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Jharkhand Mineral Dealer's Rules, 2007

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THE JHARKHAND MINERAL DEALER'S RULES, 2007

NOTIFICATION

The 21st September, 2007

No. 2224/एम०—In exercise of the powers conferred by Section 23 (C) (1) and (2) of the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957), the State Government of Jharkhand do hereby makes the following rules to regulate the possession, storage, trading and transport of minerals and mineral products and to check the evasion of royalty or seigniorage fee, stopping of illegal mining and transportation in the State of Jharkhand and for the purposes connected therewith.

RULES

1. SHORT TITLE, EXTENT AND COMMENCEMENT:

- (i) These rules may be called "The Jharkhand Mineral Dealer's Rules, 2007".
- (ii) It extends to the entire State of Jharkhand.
- (iii) It shall come into force on the date of notification in the Jharkhand Gazette.

2. DEFINITIONS:

- (i) In these rules, unless the context otherwise requires:
 - (a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);
 - (b) "Competent Authority" means any gazetted officer, not below the rank of Deputy Director, authorised by the Department.
 - (c) "Competent Officer" means a gazetted officer authorised by the Deputy Commissioner of any district and District/Assistant Mining Officer of the district.
 - (d) "Carrier" means any mode or conveyance or facility by which mineral is transported from one place to another and includes mechanized device, person, animal or cart;
 - (e) "Collector" means the Deputy Commissioner of the District.

- (f) "Dealer" means any person who carries on the business of buying, storing, selling, supplying, trading, transporting, distributing or delivering for sale of minerals and mineral products and includes the following:
- (a) Persons, who buy and process mineral or mineral products for sale or for utilization for their own purposes beyond any lease area; and
 - (b) Any person, who holds a mining lease granted under the Mineral Concession Rules, 1960 or the Jharkhand Minor Mineral concession Rules, 2004 issued by the Government, framed under the "Mines and Minerals (Development and Regulation) Act, 1957";
- (g) "Dealers Registration" means a registration granted under these rules authorizing a person, to whom it is granted, to engage in the transaction to buy or sell and be in possession of minerals defined in clause (h) below;
- (h) "Department" means Mines and Geology Department, Government of Jharkhand;
- (i) "Form" means a form appended to these rules;
- (j) "Government" means State Government of Jharkhand;
- (k) "Mineral" means, minerals of all types (except the atomic minerals enlisted in Part B of Schedule-I of Mines and Minerals (Development and Regulation) Act, 1957, and varieties including precious and semiprecious and un-cut stones and minor minerals as specified in Section 3(e) of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act, 67 of 1957) for the purpose of these rules.

Explanation : Any mineral shall not cease to be a mineral by reason of being subjected to any process like crushing, burning, breaking, drying, cutting, polishing, pulverising or any other procedure intended to make the mineral fit or suitable for sale or consumption.

- (l) "Mining Lease" means a lease granted for the purpose of undertaking mining operation;
- (m) "Mineral Oil" means Natural Gas and Petroleum;
- (n) "Mines Commissioner" means Secretary or Principal Secretary, Mines and Geology Department, Government of Jharkhand or any other officer appointed by the State Government for this purpose.
- (o) "Notification" means a notification published in the Jharkhand Official Gazette and the word notified shall be construed accordingly;
- (p) "Permit" means permit granted under the Mineral Concession Rules, 1960 or as the case may be under the Jharkhand Minor Mineral Concession Rules, 2004;
- (q) "Prescribed" means prescribed by these rules under the Mines and Minerals (Development and Regulation) Act, 1957;
- (r) "Prospecting License" means a license granted for the purpose of undertaking prospecting operations under Mineral Concession Rules, 1960;

- (s) "Research Work" means any work done for beneficiation and upgradation of the mineral and for examining its suitability for utilization in the industry for the purpose of scientific study without any commercial motive;
 - (t) "Scientific Test" means any test conducted for chemical or mineralogical analysis of mineral and assessment of its chemical and mineralogical constituents and properties for the purpose of scientific study without any commercial motive;
 - (u) "Transport Challan" means a challan issued by the Officer authorized by the Government for lawful transportation of any mineral raised in accordance with the provisions of the Act and the rules made there under by a carrier, which is issued to a Mineral Dealer; and
 - (v) "Year" means financial year from 1st April to 31st March;
- (2) Terms not defined in these rules will have the same meaning assigned to them under the Act or the rules framed thereunder.

3. PROHIBITION

- (1) "All dealer shall register themselves as dealers under the Mines and Geology Department, Government of Jharkhand as per the procedure mentioned in the following Rules.
- (2) No person other than a dealer or a mining lease holder shall buy or sell or offer for sale or engage in any transaction of buying and selling any mineral at any place or transport mineral for purposes of sale or consumption without being registered as a dealer.

Provided that no person purchasing and transporting minerals for use or consumption by himself, (where such use or consumption does not involve any commercial activity) and any holder of a mining lease in respect of the minerals for which he holds a lease shall be required to register himself as dealer.

4. GRANT OF REGISTRATION AND ITS RENEWAL:

- (1) Any person desirous of being registered as dealer or for renewal of registration shall apply in Form "A" to the District/Assistant Mining Officer of the concerned district. The application shall be submitted in quadruplicate.
- (2) Every application made under sub-rule 1 shall be accompanied by:
 - (a) A fee of Rs. 5000/- (rupees five thousand only) payable through treasury challan under the following head of account;
"0853-Non-Ferrous Mining and Metallurgical Industries. 102-Mineral Concession Fees, Rent and Royalty in respect of Minerals.
 - (b) PAN as granted by the Income Tax Department alongwith such proof;
 - (c) Up to date Sales Tax Clearance Certificate;
 - (d) An Affidavit to the effect that he/they have not been convicted in any case relating to smuggling of ores and minerals;

- (e) An attested copy of the certificate (s) issued by the Industries Department, the State Pollution Control Board and any other Department of Government for establishment of the factory or beneficiation plant or any industry as notified from time to time by the Government.

(3) On receipt of application for Registration, the District/Assistant Mining officer shall acknowledge the receipt in Form B.

5. PROCESSING AND DISPOSAL OF APPLICATION BY DISTRICT MINING OFFICE :

- (1) The District Mining office shall maintain a register in his office in Form-C, wherein he will make necessary entries about the application immediately after its receipt and its disposal in due course.
- (2) The District/Assistant Mining officer shall grant a dealers registration in Form-G with specific terms depending upon local conditions as deemed fit for a maximum period of five (5) years within thirty (30) days from the date of receipt of the application after due examination.

In case of refusal or rejection of the application, the reasons shall be recorded in writing and communicated to the applicant.

- (3) Application for renewal shall be made to the District/Assistant Mining officer ninety (90) days prior and not before 180 days from the date of expiry of the existing registration

6. TRANSPORT CHALLAN

- (1) No person shall transport or otherwise remove or carry away any mineral from any place without obtaining a transport challan from the concerned District Mining office. The Dealer desiring such challan should file an application before the District/Assistant Mining officer in Form "F" duly specifying all the particular prescribed therein".
- (2) The application shall be accompanied by original copy of the transport challan issued by the lessee to such Dealer or the relevant documents showing payment of royalty/seigniorage on such mineral or other adequate proof of such payment.
- (3) On receipt of an application under sub-rule (1), the District/Assistant Mining officer may grant Transport Challan in quadruplicates in Form-D for such period and subject to such terms and conditions as prescribed by him. The District/Assistant Mining officer may reject an application to grant Transport Challan for reasons to be recorded in writing and communicated to the applicant.

- (x) The Department shall be empowered to issue any executive instructions as and when necessary for proper implementation of these rules framed under the Act.

8. PENALTIES

- (1) Any person, who contravenes any of the provision of these rules, or buys or sells or stores minerals except under and in accordance with the dealer's registration or who transports the minerals except as mentioned in the transport challan shall be punishable with:
 - (a) A fine of Rs. 5000/- or imprisonment for a term which may extend to one year or with both.
 - (b) In the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.
- (2) Any person, who buys or sells minerals except under and in accordance with the registration, shall be punishable with a fine which may extend to Rs. 5000/- or imprisonment for a term which may extend to one year or with both.
- (3) Any person, who transports minerals except to the destination specified in transport challan, shall be punishable with an imprisonment upto a term of one year or fine which may extend to Rs. 5000/- or with both.
- (4) Whoever, intentionally obstructs the competent officer or any other officer in performing his duties (in imposing penalties etc.,) under these rules, shall be punishable with an imprisonment for a term which may extend to 6 months or fine which may extend to Rs. 5000/- or with both.

9. SEIZURE AND CONFISCATION:

- (1) Every dealer or person permitted to stock, sell, trade or transport shall allow any officer authorised by the Government or competent officer to enter and inspect any premises, where the mineral is kept or stored or transported. Providing such documents for inspection as desired in writing and furnishing such information as directed in writing shall be obligatory for such dealer.
- (2) The Officer authorised by the Government or the competent officer may search any place or vehicle in which he has a reason to believe that an offence under these rules is being committed and seize any stock of mineral, together with all tools, equipment, vehicle or articles (other than the seized mineral) used in committing such offence.
- (3) Every officer seizing mineral, under these rules shall prepare a list of minerals, tools, equipment, vehicles or any other article, so seized and deliver a copy thereof signed by him to the person found in possession of such minerals. Such officer shall keep such seized property under proper custody with proper official seal and with detailed information.

- (4) Any mineral, tool, equipment, vehicle or any other thing seized under sub-rule 2 shall be liable to be confiscated by an order of the competent court which means Sub Divisional Magistrate or Chief Judicial Magistrate of concerned district or superior court in the hierarchy to take cognizance of the offence committed under these Rules and shall be disposed of in accordance with direction of such court.

10. CUSTODY OF THE SEIZED PROPERTY:

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

11. APPEALS:

- (1) Any person aggrieved by an order of the District/Assistant Mining officer or competent officer or competent authority for a particular action under these rules may within thirty (30) days from the date of communication of the order prefer an appeal in Form - J to the Collector.
- (2) Every application for an appeal shall be accompanied with a fee of Rs.200/- (rupees two hundred only) to be deposited in Government Treasury under the Head of Account mentioned in sub-rule (2) of rule 4.

The appeal shall be disposed off by the appellant authority within a period of thirty (30) days from the date of its receipt.

- (3) The appellant authority may, for sufficient reasons, condone the delay in filing of appeals.

12. REVISION:

- (1) Any person aggrieved by an order passed in a appeal under these rules may file an application for revision before the Mines Commissioner within thirty (30) days from the date of communication of such order in Form - K.
- (2) Every revision application shall be accompanied with a fee of Rs.500/- (rupees five hundred only) to be deposited in Government Treasury under the Head of Account as mentioned in Sub-rule (2) of rule 4.
- (3) The Mines Commissioner may, for sufficient reasons, condone the delay in submission of revision application.

By the Order of the Governor of Jharkhand,

Jai Shankar Tiwary,

Secretary to Government.

Govt. of Jharkhand
Department of Mines & Geology

Form 'A'

[See rule 4 (1)]

(Application for Registration/ Renewal)

1. Name of applicant (in full) :
2. Profession :
3. Full Address (with Residential proof) :
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 :
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 Registration is applied
for (Processing/Storing/Selling/Trading) :
8. Name of Mineral / Ore for which Registration 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 Registration is required :
12. In case of renewal the number and date of original Registration :
13. PAN granted by the Income Tax Department with proof thereof :
14. Sales Tax Clearance Certificate :
15. Any special ground for grant of Registration
in favour of applicant

Photo

List of enclosures

DECLARATION

I / We hereby declare that I / We have read and understood all the provisions of the Jharkhand Mineral Dealer Rules, 2006 made thereunder and the conditions of the Registrations and I/We agree to abide by the same.

Date of application:

Place

Signature of Applicant

Govt. of Jharkhand
Department of Mines & Geology

Form 'B'

[See rule 4 (3)]

(Acknowledgement of receipt of application for Registration)

Received
Processing / Storing / Selling / Trading (Name of Mineral / Ore)
Ore / Mineral from Shri /Smt. Resident of
..... P.O. P.S.
District

Today with the following enclosures:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)

Signature of the Competent
Authority

Date.....

Govt. of Jharkhand
Department of Mines & Geology

Form - C
 [See Rule 5 (1)]

(Details of Mineral Dealer Application/License)

Sl. No.	Date of receipt of application	Name of applicant	Address of applicant	Name of Mineral / Ores	Place of processing storing/ selling / Trading
1	2	3	4	5	6

Date of forwarding advance copy of application to D.M.G.	Date of forwarding processed application of D.M.G.	Date of grant / refusal	Date of appeal, if any	Date of disposal of appeal	Brief orders on appeal
7	8	9	10	11	12

Date of expiry of licence, if granted	Date of application for renewal	Date of grant of renewal	Period of renewal	Remarks	Signature
13	14	15	16	17	18

**Govt. of Jharkhand
Department of Mines & Geology**

Form - D

[See Rule 6(3) and 7 (V)]

01	02	03	04	05	06	07	08	09	10	11
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FORM "D" - DEALER TRANSPORT CHALLAN

(SEE SECTION 23 C OF MINES & MINERALS (DEVELOPMENT & REGULATION) ACT, 1957)

ORIGINAL (NOT TRANSFERABLE)

Serial Number

Date :

Transportation for Inter State/Intra State

(To be filled in by the dealer before transport of mineral)

1. Name and Address of the dealer.....
2. Details of the business place.....
3. Mineral (Name).....
4. Name and address of the purchaser to whom material has been sold and supplied
.....
5. Quantity (in Tonnes).....
6. Vehicle No.....
7. Name & address of Vehicle owners.....
8. Name and address of the Driver in case the Minerals is to be transported by Road
.....
9. Place of delivery of material..... Route :
10. Date of dispatch of material..... Time:

I/We here by declare that the above statements are correct and complete to the best of my/our knowledge and belief.

Seal of Competent Officer

Signature of the dealer

Govt. of Jharkhand
Department of Mines & Geology

Form - 'E'

[See Rule 7 (iv)]

(Minerals /Account of Ores fed to plant and their recovery to be maintained daily)

1. Name of the Dealer:
2. Full Address:
3. No. & Date of Registration:
4. Period of Registration:
5. Name of mineral & Ore :
6. Name of the plant / factory:
7. Postal address of the factory:
8. Name of District Mining Office having jurisdiction over the factory plant:

Name of month / year	Date	Opening balance of mineral ore at the plant / crude beneficiated	Quantity of mineral/ ore received at plant	Quantity of ore/mineral fed to the beneficiation plant	Quantity ore/ mineral recovered after beneficiation	Closing balance of ore / mineral at the plant Crude Beneficiated	Remarks
1	2	3	4	5	6	7	8

Signature of the licensee:

Date of Submission of the Return

**Govt. of Jharkhand
Department of Mines & Geology**

Form - F
[See Rule 6 (1)]

To,
The District / Assistant Mining Officer,

Sub.: Issue of Transporting Challan.

Sir,

I/We hold a Mineral Dealer License No. /..... (Year). I/We have procured / received (tonnes) of (Name) mineral from bonafide lessees (List of the lessee and quantity attached)

I/We have (Quantity) of (Name) (Mineral) on (Date).

I/We, Therefore, requested you to kindly issue a transporting Challan Book containing nos. of Challan.

Details of payment : Rs.

Treasury Challan No.

Date:

Thanking you,

Yours faithfully,

Name (.....)

Mineral Dealer License

No..... Year.

**Govt. of Jharkhand
Department of Mines & Geology**

Name of District.....

Mineral Dealers License No.....

Year :

Form - G

(See rule 5,(2))

1. Name of the Dealer (in full) :
2. Full Address (with residential proof) :
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 Dealer :
5. Specific place or places of business :
6. Specific purpose for which Registration is granted :
7. Name of mineral / Ore covered under the licence :
8. Challan No. showing payment of application fee :
9. Challan No. showing payment of security deposit :
10. Name and address of persons firms from whom the mineral/ ore will be purchased / procured:
11. Period of Registration :
12. If it is a case of renewal the number and date of grant of the original registration:
13. No. and date of application for this Registration :
14. Conditions imposed by District Mining Office :

Photo

Date of grant

Signature of the Competent Authority
to grant licence with designation

Govt. of Jharkhand
Department of Mines & Geology

Form 'H'

[See rule 7 (vi)]

1. Name of the licence holder:
2. Address in full:
3. Date of licence:
4. Period of licence:
5. Name of mineral / ore to be transported:
6. Place from which ore / mineral is transported:
7. Total amount of mineral / ore to be transported:
8. Name of District Mining Office having jurisdiction over the ore / mineral:

Month	Date	Opening stock to be transported	Quantity of mineral / ore transported	No. of supporting Transit Passes	Destination to which ore / mineral is transported	Closing stock of ore / mineral to be transported	Remarks
1	2	3	4	5	6	7	8

Signature of the licensee:

Date of Submission of the Return

Govt. of Jharkhand
Department of Mines & Geology

Form 'T'
[See rule]

- 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 property with designation and address.

Govt. of Jharkhand
Department of Mines & Geology

Form 'J'
[see rule 11(1)]
Form of Appeal

1. Name of the applicant / Appellant in full :
2. Address :
3. Father name (in case of firm name and addresses of the partners & persons holding power of attorney to act on behalf of the firm)
4. No. and date of order of competent authority against which appeal is preferred:
5. Ground of appeal:
6. Evidence of payment of fee for appeal:
7. In case of appeal preferred after 30 days of order the reasons of delay:
8. Whether the appellant desires to be heard in person or through pleader:
9. Any additional information the appellant desires to furnish:

Date of filing the appeal petition

Signature of the appellant

Govt. of Jharkhand
Department of Mines & Geology

Form 'K'

[See rule 12]

1. Name of applicant:
2. Address:
3. Father name (in case of firm name
and addresses of the partners & persons
holding power of attorney to act on behalf
of the firm):
4. No. and Date of order appellate authority
against which application is filed:
5. Ground of revision:
6. Evidence of payment of fee for application:
7. No. and date of order by competent authority
against which revision is preferred:
8. Any additional information the revisionist
desires to furnish:

Signature of the
applicant:

Date:

Govt. of Jharkhand
Department of Mines & Geology

Form 'L'

[See Rule 9 (4) (a)]

To,

M/s

Address

Sir / Madam

Take notice that the following properties which were involved in an offence committed under Jharkhand Mineral Dealers Rules, 2006 on At will be confiscated by

(Place of occurrence of offence)

the undersigned.

You are hereby informed that you may submit a written representation and request for a personal hearing within 3 days from the date of issue of this notice, failing which the matter will be decided exparte.

Signature of the Competent authority

with designation

Date: