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Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) (Amendment) Rules, 2015

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In pursuance of the provisions of clause (3) of Articles 348 of 'the Constitution of India', the Governor pleased to order the publication of the following English translation of Notification No. 1031, Dehradun, dated: 31/7/2015 for general information.

Government of Uttarakhand
Industrial Development Section
No. 1031/VII-1/2015/158-Kha/2004
Dehradun, Dated : 31 July, 2015

NOTIFICATION

In exercise of the powers conferred by section 23 C of the Mines and Minerals (Development and Regulation) Act, 1957 (Act no, 67 of 1957), the Governor is pleased to further amend the Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2005 as follows; namely:-

The Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) (Amendment) Rules, 2015

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|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short Title and Commencement | 1. (1) These rules may be called the Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) (Amendment) Rules, 2015.

(2) It shall come into force at once. |
| Amendment of rule 8 | 2. In the Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2005 (hereinafter referred to as Principle Rule) Rule 8 given in column-1 shall be substituted by column-2 as follows, namely- |

Column-1	column-2
Existing rules	Rules as hereby substituted
(1) Subject to the provisions of these rules, application for a license for storage of minerals shall be made in "Form H" to the concerned district officer.	(1) Subject to the provisions of these rules, application for a license for storage only stone crusher license holder, screening plant license holder, Pulverizer license holder, mining lease holder, mining license holder shall be produce in



four copies in form 'H' to the concerning District Magistrate. A copy of the application shall be returned to the applicant as a received copy.

Mineral storage permission shall be made on the basis of declared standard by the State Government on the recommendation of Director, Geology and Mining in favour of mining store holder by the State Government.

The stone crusher license holder, screening plant license holder, Pulverizer license holder, mining lease holder and mining license holder may get permission of storage in given distance by the State Government or 20 kilometer within area of sanctioned storage of mining's. If it is necessary to given permission of storage out of the preview of 20 kilometer in special circumstances, then the State Government may consider.

Amendment of sub-rule (2) of rule 8 3. In sub-rule (2) of rule 8 of the existing rules setout in column-1 below the rule setout in column-2 shall be substituted namely-

Column-1	column-2
Existing rules	Rules as here by substituted
(2) Every such application shall be accompanied by a non refundable fee to be Rs. 3000, name of the storage owner with complete address, details of storage site; name of the mineral quantity of the mineral to be stored; period for license and purpose of storage.	(2) Every such application shall be accompanied by a non refundable fee to be Rs. one lakh, name of the storage owner with complete address, details of storage site; name of the mineral quantity of the mineral to be stored; period for license and purpose of storage.



insertion of
sub-rule (3)
and (4) of rule
8

4. In Sub-rule (3) and sub-rule (4) shall be inserted after sub-rule (2) of rule 8 of the Principle rule, as follows, namely-

“(3) The applicant shall publish a communiqué in a local newspaper within three days from the date of presentation of the application on prescribed form in the office of district magistrate for obtain permission to storage in his own expenses in which applicant name, address full detail of applicant place be include that if any local person /institutions/ department etc. who is false within the 100 meter distance and aggrieved with the mining storage on the said place have any objection, than he can produce his objection before the district magistrate and senior mining officer / mining officer department of geology and mining department within the 15 days of the advertisement of the said communiqué .

After the published communiqué if any objection obtained from any local person / institution/ department etc. then the sub-district magistrate and mining officer of the concerning district after hearing the applicant and objector shall intimate to the district magistrate for reasonable decision. The district magistrate shall take decision on the matter within 30 days who is binding on both parties.

If within prescribed period no queries is received from any local person/ institutions / department etc. or decision is taken in favour of store holder by the district magistrate than the district magistrate shall forward to the State Government within a one week for sanction a storage license to the applicant.

(4) The district magistrate shall dispose of the received application by the applicant as above. If the disposal of the application is not finalise within said period by the district label than the district magistrate shall intimate with reason in written to the applicant.



Amendment of rule 9 5. In the Principle rule, for the existing rules setout in column-1 below the rule setout in column-2 shall be substituted namely-

Column-1

Existing rules

9. The State Government subject to the provisions of these rules and after making such enquiry as it may consider necessary, and for such quantity as he may deemed fit and proper, for stone crusher, screening plant and Pulverizer storage may grant the license for a sanctioned period by the State Government.

subject to the provision of these rules the district magistrate, senior mine officer / mine officer / mine inspector after inquiry may grant license in Form 'I' in the continuation of given permission by the State Government.

column-2

Rules as here by substituted

9. The State Government subject to the provisions of these rules and after making such enquiry as it may consider necessary, and for such quantity (quantity of put-up mining in the storage place within a time and quantity of total storage in the license period) as he may deemed fit and proper, on the basis of recommendation of the district magistrate and director geologist and mining, may be grant license for a sanctioned period by the State Government.

subject to the provision of these rules the district magistrate, senior mine officer / mine officer / mine inspector after inquiry may grant license in Form 'I' in the continuation of given permission for a two years period at a time by the State Government.

Amendment of rule 10 6. In the Principle rule, for the existing rules setout in column-1 below the rules setout in column-2 shall be substituted namely-

10. An application for the renewal of license for storage of minerals shall be made to the district officer at least two months before the date on which, the license is due to expire alongwith a fee of Rs. 3000.00 and particulars of previous license. The license may be renewed up to two years at a time.

10. An application for the renewal of license for storage of minerals shall be made to the district officer at least two months before the date on which, the license is due to expire alongwith a fee of Rs. one lakh and particulars of previous license and subject to the provision of these rules after inquiry from sub-district magistrate and senior mining officer/ mining inspector, on the basis of



recommendation of the district magistrate and director of geologist mining unit, the permission of renewal of storage permission by the State Government and in continuation of the given permission by the Government, for a period of two years at a time, grant of license out of the campus of stone crusher/ screening plants/ Pulverizer and in the campus of stone crusher and screening plant may be sanction for a sanctioned period.

insertion of rule 10.A

7. A new rule 10.A shall be inserted after rule 10 of the Principle rule, as follows, namely-

"10.A- If the renewal is not made according the above sub-rule till the date of end of grant period and if no delay is made by the store holder than the permission of sanctioned storage shall be deemed automatically renewed for a period of one month."

Amendment of rule 11.B

8. In Rule 11.B of the Principle rule for the existing rules setout in column-1 below the rule setout in column-2 shall be substituted namely-

Column-1

11.B- The applicant shall not storage of minerals within the 100 meter from any public road, rail route and any public campus, provided that if special circumstances is necessary than on the basis of recommendation of the senior mining officer / mining officer may with exempt the 100 meter distance a license may grant by the district magistrate.

column-2

11.(B) The distance of storage shall be distance from the public road, rail route or public campus as follows--

- (a) 50 meter distance for National highways, highways and paved path;
- (b) 25 meter distance from the rural route;
- (C) 50 meter distance from the religious place;
- (d) 50 meter distance from the educational institutions;
- (e) 50 meter distance from the State forest;



(f) 50 meter distance from the railway route;

(g) Distance from the river—

(1) 300 meter in plane areas.

(2) 50 meter in hills areas.

In any circumstances, the standard of distances shall not be exempted.

Amendment of sub-rule (2) of rule 12 9. In sub-rule (2) of rule 12 of the Principle rule for the existing setout column-1 below the rule setout in column-2 shall be substituted namely-

Column-1

Existing rules

12(2). The holder of the license for storage of the minerals shall submit a copy of correct account of mineral, stored and transported by him every month to the district officer and senior mining officer/mining officer/ mining inspector under whose jurisdiction the premises of storage is situate in Form 'L' appended to these rules.

column-2

Rules as here by substituted

12(2). The holder of the license for storage of the minerals shall submit a copy of correct account of mineral, stored and transported by him every month to the district officer, commercial tax department and senior mining officer/mining officer/ mining inspector under whose jurisdiction the premises of storage is situate in Form 'L' appended to these rules.

Amendment of sub-rule (1) of rule 13 10. In sub-rule (1) of rule 13 of the Principle rule for the existing rule setout in column-1 below the rule setout in column-2 shall be substituted namely-

Column-1

Existing rules

13(1). For the purpose of checking of the stored minerals or for any purposes connected with the Act or Rules made there under, the district officer or the officer authorised by the State Government may--

column-2

Rules as here by substituted

13(1). For the purpose of checking of the stored minerals or for any purposes connected with the Act or Rules made there under, the district officer or senior mining officer /mining officer or the officer authorised by the State Government who is not below the rank



of the sub-divisional magistrate, may--

Amendment of clause (b) of sub-rule (2) of rule 13 11. In clause (b) of sub-rule (2) of rule 13 of the Existing rule, set out in column-1 below the rule set out in column-2 shall be substituted namely-

Column-1 Existing rules	column-2 Rules as here by substituted
(2) (b). In addition of Rs. 25000 prescribed fine by sub-rule (1) of section 21 and sub-rule (5) of section 21 of the Mining and Mining Development and Regulation Act, 1957, the amount of sales price of quantity of mining shall be recover with aforesaid calculation of the illegal mining/ transported mining / storage mining from the storage holder of more mining of the quantity of illegal storage / illegal transported/ illegal mining projector/ sanctioned quantity.	(2)(b). In addition of Rs. 2 lakh prescribed fine by sub-section (1) of section 21 and sub-section (5) of section 21 of the Mining and Mining Development and Regulation Act, 1957, the amount of sales price (up to fifth times of royalty) of quantity of mining shall be recover with aforesaid calculation of the illegal mining/ transported mining / storage mining from the storage holder of more mining of the quantity of illegal storage/illegal transported/illegal mining projector/ sanctioned quantity.
insertion of new clause (c),(d),(e),(f) and (g) in sub-rule(2)(b) of rule 13	12. A new clauses (c),(d),(e),(f) and (g) shall be respectably inserted after sub-rule (2)(b) of rule 13 of the existing rule, as follows, namely- “(c) After the inquiry/ calculation of storage if the quantity of storage is found more than 2% of the calculated quantity from the produce document by the storage holder than the storage quantity more than 2% as above, the proceeding shall be made according rule 13 (2) (b). If the quantity of stock and quantity according the original calculation on the records may found less than sanctioned quantity than fine or penalty shall not be imposed. (d) If the un-avoidable circumstances the store holder is stored more than sanctioned quantity than he shall intimate in writing to the district magistrate and mining officer, geologist and mining department in written with mentioned the un-avoidable



circumstances. If no intimation is given by the store holder as above and more than 2% storage quantity is found on the spot and for according the 2% more storage quantity, Rs. 2 lakh shall be recover as a fine on the presentation of legal MM-11 form and if the failure of submit the legal form by the store holder, the proceeding according rule 13(2)(b) shall be made against him.

(e) The monthly details of buy and sale of mining by the store holder shall be necessary presented to the office of district magistrate, commercial tax department and every district lable offices of geologist and mining directorate in a prescribed form. If the monthly statement is not presented than Rs. 2000 fine shall be imposed as a fine for every month to the mining store holder.

(f) The vehicles related to illegal mining / illegal storage to cease and for imposition of fine, the mining officer/ senior mining officer/ deputy director mining and chief mining officer/ joint director mining is hereby authorised.

(g) If the store holder is not expressed in his consent with written from inquiry / calculation in that case after the deposition of R.s. 50000 in the account of mining by the store holder, re-inquiry / counting of the stock may be made. For this the store holder shall be put up as a rectangle of the mining storage.”

Amendment of rule 14 13. In the Principle rule for the existing rules setout in column-1 below the rule setout in column-2 shall be substituted by namely-

Column-1 Existing rules	column-2 Rules as here by substituted
14. The Government may, by notification in the official Gazette, exempt any person or class of persons from the purview of these rules provided the mineral is stored/carried for the purpose of scientific test and research works only.	14. The Government may, by notification in the official Gazette, exempt any person or class of persons from the purview of these rules provided the mineral is stored/carried only for the purpose of scientific test and research works only.




Amendment of rule 15 14. In the Principle rule, for the existing rules setout in column-1 below the rule setout in column-2 shall be substituted namely-

Column-1 Existing rules	column-2 Rules as here by substituted
15. Any person, aggrieved by any order made by the district officer or the officer authorised by the State Government in this behalf, in exercise of the powers conferred upon by these rules— (a) may appeal to the State Government in Form 'M' within ninety days of the date of communication of the order; (b) every appeal shall be accompanied with a fee of Rs. 500 to be deposited under the head and manner as the State Government may, by order, specify; (c) the State Government may confirm, modify or set aside the order appealed as it may deem fit and proper.	15. Any person, aggrieved by any order made by the district officer or the officer authorised by the State Government in this behalf, in exercise of the powers conferred upon by these rules— (a) may appeal to the State Government in Form 'M' within ninety days of the date of communication of the order; (b) every appeal shall be accompanied with a fee of Rs. 500 to be deposited under the head and manner as the State Government may, by order, specify; (c) the State Government may be confirm, modify or set aside the order appealed as it may deem fit and proper.
insertion of rule 16	15. A new rule 16 shall be inserted after rule 15 of the Principle rule, as follows, namely-

"16- Review: The State Government in any time self all by order within the 90 days from the date of intimation of the request letter any related record of the proceeding on passed any order under these rules by the district magistrate, officers, chief executive officers/ illegal mining prevention intelligence unit of the geologist and mining or by the commissioner and may be trial of that because and may passed such order as he deemed fit.

Note:- Prior of commencement of these rules license holder's of storage shall be continuous in operation till the date of mentioned period in the license and at the end of the license period shall be deemed end automatically.

By order,


(Rakesh Sharma)
Additional Chief Secretary.