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## **Madhya Pradesh Minor Minerals (Amendment) Rules, 1996**

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No. 19-7/2017/XII-1.- In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the State Government, hereby, makes following further amendments in the Madhya Pradesh Minor Minerals Rules, 1996, namely:-

### AMENDMENTS

In the said rules \_

1. For rule 53, the following rule shall be substituted, namely:-

**"53. (1) Penalty for un-authorized extraction and transportation.-** Whenever any person is found extracting or transporting minerals or on whose behalf such extraction or transportation is being made otherwise then in accordance with these rules, shall be presumed to be a party to the illegal mining/transportation, then the Collector or any officer authorized by him not below the rank of Deputy Collector shall after giving an opportunity of being heard determines that such person has extracted/transported the minerals in contravention of the provisions of these rules, then he shall impose the penalty in the following manner, namely :-

- (a) on first time contravention, a penalty of minimum 30 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than ten thousand rupees.
- (b) on second time contravention a penalty of minimum 40 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than twenty thousand rupees.

(c) on third time contravention, a penalty of minimum 50 times of the royalty of illegally extracted/ transported minerals shall be imposed but it shall not be less than thirty thousand rupees.

(d) on third time or subsequent contravention, a penalty of minimum 70 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than fifty thousand rupees.

(2) **Forfeiture of minerals in cases of illegal excretion and transportation.-**

In respect of the Forfeiture / discharge of the mineral extracted / transported illegally the Collector or any other officer authorized by him not below the rank of the Deputy Collector shall take an appropriate decision. Provided that seized minerals shall not be discharged till the penalty imposed as above is not paid. In case of forfeiture, the seized mineral shall be disposed of through a transparent auction/ tender procedure as prescribed by the State Government.

(3) **Forfeiture / Discharge of the seized tools, machines and vehicles etc. and disposal of forfeited material through Auction/Tender.-**

(a) In case of illegal extraction, the Collector or any other officer not below the rank of a Deputy Collator, authorized by him shall take an appropriate decision in respect of forfeiture/discharge of tools, machines and vehicles used. Provided that the tools, machines, vehicles and other material so seized shall not be discharged till the penalty imposed as above is not paid. In case of forfeiture, the seized materials shall be disposed of through a transparent auction/tender procedure as prescribed by the State Government.

(b) In respect of Forfeiture/ Discharge of vehicle carrying mineral extracted/ transported without any transit pass the Collector or any other officer not below the rank of

Deputy Collector authorized by him shall take an appropriate decision. Provided that tools, machines, vehicles and other materials shall not be discharged till the penalty imposed as above is not paid.

In case of forfeiture the seized material shall be disposed off through a transparent auction/tender procedure as prescribed by the State Government:

Provided that the vehicle carrying minerals in excess as mentioned in transit pass, shall not be forfeited on doing so for first three times but the vehicle shall only be discharged on payment of penalty as imposed above. On repetition for the fourth time vehicle shall be liable to be forfeited.

**(4) Action and compounding cases of un-authorized extraction / transportation:**

Whenever any person is found involved extracting/transporting of the minerals in contravention of provisions of these rules, the Collector/ Additional Collector/Deputy Collector/Chief Executive Officer of Zilla Panchayat/Chief Executive Officer of Janpad Panchayat/Deputy Director(Mineral Administration)/Officer in charge (Mining Section)/Assistant Mining officer/Mining Inspector /officer in charge(Flying Squad)/Sub Divisional Officer (Revenue) /Tehsildar/ Naib Tehsildar and any other officer not below the rank of Class-III executive authorized by the Collector from time to time shall proceed to act in the following manner :-

- (a) to initiate case of unauthorized extraction/ transportation by preparing Panchnama on spot;
- (b) to collect necessary evidences (including video-graphy) relevant to un-authorized extraction/transportation;
- (c) to seize all tools, devices, vehicles and other materials used in excavation of miner mineral in such contravention and to handover all material so seized to

the persons or lessee or any other person from whose possession such material was seized on executing an undertaking up to the satisfaction of the officer seizing such material, to this effect that he shall forthwith produce such material as and when may be required to do so:

Provided that where the report is submitted under sub-rule (3) above to the Collector or any other officer not below the rank of a Deputy Collector authorized by him, the seized property shall only be discharged by the order of the Collector or the officer authorized by him.

- (d) officer as mentioned above shall inform the Collector or any other officer not below the rank of Deputy Collector, authorized by him about the incident within 48 hours of coming in to notice of the same.
- (e) officers as mentioned above shall make a request in writing to the concerning police station / seeking police assistance, if necessary and police officer shall provide such assistance as may be necessary to prevent unlawful excavation / transportation of the mineral

**(5) Rights and powers of the investigating officer.-**

During the investigation of the cases of illegal extracton /transportation of the minerals, in contravention of these rules, the investigation officer shall have the following rights and powers, namely :-

- (a) to call for person concern to record statements;
- (b) to seize record and other material related to the case;
- (c) to enter into place concern and to inspect the same;
- (d) all powers as are vested in an in-charge of a police station while investigation any cognizable offence under Code of Criminal Procedure; and

- (e) all other powers as are vested under Code of Civil Procedure to compel any person to appear or to be examined on oath or to produce any document.

**(6) Submitting application by illegal extractor / transporter to compound and its disposal.-**

Before initiating or during the operation of the case, if the extractor / transporter is agree to compound the case, he shall have to submit an application of his intention to do so before the Collector / Additional Collector / Deputy Collector / Sub Divisional Officer (Revenue) / Deputy Director (Mineral Administration) / Mining Officer / Officer-in-charge (Mining Section) / Assistant Mining Officer / Officer in charge (Flying Squad) and he shall proceed to compound in the case. Provided that to avail the benefit of compounding the violator shall have to deposit the amount as determined here under as fine, namely :-

- (a) For the first time violation 25 time of royalty of unlawfully excavated / transported minerals or rupees 10,000/- (Ten Thousand) whichever is more,
- (b) For the Second time violation 35 time of royalty of unlawfully excavated / transported minerals or rupees 20,000/- (Twenty thousand) whichever is more.
- (c) For the third time violation 45 time of royalty of unlawfully excavated / transported minerals or rupees 30,000/- (Thirty Thousand) whichever is more, and
- (d) for the fourth time or subsequent violation minimum 65 time of royalty of unlawfully extracted/transported. Provided that it should not be less than rupees 50,000/- (Fifty thousand).

On being compounded, the seized mineral, tools machinery/ and other materials shall be discharged.

**(7) Action against contravention of conditions of extract trade quarry/quarry lease/permit or the provisions of this rules:**

If during the enquiry of any illegal extraction/ transportation a fact comes into the knowledge that any lease holder/contractor/permit holder, in order to evade the royalty from any sanctioned quarry lease/trade quarry/permit area is involved in dispatching/selling of minerals in excess quantity by showing less quantity of minerals in transit pass/defective transit permit/blank transit permit, then the Collector of the concerned district may suspend the quarrying operation in such quarry lease/trade quarry permit by issuing show cause notice for violating the conditions of the agreement and after providing an opportunity of being heard may cancel the such lease/ trade quarry/ permit. The additional royalty may be recovered after making the assessment of the quantity dispatched or sold in order to evade the royalty:

Provided that during the inspection if it is found that illegal minerals transporter by securing the transit pass from the lease holder in order to evade the royalty has made overwriting or tempered the pass then the officer of the minerals department /Mineral Inspector may registered a case against the person concerned.

2. In rule 68, sub-rule (5) shall be omitted.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
मनोहर लाल दुबे, सचिव.