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Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Amendment Rules, 2021

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The Odisha Gazette

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DEPARTMENT OF STEEL & MINES

NOTIFICATION

The 16th April, 2021

No.3803—IV(A) SM-77/2016/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 and 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, 2021.

(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) after clause (a), the following clause shall be inserted, namely:—

“(a-1) ‘Analyser’ means any equipment which is used for analysing grade of mineral apart from the chemical analysis”;

(ii) after clause (d), the following clause shall be inserted, namely :—

“(d-1) ‘Drone’ means unmanned aerial equipment that can navigate autonomously”;

(iii) for clause (g), the following clause shall be substituted, namely:—

“(g) ‘Laboratory’ means Government chemical Analytical Laboratories or Laboratory functioning under the control of the Government or laboratory established by the lessee duly approved and notified by the Government for chemical analysis of minerals”;

- (iv) after clause (m), the following clause shall be inserted namely:—
“(m-1) ‘RFID’ means the technology that uses radio frequency to actively/passively identify a tagged object for keeping track of vehicles carrying minerals”;
- (v) after clause (n), the following clause shall be inserted, namely :—
“(n-1) ‘Stack means’ stack of minerals in a proper geometrical shape, size and quantity as notified by the Government from time to time”;
and
- (vi) after clause (t), the following clause shall be inserted, namely:—
“(u) ‘Web Casting’ means the process of real time video broadcasting over the internet”.

3. In the said rules, in rule 3,—

- (i) In the first proviso, after the words “Prospecting License” the words “or composite license for prospecting License-*cum*-mining lease”, shall be inserted; and
- (ii) In the fifth proviso, for the words “the Companies Act., 1956”, the words “the Companies Act., 2013” shall be substituted.

4. In the said rules, in rule 4, in sub-rule (3),—

- (i) for clause (iii), the following clause shall be substituted, namely:-
“(iii) a self-attested copy of the Permanent Account Number and latest available annual income tax return for an existing entity”;
- (ii) for clause (iv), the following Clause shall be substituted, namely :-
“(iv) A self-attested copy of the GST registration”;
- (iii) in clause (vi), for the words “an attested”, the words “a self attested” shall be substituted; and
- (iv) in clause(vii), at the beginning of the sentence, for the words “an attested” the words “In case of a holder of reconnaissance permit or prospecting license or prospecting license-*cum*-mining lease or mining lease, a self-attested” shall be substituted.

5. In the said rules, in rule10,—

- (a) in sub-rule (1), after the words “Any person” and before the word “who” the words “other than a lessee” shall be inserted;
- (b) in sub-rule (3), for clause (ib), the following clause shall be substituted, namely :—

“(b) The amount collected towards user fee may be provided from time to time in the expenditure budget of the Department of Steel and Mines under appropriate head of account to be spent for such purposes as may be decided by the Government, from time to time”;

(c) for sub-rule(5), the following sub-rule shall be substituted, namely:-

“(5) (i) The lessee shall make stacks of definite shape, size and quantity, as notified by the Government from time to time at his cost and in case of the stacks desired to be removed, the lessee shall log into online system, submit **Part 1 of Form S**, with all relevant information and upload the images of the stack(s) captured through Drone or otherwise having latitude and longitude stamping along-with date and time stamping as evidence. The lessee shall also upload similar images of the vacant spot of the stack(s) after evacuation or transportation of the previous stack(s) in accordance with the previous permission.

(ii) Samples will be drawn in presence of a Designated Officer, deputed for the purpose as notified through the online system (i3MS) on a random basis for a period of one calendar month in each case, wherever required, or the Officer duly authorised by the Competent Authority. Such samples shall be drawn from each stack of minerals desired to be removed by the lessee based on a random Grid design generated in the online system and such grid design shall be generated after the Designated Officer reaches the site and logs into the online system.

(iii) Each sample shall be divided into three parts having corresponding identification number or code to be randomly generated by the online system (i3MS). First part of the sample will be sent by the lessee to a laboratory, duly notified by the State Government under rule 2(g). The Second Part of the sample shall be sent to the Government laboratory. Despatch of the stack(s) may be allowed under sub-rule (8) of rule-10 on the basis of the analysis report in respect of first part of the sample(s) submitted by the lessee. However, the higher of the above two analysis reports shall be taken for the purpose of calculating all Government dues and differential, if any, shall be paid by the lessee along with the amount as would be finalised during quarterly assessment. The third part of the sample shall be kept as the “Umpire Sample” in the

custody and premises of the lessee under lock and seal for a period of three months, for the purpose of analysis in case of a challenge by the lessee within three months of sample collection ;

Provided that in case any lessee does not have a laboratory set up within their lease and does not wish to get the first part of the sample analysed in any laboratory, other than the Government laboratory, then such lessee may inform the Competent Authority in writing of such intent and thereafter, only the second part of the sample of such lessee shall be analysed in Government laboratory;

Provided further that where-ever a lessee intends to set up an NABL (National Accreditation Board for Testing and Calibration Laboratories) accredited laboratory, he shall apply through online system in **Form-Q** prescribed for the purpose giving all details. Chemical analysis in such laboratory shall be permitted only after due approval and notification by State Government and in accordance with the procedures, as may be prescribed, by Government from time to time”.

(d) for sub-rule (6), the following sub-rule shall be substituted, namely:-

“**6. (i)** After completing the collection of sample, the lessee shall fill in the **Part 2** of the **Form S** giving there-in the details of sampling and the Designated Officer or Authorized Officer shall thereafter certify in the Part II of Form S that the sampling has been done in his presence in accordance with the procedures prescribed and endorse such other information as indicated in the **Form-S** that may be prescribed by the Government.

(ii) On completion of the chemical analysis of the samples so collected, and analysis result uploaded in Form-K by the lessee/DDCA as the case may be, the lessee shall apply online to the concerned Mining Officer or Deputy Director of Mines, as the case may be, notifying the intention to remove such mineral, in **Form-J**. The lessee shall also upload the details of samples indicating the number of samples collected along with the quantity of samples and chemical analysis report in **Form K**. The application is to be accompanied with a fee as specified in sub-rule (2)”.

(e) for sub-rule (7),- the following sub-rule shall be substituted, namely :—

“(7)If after the submission of analysis report by the lessee and before the dispatch of the stack, during surprise check, any significant upward deviation in the grade of mineral is observed, then, the mineral transportation from the concerned leases maybe suspended. Resumption of transportation may be allowed after the conclusion of enquiry, which shall be concluded within 15 days. In case of any dispute raised by a lessee within three months from the date of analysis of second part of the sample, the Director may allow analysis of the umpire sample at the Government Laboratory in presence of the lessee or his authorised representative, if he is satisfied with the genuineness of the dispute and on the representation of the lessee. The analysis result of the Government Laboratory shall be final and binding:

provided that in case the lessee declares to pay highest rate of royalty as prescribed under the Second Schedule of the Act, stacking and sampling shall be dispensed as provided under rules 5, 6 and 7 above and the Deputy Director of Mines or Mining officer shall issue permit after permission accorded by the Director of Mines for such dispense. The Director of Mines may prescribe conditions, as he deems fit, for such permission. Average blast hole samples data in terms of quality and quantity of each blast representing the average run of Mines grade shall be submitted to the concerned Deputy Director of Mines or Mining Officer, as the case may be, for record and verification, further the lessee shall be required to submit a monthly average analysis report for quality and grade:

Provided further that in case of the lessees availing exemption from stacking & sampling as above, the application for issue of permit submitted in form-J shall be forwarded by the Designated Officer or Authorised Officer without any certification and the verification of the land from which mineral has been raised, balance stock from previous permitted quantity, if any, and total stock at mines site shall be done and reported once in every month”.

(f) In sub-rule (8),—

(i) for the words “on receipt of verification report from the Senior Inspector of Mines, the Mining Officer or Deputy Director of Mines, as the case may be, shall issue a permit in **Form-L** within seven days”, the words, “On receipt of verification report from the Designated Officer where such an officer is notified, or the Officer duly authorised and on receipt

of payments as due, the Competent Authority shall issue a permit in Form-L within two days”, shall be substituted; and

(ii) the following proviso shall be inserted, namely :—

“Provided that the competent authority may refuse to issue permit with reasons to be recorded in writing. Order of refusal to issue permit shall also be communicated to the applicant recording reasons by registered post with acknowledgement”.

(g) In sub-rule (14), after the clause (c), the following clause shall be inserted, namely :—

“(d) Transporting by Conveyor system or Slurry pipeline shall be permitted on representation of the lessee and as would be decided by the Government on case to case basis”.

(h) for sub-rule (15), the following shall be substituted, namely:—

“(15) The State Government may by order impose such restriction, from time to time, to check illegal transportation and storage of minerals as and when required”.

6. In the said rules, in rule 18,—

(a) in sub-rule (1), for the words “twenty five thousand rupees” and “five hundred rupees”, the words “five lakh rupees” and “fifty thousand rupees” shall respectively be substituted;

(b) in sub-rule (2), for the words “one year”, “five thousand rupees” and “five hundred rupees”, the words “two years”, “two lakh rupees” and “fifty thousand rupees” shall respectively be substituted.

(c) in sub-rule (3), for the word “excess” the word “contravention” shall be substituted.

7. In the said rule, in “Form J” for the reference “[see rule 10(5)]”, “[see rule 10(6)(ii)]” shall be substituted.

8. In the said rule, in “Form K” for the reference “[see rule 10(5)]”, “[see rule 10(6)(ii)]” shall be substituted.

9. In the said rule, after “Form P”, the following “Form Q” shall be substituted.

10. In the said rule, after “Form Q” the following “Form S(Part 1 & Part 2)”, shall be substituted.

By Order of the Governor

SURENDRA KUMAR

Principal Secretary to Government

**FORM Q****[See Rule 10(5)(iii)]****APPLICATION FOR LAB PERMIT**

To

The Director of Mines, Odisha
Govt. of Odisha,
Bhubaneswar,

Dear Sir,

I request you for grant of permission for chemical analysis of the sample in the Laboratory established as per the details mentioned below: -

Name of the Lease	:	
Validity of Lease	:	
Location & Land details of the Laboratory	:	
Whether, the Laboratory is established within the Leasehold area	:	Yes / No
If Yes, whether the establishment of laboratory has been duly approved in the revised mining plan	:	Yes /No
Name of Laboratory	:	
Authorized Laboratory Officer	:	
NABL Accreditation No. & Validity	:	

Signature of Owner / Agent / Manager

Name of the Mines:



FORM-S (Part 1)
[See Rule 10(5)(i)]
APPLICATION FOR SAMPLE COLLECTION

To

The Deputy Director of Mines / Mining Officer

.....

Dear Sir,

I would like to request you for Sample collection and Analysis of
from.....
 The mineral / ore has been
 raised and stacked properly from the mines pit as per the approved mining plan and
 stacked as per the provisions of OMPTS (Amendment) Rules, 2021.

Particulars of Stacks

Sl No.	Nature	Quarry no.	Stack No. (System Generated)	Measurement of Stack (Mtrs)					Cubic Content	Conversion Factor	Quantity (MT)	Coordinates
				Stack base		Stack Top Plane		Stack Height				
				L	B	L1	B1	H				

Signature of Owner / Agent / Manager

Name of the Mines:



FORM-S (Part 2)
[See Rule 10(6)(i)]

APPLICATION FOR CHEMICAL ANALYSIS OF SAMPLE

To,

The Deputy Director Chemical Analysis / Authorized Officer,(Name of the Lab).....

Dear Sir,

I would request you for Chemical Analysis of.....
 from..... which was duly
 collected as per the prescribed Rule No..... of OMPTS Rule, 2021 in presence of
 (Name), Designated Officer,
 Mining Circle as per the below details.

Particulars of Stacks

Sl. No.	Nature	Quarry no.	Stack No. (System Generated)	L (Mtrs)	B (Mtrs)	H (Mtrs)	Cubic Content	Conversion Factor	Quantity (MT)

Signature of Owner / Agent / Manager

Name of the Mines: