

**GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT**

ORDER

No. MG. 94/2011/588

Dated Shillong the 10th September, 2020

**Procedure for exercise of power conferred under sub-section (5) of Section 21
of Mines and Minerals (Development & Regulation) Act, 1957**

WHEREAS under the provisions of the sub-section(5) of Section 21 of the Mines and Minerals (Development & Regulation) Act, 1957(MMDR Act, 1957) whenever any person raises, without any lawful authority, any mineral from any land, the State Government may recover from such person the mineral so raised, or, where such mineral has already been disposed of, the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority.

WHEREAS pending framing of rules under Section 23C of the MMDR Act, 1957 this order is being passed laying down the procedure for exercise of power under sub-section (5) of Section 21 of the MMDR Act, 1957.

THEREFORE, the following procedure has been laid down to exercise the power conferred under the sub-section (5) of Section 21 of MMDR Act, 1957, as under:-

1. The Deputy Commissioner, Sub-Divisional Officer (C), Additional Deputy Commissioner, Director of Mineral Resources and Divisional Mining Officer in case of major minerals and minerals specified in Schedule II of Meghalaya Minor Minerals Concession Rules, 2016 (MMMCR 2016), and the Divisional Forest Officer (Territorial Divisions) in case of minor minerals specified in Schedule III of MMMCR, 2016 are authorised to exercise the power under sub-section (5) of Section 21 of the MMDR Act, 1957 to recover mineral raised unlawfully from such person or where such mineral has already been disposed of, the price thereof.
2. The authorised officer may search any place or vehicle in respect to which he has a reason to believe that an offence under Section 21 of the MMDR Act, 1957 is being committed. This power shall be subject to the general power of search under Section 23 B of the MMDR Act, 1957.
3. The authorised officer shall have the power of seizure of minerals raised in contravention to sub-section (1) and (2) of Section 21 of the MMDR Act, 1957.
4. The authorised officer shall draw power of entry and inspection under Section 24 of the MMDR Act, 1957.
5. Every officer seizing minerals in furtherance of this order shall prepare a list of minerals so seized and deliver a copy thereof signed by him to a person who has raised such minerals without lawful authority.

6. The authorised officer shall keep the seized minerals or properties under the custody of an institution belonging to the Government or any responsible official of the government as far as possible.
7. The Authorised Officer shall also file written complaint against such persons involved in illegal mining and/or transportation of illegally mined minerals, before a Court of competent jurisdiction for penal action as prescribed in sub-sections (1) and (2) of Section 21 of the Mines and Mineral (Regulation and Development) Act, 1957.
8. Whenever cases of illegal mining, storage or transportation of minerals detected, the authorised officers shall recover the minerals or where such mineral has already been disposed of, the price of the mineral and also rent, royalty and taxes thereof from such person who has raised, stored, consumed or transported mineral unlawfully.
9. The authorised officer may determine the value of the minerals disposed of in contravention to sub-section 5 to section 21 of the MMDR Act, 1957 on the basis of direction issued by the Government from time to time.
10. The authorized officer may draw power from Section 25 of the MMDR Act, 1957 which provides that sums due under the MMDR Act, rules or otherwise shall be recovered in the same manner as land arrears.
11. The minerals recovered from unlawful mining, storage and transportation shall be disposed of in a fair and transparent manner by following the procedure laid down for disposal of seized minerals by the Mining and Geology Department vide order No. MG.94/2011/535 dated 9th June, 2020.
12. The authorised officer shall issue demand notice to such persons who raises, stores or transport or causes to be raised, stored or transported mineral without any lawful authority to recover value of illegally mined, stored consumed or transported minerals and also to recover royalty and taxes for such minerals as compensation.
13. The concerned authority may initiate action authorized by law against such persons or companies who fail to pay the value of mineral, royalty and taxes for illegally mined, stored consumed or transported minerals.
14. The Mining and Geology Department shall fix the market price for minerals for said purpose.
15. Action under sub-section (5) of Section 21 of the MMDR Act, 1957 shall be in addition to action taken under sub-section (1) and (2) of Section 21.

Sd/-

(Dr. Manjunatha C., IFS)
Secretary to the Government of Meghalaya
Mining and Geology Department

Copy forwarded to:-

1. P.S to the Chief Minister of Meghalaya for kind information of the Hon'ble Chief Minister.
2. P.S to the Minister i/c Forest and Environment Department for kind information of the Hon'ble Minister.
3. P.S to the Chief Secretary to the Government of Meghalaya for kind information of the Chief Secretary.
4. The Principal Chief Conservator of Forests & HoFF, Meghalaya, Shillong for information and necessary action.
5. The Director General of Police, Meghalaya, Shillong for kind information.
6. P.S to the Principal Secretary to the Government of Meghalaya, Forest & Environment Department for kind information of the Principal Secretary.
7. The Director of Mineral Resources, Meghalaya, Shillong for kind information and necessary action.
8. All the Deputy Commissioners, Meghalaya for information and necessary action.
9. All the Superintendent of Police, Meghalaya for information.
10. All the Sub-Divisional Officer (C) Meghalaya for information and necessary action.
11. The Divisional Mining Officer, Jowai/Williamnagar for information and necessary action.
- ✓ 12. State Informatics Officer/Senior System Analyst, NIC and Meghalaya Shillong for uploading in the Department's Website.

By orders etc.



Joint Secretary to the Govt. of Meghalaya
Mining and Geology Department
