



International Environmental
Law Research Centre

Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Amendment Rules, 2015

This document is available at ielrc.org/content/e1537.pdf

Note: This document is put online by the International Environmental Law Research Centre (IELRC) for information purposes. This document is not an official version of the text and as such is only provided as a source of information for interested readers. IELRC makes no claim as to the accuracy of the text reproduced which should under no circumstances be deemed to constitute the official version of the document.

Government of Odisha
Department of Steel & Mines

NOTIFICATION

Bhubaneswar, dated 9.10.2015

No.IV(A)SM-57/2015- 10142/SM In exercise of the powers conferred by section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the State Government do hereby make the following rules further to amend the Odisha Minerals (Prevention of Theft, Smuggling & Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007, namely:-

1. Short Title and Commencement-
 - (1) These rules may be called 'The Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Amendment Rules, 2015.
 - (2) They shall come into force on the date of their publication in the Odisha Gazette.
2. In the Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007, (hereinafter referred to as the said rules) in rule (2), in sub-rule(1) :-
 - (i) for the words "the Schedule" the word and figure "Schedule I" shall be substituted;
 - (ii) clause (h) shall be omitted;
 - (iii) after clause (k), the following clause shall be inserted, namely:-

"(k-i) 'Mineral' means all major minerals and such of the minor minerals as may be specified by the Government";
 - (iv) for clause (p), the following clause shall be substituted, namely:-

"(p) 'Trading license' means a license of any category as specified in **Schedule II** of these rules, issued by the Competent Authority to any person, who wishes to possess, sell, trade in, transport, store or otherwise deal with any mineral."

- (v) In clause (q), after the words "by a carrier" occurring at the end, the words and letter "and includes e-transit pass"; shall be added.

3. In the said rules, in rule 3,-

- (a) In the 5th proviso, for the words 'under these rules' the words "under the Act and the rules made thereunder" shall be substituted;

- (b) in the 6th proviso, at the end of the sentence, the following words shall be inserted, namely:-

"except for storage in the premises of a licensee carrying out beneficiation and/ or processing in the said premises."

Explanation :- For the purpose of this proviso, the word 'processing' shall not mean simple size reduction and screening of the sized mineral in isolation.

- (c) after the 7th proviso, the following new proviso shall be inserted, namely:-

"Provided also that no license for storing, processing / beneficiation or consumption of mineral(s) shall be granted to a person who has not obtained consent from the State Pollution Control Board to operate under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 and the rules made thereunder".

4. In the said rules, in rule 4,-

- (a) for sub-rule (1), the following sub rule shall be substituted, namely:-

"(1) Any person who intends to procure, possess, store, sell, trade in, consume or otherwise deal with any mineral, shall make an application for a trading license of one or more minerals in Form A to the Competent Authority under whose jurisdiction, the local head office of business or as the case may be, the end use plant or mineral processing unit or the storage premises of the applicant is located and in case he applies for a license for storage of mineral, he shall make such application before the Competent Authority under whose jurisdiction the place of storage is located for each such premises".

- (b) (i) in sub rule (3) ,- after clause (vii), the following provisos shall be inserted namely:-

"Provided that in case the applicant is a partnership firm or a private limited company, such certificate shall be furnished by each partner of the partnership firm or, as the case may be, by the Board of Directors of the company separately:

Provided further that where an applicant does not hold a reconnaissance permit or prospecting license or prospecting license-cum-mining lease or mining lease and has furnished an affidavit to that effect, it shall not be necessary for him to submit the said valid clearance certificates".

- (ii) after clause (vii), the following clauses shall be inserted, namely:-

"(viii) an attested copy of valid consent to operate under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 and rules made thereunder from the State Pollution Control Board;

(ix) an affidavit to the effect that none of the license issued to him earlier has been cancelled on the grounds of violation of terms and conditions of the licence issued under these rules".

5. In the said rules, in rule 6, for the words 'two years', the words "five years" shall be substituted.
6. In the said rules, in rule 7,-
 - (a) in clause (i), for the words "PART B and PART C of the First Schedule" the words "First Schedule" shall be substituted.
 - (b) in clause (vii), for the words 'obtain no objection certificate from the Odisha State Pollution Control Board to that effect', the words "shall maintain a valid consent to operate certificate issued by the State Pollution Control Board during the currency of the licence" shall be substituted.
7. In the said rules, in rule 8, in sub-rule(1),-
 - (a) for the words 'two years', the words 'five years at a time' shall be substituted; and
 - (b) the following new proviso shall be inserted, namely:-
 "Provided that the Competent Authority may condone delay in submission of application for renewal of Trading Licence made after the time limit prescribed in sub-rule (1) on justifiable grounds, if the application has been made before expiry of the licence and late fee equal to fifty percent of the application fee has been paid by the applicant but no application for renewal of Trading License made after expiry of the licence period shall be entertained".
8. In the said rules, for rule 9, following rule shall be substituted, namely:-
 "9. The Competent Authority may, at any time during the tenure of licence, suspend or cancel the licence for breach of any of the terms and condition of the licence:
 Provided that before cancellation of the Licence, the Licensee will be served a show cause notice, if the Competent Authority is satisfied with the explanation, he may withdraw the order of such suspension and allow the licensee to carry on his business, otherwise, the Competent

Authority, after giving an opportunity of being heard to the licensee, cancel the licence by an order in writing communicated to the licensee and also shall forfeit the security deposit along with interest accrued thereon to the Government:

Provided further that in case the licensee commits similar breach of terms and conditions of the licence again, the Competent Authority shall, by an order in writing, cancel the licence issued under sub-rule (1) of rule 4".

9. In the said rules, in rule 10,-

- (a) in sub rule (1), the words 'in duplicate' shall be omitted.
- (b) for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(2) For every application for grant of permit, an application fee of rupees one hundred per destination towards non-refundable application fee shall be payable to the Government."

- (c) in sub-rule (4), for the words "in writing by registered post with acknowledgement" the word "online" shall be substituted.
- (d) in sub-rule (5), the words 'in duplicate' shall be omitted.
- (e) for the sub-rule (10), the following sub-rule shall be substituted,

namely:-

"(10) The carrier of mineral shall obtain e-transit pass in duplicate to be generated at the specified weighbridge after weighment in Form M-1 in case of the lease holder and in Form G-1 in case of holder of trading licence".

- (f) for sub-rule (11), the following sub-rule shall be substituted, namely:-

"(11) The e-transit passes generated at the weighbridge shall have a unique number, permit number and barcode as specified by the Government and it shall be duly signed by the person in-charge of weighment."

- (g) for sub-rule (12), the following sub-rule shall be substituted, namely:-
 “(12) On receipt of the copy of the e-transit pass online, the Mining Officer or Deputy Director of Mines concerned shall keep the record of mineral transportation made”.
- (h) in sub-rule (13), for the words and letters “Form I & Form L” the words and letters “Form G-1 and Form M-1” shall be substituted.
- (i) for sub-rule (14), the following sub-rule shall be substituted, namely:-
 “14 (a) In case of transportation of mineral by railway wagon-
 - (i) the consignor shall get the forwarding note for each indent authenticated by the competent authority before placing the indent to the railway authorities;
 - (ii) samples of minerals shall be drawn by the person authorized by the concerned Deputy Director, Chemical Analysis/Analytical Chemist from each lot of four wagons or less, as the case may be, in presence of the lessee or his authorized representative;
 - (iii) the lessee shall provide suitable mechanised facilities for drawal of representative sample and the method of the drawal of the mechanised sample shall be approved by the Director of Mines;
 - (iv) the sample so drawn shall be divided into three parts of which the first shall be sent to the Government Laboratory for analysis under their joint seal and signature;
 - (v) the second part shall be handed over to the mine owner under their joint seal and signature and the third part be kept with the Mining Officer or Deputy Director of Mines, as the case may be, under joint seal and signature as umpire sample;
 - (vi) the analysis report of the sample collected during a month shall be submitted by the Government Laboratory to the Competent Authority by the 10th day of the next month under intimation to the lessee;

- (vii) The report as ⁷ Railway Receipts (RR) for the month indicating the quantity and quality of mineral source of procurement (source wise, quality wise and quantity wise); and
- (viii) particulars of the buyer shall be submitted by the lessee to the concerned Deputy Director of Mines or Mining Officer by the 15th day of the next month.
- (b) In case of transportation of minerals from one mining circle to a railway siding located in other mining circle, the forwarding note shall be authenticated by the Competent Authority of the mining circle, from which the mineral shall be sourced.
- (c) In case the railway siding is situated within the leasehold area, the leaseholder shall report online the daily transaction through rail within two days from the date of dispatch".
10. In the said rules, after rule 10, the following rules shall be inserted, namely:-
- (a) "10A Grant of Transit permits and transit passes for the mineral(s) procured from outside the State :- (1) Any licensee desiring to procure mineral from outside the state shall be required to submit an application before the Competent Authority who has issued the licence in his favour, for issue of a transit pass for the purpose.
 - (2) The Competent Authority, after being satisfied about the genuineness of the procurement of mineral, shall issue permission for procurement and required number of transit pass in Form- G-1 for the purpose.
 - (3) The mineral carrier shall be accompanied with a copy of the permission issued by the Competent Authority and transit pass duly signed by the consignor at the source and the valid way bill issued by the Assistant Sales Tax Officer or the Sales Tax Officer or Assistant Commissioner, as the case may be, having jurisdiction.

(b) "10B The Government may, by an order in writing, relax the provision of these rules, to such extent and subject to such conditions as may be specified in the said order, as it may consider expedient or necessary for facilitating procurement and transportation of minerals and purposes connected therewith."

11. In the said rules, in rule 11,-

- (a) in sub-rule (2), the symbol and the word '/permit' shall be omitted.
- (b) in sub-rule (4), the symbol and the word '/permit' shall be omitted and for the words 'duplicate copy', the words 'check-gate copy' and for the words 'triplicate copy', the words 'destination copy' shall be substituted.
- (c) in sub-rule (5), the symbol and the word '/permit' shall be omitted and for the words 'duplicate copy', the words 'check-gate copy' and for the words 'triplicate copy', the words 'destination copy' shall be substituted.
- (d) in sub-rule (9), the symbol and the word '/permit' shall be omitted.
- (e) in sub-rule (11), the symbol and the word '/permit' shall be omitted.

12. In the said rules, in rule 12,-

- (a) after sub-rule (2), the following sub-rule shall be inserted, namely:-
 "(2A) In case the offender applies in writing for compounding the offence, the officer who has seized the property shall, if he is the Competent Authority, proceed under rule 16 and, if he is not the Competent Authority, he shall make a report in writing to the Competent Authority along with all records."
- (b) in sub-rule (4), the words "or Competent Authority" shall be omitted.

13. In the said rules, in rule 17,-
(a) in sub-rule (1), the words, bracket and figure 'sub-rule (1) of' shall be omitted; and
(b) in 'sub-rule (5), the words, bracket and figure 'sub-rule(1) of' appearing before the word and figure "Rule 6" shall be omitted.
14. In the said rules, after rule 17, the following rule shall be inserted, namely,-
"17A. Revision:- The Authority empowered to entertain appeal under rule 17 may, 'suo motu' or on a reference made to it, revise any order passed by the Competent Authority within a period of six months from the date of issue of such order:
Provided that before passing any order under this rule, the person likely to be adversely affected by such order shall be given an opportunity of being heard."
15. In the said rules, after rule 18, following rule shall be inserted, namely:-
"18A. Online Transactions:- Submissions of applications for grant of renewal of Trading licence and permissions, acknowledgement of application for licence or renewal, disposal of applications, submissions of accounts, cancellation or suspension of licences, payments to be made to Government and submissions of returns shall be made online."
16. In the said rules,
(a) the "Schedule" shall be renumbered as "Schedule-I"; and
(b) after Schedule-I so renumbered, the "Schedule-II" appended to these Rules shall be inserted.



DESTINATION COPY

GOVERNMENT OF ORISSA
DEPARTMENT OF STEEL & MINES
FORM-M1
(See Rule 10(10))
TRANSIT-PASS
For the Lessee

DATE :
TIME :

Name of the Circle :	Validity till :
Permit No. :	Validity till :
Pass No. :	Lessee Code :
Name of the Mine :	Route :
Name of the Lessee :	
Name of the Consignee :	Destination Plot No-89

Stack No.	Name of the Mineral	Type of the Mineral	Percentage content in Mineral/ore	Measurement of Mineral / Ore in Carrier			
				L	B	H	
1							
2							
3							
4							
5							
6							
7							

Cubic Content (cum) Conv. Factor (Tonnes per cum)
Gross Wt. of the Carrier Tonnes
Tare Wt. of the Carrier Tonnes
Wt. of the Mineral Tonnes
Carrier Regn. No.
Transporter Name JAGANATH TRANSPORTER Regn. No.

Signature of the Authorized supervisor of Lessee
Signature of SLM(I/C) when checked en-route

N.B.1. It is a digitally signed electronically generated pass & therefore need no ink signed signature of the DGM/NO-2. This pass is issued as per section 4, State of Information Technology Act, 2000 & its subsequent amendments in 2008-2. For any query or verification, please send us mail through jans@orissamineral.gov.in or call Toll free 155335. 4. Any type of tampering of this pass will attract penal actions



CHECKGATE COPY

GOVERNMENT OF ORISSA
DEPARTMENT OF STEEL & MINES
FORM-M1
(See Rule 10(10))
TRANSIT-PASS
For the Lessee

DATE :
TIME :

Name of the Circle :	Validity till :
Permit No. :	Validity till :
Pass No. :	Lessee Code :
Name of the Mine :	Route :
Name of the Lessee :	
Name of the Consignee :	Destination Plot No-89

Stack No.	Name of the Mineral	Type of the Mineral	Percentage content in Mineral/ore	Measurement of Mineral / Ore in Carrier			
				L	B	H	
1							
2							
3							
4							
5							
6							
7							

Cubic Content (cum) Conv. Factor (Tonnes per cum)
Gross Wt. of the Carrier Tonnes
Tare Wt. of the Carrier Tonnes
Wt. of the Mineral Tonnes
Carrier Regn. No.
Transporter Name Regn. No.

Signature of the Authorized supervisor of Lessee
Signature of SLM(I/C) when checked en-route

N.B.1. It is a digitally signed electronically generated pass & therefore need no ink signed signature of the DGM/NO-2. This pass is issued as per section 4, State of Information Technology Act, 2000 & its subsequent amendments in 2008-2. For any query or verification, please send us mail through jans@orissamineral.gov.in or call Toll free 155335. 4. Any type of tampering of this pass will attract penal actions



FORM - G1

[See Rule 7(V) and 10(10)]

TRANSIT PASS

For Licensee/Other than Mine Owner

DATE :
TIME :

FORM - G1

(See Rule 7(V) and 10(10))

TRANSIT PASS


For Licensee/Other than Mine Owner

DATE
TIME

Name of the Circle :		Validity Till :	
Permit No. :		Validity Till :	
Place from Which Mineral is Transported :		Consignor Code :	
Name of the Consignor :		Route :	
Name of the Consignee		Destination	

Stack No.	Name of the Mineral	Type of the Mineral	Percentage Content in Mineral/Ore	Measurement of Mineral/Ore in Carrier		
				L	B	H
1			4	5	6	7
2						
3						

Cubic Content (cum)		Conv. Factor (Tons Per Cum)	
Gross Wt. of the Carrier	Tonnes	Tare Wt. of the Carrier	Tonnes
Wt. of the Mineral		Carrier Regn. No.	
Transporter Name		Regn. No.	

	Signature of Authorized Supervisor of Consignor	Signature of SIM (I/C) when checked en-route
	<p>M.B.1. It is a digitally signed electronically generated pass & therefore need not ink signed signature of the DDMMO.2.</p> <p>This pass is issued as per section 4.5&6 of Information Technology Act 2000 & its subsequent amendments in 2008.3.</p> <p>For any query or verification, please send us mail through Unst@gorissanherke.gov.in or call Toll free 155335. 4. Any type of tampering of this pass will attract penal action.</p>	

Name of the Clerk:						Validity Till					
Permit No.						Validity Till					
Pass No.						Carrier Code					
Place From Which Mineral is Transported						Railway					
Consignor											
Name of the Consignee						Destination					
Stack No.	Name of the Mineral	Type of the Mineral	Percentage Content Impassment of Mineral/Ore in Carriage								
1	2	3	4	L	B	H					
				5	6	7					

Cubic Content (ccm)

Gross Wt. of the Carrier Tonnage

Net Wt. of the Mineral Tonnage

Transporter Name Regn. No.

Conv. Factor (Tons Per Ccm)

Tonnage Tare Wt. of the Carrier Tonnage

Carrier Regn. No.

Regn. No.

Signature of Authorized Supervisor of Consigner

Signature of SIMA (HC) when checked up-till

N.B.: It is a digitally signed electronically generated pass & therefore need no ink signed signature of the DDMMMO-2.
This pass is issued as per section 4.5.66 of Information Technology Act 2000 & it's subsequent amendments in 2008.3.
For any query or verification, please send us mail through info@ddmmmo.gov.in or call Toll free 155335. 4. Any type of tampering of this pass will attract penal action.

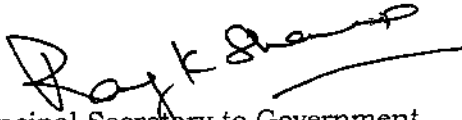
By Order of the Governor
 Feb 11/15
 Principal Secretary to Govt

"SCHEDULE-II

[See rule 2(p)]

(1)	(2)	(3)	(4)
Category of Mineral Trading Licence	Purpose of Mineral Trading Licence	Abbreviation to be used	Valid for
1. Trading License	Purchase or sale any where in the State		
	(a) For domestic consumption	T ₁	The whole of the State of Odisha
	(b) For exports	T ₂	The whole of the State of Odisha
2. Storage and Trading License	Storage of minerals for the purpose of sale/ export / import	S	Storage for the respective premises and sale/export/import to or from such premises any-where in the State
3. Processing, storage and Trading License	Processing, end-use and sale of residuals:		
	(a) Within the State	P ₁	The whole of the State of Odisha
	(b) Outside the State	P ₂	The whole of the State of Odisha. "

By order of the Governor


 Principal Secretary to Government

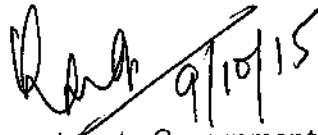
Memo No 10143 /SM, Bhubaneswar, the 9.10.2015

Copy forwarded to the Gazette Cell-in-Charge, Odisha Gazette Cell, C/o Commerce & Transport(Commerce) Department, Odisha Secretariat, Bhubaneswar with a request to publish the above notification in an extraordinary issue of Odisha Gazette and supply 200(two hundred) copies to this Department.


Additional Secretary to Government

Memo No 10144 /SM, Bhubaneswar, the 9.10.2015

Copy forwarded to the P.S. to Additional Chief Secretary to Chief Minister/P.S. to Minister of State (Ind. Charge), Steel & Mines/P.S. to Chief Secretary/P.S. to Development Commissioner-cum-Additional Chief Secretary/P.S. to Principal Secretary, Steel & Mines Department for kind information of Hon'ble Chief Minister/Hon'ble Minister, Steel & Mines/ Chief Secretary/ DC-cum-ACS/ Principal Secretary, Steel & Mines Department.


Additional Secretary to Government

Memo No 10145 /SM, Bhubaneswar, the 9.10.2015

Copy forwarded to All Departments/ All RDCs/ Secretary, Board of Revenue, Odisha, Cuttack/ Director of Mines, Odisha, Bhubaneswar/ Director of Geology, Odisha, Bhubaneswar/All Collectors/Managing Director, OMC Ltd for information and necessary action.


Additional Secretary to Government