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## Nagaland Coal Mining Rules, 2005

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**GOVERNMENT OF NAGALAND  
DIRECTORATE OF GEOLOGY AND MINING  
NAGALAND : DIMAPUR**

**NAGALAND COAL MINING RULES, 2005**

In exercise of the power conferred by section 15 of the Nagaland (Ownership of Land and Its Resources) Act, 1990 (Act No.1 of 1993), the State Government hereby makes the following Rules for regulating the grant of Prospecting Licences and Mining Leases in respect of Coal and for the purposes connected therewith, namely;

**“THE NAGALAND COAL MINING RULES, 2005”**

**CHAPTER-I**

**PRELIMINARY**

**1. Short title, extent and application:-**

- (1). These regulations may be called the Nagaland Coal Mining Rules, 2005.
- (2). They extend to the whole of Nagaland.
- (3). They shall apply to every coal mine

**2. Definitions:-**

In these regulations, unless there is anything repugnant in the subject or context:-

- (1). “Act” means the Nagaland (Ownership And Transfer of Land And Its Resources) Act, 1990.
- (2). “approve safety lamp” and “approve electric torch” means respectively a safety lamp or an electric torch. Manufactured by such firm and of such type as the Chief Inspector may, from time to time, specify by notification in the official gazette;
- (3). “Director” means the Director of Geology and Mining, Nagaland;
- (4). “Form” means a Form appended to these Rules;
- (5). “Transport Challan” means a pass issued by the Director or any other officer duly authorized by him for lawful transportation of coal raised;
- (6). “Carrier” means any mode or conveyance of facility by which coal is transported from one place to another;
- (7). “ Dealer” means a person who deals in coal;

- (8). “Mining Lease” “Prospecting Licence” have the same meaning as assigned to them in the Nagaland (Ownership And Transfer of Land And Its Resources). Act, 1990.
- (9). “auxiliary fan” means a forcing fan or an exhausting fan, used below ground wholly or mainly for ventilating a face or faces or blind ends;
- (10). “banksman” means a person appointed to superintend the lowering and raising of persons, tools and materials and to transmit signals at the top of a shaft or incline;
- (11). “coal” includes anthracite, bituminous coal, lignite, peat and other form of carbonaceous matter sold or marketed as coal;
- (12). “committee” means a committee appointed under section 18 of the Act;
- (13). “competent person” in relation to any work or any machinery, plant or equipment means a person who has attained the age of 20 years and who has been duly appointed in writing by the manager as a person competent to supervise or perform that work, or to supervise the operation of that machinery, plant or equipment, and who is responsible for the duties assigned to him, and includes a shot-firer;
- (14). “district magistrate” in relation to any mine, means the District magistrate or the Deputy Commissioner, as the case may be , who is vested with the executive powers of maintaining law and order in the revenue district in which the mine is situated:  
  
Provided that in the case of a mine, which is situated partly in one district and partly in another, the District Magistrate for the purpose of these regulations shall be the District Magistrate authorized in this behalf by the State Government;
- (15). “explosive” means an explosives manufactured by any firm and is used in underground or opencast mines which are able or likely to explode;
- (16). ”face” means the moving front of any working place or the inbye end of any gallery, roadway or drift;
- (17). “form” means a form as set out in the first Schedule;
- (18). “gas” include fume or vapour;
- (19). “goal” means any part of workings below ground wherefrom a pillar or a part thereof, or in the case of “long wall” workings, coal has been extracted but which is not a working place;
- (20). “incline” means an incline passage or road either on the surface or below ground;
- (21). “inset” means a landing or platform in a shaft, and includes an excavation there from between the top and the bottom of the shaft;

- (22) “machinery” means-
- (i). Any locomotive or any stationary or portable engine, air compressor, boiler or steam apparatus, which is or
  - (ii). Any such apparatus, appliance or combination of appliances intended for developing, storing, transmitting, converting or utilizing energy, which is ,or
  - (iii). Any such apparatus, appliances or combination of appliances if any power developed, stored, transmitted, converted or utilized thereby is, used or intended for use in connection with mining operations;
- (23) “material” includes coal, stone, debris or any other material;
- (24). “misfire” means the failure to explode of an entire charge of explosives in a shot hole;
- (25) “month” means a calendar month;
- (26). “official” means a person appointed in writing by the owner, agent or manager to perform duties of supervision in a mine or part thereof, and includes and under manager or assistant manager, an overman, a sirdar an engineer and a surveyor;
- (27). “onsetter” means a person appointed to superintend raising and lowering of persons, tools and materials and to transmit signals at any inset or shaft bottom;
- (28). “Overman” means a person possessing a manager’s or overman’s certificate who is appointed by the manager in writing, under any designation whatsoever, to perform the duties of supervision or control in a mine or part thereof, and is as such a superior to a sirdar;
- (29). ‘permitted explosive’ means an explosives manufacture by any firm or of such type as the Chief Inspector may from time to time, specify by notification in the official gazette;
- (30). “public road” means a road maintained for public use and under the jurisdiction of any government or local authority;
- (31) “quarter” means a period of three months ending in the 1<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September or 31<sup>st</sup> December;
- (32). “railway” means a railway as defined in the Indian railway Act, 1890;
- (33). “Regional Inspector” means the Inspector of mines in-charge of the region or local area or areas in which the mine is situated or the group or the class of mines to which the mine belongs, over which he exercises his powers under the Act;
- (34). “river” means any stream or current of water, whether seasonal or perennial and includes its banks extending up to the highest known flood level;

- (35). “roadway” means any part of a passage or gallery below ground which is maintained in connection with the working of a mine;
- (36). “schedule” means a schedule appended to these regulations;
- (37). “shaft” means a way or opening leading from the surface to workings below ground or from one part of the workings below ground to another, in which a cage or other means of conveyance can travel freely suspended with or without the use of guides;
- (38). “tub” include a wagon, car, truck or any other vehicle moving on rails for conveying materials;
- (39). “Under manager” or “assistant manager” means a person possessing a Manager’s certificate, who is appointed in writing by the owner, agent or manager to assist the manager in the control, management and direction of the mine or part thereof, and who takes rank immediately below the manager, and is thus superior to an overman and a sirdar;
- (40). “ventilating district” means such part of a mine below ground as has an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway, and in the case of a mine or part thereof which is ventilated by natural means the whole mine or part thereof; and
- (41). “working place” means any place in a mine to which any person has lawful access.

## **CHAPTER-II**

### **PROSPECTING AND MINING OF COAL**

#### **1. PROSPECTING AND MINING OF COAL:**

##### **(i). Prospecting to precede Mining Operation:-**

- (a). No lease shall be granted unless the Directorate of Geology & Mining Nagaland is satisfied that there is evidence to show that the area for which the lease is applied for, has been prospected for coal and the existence of coal therein has been established.
- (b). No mining lease shall be granted unless the applicant produces No objection certificate from the Landowner.

##### **(ii). Period for which prospecting license may be granted:-**

The period for which the Prospecting license may be granted shall not exceed 2 years.

##### **(iii). Period for which lease may be granted:-**

- (a). The maximum period for which a lease may be granted shall not exceed **ten** years. Provided that the minimum period for which any such lease may be granted shall not be less than **five** years.
- (b). A lease may be renewed for a period not exceeding **ten** years.

## **2. PROSPECTING OPERATION:-**

### **(i). Scheme of prospecting:-**

- (a). Every holder of a prospecting license for coal shall submit to the Directorate of Geology and Mining within a period of 60 days from the date of execution of prospecting license, a scheme of prospecting indicating the manner in which he proposes to carry out the prospecting operation, in the area covered by the license; and the scheme shall incorporate; (1) particular of the area (2). the scale of the plan and the area of geological mapping (3). the particular of machine to be used, (4). baseline information of the prevailing environmental conditions before the beginning of the prospecting operations;
- (b). The prospecting scheme shall be prepared by a Mining Engineer/Geologist employed in the government department or government undertaking not below the rank of Asstt. Mining Engineer/Asstt. Geologist in case the prospecting license holder does not employ Mining Engineer or Geologists by paying to the department concerned in advance an amount of Rs. 10,000/- and the prospecting scheme shall be approved by an officer of the Directorate of Geology and Mining not below the rank of Joint Director/Superintending Mining Engineer of Geology & Mining.

### **(ii). Modification of scheme of prospecting:-**

The holder of a prospecting license may modify a scheme prepared and submitted at any time on geological consideration during continuance of the prospecting license. Any modification carried out shall be intimated to the Directorate of Geology & Mining within a period of fifteen days.

### **(iii). Prospecting operation to be carried out in accordance with scheme of prospecting.:-**

Every holder of a prospecting license for coal shall carry out the prospecting operations in accordance with the scheme of prospecting submitted to the Directorate of Geology and Mining.

### **(iv). Report of prospecting operations:-**

- (a). Every holder of a prospecting license for coal shall submit to the Directorate of Geology & Mining an annual report in the Form-A so as to reach them by 30<sup>th</sup> April of the following year.
- (b). Where prospecting operation for coal are carried out by any authority without a prospecting license prior to enforcement of this policy that authority shall submit the annual report in Form-A to the Directorate of Geology & Mining in respect of each area where prospecting operation for coal have been undertaken by them.

### **3. MINING PLAN:**

**(i). Mining plan as a pre-requisite to the grant of lease: -**

No lease shall be granted or renewed except in the case of small pocket deposits as decided by the Director, Directorate of Geology & Mining unless there is a mining plan duly approved by the Director, Directorate of Geology & Mining, or by any officer authorized by him but not below the rank of Superintending Mining Engineer for the development of coal in the area concerned.

**(ii). Mining plan to be prepared by a Mining Engineer/Geologist:-**

No mining plan shall be approved unless it is prepared by a mining engineer or a geologist not below the rank of Asstt. Mining Engineer or Asstt. Geologist or R.Q.P. holder.

**(iii). Approval and submission of mining plan:-**

On receipt of application for grant of mining lease for undertaking mining operations for coal, the State Government shall take decision to grant precise area for the said purpose and communicate such decision to the applicant and on receipt of the communication from the Government the applicant shall submit a mining plan within a period of three months from the date of receipt of such communication, and the said mining plan shall incorporate:-

- (a). the plan of the precise area showing the nature and extent of the coal body; spot or spots where the excavation is to be done in the first year and its extent; a detail cross section and detailed plan of spots of excavation based on the prospecting data gathered by the applicant; a tentative mining scheme for the first five years of the lease.
- (b). details of the geology and lithology of the precise area including coal reserves of the area;
- (c). the extent of manual mining or mining by the use of machinery and mechanical devices on the precise area;
- (d). the plan of the precise area showing natural water course, limits of reserved and other forest areas and density of trees, if any, assessment of impact of mining activity on forest, land surface and environment including air and water pollution; detail of scheme for restoration of the area, use of pollution control devices and other such measures as may be directed by the State Govt. from time to time.
- (e). annual programme and plan for excavation on the precise area from year to year for five years;

#### **4. MINING OPERATION**

**(i). Mining plan as a pre-requisite to the commencement of mining operations:-**

- (a). No person shall commence mining operations for coal in any area except in accordance with a mining plan and approved by the Directorate of Geology and Mining:-
- (b). The Government or any other authorized in this behalf may require the holder of a lease to make such modifications in the mining plan or impose such conditions as it considers necessary by an order in writing, if such modifications or imposition of conditions are considered necessary in the light of experience of operation of mining plan or in view of the change in the technological development.

**(ii). Mining plan to be submitted by the existing lessee:-**

- (a). Where mining operations for coal have been undertaken before the commencement of this policy without an approved mining plan, the holder of such lease shall submit a mining plan within a period of one year from the date of commencement of this policy to the State Government.
- (b). The Sate Govt. may approve the mining plan with or without modifications, as it may consider expedient.

**(iii). Mining operation to be in accordance with mining plan:-.**

Every holder of a lease shall carry out mining operations for coal in accordance with the approved mining plan with such conditions as may have been prescribed by the State Government.

**(iv). System of working:-**

The State Govt. may direct the lease holder to carry out such system of working as may be considered necessary with respect to safety, conservation and productivity.

**(v). Notice for opening of a mine and intimation of existence of mine:-**

The owner of the mine shall send to the Sate Govt. intimation in Form-B of the opening of mine so as to reach them within fifteen days of such opening or the existence of a mine at the time of commencement of this policy within ninety days from such commencement.

**(vi). Abandonment of mines:-**

- (a). The owner, agent, mining engineer or manager of every coal mine shall not abandon or surrender a coal mine or a part of mine within the subsistence of the lease except with prior approval of the State Government.

- (b). Notice for abandonment or surrender of a coal mine or a part thereof shall be given in Form-C and shall be accompanied by plans and sections on a scale not less than 1 cm=10 metres showing accurately the work done in such mine upto the date of submission of the notice.
- (c). Where an abandonment of coal mine or part thereof takes place as a result of natural calamity beyond the control of the owner, the mining engineer or manager of such mine, shall send an intimation to the State Government within a period of twenty four hours and a notice shall be submitted to the State Govt. in Form-C within fifteen days of such abandonment or termination.

**(vii). Notice of temporary discontinuance of work in mines:-**

The owner, agent, mining engineer or manager of every mine shall send to the State Govt. a notice in Form-D when the work in such mine is discontinued for a period exceeding sixty days so as to reach them within seventy five days from the date of such temporary discontinuance.

**(viii). Intimation of re-opening of a mine:-**

The owner, agent, mining engineer, manager of every mine shall send to the State Govt. intimation in Form-E of re-opening of such mine after temporary discontinuance so as to reach them within fifteen days from the date of re-opening.

**(ix). Copies of plans and sections to be submitted:-**

The owner, agent, mining engineer or manager of every mine shall on or before the 31<sup>st</sup> day of march every year submit to the Director, Geology & Mining a copy of the plans and sections maintained.

**(x). Preparation of plans:-**

- (a). All plans and tracings or copies thereof kept at the coal mine shall be serially numbered or suitably indexed.
- (b). Every plan, section or part thereof prepared under this policy shall carry thereon a certificate for its correctness and shall be signed by the Mining Engineer not below the rank of Asstt. Mining Engineer with date.
- (c). Every copy of a plan and section or part thereof submitted or maintained under these rules shall bear a reference to the original plan or section from which it was copied and shall be certified thereon by the owner, agent, mining engineer or manager to be a true copy of the original plan or section.

### **CHAPTER-III**

#### **ISSUE OF MINING PERMIT AND TRANSPORTATION CHALLAN**

##### **5. ISSUE OF COAL MINING PERMIT:**

- (i). Application in prescribed form shall be received by the Director, Geology & Mining who shall examine and dispose off within 6 (six) months from the date of receipt of application.
- (ii). Preference will be given to local bonafide citizen of the State of Nagaland, so as to ensure employment opportunity to the local people.
- (iii). The application shall clearly indicate the area, location and shall include a mining plan wherever necessary.
- (iv). Preference for grant of permit shall be given to landowners who intend to operate in his own land.
- (v). The applicant shall pay a non-refundable fee of Rs. 2000/-(Rupees two thousand) only for issue of each mining permit.
- (vi). The applicant should produce No Objection certificate from the Landowner.

##### **6. ISSUE OF TRANSPORTATION PERMIT/CHALLAN:**

- (i). The Director of Geology and Mining or any other official authorized on his behalf shall issue Transportation Permit/Challan to the License or permit holder for transportation of coal out of the mine.
- (ii). No transportation permit/challan shall be issued unless the annual quantity of coal production and the total royalty payable are assessed by an officer authorized for the purpose, and the royalty amount is paid by the permit/license holder in advance.

##### **7. SUPERVISION OF MINING ACTIVITIES:-**

- (i). For expeditious disposal of mining lease/permit application, the mining section of the Directorate of Geology and Mining shall supervise, monitor and administer the following activities. In addition to this, the mining section shall ensure proper methods and systematic working of the mines and safety of the mines with due consideration to environments impact and mines closure plan.
  - (a). Grant of prospecting license
  - (b). Grant of mining lease/permit.
  - (c). Monitor the existing mining lease/permit.
  - (d). Monitor the physical performance and payment of royalty.
  - (e). Review the processing of mining lease/permit application
  - (f). Examine the problems faced by the lessees or Mining permit holders.
  - (g). Tender suggestions within the guidelines for their better implementation
  - (h). Review the prospects of establishment of mineral based industries.

## **CHAPTER-IV**

### **8. SYSTEMATIC AND SCIENTIFIC MINING:-**

#### **(i). Precaution for safety measures in the mine:-**

The owner, agent, mining engineer, manager shall ensure that all safety measures are adopted in the mine, such as roof supports, detection of mine gases, mine fire, inundations, mine lighting, ventilation etc. while conducting prospecting, mining or processing of coal in the leasehold area for which such license or lease is granted.

#### **(ii). Protection of environment:-**

Every holder of a prospecting license or a lease shall take all possible precautions for the protection of environment and control of pollution while conducting prospecting, mining or processing of coal in the area for which such license or lease is granted.

#### **(iii). Removal and utilization of top soil:-**

Where top soil exists and is to be excavated for prospecting or mining operation for coal, the top soil so removed shall be utilized for restoration and rehabilitation of land which is no longer required for prospecting or mining operations or for stabilizing or landscaping the external dump.

#### **(iv). Storage of overburden, waste rock etc.**

- (a). The overburden, waste rock generated during prospecting, or mining operations shall be stored in separate dumps.
- (b). Such dump shall be properly secured to prevent the escape of materials in harmful quantities, which may cause degradation of the surrounding land or silting of watercourses.
- (c). Wherever possible such waste rock or overburden or other rejects shall be used for backfilling of the work out coal mine, where coal has been recovered up to the maximum depth with a view to restore the land to its original.

#### **(v). Reclamation and Rehabilitation of land:-**

Every leaseholder shall undertake in a phase manner restoration, reclamation and rehabilitation of lands affected by prospecting or mining operations and shall complete such work before the conclusion of such operation or the abandonment of the mine.

#### **(vi). Precaution against Gas: -**

Every owner, agent, mining engineer, manager shall take such precautionary measures against abnormal rise of mine gases, spontaneous heating and ignition of gas or coal dust, in the mine as per the laid down guidelines or instructions given by the State Govt. from time to time.

**(vii). Precaution against mine fires and spontaneous heating:-**

The owner, agent, mining engineer, manager of every mine shall take all precautionary measures, such as collection of air sample, stacking of coal, regular inspection of working faces by mining engineer or competent person with adequate gas testing instruments, maintaining proper ventilation system of the mine etc. as per guidelines/instructions or standing order of the State Govt. issued from time to time.

**(viii). Precaution against inundation in mine:-**

The owner, agent, mining engineer, manager of every mine shall ensure all precautionary measures such as keeping adequate pumping capacity, maintain surface plan, cut a suitable drains around the periphery of the mine, leave sufficient barrier of solid coal, as laid down in the standing order of the Government.

**(ix). Precaution against air pollution:-**

Air pollution due to dust, exhaust emissions or fumes during prospecting, mining or processing operations and related activities shall be controlled and kept within the permissible limits specified in the standing order of the Govt.

**(x). Discharge of effluents:-**

Every holder of a prospecting license or a lease shall take all possible precautions to prevent or reduce to a minimum the discharge of toxic and objectionable liquid effluents from coal mine into the surface, or ground water bodies and useable lands.

**(xi). Adoption of Ventilation system:-**

Every holder of a prospecting license or a lease shall adopt proper ventilation system of the mine as per the standard norm notified by the Govt. from time to time.

**(xii). Restoration of Flora: -**

Every leaseholder shall take immediate measures for planting in the area held under the lease or any other area selected by the State Govt.

**CHAPTER-V**

**CRITERIA FOR SELECTION OF GRANT OF MINING LEASE**

**8. CRITERIA FOR SELECTION.**

- (i). Where two or more persons have applied for mining lease in respect of the same land, an applicant whose application was received on earlier date shall have a preferential right. Provided that an application received from a Government company or Corporation owned by the Govt. shall be given preference over any other application received earlier for the same area.

- (ii). Where such applications are received on the same day, the mining lease shall be granted in the following order of priority:-
- (a). A Govt. Company or Corporation owned by the Govt.
  - (b). A qualified Mining Engineer/Geologist
  - (c). Landowner willing to open a mine in his own land.
  - (d). Bonafide Local citizen of the village or area.
  - (e). A Cooperative Society.

## **CHAPTER-VI**

### **9. EMPLOYMENT OF QUALIFIED GEOLOGIST AND MINING ENGINEERS.**

For the purpose of carrying out prospecting and mining operations in accordance with this policy, every holder of a prospecting license or a mining lease shall employ qualified Geologist or Mining Engineer as follows: -

**(i). Employment of Geologist: -**

For the purpose of prospecting, every holder of a prospecting license shall employ a qualified geologist either on whole time, part-time or by engaging the geologist employed in the Directorate of Geology & Mining by paying a nominal fee as may be prescribed by the Directorate. The duties of the geologist employed for prospecting shall be as follows:-

- (a). Preparation of the necessary geological plans and sections which are required to delineate the coal deposit:-
- (b). Determination of the coal reserves,
- (c). Maintaining of proper records of the prospecting operations and records of sinking of shafts and boreholes,
- (d). Working out the appropriate method of sampling and ensuring preparation of samples accordingly.

**(ii). Employment of Mining Engineer:-**

For the purpose of carrying mining operation, every holder of prospecting license or a mining lease shall employ qualified Mining Engineer on whole time basis. The duties of the Mining Engineer shall be as follows:-

- (a). To prepare scientific mine plan for development and systematic extraction of coal with due consideration to the conservation, safety of the workers and protection of environment.
- (b). To prepare and maintain plans, sections, of the mine in systematic means.
- (c). To prepare reports and schemes in accordance with the rules and regulations of this coal policy.

- (d). To carry out orders and directions as may be given by the Directorate of Geology & Mining from time to time.
- (e). To carry out prospecting works in place of a geologist if assigned with the work in written.
- (f). To make necessary arrangement to ensure that there is sufficient provision of proper materials, appliances and facilities at all times at the mine for the purpose of carrying out the provision of these rules and orders.

## **CHAPTER-VII**

### **10. ASSESSMENT, COLLECTION AND SHARING OF ROYALTY**

#### **A. Assessment and collection of royalty:**

- (i) The Director of Geology & Mining or any other official whom he may authorize, shall visit every intended mining area and make assessment, based on the area of operation, machineries, manpower, etc. and such other parameters as may be necessary for operating the mine and make assessment of the possible coal production per annum or period, or coal produced and stocked, and submit report to the competent authority.
- (ii). The Director of Geology & Mining or any other official whom he has authorized shall review the report and direct the permit/License holder to deposit required amount of royalty in advance before the transportation challan is issued.
- (iii). The transportation challan shall be issued as per the assessed quantity of expected production and shall bear the name of the permit holder and shall indicate the authorized quantity of coal each challan can carry.
- (iv). The department may have an option to adopt an alternative system of collection of royalty on contract basis as is being practiced by some other States.
- (v). The rate of royalty on coal shall be fixed and revised from time to time by the State Government. The prevailing rate of royalty on coal is @ Rs. 165 per tonne of coal, which shall be realized by the State Government as per Schedule-I.
- (vi). In the event of the Lessee or permit holder failing to pay the royalty assessed or trying to evade royalty or trying to carry more than the quantity prescribed in the Transport Permit/Challan he shall pay a fine @50% of royalty rate per tonne over and above the actual rate of royalty (as per Schedule-I), in the event of failure to pay the imposed fine the material along with the vehicle shall be confiscated, and the permit holder shall be given a time of 24 hours to pay the aforesaid amount and in the event of failure to do so, the material so confiscated shall be disposed off by public auction by any officer authorized by the Director.

**B. Sharing of Royalty:**

- (i) The Govt. will share the royalty on coal @10% with the landowners as Naga Commission as specified in schedule –I.
- (ii). Payment of such share of royalty shall be made to the landowners through the Village Council.

**CHAPTER-VIII**

**11. CONTROL OF COAL TRANSPORTATION:**

- (i). No person shall transport or carry or cause to transport any mineral by any means from the place of raising to another without being in possession of a valid “TRANSPORT CHALLAN” issued by the Director or any officer authorized by him in this behalf.
- (ii). An officer-in-charge of the check gate or any other officer authorized by the Director of Geology & Mining shall visit the Mining area and assess the likely yearly production and collect the revenue/royalty in advance.
- (iii). An officer-in-charge of the check gate or any other authorized officer, not below the rank of Junior Engineer posted at the check gates shall verify the challan and stamp the challan with the seal and also collect such necessary additional fees/royalty, as he considers necessary. He shall also impose penalty and shall seize the material alongwith the vehicle in the event of evading of royalty/fees by the lessee or the permit holder.
- (iv). An officer-in-charge of the check gate or any other authorized officer not below the rank of Junior Engineer shall inspect the quantity of coal carried by the lessee or the permit holder at every check gate and in the mine, and shall record it in a register kept for the purpose.
- (v). An officer-in charge of the check gate or any other authorized officer not below the rank of Junior Engineer shall submit a quarterly report to the designated officer at the divisional/sub-divisional level, who will in turn forward the same to the Director, Geology & Mining.

**12. REGISTRATION FOR TRANSPORTATION OF COAL:-**

- (i). Every party person other than a lessee (a holder of mining lease granted by the State Government) desiring to transport any coal from any part of the State shall get himself registered with the office of the Director of Geology and Mining, Dimapur or its Divisional Mining Offices against advance payment of registration fees supported by relevant documents as spelt out herein below:-
- (ii). Registration has been classified into 3 (three) categories according to the financial position of the party/person other than a lessee as follows: -

Category-I	=	Above Rs. 3.00 lakhs
Category-II	=	Rs. 1.00 lakh to 3.00 lakhs.
Category-III	=	Below Rs. 1.00 Lakhs.

- (ii). The category wise annual registration fee is hereunder prescribed in Schedule-I: -
- |              |   |            |
|--------------|---|------------|
| Category-I   | = | Rs. 1000/- |
| Category –II | = | Rs. 500/-  |
| Category-III | = | Rs. 250/-  |
- (iv). For the purpose of registration, every party/person other than a lessee shall have to produce the following documents: -
- (a). Trading Licence from the from Municipal Council or Town committee concerned.
  - (b). Professional Tax clearance Certificate from Income Tax department in their case of non-tribal.
  - (c). Certificate of financial sound position of the party/person from any Nationalized Bank.
  - (d). For Transportation of coal to any place the holder of a mining lease shall make an application in the prescribed form separately to the Director or any officer authorized by him for issue of “Transport Challan”
  - (e). All dispatches of coal by the holder of mining lease/dealer by means of carrier shall be accompanied with Transport Challan in duplicate.
  - (f). The period of validity of Coal Transport Challan will be 1 (one) month from the date of issue.
  - (g). A Transport Challan issued by the Director or authorized officers for inter-state movement shall be allowed by another State.

**13. ESTABLISHMENT OF CHECK GATES:-**

- (i). For the purpose of checking the transport and storage of minerals raised without lawful authority, the Director shall set up check gates at any place, or places within the State and a notification/publication notice in this regards be issued by the Director.

**14. AUTHORITY TO SEIZE OR RECOVER THE VALUE OF THE COAL NOT COVERED BY TRANSPORT CHALLAN:-**

- (i). The Officer in charge of the check gate or any other officer authorized in this behalf have the power to recover the value of the coal, if he has reason to believe that the coal transit is not covered by the Transport Challan, from the person-in-charge of the carrier.
- (ii). The officer-in-charge of the check gate or any other officer authorized in this behalf shall issue receipt against payment under sub-rule-(i) to the in-charge of the carrier.

- (iii). If the in-charge of the carrier refuses to make payment under sub-rule-(i), the officer-in-charge of the check gate or any other officer authorized in this behalf shall have the power to seize the coal in transit not covered by the Transport Challan.
- (iv). The officer-in-charge of the check gate or any other officer authorized in this behalf shall give seizure list of the coal seized under sub-rule-(iii) to the in-charge of the carrier.

## **CHAPTER-IX**

### **MINES SAFETY, COMPENSATION, NOTICES AND RETURNS.**

#### **15. MINES SAFETY AND COMPENSATION OF AFFECTED PEOPLE:**

- (i) Mining operations are hazardous in nature. Accident happens and often results in the loss of life or limb of persons engaged in it. The mining operators shall adopt modern mining methods for development of mines, which would increase the safety of the workers and reduce the accidents. Step will also be taken to minimize the adverse impact of mining on the health of the workers and the surrounding population.
- (ii) Wherever mine closure becomes necessary, it should be orderly so that the life of the dependent community is not disrupted.
- (iii) While acquiring land for mining operation, proper land compensation should be given to landowners and efforts should be made to ensure that those who are likely to be deprived of their means of livelihood as a result of such acquisition get proper compensation.
- (iv). The mining company or mine owner shall take full responsibility to compensate the people affected by the hazards of mining.

#### **16. NOTICES AND RETURNS.**

##### **(i). Quarterly and annual returns:-**

The owner, agent, mining engineer, manager of every mine shall submit to the State Govt:

- (a). a quarterly return in Form-F for every quarter ending 30<sup>th</sup> June, 30<sup>th</sup> Sept, 31<sup>st</sup> Dec and 31<sup>st</sup> march.
- (b). an annual return in Form-G which shall be submitted before the 1<sup>st</sup> July of each year for the proceeding year.

##### **(ii). Notice of certain appointments:-**

When any new appointment is made or when employment of any such person is terminated or any such person leaves the said employment or when any change occur in the address of any such person, the owner, agent of the coal mine shall within fifteen days from the date of such appointment, termination, leaving or change in address, give a notice in Form-H to the State Govt.

**(iv). COPIES OF NOTICES TO BE MAINTAINED: -**

The owner, agent, mining engineer, and manager of every coal mine shall maintain the labour attendance register, production and dispatch register, explosive consumption register, test report of mine gases, fire, air etc. and details of mining machinery and copies of all notices and returns, plans, sections and schemes submitted to the State Govt. at an office established by the licensee or lessee and this shall be made available at all reasonable times to the State Govt.

**17. REVISION AND PENALTY**

**(i). Revision:-**

Any person aggrieved by any order or direction issued by the State Government may within ninety days of the communication of such order apply to the State Govt. for revision of the said order.

**(ii). Penalty:-**

Whoever contravenes any of the provisions of this rules or order and raise any coal from any land, the State Government may recover from such person the mineral so raised, or where such coal has already been disposed of, the price thereof shall be recovered from such person and shall be punishable with imprisonment for a term which may extent to one year, or with fine which may extend to ten thousand rupees or with both and in the case of continuing contravention, with an additional fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

**18. MISCELLANEOUS**

**(i). Obligation to provide facilities for undertaking research or training:**

Every holder of prospecting license or mining lease shall have the obligation to provide facilities for research and development works or training to the persons authorized by the State government.

**(ii). Obligation to supply other information:-**

The owner, agent, mining engineer, manager of every coal mine shall furnish such information regarding mine or any matter connected therewith as the State Govt. may require and the information shall be furnished within such time as may be specified by the State Govt.

**iii). Delegation of powers:-**

The State Govt. may, by notification in official Gazette, direct that any power exercisable by it in relation to such matters and subject to such conditions, if any, be exercisable by such officer or authority as may be authorized by the State Govt.

**iv). Exemption:-**

The Government may by notification in the official Gazette exempt any person or class of persons from the purview of these rules provided coal is stored/carried for the purpose of scientific test and research work only.

**19. FORMS.**

FORM-A	Yearly report of prospecting operations carried out
FORM-B	Notice of intimation of opening of mine.
FORM-C	Notice of intention of abandonment/surrender of mine.
FORM-D	Notice of temporary discontinuation of work in mine.
FORM-E	Intimation of re-opening
FORM-F	Quarterly return
FORM-G	Annual return
FORM-H	Notice of certain appointment/resignation/termination/change of address.

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## **SCHEDULE-I**

Sl.No.	Particular of item	Quantity per	Rate per tonne in Rs.	Percentage
1	Royalty of coal (See Rule-10(A)(v))	metric tonne	165.00	100%
2	Sharing with Land owner. (See Rule-10(A)(vi))	metric tonne	16.50	10%
3	Penalty fee (See Rule-10(B)(i))	metric tonne	82.50	50%
4 .Annual Registration fee for transportation (See Rule-12)				
	<b>Category</b>	<b>Rate in Rs.</b>		
(a).	Category-I	Rs. 1000.00		
(b).	Category-II	Rs. 500.00		
(c).	Category-III	Rs. 250.00		