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Goa (Prevention of Illegal Mining, Storage and Transportation of Minerals) Rules, 2013

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GOVERNMENT OF GOA

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GOVERNMENT OF GOA

Department of Mines

Directorate of Mines & Geology

Notification

DMG/MAJ/IST/Rules-2013/2104

The Goa (Prevention of Illegal Mining, Storage and Transportation of Minerals) Rules, 2013 is hereby published for the general information of the Public

In exercise of the powers conferred by the Section 23 (c) of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

CHAPTER I

1. *Short title and commencement.*— (1) These rules may be called the Goa (Prevention of Illegal Mining, Storage and Transportation of Minerals) Rules, 2013.

(2) They shall come into force from the date of their publication in the Official 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) “appellate authority” means the Government or such other authority appointed by the Government to perform the functions of the appellate authority;

(c) “authorized Officer” means Director/Assistant Director (Mines) or any other officer authorized in this behalf by the Director of Mines and Geology;

(d) “Carrier” means any mode of conveyance or facility by which mineral is transported from one place to another including barges;

(e) “Central database” means and includes a centralized facility created as a part of Mine Management System for storing data captured to meet requirements prescribed under these rules and requirements set out in Act and rules made thereunder and any other allied Act or rules as amended from time to time, and processing the same for discharge of duties and obligations cast under the said Act, rules mentioned hereinbefore;

(f) “check post” means any permanent or temporary structure managed by

authorized personnel to regulate minerals in transit and to verify the documents relating to transport of mineral(s);

(g) "Competent Authority" means officers empowered by the Government to discharge various functions under Act and these rules;

(h) "Department" means the Department of Mines & Geology, Government of Goa, headed by a Secretary to the Government of Goa;

(i) "Director" means the Director of the Directorate of Mines and Geology;

(j) "end-users" shall mean any person registered under rule 45 of MCDR 1988 who uses the mineral as raw material and includes any beneficiation or processing plant situated outside the leasehold area provided that if such beneficiation or processing plant is situated in lease hold area of either same lease holder or other lease holder, the processed Mineral/ROM shall be stocked/stacked in such a manner so as to be distinctly identifiable from ROM/Mineral of different leases and the same is accounted separately;

(k) "Export Permit" means a permit issued to take out the mineral out of the boundary of State to another State or Union Territory or a place outside India either by way of sale or export;

(l) "Form" means a form appended to these rules;

(m) "Government" means the Government of Goa;

(n) "Government Laboratory" means Chemical Analytical Laboratories notified by the Government;

(o) "Illegal mining" means any mining activity undertaken in violation of sub-section (1) and/or (1A) of section 4 of the Act and violations of provisions contained in these rules;

(p) "Illegal transportation" means removal or shifting or transfer or transport of any mineral by any means of transport otherwise than in accordance with the provisions of the Act and/or these rules;

(q) "Illegal storage" means the storage of any mineral otherwise than in accordance with the provisions of the Act and/or these rules;

(r) "Import permit" means a permit issued in such format and with such particulars as may be notified by the Government from time to time to bring into the State mineral from any part of India other than the physical boundary of the State of Goa or from a place outside India either by way of sale, transfer or assignment for consideration or otherwise;

(s) "Inspecting Officer" means any person authorized by the Government under section 24 of the Act;

(t) "Leaseholder" means a holder of mining lease under the Act and shall also include erstwhile concessioners or lease holder holding mining concessions or lease respectively, in the State;

(u) "mineral" for the purposes of these Rules, means any mineral other than minor mineral;

(v) "Mining machinery" would mean and include each and every machinery used in the winning of mineral from the lease or beneficiation plant and its processing other than a carrier, run on electricity or otherwise and whether owned by the leaseholder or otherwise;

(w) "Mine management system" means and includes automated or computer based system including use of technology and equipment to regulate mining activity in the State, to check the illegal mining, to protect the revenue recoverable from mining activity, to promote sustainable mining, ensure compliance of various conditions

imposed in the lease deed and the environmental clearances issued by the Competent Authority and covers but not limited to modes of regulation specified in these Rules.;

(x) “mining site” means and includes mining lease or any land used for carrying out mining under the Act, as amended from time to time or any other Act as applicable for this purpose and includes rules made under those Acts;

(y) No Objection Certificate means and includes a certificate granted by the Department evidencing among other things that Government may notify, payment of royalty and fee payable under the Act governing mining in the State including under the Act, as amended from time to time;

(z) “research work” means any work done for beneficiation and upgradation of the mineral and for examining its suitability for utilization in the industry and for the purpose of scientific study without any commercial utilization;

(za) “sale permit” means and includes a transit permit or bulk permit authorizing sale, transfer or assignment for consideration or otherwise of any mineral within the State or export to any person or Mineral processing plant using Mineral as raw material;

(zb) “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 utilization;

(zc) “section” means section of the Act;

(zd) “site” means and includes land leased out for carrying out mining by the competent authority or land where any activity like processing, stacking, storing of mineral or minerals takes place;

(ze) “state” means the State of Goa;

(zf) “sustainable mining” means and includes carrying out mining operation conforming to conditions stipulated in clearances and permissions accorded for mining by various authorities and without damaging the ecology and environment of the State;

(zg) “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), 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 and shall also include such person who has mineral sharing agreement with the lease holder or who has sufficient capital investment in the lease including the person having raising contract with the lease holder or any person involved in winning or mining of minerals other than member of family acting in capacity of agent or Power of Attorney and the like; and includes person who buys and processes minerals for sale or for utilization for their own purposes or a person who holds a mining lease granted under Mineral Concession Rules, 1960;

(zh) “Trading” means buying, selling, storing, distributing or processing of mineral or minerals 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;

(zi) “trading license” means a registration issued by the Competent Authority to any person, who wishes to possess, sell, trade in, transport, store, or otherwise deal with any mineral under rule 45 of MCDR 1988 by whatever name called;

(zj) “Transit permit” means a digitally signed document issued in an electronic format as notified by the Government from time to time and includes a paper permit

issued in format notified for this purpose for a fixed quantity for a particular party/buyer and destination and for a reasonable period of time and also contain mode of transport and destination wise permitted trip time by the Competent Authority for authorizing removal and transportation of mineral including ROM and overburden from one place to another for sale, transfer or assignment for consideration or otherwise and includes removal and transportation from the mining lease or dump or stockyard within the State or in the course of export for sale, transfer or assignment for consideration or otherwise and includes bulk permit;

(zk) transportation means carrying of mineral from one place to another;

(zl) "Trip sheet" means a digitally signed electronic document to be issued by competent authority in the format as may be notified from time to time containing such other details as notified which shall be generated at the mine site or stockyard, as the case may be.

(zm) "Waste" means any material other than mineral which is generated either during winning of mineral or processing of such mined mineral by whatever name called and includes the concentrates;

(zn) "Weighbridge" means electronic system of weighing minerals or mineral products and includes weigh in motion technology;

(zo) "Year" means financial year i.e. from 1st April to 31st March;

(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.

CHAPTER II

Prevention of Illegal Mining

3. *Restriction.*— No person shall carry on the business of buying, 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 these rules and the terms and conditions of a registration granted under rule 45 of MCDR Rules, 1988:

Provided that a holder of a reconnaissance permit, prospecting license or mining lease in respect of the minerals for which he holds a mineral concession shall not be required to obtain a license for possessing, storing, selling, supplying, transporting, distributing or processing of such mineral(s) within the leasehold area:

Provided further that any person selling, exporting, importing or transporting mineral(s)/waste from one place to another shall be required to obtain a sale/export/import/transit permit and a trip sheet per carrier, as the case may be.

4. *Commencement of mining operation.*— No mining operations for winning of the minerals shall be commenced after the monsoon season in case of running leases and in case of closed leases, unless a two months clear notice is given to the Director of intention of commencement of mining operations in the lease. Upon receipt of notice, the Director if satisfied shall give his no objection for commencement of such operation or ask for compliance of such other conditions as he may specify in that behalf. However, if no communication is received from Director within two months from the date of receipt of such notice, it shall be deemed that Director has no objection for commencement of mining operations.

5. *Registration of raising contractors.*— All the raising contractors by whatever name called engaged in winning of mineral on behalf of leaseholder in a leasehold area shall register with the Department failing which the machinery of such contractor shall not be allowed to be used in any lease hold area. The contractor shall provide such detail as may be

called for, to the satisfaction of the Director that the contractor is genuinely raising the mineral for the leaseholder. The processing fee of rupees one lakh shall be deposited with every application for Registration of Raising contractor. Every application shall be renewed before end of financial year payment of same fees.

6. *Registration of transport contractors.*— All the transport contractors shall be registered with the Department. The transport contractor shall provide such detail as may be called for, to the satisfaction of the Director, that the contractor is genuinely engaged in the transportation of the mineral for the leaseholder. The processing fee of rupees fifty thousand shall be deposited with every application for Registration of transport contractor. Every registration shall be renewed before end of financial year on payment of same fees.

7. *Bar on contracts for sharing of mineral or long term sale agreements.*— All contracts// agreements whether registered or otherwise by whatever name called, entered between lease holders and end-users or traders, raising contractors, transport contractors which authorize sharing of minerals under such contract for transport, raising, processing or trading of mineral shall be void from the date of publication of these Rules. Similarly, long term purchase contract at fixed price shall also come to an end from the date of publication of these Rules.

8. *Filing of returns, etc., by the Trader.*— (1) Every trader registered under rule 45 of Mineral Conservation & Development Rules 1988 shall file statutory returns with the regional office of IBM from time to time as per rules.

(2) Every trader who is desirous of dealing with any mineral in the State, shall obtain within one month of the date of coming into force of these rules, user name and password from the Department.

(3) Except the leaseholders, every enduser shall be responsible to file online daily returns

of the mineral possessed, purchased, processed, consumed or sold/exported before 9 a.m. of the next succeeding day. Based upon the daily returns filed by the end user a cumulative monthly and yearly report shall be generated by the Department.

9. *Linkage of royalty to dispatch.*— (1) The royalty challans shall be generated by the software of the Department and shall be linked to the bulk permits by way of Sale, Export or Transit Permit.

(2) In case where ROM is processed in plants situated outside the leasehold area such royalty shall be collected on ROM and the difference shall be adjusted on the processed mineral while issuing the Sale or Export Permit.

(3) The request for payment of royalty shall be verified by the Assistant Geologist and after his satisfaction, he shall authorize payment of royalty in Government Treasury.

10. *Deployment of staff of Department at leasehold area, jetties and check posts.*— The Department's staff shall be deployed at various places in the State including leasehold area, jetties and check posts.

CHAPTER III

Sale, Export, Import and Transit of Ore

11. *Sale/Export of Mineral.*— (1) No lease holder shall sell or export mineral to any end-user or trader without obtaining sale or export permit.

(2) The Application for sale or export shall specify the exact quantity, type of mineral, grade, mineral price at which the mineral is proposed to be sold, the purchaser/importers destination/place and details of royalty from such minerals.

(3) Upon receipt of such application, if the Director is satisfied, he may issue sale/export permit for such sale or export with or without modification as he may deemed fit based upon factors like carrying capacity of road, etc.

(4) On strength of sale or export permit, if the mineral is within leasehold area the lease

holders shall be authorized to generate trip sheets upto the quantity of mineral specified in the sale/export permit as per the software of the Department.

12. *Import of Mineral.*— (1) No person other than an end-user or leaseholder registered under sub-rule (1) of rule 45 of (MCDR) the Mineral Conservation and Development Rules, 1988 shall be allowed to import mineral from any State or Union Territory within India or from outside India for consumption or blending.

(2) End-users or leaseholder desiring to import mineral shall apply to the Director expressing his intentions to import mineral by giving all the details and documents as may be required by the Director (of Mines & Geology) to the satisfaction of the Director that the proposed import of minerals is from legally sources and dues payable on such import have been or shall be deposited with the Government.

(3) All imports shall be by rail route only. However, in exceptional circumstances such import by road and any other means may be permitted by the Director (Mines & Geology) under strict supervision at the cost of the importers.

(4) The trip sheets shall be electronically generated by software of the Department. On the electronic weighbridge at the dispatch site and the same shall be cancelled electronically on weighbridge of end-users or jetty.

(5) The lease holders shall be responsible for safe custody and accounting of the mineral till the mineral reaches end-users dockyards or jetty points and the trip sheet is electrically cancelled.

13. *Transit of mineral.*— (1) The transport of mineral or waste outside the leasehold area for any purpose other than for sale or export shall be regulated by issuance of transit permits.

(2) Transit of waste shall only be allowed in case the dump yard/stockyard is shown in the Mining Plan of the respective leaseholder after payment of processing fee.

(3) ROM shall be taken to processing plants situated outside the leasehold area only after payment of royalty and processing fee.

CHAPTER IV

Storage of Mineral

14. *Storage of mineral.*— (1) No person other than mining lease holder or end-user shall store mineral.

(2) Mineral shall be stored at mine head or stockyard of the lease holder or of the end-user situated outside the leasehold area.

(3) Ports and jetties having storage facility shall be registered as traders having stockyards under Rule, 45 of Mineral Conservation and Development Rules, 1988 and shall have electronic weighbridge installed to facilitate regulation of mineral in transit.

(4) The mineral may be permitted to be stored at jetties and Mormugoa Port Trust (MPT) during its transit,

(5) All trading licenses given under the Goa (Prevention of Illegal Mining, Transportation and Storage) of Minerals Rules, 2004, from the date of Notification of these Rules, shall cease to exist however traders shall be responsible for their acts of omission and commission undertaken by them under the Goa (Prevention of Illegal Mining, Transportation and Storage of Minerals) Rules, 2004.

(6) All the traders authorized to store mineral under the Goa (Prevention of Illegal Mining, Transportation and Storage of Minerals) Rules, 2004 shall within a period of one month from publication of these rules, produce documentary evidence which permitted them to store mineral under the Goa (Prevention of Illegal Mining, Transportation and Storage of Minerals) Rules, 2004, with details of mineral possessed by them failing which such mineral shall vest with the Government.

(7) All other mineral stored by unauthorized person within the territory of Goa shall from

the date of publication of these rules vest in the State.

(8) From the date of Notification of these rules, no person other than leaseholder or end-user shall be allowed to maintain a dump or stock yard.

(9) Application for dump handling or claim to a dump can be made only by a leaseholder and by no other person. The Application shall be supported by clearance from the Goa State Environmental Impact Assessment Authority, Consent under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and Water (Act) (Prevention and Control of Pollution) Act, 1974 (6 of 1974) from Goa State Pollution Control Board and conversion Sanad from the Collector or his representative.

(10) The dump handling permissions shall be given subject to availability of the supervisory staff of the Department. The dump movement shall be allowed only after assessing the carrying capacity of the road and payment of all the dues to the Government.

15. *Survey of all existing dumps and Stockyards in the State.*— The Department of Mines and Geology shall prepare a Geo Referenced and Geo Fenced identification database of the location of all Dumps/Stockyards in the State giving exact latitude and longitude, and other details identifying the location of the dumps.

16. *Assessment of all existing dumps and Stockyards in the State.*— The Department of Mines and Geology may through an expert agency as may be notified carry out a detailed inspection of each and every Dumps or Stockyards in the State and assess the scientific holding capacity of the site, the quantity and quality of material stored, quantity of dump containing ore and breakup in terms of Ferrous content, quantity of remainder overburden or earth at the site, verify the source of dump or stock, link them with the approved extraction limit imposed by the State/Mining Plan/Environmental clearance on the lease/Leases being claimed as source and assess the deviations from the legally explained limits, if any.

CHAPTER V

Transportation and winning of Mineral

17. *Regulation of Transport and Extraction.*— (1) No person other than a leaseholder or end-user shall transport mineral by roadways upto Jetty/MPT. Exporter of mineral shall however be allowed to transport the mineral by Barges from Jetty/MPT till the vessel.

(2) Transportation of mineral shall be done only through the carriers registered with the (Directorate of Mines and Geology).

(3) All Carriers used for transportation of the minerals shall be registered with the Directorate of Mines and Geology. The Application shall contain such details as may be specified by the Directorate of Mines and Geology from time to time.

(4) No trucks registered with Transport Department after 10-09-2012 shall be eligible for registration except as a replacement to the truck already registered with the Department.

(5) All the Carriers shall be fitted with tracking devices based upon GPS system as may be directed by the Directorate of Mines and Geology.

(6) All carriers carrying mineral shall carry the Trip Sheet generated on Electronic Weigh Bridge at the dispatch point as per the software of the Directorate of Mines and Geology.

(7) The Trip Sheet shall be displayed on the windshield of the vehicle so that the same is visible from a distance.

(8) The vehicle shall after reaching destination and unloading the mineral shall cancel the entry on electronic weighbridge.

(9) The mineral shall be carried on road in the carriers by covering the same with tarpaulin.

(10) The carrier on road shall be driven at a speed that may be specified by the Directorate of Mines and Geology irrespective of the speed limit specified by any other authority.

(11) The carrier on road shall be driven by driver having commercial batch issued by Directorate of Transport, Goa or such other authority acceptable to Directorate of Transport, Goa.

(12) The Carrier shall be stopped at any check post or otherwise whilst in transit as may be directed by the authorities specified in these rules.

18. *Imposition of Additional regulatory conditions.*— With a view to check illegal transportation and storage of mineral, the Director may impose such other restrictions which he deems necessary.

19. *Registration of Machinery.*— No mining machinery shall be used by the leaseholder unless the same is registered with the Department.

20. *Registration fee.*— Each truck to be registered under these Rules shall be registered after obtaining registration fee of Rupees five thousand and barges and machinery to be registered on obtaining fee of Rupees ten thousand per barge or machinery to meet the administrative expenditure for such registration.

21. *Procedure for registration of carriers.*—
(1) Procedure for registration of carrier and mining machinery shall be done through lease holder except barges.

(2) The leaseholder shall give the list of carriers and mining machinery engaged by him for the purpose of transportation of the mineral along with the registration fee payable per vehicle.

(3) One carrier or mining machinery can be registered by different lease holders, but registration fees thereof shall be paid separately by each lease holder;

(4) The other details which should be given shall include registration number of the carrier or mining machinery, make of the carrier or mining machinery, carrying capacity of the carrier, details about the owner and other aspects concerning bank loan, etc.

(5) If the carriers or mining machinery are under a contract with a transport contractor or owner of mining machinery, a copy of such contract shall also be submitted;

(6) In case of barges the registration fees shall be payable by the owners of the barges. Apart from registration fees, the barge owner has to produce a soft copy of the registration document with Captain of Ports or such other authority and with a copy of letter from leaseholder or trader that such barge shall be used for transportation of mineral. An Affidavit and undertaking as specified by the Director that the barge shall not be involved in illegal transportation or other activities concerning illegal mining shall also be submitted.

(7) All Carriers on road used for transportation of mineral ore shall be driven only by the drivers possessing commercial batch issued by Directorate of Transport, Government of Goa under (Central) Motor Vehicles Act, 1988 (59 of 1988). The lease holder shall device mechanism to ensure that the carrier is driven only by driver registered with leaseholder by issuing necessary photos identity cards, etc.

(8) Owner of such carrier (by road) shall give an undertaking that the truck will not be overloaded and protection against dust pollution shall be taken by him or his representative; it shall be driven with utmost care so that the safety of the pedestrians and other road users is taken care of by the driver and that in case the carrier is driven in rash and negligent manner he shall replace the driver or else the vehicle shall be de-registered. The details of the driver shall also be submitted. He shall abide by the directions issued by the Director so also (by the High Court and Supreme) the courts orders or directions of any other authority concerning mining transport; he shall not either directly or through any person acting on his behalf involve in transportation of illegal minerals or other illegal activities concerning mining and that he shall be jointly and severally liable for payments of fines, etc., if he or his agents are found involved in any illegal mining activities including the transport thereof by the Director.

(9) One trip sheet shall be issued per carrier per trip on road and inland waterways and the same shall be valid for one day.

(10) If the owner or transport contractor either directly or acting through his employee or agents is found to be involved in the illegal mining transport or any activity concerning the illegal mining activity, the transport contractor shall be blacklisted from being engaged by any lease holders, and action as per law shall be initiated against or person operating, managing or maintaining or claiming to operate, manage or maintain, or in physical control and possession or claiming to be in physical control and possession of a mining lease including person owning, operating, managing or maintaining or claiming to be owning, operating, managing or maintaining or in physical control and possession or claiming to be in physical control and possession of an existing Dump site/Stock Yard and all others directly or indirectly engaged in mining.

22. *All carriers to install tracking Devices.*— All carriers authorized to carry ore including barges shall be fixed with GPS tracking devices and such other equipments as may be directed by the Director from time to time. The devices shall be fixed at the cost of the owner of the carrier as per the directions issued by Director.

23. *Reasonable Restriction on Transport.*— The Government shall have power to impose reasonable restrictions, such as, restricting the number of carriers to be permitted for transport of mineral, fixing the maximum number of years for using carriers for mining transport, deciding a cutoff date after which the carrier registered with Transport Department shall not be registered for transportation of the mining ore or any other similar restriction that may be necessary to ensure smooth flow of traffic in the State, to counter congestion on State roads, for public safety, to regulate damage to ecology and environment of the State due to haphazard movement of trucks or vehicles or due to any other mode of transport authorized to carry ore including barges.

CHAPTER VI

Establishment of check post, barrier and weighbridge and Inspection of mineral in transit

24. *Establishment of check posts.*— (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 leasehold areas, and stockyard, the Government may set up check post(s) with or without barrier(s) and weighbridge(s) at any place within the State.

(2) The following Officers or any other officer authorized by the 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 and his Jurisdiction:—

(i) Director/Assistant Director of Mines— Whole of the State of Goa;

(ii) *Collectors*— Within their respective districts;

(iii) *Senior Geologists*— Within their respective Mining Circle;

(iv) *Assistant Geologist*— Within his Mining Circle;

(v) *Check gate Supervisor*— Within his Mining Circle;

(vi) *Check gate Clerk*— Within his mining Circle;

(vii) *Any other officer authorized by the Collector*— Within the concerned district;

(viii) *Police Officer not below the rank of Police Sub-Inspector*— Within his respective jurisdiction.

25. *Regulation of check post.*— (1) Every holder of mining lease and/or end-user 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 may allow any authorized person to 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.

(2) All carriers whenever required shall 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 end-user duly approved by the Director.

(3) Software designed by the Directorate for weighbridges shall not allow overloading as no trip sheet shall be generated by software in case the carrier is overloaded.

(4) The owner of the weighbridge shall keep the weighbridge in perfect working condition and any break down or malfunctioning shall be reported forthwith to the Director or such other officer as may be specified by the Department.

(5) The working hours of each check post, with or without barrier or weighbridge, shall be announced in advance by the Director or Mining Officer, as the case may be, and shall be commensurate with general requirement of the mineral traffic in that sector. The Director may review the time schedule so fixed periodically.

(6) The person in-charge of the carrier shall, if so required by the authorized officer, furnish all relevant information which may be called by such officer.

(7) If the Officer-in-charge of check post or weighbridge or any other authorized Officer has reasons to believe that the mineral is not covered by the trip sheet or the transportation is without a valid document, such Officer shall detain the vehicle. Then the Officer-in-charge of check post or weighbridge 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 as per Act and rules.

CHAPTER VIII

Miscellaneous

26. *Power of entry and inspection.*— (1) For the purpose of preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith or for any other purpose connected with this Act any person authorized by the Government in this behalf may:—

(a) enter and inspect any mine;

(b) survey and take measurements in any such mine;

(c) weigh, measure or take measurements of the stocks of minerals lying at any mine;

(d) examine any document, book, register, or record in the possession or power of any person having the control of, or connected with, any mine and place marks of identification thereon, and take extracts from or make copies of such document, book, register or record;

(e) order the production of any such document, book, register, record, as is referred to in clause (d); and

(f) examine any person having the control of, or connected with, any mine.

(2) Every person authorized by the Government under sub-rule (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860), and every person to whom an order or summons is issued by virtue of the power conferred by clause (c) or clause (f) of sub-rule (1) shall be legally bound to comply with such order or summons, as the case may be.

(3) A separate inspection register shall be kept for inspections carried out under these rules and under Section 24 of the Act giving details of the inspection.

27. *Power to search.*— If any Gazetted Officer of the Government authorized by the Government in this behalf by general or special order has reason to believe that any mineral

has been raised in contravention of the provisions of this Act or rules made thereunder or any document or thing in relation to such mineral is secreted in any place or vehicle, he may search for such mineral, document or thing and the provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply to every such search.

28. Duty of officer-in-charge of police station to take charge of article seized.— (1) Every officer-in-charge of a police station shall on a request made by an officer of the Department authorised in this behalf take charge of all articles seized under the Act and rules which may be delivered to him and keep them in safe custody, pending the order of Magistrate or the Director or any officer duly empowered in that behalf:

Provided that the officer-in-charge of the police station referred to above shall allow any officer of the Department authorised in this behalf to affix his seals to seized articles or to take samples from them for filing a complaint in court of law; all samples so taken shall also be sealed with the seal of the officer-in-charge of the police station.

29. Appeal.— (1) Any person aggrieved by any order passed by officer authorized by the Government, may within ninety days of the communication of such order, appeal to the Director and if such Order is passed by Director to the Government;

(2) Every appeal submitted under the provisions of this rule shall be accompanied by a Treasury Receipt showing that a fee of five hundred rupees has been paid into a Government Treasury or any branch of the State Bank of India doing Treasury Business to the credit of the Government.

30. Permanent Staff.— (1) There shall be mining staff in the Mines Department of such designation as may be decided by the Government to men the check posts, regulate the mining transport, collection of data, samples and do analysis thereof, regulate the

mining operations, check illegal mining activities, take punitive and other actions for eradicating the illegal trading activities in minerals.

(2) The Director may assign such number of the Mines staff at such places as the Director may decide to regulate and monitor the working of a mining lease, beneficiation plant, processing unit and stockyards taking into consideration the volume of the business undertaken by the Mining lease, beneficiation plant or stockyards.

(3) The department shall make necessary arrangements to supervise the movement of dispatch and movement of mineral including ROM, the extraction, processing, storage, removal and transport of such mineral.

31. Duty of officers of certain Departments to report offence and to assist Mines Officer of Department.— Every officer of the Police, Forest, Customs, Land Revenue and any other Department within whose jurisdiction land illegal mining activities are carried out shall be bound to give immediate information to an officer of the Department of any breach of any of the provisions of the Act and these rules which may come to his knowledge and shall aid any officer of the Mines Department in carrying out the provisions of the Act and these rules upon request made by such officer.

32. Penalties.— Whoever undertakes or causes to undertake illegal mining, transports or stores any mineral otherwise than under the provisions of section 4(1) and or 4(1A) of the Act or any of the provisions of these rules is 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 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.

33. Rewards on the seized minerals.— Appropriate reward will be given 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.

34. *Exemption.*— The Government may by an order published in the Official Gazette, 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.

35. *Power to rectify apparent mistakes.*— Any clerical or arithmetical mistakes in any order passed by the Government or any other authority or officer under these rules and any error arising therein from accidental slip or omission, may, within two years from the date of the order, be corrected by the Government, authority or officer, as the case may be:

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

36. *Repeal and Savings.*— (1) The Goa (Prevention of Illegal Mining, Transportation and Storage of Minerals) Rules, 2004 are hereby repealed.

(2) Notwithstanding such repeal anything done, or any action taken, or orders passed under the said rules shall be deemed to have been done or any, taken or passed under the [Goa Minerals (Prevention of Theft, Smuggling & Other Unlawful Activities) Rules, 1990] shall be deemed to have been done, taken or passed under these rules.

37. *Delegation of powers.*— The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this rule may, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the Government as may be specified in the notification.

By order and in the name of the
Governor of Goa.

Prasanna A. Acharya, Joint Secretary
(Mines).

Panaji, 17th October, 2013.

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