to act on behalf of the firm).
4. Profession of the licensee:
5. Specific place or places of business within the jurisdiction of the Competent Authority
6. Specific purpose for which licence is granted:
7. Name of mineral/ore covered under the licence:

8. Particulars of payment of application fee:

Challan No. Date Amount (Rs.)

9. Particulars of payment of Security deposit

Name of the Post Office: Account No.: Amount:

10.

Name and address of person/firm from whom the mineral/ore will be purchased/procured.

11. Period of licence: From..... To.....

12. If it is a case of renewal the number and date of grant of the original licence:

13. No. and date of application for this licence:

Date of grant

Signature of the Competent Authority to grant licenses with designation and address Form E [See Rule 7 (ii) and (iv) 10(3)(ii)] (Daily account of procurement and transportation of mineral)

1. Name of the license

2. Full Address:

3. No. and date of licence

4. Period of licence: From To.....

5. Name of mineral/ore:

6. Place of business:

7. Competent Authority under whose jurisdiction the mineral/ore is stored:

Name of month/year	Date	Gradewise opening balance of mineral/ore at the store (in Tonnes)	Gradewise quantity of ores/minerals received (in Tonnes)	Source of procurement
(1)	(2)	(3)	(4)	(5)

Total stock of ore/mineral (in Tonnes)	Gradewise quality of ores/minerals consumed/sold/despached (in Tonnes)	Name of the buyer(s) with designation	Quantity of despatch (buyerwise) (in Tonnes)	T.P. Nos. and date	Gradewise closing balance of ore/mineral at the store or factory site
(6)	(7)	(8)	(9)	(10)	(11)

Place: Date of submission of the Return: (Appropriate unit for weight of mineral like gemstone is to be used) Signature of the licensee Form F [See Rule 7 (iii) and (iv)] (Account of minerals fed to plant and their recovery to be maintained daily)

1. Name of the licensee

2. Full Address

3. No. and date of licence

4. Period of licence From..... To.....

5. Name of mineral/ore

6. Name of the plant/factory

7. Postal address of the factory

8. Competent Authority having jurisdiction over the factory/plant

Quantity in Tonnes or other appropriate unit

Name of month/ year	Date	Opening balance of crude mineral/ ore at the processing plant/ beneficiation plant/ lapidary unit	Sourcewise quantity of crude mineral/ore received at processing plant/ beneficiation plant/ lapidary unit	Quantity of crude ore/mineral fed to the processing plant/ beneficiation plant/lapidary unit	Closing balance of crude mineral/ore at the processing plant/beneficiation plant/lapidary unit [Col. (3) +(4)-(5)]	Opening balance of processed mineral/ore at the processing plant/ beneficiation plant/lapidary unit
1	2	3	4	5	6	7

Quantity of ore/ mineral recovered after processing/ beneficiation	Quantity of processed/ beneficiated ore/mineral despatched or consumed	Closing balance of processed/ beneficiated ore/mineral [Col. (7) + (8)-(9)]	Name of the buyer(s) with destination	Quantity of despatch (buyerwise)	T.P.Nos. and date	Remarks
8	9	10	11	12	13	14

Place : Date of submission of the Return
Signature of the licensee
Form G [See Rule 7 (vi) and Rule 10(10)]
Transit Pass for licensee/other than Mine Owner
Department of Steel & Mines
Government of Orissa

Book No. : District :
 Place from which mineral is transported : Permit No. :
 Designation : Route :
 Name of consignor :

Name of consignee :

Depot/Benefication Plant/Factory	Stock No.	Name of mineral/ore	Percentage content of mineral/ore	Measurement of mineral/ore in carrier (in metre)L.B.H.
(1)	(2)	(3)	(4)	(5)
Cubic content-	cum.	Gross weight of carrier : weight of mineral/ore :	Bareweight of carrier : Net	... tonnes...tonnes... tonnes
6	7	8		9 10

Name of carrier owner:Registration number of the carrier:Signature of person issuing permit with
 date:Signature of carrier with date and time:Signature of checking staff with date and
 time:Signature of Supervisory staff with date and time:
 Signature of person receiving atdestination with date Signature of Deputy Director ofMines/Mining
 andtime Officer
 Form H[See Rule 10 (1)]Application for Grant of Permit

1. Name of the applicant for permit:

(in full):

2. Profession:

3. Full address:

4. Father's name (in case of firm give names and address of partners and persons holding power of attorney to act on behalf of the firm):

5. Name of mineral/ore to be transported:

6. Source from which mineral/ore is procured:

7. Destination to which transportation to be made:

8. Quality and quantity of ore/mineral to be transported, (in tonnes & grade in % of mineral content):

9. Evidence of payment of application fee: Treasury challan No. & dated

10. Purpose of transportation of ore/mineral

11. Period of which permit is required: From dated..... to dated.....

12. Any special ground for grant of permit in favour of the applicant:

13. Licence Number, date & its period of validity, if any No. dated

Place.....Date.....Signature of the applicantForm-I[See Rule 10(3) and Rule 10(13)]Form of Permit for the Licensee/other than Mine OwnerPermit No.....Date.....

1. Name (Name in full) of the person to whom permit is granted:

2. Profession:

3. Full address:

4. Father's name (in case of firm names and addresses of the partners and persons holding power of attorney to act on behalf of the firm.)

5. Name of mineral/ore to be transported:

6. Quantity and quality of ore/mineral to be transported (in tonnes and grade in % of mineral content):

7. Source from which mineral/ore is procured:

8. Destination to which transportation to be made:

9. Purpose of transportation:

10. Period for which permit is granted From: To:

11. Place where the ore/mineral will be presented for checking:

12. No. and date of application for permit:

13. The grantee shall be abided by the conditions overleaf: (to be specified).

DateSignature of Competent Authoritygranting permit with designationand addressForm-J[See Rule 10(5)]Application For Mineral Permit For LesseeToThe Deputy Director of Mines/Mining Officer(Circle).....(Through the Senior Inspector of Mines.....)Sir,In enclosing herewith the analysis report in respect of the following stacks in Form K and original Treasury Challan No.....dated.....for Rs.....(Rupees.....) only, I would request you to kindly issue permit for removal of the ores from Mines (name).....to.....(destination).Particulars of Stacks

Sl. No.	Name of the Mineral	Quarry No./ Beneficiation Plant site	Stack No.	Measurement of stack (LxBxH)	Cubic content (cum)	Conversion Factor (Tonnes/cum)	Quantity in tonne	Grade of the mineral
1	2	3	4	5	6	7	8	9

Yours faithfullySignature and designation of the LesseePlace.....Date.....Form-K[See Rule 10(5)]Chemical Analysis Report Of MineralLetter No..... Date.....Name of the Laboratory:Certified that samples from the following stacks of (Mineral) at.....(Mines)/Beneficiation Plant/site have been drawn by the mine owner of.....Mines in presence of.....The sample(s) has been analysed in our laboratory and results are as follows:Particulars of Stacks

Sl. No.	Name of the Mineral	Quarry No./ Beneficiation Plant site	Stack No.	Measurement of stack (LxBxH)	Cubic content (cum)	Conversion Factor (Tonnes/cum)	Quantity in tonne	Grade of the mineral
1	2	3	4	5	6	7	8	9

Signature and designation ofthe Certifying Officer and dateCertified that the above analysis report of the samples is accepted by me and submitted for issue of mineral removal permission and assessment of royalty.Signature of Owner/Agent/Manager Name of theMines.....Date.....Form L[See Rule 10(8) and Rule 10(13)]Transit Permit For LesseePermit No.....date..ToThe Owner/Agent/Manager.....Dear Sir,With reference to your application dated that you are hereby allowed to remove the.....the following stack(s) from your.....from.....toMines.....I am to inform.....(Mineral) from.....Mines during the period from.....to.....Particulars of Stacks

Sl. No.	Quarry No./ Beneficiation Plant site	Stack No.	Nature/Type of mineral	Cubic content	Quantity in Tonnes	Grade	Remarks
1	2	3	4	5	6	7	8

The following stack(s) shall not be removed for the reasons given below:

1.

2.

3.

Signature and designation of the Issuing Officer Date.....Form M[See Rule 10 (10)]Transit Pass for the LesseeDepartment of Steel & Mines, Government of OrissaBook No..... Pass No.....Transport Permission No.....Date.....& valid from.....to.....Date and time of issue of pass.....Name of the Mine.;Name of Lessee/Lesseees..Name of the person on whose account transported(in case of Pit's Mouth sale)Destination.....

Quarry No. of Benefication/ he Plant site (Cu.M.)	Stack No.	Name of the Mineral	Grade of the Mineral (%)	Measurement Mineral in carrier LBH
--	--------------	------------------------	-----------------------------	--

Cubic content (Cu. M.).....Gross weight of the carrier:tonnesTare weight of the carrier:tonnesWeight of the Mineral (Tonnes)Name of the Carrier Owner..... Carrier Regn. No.....

Signature of the personissuing with date	Signature of the CarrierDriver with date	Signature of the Checkingstaff with date
Signature of the person receivingat the destination withdate		Signature of the InspectorI/C with date & time

Signature of Deputy Directorof Mines/ Mining OfficerDate..... Time.....Form N[See Rule-12 (2)]Seizure List

1. Name of officer seizing the property:

2. Designation and address of the officer:

3. Details of property seized

(a)Place of seizure with date and time:(b)Description of each property:

4. Rule under which property is seized:

5. Name and address of person from whom the property is seized:

6. Name and address of any other claimant for the seized property:

7. Details of Seal given on the seized property:

8. Name and address of person under whose custody the seized property has been kept:

9. Signature of the custodian:

10. Approximate value of the seized property:

11. Remarks:

12. Name and address of witnesses with their signature:

(i)(ii)Date :Signature of officer seizing the propertywith designation and addressForm O[See Rule 16(4)]Register of Compounding of Offences

Sl. No.	Date of commission of offence	Name of accused person/ persons	Brief description of offence	Property involved in offence	Place of occurrence of offence	Officer detecting the offence	Compounding fee for offence
1	2	3	4	5	6	7	8
Compounding fee for property	Total compounding fee	Signature of authority compounding the offence	No. and date of Treasury challan in which compounding fee is deposited		Date of disposal and cost of property, if not compounded	No. and date of	Remarks
			Tsreasury challan in which costof property is deposited				
9	10	11	12	13	14	15	

Form P[See Rule 17(1)]Form of Appeal

1. Name of the Applicant (in full)

2. Address

3. Father's Name

(In case of firm, name and addresses of the partners and person holding Power of Attorney to act on behalf of the firm)

4. Name and date of the order of the Competent Authority against which appeal/revision is preferred

5. Ground of Appeal

6. Evidence of payment of fee for Appeal

Rs (Rupees.....) only in T.C.No.....dated.....

7. In case of Appeal preferred after 60 days of order the reason for delay

8. Whether the appellant desires to be heard in person or through pleader

9. Any additional information, if appellant desires to furnish

10. List-of documents

(a) Treasury challan in original (b) Copy of the order against which appeal is preferred (c) Authorization in favour of the pleader (d) Power of Attorney Signature of the Applicant

Schedule

[See Rule 2 (1) (b)]

Sl. No.	Designation of the Competent Authority	Jurisdiction	Minerals
(1)	(2)	(3)	(4)
1.	Director of Mines, Orissa	Entire State	Precious and semi-precious stones
2.	Deputy Director of Mines, Joda	Champua Subdivision of Keonjhar District	All Minerals excepting precious and semi-precious

			stones
			All Minerals excepting precious and semiprecious stones
3.	Deputy Director of Mines, Koira.	Bonai Subdivision of Sundargarh District	All Minerals excepting precious and semi-precious stones
4.	Deputy Director of Mines, Rourkela	All other Subdivisions of Sundargarh District	All Minerals excepting precious and semi-precious stones
5.	Deputy Director of Mines, Jajpur Road	Jajpur, Jagatsinghpur and Kendrapara Districts	All Minerals excepting precious and semi-precious stones
6.	Deputy Director of Mines, Talcher	Angul and Dhenkanal Districts	All Minerals excepting precious and semi-precious stones
7.	Deputy Director of Mines, Sambalpur	Sambalpur, Jharsuguda, Nayagarh and Deogarh Districts	All Minerals excepting precious and semi-precious stones
8.	Deputy Director of Mines, Koraput	Nawrangpur, Rayagada, Malkangiri and Koraput Districts	All Minerals excepting precious and semi-precious stones
9.	Mining Officer, Keonjhar	All other Subdivision of Keonjhar District excepting Champua Subdivision	All Minerals excepting precious and semi-precious stones
10.	Mining Officer, Cuttack	Cuttack, Puri, Khurda and Nayagarh Districts	All Minerals excepting precious and semi-precious stones
11.	Mining Officer, Balangir	Balangir and Subarnapur Districts	All Minerals

			excepting precious and semi-precious stones
12.	Mining Officer, Bhawanipatna	Kalahandi and Nuapada Districts	All Minerals excepting precious and semi-precious stones
13.	Mining Officer, Berhampur	Ganjam and Gajapati Districts	All Minerals excepting precious and semi-precious stones
14.	Mining Officer, Phulbani	Boudh and Kandhamal Districts	All Minerals excepting precious and semi-precious stones
15.	Mining Officer, Baripada	Mayurbhanj, Balasore and Bhadrak Districts	All Minerals excepting precious and semi-precious stones